

## **New Zealand Government Response to Questions from the Committee on the Elimination of All Forms of Discrimination against Women on New Zealand's Sixth Periodic Report**

**27 April 2007**

The Committee's questions are quoted in italics and the government response to each question follows in plain text. The information provided is current at the date of this document.

### **Constitution, laws/policies and national machinery for the advancement of women**

2. *According to the report, women's issues are frequently mainstreamed into generic policy processes and addressed through an inter-agency approach (para 8). Please indicate how the effective use of the gender mainstreaming strategy is monitored, and any mechanisms in place for that purpose. In doing so, please provide concrete examples.*

New Zealand's approach to improving outcomes for women is to ensure that gender is taken into account during policy development, so that policies can be designed, implemented and evaluated in a way that addresses the complexity of gender-related issues appropriately. Two important mechanisms for this are the *Action Plan for New Zealand Women*<sup>1</sup> and the use of Gender Implications Statements (GIS) in Cabinet papers.

#### ***Action Plan for New Zealand Women***

As noted in New Zealand's sixth periodic report paragraphs 42 to 47, the *Action Plan for New Zealand Women* (the Action Plan) is a whole-of-government plan that provides a framework for co-ordinating and monitoring work across government to improve the circumstances of women. The Ministry of Women's Affairs (MWA) co-ordinates work on the Action Plan. The implementation of the Action Plan is overseen by a Chief Executives' Steering Group,<sup>2</sup> which is chaired by the Chief Executive of MWA.

In 2006, MWA reviewed progress in implementing the Action Plan. Details and results of this review are discussed in our response to question 5.

#### ***Gender Implications Statements (GIS)***

Since 2002, all papers for the Cabinet Social Development Committee<sup>3</sup> have been required to include a GIS. This outlines whether and to what extent the policy proposal is expected to affect men and women differently. Where no gender analysis has been undertaken, the GIS should outline the reasons for this.

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<sup>1</sup> The *Action Plan for New Zealand Women* is available on the MWA website, at <http://www.mwa.govt.nz/news-and-pubs/publications/action-plan.html>.

<sup>2</sup> Members of the Steering Group include Chief Executives from The Treasury, Department of Labour, Ministries of Social Development, Pacific Island Affairs, Māori Development and Economic Development.

<sup>3</sup> Cabinet committees are sub-committees of Cabinet. The Cabinet Social Development Committee considers social equity issues and the development and implementation of government social policy.

### *Examples of generic policy processes where gender issues are being addressed*

There is a range of work currently being undertaken that employs a mainstreaming cross-government approach to improving outcomes for women. Concrete examples of cross-government programmes of work include:

- a five-year *Pay and Employment Equity Plan of Action* in the public service and public health and education sectors<sup>4</sup>
- *Choices for Living, Caring and Working*, a ten-year plan to improve the caring and employment choices available to parents and carers, released in August 2006<sup>5</sup>
- the development of a five-year action plan for out of school services<sup>6</sup>
- the Taskforce for Action on Violence within Families.<sup>7</sup>

3. *In its previous concluding comments,<sup>8</sup> the Committee recommended taking appropriate measures to incorporate all the provisions of the Convention into domestic law. Please provide information on whether and how this was done.*

In New Zealand, obligations assumed through an international treaty must be implemented into domestic law. New Zealand's longstanding practice is to only become party to a treaty once existing legislation, policy and practice already accords with the obligations contained in the treaty. This means that should any new legislation or amendments to existing legislation be required to make New Zealand domestic law consistent with the obligations contained in a treaty, the legislation will be passed before New Zealand becomes party to the treaty.

The Convention's obligations are implemented through a number of existing statutes, not by one specific piece of legislation. Relevant legislation currently includes the New Zealand Bill of Rights Act 1990, the Human Rights Act 1993, the Domestic Violence Act 1995, the Employment Relations Act 2000, the Equal Pay Act 1972 and the Parental Leave and Employment Protection (Paid Parental Leave) Act 2002.

Further, where the wording of a statute permits, the New Zealand Courts will interpret the statute in a way that is consistent with, and gives effect to, international (human rights) law. Failure to consider relevant international instruments renders a decision-maker liable to judicial review. For further details on the general legal framework for protecting (international) human rights at the national level, the government refers to Part B of the Core Document for New Zealand (HRI/CORE/NZL/2006).

4. *According to the report, the Government of New Zealand "prefers to address the issues of inequality through the legal and policy framework rather than through the use of temporary measures" (para. 57). Please clarify New Zealand's understanding of temporary special measures in accordance with article 4, paragraph 1, of the Convention, and the Committee's general recommendation No. 25. Please elaborate further on the statement contained in paragraph 58 of the report.*

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<sup>4</sup> Paragraphs 241 to 247 of New Zealand's sixth periodic report.

<sup>5</sup> This plan is available at <http://www.dol.govt.nz/publications/general/gen-choices-for-living-full.asp>

<sup>6</sup> Includes before-and after-school care and holiday care for school-aged children.

<sup>7</sup> Paragraph 406 of New Zealand's sixth periodic report.

<sup>8</sup> *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 38 (A/58/38)*, part two, chap. IV, sect. B, paragraph. 406.

***New Zealand's understanding of temporary special measures in accordance with Article 4, paragraph 1 of the Convention and the Committee's general recommendation No. 25***

New Zealand's understanding of special temporary measures is as defined by the Committee on the Elimination of Discrimination against Women's general recommendation No. 25.

Special temporary measures encompass a wide variety of actions to accelerate the achievement of de-facto or substantive equality. Actions include legislative, executive, administrative, and other regulatory instruments, policies and practices, such as outreach or support programmes, allocation and/or reallocation of resources; preferential treatment; targeted recruitment, hiring and promotion; numerical goals connected with time frames; and quota systems. The duration of the action is determined by its functional result in response to a concrete problem and not by a predetermined passage of time.

***Further elaboration on the statement contained in paragraph 58 of the report***

New Zealand has legislation and policies that provide universal protection against all forms of discrimination. New Zealand's focus is now on improving the de-facto position of women and the persistence of gender-based stereotypes. To this end, the government uses a range of measures to accelerate the achievement of women, including temporary special measures. Temporary special measures are only used, however, when they are considered to be necessary and the most effective at addressing proven needs.

Temporary special measures employed during the reporting period to enhance gender equality include the implementation of the *Action Plan for New Zealand Women* and the establishment of a Pay and Employment Equity Unit within the Department of Labour.

In 2004, the government reviewed policies and programmes within the core public service to ensure that they were based on need not race. Departments were asked to clearly demonstrate a need; show that the need still exists; ethnicity as an indicator of the need and how targeting helps to address the need. The reviews were completed in 2005, with targeted programmes continuing where there was sufficient evidence of their effectiveness.

5. *The report notes that the Ministry of Women's Affairs is guided by the Action Plan for New Zealand Women, a five-year "whole-of-government" plan designed to improve the lives of New Zealand women, which was launched in 2004. The report also indicates that a review and update of the Plan will be provided to the Government in 2006 (para. 47). Please provide information about how the Plan is monitored and give an update on the status of implementation and of results achieved so far.*

Progress in monitoring the *Action Plan for New Zealand Women* has been completed by:

- measuring the changes that have occurred at an outcome level since 2004
- analysing the status of the 34 actions contained in the Action Plan.

