

United Nations Convention on the Elimination of All Forms of Discrimination against Women

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INCORPORATION OF CEDAW IN LEGISLATION AND POLICY

Incorporation of CEDAW in New Zealand legislation and policy, and the remedies available.

NEW ZEALAND'S POSITION

New Zealand has implemented the Convention through legislation, administrative measures, and the common law. There are remedies available in New Zealand law in respect of Convention rights.

New Zealand's practice is to ensure, before ratification of a treaty, that its law is consistent with the obligations in that treaty. One of the principal CEDAW obligations – ensuring the right against discrimination – was, at the time of New Zealand's ratification of CEDAW, already in place. (The Human Rights Commission Act 1977, now replaced by the Human Rights Act 1993 and in addition, the New Zealand Bill of Rights Act 1990).

Since then further legislation has been enacted which implements specific CEDAW obligations.

Legislation

New Zealand has specific legislation that implements Convention rights, such as rights relating to education, conditions of employment, equal pay, parental leave, family law, and social security. In the past few years several pieces of legislation have enhanced gender equity in New Zealand:

- the Parental Leave and Employment Protection Amendment Act 2017 extends paid parental leave to 26 weeks by July 2020
- the Care and Support Workers (Pay Equity) Settlement Act 2017 provides a \$2 billion pay equity settlement for care and support workers, the majority of whom are women
- the Harmful Digital Communications Act 2015 provides victims of digital harm with means of redress
- the Domestic Violence—Victims' Protection Bill passed its second reading in the House and is currently before the Committee of the Whole House. It provides legislation that signals domestic violence is unacceptable by offering greater protection in employment to victims of domestic violence.

New Zealand's human rights legislative framework explicitly provides for certain general rights directly, and provides a direct means of enforcement through specialist tribunals or in the Court. Examples of this are the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990.

The New Zealand Bill of Rights Act 1990 (s 19(1)) and the Human Rights Act 1993 (s 21(1)(a)) prohibit sex discrimination, including indirect discrimination. The prohibited grounds of discrimination in the Human Rights Act 1993 include sex, marital status and family status. The term 'sex' explicitly includes pregnancy and childbirth. These grounds offer comprehensive protection against unlawful discrimination against women.

Judicial review of statutory decisions

Any decision made under an Act can be challenged in the courts. This includes the power or right to make regulations and rules. Judicial review in the context of CEDAW rights will be focussed primarily on the rights as expressed in the particular statute, but courts can also have regard to CEDAW and its principles.

How Convention rights are considered in policy and legislative development

All policy proposals leading to legislation must be assessed for consistency with the Bill of Rights Act and the Human Rights Act. This is a mandatory requirement. The Cabinet Manual - the authoritative guide to central government decision making for Ministers, their offices, and those working within government - states New Zealand governmental institutions must have regard to international obligations and standards.

The Ministry of Justice works with other Government agencies to ensure fundamental human rights affirmed in international human rights treaties and in legislation are considered in policy development.

Further, every paper presented to the Social Wellbeing Cabinet Committee requires the responsible Minister and contributing agencies to include a gender impact statement. In addition, the Ministry for Women provides gender analysis and gendered input into a wide range of policy development.

Disclosure Statements

All Government Bills must include a disclosure statement indicating the bill's consistency with various standards including the Bill of Rights Act, the principles of the Treaty of Waitangi, and international obligations such as the Convention. This helps to ensure the ongoing compatibility of laws with international standards.

Disclosure statements must set out the steps that have been taken to determine whether the policy to be given effect by the Bill is consistent with New Zealand's international obligations. This requirement was included partly out of concern that 70% of New Zealand Public Acts known to be affected by international obligations made no reference to them. This created a risk that people considering amending an Act may not be aware of the international obligations that are relevant to such a Bill.

The New Zealand Treasury does not have detailed information about the number of disclosure statements that refer to international obligations. The absence of any specific reference in the disclosure statements indicates that no issue was identified rather than that assessment did not take place.

That said, several disclosure statements do refer to international obligations that are supported by the legislation in question. Some recent examples of disclosure statements that relate to the elimination of discrimination against women are:

- the disclosure statement for the Family and Whānau Violence Legislation Bill refers to the Convention for the Elimination of Discrimination Against Women and the Convention on the Rights of the Child
- the disclosure statement for the Care and Support Workers (Pay Equity) Bill refers to care and support workers being systematically underpaid because the work is predominately performed by women
- the disclosure statement for the Employment (Pay Equity and Equal Pay) Bill refers to the International Labour Organisation Convention 100 on Equal Remuneration which requires the application of the principle of equal remuneration for men and women workers for work of equal value.

The Legislation Amendment Bill, currently before Parliament, will make disclosure statements a binding legal obligation for most Government Bills and most disallowable instruments.

Remedies

There has not yet been any individual complaint brought in respect of New Zealand under CEDAW.

The Optional Protocol to CEDAW (adopted by New Zealand on 7 September 2000) - permits individuals to bring complaints ("communications") against New Zealand to the CEDAW Committee for alleged breaches of rights, once all domestic remedies have been exhausted. The Optional Protocol procedure mirrors similar procedures that are possible under other human rights treaties, notably the ICCPR and CAT.

The expectation of the Convention is that complaints about breaches of the rights it affirms ought to be dealt with domestically. In New Zealand's domestic law there are a variety of ways the public can challenge decisions and conduct of government agencies regarding Convention rights. For example, through complaints to the Human Rights Commission (which attempts to mediate them), and litigation in the Human Rights Review Tribunal or the Courts including by way of judicial review of administrative actions. Complaints to the Ombudsman are also possible.

Human Rights Commission

The Human Rights Commission works under the Human Rights Act. It operates independently of the Government as an independent Crown entity. Its responsibilities are not only to help resolve complaints about discrimination under the Act, but to advocate and promote respect for fundamental human rights in New Zealand. This includes a power to inquire generally into any law or practice that may infringe human rights. The Commission may also report to the Prime

Minister on any matter affecting human rights, including to ensure better compliance with international human rights instruments.

The Commission also has an explicit function to promote and monitor compliance by New Zealand with, and the reporting by New Zealand on, the implementation of international instruments on human rights ratified by New Zealand.

If a complaint about discrimination is unable to be dealt with through mediation, the complaint can be heard by the Human Rights Review Tribunal. A remedy available in the Human Rights Review Tribunal is a declaration that the defendant has breached the Act. This declaration is public and the Minister presents the declaration and the Government's response to the House of Representatives to enable Parliament to consider how to address the inconsistency.

The judicial resourcing of the Human Rights Review Tribunal has not kept pace with the increase in caseload in the last few years. The Government is currently taking two bills through Parliament that will go some way towards modernising the operation of the Tribunal. In addition to these proposed changes, the Government is actively considering other ways to address this increase in demand. (see separate Q&A for more information)

Ombudsman

The Ombudsman plays a general watchdog over government decisions and behaviour. While the Ombudsman can only make recommendations rather than binding orders their recommendations are taken very seriously by government officials and are almost always followed.

BACKGROUND

Human Rights Act and the Bill of Rights Act

The Bill of Rights Act provides that everyone has the right to freedom from discrimination on the grounds of discrimination in the Human Rights Act. The Human Rights Act makes Convention rights justiciable in respect of discrimination in the enjoyment of the rights, on 13 prohibited grounds. These include sex; marital status; religious belief; ethical belief; colour; race; ethnic or national origins; disability; age; political opinion; employment status; family status or sexual orientation; rights of minorities to enjoy their culture, profess and practise their religion and to use their language; rights to manifest religion or belief; and freedom of expression, assembly and association.

Reference to the Convention in case law

New Zealand is a "dualist" country meaning that international treaty obligations assumed by the state are not automatically enforceable in the courts. Treaty obligations require enactment as New Zealand law in order for them to be directly enforceable by the courts of New Zealand. However, treaties may and often are referred to in order to assist with the interpretation of the

law, and in certain circumstances may also be “relevant considerations” that must be considered by decision makers in certain fields such as immigration.

The Convention has sporadically been referred to in New Zealand cases. Recent examples include:

- *Terranova Homes and Care Ltd v Service and Food Workers Union Nga Ringa Tota Inc.* [2015] 2 NZLR 437
- *BY (China) v Refugee and Protection Officer* [2016] NZAR 1595
- *New Zealand Van Lines Ltd v Proceedings Commissioner* [1995] 1 NZLR 100.

Direct and indirect discrimination

The New Zealand Bill of Rights Act 1990

The New Zealand Bill of Rights Act 1990 applies to laws and acts done by public sector bodies. It establishes a right against discrimination on the grounds of sex (as well as various other grounds). This applies to both *direct* and *indirect* discrimination.

Indirect discrimination occurs when a person is treated disadvantageously by a law or policy on a ground that is not *itself* a prohibited ground of discrimination – say, one’s height or strength – but which impacts particularly upon a group by dint of a prohibited ground of discrimination – their being female, in this example. Indirect discrimination, and indeed direct discrimination, *may* be able to be justified but only if the government or other public actor can show that the law or policy is “reasonable” and “demonstrably justified in a free and democratic society”.

The Human Rights Act 1993

The Human Rights Act 1993 applies to discrimination perpetrated by private sector persons or bodies (e.g. in employment, accommodation, goods and services etc.). Both direct and indirect discrimination are similarly unlawful in the private sector. In the private sector there are only limited defences for direct discrimination (e.g. separate bathroom facilities for privacy, or where being of a particular sex is a genuine occupational qualification). Indirect discrimination may be justified but only if a “good reason” is shown for the impugned policy or rule.

Formal and substantive equality

The prohibitions on indirect discrimination go some way to protecting substantive equality because it is possible to claim that apparently “neutral” rules that have a disparate impact on people by dint of their sharing a characteristic (such as being a particular sex) constitute unlawful discrimination on that ground.

Both the Bill of Rights Act (for the public sector) and the Human Rights Act (for the private sector) explicitly allow what is colloquially called “affirmative action”. In the Bill of Rights it is expressed as “measures taken in good faith for the purpose of assisting or advancing groups ... disadvantaged by discrimination that is unlawful ... do not constitute discrimination”. In the Human Rights Act 1993 a similar protection is ensured for “measures to ensure equality” as well

as for “preferential treatment” for women relating to pregnancy and childbirth and for all persons caring for children.

Definition of discrimination against women

What constitutes “discrimination” for the purposes of the right against discrimination in the New Zealand Bill of Rights has been decided by case law in the New Zealand Court of Appeal.

In *Atkinson v Ministry of Health* [2012] NZCA184, [2012] 3 NZLR 456 the Court of Appeal defined discrimination as:

Differential treatment on a prohibited ground of a person or a group in comparable circumstances ... [that] when viewed in context ... imposes a material disadvantage on the person or group differentiated against.

The New Zealand prohibition of discrimination in the Bill of Rights is expressed generally so that it constrains all public bodies from discriminating on the protected grounds including sex. The term “sex” includes pregnancy and childbirth.

The prohibition of both direct and indirect discrimination in New Zealand legislation corresponds to the wording of article 1 of CEDAW (“effect or purpose of impairing or nullifying”). There is no limitation as to the fields in which the right against discrimination applies. So the right is broad enough to meet the requirements of article 1 of CEDAW.

For private sector discrimination under the Human Rights Act 1993 (in employment, accommodation, goods and services) the operative test is that it is unlawful to treat a person differently by reason of a prohibited ground. This too implements article 1 without any limitation.

ENCOURAGING PUBLIC ENGAGEMENT WITH CEDAW

Efforts to raise awareness and encourage public engagement with CEDAW.

NEW ZEALAND'S POSITION

The Government actively seeks to raise awareness of the rights contained within the Convention, and encourage public engagement in its processes in ways that range from making information on CEDAW widely available, actively engaging with ministers, government agencies and community groups on CEDAW processes, to training for the judiciary and lawyers.

Current situation

Information on the Convention is publicly available on the websites of government agencies (the Ministry for Women, the Ministry of Justice and the Ministry of Foreign Affairs and Trade), including New Zealand's periodic reports, the Committee's Concluding Observations, opportunities for consultation, and current projects related to its implementation.

The Ministry for Women promotes the Convention and its related instruments through its publications, its social media campaigns and at regional meetings and other forums. The Convention is central to the Ministry for Women's International Women's Caucus, which is a forum for government agencies, NGOs and individuals to work collaboratively on international issues relevant to the interests and well-being of women.

Public submissions were invited on the draft 8th periodic report to CEDAW. Public information on how NGOs can make oral and written submissions to the Committee and participate in the wider process has been made available on government websites, in social media channels and print and via media releases, and distributed widely via email to sector groups and individuals.

Special meetings were convened with the Minister for Women and the Under-Secretary for Justice (Domestic and Sexual Violence Issues) to discuss the examination with the International Women's Caucus and other interested parties.

The Government also provided a venue with video conference facilities to enable NGOs who cannot travel to Geneva, to participate in the NGO meeting earlier this week.

Education is provided to the judiciary and lawyers by the relevant professional bodies. In New Zealand's system of government, the principle of judicial independence requires that the Government does not direct the Institute of Judicial Studies as to the provision of educational resources for the Judiciary.

Challenges

Women's and gender dimensions can sometimes get lost in wider policy agendas, including those seeking to reduce disparities for different groups facing various barriers to equality.

Government response

The Government uses the mechanisms outlined above to raise awareness of and encourage engagement with CEDAW.

BACKGROUND

The Eighth Periodic Report

In drafting the eighth periodic report, comprehensive inter-agency and civil society consultation was conducted. Regular public meetings and smaller private meetings were held throughout New Zealand with women's groups, community organisations and service providers. These included hui with wānanga, iwi and Māori service providers. The purpose of the meetings was to gather information about issues of concern for women and to discuss Government's goals and priorities for women.

A summary of issues raised during those meetings, as well as feedback received in written submissions, formed the basis of a separate section of the report titled 'Voices of New Zealand Women'.

The draft report and the final report were publicised on government websites, in social media channels and print, via media releases and were distributed widely via email to sector groups and individuals. A special meeting was convened with the Minister for Women to discuss the report with the International Women's Caucus and other interested parties.

Along with robust inter-agency consultation, Government Ministers were consulted in the development of the report and Cabinet approved the final text.

Supporting NGO Engagement with the Examination

The Government actively encourages engagement by civil society in the CEDAW process. Information on how NGOs can make oral and written submissions to the Committee and participate in the wider process has been made available on government websites, in social media channels and print, via media releases and distributed widely via email to sector groups and individuals.

The Minister for Women and Under-Secretary for Justice (Domestic and Sexual Violence Issues) have both publicly encouraged engagement by civil society in the CEDAW process.

Special meetings have been convened with the Minister for Women and the Under-Secretary for Justice (Domestic and Sexual Violence Issues) to discuss the examination with the International Women's Caucus and other interested parties.

The Government also provided a venue with video conference facilities to enable NGOs who cannot travel to Geneva, to participate in the NGO meeting earlier this week.

International Women's Caucus

The Ministry for Women convenes the International Women's Caucus approximately four times a year. The Caucus consists of those government agencies, NGOs and individuals with an interest in the well-being of women. Involvement in the Caucus is voluntary. The Caucus works to enhance New Zealand's capacity to participate in and contribute to international fora arising from the institutions and instruments of the United Nations relevant to the interests of women by sharing information and co-ordinating participation.

NEW ZEALAND'S CONSTITUTION

New Zealand's constitution and mechanisms for ensuring compatibility of legislation with domestic and international human rights obligations.

NEW ZEALAND'S POSITION

The New Zealand constitution is unwritten. Rather than being found in one document, the constitution comprises a number of statutes, the Treaty of Waitangi, Orders in Council, letters patent, decisions of the courts, and unwritten conventions. Having an unwritten constitution provides flexibility, allowing our constitutional arrangements to easily adapt to social change.

There are several mechanisms that ensure that fundamental rights and freedoms of New Zealanders are preserved.

The New Zealand Bill of Rights Act 1990 protects and promotes human rights and fundamental freedoms in New Zealand. The Act sets out the civil and political rights of New Zealand citizens, and applies to acts done by the legislative, executive and judicial branches of the Government, or by any person or body in the performance of public function, power, or duty imposed by the law.

All proposed legislation is required to be scrutinised against the Bill of Rights Act requirements. Section 7 of the Act requires any inconsistencies to be reported to the House of Representatives by the Attorney-General.

Parliamentary Standing Orders provide that if a Bill is found to be inconsistent with the Act, the report must automatically be referred to a Parliamentary select committee for consideration. Though these reports are not binding, they help to ensure that Parliament makes decisions with full knowledge and proper consideration of the issues involved.

Disclosure statements are a new mechanism to further scrutinise legislation and provide protection to the constitution. Disclosure statements are made publicly available, and must indicate a bill's consistency with a number of standards including the New Zealand Bill of Rights Act, the Treaty of Waitangi, and New Zealand's international obligations. This mechanism is intended to promote greater visibility and inform public scrutiny of proposed legislation.

Disclosure statements must set out the steps that have been taken to determine whether the policy to be given effect by the Bill is consistent with New Zealand's international obligations. This requirement was included partly out of concern that 70% of New Zealand Public Acts known to be affected by international obligations made no reference to them. This created a risk that people considering amending an Act may not be aware of the international obligations that are relevant to such a Bill.

The New Zealand Treasury does not have detailed information about the number of disclosure statements that refer to international obligations but all Bills must be assessed against them.

The absence of any specific reference in the disclosure statements indicates that no issue was identified rather than that assessment did not take place.

That said, several disclosure statements do refer to international obligations that are supported by the legislation in question. Some recent examples of disclosure statements that relate to the elimination of discrimination against women are:

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- the disclosure statement for the Employment (Pay Equity and Equal Pay) Bill refers to the International Labour Organisation Convention 100 on Equal Remuneration which requires the application of the principle of equal remuneration for men and women workers for work of equal value

BACKGROUND

The Constitutional Advisory Panel

An independent Constitutional Advisory Panel was appointed in 2010 to consider constitutional issues in New Zealand, and reported to government in 2013. The Panel's key recommendation was that the Government invites and supports New Zealanders to continue the conversation about our constitutional arrangements. A common theme throughout the report is that people need more information and involvement in discussion about constitutional issues. Among other matters, the Panel recommended that the Government:

- develops a national strategy for civics and citizenship education in schools and the community, including the unique role of the Treaty of Waitangi, and assign responsibility for the implementation of the strategy;
- notes that although there is no broad support for a supreme constitution, there is considerable support for entrenching elements of the constitution.
- sets up a process, with public consultation and participation, to explore in more detail the options for amending the New Zealand Bill of Rights Act 1990 to improve its effectiveness such as adding economic, social and cultural rights.

The Government considered the Constitutional Advisory Panel's report and is satisfied that the objective of facilitating public engagement, awareness and discussion on NZ constitutional arrangements was achieved. The Government will take in to account the report and its recommendations as work in the constitutional areas is progressed in the future but has not issued a formal response.

Treaty of Waitangi (see Treaty of Waitangi Q+A)

The Treaty of Waitangi is also an important source of constitutional law and is New Zealand's founding document. The text of the Treaty itself is included in the Treaty of Waitangi Act 1975, which established the Waitangi Tribunal to determine issues of breaches of the Treaty.

The Matike Mai Aotearoa Report

This report by Matike Mai Aotearoa, the Independent Working Group on Constitutional Transformation, involved four years of work and over 250 hui involving thousands of people. Moana Jackson, the report's convenor, argues for constitutional transformation that would fundamentally shift New Zealand away from 170 years of colonisation to a society governed in accordance with the Treaty of Waitangi, rather than incorporating the Treaty of Waitangi into a constitution. The report finds that those involved want a written constitution, and a different system based on the Treaty.

The Government had no role in shaping the Report, and has no plans to respond to it.

New Zealand Bill of Rights Section 7 Reports

The Ministry of Justice is responsible for scrutinising proposed legislation to assess whether it complies with rights protected by the New Zealand Bill of Rights. The Ministry of Justice advises the Attorney-General whether all bills (other than appropriation bills and bills developed by the Ministry of Justice) are consistent with the Act. The Crown Law Office advises the Attorney-General in relation to Ministry of Justice Bills. If there is inconsistency, the Attorney-General must notify the House of Representatives.

Between the enactment of the New Zealand Bill of Rights in 1990 and December 2017, 77 section 7 reports were tabled.

Disclosure Statements

Since 2013, the Government has required departments to prepare and publish a disclosure statement to accompany the introduction of most government Bills and substantive Supplementary Order Papers (SOPs). The Legislation Amendment Bill, which is currently before Parliament, will if passed, make disclosure statements a binding legal obligation for most Government bills and most disallowable instruments.

(see separate Q&A)

DECLARATIONS OF INCONSISTENCY

Providing a mechanism to ensure compatibility of legislation with domestic and international human rights obligations.

NEW ZEALAND POSITION

Declarations of inconsistency are a mechanism for ensuring compatibility of legislation with domestic and international human rights obligations.

Current situation

In 2015, in *Taylor v Attorney-General*, the High Court made a declaration that a provision of the Electoral Act 1993 is inconsistent with the New Zealand Bill of Rights Act 1990. The plaintiffs sought a declaration that section 80(1)(d) of the Electoral Act 1993 is inconsistent with the New Zealand Bill of Rights because it disqualifies sentenced prisoners who are in prison from registering as electors. The complete ban on voting by sentenced prisoners was introduced by the Electoral (Disqualification of Sentenced Prisoners) Amendment Act 2010. Prior to that amendment, prisoners could vote if they were serving a sentence of less than three years.

In 2017 the Court of Appeal dismissed an appeal against the High Court decision. The matter is currently being considered by the Supreme Court.

Government response

In February, the Government announced an in-principle decision to amend the New Zealand Bill of Rights Act 1990 to provide a statutory power for the senior courts to make declarations of inconsistency under the Act, and to require Parliament to respond.

Declarations of inconsistency can perform an important function by informing Parliament that the senior courts consider an Act of Parliament to be inconsistent with the fundamental human rights affirmed in the Bill of Rights Act.

The Government will carry out further work to enable this proposed change. Any decision will follow the judgment of the Supreme Court. This is so the Government has the benefit of the opinion of New Zealand's most senior judges before developing legislation.

A statutory power for the senior courts to make declarations under the Bill of Rights Act will complement the existing power of the Human Rights Review Tribunal to issue declarations of inconsistency under the Human Rights Act. Those declarations relate to the right to be free from discrimination on the grounds of discrimination under the Human Rights Act.

Where the Human Rights Review Tribunal issues a declaration, the Human Rights Act also requires the Minister responsible for administering the inconsistent legislation to inform Parliament about the declaration within 120 days, and provide the Government response. This

helps to ensure transparency when breaches of the right to be free from discrimination are identified.

BACKGROUND

What is a declaration of inconsistency?

A declaration of inconsistency is a formal statement, granted by a court as a remedy, that legislation is inconsistent with the plaintiff's fundamental human rights. The declaration informs the public (and Parliament) that an Act is inconsistent with the fundamental human rights, but it does not affect the validity of the Act or anything done lawfully under the Act.

Declarations of inconsistency under the Human Rights Act 1993

Four declarations of inconsistency have been issued by the Tribunal against the Government under the Human Rights Act 1993. These declarations related to discrimination on the basis of age, sex, marital status and disability.

Howard v Attorney-General

The first declaration of inconsistency under the Human Rights Act 1993 was issued in May 2008. The plaintiff argued that he had suffered age discrimination when he could not get vocational rehabilitation from the Accident Compensation Corporation (ACC) because he was over 65 years of age. The tribunal found that the relevant section in the ACC legislation did discriminate against the plaintiff on the grounds of age and that this discrimination was not justified. On October 1 2008 the Government addressed this by removing age limits for vocational rehabilitation in the legislation.

Ministry of Health v Atkinson

In January 2010, the Human Rights Review Tribunal issued a declaration in the *Ministry of Health v Atkinson* in relation to a Ministry of Health policy that affected the way in which disabled people are assessed as being in need of disability support services funded by the Ministry. It found the Ministry's policy or practice of paying external providers to supply support services to disabled persons in their family homes, and declining to pay family members willing to supply those services, was unjustifiably discriminatory under the New Zealand Bill of Rights Act 1990.

That decision was the first occasion on which a declaration of inconsistency had been made in relation to Government policy under the Human Rights Act 1993. As a result the Ministry of Health introduced a new policy permitting family members to be employed to support disabled relatives with high needs. The Government also introduced legislation protecting the policy from challenge, which the current Government has said it will repeal.

Heads v Attorney-General

In May 2015, the Human Rights Review Tribunal issued a declaration of inconsistency under the Human Rights Act 1993. In *Heads v Attorney-General*, the Tribunal found that a provision of the Accident Compensation Act 2001 discriminates on the basis of age against people over 65 years old. Where a person who has cover for personal injury dies as a result of a fatal injury, ACC pays the surviving spouse weekly compensation for five years. However, if the surviving spouse qualifies for New Zealand superannuation, that person is entitled to compensation for no more than twelve months from the time they reach that age unless they suspend their superannuation for the remaining period.

Adoption Action Incorporated v Attorney-General

The Human Rights Review Tribunal issued a fourth declaration of inconsistency in March 2016. The Tribunal found there were a number of provisions in the Adoption Act 1955 and the Adult Adoption Information Act 1985 that were inconsistent with the right to freedom from discrimination affirmed by section 19 of the New Zealand Bill of Rights Act and issued a declaration of inconsistency under section 92J of the Human Rights Act 1993.

Under Section 92K of the Human Rights Act, the Minister of Justice (as the Minister responsible for the Adoption Act) informed Parliament about the declaration and provided the Government response. The previous Government did not consider that inconsistencies between provisions of the Adoption Act and the New Zealand Bill of Rights right to be free from discrimination to significantly impact on adoptions. The Government was satisfied that in practice, the provisions of the Adoption Act are interpreted in a rights-consistent manner.

DISCLOSURE STATEMENTS

How do disclosure statements work in practice?

NEW ZEALAND'S POSITION

Since August 2013, the Government has required departments to prepare and publish a disclosure statement to accompany the introduction of most government Bills and substantive Supplementary Order Papers (which amend to Bills already in the House). Since the requirement was introduced 200 Bills have had disclosure statements published. The Legislation Bill, currently before Parliament, will make disclosure statements a legislative requirement.

The purpose of a disclosure statement is to better inform parliamentary and public scrutiny of government-initiated legislation, but the key purpose of the disclosure requirement is to promote good practices for the development of that legislation.

The increased provision of information, and scrutiny of that information, is expected to improve legislative quality over time by increasing the attention given to follow good practices during the development of legislation.

Consistency with international obligations

Legislation is expected to be consistent with New Zealand's international obligations. Disclosure statements must set out the steps that have been taken to determine whether the policy to be given effect by the Bill is consistent with New Zealand's international obligations. This requirement was included partly out of concern that 70% of New Zealand Public Acts known to be affected by international obligations made no reference to them. This created a risk that people considering amending an Act may not be aware of the international obligations that are relevant to such a Bill.

Guidance from the New Zealand Treasury directs agencies to other resources that can assist them to identify relevant international obligations. The guidance does not currently alert departments to particular treaties that might be relevant to a Bill and who can help provide advice in relation to those particular agreements. The guidance in this area could be enhanced if it is updated in the future.

Examples of disclosure statements that refer to CEDAW

The New Zealand Treasury does not have detailed information about the number of disclosure statements that refer to international obligations but all Bills must be assessed against them. The absence of any specific reference in the disclosure statements would tend to indicate that no issue was identified rather than that assessment did not take place.

That said, several disclosure statements do refer to international obligations that are supported by the legislation in question. Some recent examples of disclosure statements that relate to the elimination of discrimination against women are:

- the disclosure statement for the Family and Whānau Violence Legislation Bill refers to the Convention for the Elimination of Discrimination Against Women and the Convention on the Rights of the Child
- the disclosure statement for the Care and Support Workers (Pay Equity) Bill refers to care and support workers being systematically underpaid because the work is predominately performed by women
- the disclosure statement for the Employment (Pay Equity and Equal Pay) Bill refers to the International Labour Organisation Convention 100 on Equal Remuneration which requires the application of the principle of equal remuneration for men and women workers for work of equal value

BACKGROUND

What is a disclosure statement?

The disclosure statement is a departmental document that complements the general policy statement provided by the Minister in the explanatory note accompanying the Bill or SOP. It is expected to reflect the knowledge, understanding and work done by the department responsible for preparing the legislation by including, or providing links to, factual information about the Bill or SOP in three broad subject areas:

- available background policy material (such as a published review or evaluation, a relevant international treaty, or regulatory impact statement)
- the quality assurance work undertaken by the department during the development of the legislation (such as consultation undertaken, advice received from external reviewers, and any other testing or assessment undertaken), and
- any provisions of the proposed legislation considered to be significant, unusual, or deserving of special comment.

Disclosure Statements are required for all Government Bills except:

- Imprest Supply and Appropriation Bills;
- Statutes Amendment Bills;
- Regulatory Reform (Repeal) Bills;
- Subordinate Legislation (Confirmation and Validation) Bills; and

- Revision Bills (a new vehicle created by the Legislation Act 2012).

Consistency with the New Zealand Bill of Rights Act 1990

Disclosure statements must set out whether advice has been provided to the Attorney-General on whether the any provisions of the Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1993 (the Bill of Rights Act).

The Bill of Rights Act is designed to affirm, protect and promote human rights and fundamental freedoms in New Zealand, and to affirm New Zealand's commitment to the International Covenant on Civil and Political Rights.

The Attorney-General has a statutory duty to advise the House if any provision of a Bill appears to be inconsistent with any of the rights and freedoms affirmed in the Bill of Rights Act. In the case of a government Bill, this must be done on the Bill's introduction to the House.

In practice the Ministry of Justice (or Crown Law in the case of Bills in the name of a Justice Minister) provides advice to the Attorney-General about the consistency of all Bills with the Bill of Rights Act.

COMPLIANCE WITH THE TREATY OF WAITANGI

Mechanisms for ensuring the compatibility of laws with the Treaty of Waitangi.

NEW ZEALAND'S POSITION

The Treaty of Waitangi, or Te Tiriti o Waitangi in Māori, has significant constitutional importance for New Zealand and is part of the fabric of New Zealand society. The Treaty establishes and guides the relationship between the Crown in New Zealand (embodied by our Government) and Māori. The Government is committed to honouring Te Tiriti o Waitangi as the country's founding document.

About 30 Acts explicitly require decision-makers to have regard to the Treaty. Legislation has been passed to give effect to settlements made between the Crown and Māori. These laws outline how historic actions by the Crown were inconsistent with the Treaty, and how the settlements aim to provide redress.

All government legislation is expected to comply with the Treaty. Since August 2013, disclosure statements accompanying proposed legislation are required to set out the steps taken to determine whether that legislation is consistent with the Treaty. The Cabinet Manual also requires government policy proposals to consider any implications for constitutional principles (including consistency with the Treaty).

The Courts have held that the Treaty is part of the context in which legislation is interpreted. This means the Treaty could affect the interpretation of an Act whether or not it is referred to directly.

The Waitangi Tribunal provides another avenue for monitoring Treaty compliance. The Tribunal is a specialist inquiry body charged with inquiring into and reporting on claims that government actions or inactions have breached the terms or underlying principles of the Treaty. The Government receives the Tribunal's reports and recommendations.

The Crown/Māori relationship

The Crown accepts that excessive land loss (as well as a wide range of treaty breaches like the loss of autonomy and control of and access to resources) has harmed Māori social, cultural, environmental and economic development.

These historical events form the basis of the claims that the Crown and Māori negotiate to settle. Restoration of the Crown/Māori relationship is one of the Crown's Treaty settlement negotiating principles.

In October 2017, the Government established a new, Crown/Māori Relations portfolio aimed at strengthening the Crown/Māori relationship in a post-Treaty settlement era. The Minister for Crown/Māori Relations, Hon Kelvin Davis, is supported by the Crown/Māori Relations Group in

the Ministry of Justice. The portfolio provides a new opportunity to oversee the relationship and ensure a coordinated approach across government departments.

In a post-settlement environment, Māori expect a renewed relationship with the Crown at all levels. The Government must collectively respond to this challenge.

A focus of the Crown/Māori Relations portfolio is to maintain trust and confidence by ensuring that the Crown honours the agreements reached in settlement negotiations. But more importantly it will move the relationship beyond the negotiating table to true partnership in commercial, social and cultural opportunities to the benefit of New Zealand and expand the relationship beyond the groupings used to settle historical claims.

Mana Wāhine Kaupapa Inquiry

The Tribunal is about to start an inquiry into a number of claims alleging prejudice to Māori women arising from Crown Treaty breaches, both historical and contemporary, known as the Mana Wāhine Kaupapa (thematic) Inquiry. The claims allege the Crown has failed to protect the rangatiratanga (status and self-determination) of Māori women and their right to non-discrimination on grounds of their gender, with serious prejudicial consequences for their social, economic, cultural and spiritual well-being and their access to leadership roles.

The Mana Wāhine Inquiry is one of several kaupapa inquiries underway or planned. In each case the different parties – claimants, the Waitangi Tribunal and the Crown – are exploring ways to work more collaboratively to resolve often long-standing issues together rather than the adversarial approaches of many past inquiries. Such approaches should lead to better solutions and a stronger relationship between Māori and the Crown, as well as model better engagement practices for mainstream work programmes.

Health Services and Outcomes Kaupapa Inquiry

The Waitangi Tribunal is conducting a thematic inquiry into Treaty grievances related to health services and health outcome for Māori.

Claimants, the Tribunal and the Crown are taking a collaborative approach to the inquiry, jointly working to identify and frame the issues and the evidence, and to identify possible solutions.

The inquiry is being conducted in stages according to priorities. Stage one is being held in 2018 and is looking into aspects of primary health care. Priorities for stage two have not yet been confirmed but are likely to include mental health (including suicide and self-harm), alcohol and substance abuse, and Māori with disabilities.

Tuia-Encounters 250

Next year, New Zealand will mark 250 years since the first onshore meetings between Māori and Europeans in Aotearoa New Zealand, during James Cook and the Endeavour's 1769 voyage. The Tuia-Encounters 250 commemorations will draw out the stories of our different ancestors,

promoting the exceptional skill, innovation and courage of our Pacific and other ancestors, and the feats that brought us together into a nation. It is also an opportunity to discuss the kind of nation we want for the future.

BACKGROUND

The Principles of the Treaty (as articulated by the Courts)

Since 1987, the Courts have articulated the principles of the Treaty. The key principles are partnership, active protection and redress.

- The Partnership principle means the Crown and Māori have a duty to act reasonably, honourably and in good faith. The Courts have stated that the relationship is “akin to a partnership” but does not necessarily entail equality.
- The Active Protection principle means the government has an active duty to protect the interest of Māori. The extent of the obligation depends on specific circumstances of the case.
- The Redress principle means government has a duty to take active and positive steps to redress Treaty breaches and to provide fair and reasonable recognition and recompense for wrongdoing.

Waitangi Tribunal kaupapa inquiries

In April 2015, the Waitangi Tribunal announced its kaupapa (thematic) inquiry programme concerning nationally significant claims affecting Māori, which have not previously been fully heard, reported on or settled. The programme includes inquiries into the constitution, self-government and the electoral system; Māori military veterans; health services and outcomes; education services; natural resources and environmental management; social services; mana wāhine; economic development and the justice system. In practice, in addition to hearing specific claims, the inquiries are likely to be a Tribunal-led review of government policy settings for consistency with Treaty principles.

Ongoing conversation about the constitutional status of the Treaty

The constitutional status of the Treaty continues to be the subject of much public discussion in New Zealand. An independent Constitutional Advisory Panel was appointed in 2010 to consider constitutional issues, including the status of the Treaty of Waitangi in domestic law. The Panel heard a range of views at over 100 meetings, and received over 5000 written submission from groups and individuals.

The Panel reported to Government in December 2013. It recommended continuing the conversation about the place of the Treaty in our constitutional arrangements, as has occurred over the past few decades.

A report by Matike Mai Aotearoa, an Independent Iwi Working Group on Constitutional Transformation established by Iwi Leaders in 2010, involved four years of work and over 250 hui (meetings) involving thousands of people. The report was released in 2016 and argues for constitutional transformation that would fundamentally shift New Zealand away from 170 years of colonisation to a society governed in accordance with the Treaty of Waitangi, rather than incorporating the Treaty of Waitangi into a constitution. The report finds that those involved want a written constitution, and a different system based on the Treaty. The Report does not represent a government position.

Role of the Post Settlement Commitments Unit

The Post Settlement Commitments Unit is part of the Crown/Māori Relations Group at the Ministry of Justice. The Unit works alongside the rest of the Crown, local government and settled Māori groups to safeguard the durability of historical Treaty settlements, ensure the gains made to Crown-Māori relationships through Treaty settlements are maintained and built upon, and ensure enduring Crown/Māori relations.

The Unit was established in 2013 to maintain an overview across departments of the Crown's progress towards meeting historical Treaty settlement commitments. This involves assisting coordination across a wide range of departments responsible for implementing commitments and acting as an initial point for enquiries on post-settlement matters.

The scale of the PSCU's work grows as more settlements are reached. As more Māori groups move into a post-settlement space the Crown will need to ensure its relationships with settled Māori groups remain alive to, and focussed on current and emerging issues and opportunities. It will also be critical that the Crown is able to participate in, and lead, these relationships with integrity. By doing so the Crown will ensure the durability of Treaty settlements alongside maintaining and enhancing meaningful relationships with its Treaty partner.

To that end, as well as working to ensure settlement commitments are met, the PSCU is focussed on assisting the Crown to deal with emerging issues related to the Crown-Māori relationship. Policy development across Government can directly impact Treaty settlement commitments or Crown-Māori relationships. The PSCU aims to support the Crown as it navigates the post-settlement environment.

UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES (UNDRIP)

Alignment between CEDAW and UNDRIP provisions relating to indigenous women

NEW ZEALAND'S POSITION

Māori women's outcomes have greatly improved over recent years; however we recognise significant challenges remain. This government is committed to lifting wellbeing and exploring innovative partnerships with Māori women to meet these challenges. Partnership, participation and protection are key principles underpinning the relationship between Māori and the Crown under the Treaty of Waitangi.

Current situation

UNDRIP includes the right for indigenous women to improve their economic conditions without discrimination, including in the areas of education, employment, housing, health, social security and safety. There have been significant improvements in most of these areas, with the possible exception of violence. Substantial progress is still needed, however, across these areas, particularly violence.

Challenges

Outcomes for women reflect the cumulative impact of complex and long-standing issues including structural bias. New approaches need to be developed in partnership with Māori women.

In its June 2018 report to the UN, the Independent Monitoring Mechanism (an iwi group that monitors New Zealand's implementation of UNDRIP) highlights the need for the New Zealand government to:

- support Māori women's leadership in addressing the discrimination and disparities experienced by Māori women
- uphold and support the Mana Wāhine Waitangi Tribunal kaupapa inquiry.

Government response

The rights and aspirations in UNDRIP and the issues highlighted by the Independent Monitoring Mechanism are consistent with the Government's priorities for women and for Māori.

The Government has established a new Crown Māori Relations ministerial portfolio which is focussed on developing stronger partnerships with Māori. This complements the Māori Development ministerial portfolio which is taking a whanau-centric and strengths-based approach to Māori development.

The Crown is working with claimants and the Waitangi Tribunal to explore more collaborative approaches to Waitangi Tribunal kaupapa inquiries, including for the Mana Wāhine Inquiry. The expectation is that working together should lead to better solutions and a stronger relationship between Māori and the Crown, as well as model better engagement practices for mainstream work programmes.

BACKGROUND

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

UNDRIP recognises the rights of indigenous people to, among other things, self-determination, to maintain their own languages and cultures, to protect their natural and cultural heritage and manage their own affairs.

Articles 21 and 22 of the Declaration make specific reference to the rights of indigenous women:

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

UNDRIP was adopted by the United Nations in 2007 and endorsed by New Zealand in 2010 as expressing existing rights and new aspirations, that will be considered in New Zealand within the current legal and constitutional frameworks of New Zealand including Te Tiriti o Waitangi. It is not legally enforceable.

The Expert Mechanism on the Rights of Indigenous Issues (EMRIP) is a UN forum that meets annually and provides the Human Rights Council with expertise and advice on the rights of indigenous peoples. In 2016, its mandate was updated to directly address matters on UNDRIP, and provide advice to states on implementation. The theme for 2018 is a study and advice on free, prior and informed consent (FPIC).

Independent Monitoring Mechanism

The Independent Monitoring Mechanism is a working group created by Māori in 2014 and is independent of government. Its objective is to promote and monitor the implementation of UNDRIP within New Zealand.

The Independent Monitoring Mechanism has provided its June 2018 Report to EMRIP, meeting in Geneva from 9-13 July 2018, and which TPK is attending. The Independent Monitoring Mechanism is expected to give their report to the CEDAW committee as well. A representative of the Independent Monitoring Mechanism may sit in on the CEDAW examination.

Recommendation 12 of their June 2018 Report relates specifically to Māori Women:

Recommendation 12:

- a. That the government enables Māori women's participation and leadership to address the discrimination and disparities experienced by Māori women, and
- b. Recognises and upholds Mana Wāhine, including by supporting the Waitangi Tribunal's Kaupapa Inquiry and committing to implement its recommendations.

The group's monitoring framework has 7 priorities:

1. An overarching priority of constitutional transformation
2. An overarching priority of Climate Crisis
3. Self-determination, underpinned by participation in decision-making and free, prior and informed consent
4. Lands, territories and resources
5. Cultural rights
6. Equality and non-discrimination
7. Practical implementation of the Declaration and technical assistance.

Members are selected by their iwi and endorsed by the national Iwi Chairs Forum¹ to act as independent experts and are supported by technical advisors. The group has a formal relationship with Te Puni Kōkiri for the purposes of EMRIP 2018, and received government funding to support its work this year.

The Government's priorities for women

These reflect areas where further work is needed and are inclusive of Māori women. Current priorities are:

- valuing women's contribution (including pay equity and unpaid work)
- increasing women's representation in leadership
- ensuring women and girls are free from violence, and
- more women in education and training.

Government priorities for Māori

The government is committed to a strong, ongoing and healthy relationship with Māori as New Zealand moves to a post-historical Treaty of Waitangi claims settlement environment. The government is undertaking initiatives across sectors that aim to strengthen the Crown/Māori relationship and accountabilities for Māori, and identify opportunities for better outcomes.

This Government will:

- work with Māori in pursuit of their aspirations for sustainable economic development, better health, better housing, and better education for their rangatahi

- under Māori development, focus on papakāinga housing, development of Māori land, and providing training opportunities and support to rangatahi who are not in education, employment or training
- the teaching of te reo Māori in schools and a continuous focus on raising achievement for Māori and Pasifika learners,

This work is supported by the new Minister for Crown/Māori Relations, whose priority areas for the next three years are to:

- take the lead on resetting Crown/Māori relationships on hard issues;
- find opportunities for active partnerships between the Crown and Māori;
- measure how healthy the Crown/Māori relationship is over time to drive accountability;
- help government to better engage with Māori on matters of importance;
- support Māori capability and capacity to deal with government;
- lift public sector performance to better respond to Māori issues; and
- develop a way to deal with contemporary Treaty claims;

The proposed intent and values for the Crown/Māori relationship have also been tested in an engagement process with Māori on the scope of the Crown/Māori Relations portfolio.

Mana Wāhine Kaupapa Inquiry

The Mana Wāhine Inquiry is one of several kaupapa (thematic) inquiries underway or planned by the Waitangi Tribunal. In each case, the different parties – claimants, the Waitangi Tribunal and the Crown – are exploring ways to work more collaboratively to resolve often long-standing issues together rather than the adversarial approaches of many past inquiries. Such approaches should lead to better solutions and a stronger relationship between Māori and the Crown, as well as model better engagement practices for mainstream work programmes.

The Mana Wāhine inquiry will investigate claims that the Crown has failed to protect the rangatiratanga of Māori women and their right to non-discrimination on grounds of gender, with serious prejudicial consequences for their social, economic, cultural and spiritual well-being and their access to leadership roles. It is expected to start in the next few months.

The Ministry for Women is the provisional lead government agency responsible for coordinating the Crown's participation in the inquiry.

NATIONAL PLAN OF ACTION

Progress of the National Plan of Action for the Protection and Promotion of Human Rights.

NEW ZEALAND'S POSITION

New Zealand's National Plan of Action for the Promotion of Human Rights is an online interactive tool developed by the Human Rights Commission. The current action plan sets out 100 government actions to address 121 accepted UPR recommendations. Thirty-three of these recommendations relate specifically to women

Current Situation

New Zealand's National Plan of Action monitors progress in achieving the recommendations from New Zealand's Universal Periodic Review (UPR), which last took place in 2014.

The online interactive tool allows the public to explore Government actions in relation to these recommendations. It aims to make explicit what the Government is doing to address human rights in New Zealand.

Government Response

Government agencies update the actions addressing the recommendations annually. These actions are assessed by the Human Rights Commission to ensure the action is specific, measurable, assignable, results-focused, and time-bound.

The National Plan of Action has recently been updated to include recommendations from treaty bodies including CEDAW and to incorporate the Sustainable Development Goals. Currently there are no associated actions linked to CEDAW recommendations, however the Commission will work with agencies to identify actions that link to the Committee's recommendations.

The National Plan of Action received 15,672 hits for the year of January to December 2017. It is widely used by both civil society and Government.

The Human Rights Commission has been working with the Samoan Ombudsman and National Human Rights Institution to help develop their own national monitoring and reporting tool.

HUMAN RIGHTS REVIEW TRIBUNAL

Government efforts to address the increasing demand on the Human Rights Review Tribunal.

NEW ZEALAND POSITION

The Human Rights Review Tribunal is an independent judicial body that hears claims relating to breaches of the Human Rights Act 1993; the Privacy Act 1993; and the Health and Disability Commissioner Act 1994. The Tribunal is administered by the Ministry of Justice and is completely separate from the Human Rights Commission, Privacy Commissioner, and Health and Disability Commissioner.

Current situation

The caseload of the Human Rights Review Tribunal has increased markedly over the last few years, and delays in reaching hearings and tribunal decisions have also significantly increased.

It has been reported that some claimants have waited up to two years for a hearing and another three years for a tribunal decision.

25 women filed a claim (out of 70 in total) in 2017. The Tribunal hears claims relating to breaches of the Human Rights Act 1993, Privacy Act 1993 and the Health and Disability Commissioner Act 1994. Claims could relate to discrimination, sexual harassment and racial harassment, privacy principles, and the Code of Health and Disability Services Consumers' Rights.

Challenges

The Tribunal has experienced an unprecedented increase in new cases in the last few years. As more people are becoming aware of their human rights and their rights to privacy, they are also gaining awareness of their ability to litigate these issues.

This delay can also be attributed to growing complexity and an increase in the number of people representing themselves, making hearings more time-consuming. The law requires the tribunal chairperson to preside over every case and conduct every initial teleconference. The chairperson traditionally writes all decisions.

The judicial resourcing of the Tribunal has not kept pace with this increase in demand. Under the Human Rights Act 1993, two chairpersons can be appointed to the Tribunal. A second chairperson was appointed for the first time in August 2017.

The Chair of the Tribunal (Roger Haines QC) considers that these issues could be resolved by enabling deputy chairs to be appointed to assist with the workload.

Government response

The Government is currently taking two bills through Parliament to modernise the work of a number of courts and tribunals, including the Human Rights Review Tribunal. These bills will authorise the appointment of deputy chairs and go some way towards modernising the operation of the Tribunal.

In addition to the changes proposed in the Bills currently before Parliament, Government is actively considering other ways to address the issues being faced by the Tribunal including increasing funding. The Government has extended the co-chairperson's term to 31 December 2019. If the bills are enacted, the second chairperson would be 'phased out' when the term of a current Chairperson expired.

BACKGROUND

The Tribunal hears claims relating to breaches of the Human Rights Act 1993, Privacy Act 1993 and the Health and Disability Commissioner Act 1994. Claims could relate to discrimination, sexual harassment and racial harassment, privacy principles, and the Code of Health and Disability Services Consumers' Rights.

Rodger Haines QC was the only chairperson of the Tribunal between July 2011 and August 2017. However, in August 2017, Martha Roche was appointed as the second chairperson (and has recently been reappointed until 31 December 2019) to help reduce the growing backlog of cases.

The Ministry of Justice provides administrative and case management support to the Tribunal.

How many women have taken a case to the Human Rights Review Tribunal?

These cases are not necessarily related to gender discrimination, or solely related to human rights violations (i.e. this jurisdiction also covers privacy, health and disability as well).

- 47 women filed a claim (out of 81 in total) in 2015.
- 37 women filed a claim (out of 93 in total) in 2016.
- 25 women filed a claim (out of 70 in total) in 2017.

How much does it cost to take a claim?

The Human Rights Review Tribunal does not charge any filing or hearing fees. If claimants engage a lawyer this would likely cost the claimant, however the Tribunal does not hold any record of legal representation costs.

REVIEW OF THE NEW ZEALAND HUMAN RIGHTS COMMISSION

Government plans to address concerns about the handling of allegations of sexual harassment at the New Zealand Human Rights Commission. (See *Discrimination, Bullying and Sexual Harassment Q+A*)

NEW ZEALAND'S POSITION

The Human Rights Commission was set up in 1977 and works under the Human Rights Act 1993. Its purpose is to promote and protect the human rights of all people in New Zealand.

Current situation

There was public concern about the handling of allegations of sexual harassment at the New Zealand Human Rights Commission.

Government response

In February 2018, the Minister of Justice ordered an independent review of the procedures and organisational culture at the New Zealand Human Rights Commission. The review was in response to concerns about the Commission's handling of allegations of sexual harassment. It is vital that New Zealanders have trust and confidence in the Commission as New Zealand's authority for dealing with complaints about sexual harassment.

Retired Employment Court Judge Coral Shaw led the review, which focused on:

- the systems and processes for investigating and resolving sexual harassment claims;
- whether the Commission's governance and management structures adequately support the prudent handling of sexual harassment claims; and
- the organisational culture of the Commission.

The review was completed in May 2018. Judge Shaw found that sexual harassment occurred within the Commission but was not prevalent or endemic. However she also found that the Dignity at Work policy used to investigate the incident that occurred in October 2017 was aged and outdated. Judge Shaw found the Commission is not an exemplar in its systems and processes for investigating and resolving sexual harassment, and there is room for improvement. Judge Shaw also found problems stemming from the dysfunctional relationships between some of the Commissioners.

The Commission has made changes to improve its systems and processes for dealing with sexual harassment complaints by adopting a new policy for preventing and responding to sexual

harassment. However, Judge Shaw found that was formulated without full consultation with the Commission employees. Judge Shaw recommended the Commission revisit the new policy to enable full consultation with all current personnel in compliance with the Health and Safety at Work Act 2015. The Commission has publicly stated it accepts all of the report's recommendations and is already actioning some of them including efforts to improve workplace culture.

The Chief Human Rights Commissioner, Equal Employment Opportunities Commissioner and Race Relations Commissioner's terms have expired and they have not sought reappointment. Judge Shaw recommended the Minister of Justice commence the recruitment process without undue delay. The Government accepted this recommendation and has commenced the recruitment process for new Commissioners as a matter of priority.

MECHANISMS FOR DISAGGREGATED DATA COLLECTION

Mechanisms for disaggregated data collection, sharing and analysis.

NEW ZEALAND'S POSITION

New Zealand has a world leading Integrated Data Infrastructure and is committed to developing an enduring and comprehensive measurement framework anchored in a wide conception of wellbeing and sustainable development to better measure progress and wellbeing of its population and, in this context, women.

Current situation

A number of, but not all, population breakdowns – including gender – are listed in New Zealand's set of Tier 1 statistics. The Tier 1 list will include statistics about the composition of New Zealand's population and sub-populations: Māori and Pacific peoples, woman, youth, people with disabilities and ethnic groups. The Government Statistician will work with producer agencies and population agencies to agree levels of disaggregation. This will enable analysis by, for example, ethnicity, gender, age and geographic location. The Ministry for Women is consulted on all new surveys or survey redevelopments and advises on data needs about women, particularly at the disaggregated level.

The Integrated Data Infrastructure can provide a full range of disaggregated population data. This data is regularly updated and allows the Government to accurately monitor the progress of women on an ongoing basis.

Challenges

While there is a high level of gender reporting in New Zealand official statistics, occasionally gender breakdowns are not undertaken or reported or, more commonly, are not undertaken with additional breakdowns, for example by ethnicity, family type, disability, gender identity, age or region. Reasons for this include statistical robustness (due to high sample error) and the need to preserve individual confidentiality and privacy, and a lack of specialist analytical skills and demographic and social knowledge.

Over the past few years, there has been some concern, particularly from NGO's, about privacy and the inappropriate use of private information. For example, data collected on people who attend certain courses or services (i.e. women's refuge, rape crisis) was collected by government to ascertain the success rates of such services or courses. The unintended consequence was that this has created some mistrust in the government's data collection practices.

Government response

The Government has committed to bettering its ability to track progress in improving the wellbeing of its population groups in a transparent and comprehensive way anchored in a wide conception of wellbeing and sustainable development which enables the wider public to hold us to account for our actions

It will inform domain level reporting through the provision of key indicators. The framework will also support New Zealand's measurement of progress against the 2030 Agenda Sustainable Development Goals and treaty body reporting.

The framework will build on international best practice and will be tailored to the New Zealand context, drawing on public consultation during the process. Next steps include review and refinement of the topics and selection of the indicators, which will be completed by November 2018. The ability to be able to break down indicators by geography and population subgroups is a technical criterion for selection

BACKGROUND

Why data is not always disaggregated by gender

While there is a high level of gender reporting in New Zealand in official statistics, occasionally gender breakdowns are not undertaken or, more commonly, are not undertaken with additional breakdowns, for example by ethnicity, family type, age or region. Reasons for this include:

- Sample error and privacy – As Māori (15%) and Pacific (7%) are a small proportion of the New Zealand population, estimates from sample surveys can contain considerable sampling error and the need to preserve privacy of individual and the confidentiality of their data. This means further breakdowns are not produced.
- Specialist analytical skills are prioritised over demographic and social knowledge - New Zealand has been going through a period of information growth as large sets of data are integrated. The skills required for this type of work are those used in 'Big Data' and tend to come from IT backgrounds. Nevertheless some agencies have shown early leadership producing disaggregated information such as the Treasury Analytics and Insights team.