Changes since 2004, where new data exist, include:

- increases in women's earnings, although women still earn less on average than men
- increases in women's participation in paid employment

- reductions in the pay gap between men and different groups of women, although Māori and Pacific women still earn less than European women and men
- increases in incidences of sexually transmitted infections
- increases in the number of men and women receiving a sickness or invalid's benefit.

Actions completed include:

- improving the affordability of tertiary education for women by changing the student support system
- improving family incomes by changing family assistance, primarily through the 'Working for Families' package
- encouraging labour participation by improving the affordability of childcare
- extending the Paid Parental Leave Scheme.

In addition to these key areas, work has also taken place in a number of areas, such as retirement savings, mental health and domestic violence.

### **Particular groups of women**

6. *According to the report, the number of females in prison has doubled in the last few years, with many of these inmates being young and having a low level of education (para. 357). Fifty-five per cent of the sentenced female population identified themselves as Maori (para. 356). Please describe what initiatives are in place aimed at the rehabilitation and social reintegration of this group of women.*

In the period 1999 to 2005 there was a 61 percent increase in the number of women sentenced to prison (the equivalent for males was 12 percent).<sup>9</sup> The total number of women in prison at 370, is still significantly lower than 5,670 men in prison.<sup>10</sup>

The government is concerned about the large increase in women's offending. Officials have been directed to develop options to address the underlying causes of offending for women, together with rehabilitation options. This work is expected to be completed later this year.

The low number of women in prison means accommodation and programme planning for female prisoners is more of a challenge than it is for male inmates. However, a number of initiatives to rehabilitate and reintegrate women prisoners, including Māori women, have been implemented. For instance, Kowhiritanga is a core rehabilitation programme that has been designed and delivered to meet the gender-specific, offending and culturally-related needs of women offenders. Feeding and bonding facilities are available in all women's prisons for use by female prisoners with babies under six months of age. These facilities may contribute to the successful integration following release from prison.

Women prisoners are also able to access initiatives that are available to male prisoners, such as self-care units. Self-care units are available in both women's and men's prisons to allow prisoners to live in a 'house' or flat environment.

<sup>9</sup> Ministry of Justice (2006), Effective Interventions: Overview, accessed at [http://www.justice.govt.nz/effective\\_interventions/cabinet\\_papers/overview.pdf](http://www.justice.govt.nz/effective_interventions/cabinet_papers/overview.pdf) April 18 2007.

<sup>10</sup> Statistics are from the Department of Corrections. The numbers are at January 2007. The prison population fluctuates on a daily basis.

7. *The report (para. 139) indicates that the refugee quota under the international/humanitarian stream includes 75 places for women at risk (para. 139). Please provide statistical data on the number of women seeking asylum annually, over the last five years, for reasons of gender-based persecution, and how many of these requests were granted. Please also indicate whether all 75 places are regularly exhausted.*

New Zealand accepts an annual quota of 750 refugees (on average per annum). These refugees have been mandated as in need of resettlement by the United Nations High Commissioner for Refugees (UNHCR). The 'women at risk' category is one of five quota categories; the others are Protection (the largest), Family reunification, Medical/disabled, and Emergency protection.

In most years women represent nearly half of the total number of quota refugees. The following table shows the number of women accepted as quota refugees for the last five years.

**Number of quota refugees accepted who are women  
(2001 to April 2007)<sup>11</sup>**

Year	Number
2001	367
2002	324
2003	213
2004	365
2005	366
2006	357
2007 (year to date)	279

The following table shows the number of refugees under the women at risk category for the last five years who have accepted an offer of settlement. The number of places offered by New Zealand in any year is determined by the number of referrals from UNHCR. Refugees can decline an offer of settlement. The number of refugees who decline an offer of settlement is not known as only refugees who accept an offer are recorded.

**Number of quota refugees accepted under the women at risk category  
(2001/02 to 16 March 2007)<sup>12, 13</sup>**

Year	Number
2001/02	33
2002/03	10
2003/04	53
2004/05	9 <sup>14</sup>
2005/06	73
2006/07 (part of year)	24
<b>Total</b>	<b>202</b>

<sup>11</sup> Statistics provided by Department of Labour.

<sup>12</sup> Statistics provided by the Department of Labour. The figure for 2006/07 may change because the year ends on 30 June 2007.

<sup>13</sup> This figure includes any children within the woman's family unit.

<sup>14</sup> In response to New Zealand's concerns that the number of referrals under the women at risk category was limited, the UNHCR has increased the number of referrals under the women at risk category.

As New Zealand is a party to the 1951 United Nations Convention and the 1967 Protocol Relating to the Status of Refugees, any number of people can apply for refugee status on arrival to New Zealand. The following table shows the outcomes of decisions made in respect of women who have sought refugee status on the basis of gender-based persecution, which make up a small percentage of claims for refugee status. Reasons for the decline in the number of approvals from 2005 include heightened levels of security after 9/11, improved systems and processes to ensure that fewer asylum seekers entered into New Zealand, and applications being dealt with much more quickly.

**Refugee status decisions made where the claim was on the grounds of gender-based persecution (Calendar years 2001 to February 2007)<sup>15</sup>**

Year	Approval	Decline	Total Decisions
2001	21	6	27
2002	16	24	40
2003	14	12	26
2004	11	11	22
2005	7	2	9
2006	4	2	6
2007 (part of year)	0	0	0
<b>Totals</b>	<b>73</b>	<b>57</b>	<b>130</b>

**Violence against women**

8. *What has been the impact of the family violence intervention guidelines released in 2002 (para. 408) and the Ministry of Health’s Family Violence Project 2001-2004 (para. 409) in enhancing the effectiveness of the response of health-care providers to women victims of family violence?*

The Ministry of Health’s *Family Violence Intervention Guidelines* and Family Violence Project have substantially increased the effectiveness of health care provider responses to women victims of family violence.

Between the 2004 and 2006 financial years, hospital responsiveness to victims of family violence improved by 50 percent.<sup>16</sup> Since the guidelines’ release in 2002, over 4,500 health professionals have been trained in family violence intervention. In the 2006 financial year 500 general practitioners and midwives were trained in family violence intervention, an 8 percent increase from the 2005 financial year.

In 2006, the Royal New Zealand Plunket Society<sup>17</sup> screened 29,200 new mothers for domestic violence, as a new initiative under the guidelines. This resulted in 600 referrals for child or partner abuse, an increase of 200 percent over the previous financial year.<sup>18</sup> Evaluation data

<sup>15</sup> Statistics provided by Department of Labour (Immigration New Zealand) after a manual search of its records. Numbers are current as of 16 March 2007.

<sup>16</sup> Koziol-McLain J.; Adams J et al *Hospital Responsiveness to Family Violence: 12 month follow-up evaluation.* Report to Ministry of Health , 2006.

<sup>17</sup> New Zealand’s largest provider of services to support the health and development of children under five years of age.

<sup>18</sup> Reports received by the Ministry of Health from the New Zealand College of Midwives, Doctors for Sexual Abuse Care and the Royal New Zealand Plunket Society, 2006.

received from women showed that these health interventions increased their social support, help-seeking behaviour and reduced the medium-term incidence of violence.<sup>19</sup>

9. *In its previous concluding comments, the Committee requested an increase in the number of shelters for women who are victims of violence. Please provide information on the number of shelters and the change in this number since the last periodic report, as well as an account of the governmental share in subsidizing the cost of establishing and operating the shelters.*

### ***Information on the number of shelters***

Since New Zealand's fifth periodic report filed in 2002, there has been:

- an approximate 14 percent increase in total government funding, up to June 2006
- one additional refuge established in Christchurch for ethnic and migrant women, as a reflection of the need for this service.

The National Collective of Independent Women's Refuges (NCIWR)<sup>20</sup> has reported that the majority of services they now provide are services based in the community, rather than in safe houses. Women are increasingly seeking safety without having to disrupt their homes, their support networks, their jobs and their children's schooling.<sup>21</sup>

The government is working towards sustainable funding for the non-government sector, through the Taskforce for Action on Violence within Families. Government agencies are working with the non-government sector (including NCIWR) to develop new costing tools and to review funding models for family support services.

### ***Government's share in subsidising the cost of establishing and operating the shelters***

The government's share of funding provided to refuges that are members of NCIWR represented approximately 83 percent of NCIWR's total income for the 2006 financial year.<sup>22</sup> This figure included funding for the provision of specific programmes and services as well as the cost of operating the refuges. An additional substantial one-off payment (equal to approximately the 19 percent of annual government funding given to NCIWR)<sup>23</sup> was made to NCIWR in June 2006, in recognition of increased demand for refuge services.

10. *The report notes that there is a need to improve availability of reliable and in-depth data on domestic violence. According to the report (para. 400), data on domestic violence will be gathered through the New Zealand survey of crime victims which, starting from 2006, will be conducted every two years. Please provide an update on the scope of data collection and analysis, and availability of such data for legislative and policy development, as well as service provision for women victims of domestic violence.*

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<sup>19</sup> Public Health South research team *Women's experiences of domestic violence: An audit of consultations from four GPs*. Report for Doctors for Sexual Abuse Care, 2005.

<sup>20</sup> The largest provider of refuge services.

<sup>21</sup> Briefing from the NCIWR to New Zealand Members of Parliament, 19 February 2007.

<sup>22</sup> Income equals funding of NZ\$5,231,850 (Department of Child, Youth and Family Services; Government Grants) as a percentage of the total income of NZ\$6,316,828, using figures from 'Statement of Financial Performance', Annual Report 2005-2006, National Collective of Independent Women's Refuges Inc.

<sup>23</sup> The funding amount of NZ\$1,000,000 as a percentage of government funding to NCIWR of NZ\$5,231,850.

## ***Update on the New Zealand Crime and Safety Survey 2006***

The Key Findings report for the 2006 New Zealand Crime and Safety Survey (NZCASS) was released in April 2007.<sup>24</sup> NZCASS provides information on the nature and extent of victimisation. The survey provides information about crimes that may not come to the attention of police and additional information about the effects of victimisation. NZCASS provides a benchmark that will enable measurement of changes in victimisation over time.

NZCASS asks participants about victimisation by partners and others who are well-known to the participant. The NZCASS covers victimisation such as assaults, threats, sexual violence, and psychological violence. There are also questions on the consequences of victimisation, such as financial loss, and any medical attention received after the victimisation. Questions are also asked about reporting to the police and use of services.

The findings of NZCASS will inform a number of projects that are currently under development or being delivered. The survey provides important information and feedback for the justice sector, particularly in the areas of crime prevention and reduction, services to victims, police and court services, family violence services, and the development of policy and legislation.

Further analyses of the survey data will be undertaken over the coming year to provide insights into community safety, family violence, the high risk of victimisation among sole parent families, the main determinants of victimisation risk, information on the needs of victims, victimisation through e-crime, and the cost of crime to victims.

### ***Other initiatives to improve data collection on family violence***

#### *The Families Commission*

*The Family Violence Statistics Report* (the report) will be released by the Families Commission in the 2007/08 financial year. The report will analyse family violence data from a range of existing data sources (governmental and non-governmental). The objective of the report is to improve the availability of family violence data and to encourage improvements in data collection and quality. The report will be produced every two years.

#### *New Zealand Police*

The New Zealand Police is reviewing the way information is collected on its family violence incident report form. The review aims to make the forms more user-friendly and clear, and to improve the validity of the information. Police family violence co-ordinators are also training police throughout the country to improve family violence recording practices.

The Police is also working to improve the way family violence offences are recorded, such as tagging domestic violence related offences. This means data on family violence offences will be more readily available.

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<sup>24</sup> The 2006 New Zealand Crime and Safety Survey is available on line [www.courts.govt.nz/pubs/reports/2007/crime-safety-survey-2006/key-findings/MOJ-Crime-Surv-Findings-v9.pdf](http://www.courts.govt.nz/pubs/reports/2007/crime-safety-survey-2006/key-findings/MOJ-Crime-Surv-Findings-v9.pdf).



11. *In its previous concluding comments, the Committee requested information on the number of convictions for violence against women. The report, however, admits that such data is not currently available, as statistical data is not disaggregated on the basis of sex (para. 417). Please state how the Government plans to overcome this statistical deficiency.*

The Ministry of Justice publishes statistics on convictions for sex offences against women and for the offence ‘male assaults female’. These are shown in tables 2.19 and 2.7 respectively in the annual report *Conviction and sentencing of offenders in New Zealand*.<sup>25</sup> The offence of ‘male assaults female’ refers to section 194(b) of the Crimes Act 1961, which covers cases where the offender ‘being a male, assaults any female’.

The data is not, however, comprehensive. Convictions for violence against women can be recorded as common assault, alongside those with male victims. Data on the characteristics of the victims associated with each conviction is not captured.

The Taskforce for Action on Violence within Families<sup>26</sup> has identified as a priority the need to ensure comprehensive family violence data. Work is currently under way to progress this priority, including those initiatives discussed above in response to question 10.

12. *The report lists a number of interventions to eliminate violence against women. It lists specific as well as overarching violence elimination strategies (paras. 403 and 420). Please provide information, supported by data, on how implementation of various strategies, as well as implementation of various interventions, is coordinated and monitored, and how their impact is being assessed.*

A number of interventions set out in paragraph 406 of New Zealand’s sixth periodic report are either in the early stages of implementation or have not yet been fully evaluated. For example, Family Safety Teams, which were established in 2005, are currently being evaluated using a three-stage evaluation process. At present only a formative evaluation to consider issues impacting on the establishment of the teams has been completed.

The Taskforce for Action on Violence within Families is monitoring family violence intervention strategies. This includes monitoring the impact of interventions, the level of family violence, the co-ordination of research and evaluation, and initiatives to address gaps in knowledge about family violence in New Zealand.

### **Trafficking; and exploitation of prostitution**

13. *According to the report, the Prostitution Law Review Committee will review and assess by June 2008 the operation of the Prostitution Reform Act that decriminalized prostitution (para. 69). Are there any preliminary assessments or findings available as to the implementation of the Act? Please provide information on the nature and extent of prostitution in New Zealand, including the number of women involved.*

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<sup>25</sup> The report can be assessed <http://www.justice.govt.nz/pubs/reports/2006/conviction-sentencing-1996-2005>.

<sup>26</sup> As referred to in paragraph 406 of the sixth periodic report.