How the Government ensures that data is disaggregated by gender

New Zealand has a set of Tier 1 statistics. A number of population breakdowns are listed including gender.

The Ministry for Women is consulted on all new surveys or survey redevelopments and advises on data needs about women, particularly at the disaggregated level. The Ministry has also taken part in demonstration projects to highlight the benefits of the Integrated Data Infrastructure for understanding the position of New Zealand women and girls.

Statistics New Zealand has been investigating new methods to overcome small population issues. These methods have so far been applied to population estimates and iwi (tribal) data. In time they have potential to benefit other small populations.

New Zealand universities have responded to increased demand for integrated data analytical capacity. Massey University has introduced a Masters of Analytics in Auckland and a Masters in Health Analytics in Wellington.

Disaggregation of rural data

The Population Census is a primary source of regional gendered data. Statistics New Zealand takes the Census every 5 years to ensure timeliness. The 2013 Census has been added to the Integrated Data Infrastructure which extends its usefulness. For instance Census data provides family data to the Integrated Data Infrastructure which is not often collected in other administrative datasets. A new Census was undertaken in 2018.

The Integrated Data Infrastructure presents a rich opportunity for more detailed geographical information. The Ministry for Women undertook a demonstration project with Statistics New Zealand and a regional NGO (Methodist Mission Southern) mapping long term NEETs (Not in Employment, Education or Training) using administrative data from school enrolments, births, income tax and benefits etc. It showed that young mothers made up more than one third of long term NEETs in rural areas.

The use of disaggregated data

We aim to have a gender lens on all priority areas broken down by key diversity groups. New Zealand data captures both gender and ethnicity. The Ministry for Women generates and contributes to substantial research into New Zealand women using gendered analytics.

- Analysis (corroborated by qualitative work) demonstrated that NEET young mothers have high rates of unemployment over time (regardless of policy changes). Further investigation using the Integrated Data Infrastructure revealed the skill levels and locations of young mothers and influenced a tailored targeting of the He Poutama Rangatahi programme.
- Research on *Empirical evidence of the gender pay gap in New Zealand* has been used to promote workplace initiatives raising awareness of unexplained bias in operation contributing to inequity in pay. (See *Gender Pay Gap Q+A*)
- The report *Parenthood and labour market outcomes*, is an initial exploration of what we can learn about the drivers of the gender pay gap in New Zealand from combining administrative wage data, birth records, and survey data on hours worked and earnings. The particular focus is the role of parenthood penalties in this pay gap. (See *Gender Pay Gap Q+A*)

Integrated Data Infrastructure

The Integrated Data Infrastructure is a large research database containing microdata about people and households. Data is from a range of government agencies, Statistics NZ surveys including the 2013 Census, and non-government organisations. The Integrated Data Infrastructure holds over 166 billion facts, taking up 1.22 terabytes of space – and is continually growing. Researchers use the Integrated Data Infrastructure to answer complex questions to improve outcomes for New Zealanders.

Protection of data privacy

Current Settings

The Privacy Act is the main mechanism across government and the private sector. It sets out principles for the collection, storage and disclosure of personal information. For instance agencies can't keep information longer than they have use for it and data must be used only for purposes for which it was intended. The Act limits creating unique identifiers at the personal level. All organisations are required to have a privacy officer to deal with privacy issues. A Privacy Commissioner provides ongoing advice and education about privacy and investigates complaints.

Note: The Act has been criticised because it can't override other Acts (e.g. Statistics Act, Education Act)

New Zealand maintains Ethics committees which oversee university and health research in particular.

Statistics New Zealand oversees access to New Zealand's main integrated data sources. It takes a 'five safes' approach which encompass people, projects, settings, data and output.

The future

New Zealand is actively consulting of New Zealanders attitudes to and threshold for data use. This includes a review of the Privacy Act, Statistics Act and Security reviews of, for instance, the Integrated Data Infrastructure.

SUSTAINABLE DEVELOPMENT GOALS

New Zealand's plan to achieve the Sustainable Development Goals (SDGs).

NEW ZEALAND'S POSITION

New Zealand is committed to the 2030 Agenda for Sustainable Development and the SDGs, including the principles underpinning Goal 5, and is focused on improving the wellbeing of New Zealanders through environmentally sustainable and inclusive growth.

Current situation

New Zealand recognises that achieving the SDGs will require a cross-Government effort. An interagency process has been established to consider how the SDGs apply domestically.

The Government has not yet issued a report on progress against the SDG goals, but plans to do so in July 2019.

Challenges

New Zealand is overall tracking well to achieve Goal 5-Gender Equality in all areas except violence against women.

Civil society have indicated that they are keen to engage with Government on its progress towards achieving the goals set out in the 2030 Agenda, however, an engagement process has not yet been established.

Government response

The Government has committed to develop an enduring and comprehensive measurement framework, 'The Treasury Living Standards Framework' anchored in a wide conception of wellbeing and sustainable development. At the heart of this work is an ambitious plan to measure how we are tracking as a country, in an independent and transparent way, which enables the wider public to hold us to account for our actions. The measurement framework which is being developed will inform domestic policy frameworks, as well as international reporting including the SDGs.

The process for reporting on the SDGs is currently being planned and development of the report will include a public consultation process.

BACKGROUND

New Zealand adopted the 2030 Agenda for Sustainable Development at a global summit in September 2015. It sets out 17 Goals and 169 targets to be achieved by 2030. These measures cover the three dimensions of sustainable development: economic, social and environmental sustainability.

Although the SDGs are not legally binding, countries are expected to work towards achieving relevant SDGs domestically and to support overall achievement through their positions on global policy issues such as trade, tax and climate change and, in the case of developed countries, through their development cooperation programmes. The intention is that countries will use their own domestic processes to apply the SDG framework and report voluntarily on progress with implementation.

The Sustainable Development Goals

- | | |
|----------|--|
| Goal 1. | End poverty in all its forms everywhere |
| Goal 2. | End hunger, achieve food security and improved nutrition and promote sustainable agriculture |
| Goal 3. | Ensure healthy lives and promote well-being for all at all ages |
| Goal 4. | Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all |
| Goal 5. | Achieve gender equality and empower all women and girls |
| Goal 6. | Ensure availability and sustainable management of water and sanitation for all |
| Goal 7. | Ensure access to affordable, reliable, sustainable and modern energy for all |
| Goal 8. | Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all |
| Goal 9. | Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation |
| Goal 10. | Reduce inequality within and among countries |
| Goal 11. | Make cities and human settlements inclusive, safe, resilient and sustainable |
| Goal 12. | Ensure sustainable consumption and production patterns |
| Goal 13. | Take urgent action to combat climate change and its impacts* |

- Goal 14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development
- Goal 15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
- Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
- Goal 17. Strengthen the means of implementation and revitalize the global partnership for sustainable development

The Government's commitment to measuring New Zealand's progress aligns with the 2030 Agenda Sustainable Development Goals, and the measurement framework will be instrumental in tracking progress against the SDGs.

While Goal 5 specifically addresses gender equality and the empowerment of women and girls, the Government is committed to progressing all of the Goals in a way that ensures effective sustainable development for women and girls.

The Government's priorities for women reflect the principles underpinning Goal 5. (See *Government Priorities Q+A*)

GOVERNMENT PRIORITIES FOR WOMEN

The Government's priorities for women.

NEW ZEALAND'S POSITION

The Government's priorities for women reflect the areas where more work is needed, and where the biggest difference can be made:

- valuing women's contribution
- increasing women's representation in leadership
- ensuring women and girls are free from violence, and
- more women in STEM education and trades training.

Current situation

The Ministry for Women is the Government's principal advisor on achieving better outcomes for women. Its funding for the year 2017-2018 was \$5.208 million. In 2015-2016, the Ministry funding increased by \$500,000.

Challenges

The Government recognises that New Zealand women are diverse: their experiences, needs and priorities are not all the same. Some groups of women, particularly Māori and Pacific women, migrant and refugee women, women with disabilities, and women from the LGBTQI+ community, continue to have poorer outcomes relative to other groups.

Government response

The Government is committed to increasing gender equality and advancing the rights of women and girls in all their diversity.

BACKGROUND

Commitment to wellbeing

The Government is committed to the wellbeing of New Zealanders and creating a fair society. This means lifting families out of poverty and building meaningful relationships between Māori and the Crown.

The Government has established a Crown/Māori relations portfolio to foster a more constructive relationship between the Crown and Māori in order to improve the way government departments engage with Māori and respond to Māori issues.

Next year the Government will be the first in the world to deliver a “Wellbeing Budget” which will report our progress against a range of measures that highlight the health and wellbeing of our people, our environment and our community.

Poverty and welfare reform

The government is going to overhaul the welfare system to make sure that it is accessible and fair for all New Zealanders and ensures the whole system is working effectively and compassionately. The Government has established a Welfare Expert Advisory Group to support this overhaul. Members come from a diverse range of backgrounds and experience, including but not limited to Māori, Pacific, persons with disabilities, and young people. There are 11 members, of whom 6 are women and 4 are Māori.

Closing the gender pay gap and addressing pay equity

(See *Gender Pay Gap* and *Pay Equity* Q+As)

The Government has a strong commitment to closing the gender pay gap. Closing the gender pay gap and addressing pay equity are important steps towards women’s full economic empowerment. In September 2017, New Zealand’s gender pay gap was 9.4%. This gap has been trending downwards, albeit slowly.

The Government has initiated work in three areas:

- closing the gender pay gap within the core public service (currently 12.5%), with substantial progress within this Parliamentary term;
- supporting employers action to close the gender pay gap, including issuing a guide for employers; and
- building and promoting evidence on the gender pay gap, including analysis of its causes.

Our public service will lead by example with a diversity and inclusion work programme. A key priority is identifying and closing gender and ethnic pay gaps, with significant emphasis on transparency and normalising flexible workplaces.

We will continue to raise the minimum wage by a third by 2021. This will benefit over 164,000 Kiwi workers, Over 60% whom are women in low-skilled work.

A landmark New Zealand Court of Appeal decision in 2014 determined that our equal pay legislation includes equal pay for work of equal value. A \$2 billion pay settlement in 2017 resulted in a pay-rise for more than 55,000 low paid mainly female care and support workers. The Government has recently agreed to negotiate with unions and employers towards extending that settlement to include mental health and addiction support workers.

The Government has worked with representatives of employers and employees to develop principles to guide pay equity settlements, as well as new legislation.

The Government has also introduced a suite of amendments to employment relations legislation that will bring greater fairness to the workplace. These changes will increase protections for workers, especially vulnerable workers, and strengthen the role of collective bargaining in the workplace to ensure fair wages and conditions.

These changes will help form the strong foundation needed for improving fairness in the workplace for women.

Encouraging and developing women leaders

(See *Women in Leadership* Q+A)

The Government recognises the important contribution of women in leadership, whether that be heading large companies, community groups, school boards, local marae, or heading the Government itself.

Women now make up 45.7% of state sector boards and committees and also hold almost 48% of senior public service leadership positions. Women make up 40% of the Members of Parliament – the highest level ever – with 13 of them being Māori women. We also have women in the roles of Prime Minister, Governor-General and Chief Justice.

While there has been great progress, we know that large proportions of talented women drop out, or stall below senior management and top leadership positions, and the private sector are significantly lagging behind.

This Government is:

- working with private and state sector organisations to grow the pathway of women into leadership roles;
- creating an environment where key decision-makers understand the importance of appointing women and actively seek out suitably qualified women candidates; and
- supporting emerging women leaders to develop their skills and talents and realise their leadership potential.

Ensuring women and girls are free from violence

We are taking steps to ensure women and girls are free from violence. Family and sexual violence are linked to many of the most destructive and apparently intractable social issues facing New Zealand.

Family violence is the largest driver of violent crime in New Zealand. Current data shows that one in three women experience physical, emotional and or sexual violence from a partner in their lifetime – twice the rate for men. Women are more likely to be killed. Women living with a disability, young women, Māori women, queer and trans women experience higher rates of violence but are also more likely to be re-traumatised by our current systems.

The current system is failing to prevent violence and the needs of women and girls are not being met by a fragmented response system. We know that organisations that support women are really stretched to meet the demands on them. This Government will transform the system through:

- the passage of new Family violence legislation and responding to Law Commission recommendations on sexual violence in this term
- a national strategy for the prevention of family and sexual violence
- an investment strategy for sexual violence and family violence services
- dedicated roles in Government, including a dedicated agent; and
- improved data.

The Government has recently put \$76 million into frontline services to ensure women trying to escape a violent situation can access the support they need, where and when they need it.

Work is also underway to ensure that when women report sexual violence to the Police, and participate in a criminal prosecution, the criminal justice system does not compound the harm they have already suffered.

The Government is committed to the development of kaupapa Māori that provide for the specific needs of wāhine Māori and includes participation of whānau, hapū, iwi and the wider community.

We also recognise the importance of fully engaging men and boys to take an active part in addressing gender-based violence.

The Government acknowledges the complexity of the issues; there is no quick fix but we are determined to take action and ensure that our women and girls can thrive and reach their full potential free from violence.

Supporting more women in education and training

More women than men are not in education, employment or training, and Māori and Pasifika women and young mothers are particularly vulnerable to low wage employment and poorer outcomes for themselves and their families.

New Zealand women are gaining qualifications at a higher rate than men but their skills are not being translated into long-term, sustainable careers that offer opportunities for progression. This is partly because they are not studying high-paying, high-growth subjects such as science, technology, engineering, mathematics and construction and entering trades. The Government is encouraging more women into these areas [See *Women in STEM Education Q+A*].

Curious Minds, a Government initiative, has a ten-year goal of encouraging and enabling better engagement with science and technology for all New Zealanders. The initiative specifically profiles women in STEM and aims to inspire teachers and learners and feature women in different career stages, across a range of disciplines.

Access to education is a priority for the Government. From the start of 2018, everyone starting tertiary education, or training for the first time, is eligible for one year of full-time study or the first two years of an apprenticeship without fees. This will be extended to cover the first three years of study from 2024. It's expected that this change will benefit up to 80,000 students in 2018, including up to 6,000 new apprentices and trainees.

Student allowances and living costs loans have also been significantly increased. This policy means that women who have not previously done so, can better afford to participate in tertiary education, gaining the benefits and opportunities of lifelong learning.

International reporting obligations

The Ministry for Women leads the government's international reporting obligations in relation to the status of women. In this role it promotes and protects the interests and well-being of women in international forums, and promotes the development of domestic policy that is consistent with the international responsibilities of New Zealand in relation to the status of women.

MONITORING PROGRESS FOR NEW ZEALAND WOMEN

How the Government monitors progress for women.

NEW ZEALAND'S POSITION

Although there is not a mechanism for monitoring gender equality indicators and Government acknowledges it could do more in this area, the Ministry does monitor gender equality across the Government's priorities for women. Progress on women's well-being and rights is also included in wider social, economic and cultural well-being indicator frameworks such as human rights monitoring mechanisms and the Whānau Ora outcomes monitoring framework. The Government is currently developing a Living Standards framework, which will have specific gender indicators.

Since 2002, all Cabinet papers for the Cabinet Social Wellbeing Committee have been required to include a Gender Impact Statement, which outlines whether or not gender analysis has been undertaken, and whether and to what extent the policy proposal is expected to affect men and women differently.

Current situation

The Ministry for Women provides decision makers with a gender perspective across a range of policy issues. It also publishes an annual report that monitors the implementation of activities in priority areas. Government's priorities for women reflect the areas where more work is needed, and where the biggest difference can be made:

- valuing women's contribution
- increasing women's representation in leadership
- ensuring women and girls are free from violence, and
- more women in STEM education and trades training.

The National Plan of Action for the Protection and Promotion of Human Rights provides an online interactive tool which tracks the Government's progress in implementing Universal Periodic Review recommendations, including the 33 accepted recommendations that relate specifically to women. The tool can be searched by issue, population group or government agency and creates transparency about the Government's actions to improve the human rights of New Zealanders.

Challenges

While there is a high level of gender reporting in New Zealand in official statistics, gender breakdowns are not always undertaken - or, more commonly, are not undertaken with additional breakdowns, for example by ethnicity, family type, age or region.

Government response

Since 2002, all Cabinet papers for the Cabinet Social Wellbeing Committee have been required to include a Gender Impact Statement, which outlines whether or not gender analysis has been undertaken, and whether and to what extent the policy proposal is expected to affect men and women differently. In some cases lack of reporting on gender data has hampered this analysis.

The Ministry for Women provides accessible, evidence-based information to identify emerging trends, inform on the progress towards better outcomes for women and assist other government agencies, private sector organisations and NGOs in their policy development.

BACKGROUND

The Ministry for Women is Government's principal advisor on achieving better outcomes for women in New Zealand. It provides decision makers with a gender perspective across a range of policy issues. The Ministry:

- publishes an annual report that monitors the implementation of activities in priority areas
- regularly carries out a stakeholder survey as part of its performance measures
- is working with other departments to develop a tool that supports them in their gender analysis capability.

National Plan of Action for the Protection and Promotion of Human Rights

The Plan provides an online interactive tool which tracks the Government's progress in implementing Universal Periodic Review recommendations, including the 33 accepted recommendations that relate specifically to women. The tool can be searched by issue, population group or government agency and creates transparency about the Government's actions to improve the human rights of New Zealanders.

Government agencies update the actions addressing the recommendations annually. These actions are assessed by the Human Rights Commission to ensure the action is specific, measurable, assignable, results-focused, and time-bound. The National Plan of Action has recently been updated to include recommendations from treaty bodies and to incorporate the Sustainable Development Goals.

Whānau Ora

Whānau Ora is driven by a focus on seven key outcomes. Whānau wellbeing will be achieved when whānau and families are:

- Self-managing and empowered leaders
- Living healthy lifestyles
- Participating fully in society
- Confidently participating in Te Ao Māori (the Māori world)
- Economically secure and successfully involved in wealth creation
- Cohesive, resilient and nurturing
- Responsible stewards of their living and natural environments.

The Whānau Ora Outcomes Framework continues to set the overarching focus for Whānau Ora and acts as a reference point for whānau wellbeing for iwi, government agencies, and the three Whānau Ora commissioning agencies. (See *Whānau Ora* Q+A).

Living Standards Framework

The Government has committed to develop an enduring and comprehensive measurement framework, 'The Treasury Living Standards Framework' anchored in a wide conception of wellbeing and sustainable development

(See *Sustainable Development Goals* Q+A)

Gender data

Gender data is routinely collected in the NZ census and related surveys as well as much administrative data such as that collected by service providers.

(See *Mechanisms for Disaggregated Data Collection* Q+A)

Gender budgeting

New Zealand does not currently undertake specific gender budgeting. New Zealand's approach is to ensure that across agencies, 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 the issues in order to improve outcomes for women.

(See *Mechanisms for Disaggregated Data Collection* Q+A)

New Zealand Census of Women's Participation

The National Advisory Council on the Employment of Women is considering funding an updated New Zealand Census of Women's Participation and has included scoping the cost of repeating this work as part of its 2018/2019 work programme. This is a report that provides detailed information about women's representation in public life. Between 2002 and 2012, this work was done by the Human Rights Commission.

National Council of Women of New Zealand Gender Equal Dashboard

The non-government organisation, the National Council of Women of New Zealand is developing a 'Gender Equal Dashboard'. This is an online tool to monitor the progress New Zealand is making on gender equality outcomes. It will collate data about safety and health; economic independence, education, and influence and decision-making. This will be a useful resource for Government.

WĀHINE MĀORI

Māori women play a significant role in developing and sustaining the cultural, social and economic lives of Māori communities.

NEW ZEALAND'S POSITION

While Māori women's outcomes have greatly improved over recent years, challenges remain. This government is committed to lifting wellbeing and exploring innovative partnerships with Māori to achieve this, and we cannot do it alone.

Current situation

Māori women play a significant role in developing and sustaining the cultural, social and economic lives of Māori communities. Māori women are the driving force behind te kōhanga reo, kura kaupapa Māori and the Māori Health and Social Service provision throughout New Zealand. Māori women have actively contributed to growth and expansion of programmes and services for whānau, hapū and iwi (family, groups of families, and tribes). Often this work has been unpaid.

Māori women's outcomes have greatly improved over recent years on a number of key indicators. These include improvements in the number of Māori women leaving school with at least NCEA level two, participation in tertiary education, an increased participation in the labour force, and significant improvements in health outcomes. As economic position is a key determinant of health and other social outcomes, working to remedy Māori women's low income levels and improve their overall economic position, has positive downstream impacts on other dimensions of their lives and New Zealand society.

Challenges

Overall, the proportion of females under the age of 15 is projected to decrease by 2021. However, the proportion of Māori females in this age group (29%) is expected to stay high compared with European females (15%).

Despite improvements, Māori (and Pacific) women are also still:

- less likely than European and Asian women to complete a tertiary qualification
- over-represented in minimum wage jobs
- experience higher unemployment rates than those of European and Asian women
- more likely to experience mental illness than women from other ethnic groups.

Government response

The Government is committed to a strong, ongoing and healthy relationship with Māori. The government is undertaking initiatives across sectors that aim to strengthen the Crown/Māori relationship and accountabilities for Māori, and identify opportunities for better outcomes. Examples of partnerships to advance Māori women include initiatives to get more Māori women into trades training and the Māori Women Development Incorporated, which provides loans to Māori women to assist them to commence business, and runs a coaching and leadership programme for indigenous women.

The Government has also implemented an innovative approach to improve the wellbeing of Māori whānau called Whānau Ora. The Whānau Ora approach is whānau-centred and works with individuals within the context of their whānau, family or wider social collective responding to the holistic needs and aspirations of whānau. The Whānau Ora approach strengthens and improves outcomes for whānau and families by developing whānau leadership, enhancing and strengthening the collective capabilities of whānau and providing whānau-centred support to deliver services and initiatives.

BACKGROUND

Within New Zealand's ageing population, the Māori population is relatively young. Māori females have a similar age profile and a much higher concentration under the age of 15 than European females.

Overall, the proportion of females under the age of 15 is projected to decrease by 2021. However, the proportion of Māori females in this age group (29%) is expected to stay high compared with European females (15%). The relatively young age of the Māori population means Māori will continue to make up a significant proportion of the school population in the future. The transition to post-compulsory education and training is critical to Māori women's employment and income.

The Whānau Ora approach was initially implemented by 33 collectives that cover over 200 providers of health, social and community services. Whānau Ora outcomes are now commissioned by three devolved Whānau Ora Commissioning Agencies throughout New Zealand. This commissioning approach moves investment decisions closer to whānau and communities enabling a more targeted approach. Social enterprise and collective impact investment supports whānau led small business development or coordinated action towards set outcomes.

The other key component of Whānau Ora has been the role of 'whānau navigators'. Navigators work with the whānau and families in their homes. They work with whānau to address immediate needs but also focus on what development pathways are required to improve life outcomes and sustainable change based on their aspirations and potential. Currently up to 11,500 whānau are receiving support and services through the Whānau Ora approach at any one time. The aim is to identify key goals, increase connectedness and strengthen self-determination. Whānau Ora outcomes include health, environmental, income and employment, housing, educational achievement and the wellbeing of whānau.

The Ministry for Women values its relationships with Māori women's organisations and many are valued members of the International Women's Caucus.

STATISTICS

Education

Early childhood education

- **The early childhood education participation rate for Māori and Pasifika has grown significantly in the last few years. The Māori participation rate is now 95.2%, an increase of 5.6 percentage points since 2010. The Pasifika participation rate is now 92.4%, an increase of 6.3 percentage points since 2010.**

Secondary school education

- The gap between female and male school leavers with NCEA Level 2 or above is shrinking for most ethnic groups, with the exception of Māori and MELAA (Middle Eastern, Latin American and African).
- For Māori, the gap between female and male school leavers with NCEA Level 2 or above has remained relatively stable between 2011 and 2016.
- In 2016, Māori had the highest early leaving exemption rates across the different ethnic groups, with 13.3% for females and 20.1% for males.

Completion of tertiary qualifications

- Women account for only around a third of all students working towards a STEM-related tertiary qualification. Within that group of women the vast majority identify as European, and around 14% identify as Māori or Pasifika.
- Māori women (52%) and Pacific women (53%) are less likely than European women (55%) and Asian women (67%) to complete a tertiary qualification.

Not in education, employment or training (NEET)

- In the year to December 2015, NEET rates were 25.8% for young Māori women, 20.9% for young Pacific women and 10% for young European women.

Māori and Pacific Trades Training

- Work is underway to encourage Māori and Pacific women into the expanded Māori and Pasifika Trades Training programme that aims to have 5000 trainees enrolled in programmes leading to sustainable employment and workplace based training (such as apprenticeships) by June 2019.

Employment

Minimum wage

- Despite an increase in qualifications, women are over-represented in minimum wage jobs. In 2014, 66.6% of minimum wage earners over 25 were women. Māori women, Pacific women, young mothers and former prisoners are vulnerable to low wage employment and poorer outcomes for themselves and their families.
- In 2014, 13% of Pacific women earned under the minimum wage compared to 9.4% of Māori women, 9% of Asian women and 6.4% of European women.

Unemployment

- After hitting a high of 15.4% in the December 2012 quarter, the unemployment rate for Māori females has been trending downwards, and stands at 10.6% as of March 2018.
- **Rural Māori and Pacific women have high unemployment rates (16%), while less than 5% of rural European women were unemployed in the last census. Differences in unemployment are partly driven by higher concentration of Māori women in the work poor areas of Northland, Gisborne and Bay of Plenty.**
- We are clear about the need to do better. The New Zealand Government is committed to supporting employment outcomes for Māori and Pasifika women, including coordinated actions within the context of *He kai kei aku ringa: the Crown-Māori Economic Growth Partnership (strategy to 2040)*, which was launched in 2012. The Strategy has set a target of 7.5% for Māori unemployment by 2021.

Health

Breast screening

- **BreastScreen Aotearoa, the national breast screening programme, offers free mammography screening to eligible women. Māori women, Pacific women, and Asian women are less likely to be screened, and are therefore more at risk of developing cervical cancer.**
 - Māori women and Asian women have the lowest screening coverage at 65.5% and 63.6%, respectively.
 - In recent years, the steady decline in both cervical cancer incidence and mortality has flattened, with no narrowing of the gap between Māori and non-Māori women.
 - Māori women are significantly over-represented among those who develop cervical cancer, and are more likely to die from cervical cancer, compared with other ethnic groups.

Cervical screening

- New Zealand operates a national cervical screening programme to detect and treat pre-cancerous cervical lesions. The national target for cervical screening coverage is for 80% of women to have been screened within the previous three years.
- Screening coverage is 76.5% overall; 65.4% for Māori women, 75.9% for Pacific women and 81.3% for European women.

Mental health and addiction

- Māori (29.5%) followed by Pacific peoples (24.4%) experience the greatest burden of mental health and addiction issues of any New Zealand population. Substance addiction is experienced by over a quarter (27%) of Māori during their lifetime. Māori women and Pacific women continue to suffer high rates of drug and alcohol abuse.
- The Government has ensured that Kaupapa Māori mental health and addiction services are available, as well as mainstream services with the cultural competencies to work with Māori communities. Some groups within our population, including Māori, Pacific peoples and young people (aged 15-24 years), experience disproportionately higher rates of suicidal behaviour than other groups.

Death by suicide

- In 2015, 527 people (384 males and 143 females) died by suicide. From 2009–2013, suicide rates among both Māori and Pacific young people aged 24 years or younger were higher than all other ethnic groups.
- **Between 2006 and 2015, Māori suicide rates have been consistently at least 1.2 times higher than non-Māori suicide rates.**

Unplanned teen pregnancy

- While New Zealand's rates of unplanned teen pregnancy have reduced, they have remained in the top five in the OECD for over a decade.
- The percentage of teen births, compared to all births in New Zealand, fell from 7.6% in 2009 to 5.9% in 2013, the lowest ever recorded. Māori teen birth rates are declining, reaching 51.7 per 1,000 women aged 15–19 years in 2014, down from 81.9 in 2009.

Fertility

- The fertility rate was two births per woman in 2015. The median age for women having their first child was 28.6 in 2015, up slightly from 2014 when it was 28.4, gradually increasing for the past eight years. This varies by ethnicity: 29 years for European, 30 years for Asian and 24 years for Māori and Pacific women.

Disability

- The Māori disability rate in 2013 was slightly higher than that of the total population, with 27% of Māori men and 25% of Māori women identifying as disabled.
- Māori are under-represented in receipt of disability support. The Government's approach to supporting the needs of Māori with disability is expressed in the Māori Disability Action Plan *Whāia Te Ao Mārama*.
- *Whāia Te Ao Mārama* was updated in 2018. The plan is a culturally anchored approach to supporting Māori with disabilities (tāngata whaikaha) and their whānau. In 2016, 17.5% of clients were Māori. Gender data is not available.

Māori women and the justice system

Māori women in detention

- A disproportionately high number of women in prison are Māori (56%), and this over-representation is higher for women in prison than men in prison (50% of men in prison are Māori). These are snapshot figures of the population at 31 March 2018, and reflect the proportion of people in prison who are Māori at any one time.
- Women in detention and in the community have generally left school before their 15th birthday. This has resulted in about 60% of women in prison and 70% of Māori women in prison having literacy and numeracy levels lower than NCEA level 1. Those who experience chronic victimisation (5 or more family violence offences) are more likely to be female, aged 20–29 years, Māori, solo parents or be unemployed.

Violence against Māori women

- Māori are more than twice as likely to be a victim of a violent interpersonal offence by an intimate partner and almost twice as likely to experience one or more coercive and controlling behaviours from a current partner. (NZ Crime and Safety Survey 2014)
- The prevalence of intimate partner violence has fallen among Māori by approximately 6% (NZ Crime and Safety Survey 2014), however Māori were 2.8 times more often victims of intimate partner deaths than non-Māori. Māori children were 5.5 times more likely to die from child abuse and neglect.
- Māori are high users of Women's Refuge support and services. 29% of women using the Refuge Service are Māori, and 37% of referrals to Refuge for support were for Māori (women and children). (NZ Women's Refuge)

WOMEN WITH A DISABILITY

The advancement of women with disabilities.

NEW ZEALAND'S POSITION

New Zealand is committed to ensuring that inequality is eliminated, the strengths of disabled people of all ages are recognised, disabled people are respected for who they are and can participate fully in all aspects of society.

Current situation

The *Disability Survey: 2013* provides the most comprehensive current data on women with disabilities in New Zealand. This survey showed that on average women with disabilities (aged 15+) experience poorer economic and social outcomes than women without disabilities. For example, over one-third of women with disabilities have no educational qualification and less than a quarter of them are in full-time employment.

Challenges

The lack of reliable and valid data on women with disabilities collected on a regular basis is concerning. It is expected that the next national disability-specific survey (the most comprehensive source of information on women with disabilities) will not be carried out until 2023. It is vital to gather robust data to underpin policy development and service planning (e.g. health and disability support services) to accommodate the needs of women with disabilities.

Of relevance also is the intersection of gender, disability and indigenous origin. For example, the *Disability Survey: 2013* showed that Māori have higher-than-average disability rates, despite having a smaller older age population. Hence, the importance of cultural competence to meet the needs of disabled Māori women in policy formulation and service delivery.

Government response

The Government is committed to removing all forms of discrimination and all barriers which prevent women with disabilities from participating in society.

The New Zealand Disability Strategy 2016-2026 was revised in 2016 following two rounds of public consultation. Targeted workshops were held with women with disabilities to hear how they could be better supported to realise their full potential and live the best quality of life they can.

A new Disability Action Plan (the primary vehicle for implementation of the Disability Strategy and the UN Convention on the Rights of Persons with Disabilities) is being developed in 2018 and will be implemented from January 2019 to the end of 2022. The Government will ensure

that the perspective of women with disabilities is carefully considered during the development of the new Disability Action Plan.

BACKGROUND

New Zealand is a party to the UN Convention on the Rights of Persons with Disabilities

The United Nations Convention on the Rights of Persons with Disabilities reinforces that people with disabilities have the same rights as everyone else. In particular, the principles underpinning the Disability Convention include equality between men and women.

The Government is currently undergoing its second periodic review on the implementation of the Disability Convention. The Office for Disability Issues is coordinating the response due 9 March 2019.

We have been asked questions about women and girls with disabilities by the UN Committee.

Intersectional discrimination against women with disabilities

The Washington Group Short Set of questions on disability was included in the Census for the first time in 2018. This change means that we will be able to disaggregate data relating to disability and gender from the Census and compare this data with data relating to women and men without disabilities. This data will be released late in 2018. However, as already stated, only a national disability-specific survey, run on a more regular basis, will provide comprehensive data on the multiple forms of discrimination that women with disabilities face.

Measures taken to address violence against women with disabilities

Measures to address family violence and sexual violence are equally available to all New Zealanders. In general, people of any population group or cohort can receive support from Ministry of Social Development funded family and sexual violence services. These services are not specifically for women with disabilities. Where victims have specific requirements such as those associated with a disability, providers adjust their service delivery or on-refer to a provider better able to meet the needs of the individual.

As providers delivering Ministry of Social Development funded services do not report demographic information such as disability details, there is not visibility of the level of support provided to women with disabilities.

The Ministry of Social Development is working towards sustainably-funded family violence services that are well integrated, whānau-centred and outcomes-focused. To achieve this they are working with providers and communities to develop a Family Violence Funding Strategy (the Strategy) for Ministry of Social Development funded services. Central to development of the Strategy will be ensuring that the voices of the most vulnerable and at risk people are heard and reflected in service development and delivery – including those with a disability.

Specific measures to address family violence include three national prevention initiatives^[1] that aim to mobilise communities and challenge social norms, and services which support people affected by family violence such as:

- crisis response services for victims
- services to restore safety and wellbeing
- regional helplines
- longer-term psychological recovery services for victims
- programmes for self-referred perpetrators (2017/18 funding: \$25.7m).

Specific measures to address sexual violence include services which support people affected by sexual violence such as:

- crisis response services for victims/survivors
- a national helpline
- a limited amount of long-term care and recovery services for victims/survivors
- Harmful Sexual Behaviour services for non-mandated adults
- services for male survivors of sexual abuse
- some regional education and awareness programmes (2017/18 funding: \$11.42m).

Sexual health and reproduction

Services for disabled people relating to sexual health and reproduction include:

- a requirement that disability service providers provide counselling for sexuality education, gender identity, personal relationships and addressing health lifestyle issues, including contraception, safe sex, and sexually transmitted diseases
- youth-specific services, including:
 - school-based health services, HEEADSSS (Home, Education/Employment, Eating, Activities, Drugs, Sexuality, Suicide and Depression, Safety) Wellness Checks in schools and primary care settings
 - Primary Mental Health services to all youth aged 12-18 years and their families
 - Youth One Stop Shops.

The Ministry of Health is:

- developing a Sexual and Reproductive Health Action Plan 2018-2027 which aims to improve access to health and forensic services for women who have experienced sexual assault or undergone genital mutilation
- continuing to support Sexual Abuse Assessment and Treatment Services as the volume of users grows.

^[1] *It's not OK* campaign targets the whole of New Zealand's population,;the *E Tū Whānau* initiative works with Māori whānau and communities; and *Pasefika Proud* targets people of Pasifika heritage.

Participation in decision-making bodies and access to education, health and employment

Women with disabilities, including those who identify as Māori and Pacific, have been involved in designing, leading, governing, and decision-making groups during the co-design of the disability support system transformation^[2].

- Care is taken to ensure that women with disabilities are represented on groups/organisations dealing with issues relating to people with disabilities. There are two women with disabilities appointed to each of the New Zealand Disability Strategy Revision Reference Group and the New Zealand Sign Language Board.
- The Government has no strategies specific to employment assistance for women with disabilities. All women with disabilities are able to access employment assistance and able to participate in decision-making bodies on employment issues.

New Zealand Disability Strategy 2016–2026

The New Zealand Disability Strategy will guide the work of government agencies on disability issues from 2016 to 2026. The Disability Strategy’s vision is that New Zealand is a non-disabling society – a place where people with disabilities have an equal opportunity to achieve their goals and aspirations, and all of New Zealand works together to make this happen.

The Disability Strategy promotes the rights of people with disabilities and supports implementation of the Disability Convention in New Zealand.

Specific to women and girls with disabilities, the Disability Strategy notes that:

- Gender norming plays out in the disability community, just like it does in society more generally. Women and girls with disabilities face different barriers to men and boys with disabilities.
- The principles of the Disability Convention are reflected in the way the Disability Strategy is implemented, including “equality between men and women”.

Outcome Three in the Disability Strategy relates to Health and Wellbeing, that is, “we have the highest attainable standards of health and wellbeing”. This includes mainstream health services being available for people with disabilities, particularly sexual and reproductive health services for women and girls with disabilities.

An Outcomes Framework is currently being developed to provide accountability for the implementation of the Disability Strategy. The focus of this work is the development of a set of indicators for each of the Strategy’s eight outcome domains/priority areas, including “health

^[2] Disabled Pacific people are involved in both developing the detailed design of a disability support system transformation and governance and decision-making groups supporting the transformation. However, there are currently no Pacific women involved in the system transformation leadership and governance groups.

and wellbeing”. Valid and reliable data will, for example, need to be collected to measure the indicators for “health and wellbeing”.

Disability Action Plan 2014-2018

The Disability Action Plan will:

- focus on high priority and significant actions involving one or more government agencies
- support effective learning across government agencies, particularly in the application of the principles and approaches underpinning the Disability Strategy.

Enabling Good Lives

Enabling Good Lives is a partnership between government agencies and the disability sector aimed at long-term transformation of how people with disabilities and families are supported in everyday life. Enabling Good Lives is grounded in the vision that “disabled people and their families will have greater choice and control over their lives and supports, and make more use of natural and universally available supports.”

Demonstrations of the Enabling Good Lives approach began in Christchurch in 2013 and the Waikato in 2015. People with disabilities have had the opportunity in these demonstrations to work with a Connector to decide on their personal plans. They have also had the option to use a personalised budget to purchase and receive disability support in line with their personal plans.

Women and girls with disabilities have consistently participated in the Waikato Enabling Good Lives demonstration, but at a lower rate than men. There are currently 294 people actively participating in the demonstration, 42% of whom are female (that is, 124).

The ethnic breakdown for the 124 girls and women participating in the Enabling Good Lives demonstration is:

- NZ European – 58%
- Māori – 31%
- Pasifika – 7%
- Asian – 3%

Many outcomes are outlined in the Phase Two Waikato Evaluation Report, illustrating that people with disabilities, families and whānau, including women, participating in Enabling Good Lives Waikato feel they have increased choice and control in their lives.^[3]

The Ministry of Health is currently co-designing with the disability sector a new, transformed system for disability support, using the Enabling Good Lives approach. The prototype will begin to be rolled out in the MidCentral region from October 2018.

^[3] The Phase Two Evaluation of the Enabling Good Lives demonstration in the Waikato focused on the period January-July 2016.

Disabled women under 65 in aged care facilities

Only eligible disabled people who are assessed as requiring community residential support services and are not able to access age appropriate residential support services, are offered a placement within aged care facilities. People are, in the main, provided this option when they require to access hospital level care to manage their presenting medical/disability need.

RELEVANT STATISTICS

Currently, the most comprehensive source of information on women with disabilities in New Zealand is the 2013 Disability Survey conducted by Statistics New Zealand. The data shows that women with disabilities (aged 15+) (when compared with men with disabilities and women without disabilities), generally, have poorer outcomes in terms of material well-being and quality of life.

The findings on economic outcomes for women with disabilities in the 2013 New Zealand Disability Survey are, for the most part, consistent with the international research evidence:

- less than a quarter hold professional positions
- over 70% have a total personal income of \$30,000 or less
- only 13% hold a Bachelor's degree or higher.

Women without disabilities in New Zealand fare much better than women with disabilities on most of the material well-being indicators. In addition, more men with disabilities than their female peers with disabilities are in full-time employment and have higher personal incomes.

Regarding women with disabilities' quality of life in New Zealand:

- over 40% feel very safe/safe in their neighbourhood alone after dark
- over 72% stated that contact with non-resident family in the last four weeks was about right
- 57% felt lonely none of the time in the last four weeks
- 21% reported their health status as fair
- 55% reported their overall life satisfaction as quite high.

SEXUAL AND GENDER MINORITIES

New Zealand's response to addressing inequalities experienced by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI+) people.

NEW ZEALAND'S POSITION

All people, regardless of their sexual orientation or gender identity, have the same human rights and freedoms in New Zealand. This includes people who identify as gay, lesbian, bisexual, takataapui, intersex, transgender, whakawāhine, tangata ira tane, fa'afafine or fakaleiti.

Current situation

New Zealand acknowledges the need to address inequalities and discrimination experienced by LGBTI+.

The Government LGBTI+ work programme has made good progress in addressing key objectives that LGBTI+ communities have identified as important to them.

In terms of health and wellbeing, the Government considers that the issues for gender diverse and transgender people are best seen through a social model of health, which looks beyond issues of healthcare at the way factors in the environment, like stigma, affect health.

Challenges

New Zealand LGBTI+ youth have: higher rates of bullying, self-harm, mental health problems, and difficulties accessing healthcare.

Government Response

The Government LGBTI+ work programme has made good progress in addressing key objectives that LGBTI+ communities have identified as important to them. Including:

- information resources and guidelines for the education and health sectors have been developed
- funding has gone into peer support training and services to build capability and resilience in LGBTI+ youth
- the Government knowledge base on LGBTI+ youth has been strengthened.
- a question on sexual orientation has been included in the 2018 General Social Survey. The results will be used to better understand sexual orientation, and inform a wider piece of work so this topic can be included in all Stats NZs social surveys
- Stats NZ has sought feedback from all new Zealanders about a statistical framework for sexual orientation, which will be used to guide development of a new statistical standard to report in a consistent way how people identify their sexuality.

The Government is committed to gender affirming care for transgender and gender diverse people. The Ministry of Health is currently in the process of speaking with these communities and with the health sector on how to improve gender affirming care, including surgery as well as the broader transition pathway. These conversations will inform potential changes to the way gender affirming care is provided.

The Government provides funding to a range of organisations supporting LGBTI+ youth. Funding has helped support:

- Mentoring and leadership opportunities. The Government has allocated \$216,000 (F2016-18) to Rainbow YOUTH to develop and increase support services to LGBTI+ youth.
- Youth-led projects and projects developed through partnerships across communities.
- A co-design process between a non-government organisation (Curative Mentoring) and young people, to develop mental health and wellbeing to help LGBTI+ young people, and those supporting them, to navigate the transition of leaving school and entering training, employment or further education.

On 18 May 2018, New Zealand became the first country to fly the intersex flag at Parliament. Four LGBTI flags flew in Parliament's forecourt to celebrate the International Day Against Homophobia, Biphobia, Intersexism and Transphobia.

BACKGROUND

The Labour Party's pre-election policy on rainbow youth focuses on action to eradicate discrimination, violence and bullying, and to combat suicide and self-harm, especially in schools.

In addition, since February 2016, the cross-government LGBTI+ work programme has made good progress in addressing key objectives that LGBTI+ communities identified as important to them:

- A number of information resources and guidelines for the education and health sectors have been developed
- It's not OK campaign supported new fact sheet resources for addressing violence within rainbow relationships/and against LGBTI+ people
- Curative Mentoring Initiative - funded two co-design workshops and the development of a final video resource, designed to foster mentoring and support among LGBTI+ young people as they transition from school to further education, employment or training.
- Funded Rainbow Youth training hui in regions outside Auckland to build capability in community and school leaders.
- Mentoring and leadership opportunities. The Government has allocated \$216,000 (F2016-18) to Rainbow YOUTH to develop and increase support services to LGBTI+ youth.

- Funded an evaluation of a resource, Inside Out, which received an overwhelmingly positive evaluation by young people, educators and youth workers in terms of its use and impact on Auckland schools.

Initial changes have been made to support services being more responsive to the needs of LGBTI+ youth.

- The Ministry of Youth Development funded the peak youth body, Ara Taiohi, to develop the Rainbow Competency Framework (a workforce development tool).

Education issues

The Government's priority in the education sector is to ensure that our system works for all learners to reach their aspirations. For this to happen, education needs to be inclusive. The Ministry of Education provides schools with guides and resources to support the effective teaching and learning of sexuality education, which includes integrating it into the wider school approach. These include practical suggestions aimed at:

- Building understanding of sex, gender and sexuality diversity.
- Creating inclusive school-wide systems and processes.
- Addressing immediate environmental, physical, and social needs for LGBTQI+ students.
- Developing an inclusive classroom and curriculum.

The government has commissioned an independent review of Tomorrow's Schools – the governance, management and administrative arrangements for New Zealand's state and state-integrated school system - in 2018. Extensive consultation is being undertaken to ensure all New Zealanders have the opportunity to be heard. The views of young people are being sought as part of this process and RainbowYOUTH is a member of the review's Cross Sector Advisory Panel representing LGBTQI+ voices. The Cross-Sector Advisory Panel has been established to provide experience and insight from a range of diverse voices to the Independent Taskforce carrying out the review.

The Education Review Office (ERO) Evaluation – Wellbeing through Sexuality Education

Sexuality education is an important way of supporting young people's wellbeing and improving their resilience. Wellbeing is important for students' success, for example, a student's sense of achievement and success is enhanced by a sense of feeling safe and secure at school. Sexuality education covers a wide range of knowledge and skills, including the physical and emotional aspects of relationships and sex, rights and responsibilities in relationships, consent, communication skills and ethics.

In 2017, ERO looked at the evaluation topic of promoting wellbeing through sexuality education. This national evaluation investigated how schools support and promote safety and wellbeing for

students through effective sexuality education. ERO also visited a small number of schools to find out about their responses to common challenges in sexuality education and supporting the wellbeing of their sex, gender and sexuality diverse students. ERO is currently preparing reports that focus on policy implications and sharing effective practice.

The Education Review Office (ERO) is currently in the process of undertaking an evaluation on sexuality education in New Zealand schools with the findings to be released later in the year. The Ministry of Education will consider relevant recommendations when the report is finalised.

Ministry of Justice draft Code of Practice for Domestic Violence Programmes

The Ministry of Justice's draft Code of Practice for Domestic Violence Programmes sets high level requirements for domestic violence programme providers to use to develop programmes that meet the needs of their communities. The Code of Practice explains there are forms of abuse that are specific to the context of intersex and transgender intimate relationships. It states providers need to know how to be safe places for rainbow families and whānau, with appropriate planning, resources and training. It requires that group "non-violence programmes" (for perpetrators of family violence referred by the Courts) should be made up of clients of the same gender/gender identity. The Code of Practice is expected to be finalised in September 2018 and will be available online.

LGB women

The Health Survey has collected 'Sexual Identity' for several years now. The prevalence of LGB women will be published in the Annual Health Survey Data Explorer released in December each year (sexual identity disaggregated by sex/age/ethnicity). The publication of data for 2017/2018 will be delayed until early to mid 2019.

Given the small percentage of LGB women in the population, the government would need to pool multiple years of data together to look at things like 'unmet need for GP services due to cost' for LGB women.

Health services for Rainbow New Zealanders

Protections supporting Rainbow New Zealanders to engage safely and openly in the health and disability system include:

- the Human Rights Act 1993 and the Code of Health and Disability Services Consumers' Rights 1996, which set out individuals' rights, including freedom from discrimination on the grounds of sexual orientation and implicitly, gender identity/expression
- the Health and Disability Service Standards, which are mandatory for health and disability service providers that are subject to the Health and Disability Services (Safety) Act 2001, including aged care providers. Within the standards, sexuality is specifically referred to, and sexual orientation is included within the concept of 'culture', with culture part of the rights of the individual that must be respected. A review of the Standards has begun.

- the Aged Residential Care Agreement between District Health Boards (DHBs) and residential care facilities, which required policies, procedures, protocols and guidelines for services, including in relation to sexuality.

The Government values the contribution of the inclusive health care providers, such as Youth One Stop Shops to the Rainbow community. They provide a range of physical and mental health services for young people, including services responsive to the needs of young Rainbow people in particular.

Transgender services

Last year the Ministry of Health developed a couple of web pages with information for transgender New Zealanders and the health sector

- Transgender New Zealanders²
- Transgender New Zealanders: Children and Young People³
- Healthcare for transgender New Zealanders⁴
- Resources⁵

Intersex services

Intersex services are part of paediatric care. The Ministry of Health now funds a NZ Child & Youth Intersex Clinical Network as one of the paediatric clinical networks.

There are no separately identified adult intersex services. Cases that present in adulthood are normally seen by the District Health Board (DHB) Endocrinology Service. If an adult with an intersex condition requires surgery, then this can be funded through the Ministry of Health's High Cost Treatment Pool, and provided either in the private sector in New Zealand or overseas.

Transgender persons

There is limited data on the violence experienced by transgender New Zealanders. However, what data we do have has shown that transgender young people are at higher risk of experiencing violence. The Youth 2012 survey measured 8,166 secondary school students — 50% of those who identified as transgender reported being hit or harmed by another person (compared to 33% of those who did not identify as transgender).

Transgender Identity Documents

²<https://www.health.govt.nz/your-health/healthy-living/transgender-new-zealanders>

³<https://www.health.govt.nz/your-health/healthy-living/transgender-new-zealanders/transgender-new-zealanders-children-and-young-people>

⁴<https://www.health.govt.nz/your-health/healthy-living/transgender-new-zealanders/health-care-transgender-new-zealanders>

⁵<https://www.health.govt.nz/your-health/healthy-living/transgender-new-zealanders/resources-transgender-new-zealanders>

The Department of Internal Affairs aims to provide customer-centred services, and policies and information for Transgender Applicants is collated into this page [DIA website information for Transgender Applicants](#) so that affected people can access it in one place.

Different legislation governs Passports, Citizenship, Marriages, Civil Unions and registration of Birth records.

The policy for **passports** is that

- A passport may be issued in an applicant's preferred sex / gender of M (male), F (female) or X (indeterminate/unspecified), without the need to amend these details on a birth or citizenship record.

The policy for **citizenship** is that:

- A citizenship or evidentiary certificate may be issued in an applicant's preferred sex / gender of M (male), if the applicant provides a statutory declaration indicating the sex/gender identity they wish to be identified with, and how long they have maintained their current sex/gender identity.
- Applicants under 16 years old also require Statutory Declaration from a supporting parent/ legal guardian and from a registered counsellor/medical professional which supports this change.

Marriage and Civil Unions

New Zealand has marriage equality, and does not require parties to a marriage or civil unions to be of different sexes/gender identities.

Both religious and independent celebrants can solemnise a marriage or civil union. While celebrants affiliated to a religious organisation are free to follow the tenets of that religion in determining whom they marry, independent celebrants are required not to discriminate on the grounds of sex or gender identity.

Birth records

Currently, an eligible adult or the guardians of an eligible child can apply to the Family Court for a declaration that the eligible person's birth certificate should show the sex specified in the application (that is, female or male). The "nominated sex" must be "opposite" to the sex recorded at birth (unless the original birth record had no sex recorded). The Court requires expert medical evidence that the applicant:

- a. Has assumed (or has always had) the gender identity of a person of the nominated sex; and
- b. Has undergone such medical treatment as is usually regarded by medical experts as desirable to enable persons of the genetic and physical conformation of the applicant at birth to acquire a physical conformation that accords with the gender identity of a person of the nominated sex; and
- c. Will, as a result of the medical treatment undertaken, maintain a gender identity of a person of the nominated sex

The Family Court interprets (b) to mean there is no requirement for some (or any) surgery or specific medical treatment, such as hormone treatment before a declaration will be issued.

The current law has been in place since 1995. Recently the Government considered a select committee report on Petition 2014/86 of Allyson Hamblett. The Petition called for the law to be changed so transgender individuals could update the sex on their birth certificate through an administrative process based on self-identification. The Government response to the Petition was tabled on 15 February 2018. It indicated the issues raised by the Petition would be considered by the Governance and Administration Committee, which was already considering a Bill to replace the 1995 Act. The Governance and Administration Committee is due to report the Bill back by 31 July 2018. Internal Affairs' advice to the Committee, including on issues raised by the Petition, will be published on the Parliament website when the Committee presents its report.

Collection of data to reflect the diversity of transgender people

As well as ensuring gender diverse individuals are acknowledged and receive equal, unbiased treatment, the Government has recently taken steps to ensure future official statistics (which are the cornerstones of good government, and support public confidence in good government) improve the visibility of gender diverse individuals and communities. Over the last year, New Zealand's national statistical office, Statistics NZ, has been leading a cross-agency working group and undertaking public consultation on a new Statistical Standard for Gender Identity.

With the introduction of the Marriage Amendment Act 2013 in August 2013, The Department in collaboration with Statistics New Zealand began collecting gender information of Male, Female or Indeterminate on all marriages and civil unions. This information is collected for demographic purposes and is self-identified by the couple involved in the marriage or civil union. There are no requirements for that person to have a court order under section 28 of the BDMRRA 1995, or provide other evidence of their gender.

The Department complies with this recommendation in all other areas and, in accordance with the Privacy Act, only collects and records data that is required as part of the registration process.

In 2015, Statistics NZ was the first statistical agency in the world to develop a statistical standard for gender identity for use in New Zealand. The use of the standard is not mandatory, but several government agencies, including Statistics NZ, are considering how best to implement the standard across their information collection.

The new Standard, responds to an emergent need to "help normalise the idea of non-binary persons". It provides guidance on the collection, classification and dissemination of gender identity information for the production of official statistics.

WOMEN ASYLUM SEEKERS AND REFUGEES

Provision of social services, housing and employment for women asylum seekers, refugees and their reunified family members.