### ***Review of the operation of the Prostitution Reform Act 2003***

No preliminary assessments or findings on the operation of the Prostitution Reform Act 2003 (PRA) are yet available. Research on the operation of the PRA commenced in late 2006 and will be presented to the Prostitution Law Review Committee (PLRC) in late 2007. The research includes a literature review and interviews with non-government organisations, brothel operators and community groups. In addition, the Ministry of Justice is gathering information from government agencies and territorial authorities about their responses to the PRA. Research is also being undertaken to assess the impact of the PRA on the health and safety practices of sex workers. The results of these research projects will inform the PLRC's review of the PRA, which will be presented to the Minister of Justice by June 2008.

### ***Information about the nature and extent of prostitution in New Zealand, including the number of women involved.***

There is no official register or means of counting sex workers in New Zealand. The industry is both fluid and private in nature, and it is therefore difficult to calculate the number of people involved in commercial sex work. Counting methods also do not currently distinguish between the numbers of women, men and transgender workers in the sex industry. The PLRC's 2005 report, *The Nature and Extent of the Sex Industry in New Zealand: An Estimation*, estimated that there were up to 5,932 people working in the commercial sex industry immediately prior to the passage of the legislation. In most areas of the industry, the majority of sex workers were women; however women represented only 55 percent of street-based sex workers.<sup>27</sup>

A survey, carried out by the Christchurch School of Medicine in 2006 found no increase in the number of street workers since the introduction of the PRA. In 2006, the number of street workers in Auckland, Wellington and Christchurch were counted over several nights to find out whether there had been any increase in numbers since the introduction of the PRA. In 2006, it was estimated that the number of street workers in Christchurch was around 100. A similar estimate of street workers in Christchurch in 1999, using the same method, found that there were 106 workers. The gender of the street workers was not recorded in either study.

In Auckland in 2006, the same study found 106 street workers. This is considerably fewer than a police count in 2003, which estimated that there were 360 sex workers on the streets of Auckland. In 2006 in Wellington, 47 street workers were counted, compared with 50 in 2003.

14. *The report provides meagre information on the subject of trafficking of women. Please provide information on the extent of the phenomenon, measures taken to prevent trafficking of women and measures to protect the victims of trafficking.*

### ***An update on the extent of the phenomenon***

New Zealand's sixth periodic report provided very little information on trafficking of women because to date there have been no reported incidences of human trafficking in New Zealand. In addition, New Zealand has not identified any human trafficking situation, or identified any cases of human trafficking in the course of immigration operations or fraud investigations and

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<sup>27</sup> The numbers of sex workers provided in the report were based on police estimates. They do not represent a totally reliable account of the number of people involved in the commercial sex industry. Any gender breakdown of the figures must also be treated with the same level of care as to their accuracy.

broader law enforcement practices. This is in spite of the increased efforts by border protection and law enforcement agencies to identify such activities.

### ***Measures taken to prevent trafficking***

Measures taken to develop, monitor and evaluate New Zealand's efforts to prevent human trafficking include:

- ratifying the United Nations Convention against Transnational Organised Crime (2000) including the supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Trafficking Protocol) and Protocol against the Smuggling of Migrants by Land, Sea and Air (Smuggling Protocol)
- participating in existing anti-trafficking programmes, including active membership in the Bali Ministerial Process and the New Zealand Agency for International Development (NZAID) anti-trafficking work in Asia and the Pacific
- developing in consultation with civil society a whole-of-government New Zealand National Plan of Action to Prevent Trafficking in Persons
- monitoring and evaluation in relevant sectors such as:
  - various National Plans of Action, including *Protecting our Innocence* – New Zealand's National Plan of Action Against the Commercial Sexual Exploitation of Children
  - the operation of the Prostitution Reform Act 2003 and its impact on the sex industry (it is unlawful for non-permanent residents to be involved)
- implementing mechanisms so that relationships and processes are in place to ensure that any allegations are appropriately followed up by immigration authorities and the police.

This whole-of-government and society approach provides a holistic response to trafficking; addressing the issue in source countries and ensuring precautionary processes operate at the border.

New Zealand has also amended its legislation so that the penalty for trafficking persons imposes a term of imprisonment not exceeding 20 years, a fine not exceeding \$500,000 or both.

### ***Measures to protect the victims of trafficking***

New Zealand's immigration legislation enables a flexible response to be provided to victims of trafficking. The Victims' Rights Act 2002 gives effect to a number of victims' rights. These include the right to be informed of services such as medical and mental health services, legal services, social welfare and counselling.

### **Stereotypes and education**

15. *In its previous concluding comments, the Committee recommended promoting the adoption of policies within universities aimed at creating a more favourable climate for women, as well as a review of student loan scheme so as to avoid the creation of more difficulties for women. The report, however, states that universities are independent of Government (para. 197). Please provide information as to whether the Government plans, nonetheless, a more proactive role in enhancing women's opportunities within universities.*

Universities and other educational institutions are subject to the laws that prohibit discrimination against women on the basis of gender. Under Phase One of the government's Pay and Employment Equity Plan of Action, (refer to paragraph 107 of New Zealand's sixth periodic report), tertiary education institutes have been asked to undertake pay and employment equity reviews. A Tertiary Tripartite Group<sup>28</sup> will be established this year to develop an approach for reviews in the tertiary sector, which are expected to begin in 2007/08.

A new programme called the New Zealand Women in Leadership Programme has been developed to get more women into senior positions at universities. This programme is a joint initiative of the Human Rights Commission, the Office of the ProVice-Chancellor Equity at the University of Auckland, and the New Zealand Centre for Women and Leadership at Massey University with endorsement by the New Zealand Vice-Chancellors' Committee. Courses will begin in June 2007 and will be held twice a year.

16. *The report refers to a review of sexuality education for secondary school students which was to be conducted in 2006 (para 170). The report mentions a recent increase in the number of confirmed and probable cases of sexually transmitted infections, especially among young people under the age of 24, over the past five years (para. 295). Please provide an update on the findings of this review. Please indicate in particular to what extent sex education covers prevention of teenage pregnancy, sexually transmitted diseases and HIV/AIDS. Please also indicate whether such education is also targeted at minority girls and young women out of school.*

#### ***An update on the findings of this review***

The school-based research for the review on sexuality education (the review) was completed in 2006. Analysis and recommendations will be completed later in 2007.

#### ***Extent to which sex education covers prevention of teenage pregnancy, sexually transmitted diseases and HIV/AIDS***

Sexuality education in New Zealand schools is provided for within the *Health and Physical Education Curriculum* (the curriculum). In this curriculum, the term sexuality education includes aspects of well-being, health promotion, and a socio-ecological perspective. This is wider than the term sex education, which generally refers only to the physical dimension of sexuality education.

The purpose of sexuality education is to provide students with the knowledge, understanding, and skills to develop positive attitudes towards sexuality, to take care of their sexual health, and to enhance their interpersonal relationships, now and in the future. Sexuality education includes opportunities to develop knowledge, understandings, and skills in relation to, for example, knowledge about the process of conception and the skills to make decisions that maintain and enhance their sexual health.

Schools have flexibility on how they deliver the curriculum, as they are expected to assess the needs of students and tailor programmes to meet these identified needs. Programmes delivered are required to be sensitively developed so that they respect the diverse values and beliefs of students and of the community, and meet the learning needs of students with special

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<sup>28</sup> Members include employers, government and unions.

needs and abilities. Schools are also required by legislation to consult with their community every two years about the curriculum they deliver, using appropriate protocols when consulting with Māori, Pacific Islands, Asian, and other ethnic communities, to ensure the diverse needs of students are well understood and provided for.

### ***Targeting of sex education to minority girls and young women out of school***

The curriculum is compulsory to year 10 (age 14 to 15). Individual parents of students enrolled in any state school are able to withdraw their child(ren) from specific parts of the sexuality education component of the health programme.

The government wants all students to have access to high quality comprehensive sexuality education. To determine how well sexuality education is delivered, a review of sexuality education is being undertaken. The review will provide educators and policy-makers with information on the extent and quality of sexuality programmes in New Zealand schools. This information will assist to develop measures to address New Zealand's high rate of unplanned teenage pregnancies<sup>29</sup> and the steady rise in recent years in the number of cases of Sexually Transmitted Infections amongst young people.<sup>30</sup>

Non-governmental organisations such as the New Zealand Family Planning Association, sexual health clinics and general practitioners also provide sexual health information and services to young people, including those who are no longer in the school system.

### **Participation in public life and decision-making**

17. *According to the report, women continue to be underrepresented in decision-making, particularly in Parliament, local Government, district health boards, statutory boards and the judiciary (para. 92). The report also refers to a number of measures, including targets such as the 50/50 gender parity goal for Government boards by 2010. Please provide an update on the impact of all measures taken to increase the participation of women, including Māori women, in local government, the judiciary and in Parliament.*

### ***Update on the impact of all measures taken to increase the participation of women, including Māori women in local government and in Parliament***

The impact of all measures to increase women's participation in local government and Parliament was reported in New Zealand's sixth periodic report, paragraphs 92 to 99. In 2005, New Zealand ranked eighth out of 30 OECD countries with a voter turnout rate of 81 percent.<sup>31</sup> Results from New Zealand elections over several years show that there are few differences in voter turnout rates between men and women.<sup>32</sup>

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<sup>29</sup> Statistics New Zealand (2003), *Teenage Fertility in New Zealand* <http://www.stats.govt.nz/products-and-services/Articles/teen-Sep03.htm>.

<sup>30</sup> STI Surveillance Team, Population and Environmental Health Group, Institute of Environmental Science and Research Limited, for the Ministry of Health, Sexually Transmitted Infections in New Zealand Annual Surveillance Report 2005, April 2006.

<sup>31</sup> Ministry of Social Development (2006) *Social Report*. Wellington: Ministry of Social Development.

<sup>32</sup> *ibid*

Political parties are independent of the State and are held accountable by the electorate in respect of the diversity of candidates put forward. At 32 percent in 2005, the percentage of women in New Zealand's parliament is considerably higher than the OECD median of 22 percent in recent years.<sup>33</sup>

Participation of Māori in the democratic process is of most concern. Turnout in Māori electorates is lower than in general electorates, and the turnout in the Māori electorate with the highest turnout is lower than in the general electorate with the lowest turnout. This pattern has not changed with the introduction of mixed-member-proportional (MMP). The Electoral Commission<sup>34</sup> is undertaking research on aspects of Māori electoral engagement to identify how to increase Māori electoral participation. This research has yet to be completed.

### ***Update on the impact of all measures to increase the participation of women, including Māori women in the Judiciary***

Ministers have requested that the Ministry of Women's Affairs (MWA) now be advised from time to time (understood to be annually) of the projected judicial vacancies arising in each year so that all qualified women on MWA's database can be advised to register their interest with the appointing agency. The impact of this initiative will be included in New Zealand's next periodic report.

The Women's Consultative Group (WCG), an advisory board to the New Zealand Law Society, is also focused on improving the status of women in the legal profession and promoting the advancement and retention of women. Activities include understanding work-life balance within the profession by undertaking research into the 'best practice' policies of law firms.

As of July 2006, 26.6 percent of all judges were women. The courts with the highest proportion of women judges were the Māori Land Court and Family Court, where approximately one third of judges were women. One quarter of the Court of Appeal judges were women.<sup>35</sup> A woman is currently the Chief Justice.

Data on women's participation in leadership positions within the legal profession is not regularly collected. The most recent information available is 2005 data. This shows that the percentage of women in legal partnerships has increased by 3 percent during the period 2003 to 2005. In 2003, there were 545 legal partners, of which 14.12 percent were women. In 2005 there were 557 legal partners, of which 17 percent were women.<sup>36</sup>

18. *Please provide information about measures in place to encourage efforts in the private sector to accelerate the number of women in decision-making positions, and any results achieved.*

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<sup>33</sup> *ibid*

<sup>34</sup> The Electoral Commission is an independent body set up by Parliament to register political parties and party logos. It also receives registered parties' annual returns of donations and returns of election expenses. It allocates election broadcasting time and funds eligible political parties. It also conducts public education about electoral matters and provides advice to Parliament.

<sup>35</sup> Human Rights Commission (2006) *New Zealand Census of Women's Participation*. Wellington: Human Rights Commission.

<sup>36</sup> *ibid*

### ***Information about measures in place to encourage efforts in the private sector to accelerate the number of women in decision-making processes***

Government measures undertaken include:

- increased political leadership - the Prime Minister and the Minister of Women's Affairs are highly committed to raising the issue and promoting the benefits of increasing women's participation in the private sector and to 50/50 representation on state boards
- selling the benefits of diversity by:
  - actively disseminating the business case of increased diversity through a range of channels, including the media
  - supporting the continuation of the publication of the *New Zealand Census of Women's Participation 2006* (the Census)
  - identifying, supporting and working with private sector champions.
- using government resources to alert suitably qualified women to private sector opportunities
- supporting the development of private sector databases to capture suitably qualified women available for appointment to private boards
- continuing to widen and deepen the pool by:
  - identifying of suitably qualified women including board members and employees of council controlled organisations, entities within the voluntary sector and women in the 'marzipan layer' within the private sector
  - continuing to address occupational segregation, which affects women's ability to gain the required experience required.

In April 2006, the Human Rights Commission published the Census. Consequently, women's status in economic, social and political life has become much more visible. The Census also provides encouragement for board chairs and other directors to reflect on the diversity and current composition of their boards and allows shareholders and institutional investors to consider board succession planning. It also allows national women's organisations to focus attention on gender participation in governance and decision-making and to pursue activities and policies aimed at closing the gender gaps.

### ***Information on results achieved***

Information from interviews<sup>37</sup> with key private sector male and female directors and recruiting agencies indicates that increasingly chairs and boards are actively seeking women candidates for a range of reasons. These reasons include pragmatic business considerations, fairness and equity issues, and a belief in the benefits that diversity brings to board decision-making.

The Census provides a benchmarking tool for monitoring and future reporting to the committee, so that New Zealand will be better able to report on the progress of women in leadership.

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<sup>37</sup> Research undertaken by the Ministry of Women's Affairs in 2006.

## **Employment**

19. *Please provide more information on progress in the implementation of the Pay and Employment Equity Plan of Action (para. 241), and in what manner exactly it addresses the gender pay gap and promotes equal pay for work of equal value.*

### ***Progress in implementing the Pay and Employment Equity Action Plan***

Phase One of the *Pay and Employment Equity Action Plan* (the Action Plan) is currently being implemented. This phase requires the public service, and public health and education sectors to complete pay and employment equity reviews, as described in our response to question 15. At present nine public service organisations have completed their reviews, and 16 are either about to start or are in the early stages of the process. All other departments are expected to begin their reviews in the 2007/08 financial year.