NEW ZEALAND'S POSITION

The New Zealand Refugee Resettlement Strategy is a whole-of-government approach to improve refugee settlement outcomes so refugees can quickly achieve self-sufficiency, social integration and independence.

Current Situation

New Zealand's refugee quota programme has been increased to 1,000 places from 2018.

The New Zealand Refugee Strategy combines support from government agencies, settlement partners and refugees themselves that aims to support all refugee families to enjoy healthy, safe and independent lives.

Refugees in New Zealand under quota or convention programmes (see additional information) have the same access as New Zealand residents to employment, education, income and housing support and public health services, and are eligible to apply for residence and New Zealand citizenship after five years' residence.

Asylum Seekers who are lawfully in New Zealand and make a claim for refugee or protected person status have more limited access to services but can apply for emergency financial support and can access publicly funded health services and schools.

The challenges

The main challenges include:

- working with refugee families and communities to build solutions
- ensuring refugee women and older people do not become isolated

Government Response

The NZ Refugee Strategy has 5 goals covering work, participation, health, education and housing. Agencies are working together to identify new approaches to support and improve employment outcomes for refugees. Government also works with iwi and communities to identify and address social issues, for example through supporting the connections with services, building capability within communities to help them address their own issues, and

supporting a range of community activities to address issues identified. Recent initiatives for women include:

- Supporting a Muslim association to run a girls camp for a range of ethnic communities.
- Supporting a group of women from ethnic backgrounds to talk about how to feel safe and access legal and social services in New Zealand.
- Supporting women and older people to be involved in community activities.

BACKGROUND

The New Zealand Refugee Strategy

The Strategy has five goals:

1. self-sufficiency – all working-age refugees are in paid work or supported by a family member in paid work
2. participation – refugees actively participate in New Zealand life and have a sense of belonging
3. health and wellbeing – refugees and their families enjoy healthy, safe, and independent lives
4. education – English language skills help refugees participate in education and daily life
5. housing – refugees live in safe, secure, healthy and affordable homes.

Refugee assessment

Refugees are assessed for resettlement by the UNHCR (UN Refugee Agency) according to internationally accepted guidelines that take account of physical and legal protection needs, as well as family reunification. Cases are submitted by the UNHCR for consideration by New Zealand for resettlement in accordance with New Zealand's annual resettlement plan.

All those selected for resettlement under New Zealand's Refugee Quota Programme undergo comprehensive on and offshore screening and assessment, including health and immigration risk assessments, and security and Five Country Conference (FCC) biometric checks.

Refugee Quota Programme

New Zealand's Refugee Quota Programme is agreed by Cabinet every three years. The composition of the quota is agreed annually by the Minister of Immigration and the Minister of Foreign Affairs. New Zealand's refugee quota programme has been increased from 750 to 1,000 places from 2018. All Quota Refugees spend their first six weeks in New Zealand at the Mangere Refugee Resettlement Centre Reception Programme in Auckland.

Mangere Refugee Resettlement Centre Reception Programme

Prior to arrival in New Zealand, quota refugees are provided a DVD on living and working in New Zealand and regional factsheets about the settlement location which they are likely to be settled in. The DVD includes information about laws in New Zealand, employment, housing, health services, learning English and education, daily living and immigration and citizenship.

The reception programme includes sessions on introduction to New Zealand, Taha Māori, living in a multicultural society, New Zealand Police and law (these sessions include presentation from the New Zealand Police), moving into the community, education, health services and education (including parenting and healthy families), English language learning. Children participate in schooling to ready them to enter the education system on being settled in the community.

During the reception programme, a Settlement Plan is developed for each refugee family. The Settlement Plans include refugees' goals and aspirations for their settlement in the community and also provides information about the areas they may need support and/or mainstream services they need to be linked with to support their settlement in the community (such as English language classes, GPs or follow up health specialist appointments).

On completing the reception programme, quota refugees are settled in one of seven settlement locations around New Zealand. The New Zealand Red Cross are contracted by government to provide settlement support to quota refugees during their first 12 months in the community, including coordinating a community orientation programme and linking quota refugees to the services they need to support their settlement (as outlined in the individual Settlement Plans).

Information provided to asylum seekers

Detailed information is provided to asylum seekers about the refugee status determination process, their rights and duties, entitlements and the support services available to them. This includes information on employment, benefits, housing and health as well as covering areas such as obtaining an IRD number, bank account and providing proof of address. The information is intended to assist both asylum seekers and Convention refugees to access services and information they need to support themselves. This information is available in multiple languages. It is provided in hard copy upon receipt of a claim and is publicly available from the Immigration New Zealand website.

Access to social services

Mangere Refugee Resettlement programme includes linking **Quota Refugees** to the services they need to support their settlement in the community. Quota Refugees have the same access as New Zealand residents to employment, education, income and housing support and public health services, and are eligible to apply for residence and New Zealand citizenship after five years' residence

Convention Refugees (that is people who claim and are granted refugee or protected person status in New Zealand) have the same access as New Zealand residents to employment, education, income and housing support and public health services, and are eligible to apply for residence and New Zealand citizenship after five years' residence.

Asylum seekers who have made a claim for refugee or protection status and are lawfully in New Zealand can apply for the Emergency Benefit and Temporary Additional Support. If they have a valid work visa, they are able to apply for government assistance to gain employment. Asylum seekers

who have made a claim for refugee or protection status are eligible to access publicly funded health services. Asylum seeker children can attend public schools.

Education

Quota refugees and people with refugee or protected person status are eligible to apply for the Student Allowance and Student Loans on the same basis as New Zealand citizens, and the two-year residential stand-down period (where the applicant has to have lived in New Zealand for at least two years and be ordinarily resident in New Zealand) may be waived.

The Ministry of Education provides ESOL (English for speakers of other languages) funding so schools can offer extra English language learning support for eligible students who are learning English as a second language. ESOL funding is targeted at students with the highest English language learning needs. The need for ESOL funding is assessed using the English Language Learning Progressions. Students whose scores are below the threshold will qualify for funding if they are new migrants to New Zealand or are from a refugee background. Migrant and refugee background students are entitled to ESOL funding for up to five years (20 school terms).

Inaugural Safer Ethnic Communities Ministerial Forum

In May 2018 over 150 Ethnic community leaders and Government Ministers collaborated at the Inaugural Safer Ethnic Communities Ministerial Forum in Auckland.

The Forum was opened by the Prime Minister and connected Ethnic communities to several Government Ministers and their agencies to work on long-term plans to improve safety in our communities. The programme covered:

- The role of social inclusion in creating safer communities
- Family violence and harm
- Small business crime prevention.

The strong Government representation at the Forum demonstrated our commitment to finding cross ministerial solutions for safer communities. We want Ethnic communities to feel a strong sense of belonging in New Zealand.

Solutions from the Safer Ethnic Communities Ministerial Forum will be used to influence and inform government policy and service design.

WOMEN MIGRANT WORKERS

Measures to ensure women migrant workers are not discriminated against nor exploited.

NEW ZEALAND'S POSITION

Ensuring that migrant workers, including women, receive equal and fair treatment in the labour market is an important priority for the Government. The Government is focussing on:

- ensuring migrants are treated equally in the labour market
- ensuring good settlement services and support are in place for new migrants
- preventing the exploitation of migrants.

Current situation

All employers are obliged under the Human Rights, New Zealand Bill of Rights, and Employment Relations Acts to provide protection against discrimination in employment.

Three strategies support migrants to settle and integrate within New Zealand and protect them from exploitation:

- The *New Zealand Migrant Settlement and Integration Strategy*, which supports migrants to settle into New Zealand and gain employment
- The *Migrant Exploitation Prevention Strategy* which aims to reduce exploitation and ensure fair treatment of migrant workers
- The *National Plan of Action to Prevent People Trafficking New Zealand*, which encapsulates the whole-of-government approach to combatting human trafficking (this is currently being updated)

Key Challenges

Key challenges related to migrant women include:

- ensuring migrant women do not become isolated
- ensuring employers are sensitive to migrant women's cultural needs
- protecting against exploitation of international students or migrant women in the sex workers industry
- supporting migrant women who are victims of domestic violence

Government Response

New Zealand takes the situation of the exploitation and trafficking of migrant workers very seriously. The government is currently reviewing the *Migrant Exploitation Prevention Strategy*. This will include a specific focus on addressing issues around the exploitation of international students.

BACKGROUND

Legislation

All employers are obliged under the Human Rights Act 1993, the New Zealand Bill of Rights Act 1990 and the Employment Relations Act 2000 to provide protection against discrimination in employment.

New Zealand Migrant Settlement and Integration Strategy

The strategy was approved by Cabinet in 2014 in response to the Controller and Auditor-General's performance audit on how well Immigration New Zealand and other agencies were supporting new migrants to settle and work in New Zealand. The Strategy identifies five interconnected and measurable settlement and integration outcome areas. These are: employment, education and training, English language, inclusion, and health and wellbeing.

Services and initiatives to support the strategy

The New Zealand Migrant Settlement and Integration Strategy's Inclusion outcome is focussed on supporting migrants to participate in and have a sense of belonging to their community and to New Zealand. Services and information the Government provides in this area which support migrant women include:

Welcoming Communities

Immigration New Zealand is supporting councils to develop and implement Welcoming Plans which set out how new and existing local policies, services, programmes and activities will be developed or enhanced to support a welcoming and inclusive environment. The Welcoming Communities Standard provides councils and community stakeholders with a benchmark for what a successful welcoming community looks like. The Standard is made up of eight outcome areas which will all help to ensure migrant women feel welcome and are able to fully participate in the economic, civic and social life of the community:

1. Inclusive Leadership
2. Welcoming Communications
3. Equitable Access
4. Connected and Inclusive Communities
5. Economic Development, Business and Employment
6. Civic Engagement and Participation
7. Welcoming Public Spaces
8. Culture and Identity

Nine councils across five regions are working with their communities to pilot Welcoming Communities from 2017 to 2019. Depending on the results of the pilot evaluation, the programme may be rolled out further across New Zealand from 2019/20.

New Zealand Now website

Immigration New Zealand provides migrants with information about local services and community based initiatives that can help them settle in New Zealand.

The New Zealand Now website provides settlement information for new migrants and includes dedicated pages with tips on where and how to meet people in New Zealand, get involved in the community and about volunteering in New Zealand. There are also regional pages with information about opportunities in specific regions. The information includes links to help migrants find community organisations, groups and clubs that they can join. The New Zealand Now Events calendar includes information about events from a range of providers for migrants in each region. The information and events include groups such as Newcomers Networks which operate in around 38 locations around New Zealand and help people meet and establish friendships in their communities through share activities. The Networks support newcomers to feel connected and included in community life.

Face-to-Face and Multilingual Settlement Information Services

The Government funds Multi-lingual and Face-to-Face Settlement Information Programmes that provide all new migrants with access to essential information to support their Settlement, in English or in their first language. These nationwide services are currently provided by the Citizens Advice Bureau. Information provided includes sports clubs and community groups that migrants and their families can join.

Citizens Advice Bureau also run information sessions for new migrants on relevant settlement topics including making friends, expanding networks and regional volunteering and sports and recreational activities.

The Chinese New Settlers Trust is funded to deliver a regional bi-lingual settlement information service and settlement and orientation workshops for new Chinese migrants in Auckland.

Ethnic Communities Development Fund

The Ethnic Communities Development Fund is a contestable fund with a total of \$520,000 distributed in one funding round each year. The purpose of the fund is to improve New Zealand's social cohesion and support the development of established and emerging ethnic communities.

The fund is available for projects that meet the purpose and one of the three funding priorities; Leadership Development Projects, Social Cohesion Projects and Cultural Events.

Other services that support migrants

Work Connect: A free programme provided by the Tertiary Education Commission to help job-seeking migrants (such as the partners and spouses of skilled migrants) prepare for the New Zealand job market. The programme covers job hunting and interview skills to help migrants make a good impression with New Zealand employers.

Regional Skills Matching and Job Search Assistance programmes: a free programme provided in seven regions throughout New Zealand that builds connectivity between job-seeking migrants, such as partners and spouses of skilled migrants, and employers that need their skills.

Tackling Casual Racism: A social media campaign aimed at building New Zealanders' understanding and acceptance of New Zealand's rapidly increasing diversity. It aims to create a culture in which racist and discriminatory attitudes and behaviours are considered unacceptable by a majority of New Zealanders.

Cultural Competency Capability: The Ministry of Business, Innovation and Employment is leading the development of a Cross-Government Cultural Competency Capability Programme which will be an innovative, interactive and engaging online Programme for State Sector employees and will support the growth of diverse and inclusive public sector workplaces.

Papa Pounamu is also addressing cultural competency, particularly through the ethnic pay gap work of the public service sub-group.

Succeeding in Job Interviews: The Ministry of Business, Innovation and Employment has developed a new online interactive guide which is hosted on the New Zealand Now website and supports inclusive recruitment processes. The tool helps migrants to express themselves confidently, positively and professionally in an interview with a New Zealand employer. There is also a tool for employers to use when interviewing migrant candidates to help them communicate clearly across cultures and to get the best from migrant candidates.

Ensuring employers are sensitive to migrant women's cultural needs

Immigration New Zealand has developed tailored workplace guides and toolkits for migrant employers. These resources include cultural guidance when employing migrants from particular areas including the Pacific and the Philippines and those working in certain sectors including dairy farming, construction, hospitality and aged care sectors.

These resources help employers to understand the cultural differences (including values, ways of working and communication styles) migrant employees bring to the workplace. The resources provide practical advice to employers on how to support migrant workers to settle in the workplace so that they can develop better professional relationships with migrant employees, be more sensitive to their cultural needs, and support them to settle into the New Zealand workplace.

The Ministry of Business, Innovation and Employment's regionally based Relationship Managers provide guidance to businesses and employers to support and retain their skilled migrant staff.

Preventing migrant worker exploitation

The Government is considering advice from officials on the scope and form of a review into migrant exploitation in New Zealand. The review would run in tandem to ongoing policy work across employment and immigration settings to address exploitation.

The current *Migrant Exploitation Prevention Strategy* aims to ensure New Zealand has fair treatment of migrant workers. Immediate outcomes sought by the Strategy are: supporting exploited employees, holding exploitative employers to account, and helping migrant employees and their employers understand and act on their rights and obligations. The strategy is supported by an education campaign for migrant employees and their employers. The Strategy is currently being reviewed.

New Zealand takes the situation of the exploitation and trafficking of migrant workers very seriously. The Immigration Act 2009 addresses labour exploitation against persons who are not legally entitled to work in New Zealand and has adopted the Plan of Action to Prevent People Trafficking, which better equips officials to detect, prevent and combat this crime.

For these reasons, the situation of domestic workers in New Zealand differs considerably from that in other member States where they have different or lesser rights, and where the need for the Convention is most acute.

Ensuring migrant women are not exploited in the sex workers industry

The Prostitution Reform Act 2003 prevents migrants from applying for a work visa where they would work in the sex work/prostitution industry, and makes it a condition of all temporary entry class visas that the holder cannot provide commercial sexual services, or operate or invest in the business of prostitution.

The Supplementary Order Paper that laid the blueprint for what became Section 19 (application of the Immigration Act) of the Prostitution Reform Act 2003 states that the proposed change was to lend “support to New Zealand’s obligations under the United Nations Convention against Transnational Organised Crime and its Protocols on the Smuggling of Migrants and Trafficking of Persons”.

Human trafficking is a serious criminal offence encompassing a wide range of exploitative practices. If a migrant has been deceived or coerced to work in the sex industry, she/he would be treated as a suspected victim of trafficking and the matter would be investigated

New Zealand’s whole-of-government approach to combatting human trafficking is encapsulated in the National Plan of Action to Prevent People Trafficking. Led by Immigration New Zealand under the Ministry of Business, Innovation and Employment, the plan was developed by government agencies in consultation with stakeholders interested in human trafficking issues (e.g. non-government organisations). The plan is based on three central pillars: Prevention, Protection and Prosecution, and is currently in the process of being updated.

When migrant women are victims of domestic violence

Immigration New Zealand uses the same definition of “domestic violence” as is in the Domestic Violence Act 1995. This is a wide definition that includes physical, sexual and psychological violence. Immigration New Zealand has established two special visa categories for migrants who have experienced domestic violence. A migrant can apply under these categories if their

immigration status in New Zealand depends on an abusive partner who is a New Zealand citizen or resident. In these cases, they can be granted a Work Visa for six months and in some cases can be granted a Resident Visa. A migrant is not able to get a visa under those special categories if the abusive partner is not a New Zealand citizen or resident and only has a Work Visa.

The specific visa categories are:

- *Special Work Visas in domestic violence cases* – which require that a migrant is, or was, in a relationship with a New Zealand citizen or resident; had planned to apply for residence on the basis of this relationship; the relationship has now ended because of domestic violence against the migrant or their children; and the migrant now needs to work to support themselves. This Work Visa gives the victim their own visa status, independent of their ex-partner's status. The Work Visa will last for six months, but it can be extended to nine months if the migrant applies for residence.
- *Special residence category in domestic violence cases* – the migrant is, or was, in a relationship with a New Zealand citizen or resident; had planned to apply for residence on the basis of this relationship; is now separated from their partner because of domestic violence against the migrant or their children; the migrant is unable to return to their home country because they would have no way of supporting themselves financially, or because they would be abused or excluded from the community because of social stigma (this could be stigma associated with domestic violence, or with being separated or a solo parent, or other associated stigma); and they meet the health and character requirements for residence.

Information for migrants and their employers to prevent exploitation

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 such as international students, Pacific migrants and migrants working in the dairy farming, construction, hospitality or aged care sectors. The guides include:

- *For migrant workers* – information about minimum employment entitlements, including employment agreements, minimum wage, leave, health and safety, and a list of employment services.
- *For employers* – practical tips and information on the recruitment process for migrant workers, advice on how to adhere to minimum employer obligations under New Zealand law, as well as information on how employers can better support the settlement of their migrant workers when they arrive in New Zealand. Immigration New Zealand, in collaboration with the Philippines Overseas Employment Administration (POEA), has recently refreshed the guide for employers who are looking to recruit migrant employees

from the Philippines. The Philippines is one of the largest source countries for migrant workers for New Zealand, many of these being women.

International Conventions New Zealand has not ratified and why

International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

New Zealand is not currently considering the ratification of this instrument. There are potential issues in relation to Articles 53 (2) and 59, as New Zealand does not automatically grant visas to enable temporary workers' families to reside in New Zealand and would not grant priority to members of a migrant workers' family over other work visa applicants.

Given the rights of migrant workers and their families are already adequately protected in New Zealand and New Zealand is party to all other core international human rights instruments which incorporate the key elements of the Migrant Workers Convention, New Zealand does not consider ratification of this Convention would add any further protective and enforced measures that are not already provided to migrants in New Zealand.

New Zealand legislation, including the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993, is compliant with those treaties and conventions and therefore provides adequate protection of the rights of migrant workers and their families. Employment legislation protects all workers, including migrant workers. Finally, under the Immigration Act 2009, migrant workers who are unlawfully in New Zealand have avenues for appeal against expulsion and can have their case reviewed by a competent authority.

ILO Conventions No. 169 (Indigenous and Tribal Peoples' Convention)

New Zealand will not ratify conventions or apply international standards that are inconsistent with New Zealand's unique legal, constitutional, and Treaty of Waitangi arrangements.

ILO Convention No. 189 concerning Domestic Workers

While New Zealand itself has a low incidence of domestic workers, and especially migrant domestic workers, we acknowledge the need to address the disadvantaged situation of domestic workers in many parts of the world. The situation of domestic workers in New Zealand is effectively the same as that for other employees, as the New Zealand employment relations framework applies to all employees irrespective of their occupation. Domestic workers can therefore expect to receive the same minimum wage coverage, entitlements, protections and access to dispute resolution as any other employee.

ACCESS TO JUSTICE AND LEGAL AID

Ensuring access to justice for women, particularly migrant women.

NEW ZEALAND'S POSITION

Improving access to justice is one of the key challenges facing the justice system. The Government is focused on ensuring all low-income people have access to justice. This year it intends to review legal aid policy settings, and establish an independent panel to consider the impact of the reforms made to the family justice system in 2014.

Current situation

Legal aid is available to those who do not have the means to fund legal representation themselves for criminal and civil (including family) proceedings. Certain types of proceedings are exempted from some eligibility requirements due to the vulnerability of applicants (e.g. refugee and immigration cases, and applications for protection orders). Since the family justice system was reformed in 2014 family justice, legal aid has been not available in early stages of some Care of Children Act proceedings.

Applications from women predominate in family proceedings, with just under 8,000 women granted legal aid, compared with just under 3,000 men in 2016/17. This contrasts with criminal and other civil proceedings, where legal aid is predominantly granted to men.

Challenges

Improving access to justice is one of the key challenges facing the justice system. Upholding the right of all New Zealanders to access justice is fundamental to the rule of law: we should all be able to enforce our rights and resolve disputes through a fair and open process, regardless of financial means or social position.

Government response

The Government is focused on ensuring all low-income individuals have access to justice and intends to take steps to ensure people's legal needs are better met by the justice system.

This year the Government intends to review legal aid policy settings. A survey has been conducted to better understand the level of demand for legal services in New Zealand. Preliminary results indicate younger people, women, and Asian people are less likely to seek information and advice when they have a legal problem that impacts their everyday life. This will be considered as part of the legal aid review.

The Government is also considering the impact of the 2014 family justice system. Access to lawyers was restricted as part of these changes. Concerns have been raised about how this affects access to justice for separating parents. The Minister of Justice has announced that an

independent panel will be established to consider the impact of these changes and what improvements could be made. [See 2014 family justice reforms Q+A]

BACKGROUND

Legal aid promotes access to justice for people who cannot afford legal services

Legal aid is governed by the Legal Services Act 2011 (the Act). The Act establishes a national regime to promote access to justice by providing effective legal services to people who cannot afford them.

For criminal proceedings, there are no explicit income thresholds, but it must appear that the applicant does not have sufficient means to enable them to obtain legal assistance. Most defendants facing serious charges are granted legal aid because this is in the interests of justice, and because their legal costs can be very high.

For civil and family proceedings, applicants for legal aid must meet set eligibility criteria, based on the person's maximum income, and number of dependents, to receive a grant. Eligible applicants can receive legal aid for criminal and civil proceedings via approved lawyers.

The government's current review of legal aid policy settings includes looking at eligibility thresholds and wider access to justice issues raised by the system.

The thresholds for legal aid eligibility are outlined in this table:

Number of dependants	Maximum annual income (before tax and any deductions) \$	Maximum fortnightly income (before tax and any deductions) \$	Maximum earnings over past 3 months (before tax and any deductions) \$
0 (you have no dependants)	23,326.00	897.15	5,831.50
1 (partner or child)	36,940.00	1,420.77	9,235.00
2 (partner and/or children)	53,119.00	2,043.04	13,279.75
3 (partner and/or children)	60,363.00	2,321.65	15,090.75
4 (partner and/or children)	67,453.00	2,594.35	16,863.25

Multiple forms of legal assistance are available in New Zealand

People have varying legal needs ranging from information and education through to legal representation and resolution in the courts. In addition to legal aid, free legal assistance is available from other Government-funded sources, such as:

- The duty lawyer scheme run at criminal courts, which ensures that a sufficient number of lawyers are available to assist, advise, and represent unrepresented defendants charged with an offence, and
- Community Law Centres, which are contracted by the Ministry of Justice to provide legal services to low income New Zealanders. The Government increased funding to Community Law Centres by \$2.2 million for 2018/19.

Information about legal aid in languages other than English

Information about legal aid processes and services is available on the Ministry of Justice website. This information is available in four community languages other than English (te reo Māori, Chinese, Samoan and Tongan).

Language Line, a government telephone interpreting service available in 45 community languages, is accessible for legal aid.

A grant of legal aid is a debt, and some beneficiaries are required to repay it

Some beneficiaries who are granted legal aid are required to repay it. A grant of legal aid may include a condition requiring repayment of part or all the cost of the legal services depending on the aided person's capital or income.

A single person without children will have a repayment where they have capital of more than \$1500, while a single person with 1 or more children and a couple with, or without children will have a repayment amount where they have capital of more than \$2000. The repayment amount is small (\$50) at those levels, but larger where there is more capital. Some beneficiaries, typically those on longer term benefits, will have a repayment amount because of the amount of the income from their benefit. The Act allows the Commissioner to issue a deduction note to a third party to recover the debt: this includes payment of benefits.

The Act does, however, allow the Commissioner discretion. Where the thresholds determine that a repayment applies, the granting officer must also consider the individual circumstances of the person and decide whether the repayment condition should be set. Legal aid debts can also be waived if the Commissioner considers payment would cause serious hardship to the person.

THE 2014 FAMILY JUSTICE SYSTEM REFORMS

The 2014 Family Justice System reforms.

NEW ZEALAND'S POSITION

In 2014, significant changes were made to the family justice system, primarily relating to parenting disputes about care arrangements for children after separation. The Government is setting up an independent panel to consider the impacts of the 2014 family justice system reforms and any necessary changes.

Current Situation

Many stakeholder groups have raised significant and wide-ranging concerns about operation of the Family Court – both those changes made in 2014 and some more wider.

The changes in 2014 altered the way disputes about parenting arrangements were resolved and shifted emphasis to resolution out-of-court and access to lawyers was removed from the initial stages of proceedings under the Care of Children Act.

Challenges

Concerns have been raised from many stakeholders about how the 2014 changes have worked, including whether they:

- continue to put the best interests of children first;
- promote family autonomy and co-operation, where appropriate;
- ensure access to justice services;
- meet the needs of families at all stages of the process (including the timely resolution of disputes).

Government response

The Government is also concerned about the Family Court and what improvements can be made. Given the significant issues arising from the 2014 reforms, an immediate focus is on their impacts. An independent panel will shortly be established to consider what can be done to remedy the concerns raised about the 2014 reforms. The work will be child-centred and informed by expert advice. The panel will engage with key stakeholders including relevant interest groups and the public, particularly those who have been through the system.

Family violence

Many stakeholders are concerned about how the Family Court manages cases where family violence is involved. The 2014 reforms made specific changes to the way the Family Court responded to allegations of family violence.

The panel will therefore consider how these changes have worked in practice and what improvements could be made to ensure safety from family violence for women and children and that court processes are responsive to the needs of parents who have been affected by violence. The panel will report by mid-2019.

TEMPORARY SPECIAL MEASURES

Temporary special measures to advance women's equal participation.

NEW ZEALAND'S POSITION

The government makes judicious use of temporary special measures to galvanise action, for example we have just announced a target to achieve 50% women on state sector boards and committees by end of 2021, supported by strategic actions to enable its achievement.

Challenges

Some gender disparities in New Zealand are reducing only slowly. In most cases (for example, the gender pay gap) comprehensive legislation has been in place for many years and this has achieved a significant reduction in gender discrepancies. Similarly, achieving equal gender representation on state sector boards and committee has been a slow process. Gendered difference in outcomes are often created by a complex mix of factors, such as occupational and vertical segregation, patterns of employment and unconscious bias in the case of the gender pay gap, and a strategic approach to address them is required..

Government response

The Government has this month established a 50% target by 2021 for women on State Sector boards and committees. The target is an overall target (meaning some boards may be greater, some less than 50%), and signals the importance of continuing to improve gender diversity in the state sector.

OCCUPATIONAL SEGREGATION

What New Zealand is doing to address occupational segregation.

NEW ZEALAND'S POSITION

The Government is working on initiatives to attract and retain priority groups of women in occupations where high growth is projected and where women are currently underrepresented, in particular STEM, ICT industries, and construction and trades. Through pay equity initiatives, and the landmark New Zealand Court of Appeal decision in 2014 which determined that our equal pay legislation includes equal pay for work of equal value, we will see more value placed on occupations women have traditionally dominated.

Current situation

Women are currently underrepresented in STEM, ICT, and construction and trades industries.

Challenges

New Zealand women are gaining qualifications at a higher rate than men but their skills are not being translated into greater career and development opportunities. A substantial proportion of both women (47%) and men (53%) work in occupations that are at least 70% dominated by their own gender.

Government response

Curious Minds, a Government initiative, has a ten-year goal of encouraging and enabling better engagement with science and technology for all New Zealanders. The initiative specifically profiles women in STEM and aims to inspire teachers and learners and feature women in different career stages, across a range of disciplines.

The Māori and Pasifika Trades Training programme is designed to increase access for Māori and Pasifika learners to vocational and pre-employment training. Each consortium is required to register their aspirational targets for women learners. Between 2014 and 2017, the total number of women learners has grown from 251 (21%) to 795 (33%). The Ministry for Women recently released a publication of the inspiring stories of wāhine toa developing trade careers.

From the start of 2018, everyone starting tertiary education, or training for the first time, is eligible for one year of full-time study or the first two years of an apprenticeship without fees. This will be extended to cover the first three years of study from 2024. It's expected that this change will benefit up to 80,000 students in 2018, including up to 6,000 new apprentices and trainees.

Student allowances and living costs loans have also been significantly increased. This policy means that women who have not previously done so, can better afford to participate in tertiary education, gaining the benefits and opportunities of lifelong learning.

The landmark New Zealand Court of Appeal decision in 2014 (the Terranova case) determined that our equal pay legislation includes equal pay for work of equal value. This led to a \$2 billion pay settlement in 2017 (The Care and Support Workers (Pay Equity) Settlement). Following this settlement, a workforce of more than 55,000 low paid mainly female care and support workers received a pay rise. (See *Pay Equity* Q+A)

The Ministry for Women has undertaken two seminal research projects on gender role stereotyping and prejudice in the context of women's career progression:

- *Realising the opportunity: Addressing New Zealand's leadership pipeline by attracting and retaining talented women* (2013) identifies why women 'drop out' of the leadership pipeline and how employers can support their retention.
- *Inspiring action: Action plans and research to help you attract and retain talented women* (2014) is a quick reference to resources that assist organisations to address unconscious bias and identify practical steps to improve women's career pathways.

BACKGROUND

The Māori and Pasifika Trades Training Programme

The Māori and Pasifika Trades Training (MPTT) programme is designed to increase access for Māori and Pasifika learners to vocational and pre-employment training. This enables these learners to develop skills for sustainable employment and achieve better employment outcomes.

The MPTT programme is delivered via a consortia approach, which involves partnerships between tertiary education organisations, local employers, and communities including Māori and Pasifika groups. The consortia aim to improve outcomes for Māori and Pasifika learners by developing new pathways to training and, ultimately, sustainable employment.

MPTT funding is paid to 16 consortia organisations that are part of an approved consortium.

Māori and Pasifika Trades Training funding provides fees-free tertiary places for Māori and Pasifika learners aged between 16 and 40 to achieve in pre-trades training and progress to sustainable trades or trades-related employment (including New Zealand Apprenticeships), other successful industry training programmes at Level 3 and above on the New Zealand Qualification Framework, and managed apprenticeships.

The Minister for Women in late 2015 led the requirement for the funding agreements of each consortium to register their aspirational targets for women learners. These targets are intended to prompt an increase in women's representation in high priority trades training, rather than in low priority fields such as hairdressing and beauty therapy (in which there are currently MPTT trainees). Most of the targets have been met and some have been exceeded.

MPTT began in 2014. Since then learner numbers have increased from 1,189 to 2,572 in 2016, and dropped back to 2,381 last year. The intention is that the number of learners will increase to 5,000 per year by 2019.

- In 2017 there were 2,381 Māori and Pacific learners, of which 795 or 33% were women.
- Between 2014 and 2017, the total number of MPTT learners has doubled from 1,191 to 2,381 over the same period. For women, it has grown from 251 (21%) to 795 (33%).
- Between 2014 and 2017, actual numbers of women involved in building increased from 54 to 81, but as a proportion of all women enrolments this accounted for an 11% decrease.
- The proportion of women in industries where there are forecasted long-term good pay and prospects, include construction-related sectors through to forestry and environmental studies, has decreased from 47% in 2014 to 43% in 2017.

MEDIA DISCRIMINATION

What New Zealand is doing to address media discrimination.

NEW ZEALAND'S POSITION

The Government recognises the important role the media can play in the achievement of gender equality and the empowerment of women and girls, including through non-discriminatory and gender-sensitive coverage and by eliminating gender stereotypes, including those perpetuated by commercial advertisements.

Current situation

Government agencies continue to use their social media channels (Linked In, Twitter, and Facebook) as well as traditional print channels to increase the visibility of women and their successes in a wide variety of sectors. For example:

- During the Commonwealth Games, the Ministry for Women shared , on social media, cards featuring women gold medal winners. During New Zealand Music Month in May, it shared videos specifically of New Zealand women musicians. These areas were chosen as sports and music coverage often focuses on men. The posts received high levels of engagement.
- The Ministry of Primary Industries developed a short video on “Women in the primary industries” featuring women in a range of roles, as part of their *Growing Our Future – Primary Industry Champions* initiative to build awareness about the career opportunities in the primary sector. The video is on their website and was promoted to celebrate International Women’s Day on 8 March 2018 through social media channels.
- NZ On Air has invested two million dollars in 11 television and online projects made about and by women, as part of honouring the 125th anniversary of women’s suffrage.

New Zealand has many women working in media and broadcasting roles, with women anchoring most major news and current affairs shows. Across all media, there are more women reporters than men, and women hold many senior positions, including editorships of some of our flagship daily newspapers. The Parliamentary Press Gallery is dominated by female reporters, with the political editors from the five largest media outlets all being women.

The Broadcasting Standards Authority monitors standards for broadcasters which include and promotes ‘good taste and decency’.

All state and state-integrated schools are expected to provide a broad education that includes keeping safe on-line as part of the health and physical education and sexuality curriculum.

Challenges

There is still some way to go before the media is free of discrimination towards women in its presentation of news, events and programmes. The rapid rise of social media creates new risks along with new opportunities for government and communities to tackle the issues.

Government response

As well as the ongoing steps outlined above, the Ministry for Women has led qualitative research with Netsafe looking at young New Zealanders' experiences of digital harm in their own words.

BACKGROUND

The #metoo movement has encouraged New Zealand women to speak out about harassment in their workplaces and daily lives, and there has been media coverage of this issue.

Encouraging training for those who work in the media and the development and strengthening of self-regulatory mechanisms to promote balanced and non-stereotypical portrayals of women and girls, contributes to the empowerment of women and girls and the elimination of discrimination against and exploitation of women and girls.

Digital Harm: The Online Lives of New Zealand Boys and Girls

This research is the first in New Zealand to present young New Zealanders' experiences of digital risk in their own words and it takes a gendered approach to addressing digital harm – this is important as we know that girls experience digital harm differently to boys.

Using qualitative methodology, the report considers young peoples' online lives, the spaces they inhabit, the role that their online life plays in the formation of their identity, what harm they are exposed to, the impact of this harm, and intervention and support that is available, and possible solutions.

Having more women involved in programming and designing online environments will benefit women in the digital space. The Ministry for Women supports getting more girls and women into digital technology. Last year we distributed a guide, *Decoding Diversity*, to every secondary school and tertiary training institute in New Zealand.

This used feedback from girls and young women currently studying digital technology to encourage educators to recruit more young women into digital education.

The Ministry for Women is continuing work with Netsafe to ensure a safe online environment for young New Zealanders. We have more research to do, and with that will come more action to take.

CYBERBULLYING

Outline of Harmful Digital Communications Act 2015 and statistics on its operation.

NEW ZEALAND'S POSITION

The Harmful Digital Communications Act 2015 provides measures to prevent and reduce the harm of cyberbullying and online harassment.

Criminal prosecutions can be brought against those who deliberately post harmful communications to cause serious emotional distress. From July 2015 till December 2017, 215 criminal charges were filed and 109 charges were convicted and sentenced.

The Act also provides a civil enforcement regime. The Act appoints an approved agency (currently Netsafe) to advise people how to resolve online safety and security complaints. Along with providing information, Netsafe also acts to support victims, for example by contacting content hosts to request harmful content be blocked or removed. If an individual does not find the remedy Netsafe provides sufficient, and where a reasonable amount of time has passed, they can apply to the District Court for a range of remedies, including orders to take down material.

As at 30 September 2017 Netsafe had received a total of 574 harmful digital communication complaints since they started operations in November 2016.

The Act has provided impetus for the Government to conduct research into the nature and extent of digital harm in New Zealand, particularly against our young people. The Ministry for Women and Netsafe have released a number of publications on their research into digital harm, contributing to the evidence base and ultimately to prevention and reduction efforts.

BACKGROUND

The Harmful Digital Communications Act came into force on 2 July 2015. Netsafe was appointed as the approved agency and started operations in November 2016.

Harmful Digital Communications Act 2015

The Harmful Digital Communications Act 2015 provides a range of measures to prevent and reduce the harm of cyberbullying and online harassment. The Act makes it clear that it is unacceptable to use digital communications in harmful ways and those responsible for causing serious harm will be held accountable. It also provides easy, accessible ways for people to deal with issues like cyberbullying.

The Act provides principles that digital communications should adhere to. These principles are intended to maintain an appropriate balance between protecting individuals from significant harm while acknowledging the importance of freedom of expression affirmed in the New Zealand Bill of Rights Act 1990.

Criminal prosecutions can now be brought against those who deliberately post harmful communications to cause serious emotional distress. The offence is punishable by up to two years imprisonment or a maximum fine of \$50,000 for individuals and a fine of up to \$200,000 for companies.

Alongside the criminal offences is a civil enforcement regime. The civil regime provides a range of actions which can be utilised by Netsafe. Netsafe's role as approved agency is to advise people how to resolve online safety and security complaints. Along with providing people with information, Netsafe can also act to support victims, for example by contacting content hosts to request harmful content be blocked or removed.

Approved Agency - Netsafe

Netsafe's role as "approved agency" under section 7 of the Act is to support individuals to deal with harmful digital communications.

Individuals can report harmful digital communications to Netsafe either online or by calling Netsafe directly. Netsafe then evaluate the report and contact the victim to discuss the options available to remedy the situation. Netsafe can:

- advise people what options are available to them to resolve a problem
- investigate serious complaints and attempt to reach settlements between complainants and content authors, and
- liaise with website hosts, internet service providers and other intermediaries (both here and overseas) requesting that content that's clearly harmful be moderated or removed.

Netsafe do not have the power to compel any online host to remove content. If an individual does not find the remedy Netsafe provides sufficient, and where a reasonable amount of time has passed, they can apply to the District Court for a range of remedies that include orders to:

- take down material
- cease-and-desist
- publish a correction or apology
- give the complainant a right of reply, and
- release the identity of the source of an anonymous communication, and suppress the name of any parties.

RELEVANT STATISTICS

Operational statistics, to 19 December 2017, since the Act came into force are set out below.

Criminal jurisdiction

- 215 criminal charges filed
- 160 criminal charges finalised
- 109 charges were convicted and sentenced

- 33 were withdrawn by leave
- 5 had police diversion completed
- 7 charges were dismissed
- 6 had other outcomes (these include Youth Court outcome, discharged without conviction and unfit to stand trial)

Civil jurisdiction

- 18 applications have been filed
- 12 applications have been finalised
- 6 applications have been discontinued
- 2 applications have been dismissed
- 4 applications were granted

As at 30 September 2017, Netsafe had received a total of 574 harmful digital communication complaints since they started operations on 21 November 2016.

PROSTITUTION

Specific measures being taken in New Zealand to combat the exploitation of prostitution and exit programmes for women who wish to leave prostitution.

NEW ZEALAND'S POSITION

The Prostitution Reform Act 2003 decriminalised prostitution in New Zealand. The key aim of the Act is to safeguard the human rights of sex workers and protect them from exploitation.

Current Situation

A review of the Act in 2008 found that the majority of sex workers are better off in regards to health and safety under the Act than they were previously. Sex workers are now able to challenge employment conditions and seek redress for money owed to them.

Prostitution Reform Act 2003

The Act repealed offences for soliciting and brothel-keeping and brought sex work under the same laws and controls that regulate other businesses.

It is an offence under the Act to arrange, pay for, or receive payment for commercial sexual services from a person under 18 years of age. It is not an offence for a person under 18 to provide commercial sexual services as they are considered the victim.

The Prostitution Reform Act 2003 brought the sex industry under the Health and Safety in Employment Act 1992. Sex workers can challenge employment conditions in the Employment Tribunal, and seek redress through the Disputes Tribunal for money owed to them.

The Prostitution Reform Act 2003 was reviewed in 2008 by the Prostitution Law Review Committee. The Committee found that the sex industry has not increased in size, and the majority of sex workers are better off, in relation to their health and safety, under the Act than they were previously. Sex worker advocacy group, the New Zealand Prostitutes Collective has reported that since the Act was introduced, sex workers in New Zealand are aware of their rights and know they can take formal action if they are exploited.

Exit programmes

The Prostitution Law Review Committee found that the most significant barriers to exiting are loss of income, reluctance to lose flexible working hours, and the sense of belonging.

The Government does not fund exit programmes that target women in sex work. However welfare assistance is available to support those who face hardship, for example, sex workers who leave the profession may be able to claim Jobseeker's Support to help while they look for alternative work.

Jobseeker's support assists people aged 18 or older who can usually look for or prepare for work. It also includes people who can only work part-time or cannot look for work at the moment (e.g. because they have a health condition, injury or disability). At 30 September 2017, 47% of recipients were female. Sex workers who want to find other work can also receive Work and Income New Zealand payments without any extra stand down period being imposed for leaving their job.

BACKGROUND

Prostitution Reform Act 2003

Sex work was not criminalised prior to the passing of the Act but all activities associated with sex work were, such as soliciting, living on the earnings, operating a brothel and procurement.

Support available to sex workers that have been exploited

Prior to the enactment of the Prostitution Reform Act, the illegal status of the sex industry meant that sex workers were open to coercion and exploitation by managers, pimps and clients. The Prostitution Reform Act safeguards the rights of sex workers to refuse particular clients and practices through removing the illegality of their work. Sex workers who believe they have been exploited are able to seek recourse through the Police.

Sex workers leaving the profession can receive Work and Income New Zealand payments without any extra stand down period being imposed for leaving their job.

Prostitution Law Review Committee

The Prostitution Law Review Committee, made up of 11 members appointed by the Ministry of Justice, was charged with reviewing the operation of the Prostitution Reform Act 2003, and with assessing the number of sex workers in New Zealand at the time of decriminalisation. The review focused on whether the Act was achieving its purpose.

The Committee concluded that decriminalisation has improved the occupational health and safety of sex workers chiefly by empowering sex workers by removing the illegality of their work. The Committee recommended a further review of the Act in 2018; however, a review of the Act is not on the Government's current work programme.

Data

Data on sex workers in New Zealand is not collected by the Government. In 2006, the New Zealand Prostitutes Collective undertook research to assess the nature and extent of the sex industry. The results estimated a total of 2396 sex workers in the five main centres.

Immigration

The Prostitution Reform Act 2003 states that no visa may be granted under the Immigration Act 2009 to a person in relation to prostitution work. Under the Act it is also a condition of every

temporary entry class visa (granted under the Immigration Act) that the holder may not, while in New Zealand, provide commercial sexual services, act as an operator of a New Zealand business of prostitution, or invest in such business.

Within Immigration New Zealand is a dedicated unit, the Serious Offences Unit based in Auckland, which has a national focus on investigating and prosecuting the most serious, complex, and/or organised offending, including human trafficking. [See also *Women Migrant Workers* Q+A]

Health and safety

The New Zealand Prostitutes Collective reports that there is a high level of awareness of Occupational Safety and Health requirements in the sex industry, but compliance cannot be measured as there is no system of regular inspections of brothels by Medical Officers of Health.

Medical Officers of Health are empowered as inspectors under the Prostitution Reform Act 2003 to conduct inspections relating to compliance with health and safety regulations. These inspections are to ensure that barrier methods are used to prevent sexually transmitted infections and that information on safer sex practices and on services for the prevention and treatment of sexually transmissible infections is provided.

The Ministry of Health's role in enforcement of the Prostitution Reform Act is based on the protection of public health, which includes the health of both sex workers and their clients. The Ministry of Health's approach with regards to enforcement of the Prostitution Reform Act 2003 is essentially one of education and encouragement to achieve compliance with the requirements of sections 8 and 9 of the Act.

Enforcement and prosecution actions are expected to be reserved for those situations in which operators or offenders are in persistent and wilful non-compliance, or where some particularly culpable breach may have been committed, that results in or may have resulted in harm to a person. The Ministry expects Medical Officers of Health and officers appointed by them will engage in a process that is discreet and thorough when investigating any complaints and shall within reason explore all possible alternatives for achieving compliance before considering prosecution.

Although the intent is for an educational and supportive role in most if not all instances, officers carrying out their duties under the Act must be aware that any interaction may have significant implications at any future time, if only to establish prior knowledge that may be useful in proving an offence.

The *Sexual and Reproductive Health Action Plan* includes reference to specialist health care provided for priority groups, which includes sex workers. This refers to the clinics for sex workers that have operated in Auckland, Wellington, and Christchurch for the past 25 years. These clinics are funded by the Ministry of Health, and provided by District Health Boards.

Territorial Authorities

Management of the sex industry in each district is left to territorial authorities, who can most effectively respond to the needs of their communities, while acting consistently with the Prostitution Reform Act 2003.

The Act gives Territorial Authorities the power to regulate the signage advertising commercial sexual services, and the location of brothels. While signage can be prohibited, brothels are only able to be regulated (as opposed to prohibited outright).

Anyone who wants to operate a prostitution business must apply for a brothel operator certificate. This does not apply to a small owner-operated brothel, which has no more than four sex workers, who are each in control of their own earnings.

WOMEN IN LEADERSHIP

Women's representation in leadership: local and central government and on statutory and private sector boards.

NEW ZEALAND'S POSITION

Promoting women in leadership is one of the Government's top priorities for women. This Government recognises the important contribution of women in leadership, whether that be heading large companies, community groups, school boards, local marae, or heading the Government itself. The private sector is lagging behind the public sector in making progress.

Current situation

Women now make up 45.7% of state sector boards and committees and also hold almost 48% of senior public service leadership positions. The Government has this month established a 50% target by 2021 for women on State Sector boards and committees [EMBARGOED until 6 July announcement].

Women make up nearly 40% of the Members of Parliament – the highest level ever. We also have women in the roles of Prime Minister, Governor-General and Chief Justice for the first time since 2006.

Women have made steady gains in representation at local government. District councils have seen noticeable increases in the proportion of women elected members, increasing to 34% in 2016.

Challenges

While there has been great progress, we know that large proportions of talented women drop out, or stall below senior management and top leadership positions, particularly women from ethnic minority groups and Māori and Pacific women.

The private sector is significantly lagging behind the public sector. Women hold only 19% of board positions and 19% of senior leadership positions in New Zealand Stock Exchange (NZX) listed companies.

Government response

This Government is:

- working with private and state sector organisations to grow the pathway of women into leadership roles
- creating an environment where key decision-makers understand the importance of appointing women and actively seek out suitably qualified women candidates
- supporting emerging women leaders to develop their skills and talents and realise their leadership potential.

Government is working to improve data collection and analysis on leadership diversity in the public sector, providing advice to decision makers on the case for change and promoting effective strategies to realise gender balance.

The Government considers that, to achieve positive change and increase the number of women on private sector boards, it is essential that change is led by private sector leaders within their own organisations and sectors, and that they are responsible for, and committed to, this goal.

The Government is influencing private sector leaders to take action on this, through its relationships with organisations and hosting of events, such as the Ministry for Women breakfast symposium for private sector leaders on women in leadership.

BACKGROUND

Ministry for Women research has shown the three biggest barriers to women's progress through leadership roles are: unconscious bias, career breaks and the lack of flexible work arrangements that support career progression.

Women's representation in Parliament

There are 46 women (38.4%) Members of Parliament in the 52nd Parliament – 13 of whom are Māori - the highest level of representation for women in its history and an increase of 7% on the previous Parliament. Of these, 7 of the 20 Cabinet Ministers are women and 10 of the 28 Ministers of the Crown are women.

While Government currently has no initiatives specifically targeted to increase the gender representativeness of Parliament, wider efforts to advance women's leadership, make flexible work and parental leave normal for men and women, and reduce the impact of bias, is helping to build the pathway of women leaders in the political sphere.

Women's representation in local government

The proportion of women elected to local authorities has been rising since 1989. The 2016 results show the highest percentage of women candidates (35%) and women elected (38%) in the last 28 years. District health boards tend to have the largest amount of women elected (53%). District councils saw noticeable increases in the proportion of women candidates and elected members, increasing to 36% and 34% in 2016.

Councils are actively working to support diversity within their organisation to better reflect the communities they serve. As part of this, they are carrying out specific initiatives to increase the representation of women at senior levels within council and to increase the diversity of the boards of council-controlled organisations. At its annual Summit, the NZ Society of Local Government Managers hosts a "Women in Local Government" breakfast focused on women contributing at the highest levels.

At the 2016 Auckland Council elections 41% of all candidates and 49% of elected candidates were women. Currently 33% of governing body members and 53% of all local board members are women in Auckland.

Women's representation in the Public Service

Approximately 44% of Public Service Departments currently have a female Chief Executive (includes Acting).

As at 30 June 2017, the percentage of women in the top three tiers of senior management was 47.9%, up from 38.4% in 2008. 54% of other management roles are held by women.

Women of Māori, Pacific and Asian ethnicities remain under-represented in the top tiers of management and over-represented in lower paid occupations.

In relation to the Public Service, the Government is committed to eliminating the gender pay gap in the public service, with substantial progress this Parliamentary term. A strategy is currently in development to support this goal.

Women's representation on Statutory Boards

As at 31 December 2017, women held 1,200 (45.7%) of the over 2600 roles appointed by ministers on state sector boards and committees. This represents a small increase from the 45.3% found in 2016 and is the second-highest total since the stocktake began in 2004.

The Government has this month established a 50% target by 2021 for women on State Sector boards and committees [This can be confirmed and will be announced on 6 July]

Every year the Government appoints to over 420 state sector boards and committees across 25 government appointing agencies.

The Ministry for Women's nominations services continue to assist with the recruitment of suitable women, including women from ethnic communities, for vacancies on state sector boards. In 2017, the Ministry for Women nominated approximately 200 women for positions on these boards.

Institute of Directors Future Directors Programme

To help grow the pathway of women leaders, the Institute of Directors' Future Directors programme has been introduced to the public sector. Future Directors aims to give talented young people the opportunity to observe and participate on a company board for a year while giving the company exposure to this talent and the benefits a young mind can bring.

The extension of the programme to state sector boards and committees further strengthens New Zealand's director pool and helps to develop a larger and more diverse pipeline of future leaders.

To date there have been seven appointments to state sector boards and committees.

Women's representation on Private Sector Boards

Women hold only 19% of board positions and 19% of senior leadership positions in NZX listed companies. A recent 2017 review of the top 100 NZX-listed companies found that it will take until 2030 to close the board role gap between men and women.

There is currently support for increased gender diversity in the private sector. Government works with individual private sector leaders and organisations, such as the New Zealand Stock Exchange (NZX), Business New Zealand and Global Women/Champions of Change, to promote diversity and increase women's leadership representation. In 2017 the NZX strengthened its diversity reporting requiring listed companies to establish a diversity policy with measurable objectives and report annually on a 'comply or explain' basis. The YWCA run an annual equal pay awards.

There needs to be greater sector-wide discussion on what is needed to progress women's representation on boards (e.g. the use of targets, quotas, league tables, incentives, enhanced gender diversity reporting).

The Government considers that, to achieve positive change and increase the number of women on private sector boards, it is essential that change is led by private sector leaders within their own organisations and sectors, and that they are responsible for, and committed to, this goal.

WOMEN IN LAW

The position of women in the law profession in New Zealand.

NEW ZEALAND'S POSITION

Women are well represented in the legal profession, but much less so at senior levels.

Current situation

Female law graduates have outnumbered their male counterparts since the 1990s. In 2013, 61.8% of new admissions to the profession were women, which is a vast increase from the 26.3% admitted in 1980.

As at August 2015, women were 29% of the total judiciary in New Zealand. Women head benches for three of the four principal courts.

The New Zealand Law Society and individual law firms are taking action to address sexual harassment in the profession.

Challenges

The Government is concerned about the prevalence of reported sexual harassment in the legal profession (as well as others) which is a barrier to women's career progression.

Women are severely underrepresented in senior legal roles in the legal profession. Over 60% of law graduates and just over half of the legal profession is female. Yet, while women make up 61% of lawyers who work in law firms with more than one practitioner, they make up less than 31% of partners or directors in those firms. Although around 60% of in-house lawyers are women, that proportion is not reflected in leadership roles in corporate and government legal teams. And only 26 out of 110 Queens Counsel appointed since 2002 are women. The hourly charge out rate for women is lower than males by an average of 7% to 10% in all sizes of firm and virtually all areas of the country.

There has been significant media coverage in 2018 about reports of sexual harassment in the legal profession.

Government response

The Government is concerned about the prevalence of reported sexual harassment in the legal profession (as well as others) which is a barrier to women's career progression. Ministers are working on responses to sexual harassment, including work underway in the public service to lead by example. [See *Sexual Harassment Q+A*]

BACKGROUND

The Family Court has the greatest representation of women on the bench (41%) followed by the Māori Land Court (30%), the District Court (29%) and the Environment Court (29%).

In August 2015, President Ellen France, Justice Christine French and Justice Helen Winkelmann sat as the first all-woman bench in the Court of Appeal's 153-year history.

In an AUT study commissioned by the Auckland Women Lawyers' Association 'Women's Career Progression in Auckland Law Firms: Views from the top, views from below' 86% of the female respondents reported that they perceived barriers to their progression within their current firm. There was a notable difference between male and female perceptions of promotion opportunities within their current firms. 40% of male respondents perceived moderate levels of promotion opportunities for themselves compared to only 20% of female respondents. In fact 23.8% of female respondents perceived no promotion opportunities at all.

Research carried out in 2016 by law graduate Josh Pemberton found that new woman lawyers also felt that it was more difficult for women than men to progress in the law. A survey of 531 women lawyers in their first five years of practice found that 354 - 67% - felt that their gender had a bearing on their prospects or future in the legal profession. (First Steps: The experiences and retention of New Zealand's junior lawyers).