In the public health sector, the review process is under way in five district health boards (DHBs)<sup>38</sup> and is due for completion in 2007. Those results will be verified by the other 16 DHBs and the New Zealand Blood Service.<sup>39</sup> A national response plan will be developed in 2008.

In the education sector, a Schools Tripartite Group<sup>40</sup> is developing a national response plan that will be considered by the government in 2008, while reviews will begin in tertiary education institutions and kindergarten associations in the next financial year.

The government will make decisions regarding extending the Action Plan to cover employees outside the public service, including those in Crown entities<sup>41</sup> and state-owned enterprises later this year.

There have not been any pay investigations or remedial pay settlements.

### ***Information on how exactly it addresses the gender pay gap and promotes equal pay for work for equal value***

The Action Plan helps address the gender pay gap and promotes equal pay for work of equal value by providing tools and processes that enable organisations to understand the value of work undertaken by women, to recognise when that work is not being rewarded equitably, and to respond to any issues identified. Details of processes and tools are detailed in paragraphs 241 to 247 in New Zealand's sixth periodic report.

Since New Zealand's last periodic report, an Equitable Job Evaluation Tool has been developed. This tool provides guidance on gender inclusive job evaluation.

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<sup>38</sup> DHBs are responsible for providing (or funding the provision of) government funded health care services for the population of a specific geographical area.

<sup>39</sup> New Zealand Blood Services' (NZBS) primary purpose is the provision of blood and blood services to clinicians for New Zealanders. Its core activity is the safe, timely, high quality and efficient provision of blood services. In addition to this core activity NZBS provides related services including matching of patients and donors prior to transplantation and the provision of Tissue Banking services.

<sup>40</sup> Members include employers, government, and unions.

<sup>41</sup> Crown entities include: Statutory entities, Crown entity companies, Crown entity subsidiaries, school boards of trustees, and tertiary education institutions. Crown entities are legally separate from the Crown and operate at arms length from the responsible or shareholding Minister(s).



20. *In its previous concluding comments, the Committee recommended taking measures to ensure that women who file complaints against sexual harassment remain in their job. The report describes the legal measures available to employees under the Employment Relations Act for securing their rights to remain on the job (para. 209). Please provide information and data as to whether and how this Act is implemented.*

In New Zealand, an employee who believes that they have a personal grievance related to their employment may pursue that grievance under the Employment Relations Act. Personal grievance claims can be made on a number of grounds irrespective of whether the employee stays in the job or has resigned.

### ***Information on how this Act is implemented***

Employees who are dismissed and believe this was as a result of bringing a sexual harassment complaint can make an unjustified dismissal claim to the Employment Relations Authority (the Authority). Also, if an employee felt forced to resign because of sexual harassment in the workplace, they can make a constructive dismissal claim (a type of unjustified dismissal claim). An employee could also make a sexual harassment claim in both of these situations.

If the Authority finds the employee has a personal grievance, the Authority may award remedies such as reinstatement, compensation, and reimbursement of lost wages. The Authority may also make a recommendation to the employer:

- concerning the action the employer should take in respect of the person who made the request or was guilty of the harassing behaviour
- about any other action that it is necessary for the employer to take to prevent further harassment of the employee concerned or any other employee.

If an employee believes they have been sexually harassed, they can choose to make a complaint under the Human Rights Act, rather than making a personal grievance claim under the Employment Relations Act (ERA). An employee can use mediation in either or both of the Employment Relations or Human Rights jurisdictions. However, when they reach the point of either applying to the Employment Relations Authority or pursuing proceedings under the Human Rights Act, they must choose between either the procedure under the ERA or under the Human Rights Act. (They cannot bring claims under both avenues).

If an employee believes they have been sexually harassed by a co-employee, client or customer of the employer, they may make a complaint to their employer in the first instance. If an employee makes such a complaint, the employer or representative must inquire into the facts. If the employer or representative is satisfied that the request was made or behaviour took place, the employer or representative must take whatever steps are practicable to prevent any repetition of such a request or behaviour.

If the employee is subjected to sexual harassment again by the person in relation to who the employee made a complaint to the employer, and the employer or representative has not taken whatever steps are practicable to prevent the repetition of such a request or such behaviour, the employee is deemed to have a personal grievance, as if the request or behaviour were that of the employee's employer. The employee may pursue their personal grievance claim by making a complaint to the Employment Relations Authority.

### ***Data on applications to employment institutions relating to sexual harassment***

In 2005/06 the Employment Relations Authority received 17 applications relating to personal grievances due to sexual harassment.

The Department of Labour also provides mediation services to assist in resolving employment relations problems. In 2005/06, 55 applications were received for mediation relating to sexual harassment.

In the 2005/06 financial year the Human Rights Commission received 20 complaints<sup>42</sup> on the grounds of sexual harassment in employment.

21. *Please provide an update on the status of the Parental Leave and Employment Protection (Paid Parental Leave for Self-Employed Persons) Amendment Bill (para. 229). In addition, please provide information on the results of the evaluation (para. 230) of the parental leave scheme that was due to be completed in 2006.*

### ***Update on the status of the Parental Leave and Employment Protection (Paid Parental Leave for Self-Employed Persons Amendment Bill)***

The Parental Leave and Employment Protection (Paid Parental Leave for Self-Employed Persons) Amendment Act came into force on 1 July 2006. It entitles self-employed parents to the same provisions as employed parents.

### ***Results of the evaluation completed in 2006***

The report of the 2005/06 evaluation of the parental leave scheme is to be released shortly.<sup>43</sup> The purpose of the evaluation was to understand more about mothers', fathers' and employers' decisions and experiences regarding parental leave (both paid and unpaid<sup>44</sup>), and the experience of those ineligible for parental leave. It also examined the extent to which the Parental Leave and Employment Protection Act 1987 (the PLEP Act) is meeting its objectives. These include gender equity within the labour market and within families; improved health outcomes for mothers and children; and income stability for families. The findings of the evaluation are now informing work over the coming year on how the provision of parental leave can be further improved.

The major findings of the evaluation are that:

- overall, there is widespread support for parental leave amongst parents and employers
- it is almost universally recognised that job protection and parental leave payments are important in enabling parents to take time out of paid work around the birth or adoption of a child
- 76 percent of women in employment immediately prior to the birth or adoption of a child had work patterns that qualified them for paid parental leave (PPL) and 58 percent qualified for the 52 weeks of extended unpaid leave as well as PPL

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<sup>42</sup> Data from the Human Rights Commission.

<sup>43</sup> The full evaluation will be placed on the Department of Labour's website when it is released: [www.dol.govt.nz/parentalleave](http://www.dol.govt.nz/parentalleave).

<sup>44</sup> The Act's unpaid provisions include partners/paternity leave of up to two weeks, and extended leave of up to 52 weeks (minus any paid parental leave taken) that may be shared between eligible partners.

- the most common reasons for working mothers' ineligibility for PPL were not meeting the job tenure requirements or being self-employed, although the extension of parental leave payments to the self-employed in 2006 has addressed some of these ineligibility issues<sup>45</sup>
- it is almost exclusively mothers who use PPL, mainly because of biological reasons, such as recovery from childbirth and breastfeeding, and social reasons
- fathers rarely take the unpaid partners/paternity leave under the PLEP Act, and most mothers do not transfer any PPL to their partner, mainly because both mothers and fathers see PPL as more useful for mothers to recover from the birth and establish breastfeeding, and that it is important to fathers to maintain the family's income<sup>46</sup>
- the parental leave payment improves income stability for many families but over half of mothers who took PPL agreed that the ending of the payment had a significant impact on decisions about the timing of their return to employment.

The evaluation also found that most mothers change their working arrangements after the birth or adoption of a child. For example, of mothers who took PPL and had returned to work, 69 percent said they worked fewer hours as a result of the birth or adoption of a baby, and 57 percent said they worked more flexible hours.

22. *Please provide an update on the status of the Employment Relations (Flexible Working Hours) Amendment Bill (para. 237) concerning flexible working hours for parents.*

The Employment Relations (Flexible Working Hours) Bill is due to be reported back to Parliament in June 2007.

Since March 2006 when the report was filed, the government has undertaken work including research into international experiences of flexible work and into what is happening in New Zealand workplaces.

The government has also been working with the business sector, unions and other workplace leaders to come up with practical ways to introduce and manage flexible work in workplaces. Most recently, the government released the discussion paper *Quality Flexible Work: increasing availability and take up in New Zealand*<sup>47</sup> for public comment. Feedback was received from a wide range of individuals and organisations on the flexible work issues that matter to them, and the approaches that would work best for them. The results of this consultation will inform policy work on work life balance.

23. *The report notes a strong increase in Māori women in business, including self-employment (para. 254). At the same time, according to the report, Māori women have encountered difficulties in accessing credit and financial advice (para. 324). What measures have been taken aimed at reducing inequalities related to the economic rights and financial independence of Māori women?*

Measures taken to reduce inequalities related to the economic rights and financial independence of Māori women include the *Action Plan for New Zealand Women* and the Māori Potential Framework (the Framework). The Framework recognises:

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<sup>45</sup> Data was collected on the parents of babies born or adopted in the six months from 1 December 2004 to 31 May 2005, however, the extensions to self-employed people did not occur until 1 July 2006.

<sup>46</sup> Most fathers take two weeks of paid annual leave around the birth or adoption of a child.

<sup>47</sup> The discussion paper can be viewed at [www.dol.govt.nz/consultation/qualityflexiblework/index.asp](http://www.dol.govt.nz/consultation/qualityflexiblework/index.asp).

- Māori are diverse, aspirational people with a distinctive culture and value system
- the Māori community and its indigenous culture as a contributor to the identity, well-being and enrichment of wider society
- the capability, initiative and aspiration of Māori to make choices for themselves.

The Framework recognises three key enablers that are fundamental to Māori achieving improved life quality and realising their potential. These are *matauranga* (building of knowledge and skills), *whakamana* (strengthening of leadership and decision-making) and *rawa* (development and use of resources).

Educational achievement is an important predictor of positive economic outcomes. Measures to improve educational outcomes for Māori are therefore important. The government is currently revising the Māori Education Strategy, introduced in 1999, to determine how to achieve a significant and sustained improvement, based on the Māori potential approach outlined above. Engagement with key stakeholders (such as Māori communities) has just been completed, and a final strategy is due to be completed early in 2008.

Major changes to financial assistance for families, the benefit system, and the minimum wage will also support improved economic independence for Māori women, who are over-represented amongst low and middle income people. These changes include the following:

- The Working for Families package<sup>48</sup> that was progressively implemented between October 2004 and April 2007.
- Major reforms of the benefit system, to make it more work-focused and provide better services to support benefit clients and job seekers.<sup>49</sup>
- Increases to the minimum wage. The minimum wage has been increased every year since 2000. Since 1999, the minimum wage has increased from \$7 an hour to \$11.25 an hour. This represents an increase of 61 percent. On 1 April 2007, the minimum wage increased by 9.8 percent to \$11.25 an hour, the largest percentage and dollar increase to the minimum wage since 1997. The government aims to increase the minimum wage to \$12.00 by the end of 2008, if economic conditions permit. Increases to the minimum wage are a major boost to incomes of women, who are over-represented in low paid jobs.

In the long term, these measures are expected to significantly reduce child poverty, with a flow-on effect to outcomes for families, including Māori families, in a range of areas.

24. *Under the New Zealand Immigration Programme, the stream of immigrants categorized as “skilled/business” makes up 60 per cent of the Programme (para. 139). Please provide the breakdown by sex of the stream of immigrants that enter New Zealand under this category.*

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<sup>48</sup> Outlined in New Zealand’s sixth periodic report (paragraph 391).

<sup>49</sup> For further information on reforms to benefits and employment support services, see <http://www.winz.govt.nz/get-assistance/working-new-zealand/index.html>.

In 2005/06, there were 15,447 women applicants approved for residence under the 'Skilled/Business' stream, compared with 16,421 men. Females therefore represented 48.4 percent of approved applicants within this stream. Thirty-four percent of principal applicants (the individuals whose qualifications and skilled employment are assessed against the policy) were women in 2005/06. Both proportions have remained stable over the last five years.

## **Health**

25. *The report refers to several general health strategies (para. 263). Please indicate how these strategies for older people, disabled people and Māori integrate a gender perspective. Please also indicate how implementation of these strategies is monitored with regard to health outcomes for women.*

### ***How health strategies integrate a gender perspective***

Objective 14 of the New Zealand Disability Strategy's (NZDS)<sup>50</sup> promotes the participation of disabled women in order to improve their quality of life. Progress on implementing the NZDS is assessed every year, and the report is tabled in the House of Representatives.

New Zealand played a leading role in developing the United Nations Convention on the Rights of Persons with Disabilities and was one of the first countries to sign it. The Convention includes 'equality between men and women' as one of its general principles with a specific Article (Article 6) on Women with Disabilities.

Many of the actions highlighted in the *Health of Older People Strategy* will benefit both men and women. This strategy highlights the fact that older women are at higher risk of poor health. While women consistently have a longer life expectancy than men, they also tend to have proportionately higher rates of chronic illness and disability in later life. The strategy recognises the need to target women, as a group, for some interventions, such as depression. In January 2007, the Ministry of Health published an *Older People's Health Chart Book*.<sup>51</sup> This report makes extensive comparisons between the health outcomes of older men and women.

*Whakatātaka Tuarua 2006-2011*, the second Māori Health Action Plan (refer to paragraph 267 of the last report), has now been launched. The overall aim of *He Korowai Oranga Māori Health Strategy* is *whānau ora*: Māori families supported to achieve their maximum health and well-being. New Zealand believes that by improving whānau well-being Māori women's well-being, including health outcomes, is also improved.

### ***How implementation of these strategies is being monitored with regard to health outcomes for women.***

All the health and disability strategies included in New Zealand's sixth periodic report aim to contribute to improving health and disability outcomes for women, including Māori women. As detailed in our response to question 5, monitoring the *Action Plan for New Zealand Women* will include monitoring progress of health outcomes for women. The Ministry of Health, with primary responsibility for health outcomes, also routinely measures health

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<sup>50</sup> NZDS can be assessed on <http://www.odi.govt.nz/nzds/>

<sup>51</sup> Ministry of Health (2006) *Older People's Health Chart Book*, Wellington: Ministry of Health.

outcomes for all population groups to inform policy directions, future change and targeting of programmes to groups with high health needs.