In addition to barriers to career progression, the profession also faces a real problem with retention. Women leave the profession at a rate 3-4% higher than men and variance begins early with 2-3% more women than men who are admitted but never enter legal practice. In the AUT study 95% of women respondents agreed that there was a trend for women to leave firms or the profession.

Addressing this will require a significant culture shift. The under-representation of women in senior legal positions is a real concern for the profession at large and supporting the advancement and retention of women lawyers is a focus for the New Zealand Law Society. The New Zealand Law Society has established a regulatory working group on harassment and inappropriate workplace behaviour, chaired by Dame Silvia Cartwright.

The New Zealand Law Society are also about to announce a Culture Change taskforce, to be chaired by an expert on the issue and including a diverse range of lawyers from senior barristers, solicitors and Queens Counsel to junior members of the profession. While the parameters of work on culture change have not yet been announced, it will include addressing gender biases and discrimination.

NEW ZEALAND'S DIPLOMATIC REPRESENTATION

Diplomatic Service, International Conferences and Foreign Policy.

NEW ZEALAND'S POSITION

The advancement of women's rights internationally is a priority of the New Zealand Government; New Zealand women actively participate in a wide range of international forums, and lead delegations to a number of international meetings.

Current situation

Women play an important role in New Zealand's diplomatic service. Over half of the Ministry of Foreign Affairs and Trade's (MFAT) staff are women. Women comprise the majority of junior New Zealand diplomats

Women continue to represent New Zealand at international conferences as both official and non-official members of government delegations, without discrimination on the basis of gender. Government support for New Zealand candidates for international bodies is based on the merits of the individual's candidature and without discrimination on the basis of gender.

Challenges

The Ministry acknowledges the persistent lower percentages of women in senior positions and the unique challenges that women face as staff at the Ministry.

Government response

The Ministry has successfully launched a Diversity and Inclusion Strategy in June 2018 as an organisational priority. The Strategy is ambitious; it is built on five pillars with 40 goals and 74 specific initiatives.

The Strategy is built on the philosophy that we will be better able to navigate our external environment if our staff reflect the diversity of New Zealand and the countries we work in. It emphasises that inclusion is the key to unlocking the potential of our diversity. Along with the recently launched new Ministry values ([Kotahitanga, Impact, Manaakitanga and Courage](#)), the Diversity and Inclusion Strategy encourages the Ministry to demonstrate to our global partners and to New Zealanders that the Ministry represents the aspirations of the country we represent: a tolerant, diverse, inclusive and welcoming society.

BACKGROUND

Diversity and Inclusion is one of three organisational priorities for MFAT. The recently launched Strategy has five pillars: Leadership and Accountability; Recruitment, Retention and Progression; Learning and Development; Flexible Work and Remuneration; Outreach and Communications. There are specific targets for women's representation, including a target of 45 per cent women

on the Ministry's Senior Leadership Team by 2025. It also includes measures for success that will be regularly reported against, including ensuring the within-band gender pay gap remains at zero per cent.

Currently there are a number of staff networks that support women, including the Women's network and the Flexible Working network. Recently a 'Women at Post' Working Group was set up to make recommendations on how the Ministry can ensure equality for women working or living at our posts.

The Ministry's policy settings also aim to provide a positive and supportive working environment for all staff. The Ministry frequently provides entitlements that go beyond statutory and legislative minima. Many of these initiatives have a broader aim of being family friendly (such as childcare provisions and flexible working arrangements). Female staff who become parents are able to access an additional year's parental leave retaining the guarantee of a role.

All MFAT recruitment panels operate to expectations of inclusion and diversity and work actively to eliminate bias from recruitment decisions. As a minimum selection panels must contain gender balance. In addition, all senior appointments are moderated to ensure any gender pay disparities are accounted for in remuneration levels on appointment.

RELEVANT STATISTICS

As at 1 April 2018 55 per cent of staff at the Ministry of Foreign Affairs and Trade (MFAT) were women.

The number of women in the foreign policy (diplomatic) stream of MFAT has increased to 52 per cent (from 50 per cent in 2016).

Women still comprise the majority of New Zealand's junior diplomats (52.9 per cent) and 42 per cent of foreign policy management.

The number of women holding Head of Mission/Post positions continues to be relatively steady since the last report, at 34 per cent.

The number of women on the Senior Leadership team has decreased to 23 per cent (from 30 per cent in 2016).

NEW ZEALAND'S DEVELOPMENT COOPERATION

Incorporating gender within New Zealand's development cooperation.

NEW ZEALAND'S POSITION

New Zealand is committed to advancing gender equality and women's empowerment (GEWE) in developing countries and the Pacific through its development cooperation programme and policy engagement.

Current Situation

Since 2001, gender has been integrated across New Zealand's development assistance programme. As a result, a relatively high proportion (57 per cent) of our current bilateral aid expenditure goes to activities where gender is a significant objective. However, the proportion of funding for bilateral activities where gender is a primary (or principal) objective has fallen.

Challenges

Good practice in advancing GEWE determines that that integration, which we have been pursuing, needs to be coupled with a programme of more focussed activities where GEWE is the primary objective. Our immediate challenge is to grow principal activities primarily in the Pacific where we spend more than 60 per cent of our aid budget.

Discrimination against women and gender inequality remains a pressing challenge for the Pacific. In the Pacific, women make up just 7.4 per cent of national parliamentarians (the lowest rate in the world), compared to a global average of around 23.3 per cent. Despite variation between countries, there are high levels of violence against women in all Pacific countries compared to global averages.

Government Response

In March 2018, the Minister of Foreign Affairs announced a reset of New Zealand's relationship with and contribution to development in the Pacific.

For the next three years, funding for International Development Cooperation will increase to \$2,186.718 million compared to \$1,711.887. This includes \$432.677 million in new funding. This is expected to lead to an increase in ambition and investment in focused gender activity including on women's political representation and women's economic empowerment and gender based violence.

BACKGROUND

Cabinet has mandated that both gender and human rights be integrated across the aid programme as cross-cutting issues that are critical to achieving effective development. They are

required to be considered during the design and implementation of all development cooperation programmes and activities.

Improving monitoring and evaluation of gender equality and women's empowerment is a priority. New Zealand's development cooperation results management policy emphasises the importance of reporting gender-disaggregated data and we are strengthening systems to improve data quality in this area.

New Zealand also supports a smaller group of activities that specifically target gender outcomes. We provide multi-year core funding to UN Women to support its role promoting gender equality internationally. In the Pacific, we support activities which aim to increase women's parliamentary representation, reduce violence against women, expand access to sexual and reproductive health and support women's economic empowerment.

In 2018, the government announced its intention to increase focus on women's political and economic empowerment in the Pacific. Work is under way to assess how we can do this most effectively.

National Action Plan, Women Peace and Security, UN Resolution 1325

The New Zealand National Action Plan on Women, Peace and Security 2015 – 2019 explains how New Zealand will implement United Nations Security Council resolutions on women, peace and security. New Zealand's approach to implementing UN Security Council resolutions on women, peace and security will focus on five key areas:

- Creating and maintaining political pressure in international fora to ensure women's involvement in decision making within conflict and post-conflict situations
- Promoting New Zealand women as mediators and negotiators in international forum
- Increasing the number of New Zealand women deployed in police and military roles in UN-mandated peacekeeping missions, improving the capability of peacekeeping missions to respond to women's needs
- Ensuring gender analysis informs New Zealand's peace support responses, and development assistance to countries affected by conflict
- Promoting efforts to combat sexual violence, intimate partner violence and violence against women in conflict affected countries where we have a development programme or post.

These five key focus areas reflect current commitments and policies in the key agencies involved in this National Action Plan: New Zealand Police, New Zealand Defence Force and the Ministry of Foreign Affairs and Trade (which includes the New Zealand Aid Programme).

RELEVANT STATISTICS

In 2015, 58% of New Zealand's bilateral allocable aid had gender and women's empowerment as a principle or significant objective. This compares with the average for all OECD Development Assistance Committee countries in the same year at 36%.

However, in 2016/17 only 1% of total New Zealand's aid expenditure was for activities in which gender was the principle objective which reflects a limited focus on gender-focused programming.

NATIONALITY

Women's rights in respect of nationality.

NEW ZEALAND'S POSITION

New Zealand women have long enjoyed equal rights to acquire, change or retain their nationality. There are no changes since New Zealand's last report.

EARLY CHILDHOOD EDUCATION

Access to early childhood education.

NEW ZEALAND'S POSITION

The Government is working on improving access to early childhood education (ECE). It is targeting the hardest to reach families through ongoing participation programmes and via subsidies for all children aged between 0-5 years old. The Government also works to ensure quality in ECE.

Current situation

The number of children not attending an early childhood education service before they start school is now very small. Almost all children starting school have participated in early childhood education – 96.8% as at June 2017.

Challenges

The early childhood education participation rates for Māori and Pasifika are both lower than the national total average of 96.8%. As at June 2017, the Māori participation rate was 95.2% and the Pasifika participation rate was 92.4%.

Over 90% of current services have been assessed by ERO as either well-placed or very well-placed to promote positive outcomes for children. However, ERO's national evaluations show that a substantial portion of services require development or are not well-placed in specific aspects of curriculum implementation. For example, ERO's 2017 report *Extending their language – expanding their world: children's oral language (birth-8 years)* found very few services where teachers had a clear and shared understanding of children's oral language learning and development.

Government response

Despite being lower than the national total average, Māori and Pasifika early childhood education participation rates have grown significantly in the last few years. The Māori participation rate increased 5.6 percentage points since 2010. In the same time frame, the Pasifika participation rate increased 6.3 percentage points.

These increases for Māori and Pasifika represent a disproportionate figure compared to a general increase of 2.5 percentage points over the same period.

The Government provides subsidies for all children aged 0-5 to participate in early childhood education. Parents and caregivers of 3, 4 and 5 year olds are not charged fees for up to 20 hours' early childhood education per week. The Government provides assistance to help pay for early childhood education fees for low and middle-income parents through the Childcare Subsidy.

The Government provides intensive support to families with three- and four-year-olds in target communities to enrol in early childhood education, remain in early learning and support successful transitions to school.

A new strategic plan is being developed for early learning that will set the high level direction and vision for the next ten years. The work will draw on the findings of the Education Summits and the national conversation on education, as well as other work being undertaken in the education portfolio. Public consultation will begin in October 2018.

How Government ensures quality in ECE

Quality in ECE is usually defined as structural quality and process quality.

Structural quality is easier to measure than process quality. New Zealand's regulatory framework for ECE sets minimum standards for structural features that support better process quality. These minimum standards include:

- minimum levels of qualified staff at centre-based services (e.g. at least 50% qualified teachers at teacher-led services. Different qualification standards apply in playcentre and kōhanga reo)
- minimum adult-to-child ratios by age of child
- minimum indoor and outdoor space requirements.

All early childhood services need to be licensed against the Education (Early Childhood Services) Regulations 2008, which sets out these minimum standards. Before licensing, the Ministry of Education assesses services against these standards.

The funding system also incentivises improvements in structural quality above minimum standards. There is an 80%+ funding rate for teacher-led, centre-based services. In 2017, over 96% of teacher-led, centre-based services were on this funding band. Playcentres, ngā kōhanga reo and home-based ECE services all have standard and quality funding rates that are intended to incentivise higher levels of qualified adults.

BACKGROUND

Early Childhood Education (ECE) Funding Subsidy

The ECE Funding Subsidy is the primary form of government funding for licensed ECE services. It contributes to services' operating costs by paying for part of each hour each child spends in ECE, to a maximum of six hours per child-place per day, 30 hours per child-place per week (i.e. seven days). The ECE Funding Subsidy is paid three times a year – in March, July, and November.

20 Hours Early Childhood Education (ECE)

20 Hours Early Childhood Education (ECE) is a higher rate of funding than the ECE Subsidy. It enables ECE services to provide early childhood education to three-year-olds, four-year-olds and

five-year-olds for up to a maximum of six hours per day for 20 hours per week per child without charging fees. 20 Hours ECE is paid at the same time as the ECE Funding Subsidy – in March, July, and November.

Equity Funding

Equity Funding provides additional educational resources to targeted communities to help improve access to early childhood education. Equity Funding is a targeted funding mechanism for all licensed ECE services. Equity Funding is paid to eligible services in addition to the ECE Funding Subsidy and 20 Hours ECE.

The objectives of Equity Funding are to:

- Reduce educational disparities between different groups in New Zealand communities;
- Reduce barriers to participation faced by those groups that are underrepresented in ECE services; and
- Support ECE services in raising their level of educational achievement.

Equity Funding consists of four components. Services may be eligible for funding against one or more (or all) components. Each component is described in detail in this chapter, but the following table provides a summary:

- Low socio-economic communities
- Special needs, and non-English speaking backgrounds (including sign-language)
- Language and culture other than English
- Isolation

Childcare Subsidy

A person may get a Childcare Subsidy if:

- They're the main carer of a dependent child
- They're a New Zealand citizen or permanent resident
- Their family is on a low or middle income.

They should also normally live in New Zealand and intend to stay here. It also depends on how much the carer and their partner earn.

The child must be:

- aged either:
 - under 5, or
 - over 5 if the school has advised they can't start until the beginning of the term straight after their 5th birthday, or
 - under 6 if the carer gets a Child Disability Allowance for them
- attending an approved early childhood programme for 3 or more hours a week.

Approved programmes include early childhood education and care services, eg:

- kindergartens and preschools
- childcare centres and creches
- playcentres and playgroups
- Kohanga Reo, Punanga Reo, Aoga and other programmes with a language and culture focus
- approved home-based care.

A Childcare Subsidy is normally paid for up to 9 hours of childcare a week if the carer is not working, studying or training.

They may be able to get up to 50 hours a week if they're in one of these situations:

- working, studying or on an approved training course;
- involved in an activity that Work and Income has asked them to do;
- a shift worker who works nights;
- seriously ill or disabled; or,
- caring for a child in hospital or for a child they get the Disability Allowance for.

In most cases they can't get the Childcare Subsidy for more than 9 hours a week if the child's other parent or caregiver can care for them.

Families getting 20 hours Early Childhood Education (ECE) can't get the Childcare Subsidy for the same hours.

Raising early childhood education participation for Māori, Pasifika and low socio-economic communities

The Government runs several programmes to raise early childhood education participation in Māori, Pasifika and low socio-economic communities for 3 and 4 year olds. Between 2010 and 2017, over 16,400 children have been enrolled through the participation programmes.

The participation programmes include:

- **Engaging Priority Families** – this provides intensive support for participation in early learning, for example by supporting families on a range of health and welfare issues and brokering engagement with suitable and responsive early childhood education services. Engaging Priority Families providers work alongside families and whānau to: support their child's regular attendance in a quality early learning service that is responsive to their needs; strengthen their involvement with their child's learning at home and support their child's transition to school/kura.
- **Supported Playgroups** – certificated playgroups with regular support from a kaimanaaki/playgroup educator.
- **Poipoia te Mokopuna** – a whānau-focused education programme that aims to nurture tamariki and their learning in the early years.

Government provides targeted assistance in some areas to stimulate supply

The Targeted Assistance for Participation fund is a grant that provides funding for early childhood education services to be built or extended. It creates new child places and early childhood education services in areas where participation is lowest or the needs of a particular community are not being met by existing provision.

In the seven years to 2016/17, \$101 million has been invested through 285 Targeted Assistance for Participation grants. These grants have created over 9,000 new child places in areas with the highest need for new child places that are responsive to the target community.

Early Learning Strategic Plan

A new strategic plan is being developed for early learning that will set the high level direction and vision for the next ten years. The draft plan will be jointly developed by a Ministerial Advisory Group, a larger Reference Group that includes sector stakeholders, and the Ministry for Education. Their work will draw on the findings of the Education Summits and the national conversation on education, as well as other work being undertaken in the education portfolio.

Public consultation on the draft plan is expected to take place in October 2018.

There is no evidence or data to support that quality of individual services is directly connected to the socioeconomic status bracket and location or to private services.

How Government ensures quality in ECE

Quality in ECE is usually defined as structural quality and process quality. Structural quality encompasses static environmental elements such as teacher-to-child ratios, group size and teacher qualifications. Its contribution to better outcomes for children is indirect through improving process quality. Process quality refers to the quality of interactions between staff and children and is strongly correlated with good outcomes for children.

The Education Review Office (ERO) is responsible for the external evaluation of service quality in all licensed early learning settings. ERO provides some indication of process quality in ECE services.

Over 90% of current services have been assessed by ERO as either well-placed or very well-placed to promote positive outcomes for children. However, ERO's national evaluations show that a substantial portion of services require development or are not well-placed in specific aspects of curriculum implementation. For example, ERO's 2017 report *Extending their language – expanding their world: children's oral language (birth-8 years)* found very few services where teachers had a clear and shared understanding of children's oral language learning and development.

BUDGET 2018 - EDUCATION

Overall, Budget 2018 invests over \$3.8 billion in operating funding, and approximately \$395 million of capital funding for new assets over the next 4 financial years in education.

Budget 2018 – Vote Education and Vote Tertiary Education

Budget 2018 provides additional operating investment of \$1.6 billion and capital investment of \$394.9 million over 4 years for Vote Education, which includes:

- \$483.1 million over the next 4 years to meet growing demand for early childhood education.
- \$306.9 million over the next 4 years to meet growing demand for primary education and \$170.7 million over the next 4 years to meet growing demand for secondary education.
- \$283.8 million over the next 4 years to meet growth and fund investment in a range of supports and services for students with additional learning needs. These include investment in: Early Intervention Services, the Ongoing Resourcing Scheme, Te Kahu Tōi Intensive Wraparound Service, Sensory Schools, and Teacher Aide funding.
- A \$74.6 million boost for schools' operational grants over the next 4 years to fund a 1.6% universal increase. This exceeds the rate of inflation in the previous year, and will help them manage the impact of the cost pressures that they face.
- A \$104.8 million increase in early childhood education subsidy rates (other than for home-based services) over the next 4 years to fund a 1.6% increase, to maintain quality and affordability.
- A \$457.2 million investment in school property for new schools, expansion of existing schools, new classrooms and for the Christchurch Schools Rebuild. This consists of \$394.4 million of capital funding and \$62.8 million of operating funding.
- This investment brings the amount of funding in Vote Education up from \$11.85 billion in 2017/18 to \$12.26 billion in the 2018/19 fiscal year.

Budget 2018 provides additional operating investment of \$1.7 billion over the next 4 years for Vote Tertiary Education, which includes:

- \$1.57 billion over the next 4 years, to pay the first year fees of eligible students.
- This investment increases the amount of funding in Vote Tertiary Education in 2018/19 to \$3.44 billion – up from the \$3.08 billion budgeted for 2018/19 in Budget 2017.
- Alongside the investment in Vote Tertiary Education, the Coalition Government has also delivered \$50 increases to weekly student allowance and student loan living cost payments from 1 January 2018 through Votes Social Development, Revenue and Social Housing. This involves forecast operating expenditure of \$716 million over the next 4 years, as at December 2017.

As part of Budget 2018, \$220.8 million of funding was reprioritised to help address cost pressures and fund other high priorities in Budget 2018:

- \$83.8 million of funding was reprioritised from Vote Education.
- \$137.0 million of funding was reprioritised from Vote Tertiary Education.

Early Childhood Education

Cost Adjustment For Early Childhood Education

This funding will help meet increased costs for the 20 Hours Early Childhood Education (ECE) subsidy and the ECE subsidy (for under twos and over twos) to help ECE services and kōhanga reo manage increasing costs of provision and maintain quality and affordability for parents and families.

Operating Funding \$increase

- 2018/19 13.680 million
- 2019/20 29.218 million
- 2020/21 30.308 million
- 2021/22 31.606 million

Four year total \$104.812 million

Early Childhood Education and Schooling – Meeting Increasing Demand

This funding will address the impact of increasing demand for Early Childhood Education, and roll growth in Primary and Secondary Education. This is primarily related to increased school operations funding and teacher salaries volume growth; and early childhood education price and volume growth.

Operating Funding \$increase

- 2018/19 129.005 million
- 2019/20 195.493 million
- 2020/21 270.906 million
- 2021/22 388.904 million

Four year total \$984.308 million

Home Based Early Childhood Education – Contingency

This funding is the Cost Adjustment component for Home Based Early Childhood Education. This funding has been set aside for home-based ECE providers who meet the quality criteria for home-based ECE services. It will be drawn down once the quality criteria have been developed. The quality criteria will be based on the findings from the Review of Home-based ECE, which is due to be completed in November 2018.

Operating Funding \$increase

- 2018/19 0.296 million
- 2019/20 0.641 million
- 2020/21 0.666 million
- 2021/22 0.694 million

Four year total \$2.297 million

Special Education (Disabilities)

Learning Support - Ongoing Resourcing Scheme

This funding will address demand pressures in the Ongoing Resourcing Scheme (ORS), which provides resourcing and support to students with the highest and most complex additional learning support needs until they leave school. ORS is a demand-driven model; all students who are assessed and verified as meeting the ORS criteria receive specialist support (such as speech language therapy or occupational therapy), specialist teacher time, teacher aide support and a consumables grant.

Operating Funding \$increase

- 2018/19 22.345 million
- 2019/20 29.976 million
- 2020/21 37.202 million
- 2021/22 43.948 million

Four year total \$133.471 million

Capital Funding \$increase

- 2018/19 0.038 million
- 2019/20 0.050 million
- 2020/21 0.060 million
- 2021/22 0.070 million

Four year total \$0.218 million

Learning Support - Te Kahu Tōi Intensive Wraparound Service

This funding will increase the number of students receiving specialist support through Te Kahu Tōi Intensive Wraparound Service (IWS). IWS is provided to students who have behavioural, social and/or learning needs that are highly complex and challenging (and may have associated intellectual difficulties) and require support at school, at home and in the community.

Operating Funding \$increase

- 2018/19 1.198 million
- 2019/20 1.198 million
- 2020/21 1.198 million
- 2021/22 1.198 million

Four year total \$4.792 million

Capital Funding \$increase

- 2018/19 0.015 million
- 2019/20 0.015 million
- 2020/21 0.015 million
- 2021/22 0.015 million

Four year total \$0.060 million

Learning Support – Teacher Aide Funding Rates

This funding will address a cost pressure for schools by increasing the Ministry's teacher aide hourly funding contribution closer to the rate schools are actually paying. The Ministry funds schools to provide teacher aide support for identified students through a number of existing initiatives including In-Class Support, the School High Health Needs Fund, Ongoing Resourcing Scheme, Language and Learning Intervention and the Behaviour Service. It is also likely to increase the actual number of hours of support that students receive.

Operating Funding \$increase

- 2018/19 5.713 million
- 2019/20 11.792 million
- 2020/21 17.870 million
- 2021/22 23.948 million

Four year total \$59.323 million

Visually Impaired

Learning Support - Sensory Schools and New Zealand Sign Language

This funding will address cost pressures to allow children and young people who are deaf, hard of hearing, blind, deafblind or have low vision to continue to access specialist services and achieve in education through sensory schools and related services. It will grow the workforce to ensure there are teachers and other professionals with the specialist skills required. This funding will also promote the participation, achievement and wellbeing of deaf and hard of hearing children and young people by supporting New Zealand Sign Language.

Operating Funding \$increase

- 2018/19 7.550 million
- 2019/20 7.550 million
- 2020/21 7.550 million
- 2021/22 7.550 million

Four year total \$30.200 million

Māori Students

Strengthening Equity and Lifting Achievement for Māori Students

This funding will support the development of a co-constructed approach to addressing cultural bias in schools to support equity and accelerate Māori educational achievement and wellbeing. The initiative will build on what we have learned from Te Kotahitanga and subsequent programmes and consider the new system settings since Te Kotahitanga (<http://tekotahitanga.tki.org.nz>) was last implemented.

Operating Funding \$increase

- 2018/19 1.000 million
- 2019/20 -
- 2020/21 -
- 2021/22 -

Four year total \$1.000 million

Te reo Māori

Te Ahu o Te Reo Māori

This funding will provide a programme designed to lift the overall capability across the system for delivering quality te reo Māori provision.

Operating Funding \$increase

- 2018/19 2.865 million
- 2019/20 4.197 million
- 2020/21 4.343 million
- 2021/22 -

Four year total \$11.405 million

*Five year total \$12.455 million**

* The five year total is from 2017/18 to 2021/22.

Te Kawa Matakura

This funding will fulfil government commitments to develop a programme and qualification for secondary students who exhibit excellence in te ao Māori.

Operating Funding \$increase

- 2018/19 0.830 million
- 2019/20 1.300 million
- 2020/21 -
- 2021/22 -

Four year total \$2.130 million

*Five year total \$2.820 million**

* The five year total is from 2017/18 to 2021/22.

English for Speakers of Other Languages (ESOL)

Learning Support - English For Speakers of Other Languages (Schooling)

This funding will address cost pressures faced in the English for Speakers of Other Languages (ESOL) programme. This programme funds schools to teach migrant background students English and help them access the curriculum.

Operating Funding \$increase

- 2018/19 1.273 million
- 2019/20 9.576 million
- 2020/21 11.043 million
- 2021/22 12.594 million

Four year total \$34.486 million

SCHOOL LEAVERS

Female school leavers with National Certificate of Educational Achievement (NCEA) Level 2 or above.

NEW ZEALAND'S POSITION

The Government is dedicated to supporting young people in succeeding in a diverse range of pathways. To improve retention it has implemented various initiatives in secondary schools.

Current situation

Female school leavers are more likely to attain at least NCEA Level 2 (or equivalent) than their male counterparts. At the time of leaving school, females achieve NCEA Level 2 or above at a rate of 82.8% and males at a rate of 78%.

Challenges

Māori and Pacific students are showing the lowest rates of achieving NCEA Level 2 or above upon leaving school. As at 2016, 77.5% of female Pacific students had left school having achieved NCEA Level 2 or above. For female Māori students this percentage was even lower, sitting at just 69.6%. Male Pacific (72%) and Māori (63.5%) student rates are lower than their female counterparts'.

Government response

From 2009 to 2016 there has been a consistent pattern of females attaining NCEA Level 2 or equivalent at higher rates than males. In 2016, the trend of female school leavers (82.8%) achieving at a higher rate than their male counterparts (78%) continued. However, the size of the gender gap is closing with the difference reducing from 8.2 percentage points in 2009 to 4.8 percentage points in 2016. From 2015 to 2016, male achievement increased by 1.5 percentage points while female achievement decreased by 0.1 percentage points. This reduced the gender disparity by 1.6 percentage points over the same period.

To address low attendance and to improve retention of girls in schools, the Government has come up with various initiatives which have been implemented in secondary schools. They aim to help parents, whānau, teachers and schools promote positive behaviour and create inclusive learning environments. Some programmes are specifically targeted to the needs of Māori and Pacific students, providing them with the support they need to gain NCEA Level 2, addressing the root causes of truancy and non-enrolment, and promote culturally responsive practices.

On 27 May, 2018 the NCEA review was launched in order to ensure it remains fit for purpose and continues to support young people to succeed on a diverse range of pathways. The Minister of Education appointed a 7 member Ministerial Advisory Group to identify opportunities for strengthening NCEA. Public consultation closes on 16 September, 2018.

BACKGROUND

The rate of female school leavers with disabilities

The rate of female school leavers, who had been receiving Ongoing Resourcing Scheme (ORS) support, attaining NCEA level 2 or above was 16.8% in 2016. This is up from 15.9% in 2015 but a drop since a high point in achievement for the 2010 ORS school leaver cohort (22.1%) - [Table 16]. Results of achievement fluctuate more for ORS-supported students between the different leaving cohorts than for school leavers overall. There are only around 500 ORS school leavers each year.

Students receiving ORS support is the closest available proxy to measuring achievement for students with “disabilities” at this time. ORS-supported students are those with high needs. Those with disabilities that have a low to moderate impact on learning are not included in the rates reported.

To meet ORS criteria, students must have either ongoing extreme or severe difficulty in any of the following areas: learning, hearing, vision, physical, language use and social communication. Alternately, students must have moderate to high difficulty with learning, combined with very high or high needs in any two of the following areas: hearing, vision, physical, language use and social communication.

NCEA

A formal school qualification is a measure of the extent to which young adults have completed a basic prerequisite for higher education and training and many entry-level jobs. The main qualification available to secondary school students is the NCEA, which encompasses a wide range of learning. NCEA enables students to undertake multilevel study to attain credits, perhaps at different levels in any one year, towards an NCEA qualification. Students can attain credits through internal and external assessment, and they can accumulate these credits both within and across years. Future educational and job prospects will be limited for those who leave school without Level 2 NCEA.

NCEA Review

On 27 May, 2018 the NCEA review was launched. The Terms of Reference of the review were announced on 14 December 2017. In January 2018, the Minister of Education appointed a 7 member Ministerial Advisory Group to identify opportunities for strengthening NCEA. The Minister picked people from a range of different backgrounds and challenged them to look for opportunities that would provoke, inspire, and encourage kōrero around the future of NCEA. The consultation closes on 16 September 2018.

Early school leavers

Enrolment in school is compulsory for all students aged between 6 and 16 years. However, parents of 15-year-old students may apply to the Ministry of Education for an exemption from schooling on the basis of educational problems, conduct, or the unlikelihood of the student benefiting from attending available schools. Parents are required to give details about training programmes or employment that the student would move on to in the event of an early leaving exemption being granted.

In May 2007, the Ministry of Education strengthened its early leaving application and approval process in order to reduce the number of early leaving exemptions, and the associated social and economic disadvantages that face those students who leave school early. The process involved:

- imposing a stricter interpretation of the early leaving legislative criteria, which sets a very high threshold for early leaving eligibility,
- ensuring direct contact between parents and Ministry for Education staff at the first stage of the early leaving process, to actively discourage early leaving and to support parents to find ways of keeping their children engaged in learning, and
- promoting alternatives to early leaving, such as a combination of school and work-based learning.

The evidence suggests that these approaches have been highly successful. Between 2005 and 2016 the early leaving exemption rate dropped by 88%. A Training Provider course was the most popular destination for a 15-year-old student who received an early leaving exemption, with the majority (84%) of early leavers going there in 2016. A further 6% of all 2016 early leavers went into full time employment with 10% intending to enrol in a Polytechnic course.

In 2016, 62% of all early leavers were male. The female rate was 6.4 per 1,000 15-year-old students. The male rate was 10.1 per 1,000 15-year-old students. While the numbers of early leaving exemption in both genders has dropped significantly since 2005, the gender balance of early leaving exemptions has remained roughly constant at around 64%. [Table 15]

Retaining Girls in Schools

To address low attendance and to improve retention the Government has implemented various initiatives in secondary schools:

- **Positive Behaviour for Learning** programmes help parents, whānau, teachers and schools promote positive behaviour and create inclusive learning environments.
- **Attendance Services** aim to be responsive to the needs of Māori and Pacific students and address the root causes of truancy and non-enrolment.

- The **Youth Guarantee** programme provides targeted 16 and 17 year olds with an opportunity to take part in a range of free vocational courses.
- **Communities of Learning | Kāhui Ako** aim to raise achievement levels for those most at risk of underachieving through culturally responsive practices.
- **ARoNA** (At Risk of Not Achieving) focuses on Māori and Pacific students within the 1999 cohort at risk of not achieving and provides the support they need to gain NCEA Level 2 or equivalent.
- **Count Me In** offers practical support on career paths to Māori and Pacific aged 16 to 18 that have left school without NCEA Level 2 or equivalent.
- **Check and Connect** is a long-term mentoring programme for students from Year 8 upwards at risk of disengaging from school.

Other programmes for attracting and retaining girls in STEM subjects can be found under the *Women in STEM Education* Q&A section.

In 2016, 83.6% of students stayed at school to the age of 17. Female students (86.3%) were more likely to remain at school until age 17 than their male counterparts (81.0%).

The Ministry of Education does not collect data on why students drop out of school.

RELEVANT STATISTICS

At the time of leaving school, females achieve NCEA Level 2 or above at a higher rate (82.8%) than their male counterparts (78%). [Table 7]

However, the gap between the total percentage of female school leavers with Level 2 or above and males is narrowing: a difference of 8.6% in 2011 vs. 4.8% in 2016. [Table 7]

The gap between female and male school leavers with NCEA Level 2 or above is shrinking for most ethnic groups, with the exception of Māori and MELAA (Middle Eastern, Latin American and African). [Table 7]

For Māori, the gap between female and male school leavers with NCEA Level 2 or above has remained relatively stable between 2011 and 2016. [Graph 10]

For MELAA, the gap between female and male school leavers with NCEA Level 2 or above has shown growth between 2012 and 2016. [Graph 13]

The percentage of female school leavers with NCEA Level 2 or above shows continual improvement across all sectors. Māori (13%) and Pacific (8.1%) students are showing the greatest improvements. [Table 7]

However, Māori (69.6%) and Pacific (77.5%) students still show the lowest rates of females leaving school with NCEA Level 2 or above. Male Māori (63.5%) and Pacific (72%) student rates are lower. [Table 7]

Female early leaving exemption rates per 1,000 15 year-old students are lower than the rates of males across all ethnic groups. [Table 16]

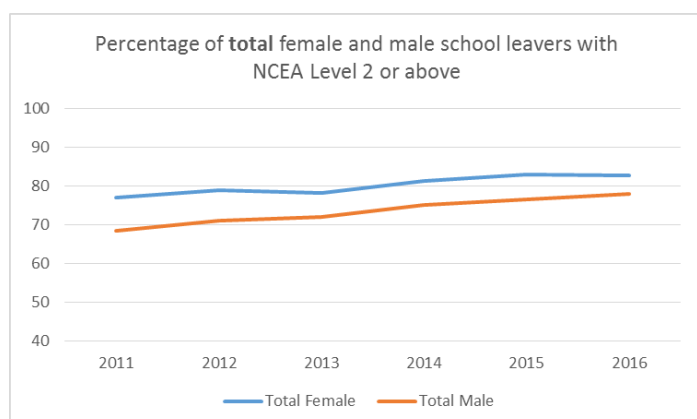
In 2016 Māori had the highest early leaving exemption rates across the different ethnic groups, with 13.3% for females and 20.1% for males. [Table 16]

There is no clear long term trend in gender gaps across ORS school leaver cohorts. In the two most recent years female ORS leavers have achieved NCEA Level 2 or above at a higher rate than males ORS leavers. [Table 17]

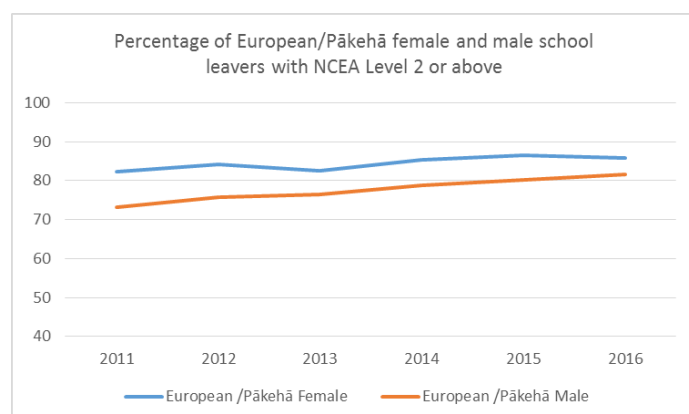
Table 7 - Percentage (%) of female and male school leavers with NCEA Level 2 or above

	European / Pākehā		Māori		Pacific		Asian		MELAA		Other		Total	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
2011	82.3	73.2	56.7	48.6	69.3	58.3	88.2	83.6	80.6	74.8	75.2	63.9	76.9	68.3
2012	84.2	75.8	59.4	51.9	70.9	60.5	90.0	84.4	79.7	76.3	73.8	71.8	78.9	71.0
2013	82.5	76.4	59.7	52.8	72.3	64.5	90.0	86.6	80.4	75.0	81.3	68.6	78.1	71.9
2014	85.3	78.7	64.2	56.5	77.0	68.5	91.9	88.5	84.6	78.2	77.8	74.2	81.4	75.0
2015	86.6	80.3	66.6	59.9	78.4	69.9	92.9	88.7	87.6	80.6	77.1	72.1	82.9	76.5
2016	85.9	81.5	69.6	63.5	77.5	72.0	92.7	89.7	87.2	79.4	80.5	79.2	82.8	78.0
Increase '11 - '16	3.6	8.3	12.9	14.9	8.2	13.7	4.5	6.1	6.6	4.6	5.3	15.3	5.9	9.7

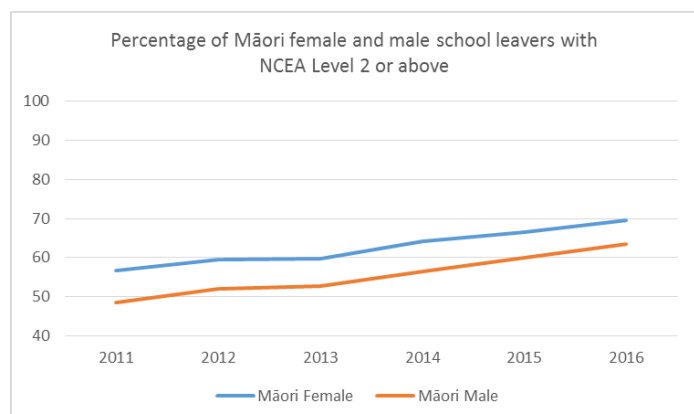
Graph 8



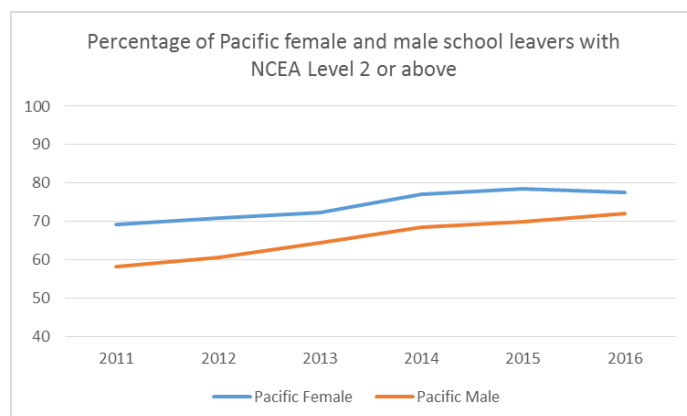
Graph 9



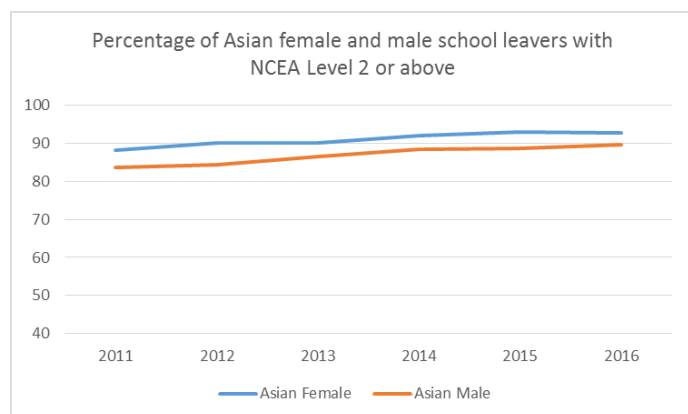
Graph 10



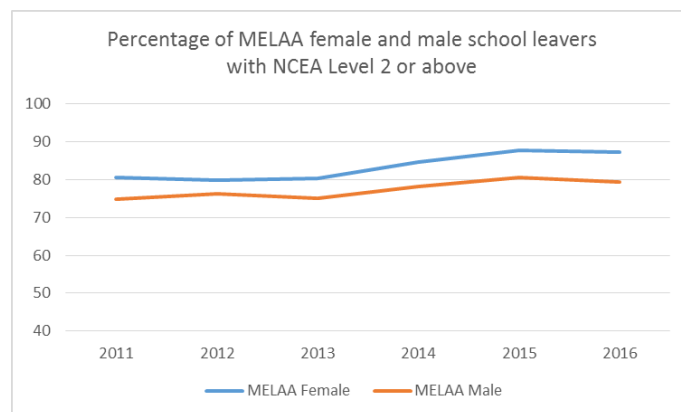
Graph 11



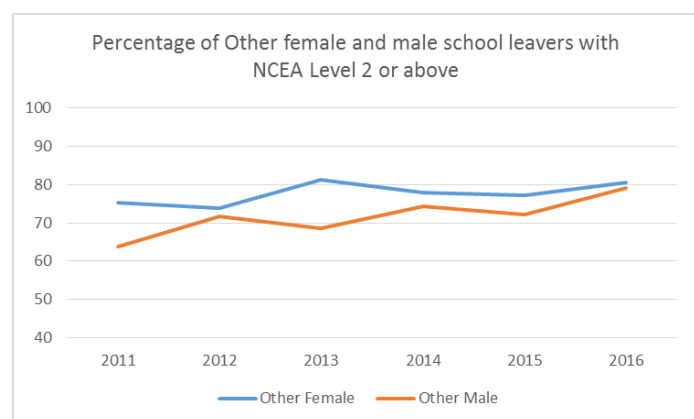
Graph 12



Graph 13



Graph 14



Graph 15

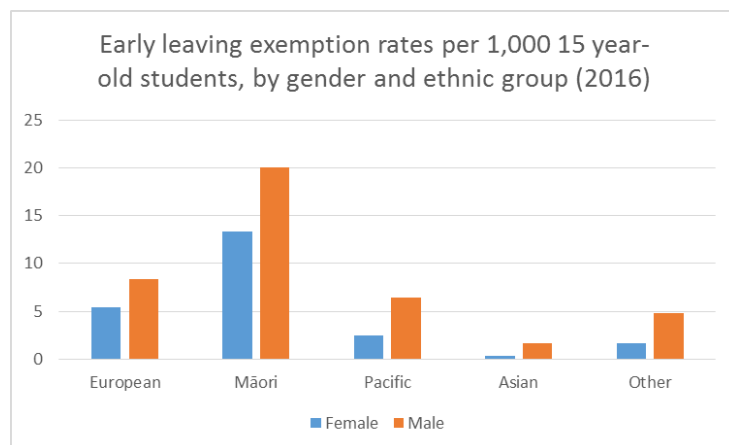


Table 16 - Early leaving exemption rates per 1,000 15 year-old students, by gender and ethnic group (2016)

Ethnic Group	Female	Male	Total
European	5.4	8.4	6.9
Māori	13.3	20.1	16.7
Pacific	2.5	6.4	4.5
Asian	0.3	1.6	1.0
Other	1.6	4.8	3.1
Total	6.4	10.1	8.3

Notes on Table 16:

1. International fee paying students are excluded.
2. x = for this category there were less than five 15 year-olds.
3. For this indicator ethnicity is prioritised in the order of Māori, Pasifika, Asian, other groups except European/Pākehā, and European/Pākehā.
4. Due to poor coding of the Other ethnic group in 2000 and 2001, the ethnic group Other is not shown separately but is included under Total.
5. For this indicator European/Pākehā refers to people who affiliate as New Zealand European, Other European or European (not further defined). For example, this includes and is not limited to people who consider themselves as Australian (excluding Australian Aborigines), British and Irish, American, Spanish, and Ukrainian.

Table 17 - ORS school leavers with NCEA Level 2 or above (2011-2016)

	Female	Male
2011	21.7	17.1
2012	12.0	20.6
2013	15.0	12.1
2014	15.6	15.8
2015	17.1	15.1
2016	16.8	15.2

WOMEN IN STEM EDUCATION

Government efforts to address gender disparity in STEM (science, technology, engineering and mathematics).

NEW ZEALAND'S POSITION

The New Zealand Government is making an effort to address the gender disparity in STEM subjects through targeted programmes.

Current situation

2016 NCEA data shows that female student levels of participation and achievement across science and math is equal to or greater than that of male students. However, there is still a disparity in the STEM subject of technology, where the Government is making improvements.

Challenges

Women account for only around a third of all students working towards a STEM-related tertiary qualification. Within that group the majority identify as European, with around 14% identifying as Māori or Pasifika. From 2012 - 2016, there was a 4% decrease in the rate of female student participation in Technology at NCEA Level 3 or above. This indicates an enduring challenge to involve women in technology. Though there was also a decrease for males, it was only by 1.7%.

Government response

From 2018, Digital Technologies | Hangarau Matihiko will be integrated into The New Zealand Curriculum and Te Marautanga o Aotearoa from Year 1-13. This will give all learners the opportunity to learn about computer science principles and programmes.

A Nation of Curious Minds, a cross government initiative, aims to encourage and enable better engagement with STEM across all sectors of New Zealand society, including increasing girls' and women's participation in Science and ICT. A series of profiles of Women in STEM are featured on the Curious Minds website in order to inspire teachers and learners.

The Unlocking Curious Minds contestable fund supports innovative projects that will excite and engage a broader base of New Zealanders, particularly young people (aged 18 years and under), who have fewer opportunities to be involved with science and technology.

The Ministry of Pacific Peoples has been delivering STEM initiatives to support Pacific young women studying these subjects since 2016 through the Toloa Tertiary Scholarship. Since 2016, 12 out of the 25 recipients of the Scholarship were Pacific young women.

In 2016 the Ministry for Women released *Decoding Diversity*, a guide for educators on how to attract and retain young women and girls into technology-based education and careers.

The Government Communications Security Bureau (GCSB) offers three tertiary scholarships of \$10,000 to women studying STEM subjects. One will be reserved for a Māori or Pasifika student.

Professor Juliet Gerrard, Associate Dean of Research at the University's Faculty of Science was announced as New Zealand's Chief Science Advisor in June 2018. Professor Juliet Gerrard is the first woman to take on the role.

BACKGROUND

The New Zealand Curriculum

The New Zealand Curriculum's (NZCs) vision is for young people who will be confident, connected, actively involved, lifelong learners. The NZC aspires for students who are confident in their own identity, relate well to others and contribute to the well-being of New Zealand.

The curriculum is non-sexist, non-racist, and non-discriminatory; it ensures that students' identities, languages, abilities, and talents are recognised and affirmed and that their learning needs are addressed.

Science, technology and mathematics are compulsory curriculum learning areas for every student in Years 1-10.

Curious Minds

A Nation of Curious Minds – He Whenua Hihiri i te Mahara, a cross government initiative, aims to encourage and enable better engagement with STEM across all sectors of New Zealand society, including increasing girls' and women's participation in Science and ICT. A series of profiles of Women in STEM are featured on the Curious Minds website in order to inspire teachers and learners. The profiles include different career stages, across a range of disciplines, including engineers, educators, students, technicians, games developers, CEOs of start-ups and scientists.

Curious Minds is a New Zealand Government initiative with a ten-year goal of encouraging and enabling better engagement with science and technology for all New Zealanders. Through Curious Minds, we support activities, projects and programmes that work with communities, businesses and educators to boost engagement between science, technology and society.

Unlocking Curious Minds is a contestable fund that supports projects using innovative approaches to provide more New Zealanders with more opportunities to learn about and engage with science and technology. Unlocking Curious Minds aims to encourage innovative, quality projects that enhance or broaden the connection and engagement of these 'harder-to-reach' New Zealanders, in particular people aged 18 years and under. Unlocking Curious Minds has funded initiatives targeting female students including: science camps, an engineering afterschool club, computing and robotics workshops.

Unlocking Curious Minds initiative examples

Hello Café

Hello Café provides relaxed, inspiring, collaborative spaces facilitated by professional women engineers for girls aged 10 to 13 to develop engineering solutions for problems faced by communities around the world. Each free workshop focuses on an issue from around the world that needs an innovative and simple solution. We will cover things that affect local and global communities, from recycling plastics and building relief shelters through to clean water access and designing a toilet.

Developing girls' computational thinking using robotics

This initiative promotes the participation of girls in science, technology and engineering by developing computational thinking using robotics. The target group for the programme includes Māori and Pasifika girls because these girls are currently under-represented in STEM higher education and STEM-related careers.

Digital Technologies | Hangarau Matihiko

From 2018, Digital Technologies | Hangarau Matihiko will be integrated into The New Zealand Curriculum and Te Marautanga o Aotearoa from Year 1-13.

This new curriculum content isn't about teaching students how to use digital devices, it's about giving them an understanding of the computer science principles and programmes that drive digital technologies. The aim is to enable them to learn how to design their own digital solutions and become creators, not just users, of digital technologies. The new curriculum content is about developing digitally-capable thinkers - learners equipped with the skills they'll need to solve real world problems in an increasingly digital world.

Schools and kura will be able to integrate this new content into their teaching and learning programmes from the beginning of the 2018 school year, and they will need to have integrated the content from 2020. From 2018 the Ministry will be rolling out a comprehensive package of resources and supports for teachers and kaiako to build their digital confidence and capability to integrate the new curriculum content into their teaching and learning programmes.

Tertiary Study

Women account for only around a third of all students working towards a STEM-related tertiary qualification. Within that group of women the vast majority identify as European, with around 14% identify as Māori or Pasifika.

For the second year the Government Communications Security Bureau (GCSB) will be offering three tertiary scholarships of \$10,000 each to women studying STEM subjects at New Zealand tertiary institutions. One will be reserved for a suitable Māori or Pasifika candidate.

Recipients are not obliged to work for GCSB in the future but are intended to help to raise awareness of the STEM-related career paths available to women.

Chief Science Advisor - Professor Juliet Gerrard

Professor Juliet Gerrard, Associate Dean of Research at the University's Faculty of Science was announced as New Zealand's Chief Science Advisor on 12 June, 2018. She replaced outgoing Chief Science Advisor and University of Auckland Distinguished Professor Sir Peter Gluckman. She commenced the Chief Science Advisor role for a three-year term on 1 July, 2018. Professor Juliet Gerrard is the first woman to take on the role of Chief Science Advisor.

The Chief Science Advisor gives the Prime Minister strategic and operational advice on science and science policy issues. Professor Juliet Gerrard trained at Oxford University where she completed both Honours and Doctorate degrees in Chemistry and Biological Chemistry. A scientist at Crop & Food Research, she was appointed Lecturer in Biochemistry at the University of Canterbury in 1998 where she became Professor and Director of the Biomolecular Interaction Centre until 2014.

Professor Juliet Gerrard is a Professor of Biochemistry at the University of Auckland where her research interests cut across biochemistry, health, agriculture, food science and biomaterial design. Her interdisciplinary and collaborative research incorporates both fundamental and applied research. In order to maintain independence, she will not be applying for research funding in New Zealand during her term, and has resigned her board roles.

RELEVANT STATISTICS

- In the 5 year period from 2012 - 2016, there was a 4.8% increase in the rate of participation for female students in Mathematics and Statistics at Level 3 or above. There was a smaller increase of 2.4% for Level 2. [Table 1]
- In the same period, there was a 5.5% increase in the rate of participation for female students in Science at Level 3 or above. There was a larger increase of 7% for Level 2. [Table 2]
- However, in the same period, there was a 4% decrease in the rate of female student participation in Technology at Level 3 or above. This indicates an enduring challenge to involve women in technology. For males, this decrease was 1.7%. [Table 3]
- Non-participation of females in Technology has increased by 7.9% compared to a 0.9% increase for males. [Table 3]
- Participation and achievement are defined as the percentage of students taking 14 or more credits for each year level in a given year.

Participation of School Leavers, by Learning Area, and Student Gender (2012-2016)

Table 1

Mathematics and Statistics |
Pāngarau

	Female					Male					Total				
	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016
Level 3 or above (%)	35.1	35.4	38.3	39.7	39.9	33.1	35.2	35.9	37.7	37.6	34.1	35.3	37.1	38.7	38.7
Level 2 or above (%)	57	55.9	58.4	60.3	59.4	55.3	54.8	56.2	58.2	58.2	56.1	55.3	57.3	59.2	58.8
Level 1 or above (%)	90	88.3	87.7	87.6	86.8	86.4	85	84.6	84.5	84.2	88.1	86.6	86.1	86	85.5
Non-Participant (%)	4.8	5.3	5.3	4.9	5.1	6.8	7.2	6.8	6.9	6.6	5.8	6.3	6.1	5.9	5.8

Table 2

Sciences | Pūtaiao

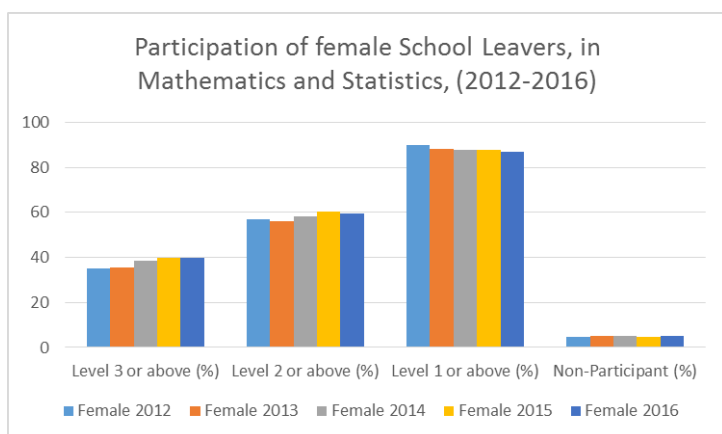
	Female					Male					Total				
	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016
Level 3 or above (%)	28	27.9	30.9	32.1	33.5	24.3	24.8	26.3	27.5	27.7	26.1	26.3	28.6	29.8	30.6
Level 2 or above (%)	44.1	44.1	48	50.1	51.1	40.9	40.9	43	45.4	46.1	42.5	42.5	45.5	47.7	48.6
Level 1 or above (%)	81.4	79	79.6	80.3	80.9	76.6	74.9	76.1	76.7	77.9	79	77	77.8	78.5	79.4
Non-Participant (%)	12.3	13.8	13.5	12.5	12.2	16	17.1	16.8	16.1	15	14.2	15.4	15.1	14.3	13.6

Table 3

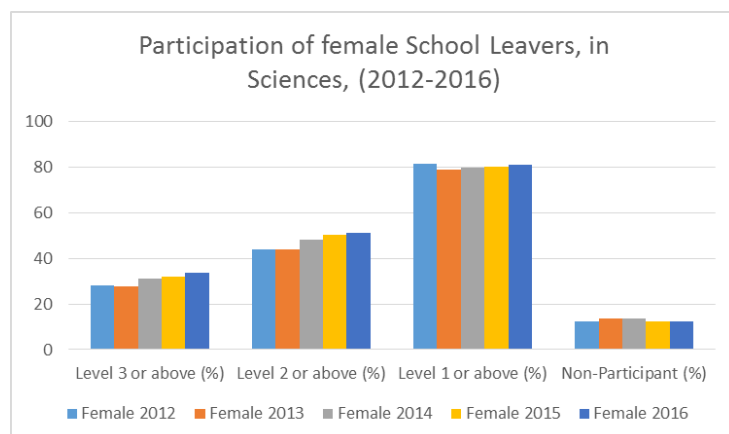
Technology | Hangarau

	Female					Male					Total				
	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016
Level 3 or above (%)	13.5	11.3	10.9	10.2	9.5	16.1	15.4	15	15	14.4	14.8	13.4	13	12.6	12
Level 2 or above (%)	24.2	21.4	20.2	18.7	17.2	29.6	28.4	27.1	27.1	26.5	26.9	25	23.7	23	21.9
Level 1 or above (%)	39.5	37.1	35.1	32.8	31.1	46.1	45.1	43.9	43.6	44.1	42.8	41.1	39.6	38.3	37.6
Non-Participant (%)	48.3	50.2	52.6	54.5	56.2	40.9	41.1	42.5	42.9	41.8	44.6	45.6	47.5	48.6	48.9

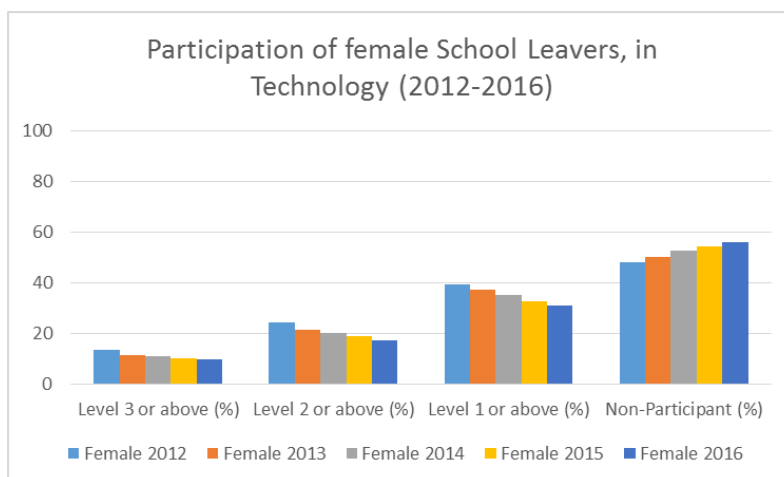
Graph 4



Graph 5



Graph 6



Equivalent Full-Time Student (EFTS) studying towards at tertiary level STEM-related* qualifications

Ethnicity	2015	2016	2017
Female			
European	8,663	8,787	8,726
Māori	1,543	1,456	1,321
Pacific Peoples	1,241	1,174	1,234
Asian	4,982	5,292	5,567
Middle Eastern/Latin American/African	428	448	489
Other	550	498	418
Female total	17,406	17,656	17,755
Male			
European	18,767	18,767	17,774
Māori	2,777	2,681	2,533
Pacific Peoples	2,104	2,070	1,944
Asian	10,222	10,373	10,807
Middle Eastern/Latin American/African	1,118	1,133	1,081
Other	1,364	1,151	1,007
Male total	36,351	36,175	35,147
Overall total	53,757	53,830	52,902

*In the instance core STEM is derived using the three New Zealand Standard Classification of Education Hierarchy Broad fields of study: Natural and Physical Sciences, Information Technology and Engineering and Related.

SOLE PARENTS IN EDUCATION

Financial support to sole parents in education

NEW ZEALAND'S POSITION

The Government acknowledges that financing study as a single parent can be very challenging and applauds the commitment of these parents to return to study. The Government has also committed to overhauling the welfare system.

Current situation

The Government introduced fees-free tertiary education to make study or training more accessible and affordable. We want to ensure people who may be deterred by the cost have the opportunity to participate. For this reason, fees-free policy targets those who have yet to benefit from any form of tertiary education.

Challenges

The Government recognises students ineligible for fees-free may still struggle financially.

Government response

The one year fees-free tertiary education that was made available in 2018 is just the first step toward delivering three years' fees-free tertiary education by 2024. A second year of fees-free will be available in 2021 and the third year in 2024.

In January 2018, the Government introduced a \$50 per week boost to student allowances and student loans to help students meet the rising cost of living while studying.

Sole parents may qualify for higher rates of accommodation support than other students. Existing accommodation assistance settings are designed to ensure that sole parents in study receive the same level of support as they would if they were on a benefit.

Student allowance rates for families with dependent children increased by \$25 a week from 1 April 2016. This policy was part of the Government's wider Budget 2015 package to increase support for low income families with dependent children.

From 1 July 2015, sole parents taking up full-time study receive at least the same level of accommodation support from student support as they would from the benefit system. Prior to this, sole parents may have received up to \$165 less per week.

BACKGROUND

The Ministry of Social Development provides childcare assistance to eligible low-income parents (including sole parents in education). Childcare Subsidy is a non-taxable payment that aims to assist parents with dependent children to undertake and remain in employment, education or training. OSCAR (Out of School Care and Recreational Subsidy) is a non-taxable payment that aims to assist low income caregivers to enter and remain in employment.

The one year fees-free tertiary education that will be available in 2018 is just the first step toward delivering three years' fees-free tertiary education by 2024. The policy will be phased in between 2018 and 2024, with the second year of fees-free tertiary education available from 2021, and the third from 2024.

There are no age requirements or restrictions for accessing the year of fees-free tertiary education or training. Students can access fees-free whether studying full- or part-time.

See *Welfare Sanctions* Q&A for further background on the Government's commitment to overhauling New Zealand's welfare system.

Increases to student support and fees-free education and training

From 1 January 2018:

- student allowance rates will increase by \$50 a week (where the rate reflects the living costs of two adults, the increase will be \$100 a week)
- the maximum amount students can borrow through a student loan to help pay for living costs will increase by \$50 a week—from \$178.81 to \$228.81 a week.
- a first year of fees-free education and training will take effect for new learners. For more information on fees-free, see background section of *Impact of Student Loans* Q&A.

Insights from mothers

The Ministry for Women undertook interviews with 40 mothers in Whangarei, South Auckland and Gisborne to hear about their experiences of benefit support and access to social services. This work is intended to help government agencies that provide this support to understand what these mothers need for better life outcomes, and the expectations the mothers have for themselves, their children and for their whānau. The Ministry will publish the report in mid July 2018.

IMPACT OF STUDENT LOANS

Financial impact of student loans.

NEW ZEALAND'S POSITION

The Government wants to ensure tertiary study or training is accessible and affordable for all New Zealanders. The Government is considering what opportunities may be available to reduce the burden of student loans over our term in office

Current situation

Females make up a greater proportion of borrowers than males (reflecting enrolment patterns) and they take slightly longer to fully repay – the median forecast repayment time for females is 8.5 years and for males is 7.9 years. Females have slightly higher balances on leaving study. In 2015, the median loan leaving balance for females was \$17,870 (NZD) and males at \$17,670.

Repayment may take longer for those who take time out of the workforce for child-rearing. For borrowers living in New Zealand, no loan repayments are required until income exceeds \$19,488 (or \$374 weekly). Thereafter, repayments are assessed on income earned over this threshold. The interest-free policy for borrowers living in New Zealand means that their student loan will not grow over this period.

For borrowers overseas, repayments are based on the size of the loan, and there are provisions for negotiating a lower repayment amount (or no repayment) if repayments would cause serious hardship.

Notwithstanding these assistance measures, the Government is concerned about the potential impact of loan debt on New Zealanders. This is why we are committed to reducing the burden of student loans.

Challenges

Even small changes to the student support system to provide more assistance to students can have a significant cost. The Government must consider these costs alongside its other priorities for tertiary education and for other portfolios more widely.

Government response

We are currently considering what opportunities may be available to reduce the burden of student loans over our term in office. The Government wants to ensure tertiary study or training is accessible and affordable for all New Zealanders. This is why fees-free tertiary education for first year students has been introduced and why there has been an increase in student allowances and loans for living costs by \$50 per week.

BACKGROUND

Fees-free

From 1 January 2018 all New Zealand students who finish school in 2017, or will finish school during 2018, qualify for a year of free provider based tertiary education or industry training. Adults who have previously studied for less than half a full time year of tertiary education or industry training also will qualify for fees free. We expect that up to 80,000 students will benefit from this change in 2018, including up to 6,000 new apprentices and trainees.

The changes for 2018 are the first step in the Government's stated intent to provide a full programme of 3 years' fee free tertiary education and training for New Zealanders by 2024. The government is also providing a \$50 a week boost to both student allowances and loan entitlements for students living costs.

There are no age requirements or restrictions for accessing the year of fees-free tertiary education or training. Students can access fees-free whether studying full- or part-time. The qualification, course or programme must be:

- starting in 2018
- funded by the Tertiary Education Commission
- recognised by either the New Zealand Qualifications Authority or Universities New Zealand
- at Level 3 or above on the New Zealand Qualifications Framework (NZQF), and
- for industry training only, at least 120 credits.

Foundation programmes (at NZQF levels 1-2) are excluded because provider-based level 1-2 study is already fees-free, and students shouldn't have to use their fees-free entitlement on courses intended to prepare for tertiary study at level 3 and above.

SEXUALITY EDUCATION

Implementation of the sexuality education curriculum.

NEW ZEALAND'S POSITION

The Government understands the importance of sexuality education and has provided guidance for schools to implement it into the national curriculum. It has established a range of programmes to support and monitor quality sexuality education.

Current situation

All schools and kura in New Zealand, whether full state, state-integrated or private are able to develop and implement sexuality education that is appropriate and relevant to their students and reflects the values and character of the school and aspirations of the school community for their young people. Schools are required to consult with their school communities every two years, or more often, about how they teach sexuality education. This ensures a range of views are heard on what the community considers to be important for their young people to know and be able to do.

Challenges

Given schools have the scope to consult with their school communities about how they teach sexuality education, there is variation in coverage from school to school.

While most schools do meet curriculum requirements, sexuality coverage is inconsistent. There are no requirements about how schools must consult on the draft health curriculum or how an agreement should be reached with the schools community. Not all communities will be comfortable discussing sexuality education and schools know how best to position this discussion in reference to any cultural or religious beliefs in their community.

In 2016 the Ministry of Education commissioned a stocktake of external providers of Health and Physical Education services (regional and national) and 1,149 providers were identified, of which 109 providers offer sexuality education. In recognition that schools and their school community know their students and are best-placed to make decisions on local curriculum, the Ministry of Education does not endorse particular programmes. However, this also means that the Ministry of Education does not discourage the use of any providers.

Government response

The Education Review Office (ERO) is currently undertaking an evaluation on sexuality education in New Zealand schools with the findings to be released later this year. The Ministry of Education will consider relevant recommendations when the report is finalised.

It has been nearly 30 years since Tomorrow's Schools was introduced. The review will consider the fitness of the New Zealand schooling system to equip all learners for the 21st century. The

review will look at the changes needed to governance, management and administration to better support all learners throughout their schooling.

Sexuality education is one of the seven key areas in the Health and Physical Education learning area of *The New Zealand Curriculum for English Medium Schools*.

Te Marautanga o Aotearoa for Māori medium kura, promotes a holistic approach to meet learners' physical, moral, mental and emotional wellbeing. Hauora, one of the wahanga ako (learning areas) provides students with opportunities to learn about total health and wellbeing of spirit, mind, body and heart.

The learning areas of Health and Physical Education and Hauora are compulsory up to and including Year 10 and aim to ensure all students are able to make informed decisions around their sexual health, and all students can be confident in their sexual orientation and are supportive of others.

In consultation with the sector, the Government revised the sexuality education guidance in 2015, which gives details of what should be covered by sexuality education. It notes that all young people need access to information and opportunities to think about, question, and discuss issues related to relationships, gender, sexual identities, sexual orientation, sexual behaviour, sexual and reproductive health, and societal messages. Sexuality education provides a framework in which this can happen.

While the guidance is not mandatory it supports schools to identify current issues that require attention in sexuality education programmes for adolescents including consent and coercion; the sexualisation of young people, particularly girls; the effects of pornography on young people's understanding of sexuality and relationships; and examining the bias that opposite sex relationships are normal (heteronormativity).

In 2017 the Government also released some online guidance for teachers and school leaders on supporting the inclusion and wellbeing of students who identify as sex, gender or sexuality diverse. The guide is not an official Ministry guideline, but rather practical guidance for schools on:

- understanding sex, gender and sexuality diversity
- creating a school culture where all students are included, visible and valued
- addressing immediate environmental, physical and social needs of students
- creating an inclusive classroom that supports all students to achieve.

BACKGROUND

Monitoring the quality of sexuality education

The Education Review Office (ERO) is the New Zealand government department that evaluates and reports on the education and care of students in schools and early childhood services. ERO

carries out several different types of reviews and evaluations and publishes national reports on specific education topics using evidence from its reviews.

ERO is currently in the process of undertaking an evaluation on sexuality education in New Zealand schools and we expect findings to be released later in the year. The Ministry of Education will consider relevant recommendations when the report is finalised.

Healthy relationship programmes

The Government's [Positive Behaviour for Learning](#) (PB4L) programme is becoming increasingly popular in schools and contains elements relating to mental health and building strong relationships. It also addresses anger and stress management. Current PB4L initiatives include:

- [School-Wide](#) (otherwise known as PB4L School-Wide) is a framework that looks at behaviour and learning from a whole-of-school as well as an individual child perspective. It is helping New Zealand schools build a culture where positive behaviour and learning is a way of life. The framework can be tailored to a school's own environment and cultural needs. There are over 820 School-Wide schools in New Zealand.
- [Incredible Years Teacher](#) provides teachers with approaches to help turn disruptive behaviour around and create a more positive learning environment for their students. The programme is for teachers of children aged 3–8 years.
- [Incredible Years Parent](#) is a 14-session programme for parents of children aged 3–8, which provides parents with skills to better manage children with behavioural problems, creating a home environment that is conducive to positive social and educational outcomes.
- [Huakina Mai](#) helps whānau, schools and iwi to work together to build a positive whole-of-school culture that celebrates, affirms and advocates for the attainment of Māori aspirational outcomes for all students and their whānau. It is multi-faceted and incorporates community immersion; developing systems within the wider school whānau; a teacher pedagogical framework; social skill learning; and restorative practices for students and staff. Currently Huakina Mai is being piloted in seven schools in Canterbury.
- [Restorative Practice](#) is a relational approach to school life grounded in beliefs about equality, dignity, mana and the potential of all people. The Restorative Practice model focuses on building and maintaining positive, respectful relationships across the school community and offers school staff best-practice tools and techniques to restore relationships when things go wrong. By building and maintaining positive, respectful relationships within a school, staff to staff, staff to student and student to student, issues are more easily managed.
- [Wellbeing@School](#) (W@S) tools and website are designed to support schools to engage with the whole school community in a process of self-review. W@S student and teacher surveys explore the extent to which aspects of school life create a safe and caring social climate that deters bullying. The student survey also collects data on students' experiences of the main forms of aggressive behaviour that together constitute bullying. Since July 2017, over 36,000 students completed the student survey.

In addition some government agencies provide programmes to support sexuality education in schools including:

- *Keeping Ourselves Safe* (Police) that focus on building resilience and self-esteem.
- *Mates and Dates* (Accident Compensation Corporation) is being delivered in secondary schools around the country. The aim is to teach young people healthy relationship skills and behaviours to help prevent sexual and dating violence.
- *Health promoting schools* (Ministry of Health) works with the community to make a difference to the health of their young people.

Sexuality education in non-state or state-integrated schools

All schools and kura in New Zealand, whether full state, state-integrated or private are able to develop and implement sexuality education that is appropriate and relevant to their students and reflects the values and character of the school and aspirations of the school community for their young people.

All state and state-integrated schools are expected to provide a broad education that includes health and physical education (HPE) which is a compulsory subject from years 1-10 and an option in years 11-13.

To support schools, in 2015 the Ministry of Education revised *Sexuality Education: A guide for principals, boards of trustees, and teachers* <http://health.tki.org.nz/Teaching-in-HPE/Policy-guidelines>. The guide aims to support school leaders and teachers to deliver effective, quality sexuality education programmes leading to positive and holistic development and health for all students in New Zealand. The revision takes account of changing social climates, recent youth health research, and broader understandings about sexuality and sexuality education.

Opting out of sexuality education

Boards of trustees have to consult with school communities at least once every two years on their draft health curriculum. This includes sexuality education.

After consultation the school's board will approve how the health curriculum will be taught. This ensures a range of views can be heard on what is deemed important to include in a school's local curriculum.

After this the school does not need to ask parents/caregivers permission for students to take part in any part of the health education programme, including sexuality education.

Under the Education Act 1989 (updated in 2001) parents/caregivers may write to the School Principal, requesting to have their child excluded from any particular element of sexuality education in a health education programme.

Teaching consent as part of sexuality education

All state and state-integrated schools are expected to provide a broad education that includes health and physical education (HPE) which is a compulsory subject from years 1-10 and is an option at years 11-13. Sexuality education is one of the seven key areas of learning in HPE.

Sexuality education starts at Year 1 where students are likely to learn about friendships, families and respect, and in later years about puberty and body development. By Year 10 it is likely that most students will have been part of a teaching and learning programme that will have included aspects such as consent and coercion, identity, and societal attitudes and values.

Schools in New Zealand determine their own curriculum programme within the framework of the national curriculum while giving regard to the character of the school, the community aspirations and needs of their learners. We expect schools to follow the guidance we updated in 2015; [Sexuality Education: A guide for principals, boards of trustees and teachers](#) aims to support schools to create safe and positive environments for their students.

The broad objective of the guide is to equip young people with the skills they need to navigate relationships and to keep themselves safe. The guide covers issues of consent and coercion and healthy and positive relationships. Any sexuality education programme should include the notion that to understand consent, first you need to grasp empathy and respect for others' feelings. So at the heart of sexuality education, again from a young age, is material on affirming the feelings and beliefs of others.

All schools are encouraged to look at what they are doing on sexuality education with their parent communities.

Issues with the internet in sexuality education

Boards of trustees are required to put in place their own internet safety policy. The Ministry of Education currently provides information to all schools around digital citizenship and cyber-safety through the Enabling e-Learning website and we support NetSafe to advise schools with online safety and security.

Cyber-safety is treated seriously by schools and we work with them to keep kids safe online. This is especially important as children and young people have increased access to online content, both at home and school, where they can be exposed to negative messaging. We want our young people to grow up to be safe and responsible digital citizens and understand, for example, the consequences of posting material on social media, including viral reach and permanency, and cyber bullying.

Health education contributes to the confidence and safety, and wellbeing, of young people. In today's complex and changing society, students face an increasing number of issues that can affect and challenge them.

The national curriculum requires schools to consider online safety as part of their learning and teaching programme. This may be included as part of any learning area for example, English, Media Studies, Social Science or Health Education. The Health and Physical Education learning area of *The New Zealand Curriculum* Health and Physical Education learning area encompasses students developing understanding and competencies to be able to critically evaluate factors that influence the health of individuals, groups and society.

Sexuality education affirms the wellbeing of students themselves, human rights and safety in relationships. Part of a teaching programme might include notions of risk and safety on the internet but would be presented in such a way that students develop skills and understandings to make good choices.

This is in contrast to the distorted views depicted in pornography and other harmful messages. We want students to use this understanding to be able to take critical action and make informed decisions that will keep themselves and others safe.

Sexuality education for girls with intellectual disabilities

All curriculum should be consistent with a set of principles including 'inclusion' to ensure students' identities, languages, abilities, and talents are recognised and affirmed and that their learning needs are addressed and appropriate to their developmental stage. These programmes aim to help all students understand their sexual development and to make healthy choices for themselves and others.

Sexuality education affirms the wellbeing of students themselves, human rights and safety in relationships. Some external providers such as New Zealand Family Planning provide targeted programmes for students with specific learning needs.

See *Women with a Disability* Q&A for additional background on women with disabilities.

Online resources for young people to learn about sexuality

[The Curriculum in Action](#) series, on the Ministry of Education's site provides teachers with ideas for planning teaching and learning programmes in this area.

To support the implementation of the Sexuality Guide the Ministry of Education funded the New Zealand Health Education Association to develop a wide range of resources for teachers, including reading lists for primary and secondary and advice on ethical practice. The resources are now available on the [NZHEA website](#).

In addition there is a range of services and resources available to schools from [Rape Prevention Education](#), [Keeping Ourselves Safe \(Police\)](#) and [Family Planning New Zealand](#) that focus on building resilience and self-esteem through sexuality education.

In 2016 the Ministry commissioned a stocktake of external providers of Health and Physical Education services (regional and national). 1,149 providers were identified, of which 109

providers offer sexuality education which could include online resources as part of a wider programme of work.

Sexual education in the National Curriculum

The New Zealand Curriculum through its vision, principles, values and key competencies, provides significant scope for schools to offer their students rich learning opportunities in sexuality education. Sexuality education is one of the seven key areas in the Health and Physical Education (HPE) learning area; students develop greater understandings of sexuality education through a number of achievement objectives that relate to personal growth and development, safety management, relationships, personal identity and societal attitudes and values. Also underpinning this learning is the five key competencies, which are critical to sustained learning and effective participation in society.

Te Marautanga o Aotearoa for Māori medium teaching and learning, promotes a holistic approach to meet learners' physical, moral, mental and emotional wellbeing. Hauora, one of the wahanga ako (learning areas) provides students with opportunities to learn about total health and wellbeing of spirit, mind, body and heart.

All State and State-integrated schools and kura are required to teach sexuality education. That requirement continues up to Year 10.

To further support curriculum teaching and learning for sexuality education, the Ministry revised the Sexuality Education Guide, last updated in 2002, in consultation with the sector in 2015. The Guide spells out in detail what should be covered by sexuality education.

The Sexual Education Guide

The Sexuality Education Guide advises that social and emotional learning, as well as sexuality and relationship education, is vital for young people to be able to engage positively and critically in a fast-changing, technological, and global world. Sexuality education offers a context where communication, assertiveness, problem solving, and decision-making within friendships, online, in intimate relationships, families, and wider communities can be explored. This can include for example, recognising diversity in different family structures, examining gender roles and norms, and strategies that address online bullying and homophobic bullying.

Maximising sector visibility of Ministry developed resources is an ongoing challenge. Feedback from the sector indicates that the resource provides valuable guidance to support the development of teaching and learning programmes for sexuality education. To date, the webpage hosting the guidelines has had over 28,000 hits since it was published in 2015.

Tomorrow's Schools Review

A taskforce has been appointed and will consult widely with stakeholders, including teachers, principals, boards of trustees, the LGBTQIA+ community, parents of children with learning support needs, employers and young people. This will include a cross-sector advisory panel of about 30 members. The panel is expected to advise the Independent Taskforce on the strengths and challenges of the current system, the changes required to ensure equity and excellence for

all children and young people, and how potential changes would work in practice and impact on those that have been under-served by the current system.

The terms of reference⁶ for the review were announced by the Minister of Education on 13 March 2018. The review will be conducted by an independent taskforce who were appointed by the Minister of Education on 3 April 2018.

⁶ <http://www.education.govt.nz/assets/Documents/Ministry/consultations/Tomorrows-Schools-Review-Terms-of-Reference2.pdf>

FIREARMS IN NEW ZEALAND SCHOOLS

Policy around Firearms in New Zealand schools

NEW ZEALAND'S POSITION

The Ministry of Education are in the final stages of developing guidelines to support schools developing a firearms policy. Currently there are a range of circumstances where school boards may allow the lawful involvement of students with firearms.

Current situation

There are a range of circumstances where boards might allow the lawful involvement of students with firearms, or the presence of and storage of firearms in school premises in New Zealand. Schools must abide by strict legislative conditions. Their activities are generally held off school grounds in approved premises. Common examples are:

- Education Outside the Classroom – clay shooting, secondary school shooting championships, and firearms safety courses
- a school gun club that uses a local shooting range
- careers days, work experience, and Anzac Day celebrations

Challenges

New Zealand schools are governed by independently elected boards of trustees (boards). Boards have authority to design and shape their own school curriculum and policies to best meet the needs of their students and communities. This authority includes allowing the supervised presence and use of firearms on and off school premises, following consultation with their local school community. Boards must ensure they meet all the requirements of the Arms Act 1983 and Arms Regulations 1992.

Government response

The Ministry of Education is in the final stages of developing Guidelines to support schools developing a firearms policy. The guidelines complement New Zealand's Arms Act 1983 and Arms Regulations 1992, which provide heavy restrictions on the carriage and use of firearms in public places. The guidelines are based on two principles:

Principle 1: All schools are required to provide a lawful and safe physical and emotional environment for students and staff. A safe and lawful environment for students and staff is of paramount importance and therefore must be the primary concern when applying the guidelines.

Principle 2: Parents/caregivers, students and the public will have a valid expectation that schools will develop a written policy and procedures to cover circumstances where students are involved in activities relating to firearms, and that they will advise parents/caregivers accordingly. Schools must be mindful of these expectations.

BACKGROUND

The Ministry of Education has a Schools Health and Safety Sector Reference Group. The membership is made up of principals, education sector leaders and union representatives. The group's membership was extended in 2017 to include organisations who had a specific interest in student wellbeing, health considerations, lead poisoning and firearm safety. The group set the direction for the development of the Guidelines to support boards to:

- understand their roles and responsibilities;
- ensure they meet their obligations under the Arms Act 1983, Arms Regulations 1992 and Health and Safety at Work Act 2015; and
- clarify situations when firearms are permitted in schools and the processes that must be followed.

Public consultation on the draft guidelines in March and April 2018 resulted in submissions being received from 86 individuals and 22 organisations. Collectively, the submissions represent a wide range of opinion. This feedback greatly assisted the conversation held by the extended Schools Health and Safety Sector Reference Group in preparation for shaping the final guidelines.

Following sector feedback key information on health considerations, student wellbeing, and lead poisoning have been included. The final guidelines are expected to be released in July 2018.

BULLYING IN SCHOOLS

How is New Zealand addressing bullying in schools?

NEW ZEALAND'S POSITION

The Government takes the issue of bullying in schools seriously. All people have the right to feel safe, secure, accepted and valued, and to be able to make the most of their education.

Current situation

New Zealand schools are required to provide a safe physical and emotional environment for their students. Wellbeing@School shows the rates of bullying behaviour reported by students stayed relatively constant until 2015. In 2016 there was a small downward fluctuation and the downward movement appears to be continuing. There has been a positive upward movement in student reports of belonging and safety at school.

Challenges

Educational research indicates that school-wide change with tangible results often takes at least three to five years. Bullying is often dismissed as an unpleasant part of growing up, research shows bullying is a learned behaviour and harmful to the development of all involved – the initiators, targets and bystanders who witness it.

Government response

The Government is working hard to support schools to develop bullying prevention approaches. This includes working with the cross-sector Bullying Prevention Advisory Group, established by the Secretary for Education in 2013. This is a collaboration of 18 organisations that are committed to ensuring action is taken to reduce bullying.

Wellbeing@School reports the main general trends over 2013 to 2017 are:

- A general upward movement in the number of students who strongly agree with positive statements about the social climate of their school.
- An increase in the number of students who strongly agree they feel safe at school.
- A general downward movement in the number of students reporting weekly experiences of bullying behaviour (from around 16% to 13%).

We support schools with practical resources and guidance, including a centralised website, which shares a range of information, a Bullying-Free NZ School Toolkit and free access to Wellbeing@School survey tools. The website-based tools help schools gather student and teacher survey data, and provides a baseline for monitoring outcomes over time. These all form part of the Bullying-Free NZ School Framework, which helps each school identify what they need to develop an effective school-based bullying prevention approach.

The biennial grouped data from Wellbeing@School provides a national picture of bullying behaviour in New Zealand schools. Trends over time show the rates of bullying behaviour reported by students is decreasing. Alongside this, there is a positive upward movement in student reports of belonging and safety at school.

BACKGROUND

Collecting data

Collecting data is an important component of a successful bullying prevention approach.

All schools currently have free access to the Wellbeing@School tools (developed by the New Zealand Council for Educational Research, designed to help schools identify what they are doing well in promoting a safe, caring and inclusive environment and what they could be doing better. The website-based tools help schools gather student and teacher survey data, and provides a baseline for monitoring outcomes over time. These tools include a section which explores student and teacher perceptions about the extent of aggressive and bullying behaviour evident in their school.

The biennial grouped data from Wellbeing@School provides a national picture of bullying behaviour in New Zealand schools. Trends over time show the rates of bullying behaviour reported by students stayed relatively constant until 2015. However, in 2016 there was a small downward fluctuation. This downward movement appears to be continuing. Alongside this, there is a positive upward movement in student reports of belonging and safety at school. In the Wellbeing@School milestone reports, a few key indicator questions have been selected to track over time. The main general trends over 2013 to 2017 are:

- A general upward movement in the number of students who strongly agree with positive statements about the social climate of their school (e.g. I feel I belong at school; everyone knows what to do if someone is being hurt or bullied).
- A larger increase in the number of students who strongly agree they feel safe at school, mostly for Year 7-8 students (around 10%).
- A general downward movement in the number of students reporting weekly experiences of bullying behaviour (from around 16% to 13%).

Assessing what is working and what is not in reducing bullying behaviour in New Zealand schools.

In 2018 (Terms 1 and 2), the Education Review Office's National Evaluation Topic on bullying prevention will explore how school policies work in practice, including an examination of the

tools and initiatives schools use to prevent and respond to bullying, what works and what doesn't, and where the gaps are.

Bullying Prevention Advisory Group

Chaired by the Secretary for Education, the cross-sector Bullying Prevention Advisory Group (BPAG) – a collaboration of 18 organisations with representatives from across the education, health, justice and social sectors, as well as internet safety and human rights advocacy groups – was established in 2013 to address bullying in New Zealand schools. The Human Rights Commission is a founding member of BPAG.

Bullying-Free NZ School Framework

To ensure the most effective approach to bullying prevention, the Ministry of Education has identified key components, outlined in the Bullying-Free NZ School Framework.

The Ministry of Education undertook a 12 month project to understand 'what works' in bullying prevention. From this study, the nine core components required for an effective school-based bullying prevention approach were identified, resulting in the development of the Bullying-Free NZ School Framework.

Bullying-Free NZ Toolkit

The Bullying-Free NZ Toolkit provides practical resources for schools to use to determine their needs and to strengthen their approaches to bullying prevention within the New Zealand context. To date these resources include:

- i) A parent's pack (Tackling bullying: A guide for parents and whānau) with information and tips on how to deal with and talk about bullying issues.
- ii) Tackling bullying: A guide for Boards of Trustees – to help Boards provide leadership and direction in bullying prevention in their school.
- iii) Professional learning and development stand-alone downloadable modules for school staff (plus accompanying handouts and trainer notes).
- iv) A roadmap for schools – a simple tool that guides schools through steps to tackle bullying and incorporate the nine elements of the Bullying-Free NZ School Framework.
- v) Poster pack - a series of four A3 classroom posters that walk students through different aspects of dealing with bullying such as determining what bullying is, developing a plan for dealing with it, understanding who they can talk to about it and what to do if others are being bullied.

FEMALE UNEMPLOYMENT AND LABOUR FORCE PARTICIPATION

Participation of females in the labour force.

NEW ZEALAND'S POSITION

The Government is focussed on building a productive, sustainable and inclusive economy, where the benefits of growth are shared more fairly. The wellbeing of our people and their communities is critical for achieving our vision. We want all New Zealanders to have equal opportunities to participate in our economy and are working to reduce the barriers to participation. We are in the process of broadening our measures of success through the Living Standards work; and of revaluing traditional contributions to work including women's contributions in all forms, paid and unpaid. We are also looking for ways to boost participation in and benefits for Māori and Pasifika women in the economy.

Current Situation

Unemployment rates for women have been trending down since 2012 and are now similar on average to the rates for men (4.8% for women and 5.0% for men in the December 2017 quarter). Unemployment rates are still unacceptably high for Māori and Pasifika women, however, and women are still concentrated traditionally female-dominated and lower paid sectors, and under-represented in sectors where high growth is projected such as science and technology, mathematics, information communications technology, and trades.

As at September 2017, New Zealand's gender pay gap was 9.4%, down from 12% in 2016.

At 31 December 2017, women held 1,200 (45.7%) of the 2,623 roles appointed by ministers on state sector boards and committees, the highest total since the stocktake began in 2004.

Challenges

- Revaluing women's contributions to the economy in all forms, paid and unpaid
- Challenging traditional gender roles, and gender and ethnic discrimination and stereotypes of all sorts
- Encouraging women into higher paid growth sectors traditionally dominated by men

Government Response

Along with broader measures to grow jobs and the economy across New Zealand, raise minimum wages and labour standards, and ensure everyone has a warm and dry home and a high quality education that equips them for the future, we are making labour markets more inclusive and fit for the future of work. That means lifting reducing pay gaps for women, Māori and other people impacted by employment and pay inequities; and introducing better conditions for workers and measures to improve income. It also means revaluing traditional contributions to the workplace and enhancing legal rights, including challenging discrimination and stereotypes, including around gender roles and ethnicity.

BACKGROUND

Women's labour market outcomes

The gap in unemployment rate between male and females has narrowed since 2014

From 1988 to the end of 2001, the female unemployment rate was generally lower than that for males. From 2001 onwards, this pattern became more mixed, with 2014 showing the largest gender gaps in unemployment rates.

In the year ending March 2018, the unemployment rate for women was 5.0%, and that of men was 4.2%, a gap of 0.8 percentage points. In the March 2014 year, the gap was 1.1 percentage points.

The gap in unemployment between males and females has decreased for both Māori and Pacific Peoples.

Like the general population, gender gaps in unemployment rates for both Māori and Pacific Peoples widened during the recession, reaching their peak around 2014/2015. In the March 2015 year, the unemployment rate for Māori women and men was 13.2% and 10.2% respectively, a gap of 3.1 percentage points. By March 2018 this has narrowed to a gap of 2.6 percentage points.

For Pacific Peoples, unemployment rates in the March 2015 year were 13.4% for woman, and 9.8% for men, a gap of 3.6 percentage points. By March 2018, this gap narrowed slightly to 3.1 percentage points.

Gender Pay Gap

Core Public Service

The gender pay gap within the core public service (currently 12.5%). The government is committed to making substantial progress on this within this Parliamentary term;

Public service chief executives have committed to a diversity and inclusion work programme. A key priority is identifying and closing gender and ethnic pay gaps, with significant emphasis on transparency and normalising flexible workplaces.

A joint union and state sector working group has developed a set of Gender Pay Principles to apply across the state sector. These principles establish a sustainable framework for chief executives and Government-led action, with bi-partite oversight of progress towards eliminating the gender pay gap. Government is working to ensure the private sector is on a similar pathway.

Employer action

The Government is supporting employer action to close the gender pay gap, including by issuing a comprehensive guide for employers.

Women in male dominated industries

A Return to IT Pilot was launched in September 2017 and will run to the middle of 2018. The pilot will then be evaluated to see if it is fit for purpose. \$22,000 has been invested in the pilot.

Work is under way to encourage Māori and Pacific women into the expanded Māori and Pasifika Trades Training programme that aims to have 5000 trainees enrolled in programmes leading to sustainable employment and workplace based training (such as apprenticeships) by June 2019. Around 2,400 are expected to participate in 2016. Northland and South Auckland have been identified as priority areas where many Māori and Pacifica women are concentrated. Actions focus on issues of child care, course fees, transport and other barriers to Māori women's engagement, re-engagement and achievement in their studies.

Women on Boards

- The Ministry for Women directly assists government agencies with the recruitment of suitable women for vacancies on state sector boards by acting as a connector with emerging women leaders.
- There are also nomination services to ensure that skilled individuals (men and women) from Māori and ethnic communities are put forward for state sector board appointments.
- The Government has invested in governance training workshops to increase Pacific women's representation on state sector boards.

National Advisory Council for Women in Employment

The National Advisory Council for Women in Employment (NACEW) was established in 1967 to address issues of concern for women related to employment. It provides advice to the Minister for Women that assists the government in planning to deliver tangible results for New Zealand women, their families and communities.

NACEW's 2018/2019 work programme will focus on women in leadership. Activities will include partnering with regional organisations to hold leadership focused discussions and seminars, and developing a series of positive change case studies of organisations that have done well progressing women into leadership roles.

[Also see Q+As on *Employment Opportunities for Māori and Pasifika Women, Women in STEM Education, Occupational Segregation, Flexible Working Arrangements and Parental Leave, Gender Pay Gap, Pay Equity, Discrimination, Bullying and Sexual Harassment in the Workforce; Access to Services for Rural Women*]

FLEXIBLE WORK ARRANGEMENTS AND PAID PARENTAL LEAVE

Measures to encourage flexible working arrangements and the status of paid parental leave.

NEW ZEALAND POSITION

All employees are entitled to request flexible work under the Employment Relations Act 2000. Employers can refuse requests for genuine business reasons only.

Flexible working arrangements are generally seen as a matter for individual employers and employees to negotiate based on their situation.

Parental leave legislation was amended in late 2017 to extend the duration of paid parental leave in two stages: from 18 to 22 weeks from 1 July 2018 and to 26 weeks from 1 July 2020.

Current Situation

Flexible work: Broadly, the availability of flexible working arrangements has been linked with increased labour force participation for women (although there is no evidence of causation).

Parental leave: New research shows parenthood exacerbates pre-parenthood gender wage gaps.

Challenges

- Creating workplace cultures that encourage and accept flexible work.
- Reducing the 'parenthood penalty' for women, including by encouraging men to take a greater share of caregiving.
- Limited research to understand the impact of legislation and other measures.

Government Response

Flexible work: Apart from establishing a legislative environment that is conducive to flexible working arrangements, the government also invests in promoting inclusive workplace cultures through the EEO Trust, now operating as Diversity Works.

Parental Leave: The extension to paid parental leave aims to support working families with new-borns and young children and help reduce financial stress. Along with increased Keep In Touch days, it will allow more time for bonding with their children for those carers who would not otherwise be in a position to take additional unpaid leave. It will also help facilitate exclusive breastfeeding for the first six months (as recommended by the World health Organisation).

The government is also funding research to understand the financial and career impact of parenthood on women compared to men, to help parents make informed decisions about managing parenthood with employment.

BACKGROUND

Flexible work

To support the legislative requirements, the government contributes funding to the Equal Employment Opportunities Trust, now operating as Diversity Works NZ, which is a charitable trust jointly established by government and private sector employers in 1992.

The purpose of the Trust is to provide New Zealand employers with information and tools to raise awareness of the business benefits of effectively managing diversity in the workplace. The Trust actively promotes flexible working arrangements as a means of enabling greater diversity in the workplace.

The impact of flexible work legislation

The impact of the “right to request” provisions under Part 6AA of the Employment Relations Act 2000 has not been the subject of specific research. However, New Zealand research does indicate that flexible working arrangements are a significant feature of our employment relations environment –this was also true prior to the introduction of flexible working entitlements in 2008.

A benchmark survey conducted by the Department of Labour (2008) shortly before the legislation came into force revealed that a majority of New Zealand employers reported offering flexible work to all or some of their staff. The 2014/15 National Survey of Employers (conducted by MBIE) showed that the most commonly negotiated arrangements were for flexible working hours (36% of employers said one or more of their employees had negotiated to work flexible hours) and/or reduced hours or job sharing (32% of employers).

In the 2015/16 National Survey of Employers, 7% of employers indicated the legislative changes to flexible working arrangements (which came into effect in 2015) had impacted on their business or workplace, with most of these employers indicating the changes had increased flexibility for employees.

Broadly, the availability of flexible working arrangements has been linked with increased labour force participation for women (although there is no evidence of causation). The long term trend in New Zealand has been a narrowing of the gap in employment rates for men and women – from a difference of around 15 percentage points in 2000 to a difference of around 10 percentage points in 2017 (72.9% male employment compared with 62.1% female employment as at September 2017).

Creating workplace cultures that encourage and accept flexible work

Under the Employment Relations Act 2000, all employees have a right to request flexible working arrangements, which can only be refused on genuine business grounds. Apart from establishing a legislative environment that is conducive to flexible working arrangements, the government also invests in promoting inclusive workplace cultures through the EEO Trust (now

operating as Diversity Works NZ), which promotes employment practices that contribute to diversity in workplaces, including flexible working arrangements.

Flexible and part-time work and men

As at September 2017, 12% of employed men reported working part time, compared with 32% of employed women (Statistics NZ, HLFS).

There is no research available that directly answers the uptake of flexible work by men. In the Survey of Working Life (Statistics NZ, 2012), 50.4% of male employees reported either having or “sometimes having” flexible hours in their main job, compared with 46.1% of female employees.

Parental leave

The Parental Leave and Employment Protection Amendment Bill was passed in late 2017 and extended the duration of paid parental leave. The extension aims to support working families with new-borns and young children and help reduce financial stress. It will allow more time for bonding with their children for those carers who are not in a position to take additional unpaid leave. It will also help facilitate exclusive breastfeeding for the first six months (as recommended by the World health Organisation).

The new law increases the duration of parental leave payments over three years and two stages, an increase from 18 to 22 weeks from 1 July 2018, and to 26 weeks from 1 July 2020.

The new law also proportionately increases the number of Keeping in Touch days. These allow parents to do limited work while on parental leave, if they choose to, for example to attend a team day or change announcement. The Keeping in Touch days will increase from 40 to 52 hours from 1 July 2018, and from to 64 hours from 1 July 2020.

This will help support workers who may be away from their workplace for a longer period to still maintain contact with their employer and keep abreast of any changes, and for the employer to continue to be connected with their employee.

How women’s incomes are affected following the birth of a child

New research funded by the Ministry for Women has just been released on *Parenthood and labour market outcomes*. It explores the impact of having children on women’s employment.

To close the gender pay gap and support low income families, we must understand patterns of childcare and family responsibilities, and how they relate to employment.

The research confirms balancing parenthood and paid work in New Zealand is still highly gendered and over time, this can lead to substantive differences in employment and earnings between mothers and fathers.

Key findings from the research include:

- Women who return to work after becoming parents, earn hourly wages that are 4.4% lower on average than the wages they would have earned had they not had their children.

Women who are away from work for over a year experience an 8.3% decrease in hourly wages.

- Three out of five first-time mothers do some paid work by their child's first birthday.
- Mothers who take less than 6 months off work have the highest median hours (30), while women returning later work a median of 27 hours.
- Women with higher income before having children return more quickly to work.
- Longer absences decrease women's ability to secure higher paying work, regardless of previous employment, education, and earnings.
- Women on low incomes before childbirth are far less likely to return to work at all. Approximately, half are not employed in paid work ten years after their first child.

Each family will make decisions about parenthood, employment and childcare, based on their own situation and preferences. The findings from *Parenthood and Labour Market Outcomes* can help parents make informed decisions.

Employers can support women taking career breaks, especially those wanting to transition back to the workforce, if and when they choose to do that. Employers can have a role, through human resource policies, keeping in touch hours while on leave and ensuring they have flexible work available for all staff. They can ensure flexible hours are also available to fathers.

Men/fathers/partners taking up parental leave beyond the two weeks partner leave

The only relevant administrative data in this context relates to the uptake of parental leave payments by men (as opposed to parental leave per se). Under current settings, fathers/partners can generally only access these payments when the biological mother elects to transfer the entitlement to her spouse or partner. Since the inception of the paid parental leave scheme in 2002, uptake of this option has been very low, with less than 0.1 per cent of mothers transferring their entitlement in this way.

There is no data available on the number of men who take parental leave, or other types of leave, to facilitate an extended period away from the workforce to care for a child, whether unpaid or with financial support from their employer.

Currently there are no government-funded incentives for men/fathers/partners to take parental leave. Some employers voluntarily encourage male employees to take parental leave.

[Note: there may be more detail to add here, depending on the timing of any announcements on potential changes to the parental leave scheme – to confirm with MBIE immediately prior to examination].

GENDER PAY GAP

Government efforts to address the gender pay gap.

NEW ZEALAND'S POSITION

The Government has a strong commitment to closing the gender pay gap. Closing the gender pay gap and addressing pay equity are important steps towards women's full economic empowerment.

Current Situation

The current nationwide gender pay gap in New Zealand is 9.4% (median hourly earnings, Statistics New Zealand). It has reduced since 1998 (16.3%) but stalled in the last decade. The gender pay gap for the Public Service is currently 12.5% (annual snapshot of employee salaries, State Services Commission).⁷ While it has been trending down, progress remains slow.

There is now greater awareness and understanding of the gender pay gap due to heightened general interest in gender issues in New Zealand and internationally as well as the work of the Ministry of Women on initiatives to profile and address the gender pay gap.

Challenges

The causes of the gender pay gap are complex. The gap is driven by a complex interplay of norms around gender, family, and work. Known drivers include uneven distribution between men and women of unpaid caring and domestic work, a concentration of women in lower paid occupations and in part-time work, a lack of women in leadership roles, and limited options for flexible work in higher-paid roles.

Gender bias also plays a significant role. Ministry for Women research found that the majority (80%) of the nationwide gender pay gap is now driven by what the research calls "unexplained" factors⁸. These are the harder to measure factors, like conscious and unconscious bias – impacting negatively on women's recruitment and pay advancement – and differences in men's and women's choices and behaviours.

Government Response

The Government has a broad strategy to create the conditions needed to support the appropriate valuation of women's contribution across the labour market. This involves legislative change to provide a more accessible and effective process to correct situations where there is historical undervaluation of work traditionally undertaken by women (see Pay Equity

⁷ The 12.5% figure is higher than the nation-wide figure of 9.4% primarily because of different calculation methodologies. The Public Service figure uses averages whereas the nation-wide figure uses medians. When similar methodologies are used there is only a 0.3% difference.

⁸ <http://women.govt.nz/work-skills/income/gender-pay-gap/research-evidence-gap-new-zealand>

section below) plus other initiatives such as employment law changes and progressively increasing the minimum wage, which will benefit the 60% of minimum wage workers aged 16-64 who are women.

A new set of State sector Gender Pay Principles were launched at Parliament earlier this month. These were developed by a bipartite group of union and State sector agency representatives. The Principles create a high-level framework within which to address gender pay issues in both the public service and wider State sector. They also establish an environment of joint ownership by employers, employees and their representatives which will ensure enduring and sustainable action to address gender pay issues over the medium to long term.

Resources to develop awareness and understanding of organisational gender pay gaps were published by the Ministry for Women in 2017. ('Closing the gender pay gap- Actions for employers, as well as information on the Ministry's website including interviews with private sector employers who provide exemplars of addressing gender pay inequities').⁹

In relation to the Public Service, the Government is committed to eliminating the gender pay gap in the public service, with substantial progress this Parliamentary term. A strategy is currently in development to support this goal.

This Strategy will build on the existing commitment of Public Service Chief Executives (CEs) to close gender pay gaps through a Public Service-wide Diversity and Inclusion programme. As part of this programme, all Public Service departments have developed a Gender Pay Action Plan addressing the drivers of each agency's gender pay gap. Papa Pounamu's work on diversity and inclusion also has a focus on closing the gender and ethnic pay gap within the public service.

The Government expects the Public Service to lead the way in closing the gender pay gap, and to work to ensure the wider State sector and private sector is on a similar pathway will follow.

BACKGROUND

The nationwide gender pay gaps, calculated by the Ministry for Women for the year to September 2017, and compared with the earnings of all men, are:

- Pacific women 21.12%
- Asian women 18.2%
- Māori women 18.0%
- European women 4.1%

2017 research shows that around 80% of the nationwide gender pay gap is caused by factors such as conscious and unconscious bias that impact negatively on women's recruitment and pay advancement.

Supporting employer action to close the gender pay gap

⁹ Ministry for Women, [*Closing the gender pay gap: actions for employers*](#) (July 2017)

In July 2017, the Ministry for Women published, *Closing the Gender Pay Gap: Actions for Employers*, a guide for employers to measure and close gender and ethnic pay gaps.

The Ministry for Women, Statistics NZ and the State Services Commission have developed draft guidelines for all employers to measure and analyse organisational gender pay gaps. These draft guidelines have been reviewed by public service, State sector and private sector employers.

The Ministry for Women maintains strategic relationships with private sector individual employers and sector groups, such as Champions for Change and Global Women in order to develop effective advice and resources. The National Advisory Council on the Employment of Women has provided funding to a pilot initiative to support women returning to IT careers following parental leave.

In relation to the Public Service, the Strategy currently under development (see above) will include a series of milestones supported by Public Service-wide guidance developed centrally by the State Services Commission and the Ministry for Women, in consultation with Unions.

Building and promoting the evidence on the gender pay gap

In March 2017, the Ministry for Women published the research, *Empirical evidence of the gender pay gap in New Zealand*, which looks at the causes of the nationwide gender pay gap.

To further understand what drives the gender pay gap, the Ministry also commissioned research on Parenthood and Labour Market Outcomes, which examines how parenthood contributes to New Zealand's gender pay gap, and a female employment gap.

Some of the findings from this research show that Parenthood is highly gendered in New Zealand and that child care responsibilities fall disproportionately on women, having long term impacts on their participation in paid work and their lifetime earnings.

The research shows that becoming a parent has the greatest negative economic impact on low income women. Women with lower income before childbirth are far less likely to return to work at all. Approximately half of low income women are not in paid work ten years after their first child.

Our increased understanding of the drivers of the gender pay gap will help this Government to work to close it.

PAY EQUITY

Measures in place to address Pay Equity.

NEW ZEALAND'S POSITION

The Government is committed to implementing fair and effective pay equity legislation.

The 2014 case *Terranova Homes and Care Ltd v Service and Food Workers Union Nga Ringa Tota Inc (Terranova)* established that the Equal Pay Act 1972 provides for pay equity, and equal pay. This changed how the Act was understood, affirming that men and women be paid the same for doing different jobs of equal value. This led to the Care and Support Workers (Pay Equity) Settlement for workers in the aged care and disability services, most of whom are women.

In addition, a tripartite Joint Working Group (JWG) of unions, employers, and government representatives has created Pay Equity Principles to support a process to raise and respond to pay equity claims based on New Zealand's employment relations framework.

Current Situation

Around half of women and men work in occupations where at least 70% of workers are of the same gender. In such female-dominated workforces there may be Pay Equity issues arising from historical and current undervaluation of women-dominated jobs. Many low-paid, female-dominated, workforces include many Māori and Pacific women, and/or women who work multiple jobs.

The *Terranova* case and resulting settlement led to other workforces asking the Courts to address their Pay Equity claims. However it is not practical or efficient for parties to litigate Pay Equity. Litigation can be costly and lengthy, particularly for individual and low-paid women claimants without union representation, and for small employers with limited resources.

The JWG recommended Principles and a process for working through a Pay Equity claim based on New Zealand's employment relations framework and well-functioning labour market. The Principles shifted Pay Equity into a bargaining framework, as employees and employers are best placed to know about their specific circumstances. Subsequent Pay Equity claims have arisen in the State sector, which, through agreement, are being worked through using the Principles process.

Challenges

The (Reconvened) Joint Working Group (RWJG) made its Recommendations of February 2018, including that Ministers should clarify and simplify the process for initiating Pay Equity claims, and amend the Equal Pay Act 1972 to give effect to the Pay Equity Principles.

Pay Equity Claims require a complex process of identifying male dominated comparator workforce(s) doing work with similar skill levels, qualifications and experience to work that is subject to a claim.

It is important that claimants (including individual claimants and those without representation) and employers have access to adequate information and resources to assist them in negotiating pay equity claims. The Reconvened Joint Working Group on pay equity principles stated in its letter to the Government that it considered that there is a need for additional support to provide readily accessible information and resources for parties to pay equity bargaining.

The State Services Commission (SSC) and the Ministry for Women are in the process of developing tools and resources to support the negotiation of pay equity claims in the State sector.

The Government is also considering setting up a central function to provide tools and information on pay equity and recognises the need for comprehensive communications and information to be available when legislation is passed to ensure employees and employers understand their rights and obligations in relation to both pay equity and equal pay.

Government Response

The Minister for Workplace Relations and Safety and the Minister for Women are working to progress pay equity legislation, incorporating the recommendations of the RJWG. The Government intends to introduce legislation to implement pay equity in August 2018.

In accepting the RJWG recommendations, the Government accepts an approach that uses the existing good faith provisions in the Employment Relations Act 2000 and where needed, the Employment Relations Authority and the Employment Court, to address Pay Equity. Employers and employees are best placed to know about their particular circumstances and therefore should be able to bargain to reach an agreed Pay Equity settlement. It is also important that guidance to parties is accessible to all claimants, including individual women, women in low-paid workforces and/or lacking union representation.

BACKGROUND

Measures in place to address Pay Equity include:

- Pay Equity legislation, which the Government has agreed to announce by August 2018.
- An agreement with unions allows progression of Pay Equity claims in the State sector using the agreed Pay Equity Principles.
- In May 2017 more than 55,000 care and support workers, the majority of whom were women, received a historic \$2 billion settlement, to rectify the historic undervaluation of their work.
- Related work to address workplace relations issues which include: progressively increasing the minimum wage to \$20 by 2020 (61% of minimum wage earners aged 16-64 are women); and Fair Pay agreements.

- Closing the gender pay gap in the core public service, with substantial progress by 2020, and ensuring the public and private sectors are on a similar pathway, will help address Pay Equity (and vice versa).
- The Gender Pay Principles, launched on 2 July by the Minister for Women and Minister for State Services, which address gender pay issues. Proactively applying these Principles in the public service could encourage employers to address Pay Equity issues in their workplaces.
- The Government has committed to implementing the Gender Pay Principles in its Statement of Expectations on State Sector Employment Relations, which guide employment relations practice in New Zealand's State sector.
- Pay equity is an issue affecting female-dominated jobs that have been and continue to be, undervalued. Some of these jobs will be in the community and NGO sector, which, like the State sector, tends to have predominantly female workforces doing certain kinds of jobs.
- The Government is working on introducing pay equity legislation to enable employees, including from the community and NGO sector, to initiate and progress pay equity claims, to address the historical and continued undervaluation of female-dominated jobs.