26. *According to the report, European women have longer life expectancy than women from other ethnic groups (paras. 14 and 264). Please provide more detail regarding the socio-economic factors that may influence this disparity. Also please elaborate on the impact of the privatization of social services and the introduction of fee-based systems for health care on women's enjoyment of the highest attainable standard of physical and mental health.*

***More detail regarding the socio-economic factors that influence the disparity in longer life expectancy***

Disparities in life expectancy correlate with indicators of socio-economic position. These include income levels, education, occupation, asset ownership and deprivation of neighbourhood of residence. In addition to these indicators, ethnicity also appears to have an impact.

From 2000 to 2002, males in the least deprived 10 percent of New Zealanders could expect to live 8.9 years longer than males in the most deprived 10 percent of New Zealanders. For females the difference was 6.6 years.<sup>52</sup>

The cross-sectoral social strategies detailed in paragraph 38 of the periodic report aim to limit the effect that socio-economic factors have on life expectancy and quality of life.

***Impact of the privatisation of social services and the introduction of fee-based systems for health care on women's enjoyment of the highest attainable standard of physical and mental health***

The government has invested significantly to ensure more affordable co-payments for primary care services. Primary health care subsidies have been rolled out for nearly all age-groups in New Zealand. From 1 July 2007, the final group, those aged 25 to 44, will be covered. This will mean every New Zealander enrolled in a Primary Health Organisation, nearly all New Zealanders will be eligible for more affordable primary health care. All women have access to free maternity services, including antenatal, labour and birth, and postnatal care.

27. *The report refers to the HIV/AIDS Action Plan of 2003 (para. 276). Please provide an update, and trends over the last five years, of HIV/AIDS infection rates for women, and measures in place to address this issue in a comprehensive manner.*

***Update and trends over the last five years, of HIV/AIDS infection for women***

The following table shows the number of women in New Zealand infected with HIV/AIDS, recorded each year, over the past five years.

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<sup>52</sup> Ministry of Health (2006) *Decades of Disparity III* Wellington: Ministry of Health.

**Number of females in New Zealand found to be infected with HIV/AIDS per year for the period 2002-2006**

<b>Year</b>	<b>Number</b>
2002	22
2003	30
2004	34
2005	42
2006	52

By the end of 2006, there was a total of 438 females recorded as having HIV in New Zealand. Most people infected through heterosexual contact acquired the infection outside New Zealand. In contrast, the majority of those infected through homosexual contact acquired their infection in New Zealand. In 2006, the highest number of heterosexuals and the highest number of females were diagnosed than for any previous years. One reason is that 2006 was the first full year of HIV screening of new immigrants. Immigrants screened accounted for 28 percent of all those diagnosed in 2006.

In 2006 five women tested HIV positive through antenatal screening, one of whom was found to be positive through the new Universal Routine-Offer Antenatal Screening Programme. This is being implemented across the country over two years. Between 1995 and the end of 2006, there have been no cases in New Zealand where a mother with HIV diagnosed prior to giving birth has had an infected baby

***Measures in place to address this issue in a comprehensive manner***

New Zealand's response to HIV uses a health promotion approach, based on the Ottawa Charter for Health Promotion. The *HIV/AIDS Action Plan of 2003* sets out a comprehensive set of actions to ensure New Zealand provides a comprehensive response to HIV/AIDS. One of the actions in place under the *HIV/AIDS Action Plan* is a Guide to Occupational Health and Safety in the New Zealand Sex Industry, published in 2004. Programmes for Africans and other migrants have also been developed under this action plan.

Non-government organisations are also funded to deliver programmes aimed at reducing the incidence of HIV/AIDS. For instance, the New Zealand Family Planning Association receives government funding to target HIV education for heterosexual men and women in New Zealand.

**Marriage and family life**

28. *The report describes the enactment of the Relationships (Statutory References) Act 2005, aimed at ensuring recognition of different types of relationships in various laws and regulations, by amending a large number of legislative provisions to provide for more general recognition of civil unions (para. 380). It mentions that some provisions have not been covered by this Act, but would be independently completed by the end of 2006. Please provide information on the status of this effort, and how it addresses implications for women.*

### ***Information on the status of this effort***

The Relationships (Statutory References) Act 2005 amended a large number of legislative provisions to remove discrimination against opposite and same sex de facto couples on the grounds of marital status and sexual orientation, and to provide legal recognition of de facto and civil union couples.

Of the 32 laws or regulations that were subject to an independent review following the enactment of the Act, 14 laws or regulations have been amended, revoked or repealed. The remaining laws or regulations are still under review at this time.

29. *The report mentions the Property (Relationships) Act 1976 as governing the division of property upon the dissolution of relationships (para. 381). The report also notes the continuous monitoring of the Ministry of Justice of case law and academic writing on the impact of this Act. Please provide information on the type of property that is being distributed upon dissolution of relationships. In particular, please explain whether this Act recognizes intangible (i.e., pension funds, severance payments and insurance) property as part of the family property to be distributed. Also, please indicate whether the Act provides for the distribution of future earning capacity and human capital and/or whether in any manner it allows for consideration of enhanced earning capacity or human capital in the distribution of property (e.g., through unequal distribution of property or by allowing for an award of compensatory spousal payment). Please also provide information on current research and findings as to gender-based differences in the economic consequences of the dissolution of relationships, and how such findings impact on the work of the Ministry of Justice.*

### ***Information on type of property being distributed upon dissolution of relationships***

Relationship property as defined under the Property (Relationships) Act 1976 includes real property, personal property, any estate or interest in any real estate or personal property, any debt or thing in action or any other right or interest. This can include the value of any life insurance policy, any superannuation scheme entitlements, or any insurance policy on relationship property. Property will be divided between parties if classified as relationship property, rather than separate property, and is generally divided equally between parties.

The Act contains provisions for courts to make orders to redress economic disparities between parties when distributing property (ss15 and 15A). The court may award lump sum payments or the transfer of relationship property if the court is satisfied that after the relationship ends, the income and living standards of party A are likely to be significantly higher than party B, because of the effects of the division of functions within the relationship while the parties were living together. The court may also make an order for A to compensate B where the increase in value of A's separate property was attributable to the actions of B while they were living together.

### ***Information on current research and findings as to gender-based differences in economic consequences of dissolution of relationships, and how such findings impact on the work of the Ministry of Justice.***

Research and findings into gender-based differences in the economic consequences of the dissolution of relationships were taken into account prior to the reforms introduced by this Act in 2002. This resulted in the inclusion in the Act of provisions to redress economic disparities between partners. Further research has yet not taken place.



## **Optional Protocol**

30. *Please describe how the Government has publicized the Optional Protocol to the Convention, which New Zealand ratified in 2000.*

When New Zealand ratified the Optional Protocol to the Convention, it was widely publicised by the government, including by the Prime Minister and the then Ministers of Women's Affairs and Foreign Affairs and Trade. Ways that it was publicised included references in media releases and ministerial speeches, which were published in hard copy and in many cases online on the websites of relevant government agencies. In addition, New Zealand publishes all treaties to which it is party in the *New Zealand Treaty Series* (NZTS). The NZTS is regularly presented to the House of Representatives as a parliamentary paper. Non-government organisations also publicised New Zealand's ratification through references in their newsletters and other publicity material.

On-going publicity is mainly through including information on the Optional Protocol to the Convention in New Zealand reports to the Committee. These reports are widely distributed and posted on MWA's website.