MINIMUM WAGE EXEMPTION PERMITS

Addressing discrimination, bullying, and sexual harassment in the workplace.

NEW ZEALAND'S POSITION

The Government has agreed to investigate better alternatives to the use of Minimum Wage Exemption Permits (MWEPS).

Current Situation

MWEPS were introduced in 2007, following the repeal of the Disabled Persons Employment Promotion Act 1960. The policy was seen as a compromise between the abolition of all discriminatory measures and the need to maintain employment opportunities for a group that faces persistent disadvantage in the labour market. Currently around 800 disabled people are employed subject to MWE permits, which are issued by labour inspectors.

Challenges

- The MWE policy has been criticised for its discriminatory nature, both from within the New Zealand disability sector and from the United Nations Committee on the Rights of Persons with Disabilities.
- The key challenge is to design an alternative policy that would avoid the discriminatory aspects of MWEPS, but preserve the current job opportunities that are supported by this policy (for a group of people that would be unlikely to be employed in the open labour market).

Government Response

The Government has agreed to investigate better alternatives to the use of MWEPS. Accordingly, the New Zealand Disability Action Plan 2014-2018 prioritises an increase in the number of disabled people in paid employment and self-employment on an equal basis with others. This involves:

- implementation of a long term work programme to improve employment outcomes for disabled people including the development of guidelines on reasonable accommodation
- identifying better alternatives so that MWEPS can be removed.

A Reference Group was established in 2016 with representatives from across the disability sector to help shape potential alternatives to the MWEPS system. Ministers are currently considering how best to progress this work.

DISCRIMINATION, BULLYING AND SEXUAL HARRASSMENT IN THE WORKPLACE

Addressing discrimination, bullying and sexual harassment in the workplace.

NEW ZEALAND'S POSITION

The #MeToo Movement has triggered a worldwide focus on the prevalence of sexual harassment and assault across workplaces of every kind, and New Zealand women are emphasising the imperative to take action in this area.

New Zealand maintains a legislative and administrative system to ensure that discrimination in the workplace is addressed. This is a major challenge and there is work underway to improve effectiveness. The legislation includes enforcement mechanisms and pathways to escalate claims of discrimination, sexual or racial harassment or workplace bullying and protect claimants. ACC compensation is available for people mentally harmed by such behaviour.

Current Situation

Limited information is available on patterns of sexual harassment or bullying in the workplace. As an indication, however, of the 5318 requests for mediation services, 35 were related to discrimination between July 2017 and March 2018; and 898 calls to the Mediation Service Centre were coded as 'Harassment' and 373 calls as 'Bullying'.

Challenges

- creating an environment that supports women to take action without fear of penalty
- need for better information on incidence and impacts
- ensuring that businesses are aware of their obligations, available tools and services.

Government response

The Government is concerned about the prevalence of reported sexual harassment in the legal and other professions, which is a barrier to women's career progression. Ministers are working on responses to sexual harassment, including work underway in the public service to lead by example. [See also Women in the Legal Profession Q+A]

To get a better sense of worker exposure to risks including sexual harassment and bullying, and to inform harm prevention strategies, from 2 July 2018, the Ministry of Business, Innovation and Employment will begin to collect specific data on sexual harassment in the workplace, through its Employment Mediation Service and Service Centres. WorkSafe is conducting a survey on harassment and bullying; and is preparing a horizon scan to better understand work-related psychosocial harm and inform harm prevention strategies.

Wider developments such as the #metoo movement are also supporting more women to speak out, as with recent disclosures about sexual harassment within a major law firm. In March 2018, Russell McVeagh announced the firm had appointed Dame Margaret Bazley to lead an external review of incidents of sexual harassment within the law firm that occurred in 2015/16. Dame Margaret headed the Commission of Inquiry into Police Conduct in 2007.

BACKGROUND

New Zealand maintains a legislative and administrative system to ensure discrimination in the workplace is addressed.

Human Rights Act

The Human Rights Act outlines what behaviours are considered unlawful conduct, and the process for protecting New Zealanders rights. The Human Rights Commission responds to, and resolves, human rights complaints from the public through mediation. If a complaint is not resolved at mediation a person can take legal action through the Human Rights Review Tribunal.

Employment Relations Act

The Employment Relations Act protects employees from discrimination and sexual and racial harassment. It also provides a means to address bullying in employment. All employment agreements include an obligation for the employer to provide a safe workplace. The Government intends to expand the discrimination provisions to include an employee's intention to join a union.

The Government provides a free employment mediation service to help resolve employment relationship problems. If mediation is unsuccessful or not wanted, employees can raise a personal grievance with their employer under the Employment Relations Act in relation to discrimination, sexual or racial harassment or workplace bullying. Employees may then bring proceedings to the Employment Relations Authority and subsequently the Employment Court.

Health and Safety at Work Act

The Health and Safety at Work Act requires all businesses to do what is reasonably practicable to ensure their workers' health and safety, including their mental health. WorkSafe New Zealand guidance reinforces that businesses should minimise the likelihood of bullying occurring in their workplaces, and have processes in place to deal effectively with bullying when it does occur. A failure to manage the risk arising from workplace bullying or harassment which results in significant harm could give rise to enforcement action being taken by WorkSafe NZ.

Immigration Act

Under the Immigration Act it is an offence to exploit temporary migrant workers and unlawful workers. Employers face significant penalties and the prospect of being banned from hiring

migrants for up to 2 years. There are also protections in place to support migrants that come forward and notify the New Zealand government that their employer is breaching immigration or employment law.

Accident Compensation Scheme

The accident compensation scheme provides cover for clinically significant mental injuries that occur in relation to work in prescribed instances, which could potentially include some instances of workplace harassment.

To be covered under the Accident Compensation Act 2001 (AC Act), a work-related mental injury must be a clinically significant behavioural, cognitive or psychological dysfunction. Clinically significant mental injuries that occur in response to workplace harassment involving sexual offences specified under the AC Act would also be covered under the scheme's sensitive claims provisions.

Employment mediation statistics on sexual harassment include:

Work-related problem applications from 1 July 2017 – 31 March 2018	5318
Mediation applications within 'Discrimination / Harassment' regarding sexual harassment from 1 July 2017 – 31 March 2018	35
1 Jan 2017 – 31 March 2018	898 calls to the Service Centre coded as 'Harassment' and 373 calls coded as 'Bullying' Of those, 20 cases specifically mentioned sexual harassment
1 Jan 2017 – 30 April 2018	20,857 page views on the Harassment webpage on Employment.govt

Education programmes in workplaces to address sexual harassment and bullying

WorkSafe is the government's health and safety regulator and their role is to ensure businesses manage risks to protect the health (physical and mental) and safety of workers. This is achieved through a mix of engagement, education and where necessary enforcement.

A variety of education, toolkits and services support the legislative framework – for example WorkSafe NZ toolkits for workers and employers on workplace bullying, and a similar one is being development on sexual harassment at work.

Both bullying and sexual harassment at work are psychosocial risks that a business needs to manage. It is a business's responsibility to determine how they manage those risks, including

whether they use education programmes. WorkSafe does not have information on the education programmes available to businesses.

As part of their education lever, WorkSafe have developed a workplace bullying prevention toolbox which is available online. The toolbox contains a quick guide for workers, a quick guide for small businesses, a good practice guide for larger businesses, a formal complaint form, an informal complaint form, a workplace assessment form, an anti-bullying policy template, and examples of what is and is not bullying. This toolbox has been well received.

A similar toolkit on managing sexual harassment at work is currently being developed. It will contain quick guides for workers and for businesses, forms and a policy template. The toolkit is expected to be available in August 2018.

WorkSafe are preparing a horizon scan to better understand work-related psychosocial harm, including workplace sexual harassment and bullying, to help inform approaches for addressing psychosocial risk factors and potential actions as part of WorkSafe's harm prevention focus. This is expected to be completed by the end of October 2018.

WorkSafe also has a significant worker exposure survey out in the field. It is being conducted by Massey University's Centre for Public Health Research. The survey includes questions on workplace sexual harassment and bullying. Results are expected in February 2019.

Public sector guidance

The State Services Commission (SSC) has the lead role in providing guidance and support to the State sector on conduct issues including sexual harassment.

The SSC published the Prevention and Response to Sexual Harassment Policy Guideline, together with other supporting collateral including a reporting framework in 2015. The guideline sits within a wider suite of material on positive workplace behaviours on SSC's website.

The policy guideline is in the process of being updated, and is expected to be relaunched in the next few weeks.

SSC is also reviewing the full suite of existing guidance on workplace behaviours to identify any further changes or additional guidance required. This will include developing and issuing further material to State services chief executives under section 57(4) of the State Sector Act 1988.

Information services for victims of sexual harassment

The Ministry of Social Development has developed the 'Safe to Talk' helpline, a nationwide service that provides 24/7 access to free and confidential information and support to people affected by sexual harm in any way. The helpline was rolled out nationally on 16 April 2018 after being trialled in Canterbury, and was officially launched on 1 June 2018.

Preventing disadvantage in employment when going through a complaints process

There are provisions protecting employees from being disadvantaged in their employment, this would include situations where an employee raises an issue like unfair pay or harassment and as a result the employer took some action disadvantaging her (like stopping pay increases). Disadvantage is prescribed under section 103(1)(b).

Penalties for the offender

The employee can take a personal grievance for being sexually harassed in employment (where the action itself raises a personal grievance) or via the disadvantage grievance (where the employer took some action to disadvantage the employee as a result of raising a complaint). Consequences would depend on the employer, they may make the decision to give the perpetrator a warning, or if the sexual harassment was serious enough, consider dismissal. They would have to make sure they are providing a safe work environment for the employee, these obligations are both prescribed in the Employment Relations and Health and Safety at Work Act.

The regulator prosecutes offences committed against Health and Safety at Work Act (section 143 of the Health and Safety at Work Act). A private prosecution can be brought if:

1. the person bringing the prosecution has notified the regulator of their interest, and
2. the person has been informed that:
 - a. the regulator has not and will not be bringing a prosecution or issuing an infringement notice under Health and Safety at Work Act in relation to the same incident, situation, or set of circumstances and
 - b. a regulatory agency has not and will not be bringing a prosecution under any other Act in respect to the same incident, situation, or set of circumstances (sections 142 and 144 of Health and Safety at Work Act).

The court can make a number of orders when sentencing for offences, in addition to fines and imprisonment which are as follows:

- Adverse publicity orders (section 153 of Health and Safety at Work Act) – requires the offender to publicise or notify particular people of the offence, including the consequences of the offence and the penalty imposed.
- Orders for restoration (section 154 of Health and Safety at Work Act) – requires the offender to put right the effects of the offence.
- Work health and safety project orders (section 155 of Health and Safety at Work Act) – requires the offender undertake a specified project to improve health and safety.
- Court-ordered enforceable undertaking (section 156 of Health and Safety at Work Act) – the court can adjourn a proceeding and release the offender if the offender gives an undertaking with specified conditions.

- Injunctions (section 157 of Health and Safety at Work Act) – requires the offender to stop particular actions that are an offence.
- Training orders (section 158 of Health and Safety at Work Act) – requires the offender do specified training, or arrange for workers to do specified training.

It is an offence not to comply with any of the court-imposed orders (other than injunctions or court-ordered enforceable undertakings) (section 159 of Health and Safety at Work Act). The maximum penalties are:

- \$50,000 for an individual
- \$250,000 for any other person (e.g. a company).

The court can order the offender to pay money towards the regulator's costs in prosecuting the offence, including investigation and legal costs (section 152 of Health and Safety at Work Act).

Employment Relations Act

The Employment Relations Act protects employees from discrimination and sexual and racial harassment. The prohibited grounds for discrimination, which replicates those in the Human Rights Act, includes sex, religious belief and ethnic or national origin.

Discrimination includes refusing or omitting to offer or afford to that employee: the same terms of employment, conditions of work, benefits or opportunities for training, promotion, or transfer, as are made available for other employees of the same similar qualifications, experience or skills employed in the same or similar circumstances.

Remedies

The Government provides a free employment mediation service to help resolve employment relationship problems. In 2015, the mediation service received 7,115 applications. This included 55 applications which were recorded as relating to discrimination.

If mediation is unsuccessful or not wanted, employees can raise a personal grievance with their employer under the Employment Relations Act in relation to discrimination, sexual or racial harassment or workplace bullying. Employees may then bring proceedings in the Employment Relations Authority and subsequently the Employment Court.

The Employment Relations Authority or the Employment Court may award a range of remedies, including reinstating the employee in the employee's former position or the placement of the employee in a position no less advantageous to the employee, reimbursing the employee of a sum equal to the whole or any part of the wages or other money lost by the employee as a result of the grievance, compensation, disciplinary or rehabilitative action (in sexual or racial harassment cases).

Health and Safety at Work Act

The Health and Safety at Work Act 2015 requires all persons conducting a business or undertaking to do what is reasonably practicable to ensure their workers' health and safety, including their mental health. As workplace bullying and harassment can create a risk to the health and safety of workers, the business must manage this risk.

WorkSafe New Zealand guidance reinforces that businesses should minimise the likelihood of bullying and sexual harassment occurring in their workplaces, and have processes in place to deal effectively with bullying when it does occur. It is available on WorkSafe's website as a bullying prevention toolbox to support businesses and workers dealing with workplace bullying concerns. It includes Good Practice Guidelines to Preventing and Responding to Bullying at Work, quick guides for both small business and workers, templates for an anti-bullying policy, forms and web-based fictional scenarios to explain concepts.

A failure to manage the risk arising from workplace bullying which results in significant harm could give rise to enforcement action being taken by WorkSafe.

New Zealand Migrant Settlement and Integration Strategy

The New Zealand Migrant Settlement and Integration Strategy outlines the Government's approach to settle and integrate new migrants. The Strategy identifies five measurable outcome areas. These are: employment, education and training, learning the English language, and inclusion and health and wellbeing.

This includes a focus on addressing workplace discrimination against migrants. Immigration NZ has developed tailored workplace guides and toolkits for migrants and their employers. These help employers to understand the differences in communication and work styles between New Zealand and other cultures and provide advice to support employers create more inclusive workplaces. They also assist migrants to understand their employment rights and responsibilities.

Government procurement policy – Human Rights

The Government (MBIE) is taking steps to ensure that human rights issues are better incorporated into government procurement practices. This includes positively engaging with New Zealand's Human Rights Commission to better understand relevant issues and ensuring that the next version of the Government Rules of Sourcing (which support good practice for procurement planning) explicitly reference human rights. It is intended that the Human Rights Act 1993 will be referenced in the introduction and Rules will be amended so that it is clearer that human rights violations by a supplier or in a supplier's supply chain are grounds for exclusion from a procurement process.

Previous discussions between the Government and the Human Rights Commission have also touched on other potential initiatives, such as joint presentations on the links between

procurement and human rights. The Government is open to continuing these discussions if the Commission sees value in doing so.

MBIE data collection on sexual harassment

From 2 July 2018, the Ministry of Business, Innovation and Employment will begin to collect specific data on sexual harassment in the workplace, through its Employment Mediation Service and Service Centres. People accessing the service and centres will be able to more easily specify whether their application includes a claim of sexual harassment. The new way of collecting the data aligns with how the Human Rights Commission also collects their data.

Mediation applications are confidential and can only be accessed by authorised personnel. We use the information to assess and triage work, to collect statistics and to undertake retrospective searches for research and educational purposes. All identifying information from mediation applications is removed, as the Employment Mediation Service is a completely confidential service.

The EEO Commissioner will be advocating restricted and unrestricted reporting to WorkSafe at CEDAW in July.

EMPLOYMENT OPPORTUNITIES FOR MĀORI AND PASIFIKA WOMEN

Measures taken by New Zealand to promote employment for Māori and Pasifika people.

NEW ZEALAND'S POSITION

The Government recognises the need to identify and reduce the current barriers to employment, particularly focusing on achieving positive labour market outcomes for Māori and Pasifika women.

Current Situation

After hitting a high of 15.4% in the December 2012 quarter, the unemployment rate for Māori females has been trending downwards, and stands at 11.2 % as of March 2018. Unemployment rates for Pacific women hit an all-time high of 19.3% in September 2013, and now stand at 10.5 %. Māori women have an underutilisation rate of 25.2 % (year to March 2018), Pasifika women 22.7, this compares to 15.0% for women overall. While the current NEET rate for women overall is 12.9%, the national rate for both Māori and Pasifika women is very high at 22.6% and 21.6% respectively.

Challenges

While a positive story is seen statistically for overall unemployment and underutilisation, which has shown an overall decline, it does not show the reality for certain groups. Current data shows there is disparity in the labour market with certain groups, such as Māori and Pasifika women, experiencing poor employment outcomes.

Despite annual decreases in unemployment for both Māori and Pasifika women, gaps remain between Māori and Pasifika women and other groups. NEET rates are also around double those of European rates. Māori women are over-represented in unemployment statistics and underutilisation statistics (25% underutilised).

Government Response

We are clear about the need to do better. There is a need to identify and reduce the current barriers to employment, particularly focusing on achieving positive labour market outcomes for priority groups currently underrepresented in positive employment statistics.

The New Zealand Government is committed to supporting employment outcomes for Māori and Pasifika women. We are undertaking a set of coordinated actions to address Māori unemployment within the context of He kai kei aku ringa: the Crown-Māori Economic Growth Partnership (strategy to 2040) which was launched in 2012. The Strategy has set a target of 7.5% for Māori unemployment by 2021.

Work is underway to develop and strengthen our employment services generally with a particular focus on employment outcomes for Māori and Pasifika people. This will provide opportunities to accelerate existing initiatives including:

- *He Poutama Rangatahi* (which aims to assist young people at risk of long-term unemployment move into sustained work or onto the pathway to sustained work);
- The *Sector Workforce Engagement Programme* (aims to improve employers' access to reliable, appropriately skilled staff at the right time and place, while creating work opportunities for New Zealanders, including young people and those currently on benefits);
- The *Tuawhenua Provincial Growth Programme* (an investment of \$1 billion per annum into regional development, announced in November 2017); and
- The *Tupu Tai* suite of programmes for young Pasifika people including public sector and IT internships.

BACKGROUND

He Poutama Rangatahi is an initiative to support communities to develop pathways for young people (aged 15-24), who are not currently in employment, education or training (NEETs), to sustained employment. It specifically targets those young people who are not succeeding with current interventions or who are not currently accessing support services. The strategy will do this by supporting communities and employers keen to provide opportunities for young people through the development and implementation of Youth Employment Plans. The individual plans will reflect the aspirations of young people and their individual pathways towards employment.

In January 2018, the Government announced \$13.275 million of funding to support pilot projects in four regions - Te Taitokerau, Eastern Bay of Plenty, Tairāwhiti and Hawke's Bay – which have the highest levels of youth unemployment but also known job opportunities. The funding will also enable the community-led and employer supported development and implementation of Youth Employment Plans, which will articulate workforce and employer needs (including better pastoral care).

The *Pacific Economic Strategy 2015-2021* was released in December 2015. The Strategy supports Pacific people to contribute to and share in New Zealand's economic success by lifting Pacific peoples' economic participation in the New Zealand economy. One of the outcomes sought under the Strategy is 'More sustainable job opportunities for Pacific people through increased participation in higher skilled jobs, having opportunities to upskill in employment and gaining higher level qualifications'.

Other key initiatives that contribute to lifting young Māori and Pasifika participation in the workforce include:

- *Tupu Tai Pasifika Internships* were established in 2015 to create and develop a pipeline to increase Pasifika representation in more highly skilled professions within the public sector, and to support diversity and inclusion to better reflect the communities we serve. The initiative provides Pacific learners with work experience and skill development in policy, procurement, and project management roles across the public sector, whilst supporting agencies to develop their cultural competence and capability.
- *Tupu Tek IT Internships* were launched in 2017 with the purpose of creating a pipeline to encourage and propel Pasifika students and graduates into careers in the technology industry. The programme provides a paid work experience in both the private and public sectors.
- *Tupu Toa Pasifika Internships* is a comparatively similar programme to encourage Māori and Pasifika tertiary students into careers in the corporate and professional sectors. This initiative purports to address the underrepresentation of Māori and Pasifika people in the corporate sphere.
- The *Pacific Employment Support Services (PESS) scheme* assists young Pasifika people to find sustainable employment, education or training opportunities, working with four providers. These providers motivate, train and match young Pasifika people to jobs or education that best fit them. The scheme is currently focused in Auckland and Hamilton, where over half the country's Pasifika youth who are unemployed or not in training, live.
- *Project 1000* brings together businesses, iwi, local authorities, training providers, and central government to support the creation of 1,000 new jobs over 3 years for local people who are not currently participating in the Hawkes Bay economy. In the first 7 months, 200 new jobs have been created, with 69% of those employed being Māori.
- *Te Puni Kōkiri Cadetship Initiative* supports employers to develop, mentor, train and grow full-time, permanent Māori employees so that they can move into higher-skilled jobs, more senior positions and gain qualifications while working. Approximately 350 cadetships are offered each year targeting new or current Māori employees and applications are encouraged for those aged between 16-24 years old.
- The *Māori and Pasifika Trades Training programme*, which supports fees-free training for Māori and Pasifika learners, aged 16-40 to develop skills for entry to New Zealand apprenticeships and other sustainable employment outcomes. It reaches those who would not otherwise participate in tertiary education and includes assistance with their transition into employment.

The skills and qualification levels of the Pacific population have been improving. However, while Pacific tertiary participation is on par with the national average, Pacific tertiary participation is concentrated in lower level qualifications such as certificate courses, with lower completion

rates than their non-Pacific counterparts. For the Pasifika ethnic groups the proportions with a bachelors or higher qualification did increase from 2006 to 2016, up from 5.3% to 9.5%.

As at September 2017, Pacific peoples in skilled occupations total 48,600 workers in September 2017, an increase of 1,800 workers (up 3.8%) from a year ago. Gaps however persist in Pacific peoples' labour market participation.

Labour market figures

After hitting a high of 15.4 per cent in the December 2012 quarter, the unemployment rate for Māori females has been trending downwards, and stands at 11.2 per cent as of March 2018. Unemployment rates for Pacific Peoples hit an all-time high of 19.3 per cent in September 2013, and now stand at 10.5 per cent.

Women labour force status by ethnic group, March 2018 (not seasonally adjusted)

	<i>European</i>	<i>Māori</i>	<i>Pacific Peoples</i>	<i>Total</i>
<i>Labour Force Participation Rate</i>	66.6	65.2	60.2	65.5
<i>Unemployment Rate</i>	3.8	11.2	10.5	5.0
<i>Employment Rate</i>	64.0	57.9	53.8	62.2

ADDRESSING INEQUITY OF HEALTH OUTCOMES

New Zealand's approach to addressing inequity of health outcomes among women.

NEW ZEALAND'S POSITION

The Government acknowledges that significant gaps remain in health outcomes in New Zealand, particularly for Māori women, Pacific women, women with disabilities, and socio-economically disadvantaged groups. We are taking a range of measures to remove barriers to access to health care services for these groups.

Current Situation

Our understanding of where health disparities exist has increased over the past two decades, and significant improvements have been made. The incidence of cervical cancer, for example, has reduced by 56% since the introduction of the NCSP in 1990, and is expected to reduce further with the introduction of the HPV vaccine and extensions to screening.

Challenges

Main challenges include:

- *Breast and cervical cancer amongst Māori and Pasifika women*, which is due primarily to the differences in screening coverage (which in turn is largely attributable to cost and/or cultural issues)
- *Young Māori women and smoking*
- *Health of older women*, largely amongst Māori women and particularly rural Māori women
- *Partner and family violence* – women continue to be disproportionately affected by partner and family violence.

Government Response

Providing services and innovations to support women is a priority for the Government. We are committed to improving health outcomes for all women and girls:

- The New Zealand Health Strategy aims to target and tailor services for groups who have poorer health and social outcomes than the population on average.
- Budget 2018 provides for new primary care initiative to assist in reducing barriers to primary health care access. These are expected to be implemented in December 2018.
- There are specific targets for cervical and breast screening programmes and HPV immunisation.
- We are working with young Māori women to better understand the realities of their lives in order to better design smoking intervention programmes.
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BACKGROUND

New Zealand Health Strategy

The New Zealand Health Strategy states that services will be targeted and tailored for, groups who have poorer health and social outcomes than the population on average.

He Korowai Oranga/the Māori Health Strategy

He Korowai Oranga/the Māori Health Strategy outlines the Government's vision for Māori health; pae ora (healthy futures). Pae ora includes the interconnected elements of mauri ora (healthy individuals), whānau ora (healthy families), and wai ora (healthy environments).

The strategy sets out to address unacceptable health inequalities between Māori and non-Māori, and the Government's commitment to Māori under the Treaty of Waitangi, as reflected in the New Zealand Public Health Disability Act.

The three key themes in the strategy are Māori aspirations for rangatiratanga (control) over their own lives, maintaining and building on gains already made in Māori health, and reducing health inequalities between Māori and non-Māori.

There are four pathways for action, focusing on development of Māori communities, Māori participation in the health sector, effective health and disability services for Māori, and working across sectors to remove barriers to the delivery of care.

'Ala Mo'ui: Pathways to Pacific health and well-being

'Ala Mo'ui is the New Zealand government's national plan for improving health outcomes for Pacific people, families and communities. 'Ala Mo'ui is for the entire health and disability sector.

'Ala Mo'ui has four priority outcomes:

1. Systems and services meet the needs of Pacific peoples.
2. More services are delivered locally in the community and in Primary Care.
3. Pacific peoples are better supported to be healthy.
4. Pacific peoples experience improved broader determinants of health.

Accompanying each priority outcome are specific actions that are undertaken by the Ministry of Health, DHBs, Primary Health Organisations and Pacific and non-Pacific health and disability providers. Each action has one or more correlating indicators, which will support the Ministry to measure progress.

Six monthly progress reports are published on the Ministry's website and show areas where the health sector is performing well for Pacific peoples and where further improvement is needed.

Breast and cervical cancer

Māori women and Pacific women continue to suffer high rates of breast and cervical cancer. One of the primary reasons for the differences in cervical cancer rates is the difference in screening coverage.

BreastScreen Aotearoa is New Zealand's free national breast screening programme for women aged 45–69 years and aims to screen 70% of eligible women aged 50–69 every two years.

The National Cervical Screening Programme (NCSP) is available to all women in New Zealand between 20 and 70 years old.

The incidence of cervical cancer has reduced by 56% since the introduction of the NCSP in 1990 – and with the introduction of the HPV vaccine, is expected to reduce further.

Although New Zealand's NCSP is among the best in the world, providing equitable access to the programme for all groups of women remains a challenge.

Māori women, Pacific women, and Asian women are less likely to be screened, and are therefore more at risk of developing cervical cancer.

- Māori women and Asian women have the lowest screening coverage at 65.5% and 63.6%, respectively.
- In recent years, the steady decline in both cervical cancer incidence and mortality has flattened [Figure 1], with no narrowing of the gap between Māori and non-Māori women.
- Māori women are significantly over-represented among those who develop cervical cancer [Figure 2], and are more likely to die from cervical cancer, compared with other ethnic groups.
- Cervical cancer screening coverage for Pacific women is currently 76%. The national coverage target is 80% [Figure 3].

The low screening rates in these ethnic groups is largely attributable to cost and/or cultural sensitivity.

National Cervical Screening Programme

Reducing and ultimately eliminating equity gaps by improving access to cervical screening is a continued focus for the NCSP. Activities to improve coverage include:

- Screening Support Services that aim to provide additional support to priority group women not responding to recall for breast or cervical screening, or for colposcopy or assessment/treatment services
- an allocation of funding to each DHB to be passed on to Primary Health Organisations to provide free cervical smears to priority group women (\$800K per annum nationally)

- a requirement for each District Health Board to submit an annual Cervical Screening Action Plan outlining activities to increase coverage, with a particular focus on activities to increase coverage in priority group women
- NCSP Coordinators and Register Coordinators work intensively with individual general practices to improve coverage, particularly those in high needs areas
- in 2017 eight district health alliances chose cervical screening as an indicator under the Amenable Mortality area of the Ministry's System Level Measure Framework.

Human papillomavirus (HPV)

The National Cervical Screening Programme currently uses cytology as the primary test for cervical screening. In the future the NCSP is planning to transition to HPV as the primary test (HPV primary screening).

HPV primary screening will address some of the existing equity gaps due to cost and cultural sensitivity barriers experienced by Māori, Pacific, Asian, and under- and unscreened women by:

- providing the option for some groups of women to collect the HPV sample themselves (self-sampling). This may address some of the cultural sensitivities to screening.
- reducing the cost of screening to women through a longer time interval between cervical smears (from 3 years to 5 years for a normal smear).

HPV Immunisation Programme

HPV immunisation will reduce cervical cancer incidence and mortality over time by protecting against infection from the types of HPV that cause most cervical, anal and genital cancers, as well as some mouth and throat cancers. With HPV immunisation alone, up to 90% of cervical cancers can be prevented – although not all of the types of HPV that cause cervical cancer are in the vaccine, women who have been vaccinated still need to be screened.

The free HPV Immunisation Programme in New Zealand started in 2008 for girls in Year 8 of school (approximately age 12) and was extended to boys in 2017.

Māori and Pacific women have higher incidences of HPV-related cancers and have priority coverage under the HPV immunisation programme.

HPV immunisation coverage achieved for Pacific girls was higher than average (75% for Pacific compared to 66% for the total population).

Young Māori women and smoking

Smoking is a factor in many types of cancer, including cervical cancer. Women who smoke are twice as likely as non-smokers to develop cervical cancer. Given the significant inequities in smoking prevalence, particularly for young Māori women, the Government is working to gain a greater understanding of the influences on young Māori women starting, continuing and stopping smoking.

In 2017 the Ministry of Health undertook the 'Insights' Project, using data from Statistics New Zealand's Integrated Data Infrastructure to gain a snapshot of the lives of young Māori women who smoke. The Project also engaged with young Māori women, listening to their stories and the reasons why they smoke, investigating beyond the data to build a better understanding of the experiences of women in our communities, including the challenges and barriers they face.

Further work is underway to develop services better tailored to meeting the complex needs of young Māori women who smoke through designing and evaluating new approaches that directly relate to the lives and needs of young Māori women. These learnings will be applied to benefit other groups for whom the Government's stop-smoking services are not working well.

Health of older women

Currently all of the Government's Health Programmes (and their outcomes) relating to care of Older People have an Equity and Ethnicity Lens review process. This focus is reflected in both Regional and District Health Plans. The Health Quality and Safety Commission publishes annual data on Life Expectancy, Age, Gender, Ethnicity and Deprivation.

The greatest challenge for equity among older people is largely among Māori, particularly the rural Māori population. Some of this is related to socioeconomic deprivation as well.

Gender inequity is complex, and is compounded by survival rates, family caregiving patterns, prevalence of cognitive impairment, and ability to maintain independent existence.

Social isolation and loneliness remains a significant challenge, with females over 65 years being approximately four times more likely than others to feel very unsafe and isolated, especially at night. Unfortunately, the data does not clarify whether this reflects women's greater likelihood of being alone at home (related to women's greater life expectancy).

Dementia Care

The prevalence of dementia in New Zealand in 2016 was higher among females (35,254 people, or 56.6%) than males (27,033 people, or 44.4%), due mostly to higher prevalence rates for women compared to men after the age of 75 years and the higher population of females to males. Prevalence increases with age, particularly after the age of 60 years.

Among the older population, the group with the highest burden of disease is females aged 85-89. This is due to the high number of cases of dementia in this group as well as the high number of deaths. This is likely due to women living longer than men on average.

By 2050 the prevalence of dementia is projected to increase to 170,212 – 2.9% of the population. The estimate by gender is 41% males and 59% females.

The Dementia Care Framework includes expectations of improvement in support for rural and ethnic minorities. By way of example, improvement in consistency of informal carer education through a proposed national set of guidelines has just been opened for consultation. The provision of such guidelines and resources is likely to reduce the geographical variation in carer

education. There is also a focus on research into appropriate diagnostic tools which are better tuned to Maori populations. The involves wide-spread engagement with Iwi around NZ along with international collaboration with academics involved in the 'Dementia 10/66 study' and the Kimberley Indigenous Cognitive Assessment tool which was developed in response to the need for a validated cognitive screening tool for older Indigenous Australians living in rural and remote areas. Outcome of this research is some way off.

Support for training of staff involved in care of those with dementia in Long Term Care facilities has also been supported in the Southern Region and part of rural North Island of NZ though the 'Walking in Another's Shoes' Program.

Violence Intervention Programme

The Government funds the Violence Intervention Plan to be implemented in all 20 DHBs. It is in place in six designated departments across each DHB - Emergency Department, Mental Health, Paediatrics, Maternity, Sexual Health, Alcohol and Other Drugs / Addictions. The Violence Intervention Programme trains DHB staff on how to screen all women over the age of 16 years for intimate partner violence, assess and refer where there is a positive disclosure, and assess children for signs and symptoms of abuse and neglect.

Female Genital Mutilation (FGM)

The New Zealand Government believes FGM is harmful to the health of women and girls, and in January 1996 made the practice illegal under an amendment to the Crimes Act (section 204A) 1961. The Act states it is against the law to perform "any medical or surgical procedure or mutilation of the vagina or clitoris of any person for reasons of culture, religion, custom or practice".

Articles 2f, 5a and 12 of CEDAW oblige action against FGM, as does the Universal Declaration of Human Rights (Article 25), and the Convention on the Rights of the Child (Articles 2, 19.2, 24.1, 37a, 24.3), to which New Zealand is also a signatory.

The Government funds information for health and child protection professionals to improve health outcomes for women who have undergone FGM, prevent FGM occurring in New Zealand, and provides specialist education and training for health providers to care for women who have undergone FGM, and regular training sessions for child protection and law enforcement agencies. Protocols for child protection and law enforcement are updated as required every 1-2 years.

There is no documented evidence that FGM is practised in New Zealand. However, New Zealand has a growing number of refugees and migrants from countries that practice FGM, and many of these women have already undergone FGM. The main groups affected by FGM in New Zealand are Ethiopian, Somali, Egyptian, Eritrean, Sudanese, and some Muslim Indonesian groups.

RELEVANT STATISTICS

Figure 1. Registrations and mortality from cervical cancer, 1984- 2012

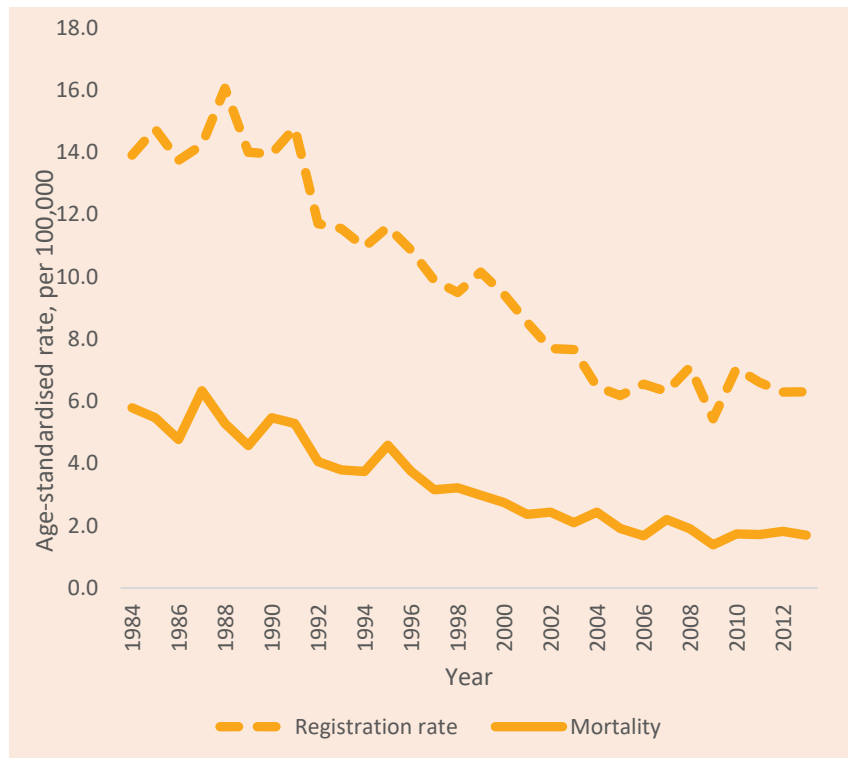
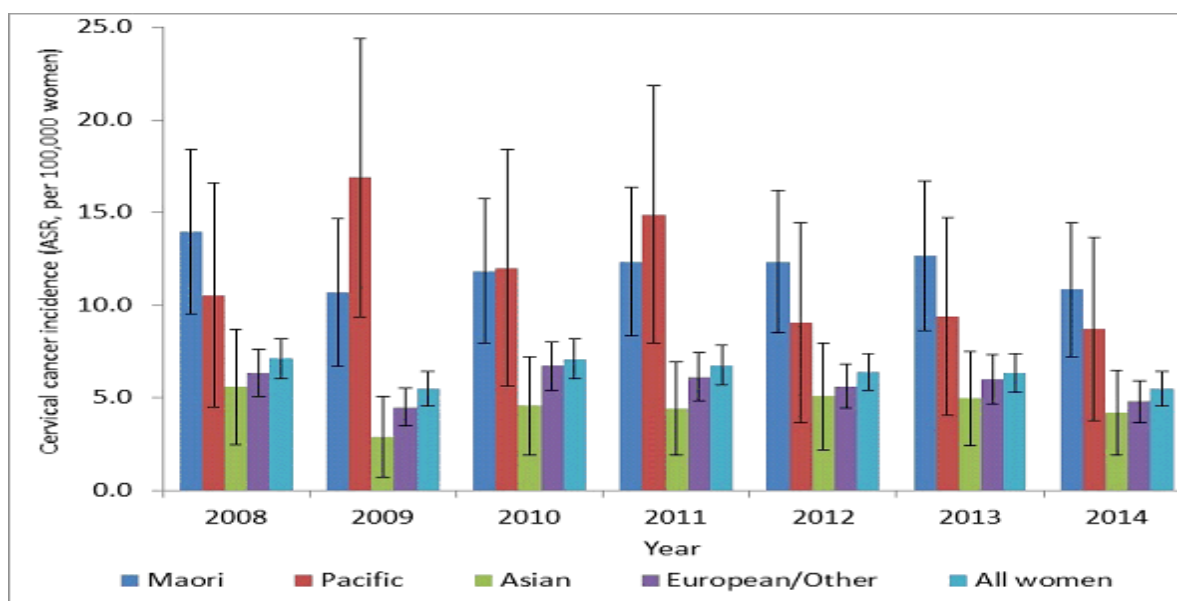


Figure 2. Age-standardised cervical cancer incidence rates, 2008 -2014, by ethnicity (Vertical bars: 95% confidence intervals) Source: Ministry of Health Annual Report 2014



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Figure 3. NCSP coverage (%) in the three years ending 30 September 2017 by ethnicity, women aged 25–69 years

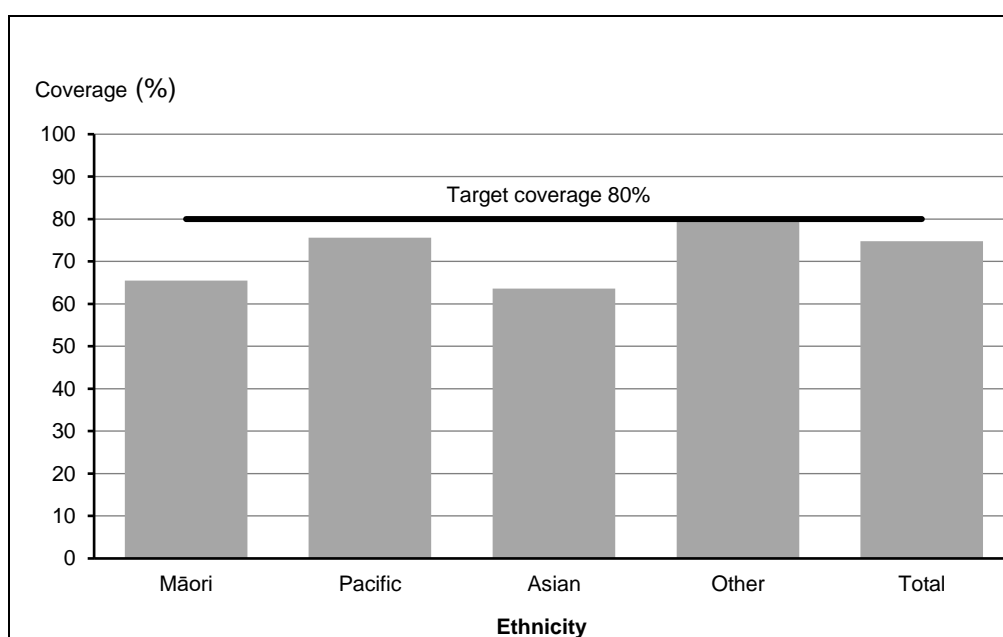
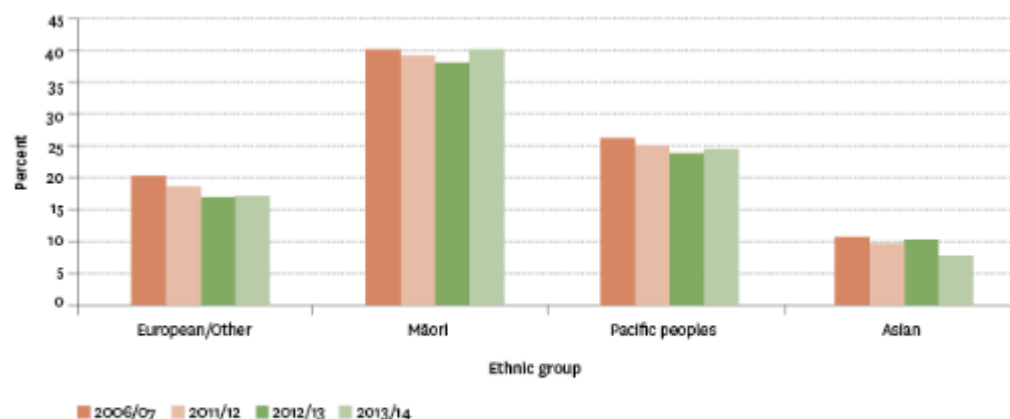


Figure 4. Proportion of population aged 15 years and over who were current smokers, by ethnic group, 2006/2007–2013/2014



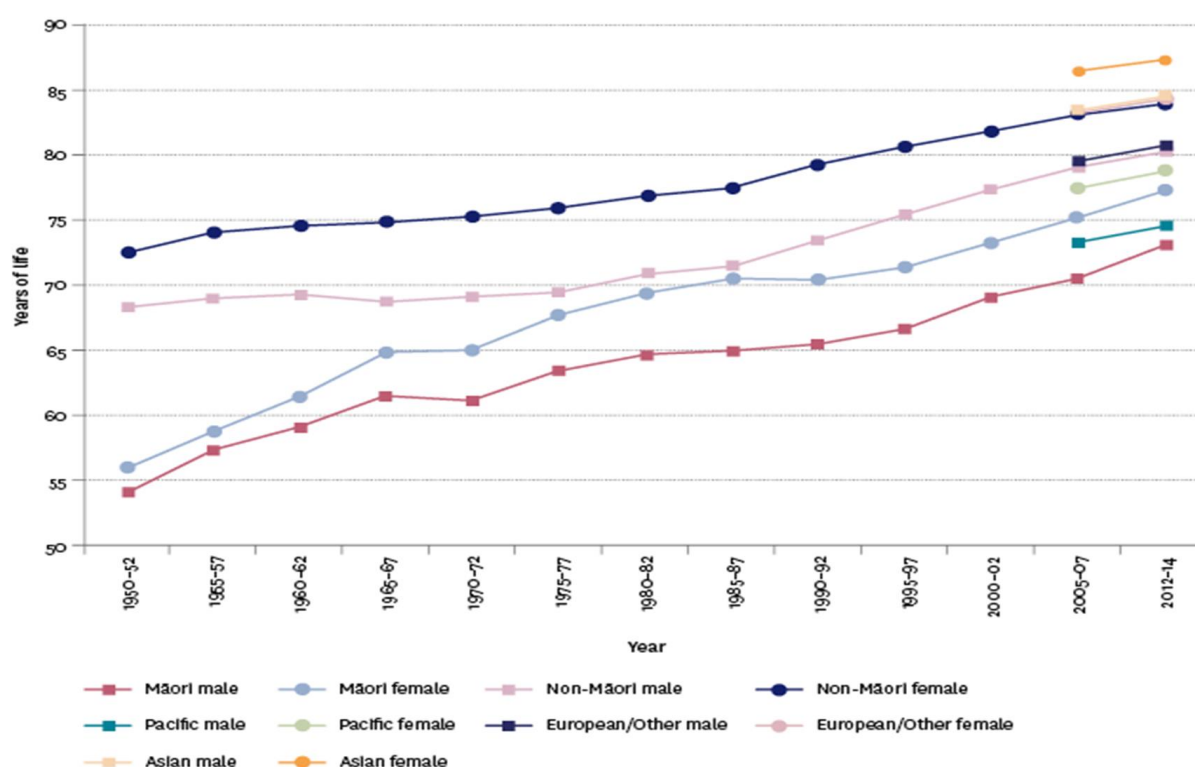
Source: Ministry of Health, New Zealand Health Survey

Note: Data has been age-standardised to the WHO World Standard population.

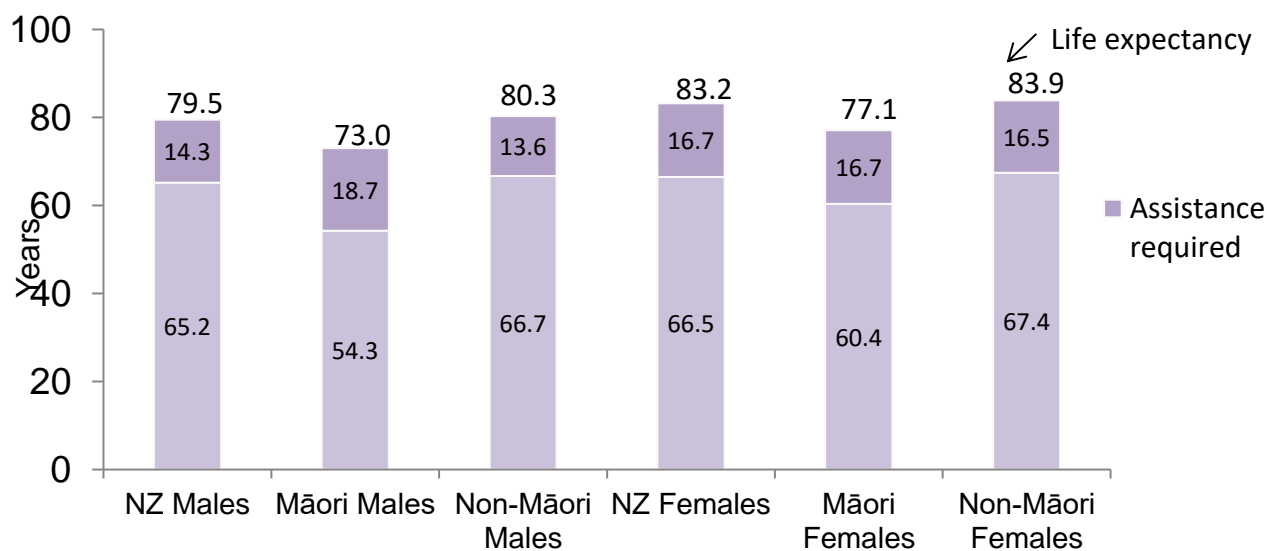
Older Adults

The average New Zealand life expectancy for females is 84.3 years and for males 79.9 years, i.e. approximately 3.5 years longer for females (2016 data). The median female life expectancy at age 65 is approximately 89.1 and 86.4 years for males. Currently Māori female life expectancy (2014) is 77.2, and 73.0 years in males. All the figures are rising slowly, slightly more rapidly in males than females. Ischaemic Heart disease remains high on the list of cause of death, with Lung Cancer over represented in Māori females, presumably due to the high prevalence of smoking. Suicide is much less common in females, especially older females.

Life expectancy at birth by ethnic group and sex 1950–1952 to 2012–2014



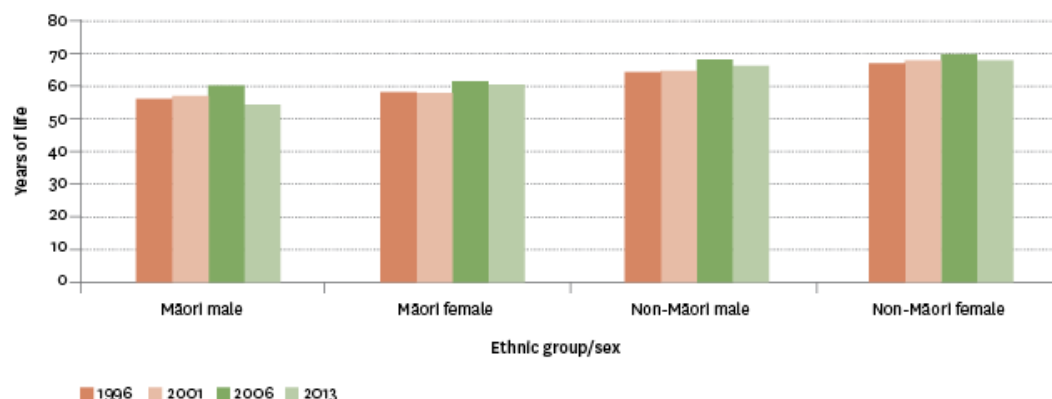
Independent Life Expectancy (2013)



Females are expected to live approximately 17 years with a disability for which they need some form of support, approximately 2.4 years longer than males. The gap between Māori and non-

Māori is decreasing, the fastest closing rate since 1996 being seen in Māori males (9.7%) and Māori females at 3.3%.

Figure H2.2 – Health expectancy (years of life at birth free from functional limitation), by ethnic group and sex, 1996–2013

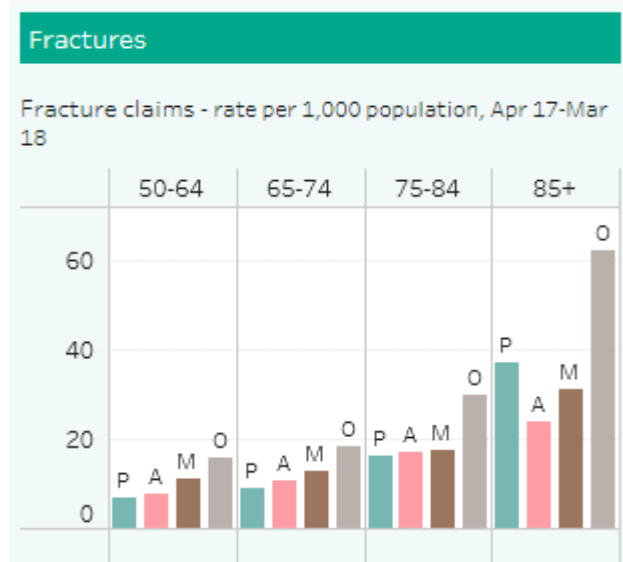
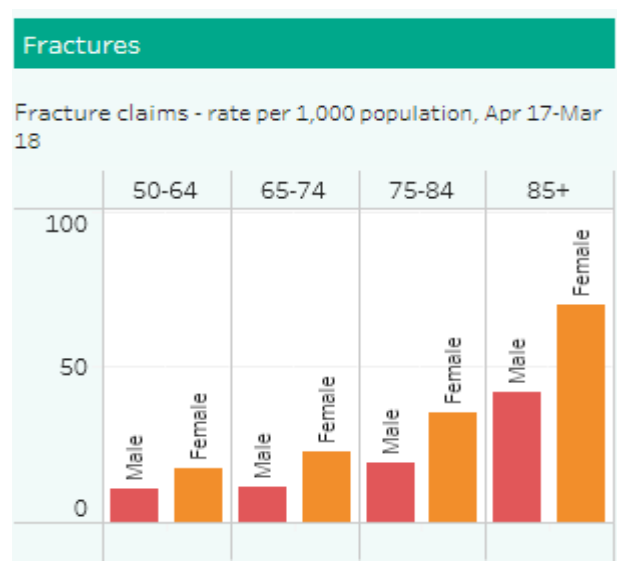


Source: Ministry of Health

Note: Caution is advised when comparing the results of the 2006 Disability Survey with that for previous and subsequent surveys owing to a range of methodological and other factors. See the technical notes for more information.

This period of increasing need of support is reflected in the greater access to community, and long-term-care by older females.

There are good quality data relating to falls, where females have more falls, or fractures at any age group above 50. Pacifica, Asian and Māori populations have fewer fractures and falls than 'Others'.



WOMEN LIVING WITH A DISABILITY

Support for women living with a disability.

NEW ZEALAND'S POSITION

Disability support for women is guided by human rights principles, which includes ensuring access to support and health services are gender sensitive.

Current Situation

Women living with a disability have access to a wide range of services including specialised Assessment and Treatment and Rehabilitation, Child Development and Low Vision services; equipment and modifications; residential and non-residential community rehabilitation services, and services to rehabilitate offenders with an intellectual disability.

Health needs for women with disabilities, including personal health, maternal health, or sexual health services for women living with disabilities, are addressed through mainstream health or disability services - DHBs, General Practitioners, New Zealand Family Planning, and other services - tailored to the individual woman or girl living with a disability, where needed.

Challenges

- *Greater choice and control for women with disabilities*
- *Health outcomes* amongst women with disabilities, who can face numerous barriers in accessing health care (e.g. mobile breast screening clinics that are not physically accessible) and experience poorer outcomes and greater health inequity because of their disability and other factors, including income and ethnicity (being Māori or Pacific)
- *Women with intellectual disabilities*, who, for example, are not routinely included in population-based screening; and who may be more likely to undergo non-therapeutic medical procedures, including involuntary sterilisation.
- *Significant gaps in disability data and women.*

Government Response

The Government is implementing a number of projects that will contribute to the improved health and wellbeing of women and girls living with a disability. These include:

- **Mana Whaikaha - System transformation:** The aims of the system are to provide disabled people and whanau with more flexible support options and more decision making over their lives, to improve outcomes, and to create a cost effective disability support system. Mana Whaikaha was launched on the 1 October 2018 in MidCentral.
- Exploring options to increase access to health services and improve health outcomes for people with learning/intellectual disabilities. This will be finalised in 2018.
- Addressing data gaps, through adding questions to national surveys to identify disability, and a project on non-therapeutic sterilisation.

Cabinet papers must also consider whether the proposed policy has an impact on people with disabilities.

BACKGROUND

Disability Support Services

- The Ministry of Health funds disability support services for approximately 33,000 people with long-term physical, intellectual and sensory disabilities, who are primarily aged under 65. More men (58%) than women (42%) are accessing Ministry of Health funded disability supports. Women significantly outnumbered men in the over 65 age group (2016).
- Women living with a disability have access to a wide range of services including specialised Assessment and Treatment and Rehabilitation Services, Child Development services, equipment and modifications, residential and non-residential community rehabilitation services, rehabilitation services for offenders with an intellectual disability, and low vision rehabilitation services.
- Those living in residential care are assisted and supported to have good emotional and physical health through regular or as required access to services.

New Zealand Disability Strategy 2016-2026

The New Zealand Disability Strategy 2016-2026 has a specific Outcome, focused on ensuring that New Zealanders living with a disability have:

- the highest attainable standards of health and wellbeing
- barrier free and inclusive access to mainstream health services
- accessible and high quality services specific to people living with a disability.

The current health improvement focus is on those with intellectual / learning disabilities.

Whāia Te Ao Mārama 2018 to 2022: The Māori Disability Action Plan was updated in 2018. The plan is a culturally anchored approach to supporting Māori with disabilities (tāngata whaikaha) and their whānau. In 2016, 17.5% of clients receiving Disability Support Services were Māori. Gender data is not available.

Faiva Ora National Pasifika Disability Plan 2016-2021 was published in 2017, and sets out priority outcomes and actions to support and improve the lives of Pacific people of all ages living with a disability and their families. In 2016, 6% of clients receiving Disability Support Services were of Pacific ethnicity. Gender data is not available.

Sexual health and reproduction services and resources (Ministry of Health lead agency)

The Ministry of Health has developed a *Sexual and Reproductive Health Action Plan 2018-2027* which has three major priority populations; young people, women living in high deprivation

areas, men who have sex with men and five action areas; reproductive health, sexually transmitted infections (STIs) and HIV, sexuality and gender, sexual violence, and information.

There is a section included in the plan on increasing access to sexual and reproductive health for disabled people. Proposed actions included in this plan are: workshops with service providers and consumers to identify current barriers to information and services, and the development of a stocktake of resources and 'champion' organisations that are publicly available.

Mana Whaikaha / System transformation

The Government is making significant changes to its disability support system based on the *Enabling Good Lives* approach, implemented in Christchurch and the Waikato.

Government officials, in partnership with people living with a disability, whānau, providers and other government agencies, have designed a prototype for a new prototype in the Mid-Central DHB area from October 2018 that will offer greater choice and decision making over the supports that people with a disability receive.

The objectives of the transformed system are to provide disabled people and whānau with more flexible support options and more decision making over their lives, to improve outcomes, and to create a cost effective disability support system.

Health and disability data on women

We recognise there are still some significant gaps in disability data on women, and there are initiatives in progress to address these, including:

- The Disability Data and Evidence Working Group is working with the Office for Disability Issues and Statistics New Zealand to make improvements in data collection and statistics on disabled people. A key focus has been on including questions in various national surveys to identify disabled people. Indicators are being developed to measure progress and outcomes from the New Zealand Disability Strategy.
- The Ministry of Health will be exploring how to improve national data collection on involuntary sterilisations on disabled women and girls through a project looking at non-therapeutic sterilisation in the Disability Action Plan during 2018, and a framework to protect bodily integrity.

The Government is also looking at changes to clarify disability in family violence.

Addressing health needs

Disability support for women is guided by human rights principles. This includes ensuring access to health services is gender-sensitive, including for health-related rehabilitation (as required under Article 20 - Convention on the Rights of Persons with Disabilities).

There are no specialised personal health, maternal health, or sexual health services for women living with disabilities. Rather, their health needs are expected to be addressed through mainstream health or disability services - DHBs, General Practitioners, New Zealand Family

Planning, and other services - tailored to the individual woman or girl living with a disability, where needed.

- New programmes are being implemented for people with musculoskeletal health conditions to fulfil their health potential and increase independence. The Mobility Action Programme (MAP) is an early intervention programme for people with musculoskeletal health conditions. A key focus for the MAP includes improving access and outcomes for those who experience disparities. Approximately 5,500 people are expected to access the services. The final evaluation report will be available in June 2020.
- There are few gender-specific disability resources available. However, the Paediatric Society has developed clinical guidelines for the management of menstrual bleeding and fertility in girls with intellectual disability.¹⁰
- Specialist advice and/or services are sought where women living with a disability require additional support because of their disability, and services tailored to their individual needs.
- Women with a disability have access to a range of sexual health services, including free sexual health information and resources, local sexual health clinics and family planning clinics.
- Our maternity system provides women living with a disability (and other women) with their own Lead Maternity Carer, usually a midwife, whose role is to ensure that the woman receives all the necessary services, including for their disability, so they can have a safe and satisfying birth experience.
- Many national and local initiatives are in place to address family violence and sexual violence, but there are no violence services specifically for disabled women, and only limited resources available to women living with a disability:
 - *[Domestic Violence and Disabled People](#)* is a resource released in 2011 that looks at the issues around domestic violence and women living with a disability in New Zealand.
 - Women's Refuge, a NGO that aims to prevent and eliminate violence against women, can offer women living with a disability (and other women) a free 24 hour crisis helpline and access to education and support groups.
 - Access to national family violence 0800 helplines through the New Zealand Relay service provides an option for Deaf, hearing impaired, Deafblind and speech impaired phone users.

New Initiatives

We are implementing a number of projects that will contribute to improved health and wellbeing of women and girls living with a disability. This includes:

- Exploring the framework that protects the bodily integrity of adults and children living with a disability against non-therapeutic medical procedures. The initial focus is on involuntary

¹⁰ <http://www.paediatrics.org.nz/files/DHB%20Scorecards/standardswellbeinglongdocmay02.pdf>

sterilisation, which will have a particular focus on women and girls living with a disability. Work with a sector reference group commences in July 2018.

- Exploring options to increase access to health services and improve health outcomes for people with learning/intellectual disabilities. This will be finalised in 2018.
- Implementing a new prototype in the Mid-Central District Health Board area from October 2018 that will offer greater choice and decision making over the supports that people with a disability receive, so they can live the lives they want.
 - Women living with a disability and others, including those who identify as Māori and Pasifika, have been involved in leadership and decision making groups in the design of the prototype.
 - The prototype builds on what we know from the *Enabling Good Lives* demonstrations.
 - The monitoring and evaluation approach for the prototype will help us learn about women's experience of the system, changes in options and decision making and impact on life outcomes.
 - Women will also indirectly benefit from the prototype because women provide a higher proportion of unpaid support.

Convention on the Rights of Persons with Disabilities (Office for Disability issues lead agency)

Article 20 – Health. Persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discriminating on the basis of disability.

New Zealand is currently under second review by the UN Committee CRPD. The Government's response to the UN List of Issues is being finalised for public consultation later in 2018.

RELEVANT STATISTICS

*Ministry of Health Disability Support Services Demographic report (2016)*¹¹

Data can be disaggregated to profile female client demographics and examine service access and support needs, including unmet need. Key points are:

- more males (58%) than females (42%) were allocated disability support services, reflecting greater service access by males
- females made up 58% of people with physical disabilities, 51% of sensory disabilities and 49% of neurological disabilities
- females were under-represented in service utilisation, reflecting greater service access by males, although more female than male clients accessed home and community support services, particularly in the older age groups above age 30 years.

¹¹ <https://www.health.govt.nz/publication/demographic-report-clients-allocated-ministry-healths-disability-support-services-september-2016>

In all age groups, males (59.4%) had a higher rate of intellectual disability than females (40.6%)

In accessing healthcare for selected serious health conditions, females with intellectual disability:

- had slightly higher rates of treatment for chronic respiratory disease and diabetes than males
- had twice the male rate of obesity.

IMPROVING DISABILITY SUPPORT SERVICES FOR MĀORI AND PASIFIKA

New Zealand's plans for improving disability support services for Māori and Pasifika.

NEW ZEALAND'S POSITION

Current Situation

Māori and Pasifika access disability support services at lower levels than other population groups. The Government addresses such under-representation through the Māori Disability and the National Pasifika Disability Plans, which focus strongly on improving outcomes for individuals and families through person-centred services, reducing barriers in accessing disability services, and ensuring that services are culturally responsive and enable people to fully participate in their communities.

Challenges

- Providing choices to allow Māori with disabilities to live in the community with support as an alternative to being placed in residential services
- Limited choice of culturally responsive disability services for Pasifika people with disabilities, and negative traditional Pasifika views of disability.

Government Response

- The Māori Disability Action Plan was updated in 2018. The plan is a culturally anchored approach to supporting Māori people with disabilities (tāngata whaikaha) and their families (whanau). In 2016, 17.5% of clients were Māori.
- The updated *Faiva Ora National Pasifika Disability Plan 2016–2021* is in place. It is the third iteration of the plan which started in 2010.
- Mana Whaikaha: a prototype of a new disability support system that offers offer disabled people and their whanau more flexible support options and more decision making power over their lives to improve outcomes. Mana Whaikaha has been co-designed with disabled people including Māori and Pasifika people:
 - Mana Whaikaha has been implemented in the mid-central region of New Zealand.

¹² <https://www.health.govt.nz/publication/health-indicators-new-zealanders-intellectual-disability>

- The design process recognises culture and health are closely interlinked determinants, and is focusing strongly on addressing barriers and improving access to disability supports.

BACKGROUND

The *Whāia Te Ao Mārama* 2012-2017, the Māori Disability Action Plan, resulted in more Māori with disability and their families accessing Government disability support services, and choosing to live in the community with support as an alternative to being placed in residential services. Targeting the Māori population and engaging with local Māori communities contributed significantly to this success

An evaluation of *Faiva Ora 2013-2016* found more Pasifika people and families are starting to access disability services as a result of improved community disability awareness.

ADDRESSING SEXUAL HEALTH ISSUES

New Zealand's approach to addressing sexual health issues among women.

NEW ZEALAND'S POSITION

By international standards, New Zealand women enjoy good sexual and reproductive health and good access to services. The Government funds a wide range of contraceptives, and there is new funding for contraceptive consultations and procedures for women on low incomes.

Current Situation

New Zealanders have access to sexual and reproductive health services through District Health Boards (DHBs), General Practitioners, New Zealand Family Planning, and other services, which include some youth-specific services. Most schoolchildren receive sexuality education.

Challenges

- Women and young people living in high deprivation areas (particularly Māori and Pacific)
- Access to abortion services
- Accessibility of health and forensic services for women who have experienced sexual assault or undergone genital mutilation
- Involuntary sterilisation of women and girls living with a disability. The United Nations Convention on Rights of Persons with Disabilities (UNCRPD) has called on New Zealand to legislatively ban the use of sterilisation in New Zealand.

Government Response

The Ministry of Health has developed a draft *Sexual and Reproductive Health Action Plan 2018-2027*, which has three major priority populations; young people, women living in high deprivation

areas, and men who have sex with men, and five action areas; reproductive health, sexually transmitted infections (STIs) and HIV, sexuality and gender, sexual violence, and information.

Areas focused on women include: increasing contraceptive access to low income women, which is expected to improve contraception access for Māori and Pacific women; workforce development to increase the cultural competence of primary care sexual and reproductive health services, work to improve school based sexuality education, research on impact of pornography on gender based attitudes towards sex and sexual coercion, work focusing on disabled peoples access to sexual and reproductive health services, improved abortion access, and ongoing forensic services for women who have experienced sexual assault, ongoing work to prevent female genital mutilation (FGM), and provide appropriate health care for migrant women who have experienced FGM.

The Government has requested the Law Commission to provide advice on alternative legal approaches that could be taken to align with a health rather than a criminal justice approach. Health sector input into the Commissions advice has been supportive of this change in approach.

The section in the plan on increasing access to sexual and reproductive health for disabled people includes workshops with service providers and consumers to identify current barriers to information and services; and the development of a stocktake of accessible resources.

A sector reference group is starting work in July 2018 on a framework to protect the bodily integrity of disabled children and adults against non-therapeutic medical procedures without consent, which will focus initially on non-therapeutic sterilisation.

BACKGROUND

- The Ministry of Health has developed a draft *Sexual and Reproductive Health Action Plan 2018-2027*, which is in the process of being submitted to Associate Minister of Health, Hon. Julie Anne Genter. It proposes actions in five key areas: reproductive health; STIs and HIV; sexuality and gender; sexual violence; and information. While all five areas are relevant to LGBTQI+ people, the 'sexuality and gender' area is particularly relevant. It focuses on inclusive schools, communities and health care.
- The issue of HIV prevention is also strongly relevant. New Zealand was one of the first countries to publicly fund PrEP as a pre-emptive measure against the spread of HIV, for those people in high risk populations including transgender women who have sex with men. The Ministry of Health also funds the New Zealand AIDS Foundation to deliver social marketing campaigns that contribute to increased condom use and limit the spread of HIV and other sexually transmitted infections.

- The Action Plan includes the statement “Specialist health care is provided for priority groups such as ... sex workers.” This refers to the clinics for sex workers that have operated in Auckland, Wellington and Christchurch for the past 25 years. These clinics are funded by the Ministry of Health and provided by District Health Boards.

Support for the sexual and reproductive health needs of women

In New Zealand, women and girls are supported in their sexual and reproductive health needs:

- In disability-specific services, community residential providers are required to ensure clients have access to counselling, including for sexuality education, gender identity and personal relationships and address health lifestyle issues including contraception, safe sex, and sexually transmitted diseases. Workshops will be run with Providers in 2018 to identify any barriers to meeting this requirement.
- Youth-specific services focus on promoting access to sexual and reproductive services delivered through, for example, School Based Health Services, Primary Mental Health services to all youth aged 12-18 years and their families, and Youth One Stop Shops.
- The *Sexual and Reproductive Health Action Plan 2018-2027* will support continued access of health and forensic services for women who have experienced sexual assault or undergone genital mutilation. The Ministry’s discussion across government and with key stakeholders in the sexual and reproductive health sector has identified broad agreement on priority populations and issues for the new draft *Action Plan*.
- The draft *Action Plan* includes actions that are aimed at:
 - improving equity, access, and knowledge about sexual and reproductive health and contraception care
 - improving the quality of sexual and reproductive health care
 - improving youth sexuality education
 - promoting gender equity and healthy attitudes towards sexuality and relationships
 - promoting positive attitudes towards diverse sexual identities and rainbow communities
 - reducing the spread of sexually transmitted infections and HIV/AIDS
 - improving behavioural and epidemiological surveillance.
- The Ministry of Health has contributed to the cross-agency work programme on Family Violence and Sexual Violence, and is working with ACC and Police on how to continue to support Sexual Abuse Assessment and Treatment Services as the volume of users grows.

Abortion

The Contraception, Sterilisation and Abortion Act 1977 provides for the circumstances and procedures under which abortions may be authorised in New Zealand. The Crimes Act 1961 makes abortion illegal under any other circumstances.

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. The Minister has asked the Commission, as a matter of priority, to provide advice on what alternative approaches could be taken in the legal framework to align with a health approach.

The scope of the Law Commission's advice to the Minister will include reviewing the criminal aspects of abortion law, the statutory grounds for an abortion and the process for receiving services.

The Law Commission will provide its advice in the form of a Ministerial briefing paper within eight months of the Minister's 27 February 2018 request.

Incidence of unsafe abortion

There are data challenges in reporting on the incidence of unsafe abortion in New Zealand, and its impact on women's health, including maternal mortality. The Government routinely collects data on the number of legally induced and spontaneous abortions, but not illegal abortions.

Limited conclusions can be drawn from data collected on spontaneous abortions with complications, since they rely on information the patient chooses to provide to the treating physician. Illegal abortions are occasionally reported in the media. The Government is taking steps to make safe abortion more accessible. [See *Addressing Access to Abortion Services* Q+A]

Non-therapeutic sterilisation

'Non-therapeutic sterilisation' refers to procedures which result in sterilisation that are not performed due to medical necessity.

Sterilisation may occur where an individual is not capable of giving or communicating informed consent (e.g. due to severe intellectual incapacity) to a sterilisation procedure considered a medical necessity.

Depending on the circumstances, other persons may be able to consent on behalf of the individual, for example parents, welfare guardians, or the Court. In the case of minors under the age of 16, parents may consent to the sterilisation of their child where the child's lack of capacity is due to a mental disability, provided that the sterilisation is for therapeutic purposes, it is in the child's best interests, and is the least drastic intervention in the child's life.¹³

There are data limitations on the current extent of involuntary sterilisations in New Zealand.

New Zealand is under scrutiny from the United Nations Convention on Rights of Persons with Disabilities (UNCRPD) regarding involuntary sterilisation being performed on women and girls living with a disability without their fully informed and free consent. UNCRPD has called on New Zealand to legislatively ban the use of sterilisation in New Zealand.

In response, the Government has committed to implementing Action 7B in the *Disability Action Plan 2014-2018* to:

¹³ Re X [1991] 2 NZLR 365

explore the framework that protects the bodily integrity of disabled children and disabled adults against non-therapeutic medical procedures, including the issue of consent. The action will focus initially on options to protect against non-therapeutic sterilisation without the fully informed consent of the individual.

Work with a sector reference group in underway. This work is considering a range of options to better protect disabled people against sterilisation without their consent, including the need for better information on sterilisations of adults and children living with a disability.

ADDRESSING DRUG AND ALCOHOL ABUSE

New Zealand's approach to addressing drug and alcohol abuse among women.

NEW ZEALAND'S POSITION

The Government has taken a major step towards improving mental health and addiction services for women with the start of a Government inquiry into mental health and addiction.

Current Situation

Reports for the period July 2016 to June 2017 using the Alcohol and Drug Outcome Measure indicate that the gender distribution of people is in line with that of people accessing alcohol and other drug treatment in general, with around 35% female

Access to opioid substitution treatment for those with an opiate dependency is widely available within New Zealand. The proportion of women service users to males has remained relatively static over the past few years, at around 40%.

The mental health and addiction inquiry will have a particular focus on equity of access to quality services and better outcomes, especially for Māori and other groups who we know have the poorest outcomes in these areas.

Alcohol and (around 50% of women) methamphetamine (around 25%) are the two substances that women report as the biggest concern in their lives. Other substances include cannabis (around 10% of women) and opioids (around 5%).

Challenges

- Pregnancy and parenting support for women with addiction issues.
- Ethnic disparities. Māori (29.5%) followed by Pacific peoples (24.4%) experience the greatest burden of mental health and addiction issues of any New Zealand population. Over a quarter (27%) of Māori experience substance abuse during their lifetimes.

Government response

The Government has provided funding of \$12 million over 4 years to extend a Pregnancy and Parenting Support Service for women not accessing services developed in the Waitemata District Health Board (DHB) to 3 other DHBs - Northland, Hawkes Bay, and Tairāwhiti.

The Government has ensured Kaupapa Māori mental health and addiction services are available, as well as mainstream services with the cultural competencies to work with Māori communities.

BACKGROUND

Addiction treatment services in New Zealand are increasingly using the Alcohol and Drug Outcome Measure to follow people's progress through treatment to recovery.

Alcohol (around 50% of women) and methamphetamine (around 25%) are the two substances reported through the Measure that women have the biggest concern about in their lives. Other substances include cannabis (around 10% of women) and opioids (around 5%).

In calls to a dedicated methamphetamine helpline, women have traditionally comprised 40% of people calling about their own issues, but about 60% of callers concerned about someone else's use. The service reports that this is often mothers of adult children.

Access to opioid substitution treatment for those with an opiate dependency is widely available within New Zealand. The proportion of women service users to males has remained relatively static over the past few years, at around 40%.

The Waitematā DHB provides a tangible example of an approach to address alcohol and other drug abuse among women.

- The DHB provides a regional addiction treatment service across the metro-Auckland region (population estimated to be 1.6 million people).
- The service has created and developed a Pregnancy and Parenting Support service for women with addiction issues that has been running for about 13 years. The service was set up and funded by the DHB to meet a particular need.
- The service works with women who are not engaged with services, and may be struggling to cope with their addiction issues and to raise children.

In Budget 2016 the Government provided funding of \$12m over four years to extend the Waitematā model to three other DHBs - Northland, Hawkes Bay, and Tairāwhiti.

Services have now been established in those areas and early indications are they are well received by women, and are working well. The services will be evaluated after 3 years and the evaluation will inform recommendations as to whether to continue those services.

ADDRESSING MENTAL HEALTH ISSUES

New Zealand's approach to addressing mental health issues, including among Māori and Pacific peoples.

NEW ZEALAND'S POSITION

The Government recognises the need to take urgent steps to ensure the availability and appropriate provision of mental health services for all sectors of the community.

Current Situation

Mental health and addiction problems are relatively common, and are related to wider social and economic factors. Approximately 20% of New Zealanders are predicted to meet the criteria for a diagnosable mental disorder each year, and this is increasing in prevalence. The use of mental health services has increased 60% in the past decade.

Challenges

- Unmet need - around 50% of the people with a mental health problem receive no treatment. This situation reflects people not recognising their own needs for mental health support, and a lack of service capacity to meet those needs.
- Inequalities across the spectrum of mental health and addiction - disproportionately poorer mental health are experienced by Māori, by Pacific people, by youth, by elders, people with disabilities, the LGBTIQ community¹⁴, and the prison population.
- Impact of the Canterbury earthquakes - there has been a 93% increase in demand for mental health services for children and young people in quake affected areas since 2011.
- Family and sexual violence.

Government response

The Government has taken a major step towards improving mental health and addiction services for women, with the start of a national Inquiry into Mental Health and Addiction. The Inquiry will report to the Minister of Health by 31 October 2018.

The Government has had extensive engagement in ensuring the effectiveness of people's psychosocial recovery post the Canterbury earthquakes. A Psychosocial Committee has pulled together agencies across Government to ensure a joined-up approach. In February 2018, \$28 million was provided to for wrap around mental health services for Canterbury's school children.

Funding has also been provided to increase people's access to and the responsiveness of primary and secondary family violence services, and encourage health practitioners to use

¹⁴ Lesbian, gay, bisexual, transgender, intersex, and gender-questioning persons.

contact with the health sector as an opportunity for identifying and responding to people at risk of or experiencing family violence.

BACKGROUND

Mental Health and Addiction Inquiry

The Inquiry's recommendations will help inform the Government's decisions on future arrangements for the mental health and addiction system, including roles and responsibilities of agencies in the health sector, and re-established Mental Health Commission.

The inquiry will take an approach that:

- recognises the particular mental health and addiction inequalities for Māori, the relationship between Māori and the Crown under the Treaty of Waitangi, and the value of the work done by Māori experts and practitioners to design and deliver services that are more relevant and effective for Māori.
- recognises and respects the needs of people with disabilities, and considers New Zealand's obligations under the UN Convention on the Rights of Persons with a Disability
- recognises and respects the needs of different population groups, including Pacific peoples, refugees, migrants, LGBTIQ, prison inmates, youth, the elderly, and rural populations.

The catalyst for the Inquiry was widespread concern about mental health services within the mental health sector and the broader community. Major concerns were stubbornly high suicide rates, growing substance abuse, and poorer mental health outcomes for Māori.

The previous Mental Health Commission, which provided monitoring and oversight of the mental health system, was disestablished in 2012 and the role of the Mental Health Commissioner subsumed under that of the Health and Disability Commissioner.

Prisoner mental health

The prisoner population has higher rates of mental health issues than the general population, and service capacity across the mental health continuum for prisoners has not kept pace with the significant growth in prison population numbers.

The Government (Corrections) has been subject to criticism from the Ombudsman and the Human Rights Commission for the use of mechanical restraints and tie down beds in managing prisoners with mental health and behavioural needs.

Since November 2017 the Government worked to progress a Forensic Framework and to look at how mental health needs of prisoners can be better served by both the health and corrections sectors. This includes investment initiatives for earlier intervention, developing specialist forensic and clinical services for prisoners, and building skill and capability of Corrections Officers in supporting prisoners with mental health and behavioural needs.

Meanwhile, the Government has flagged two significant areas of work with implications for forensic services (a) Reducing the prison muster and (b) the Government Inquiry into Mental Health and Addiction.

A July 2018 report back to joint ministers is planned. This is to allow the joint Corrections and Health work programmes to be further developed, and include more clarity around the prison muster reduction and the mental health and addiction inquiry work.

Canterbury earthquakes

The *All Right? Campaign*, launched in February 2013, supports Cantabrians to think about and improve their mental health and wellbeing as the region recovers from the earthquakes. The campaign is a Healthy Christchurch initiative led by the Canterbury District Health Board and the Mental Health Foundation of New Zealand.

The Campaign completes regular in-depth research into how Cantabrians are doing. This gives a wealth of up-to-date knowledge about how people are feeling and the hurdles they are facing. This research informs everything the Campaign does – from raising awareness among community groups, organisations and businesses, to creating tools that promote the things we can all do to improve our wellbeing.

Initial research released in 2013 found that over 80% of respondents stated their lives had changed significantly since the earthquakes. Almost a third said the earthquakes had caused them financial problems, while 64% said they felt guilty that other Cantabrians were more affected by the earthquakes.

In 2017, research showed some improvement in how people were feeling since 2012:

- Fewer respondents reported that their current living conditions were getting them down (18% in 2016, 24% in 2012).
- More respondents reported that their life was better now than before the earthquakes (34% in 2016, 19% in 2012).
- There is a lot of hope and optimism in the region with 72% of those surveyed saying they feel lucky, 89% happy and 74% excited about the future.

However, it is also clear that the earthquakes and recovery related-stressors are still affecting Cantabrians' wellbeing, with 64% of those surveyed still grieving for what they have lost.

The Government has had extensive engagement in ensuring the effectiveness of people's psychosocial recovery post the Canterbury earthquakes. A Psychosocial Committee has pulled together agencies across Government to ensure a joined-up approach is taken. The Committee worked on a program of actions to address the different issues that arose during the recovery process, which included looking at how to respond to groups who were identified as being vulnerable or needing special focus. Overall, a population Health approach was adopted with a focus on building resilience and positive mental health at the same time as addressing known issues include looking at the need for specialist mental health interventions.

In February 2018, a \$28 million mental health program of wrap around services for Canterbury's school children (Years 1 to 8) was announced. The program, to be rolled out across schools over the next three years, will provide a mental health worker for every 500 primary and intermediate age school children in Canterbury.

Family and sexual violence

Family and sexual violence has a significant adverse influence on mental health.

The Government is currently funding the Ministry of Health to increase people's access and the responsiveness of primary and secondary services, and supporting health practitioners to use contact with the health sector as an opportunity for identifying and responding to people at risk of or experiencing family violence.

Current capacity building initiatives funded by the Government are:

- a coordinator in each District Health Board to train DHB staff to safely screen, assess and refer victims of family violence through the Violence Intervention Programme
- training for health professionals for family and sexual violence prevention and response (Medical Sexual Assault Clinicians Aotearoa).

The Ministry of Health is a member of the Ministry of Justice-led steering group developing a National Strategy to End Family Violence, Sexual Violence and Violence within Whānau. This provides opportunities to strengthen Government agencies' approach and better integrate processes, pathways and services. The Government's investment in the capacity and capability of the health sector is essential for it to meet the demands of the public and other agencies and support more equitable outcomes.

ADDRESSING SUICIDE AMONG MĀORI AND PACIFIC PEOPLES

New Zealand's plan to reduce the high rate of suicide among Māori and Pacific peoples.

NEW ZEALAND'S POSITION

Suicide and suicidal behaviours continue to be a major public health issue in New Zealand, and represents a significant loss to our society.

Current Situation

Every year over 500 people die by suicide, making it the third most common reason why people die younger than expected. Almost three-quarters of the people who die by suicide are male. It is estimated another 150,000 people think about taking their own life, around 50,000 make a plan to take their own life and around 20,000 attempt suicide. All of this behaviour has a devastating and often long-lasting impact on the lives of the people involved.

In 2015, 527 people (384 males and 143 females) died by suicide. Suicide rates among both Māori and Pacific young people aged 15-24 years were higher than all other ethnic groups (for the period 2011-2015).

New Zealand's suicide rates reflect patterns of inequalities in the broader determinants of health, such as socioeconomic status, ethnicity, gender, age and geographical region. Understanding how these determinants impact risk factors and protective factors relating to suicide is a key principle of suicide prevention.

Challenges

Some groups within our population, including Māori, Pacific peoples and young people (aged 15-24 years), experience disproportionately higher rates of suicidal behaviour than other groups. Between 2006 and 2015, Māori suicide rates have been consistently at least 1.2 times higher than non-Māori suicide rates.

Government response

Recent Government-led suicide prevention activity has been guided by the *New Zealand Suicide Prevention Strategy 2006–2016*. A draft strategy was publicly consulted on in 2017. The next steps for suicide prevention and the timing of this are currently awaiting the completion of an independent Inquiry into Mental Health and Addiction.

The independent Inquiry into Mental Health and Addiction is currently underway in New Zealand, and is due for completion in October 2018. Suicide prevention is specifically within the scope of this Inquiry, and it is expected that further guidance around suicide prevention, including for Māori people and for Pacific people, will result.

A large number of activities and initiatives remain in place while the Inquiry is being undertaken (see below).

BACKGROUND

Suicidal behaviour can affect anyone, no matter what their background and experiences are. It has no single cause – it is usually the end result of interactions between many different factors and experiences across a person's life. However, we know that New Zealand's suicide rates likely reflect patterns of inequalities in the broader determinants of health, such as socioeconomic status, ethnicity, gender, age and geographical region. Understanding how these determinants impact risk factors and protective factors relating to suicide is a key principle of suicide prevention.

The complex nature of suicide and the wide range of factors influencing suicide indicates a need to take a collaborative approach to suicide prevention, co-ordinated across government agencies and integrated across the public and private sectors. The Government maintains a whole of government suicide prevention group for this purpose.

Recent Government-led suicide prevention activity has been guided by the *New Zealand Suicide Prevention Strategy 2006–2016*. A draft strategy was publicly consulted on in 2017. The next steps for suicide prevention and the timing of this are currently awaiting completion of an independent Inquiry into Mental Health and Addiction.

The independent Inquiry into Mental Health and Addiction, currently underway in New Zealand, is due for completion in October 2018. Suicide prevention is specifically within the scope of this Inquiry, and it is expected that further guidance around suicide prevention, including for Māori people and for Pacific people, will result.

A large number of activities and initiatives remain in place while the Inquiry is being undertaken. Some of these are detailed below.

Suicide prevention initiatives

Initiatives aimed at preventing suicide among Māori people, and among Pacific peoples, include:

- *Waka Hourua* – a national suicide prevention programme which supports Māori whānau (families), hapū (sub-tribes), iwi (tribes), and Pacific families and communities, to develop and enhance their capacity and capability to prevent suicide and respond if suicide occurs. Key components include:
 - a national leadership group to provide a distinctive and informed voice for Māori and Pacific suicide prevention
 - a national coordination centre for Pasifika Community Suicide Prevention. Le Va
 - a community fund which provides resource for Māori and Pasifika to establish community based suicide prevention initiatives and effective community responses when suicide has occurred
 - a strategic research agenda which contributes to the evidence base of what works for Māori and Pacific peoples

- *Kia Piki te Ora* – nine community development initiatives in Māori communities aimed at preventing suicidal behaviour. These programmes are led by Māori kaupapa social agencies and community organisations who work alongside their local populations to identify needs and gaps and provide education, training, health promotion activities.
- *The Rangatahi (Youth) Suicide Prevention Fund* – a fund to provide support for organisations working directly with Māori youth suicide prevention, with three focus areas: growing rangatahi leadership (a by rangatahi, for rangatahi approach that is Māori culture- and family-centred); building local capacity and capability; and research and evaluation of funded initiatives.
- *Pacific initiatives such as Le Va's Pasifika for life programme* – aims to engage and empower Pasifika families and communities in a sustainable way to ensure they know how to prevent suicide, and to respond safely and effectively when and if suicide occurs.

Other whole-of-population suicide prevention initiatives which are provided across all cultures within New Zealand include:

- Promotion of positive wellbeing at all life stages. Examples include:
 - *SPARX*, a self-help e-therapy tool in the form of an online game, that teaches young people the key skills needed to help combat depression and anxiety
 - Positive Behaviour for Learning, which is a school-based programme which focuses on teaching positive behaviour and developing a strong social culture that support
 - *Beating the Blues*, an online CBT-based programme available for primary care adult users to develop strategies to manage depression and anxiety
 - *National Depression Initiative*, which provides web-based information and support for people experiencing depression
 - *Like Minds, Like Mine*, a national campaign to help end discrimination against mental illness.
- Community based health services, such as access to primary health care.
- Specialist mental health services for people experiencing mental health distress.
- National telehealth services, such a Need to Talk? Free phone or text 1737.

Suicide prevention education

The Government funds several suicide and mental health literacy programmes, including specific programmes for Māori people, and for Pacific people. These programmes include target rates of completion for Māori people, and for Pacific people:

- *LifeKeepers*: a national suicide gatekeeper workshop and online resource, developed in partnership with Māori, and with Pacific people in 2017. Early results indicate a significant impact of these workshops amongst attendees.

- *MH101*: a national mental health literacy programme, developed in 2009 in partnership with Māori and Pasifika, and built on a Māori framework of health, Te Whare Tapa Wha. MH101 is delivered to frontline government and social agencies and has had 25,000 attendees to date, with approximately 25% of attendees identifying as Māori or Pasifika. MH101 has been shown to have a significant impact in the confidence and ability of those who attend to recognise, relate and respond to people experiencing mental illness or distress. This includes increased confidence to support someone who is experiencing suicidal distress, evidenced by over two thirds of attendees responding appropriately to someone experiencing suicidal distress within 6 months of attending a workshop.

ADDRESSING TEENAGE PREGNANCY

New Zealand's approach to addressing teenage pregnancy.

NEW ZEALAND'S POSITION

The teenage fertility rate has halved since 2008. In 2016, the rate was 16 births per 1,000 women aged 15–19 years – half the 2008 rate of 33. However, Māori women and Pacific women continue to have high rates of teenage pregnancies

Current Situation

Numbers of abortions have more than halved since 2008 from 4,097 to 1,635.

New Zealand has undertaken a number of measures to reduce rates of unintended teenage pregnancy.

- There is a wide variety of free contraception available, including modern long-acting reversible contraceptives which have been popular amongst young women.
- Consultations for contraception and sexual health are free in 11 specialist youth and 33 family planning clinics and some primary care clinics.
- Sexuality education is taught in primary and secondary schools, with curriculum that begins in Year 1 and runs until Year 10. As this education is determined and agreed by individual schools' Boards, the provision of comprehensive sexuality education varies from school to school.

Higher rates of teenage pregnancy are associated with income inequality. More than half of births to teenagers were in young women living in higher rates of deprivation.

The Government has funded a new initiative to provide low cost contraception and free insertion and removal of long-acting reversible contraception for women on low incomes.

This will begin in 2019, along with a training programme to provide youth-friendly culturally competent contraceptive consultations and accreditation in the provision of long-acting reversible contraception.

MATERNAL HEALTH

New Zealand's approach to ensuring the health of women and their babies.

NEW ZEALAND'S POSITION

The Government is committed to providing high quality maternal and child health services including providing women with high quality midwives, free maternity services from conception until six weeks postpartum and screening tests for eligible women

Current Situation

New Zealand's maternity system provides women with their own Lead Maternity Carer (LMC), usually a midwife, whose role is to ensure that the woman receives all the necessary services so that they have a safe and satisfying birth experience.

Most maternity services are free to eligible women, although some services have co-payments, such as for radiology (ultrasound) services. Pregnant women are offered screening tests to check that both they and their baby are healthy. Screening offered during pregnancy includes HIV screening, diabetes screening, screening for Down syndrome and other rare genetic conditions, and screening for foetal abnormalities.

While the majority of women register with a LMC (at least 80% of women across all age groups, ethnic groups and neighbourhood deprivation), a small number of women do not register with an LMC during their pregnancy. Women without LMCs tend to present to hospitals at all stages of pregnancy, and then come under the care of the District Health Board maternity services.

The composition of the maternity workforce has altered significantly over the last 30 years. While some obstetricians offer private LMC services (around 7% of LMCs), less than 1% of the general practitioner (or family doctor) workforce offer LMC services.

Challenges

- New Zealand is experiencing a midwifery workforce shortage, particularly in accessing community midwives in some areas. It is difficult to maintain community-based midwives in rural areas in New Zealand and District Health Boards (DHBs) are required to support the provision of services to rural women. There is some evidence that a mother's location in New Zealand can impact on the quality of care she receives during pregnancy and birth; it is difficult to maintain community-based midwives in rural areas.
- Maternal health of Māori and Pacific women, particularly with regard to obesity (Pacific women) and maternal suicide (especially Māori women).
- Maternal suicide is the leading cause of maternal mortality in New Zealand, and the rate is seven times the rate in the United Kingdom although the actual numbers are a small percentage of the overall suicide rate.

Government response

The Government has identified Child Wellbeing as a Government priority. This includes the period from contraception to birth as the health of women before and during pregnancy and the first 1000 days of a child's life is recognised as a major contributing factor to infant physical and mental health.

The Ministry of Health has identified midwifery and maternity services as a priority for its work programme with DHBs, professional colleges, the maternity sector and representatives of women and their families. The Ministry of Health is developing a comprehensive Maternity Work Programme with the intention of:

- Maintaining New Zealand's midwifery led model of continuity of care for women throughout pregnancy, labour, birth and the first six weeks postpartum
- Ensuring that women and their families can easily access appropriate midwifery, obstetric and mental health services throughout their childbearing journey
- Developing a National Community Midwifery Organisation and a national primary midwifery contract to protect, strengthen and integrate the community midwifery workforce and align it with other health and social services
- Developing a new commissioning model to recognise the on call and "self-employed" nature of community midwifery to enable flexible service delivery based on the needs of individual women and their families
- Ensuring a consistent approach nationwide to maternity services across all aspects of the health system – community midwifery care, primary health services, DHB provision of maternity facilities as well as maternity care for complex and high needs women and babies (especially in emergency situations)

Better access to maternity services should enable earlier recognition of risk factors for suicide other co-morbidities and unaddressed social needs, particularly where there are multiple factors, and assist health services and professionals to provide better services for these women.

BACKGROUND

There are 2145 practising midwives in New Zealand. Of this, approximately 1300 midwives provide LMC services, many on a part-time basis. The remainder of the midwifery workforce are employed in hospital and maternity facility settings, education and professional advisory work. DHBs also experience periodic workforce shortages with some DHBs chronically short of Registered Midwives to staff and run their maternity services.

The largest DHB in the country is projecting a 21% increase in births by 2022, while the overall birth rate in New Zealand continues to fall.

Review of maternity workforce

The Government is reviewing the maternity workforce, taking into account the interdependency between care settings and regions, and trends in the number and complexity of births, to plan a sustainable midwifery and obstetric workforce that ensures safe and high quality care for mothers and babies in all parts of New Zealand.

Health Workforce New Zealand is looking at the attraction, attrition and retention issues across care settings and training pathways. The Ministry of Health is also engaged with women, their whanau and the maternity sector to develop more responsive and integrated maternity services across community and hospital settings that better meets the needs of women and their families throughout their childbearing experiences.

Māori women

There were more deaths reported among Māori mothers in New Zealand from 2006 to 2016 than among any other ethnicity. However, the data suggest that there has been a reduction in the inequity seen from 2006 to 2016.

Maternal suicide is the leading cause of maternal mortality in New Zealand. The rate of maternal suicide in New Zealand is seven times the rate in the United Kingdom.

Māori women are overrepresented among maternal suicides. Between 2006 and 2016, 16 of the 28 women who died by suicide in pregnancy or within six weeks of pregnancy were Māori. Further review of Māori maternal suicide found that most of the women who died from suicide experienced multiple risk factors. Early recognition of these risk factors, particularly where there are multiple factors, will assist health services and professionals to provide better services for these women.

Pacific women

Obesity is a significant issue for Pacific women through their life course. For instance, for maternal weight giving birth, 57.9% of Pacific women identified as obese. Pacific women had the highest percentage of births where the mother had gestational diabetes (9.2%).

Pacific women are also less likely to register with a LMC in their first trimester (42% compared to 67% overall). Registering with a LMC may help to identify and prevent these conditions from worsening.

Maternal mortality

The latest Report of the Perinatal and Maternal Mortality Review Committee (PMMRC), published by the Health Quality & Safety Commission New Zealand in June 2018, describes a statistically significant reduction in maternal mortality in New Zealand from 2006 to 2016. The PMMRC has identified maternal suicide and care for women in early pregnancy with a pregnancy of unknown location as areas of focus.

In 2016 there were two maternal deaths in New Zealand meeting the definition for direct or indirect death during pregnancy or within 42 days of termination of pregnancy, and five coincidental deaths.

The maternal mortality ratio (maternal deaths/100,000 births at 20 weeks or beyond) for 2014–2016 was 9.42/100,000. This is the lowest triennial ratio since the PMMRC started reporting in 2006.

In this Report, New Zealand has adopted the World Health Organization (WHO) International Classification of Diseases – Maternal Mortality (ICD-MM) tenth revision (ICD-10) classification system. The most important change has been to include maternal suicide among direct maternal deaths. The adoption of this classification highlights the importance of maternal suicide by acknowledging suicide as a direct cause of maternal death, and facilitates international comparison of data.

ABORTION – ACCESS TO SERVICES

New Zealand's approach to improving women's access to abortion services.

NEW ZEALAND'S POSITION

Safe abortion services are available in most parts of New Zealand. The current law requires that after the initial referral, two certifying consultants (doctors registered by the Abortion Supervisory Committee) must certify that a woman is eligible for an abortion.

Current Situation

Rates of abortion are decreasing in New Zealand as a long-term trend, although there was a small increase over the year prior to 2017 (3.5%), according to the latest figures. This decrease is most likely related to reducing fertility rates rather than decreased access to abortions.

Abortion services are available in most parts of New Zealand, although in a small number of areas women are required to travel. Travel assistance is available in some instances.

Most abortions are carried out under the section of the law that provides for abortion where proceeding with the pregnancy would pose a serious risk to the mental health of the pregnant woman.

Eligible New Zealand women can access abortion through referral to an abortion service by a doctor or midwife. All abortion providers are required to offer unbiased counselling to assist women to make their decision. Post abortion counselling is also available on request. Social workers and counsellors are also able to make referrals to other services if required.

Social workers or counsellors should be knowledgeable about the Treaty of Waitangi and support its principles of partnership. They should also be committed to a bicultural code of practice. Counsellors should consider the culture of the client and concerns such as cultural norms about touch, spiritual beliefs, disposal of foetal remains, and the client's relationships with family, whānau, and iwi.

Challenges

The legislation that governs abortions is contained within various sections of the Crimes Act 1961 and the Contraception, Sterilisation, and Abortion Act 1977, which can create barriers to abortions for women.

Government response

The Government has requested the Law Commission to provide advice on alternative legal frameworks for abortion consistent with abortion being treated as a health rather than a criminal justice issue. This is likely to change access and grounds for abortion.

BACKGROUND

Rates of abortion are decreasing in New Zealand as a long-term trend, although there was a small increase over the year prior to 2017 (3.5%), according to the latest figures. As rates of fertility are also decreasing (the total fertility rate has dropped to a low of 1.81 births per woman, compared with an annual average of about 2.01 from 1980-2017). It is likely that lowered abortion rates are linked with this over time rather than with decreased access to abortions, since there is no evidence access has become harder.

Improved access to contraception, including nurse prescribing, greater use of long-acting reversible contraceptives (LARCs) in general and more LARCs fitted after an abortion, as well as a trend of later first sexual experience, are likely to have contributed to the long-term decrease in fertility and abortion rates.

RELEVANT STATISTICS

In the year ended December 2016, 12,823 abortions were performed in New Zealand, 332 (3%) fewer than in 2015 (13,155).

The general abortion rate is 13.5 abortions per 1,000 women aged 15–44 years, down from 14.2 per 1,000 in 2015, and significantly lower than the peak of 20.8 per 1,000 in 2003.

- Women aged 20–24 years had the highest abortion rate (21 abortions per 1,000 women aged 20–24 years), down from a high of 41 in 2003.
- Most abortions (64%) were a woman's first abortion.
- 57% of abortions were performed before the 10th week of the pregnancy.
- The rate of abortions within ethnic groups is decreasing at a similar rate for European New Zealanders as for Māori.

ABORTION – LAW REFORM

The legal status of abortion in New Zealand

NEW ZEALAND’S POSITION

Abortion in New Zealand is legal in cases where the pregnant woman faces a danger to her life, physical or mental health, or if there is a risk of physical or mental impairment to the foetus. The availability of these grounds will depend upon the stage of pregnancy. In cases not covered by these grounds, abortion is a crime under the Crimes Act 1961

Current situation

New Zealand law requires that abortions must be performed in a licensed institution, which is generally understood to be a hospital. Abortions must be approved by two doctors, one of whom must be a gynaecologist or obstetrician. Counselling is optional if the woman desires it. There is no legal age limit for abortion.

New Zealanders have a wide range of views about abortion law and it has historically been a conscience issue for Parliament, which means that members of parliament can vote independently rather than along party lines.

Challenges

The legislation governing abortion in New Zealand can create barriers to abortion for some women.

Government response

In February 2018, the Government requested advice from the Law Commission on the topic of abortion law. The Law Commission will provide advice on what alternative approaches could be taken in our legal framework to align it with a health approach. The Law Commission held a public consultation process earlier this year. It is intended that the advice will be provided to the Minister of Justice by the end of October 2018.

BACKGROUND

Laws that regulate abortion in New Zealand

Contraception, Sterilisation, and Abortion Act 1977

- Established the Abortion Supervisory Committee which reports annually to the New Zealand Parliament.
- This Committee sets up and maintains the list of certifying consultants who decide whether a woman meets the lawful ground for an abortion under the Crimes Act 1961.
- The Committee also oversees the quality of services and where they are available.

Crimes Act 1961

- Grounds for abortion under 20 weeks are serious danger to life, serious danger to physical health, serious danger to mental health, any form of incest or sexual relations with a guardian, mental sub normality, and severe foetal abnormality.
 - Other factors which may be taken into account but are not grounds on their own, are extremes of age and sexual violence.
- Grounds after 20 weeks are to save the life of the mother, or to prevent serious permanent injury to the physical or mental health of the mother.
 - Foetal abnormality in itself is not a ground for abortion after 20 weeks.

Care of Children Act 2004

- Section 38 determines that a young woman under the age of 16 can consent to an abortion, but still must go through the legal process to do so.
- There is no law in New Zealand requiring parental notification.

Abortion Supervisory Committee

The Abortion Supervisory Committee is made up of three members appointed by the Governor-General. Some of the Committee's responsibilities include:

- Considering and reviewing hospital or clinic licence applications to perform abortions in New Zealand. Ensuring that hospitals and clinics with abortion licences have adequate facilities
- Appointing doctors (known as certifying consultants) to consider cases where a woman is seeking an abortion
- Reporting to Parliament each year with statistical information on abortions carried out in New Zealand and how the abortion law has been managed.

The Committee meets monthly to deal with licence renewal applications, certifying consultant appointments, and general business such as correspondence and responding to Official Information Act requests.

The Committee regularly travels to various hospitals or clinics throughout the country to review abortion services.

Abortion in New Zealand

The majority of abortions in New Zealand are carried out within the first 10 weeks of pregnancy. There is no upper time limit for abortions in New Zealand law. However, abortions for pregnancies over 20 weeks are very rare.

Of abortions performed in New Zealand, 98 – 99% are performed under the grounds of serious danger to the mental health of the women.

Abortion rates in New Zealand are decreasing with 13.5 abortions performed per 1000 women aged 15-44 in 2016, down from 14.2 abortions per 1000 women aged 15-44 in 2015.

ACCESS TO SOCIAL SERVICES AND PROTECTIONS

Examples of existing social protection programmes aimed at reducing economic burdens on women with disabilities, older women, female headed households, single and young mothers.

NEW ZEALAND'S POSITION

New Zealand established a comprehensive social security system in 1939, which has undergone many changes over the decades. The main focus of the system is on assisting people into paid work and supporting people who are unable to work

Current Situation

New Zealand has a long-established comprehensive welfare system which provides support to people in hardship. While some women in New Zealand still face vulnerabilities to hardship, welfare assistance is administered based on need and does not discriminate based on gender. There are a range of social protection programmes that positively benefit women with disabilities, older women, female-headed households, single mothers and young mothers, and aim to reduce economic hardship.

Challenges

The Government has committed to further investigate the current policy settings of the welfare system to ensure that is accessible and fair for all New Zealanders.

Government response

An 11 member Welfare Expert Advisory Group has been established to provide advice to the Government on options that could best give effect to its vision for the future direction of the social welfare system. In addition to providing advice on the core purposes and principles of the Social Security Act, the Welfare Expert Advisory Group will provide advice on other related settings, such as changes to obligations and associated sanctions applied to beneficiaries and improvement to Working for Families.

Recently, the Government has implemented the Best Start Tax Credit to help parents with the costs of raising a child and the Winter Energy Payment to provide additional financial support to recipients of a main benefit and superannuitants for heating costs in winter.

This is part of a wider Families Package, announced by the Government on 14 December 2017. The Families Package will provide targeted assistance to improve incomes for low- and middle-income families with children and reflect the Government's focus on reducing child poverty. By 2020/21 it is estimated that 384,000 families with children will be better off by an average of \$75 per week as a result of this package. As a result of the Families Package, it is also estimated that 64,000 children will be lifted out of poverty by 2021.

The Government is committed to reducing child poverty and enhancing child wellbeing. The Child Poverty Reduction Bill, currently before Parliament, requires the development of a child wellbeing strategy and the setting of child poverty reduction targets.

BACKGROUND

New Zealand established a comprehensive social security system in 1939, which has undergone many changes over the decades. The main focus of the system is on assisting people into paid work and supporting people who are unable to work. In 2018, New Zealand's social assistance system is primarily made up of:

First Tier - Main benefits - the main working-age benefits in the New Zealand welfare system are based around a categorical system, which identifies the main reason for a person being without full-time paid work. The maximum rate of benefit varies according to the benefit type, age, and whether the person is single, partnered or a sole parent. The key payments are:

- Jobseeker Support – to support people who are unemployed and able to work, including those with a short-term inability to work (at all or full-time) due to a health condition or disability. About 46% of recipients were female at 31 May 2018.
- Sole Parent Support – to support sole parents to care for children, and (once their youngest child is three) to support them if they are unemployed. About 92% of recipients were female at 31 May 2018.
- Supported Living Payment – to support people who are severely restricted in their capacity to work in the long term. About 49% of recipients were female at 31 May 2018.
- Youth Payment and Young Parent Payment – to support young people (16-18/19), with and without children, who are not supported by their parents. About 94% of Young Parent Payment recipients were women at 31 May 2018.

New Zealand Superannuation and Veteran's Pension

- New Zealand Superannuation and the Veteran's Pension provide a retirement income for people aged 65 years and over. New Zealand Superannuation is tied to the average wage, and is reviewed annually to ensure it doesn't fall below 66% of the average weekly wage. This provides income security for New Zealanders in their later years. About 54% of New Zealand Superannuation recipients were female as of 31 May 2018.

Second Tier - Supplementary assistance – this is additional assistance to people for specific on-going costs, such as accommodation, disability and the direct costs of children. The additional assistance may be in the form of a subsidy rather than covering the additional costs completely. Second tier/supplementary assistance is mostly income tested, and may be cash asset tested. Examples of payments that are considered to be second-tier/supplementary assistance include:

- Accommodation Supplement - a payment to help with the cost of housing. It is available to both people receiving a main benefit and those working on low and middle incomes. About 60% of Accommodation Supplement recipients were female at 31 May 2018.

- Working for Families tax credits:
 - The Best Start Tax Credit is a weekly payment to parents to help with the costs of raising a child. It is available to all families in the first year of a child's life. For the second and third years, support will continue for low to middle income families. This will be introduced in July 2018.
 - The Family Tax Credit is an income-tested assistance payment that provides extra financial support to help with the costs of raising children. The rate fluctuates based on the number and age of children. This credit offers additional assistance for mothers receiving a Sole Parent Support or other benefits.
 - The In-Work Tax Credit and Minimum Family Tax Credit are both targeted at low income working families. The In-Work Tax Credit provides a regular payment depending on income and number of children in a household. The Minimum Family Tax Credit ensures that all working households with children have a minimum income each week. Both sole parents and female headed households with children benefit from this additional financial assistance.
- Disability Allowance - supplementary assistance to provide support for additional costs directly related to a client's disability. In 2013, an estimated 24% of women identified with having a disability. With a 10% unemployment rate, women with disabilities have a higher rate than disabled men and non-disabled women. This makes extra financial assistance such as the Disability Allowance a useful support for many disabled women. Around 60% of Disability Allowance recipients were female at 31 May 2018.
- Childcare Assistance - provides assistance for people with dependent children to undertake and remain in employment, education or training.
- Winter Energy Payment - a new payment, provided in July 2018, will provide additional financial support for heating costs in winter for anyone receiving a main benefit, New Zealand Superannuation or a Veteran's Pension. This payment is aimed at helping older New Zealanders and other low income individuals and families to reduce the economic burden of heating homes in winter.

Third Tier – Hardship Assistance – this is provided generally to people in financial hardship, and available only for costs considered 'essential'. Third tier assistance includes both on-going payments (such as Temporary Additional Support) and one-off payments (e.g. Special Needs Grants). Depending on the nature of the cost, one-off payments can be either interest-free loans which must be repaid, or non-recoverable grants. As at 31 May 2018, around 63% of Temporary Additional Support recipients were female.

SUPPORTING THE NEEDS OF OLDER WOMEN

Examples of initiatives and support services that highlight what the Government is doing to support the needs of older people and how they impact older women.

NEW ZEALAND'S POSITION

New Zealand Superannuation is a universal non-means tested entitlement which provides retirement income for older people. Older people enjoy relatively good living standards in New Zealand compared to other age groups in New Zealand and older people internationally.

Current situation

The New Zealand Government is committed to supporting the needs and aspirations of older people. It is doing this through a non-means tested universal public pension and other support services that help to maintain low levels of poverty amongst older people.

Challenges

There are challenges ahead that need to be addressed to ensure that New Zealand is able to effectively support older people in the context of a changing society and an ageing population. The relatively good position of older people in New Zealand results from New Zealand Superannuation (NZS) and private provision for retirement of which the main component is mortgage free home ownership. Home ownership rates are declining amongst the upcoming cohort reaching retirement age in New Zealand. It is anticipated that the amount of older New Zealanders who will reach pension age with mortgage debt or live in rental housing will increase in the future.

People living alone are more likely to be highly dependent on NZS and at greater risk of material hardship and income poverty. This is a particular issue for older women, who are more likely to be single due to longer age expectancy than older men.

Government Response

The Government has implemented a number of initiatives and programmes that will help support the needs of older people, and in particular older women. For instance, older people who receive NZS will be eligible for the new Winter Energy Payment from July 2018. The Government is also developing a new strategy for an ageing population to address the emerging challenges and opportunities that current and future generations of older people will experience in their lifetime. Public consultation on a discussion document to inform the development of the new strategy will be undertaken in July and August 2018 and a new strategy will be launched mid-2019.

BACKGROUND

Entitlements and income support for older women

New Zealand Superannuation and Veteran's Pension

All people aged 65 years or over who meet the qualifying criteria receive NZS or a Veterans Pension (VP). NZS is a universal non-means tested entitlement which provides retirement income for older people. It is paid without regard to previous or current labour force status. Qualification is based upon age (65 and over) and years of residency in New Zealand (at least 10 years since the age of 20 of which five years must be since the age of 50).

The level of NZS is linked to the average wage, and is reviewed annually to ensure the rate for a couple doesn't fall below 66% of the average weekly wage. There is no compulsory retirement age in New Zealand, and a person is able to receive NZS while continuing to work. Universal NZS combined with a high level of mortgage-free home ownership in the current cohort mean that there are lower levels of material hardship and income poverty (low income after housing costs) for people aged over 65 than for younger people.

Women make up a majority of the total population who receive NZS. Due to circumstances such as longer age expectancy, women on average will receive Government support for longer than men.

The rate of NZS reflects living circumstances. There is a higher rate of NZS for single people living alone than for a married person, which is intended to provide older people with the equivalent standard of living as the NZS couple rate. Women make up a majority of people on the NZS single living alone rate due to longer age expectancy than their male partners on average.

Non-qualified partners (NQP)

People who have not yet met the age or residence criteria to receive NZS are entitled to be included in their qualified partner's application for NZS. A separate rate of NZS is then provided for the couple, subject to an income test on the income of both partners. Women make up the majority of those under 65 who are included in their partner's NZS as a non-qualified partner. This reflects that women are more likely to be younger than their partner and are less likely to participate in paid work. Most NQPs tend to be aged between 60 and 65.

Supplementary Assistance

This is additional financial assistance as part of the New Zealand social security system which older people can receive on top of NZS if they are in financial hardship, or have specific needs. These benefits are typically income tested and in some cases also asset tested. For example, Accommodation Supplement can help with the cost of housing and Disability Allowance can help with on-going costs of health conditions or disabilities. In particular, Disability Allowance has a high take up amongst older women.

Winter Energy Payment

The Winter Energy Payment is a new initiative from the Government that will be implemented in July 2018. This payment will provide additional financial support for heating costs in winter for anyone receiving a main social security benefit, NZS or VP. This payment is aimed at helping older people and other low income individuals and families to reduce the economic burden of heating homes in winter.

Responding to Elder abuse

More than 2,100 cases of elder abuse are reported each year. Most abuse, however, goes unreported, and research suggests that up to 70,000 seniors may experience some form of elder abuse. Abuse may be psychological, financial, physical or sexual. More often than not, people experience more than one type of abuse.

Older women are considerably more likely to experience elder abuse than older men. In particular, women are more likely to be afraid of someone in their family, to be called names and be put down, to consider they had insufficient privacy, and to be sad and lonely often.

A new Elder Abuse Response Service started on 1 July 2017. The new service includes a 24/7 free helpline. Registered nurses provide information and support and direct callers to elder abuse service providers in their region. More women than men have called the elder abuse helpline. Total funding for the programme, including the contracted services, the helpline and awareness-raising activities, is \$2.990 million per year. This is funded through a Ministry of Social Development appropriation.

Age-friendly programme

New Zealand is committed to ensuring that older people can live well. One way it aims to achieve this is through the World Health Organisation (WHO) Age-friendly Cities and Communities programme. “An age-friendly world enables people of all ages to actively participate in community activities and treats everyone with respect, regardless of their age” [WHO]. Key things New Zealand has done in this space is to receive affiliate membership to the Global Network of Age-friendly Cities and Communities programme, held a forum with over 140 attendees to discuss raising awareness and implementing age-friendly in New Zealand and supporting three pilot communities. While Age-friendly is not gender specific, the programme can benefit older women in New Zealand by creating places and spaces that are Age-friendly.

SuperGold Card and Community Services Card

Older people are eligible for the SuperGold Card which provides access to government concessions and discounts for everyday goods and services, including free off-peak public transport. Depending on other income, recipients of NZS may also qualify to receive a Community Services Card. This card enables them to get additional health-related subsidies. VP recipients qualify for a Community Services Card regardless of their income.

Developing a new strategy for an ageing population

The 2001 New Zealand Positive Ageing Strategy sets out a vision for a society where older people can age positively, older people are highly valued and where they are recognised as an integral part of families and communities.

The Government has endorsed the development of a new strategy for an ageing population. The new strategy will align with other government strategies that have particular relevance to older people, for example, the Healthy Ageing Strategy 2016 and the New Zealand Disability Strategy 2016.

Today's older population is increasingly more ethnically diverse. Older people have different priorities, life histories, resources, skills and challenges to those seventeen years ago. While older people play an increasingly important role in New Zealand's economy it is likely that up and coming generations of older people will face greater rates of material hardship.

A new strategy for an ageing population will reflect these changes and respond to the upcoming challenges that will older people will face. It will provide a common platform to support central and local government, non-governmental organisations, businesses and communities to more easily work together to achieve better outcomes for older New Zealanders. A new strategy and action plan are due for completion in May 2019.

RELEVANT STATISTICS

- As of March 2018 there were 747,614 people receiving NZS. Women represent approximately 53.7% of all people receiving NZS (401,367).
- As of March 2018 there were 7,750 people receiving a VP. Women represent approximately 51.7% of all people receiving a VP (4,101).
- As at 31 March 2016, there were 120,267 women on the Single living alone rate of NZS, over twice the amount of men (59,277).
- Close to 90% of NQPs are women and more than 60% of NQPs are aged between 60 and 65 years.
- 65% of callers to the helpline in the first five months of the Elder Abuse Response Service were women.
- A recent Westpac survey found that women have lower savings amounts in their KiwiSaver accounts and are also less likely to have other investments to fund their retirement.
- As of March 2018 18.7% of women aged 65 and over were participating in the labour force, compared to 30.7% of men aged 65 and over.

AVAILABILITY, ACCESSIBILITY AND FUNDING OF SHELTERS

Ensuring that women and girls who are victims of violence, particularly those in rural areas, have access to shelters and other accommodation.

NEW ZEALAND'S POSITION

The Government is committed to ensuring that all women and girls who are victims of violence have access to appropriate shelters and housing, and that they are separated from the perpetrators of violence.

Current Situation

The Government provides funding for a range of immediate safety and support services for adult victims of family violence, and their children (where present), including refuge services and emergency accommodation. Government contracts with specialist providers, such as the National Collective of Independent Women's Refuges, and other refuge providers, as they are the recognised experts in the field.

Challenges

For the past few years NGO providers across the country have been reporting growing demand for family violence services, including for refuge and emergency accommodation. A number of factors are reported to have contributed to this increase, including population growth and demographic changes, and the success of prevention campaigns at changing family violence attitudes and behaviours and increasing awareness of services available to those who need help. Providers have been reporting a significant gap between demand and available funding.

Government Response

In recognition that more funding is required to support the work of family violence services, Budget 2018 provided \$76.157 million of additional funding over four years for family violence services funded by the Ministry of Social Development (MSD). This includes refuges, which will receive approximately 30% increase in funding in each of 2018/19 and 2019/20.

A new MSD Family Violence Funding Strategy is being developed to strengthen the funding and delivery of family violence services. Filling service gaps and better serving the needs of those affected by family violence is a key focus of this work, including the needs of women in rural areas.

In 2016/17, 36,808 women and children were referred to women's refuges with 26,699 actually accessing their services. Of the women and children who were referred, 39% were Māori, 45% Pākehā, 6% Pacific, 2% Asian and 8% other.¹⁵

In 2017/18 MSD provided \$12.9 million to women's refuges around New Zealand. This includes \$3.3 million for crisis response services to approximately 5,700 victims of family violence in 2017/18.

¹⁵ National Collective of Independent Women's Refuge (NCIWR) 2016/17 Annual Report.

Emergency accommodation services are provided in all of MSD's regions, including outreach services in some rural areas where emergency accommodation facilities are not available or easily accessible.

In 2016, MSD, working with other agencies, rolled out a pilot initiative to provide emergency accommodation to perpetrators of family violence who have been removed from their home following a Police Safety Order (PSO). The pilot was intended to reduce the risk that offenders would breach their PSO by returning home because they have no-where to stay, and allows the victims to remain in the family home. In the three months to the end of April 2017, 11 individuals had accessed accommodation and support services over a total of 32 nights. MSD currently has two contracts, both offering five places at any one time for perpetrators of domestic violence as part of the Integrated Safety Response pilots in Hamilton and Christchurch. This service provides family-focused case management to families with high and complex needs. Child safety and development is the key focus of this approach.

MSD also contracts with a provider who has eight places, including some in Auckland that supports individuals (we assume mostly male) that have been referred by Police as the person has received a PSO, which means the person cannot stay at the address of the known/suspected domestic violence for one to five days. These accommodations are considered transitional housing and funded by MSD.

MSD also contracts with National Collective of Independent Women's Refuges (NCIWR), who provide transitional housing, accessed through their safe houses around the country, for women (and children) who have been victims of domestic violence. As at end of June 2018, NCIWR have 284 transitional housing places, some of which we believe are used for women leaving family violence situations.

The Ministry of Justice funds services to help high-risk victims of family violence wanting to leave a violent relationship by providing support to safely remain in their own homes, including monitored alarms and security upgrades.

The Family and Whānau Violence Legislation Bill will make changes to property orders. Property orders include occupation orders, tenancy orders and furniture orders. Occupation and tenancy orders enable the protected person to occupy/tenant the property at the exclusion of the respondent. A furniture order gives the protected person use of furniture, household appliances or effects to the exclusion of the respondent. These orders may be made by the Family Court when a protection order is made.

The Bill provides that a property order may be made where it is reasonably necessary to meet the accommodation needs of the applicant, to enable the applicant to continue childcare, education, training, or employment arrangements, or where it is in the best interests of a child of the applicant's family. The Bill also makes it clear that contravening a property order is a breach of the related protection order.

About a third of refuges operate especially for Māori, and others also work according to kaupapa Māori principles to make sure Māori clients are supported appropriately. Some affiliated refuges also cater specifically to Pacific women. In addition, MSD funds the Shakti

Community Council to provide refuge services to Asian, African and Middle Eastern migrant and refugee communities.

WELFARE SANCTIONS

The use of sanctions in New Zealand's welfare system.

NEW ZEALAND'S POSITION

The Government has committed to overhauling the welfare system. As part of this overhaul, the Government has established a Welfare Expert Advisory Group. The terms of reference state that the Welfare Expert Advisory Group will advise the Government on changes to the obligations and sanctions system applied to beneficiaries.

Current Situation

Recent welfare reforms in New Zealand have been focused on improving outcomes for benefit recipients. Sanctions play a role in this by encouraging the fulfilment of obligations to ensure beneficiaries who are able to work are actively pursuing employment and parents are accessing essential Government services for their children.

Sanctions have their greatest value in encouraging the desired behaviour or action without being used. In most cases, the potential to be sanctioned alone is usually enough to ensure compliance.

In order to ensure the right to social security and an adequate standard of living for a client is considered, sanctions are only applied when an obligation has not been met and there is no

good reason for this. There is also a five day notice period which gives clients an opportunity to re-comply. The sanction regime is tiered, with sanctions increasing if the client does not meet their obligations on additional occasions. For clients with no dependents, this ranges from a 50% benefit reduction to a 13 week benefit cancellation.

Government Response

Protecting the welfare of children

There are a number of direct provisions in place under the Social Security Act 1964 to protect the welfare of children in the use of obligations and sanctions. If a sanction is applied to a parent with a dependent child there is a protection of 50% of a client's benefit income, and no deductions can be made from supplementary assistance. The age of a parent's youngest dependent child determines whether work obligations apply and the extent of them, and there are also exemptions from work obligations for parents in special circumstances.

The Welfare Expert Advisory Group will provide advice to the Government on sanctions (amongst other areas) by February 2019.

Obligation to apply for Child Support

Section 70A of the Social Security Act 1964 applies a reduction to the benefit rate of a sole parent who does not identify the other parent of their child in law and/or apply for Child Support. The benefit is reduced by \$22 for each dependent child for whom the client refuses or fails to meet their Child Support obligations. After 13 weeks a further \$6 a week reduction may be applied once only per client, regardless of how many of that client's children the \$22 reduction applies to.

An exemption to the benefit reduction is applied if the Ministry is satisfied that:

- there is insufficient evidence available to establish who is in law the other parent
- the client is taking active steps to identify who in law is the other parent
- the client or their child(ren) would be at risk of violence if the client carried out or took steps to meet their Child Support obligations
- there is another compelling circumstance for the client's failure to meet their Child Support obligations and there is no real likelihood of Child Support being collected, or
- the child was conceived as a result of incest or sexual violation.

The policy's intent is to encourage the establishment of paternity and applications for Child Support. This ensures the other parent takes responsibility and contributes to the cost of raising their child.

The Government has committed to repealing Section 70A in its current term in Government (2017-2020).

BACKGROUND

What is a sanction?

A sanction is a financial penalty that is imposed on a client's benefit due to noncompliance with their obligations as a benefit recipient. These obligations are primarily work obligations to encourage positive outcomes for clients, for example attending appointments and participating in work preparation activities. Working age clients able to be in employment are expected to be available for and taking reasonable steps to find suitable work.

What is a social obligation?

There are also social obligations to encourage the use of Government services essential for child wellbeing including infant health checks and participation in Early Childhood Education. Social obligations are considered to be met if parents are taking steps towards them. If they are not actively working towards their obligations, there can be up to three reminder appointments before a sanction is applied. To date there has been no sanctions applied for failing social obligations.

For failed work obligations, after a five day notice period single clients with no dependent children face a maximum of a 50% reduction in their benefit for their first sanction in a 12 month period. A second failure can result in a full suspension of their main benefit, and a third failure in 12 months will result in their benefit being cancelled for 13 weeks.

How are children protected?

Parents with dependent children face a maximum of a 50% reduction in their main benefit (excluding any supplementary assistance payments) for any number of sanctions. Parents only face a reduced benefit until they recompile with obligations for their first two sanctions. Parents have variable work obligations based on the age of the clients' youngest dependent child, and there can be exemptions from work obligations depending on family circumstances. Part-time work obligations (averaging 20 hours) apply to parents with a youngest dependent child aged between three and 13 years old. If the youngest dependent child is under three years old, a parent is expected to take steps toward preparing for work in the future. For parents whose youngest child is over 14 years old, fulltime work obligations apply. Exemptions from obligations can be made, for example if the client and their child are experiencing family violence or if a child has special needs.

Why has the Government committed to reviewing sanctions?

Despite an overall decrease in the number of clients receiving a main benefit, the total number of sanctions applied has been steadily increasing. The September 2017 quarter showed a 3.4% increase since the previous year. The increasing number of sanctions combined with public concern around the potential impact on children has contributed to the new Government's commitment to review excessive sanctions.

PUBLIC HOUSING

The provision of public housing in New Zealand.

NEW ZEALAND'S POSITION

New Zealand is experiencing an acute shortage of housing supply, but affordable housing particularly. Reducing homelessness is a key priority for this government and it is investing in additional public housing places as well as building new, affordable homes.

The Government supports a range of women to access public housing

The Government, through Vote Social Housing, is spending a total of \$2.8 billion across the housing continuum including, emergency, transitional and public housing as well as financial assistance to help low-income families sustain private accommodation.

- Vote Social Housing has received \$513.4m through Budget 18, which includes \$234.4m for additional public housing, \$63.4m for expanding Housing First to fight homelessness, and \$169.9m for transitional housing and support services.
- Recently the Government passed the Healthy Homes Guarantee Bill, to introduce new standards around heating, ventilation, draught stopping, drainage and moisture. This will better enable families who are in rental homes to be protected from living in cold, damp, unhealthy homes, and reduce associated health costs.
- As at 31 March 2018, there were 9,695 main applicants on the social housing register, of which 6,626 (68%) were women. As at 31 March 2018, there were 65,473 main tenants (including market renters ie those in public housing but receiving no subsidy). Among them, there were 45,443 women (over 69%) and 19,979 men.

The Government provides supports to women in a situation of chronic homelessness (who are or have been homeless for more than 12 months)

- Reducing homelessness is a key priority of the New Zealand Government.
- The Government's 'Housing First' programme supports chronically homeless people into permanent accommodation. It is an internationally-recognised model that focuses on providing housing before addressing any underlying issues (e.g. addiction). Women represent about half of the homeless population in New Zealand.
- The Government has committed \$63.4 to increase Housing First places in regions and cities with high demand to 1,472. This will help to address homelessness for women who are chronically homeless or in insecure housing.

Women with an immediate housing need are given access to safe, warm, short-term accommodation through the Emergency Housing Special Needs Grants

- The Emergency Housing Special Needs Grant provides a last resort option to help people with an urgent housing need meet the cost of short-term accommodation, often in a motel. While motels are not a preferred option, they help to meet an immediate need as we work to bring more transitional and public housing on-line and ensure that people have a warm, safe and dry place to live while we work to address their long-term needs.

The Government supports women to move to more permanent housing by providing transitional housing

- Transitional housing provides warm, dry and safe short-term accommodation for people in need, along with access to tailored social support while they are there.
- As part of Budget 2018, the Government is investing \$169.9m (\$68.9m of which is capital) to achieve the current target of 2,155 transitional housing places, and to address the associated shortfall in the operating costs (accommodation and support services costs) to operate these transitional housing places.
- This funding will sustain transitional housing in high need regions to house up to 34,000 families and individuals over the next four years.

Public housing provides stable and safe accommodation for women who most need it

Women in public housing pay an Income-Related Rental limited to about 25% of their income

- The New Zealand Government is committed to ensuring that there is an adequate amount of public housing for women who are homeless or in insecure housing, including for women with disabilities, single mothers and older women.
- Most tenants in public housing pay an Income-Related Rent, which limits their contribution to 25% of their income (subject to income thresholds), with the balance subsidised by the government. This subsidy has played an important role in providing affordable and secure housing to low income people, including women and single parent families. As at 31 March 2018, 69% of main public housing tenants were women.

- People who seek to move into public housing are assessed for eligibility and are given a priority rating (A-at risk or B-in serious housing need) on the social housing register on the basis of housing need and other individual circumstances. People with the highest level of housing need are given a higher ranking.
- However the time to house – which measures the number of days from the time the application is placed on the register to the activation of a new public housing tenancy – is dependent upon the level of priority given to the applicant, the number of other applicants on the register and the availability of appropriate, vacant public housing in the requested location.
- In addition, families where children are at risk of rheumatic fever are prioritised on the social housing register to ensure they are in a safe, warm and dry accommodation.
- As part of Budget 2018, the Government is investing \$234.4m for around 6,400 net additional public housing places across New Zealand over the next four years so that more people are able to access safe and secure housing, and to reduce the need over time for emergency and transitional housing.

Other work streams will help improve housing outcomes for women

- Under the Disability Action Plan 2014-2018, the Government has committed to improving accessibility of the built environment and transport services to disabled people. Accessible housing is one of the key focus areas for the next Disability Action Plan (2019 – 2022).
- Housing was identified by the Independent Monitoring Mechanism (Disabled People's Organisations, Human Rights Commission and the Office of the Ombudsman) as one of the six key issues affecting disabled New Zealanders right now. This Government is committed to improving outcomes for disabled people on these six key issues. This action is currently being scoped with the Ministry of Business, Innovation and Employment, the Ministry of Social Development and Housing New Zealand Corporation, with support from the Office for Disability Issues. Since 1 October 2018, this work is led by the Ministry of Housing and Urban Development.
- In December 2017, the Government announced a major \$5.53 billion Families Package, to provide targeted assistance to improve incomes for low and middle-income families with children. For example, the Accommodation Supplement assists low to mid-income families in the private market, with their rent, board or the cost of owning a home, and the Families Package has recently increased the maximum amount available.
- Through Housing New Zealand Corporation and Community Housing Providers, the Government provides public housing for more than 180,000 New Zealanders in over 63,000 properties.
- Over ten years to 2025/26, Housing New Zealand Corporation forecast building around 11,500 state houses and releasing land to enable around 12,800 affordable/market houses in Auckland, where the greatest shortfall of houses is.
- A significant house-building programme 'KiwiBuild' is underway. It aims to deliver 100,000 affordable houses over ten years for first home buyers – half in Auckland.

BACKGROUND

Shortage of housing supply

New Zealand is experiencing an acute shortage of housing supply across the board, but affordable housing particularly. This is due to a number of factors, which include: record number of immigrants in recent years, limited land available for new building projects especially in areas of high demand (e.g. Auckland), limited private sector investment in building new residential properties, and housing costs rising faster than income. These issues are outlined in further detail in a report commissioned by the Minister of Housing and Urban Development which was published in February 2018.^[1]

Housing First

Housing First is an internationally-recognised approach to addressing chronic homelessness. The Housing First model recognises that it is easier for people to address issues such as mental health and substance use, once they are housed. It provides stable housing (public or private) to people experiencing homelessness, before providing them with access to the support services they need to address issues underpinning their homelessness.

Chronic homelessness is defined as being or having been homeless for more than 12 months.

The Government is investing a further \$63.4m to increase the number of Housing First places available nationwide to 1,472. This includes funding for 550 new places over four years through Budget 2018 as well as continuing to meet the operational costs associated with the existing Auckland initiative (572 places) and expansion to Tauranga and Christchurch funded from Budget 2017 (350 places over four years).

In the quarter ending 31 March 2018, 215 households were placed (176 in the previous quarter ending 31 December 2017). In the quarter ending 30 September 2018, 413 households were placed (up from 285 in the previous quarter ending 30 June 2018).

Emergency Housing Special Needs Grants

The Emergency Housing Special Needs Grant provides a last resort option to help people with an urgent housing need to meet the cost of short-term accommodation, often in a motel. While motels are not a preferred option, they help to meet an immediate need as we work to bring more transitional and public housing on-line and ensure that people have a warm, safe and dry place to live while we work to address their long-term needs. While necessary in the short term, the Government is exploring additional options to address homelessness that offer more security and services.

^[1] Johnson, A., Howden-Chapman, P., Eaqub, S.(2018). *A Stocktake of New Zealand's Housing*. Published at <https://www.beehive.govt.nz/sites/default/files/2018-02/A%20Stocktake%20Of%20New%20Zealand%27s%20Housing.pdf>

In the quarter ending 31 March 2018, the Ministry of Social Development granted 6,138 Grants to 2,123 distinct clients. This represents a one% decrease on the number of Grants but a two% increase in the number of individual clients. The total amount spent in the quarter was \$6.6 million.

Transitional housing

Similar to public housing, people living in transitional housing pay rent of up to 25% of their income, with the balance subsidised by the Government. Transitional housing is managed by contracted providers, who have experience in supporting tenants with a range of social and tenancy-related services, and are also responsible for maintaining the properties. The programme is led by the Ministry of Social Development (function transferred to the Ministry of Housing and Urban Development on 1 October, 2018) with collaboration from Housing New Zealand Corporation, transitional housing providers and the wider housing sector.

An additional 211 transitional housing places became available in the quarter ending 31 March 2018, with a total of 2,112 places now tenanted or available for tenanting. In the quarter ending 30 June 2018, another 18 transitional housing became available, pushing that total to 2,341. The Ministry of Social Development (MSD) had a target of 2,155 long-term places, which could support 8,620 families each year, but has consciously exceeded the target during winter 2018 to ensure we have as much accommodation as possible available for those in need. Transitional housing provides warm, dry and safe short-term accommodation (an average stay is generally 12 weeks), so several households are able to move in and out of those places within any given year.

Income-Related Rent Subsidy for public housing tenants

A public housing tenancy can be made up of multiple signatories. The Ministry of Social Development currently reports demographic information on the characteristics of only one signatory who is considered the 'main tenant'.

As at 31 March 2018, among 65,422 main tenants, there were 45,443 women and 19,979 men.

In the financial year 2016/17, the Government spent \$815 million on Income-Related Rent Subsidy payments to 63,299 households.

At the end of the March 2018 quarter, the Ministry of Social Development spent over \$220 million on 63,970 households.

If the primary tenant passes away, there can be different scenarios:

- The remaining person is a signatory to the tenancy agreement: nothing changes. Depending on the housing provider, the person can get transferred to another property that better meets their needs (eg one-bedroom property, flat access/ no stairs).
- The remaining person is not a signatory:

- The person can apply for public housing and MSD will complete a housing needs assessment to confirm whether the person is eligible. If the person is eligible, they can remain in the property or, at the housing provider's discretion, be transferred to a property that better meets their needs.
- The person is found not eligible or does not want to apply for public housing: it is at the housing provider's discretion whether the person can remain in the property as a market renter (Income-Related Rent Subsidy equal to nil). In the case of Housing New Zealand (HNZ), it is likely the person found not eligible for public housing will be asked to move out of the property, given that HNZC is a Crown agency under the Crown Entities Act 2004 whose purpose is to provide subsidised housing to people who meet the public housing eligibility criteria.

Social housing register

Applicants are assessed and get a score from 1 (low/no need) to 4 (high need) against each of the five criteria: Accessibility, Adequacy, Affordability, Suitability and Sustainability. Their final score determine their ranking: priority A (at risk, ie highest needs) or B (in serious housing need).

Households with the highest ranking in the register are placed on a shortlist that the Ministry of Social Development then provides to Public Housing Providers – HNZ or Community Housing Providers (CHPs). A house is then offered to a household on that list whose requirements meet the features of a vacant property.

Disability issues

There is an action in the Disability Action Plan 2014-2018 titled 10C: Understand the impact of disability on housing needs and influence the social housing reform programme to meet the needs of disabled people. The Ministry of Social Development is working with the Office for Disability Issues to scope out how to improve housing outcomes for public housing tenants with disabilities. This includes work to better identify the needs of disabled people on the housing register. Since 1 October 2018, this work is led by the new Ministry of Housing and Urban Development as the policy function was transferred from MSD to the new Ministry.

The Disability Action Plan (2014 - 2018) helps to progress action against the previous recommendations from our first UN Committee review in 2014. The current Action Plan has 28 cross-government actions. A new Disability Action Plan (2019 – 2022) is proposed to be developed to directly align with the outcome areas of the Strategy and the United Nations review to date (including the six key issues as identified by the Independent Monitoring Mechanism).

The actions in the Disability Action Plan 2019-2022 are likely to include:

- the six key issues¹⁶ raised by the Independent Monitoring Mechanism
- some of the actions in the current Disability Action Plan that will not be completed by December 2018 and are considered a priority for completion
- other issues arising from consultation with government agencies, the Disabled People's Organisations Coalition and the public.

Families Package

The Government's \$5.53 billion Families Package provides targeted assistance to improve incomes for low and middle-income families with children. The Families Package includes a new Winter Energy Payment to help older people and people on a benefit heat their homes over winter. In addition, the Government retained changes to the Accommodation Supplement announced in Budget 2017, effective 1 April 2018 (see below). An estimated 135,000 households will benefit by an average of \$35 per week.

Accommodation Supplement

Accommodation Supplement supports families with the rising costs of rent. It is a weekly payment to assist low income households in the private market, with their rent, board or the cost of owning a home. In 2016/17, the Government paid more than \$1.1 billion in Accommodation Supplement to just over 285,000 individuals and households.

On 1 April 2018, Accommodation Supplement maximum payment rates rose by between \$25 and \$75 a week for two-person households, and \$40 and \$80 a week for larger households. The Accommodation Supplement Areas have also been updated to reflect the higher housing costs in certain areas.

Temporary Additional Support

Hardship assistance such as Temporary Additional Support is also provided to women to cover essential living costs that cannot be met from their income or other resources.

Temporary Additional Support is a weekly payment that helps to cover essential living costs that cannot be met from an individual's income or other resources. It is paid for a maximum of 13 weeks, however can be extended depending on the individual circumstances. Approximately 60% of total Temporary Additional Support expenditure is believed to be attributable to accommodation costs.

The number of people receiving the Accommodation Supplement decreased in the March 2018 quarter following seasonal trends, while recipients of the Temporary Additional Support decreased significantly as a result of the Families Package, which has increased maximum rates of Accommodation Supplement. Nearly 280,000 people (279,283) were receiving Accommodation Supplement in the quarter ending 31 March 2018, a four% decrease

¹⁶ The Independent Monitoring Mechanism's submission to the UN Committee was made available to Ministers and government agencies on 30 November 2017. The six key issues identified include: 1) data; 2) education; 3) employment; 4) seclusion and restraint; 5) access to information and communications; and 6) housing.

approximately compared to the December 2017 quarter. Over 60,000 people received Temporary Additional Support (60,589) in the quarter ending 31 March 2018, which represents approximately a 13% decrease compared to the December 2017 quarter.

PUBLIC HOUSING RELATED INITIATIVES IN BUDGET 2018

Total new funding for Vote Social Housing in Budget 2018 is \$513.4m

Additional Public Housing: \$234.4m (of which \$29.3m is in contingency) to meet the cost pressures of the current public housing baseline and pipeline as well as providing for additional public housing to bring the total to around 6,400 net additional IRRS places over four years.

Housing First Expansion: \$63.4m, which include \$42.9m to purchase an additional 550 Housing First places in regions and cities with high demand, an additional \$1m funded for evaluation through Vote Social Development, and \$20.5m to meet cost pressures associated with delivery of the current programme.

Transitional Housing Cost Pressure: \$169.9m (\$68.9m of which is capital) to address the shortfall to achieve the current target of 2,155 transitional housing places and the associated shortfall in the operating costs (accommodation and support services costs) to operate these transitional housing places.

Frontline Housing Resource: \$30.0m to continue the time-limited funding for the current level of staff (102 FTEs) for the delivery of housing services.

Community Group Housing Market rent top-up: \$13.7m for HNZ to receive the difference between contracted rent with Community Group Housing providers and market rent for leased properties.

Budget Bids outside of Vote Social Housing

Total new funding in other areas in Budget 2018 is \$348.7m.

Tamaki Regeneration Company: \$300 million capital funding to the Tamaki Regeneration Company to contribute to building 700 new warm, dry, healthy state houses and 1,400 open market houses in Tamaki over the next six years.

Tenancy Services to deliver current services: \$33.6 million (operating funding) to allow Tenancy Services to continue delivering current services.

Implement the Health Homes Guarantee Act 2017: \$15.1 million to implement the Healthy Homes Guarantee Act 2017, and collect data on housing quality.

RELEVANT STATISTICS

- As at 31 March 2018, there were 9,695 main applicants on the social housing register, of which 6,626 (68%) were women. This includes:

- 7,890 households on the housing register – waiting for a public house.
- 1,805 households on the transfer register – in public housing but their circumstances changed, so they need another property to meet their need.
- In the quarter ending 31 March 2018, \$571.6 million was provided in housing support. MSD estimates it will spend around \$2.3 billion in housing support in 2018.
- There were 63,970 public housing tenancies receiving Income-Related Rent Subsidy in total as of 31 March 2018.
- As at 31 March 2018, there were 65,473 main tenants (including market renters ie those in public housing but receiving no subsidy). Among them, there were 45,443 women and 19,979 men.
- The Government has seen a one% decrease in the number of Emergency Housing Special Needs Grants being approved in the March 2018 quarter, albeit with a two% increase in the number of individuals accessing the assistance.
- As at 31 March 2018, 215 participants have been placed into secure and stable accommodation in both the public housing and private housing market through Housing First.
- As at 31 March 2018, single adults are the most common application type on the housing register (4,221 applicants or 44%) and single adult households with children (3,757 applicants or 39%) are the second most common type.
- In 2013, it was estimated that 41,207 people were homeless in New Zealand.^[2] This figure includes people without shelter, in temporary accommodation, and sharing accommodation with a household. Of the 41,207 people homeless, 19,679 (48%) were female. This is the latest available data on homelessness in New Zealand.

Table: the number of applications on the social housing resister as at 31 March 2018, broken down by register, housing region and the gender of the main applicant.

Housing region			
Register type	Female	Male	Total
Auckland	2831	1302	4133
Housing Register	2191	1095	3286
Transfer Register	640	207	847
Bay of Plenty	396	152	548

^[2] Amore, K. (2016). *Severe housing deprivation in Aotearoa/New Zealand: 2001-2013*. Wellington: He Kainga Oranga/Housing & Health Research Programme, University of Otago.

Housing region			
Register type	Female	Male	Total
Housing Register	350	141	491
Transfer Register	46	11	57
Canterbury	513	352	865
Housing Register	373	304	677
Transfer Register	140	48	188
Central	281	138	419
Housing Register	221	126	347
Transfer Register	60	12	72
East Coast	504	162	666
Housing Register	439	145	584
Transfer Register	65	17	82
Northland	249	79	328
Housing Register	204	72	276
Transfer Register	45	7	52
Southern	132	91	223
Housing Register	113	80	193
Transfer Register	19	11	30
Taranaki	98	55	153
Housing Register	88	49	137
Transfer Register	10	6	16
Unknown/Other	17	10	27
Housing Register	14	7	21
Transfer Register	3	3	6
Waikato	455	149	604

Housing region			
Register type	Female	Male	Total
Housing Register	379	131	510
Transfer Register	76	18	94
Wellington	912	475	1387
Housing Register	703	387	1090
Transfer Register	209	88	297
West Coast Tasman	238	104	342
Housing Register	190	88	278
Transfer Register	48	16	64
Total	6626	3069	9695

ACCESS TO SERVICES FOR RURAL WOMEN

The advancement of rural women and girls.

NEW ZEALAND'S POSITION

The Government's rural policies aim to ensure that, no matter where they live, all people have a reasonable ability to live, work, and run businesses; and contribute to, and be part of, New Zealand society. The unique relationship of Māori to rural tribal land, marae and wāhi tapu is also recognised.

Current situation

Rural women in New Zealand have made significant advancements in the last few decades.

- Many rural women are utilising the opportunities afforded by a prosperous sector to improve their incomes and assets. Rural women have high labour market participation rates at 69%, compared to 62% for their urban counterparts.
- More rural women (nearly 40%) are self-employed compared to urban their counterparts (37.11%).
- The number of women in leadership has increased and rural woman leaders are becoming more visible as a result. Last year Federated Farmers appointed its first woman president (Katie Milne) in its 118 year existence.
- Rural women are embracing technology to further overcome the inherent disadvantages of distance, and further implementation of broadband connectivity across rural New Zealand will continue to provide new opportunities for rural women.

Challenges

Domestic violence remains a serious issue in New Zealand, in both rural and urban communities. The geographic isolation in rural communities can aggravate the impacts of domestic violence. There are also employment challenges - rural areas have higher NEET rates and a higher proportion of these are young women with children. Unemployment and under-utilisations rates for Māori and Pasifika women are high in most rural areas compared to those for other rural groups and to urban Māori and Pasifika people.

Government response

The Government's renewed focus on the regions, including the \$1 billion annual Provincial Growth fund, and a focus on "rural proofing" policies and initiatives in their design stages provides a significant opportunity to improve outcomes for rural women and girls [see background]. Investment in the regions and a gender lens on rural proofing could benefit rural women through better targeted health policies, increased job opportunities and improved access to services.

The Government supports Rural Education Achievement Programs, which aim to advance community development through quality lifelong education in rural New Zealand. In 2016, government invested approximately \$7 million in Rural Education Achievement Programs.

In addition, the Government has stated it will provide additional funding to Adult and Community Education which will support more rural woman to access education in their communities.

The Sustainable Farming Fund contributes to improving rural women's access to information, modern technologies, and social protection by providing funding for community projects which can assist with human capability and skills development.

BACKGROUND

Employment and Income

Rural women have high labour market participation rates at 69%, compared to 62% for their urban counterparts. Rural Māori and Pacific women, however, have high unemployment rates (16%) while less than 5% of rural European women were unemployed in the last census. Differences in unemployment are partly driven by higher concentration of Māori women in the work poor areas of Northland, Gisborne and Bay of Plenty.

Diversification

The diversification of economic activity, often led and managed by women in farming families, is a marked feature of rural life. Diversification initiatives include farm walks and holidays, production of small scale but high value produce such as clothing, vegetables, and specialty foods for sale at local farmers markets and online. This activity is reflected in the fact that more rural women (nearly 40%) are self-employed compared to urban their counterparts (37.11%).

One quarter of rural women earn income from self-employment (compared to one third of rural men). One in ten urban women earn from self-employment (compared to 17% of urban men). 11% of rural Māori women earn income from self-employment (compared to 15% of Māori men). Only 5% of urban Māori women earn income from self-employment.

Not in Employment, Education and Training

The Government is currently exploring initiatives to reduce the number of young people not in employment, education and training (NEET). Rural areas have higher NEET rates and a higher proportion of these are young women with children. In Northland, 25 – 29% of those who are long term NEET are young mothers, while in Gisborne and the West coast more than 30% are young mothers. Young mothers are less likely to have secondary school qualifications and drivers' licenses, essential for access to work and education.

Government Initiatives for the Regions

Nearly half of New Zealand's population lives outside the main urban centres, and they generate around 40% of the country's economic output.

Growing our Future

As part of the Ministry of Primary Industries' Growing our Future initiative to build awareness about the career opportunities available in the primary sector, a short video has been developed on "Women in the primary industries". The video is available on the Ministry's website and is highlighted through social media channels.

Sustainable Farming Fund

The Sustainable Farming Fund contributes to improving rural women's access to information, modern technologies, and social protection by providing funding for community projects which can assist with human capability and skills development.

In July 2017 the Government commenced funding on a Sector Leadership and Capability Development for Targeted Women's Groups project. The project aims to develop women leaders in three target groups:

- young women who are entering agri-sector careers
- Māori women in regional communities who have the potential to create and support self-sustaining enterprises that meet cultural, economic, environmental and community objectives
- women with careers outside agriculture whose expertise holds value for the sector.

Pilot programmes will focus on areas where there is strong Government interest in supporting regional development and extended programme delivery is anticipated.

Provincial Growth Fund

On 23 February 2018, the Government launched the Provincial Growth Fund, of \$1 billion per annum over three years, starting from 2018/19 (funding for some projects is also being announced, as a pre-commitment against Budget 2018).

The Fund is aimed at raising the productivity potential of regions (i.e. areas other than the three main metropolitan centres), by investing in projects that will increase economic activity, create jobs, lower unemployment, raise incomes, promote Māori development, improve regional connectivity (transport and communications infrastructure), mitigate or adapt to climate change, or use natural resources sustainably.

The Fund will invest in projects of any scale, from small local initiatives that raise capability and investigate the feasibility of investments through to large scale investments in sectors, including infrastructure and tree planting. Officials administering the Fund will work with people in regions to help them develop their ideas into viable projects, and ensure that the overall balance of investments achieves the broad range of objectives of the Fund.

Rural Proofing Policy

The *Rural Proofing Policy* is a toolkit to help policy advisors and decision-makers take into account the unique factors that affect rural communities when designing policies and initiatives – such as low populations, isolation, and reliance on the primary sector for employment. The guidance was developed with rural communities, and was launched in June 2018 by the Minister for Rural Communities, Hon. Damien O'Connor.

In addition, the Government is:

- investing, in collaboration with the agricultural sector, about \$20 million a year in research on reducing biological emissions from agriculture e.g. low methane-emitting sheep, low greenhouse gas feeds, and a vaccine to reduce methane from livestock
- providing international leadership through the Global Research Alliance on Agriculture, and
- building an evidence base, agreed with the agricultural sector and other agencies, to inform future policies, and actions to reduce the sector's emissions.

Rural women's barriers to education

The cost of housing is a key issue faced by rural women when moving to main and provincial cities to access tertiary education (people from the main cities sometimes choose to remain with their parents during study due to housing costs). Rural women under 24 years old from middle to low income households are eligible for Student Allowance to support their accommodation costs.

Fees-free

From 1 January 2018 all New Zealand students who finish school in 2017, or will finish school during 2018, qualify for a year of free provider based tertiary education or industry training. Adults who have previously studied for less than half a full time year of tertiary education or industry training also will qualify for fees free. We expect that up to 80,000 students will benefit from this change in 2018, including up to 6,000 new apprentices and trainees.

The changes for 2018 are the first step in the Government's stated intent to provide a full programme of 3 years' fee free tertiary education and training for New Zealanders by 2024. The government is also providing a \$50 a week boost to both student allowances and loan entitlements for students living costs.

There are no age requirements or restrictions for accessing the year of fees-free tertiary education or training. Students can access fees-free whether studying full- or part-time. The qualification, course or programme must be:

- starting in 2018
- funded by the Tertiary Education Commission
- recognised by either the New Zealand Qualifications Authority or Universities New Zealand
- at Level 3 or above on the New Zealand Qualifications Framework (NZQF), and
- for industry training only, at least 120 credits.

Foundation programmes (at NZQF levels 1-2) are excluded because provider-based level 1-2 study is already fees-free, and students shouldn't have to use their fees-free entitlement on courses intended to prepare for tertiary study at level 3 and above.

Broadband and mobile phone coverage

Most rural women have access to broadband and mobile coverage and the Government is continuing to work with providers to improve coverage across the country.

Through the Ultra-Fast Broadband (UFB) programme, the Government aims to make UFB available to 87% of New Zealanders, in about 390 towns/cities by the end of 2022. Rural communities are the least likely to have access to UFB and the Government is working to roll out faster internet for these communities through the Rural Broadband Initiative (RBI).

The first phase of RBI, which was completed in June 2016, has already provided new or improved broadband to over 300,000 rural households and businesses. Over 1,000 schools across the country can also access fibre broadband as a result. The Government is now in phase two of the RBI roll out and is extending high-speed broadband to more than 70,000 households and businesses in rural and remote areas.

Concurrently, mobile coverage to rural areas is being improved through the Mobile Black Sport Fund. Mobile coverage currently covers areas where over 95% of New Zealanders live and work, but geographic coverage is closer to 50%. The Fund aims to improve coverage by 20-30%.

A tender process to further expand broadband and mobile coverage under the second phase of RBI and the Fund programmes is currently underway.

Rural transport

The Government funds school transport, such as school buses, to help students, including rural women, access publicly funded education.

At tertiary level, the Government also support rural women through Student Allowances to cover the cost of travel to and from their places of education.

School transport assistance for students in years 1-13 that are enrolled in mainstream, state-integrated, partnership or Māori medium schools is usually a place on a school bus. A conveyance allowance is available for students that do not have access to suitable public transport options to attend their closest schools.

Suitable public transport refers to travel within 2.4km from home to the closest appropriate school which:

- can get a student to school before school starts
- doesn't require being picked up before 7am
- picks a student up no later than one hour after school finished
- doesn't require more than one transfer per journey.

For rural women studying at tertiary level, Student Allowances are available to cover the cost of travel to and from their places of education.

Challenges for rural women

Domestic violence

Domestic violence remains a serious issue in New Zealand, in both rural and urban communities. At least a quarter of New Zealand women will experience domestic violence in their lifetime.

The impact of domestic violence may be aggravated in rural areas by isolation, lack of services (such as counselling and refuges) and the small population may compromise confidentiality and help-seeking. Rural communities are more vulnerable to adverse events, such as droughts and earthquakes, which can increase the risk of domestic violence.

Mental Health

Suicide rates are higher in rural areas at 16 per 100,000 rural people in 2013 compared to 11.2 for 100,000 for people living in cities. Rates for male rural workers are higher than for female, however casual part-time rural women workers with a history of mental health problems and childhood and family dysfunction are also a high risk group.

National helplines such as Lifeline, Youthline, the Depression Helpline, the Suicide Crisis Helpline, and the Alcohol Drug and Women's Refuge Helplines are available 24/7 to people in rural as well as urban areas (though some rural areas may have poorer phone networks and broadband coverage). The Rural Support Trust also has local branches which provide a range of support services, including mental health support for farmers.

The network of Rural Support Trusts across New Zealand provide a range of support services, including mental health support for farmers.

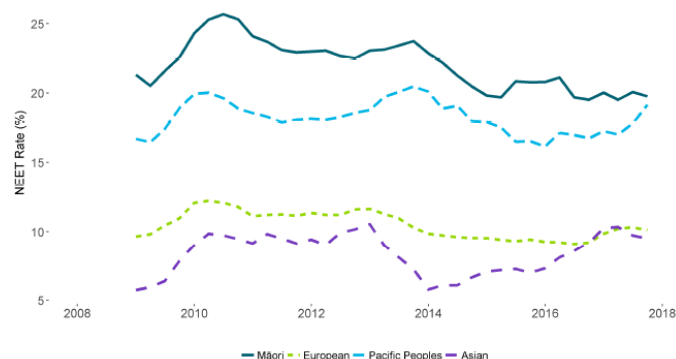
There have been some calls for increased mental health support for farmers, tailored to their specific pressures and circumstances. Over the last three years, annual funding of between \$500,000 - \$600,000 was provided to strengthen and develop rural support networks and help people recognise and refer people in need.

NEET

Rural areas have higher NEET rates and a higher proportion of these are young women with children. In Northland, 25 – 29% of those who are long term NEET are young mothers, while in Gisborne and the West coast more than 30% are young mothers. Young mothers are less likely to have secondary school qualifications and drivers' licenses, essential for access to work and education.

Relevant Statistics

Figure 1: Māori NEET rates 2008-2017



Employment

Rural Māori and Pacific women have high unemployment rates (16%) while less than 5% of rural European women were unemployed in the last census. Differences in unemployment are partly driven by higher concentration of Māori women in the work poor areas of Northland, Gisborne and Bay of Plenty.

Figure 2: Unemployment Rates by Ethnicity and Gender 2008-2017 (MBIE)

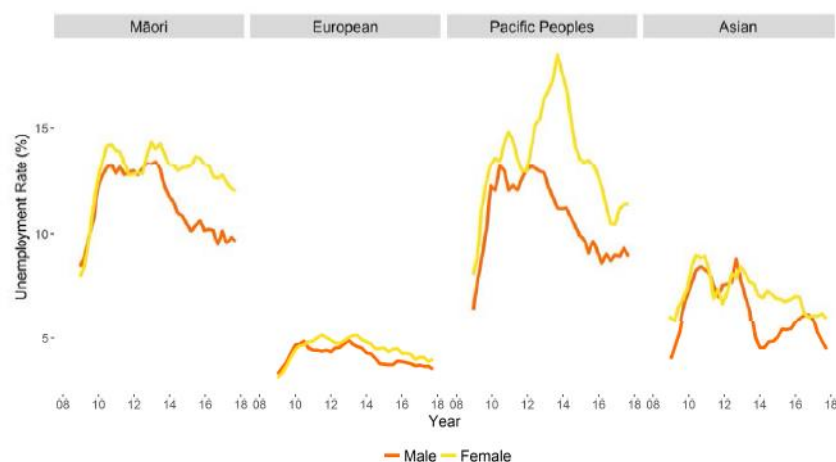


Figure 3: Unemployment rates by region (%), September 2017



Deprivation issues for rural women

The New Zealand deprivation index ranks the population into deciles which can be analysed by area. The factors included in the index include: communication and transport, housing, income and employment. Health is excluded from the index. The index shows that there is variability in social and economic wellbeing in rural communities. One quarter of people living in the highly rural areas of Northland, Gisborne and the Bay of Plenty fall into the tenth, or highest deprivation, decile. These areas also have the highest percentage of people who identify as Māori.

Deprivation is considered to be largely a North island problem with all the South island regions having less than 10% of their population in the most deprived deciles.

The proportion of Māori living in the most deprived areas is, at its highest, up to 7 times that of Europeans. The proportion of Pacific people living in the most deprived areas is, at its highest, up to 12 times that of Europeans. Although Māori are about 15% of the population, Māori outnumber Europeans in the most deprived areas, including urban and rural communities.

Some rural areas have worsened over time – in particular Northland. Other rural areas have been improving: notably the South island regions of Otago, Nelson and Marlborough.

CLIMATE CHANGE

What is the New Zealand Government's response to climate change?

NEW ZEALAND'S POSITION

New Zealand is committed to domestic and international action on climate change, and is transitioning towards a low emissions and climate resilient economy. New Zealand's climate change work programme is aimed at:

- Domestic and international leadership
- A productive, sustainable and climate-resilient economy
- A just and inclusive society

This work supports New Zealand's full commitment to the Paris Agreement, and the emissions reductions goals embodied within it, including our target of reducing greenhouse gas emissions by 30 percent below 2005 levels by 2030.

Climate change disproportionately affects women, particularly in their traditional role as primary caregivers, and exacerbates existing gender inequalities.¹⁷ Tangible action on climate change, through both mitigation and adaptation activities, is expected to have positive impacts for women both in New Zealand and across the world.

Zero Carbon Bill

In December 2017, the Government committed to taking decisive action on climate change, and signalled its intention to introduce a new Zero Carbon Bill.¹⁸ The Bill aims to put in place legislative architecture for New Zealand's transition to a low emissions, climate resilient economy. It will:

- set a new emissions reduction target for 2050 that is more ambitious than our current 2050 target (to reduce emissions by 50 percent below 1990 levels)
- provide interim targets (emissions budgets) to step New Zealand towards the 2050 target
- establish an independent Climate Change Commission to keep future Governments on track in meeting New Zealand's climate change goals

¹⁷ Internationally, there is a lot of literature on how women fare poorly in natural disasters, features of which are similar to climate change. For example, women are 14 times more likely to die during a natural disaster than men.

¹⁸ <http://www.mfe.govt.nz/more/cabinet-papers-and-related-material-search/cabinet-papers/climate-change/100-day-plan-climate>

- put in place a framework for New Zealand's adaption to the impacts of climate change, with risk assessments, a planning framework and progress monitoring.

Setting a new 2050 target in primary legislation would give it more prominence and discourage changes of ambition in response to short-term considerations. It would assist in:

- providing an enduring, long-term signal to businesses, consumers and New Zealanders
- helping to inform our successive Nationally Determined Contributions¹⁹ under the Paris Agreement on climate change
- providing alignment to the Paris Agreement's global goal of reaching net zero emissions in the second half of the century.
- signalling to the world that New Zealand is playing its part in the global effort.

Establishing an independent Climate Change Commission will help:

- create enduring institutional arrangements for climate change and a stable policy environment for climate change action
- hold future Governments to account in meeting New Zealand's long-term emissions reduction commitments.

Climate Change Adaptation

Climate change impacts are already locked in, and New Zealand will need to adapt to the effects. 133,000 New Zealanders currently live within 1.5 metres of the mean high water spring tide, and the cost of replacing all buildings located in that zone is NZD\$19 billion. These figures were originally published in the Parliamentary Commissioner for the Environment's 2015 report, *Preparing New Zealand for Rising Seas: Certainty and Uncertainty*.

In response, the Government is doing considerable work on climate change adaptation. In December last year, the Government released guidance to councils and communities on how to manage and adapt to the increased coastal hazard risks posed by climate change and sea level rise, together with a 'state of play' (stocktake) of adaptation in New Zealand. A Technical Working Group of experts and representatives from central and local government, finance and insurance sectors, science and communities, then provided a follow up report in May this year. It made recommendations for how New Zealand could effectively adapt to climate change.

¹⁹ Nationally Determined Contributions are the efforts each country put forward under the Paris Agreement.

A few local councils are leading the way too. For example, the development in Hawke's Bay of the Clifton to Tangoio Coastal Hazard Strategy 2120 by three councils and three groups representing local iwi and hapū (tribal groups) working together with affected communities.

Asylum Seekers

While the effects and implications of climate change on individuals and communities in the Pacific are not yet well understood, there have already been some cases of displacement of individuals and communities. Those people do not meet the definition of "refugee" in international law (people fleeing their country of nationality because of persecution for their race, religion, nationality, membership of a particular social group, or political opinion). The Government in May signalled an intention to take early collaborative action on Pacific climate migration. The initial focus of this policy is on utilising official development assistance to avert and delay climate-related displacement and prepare for climate migration, supporting Pacific regional dialogue, contributing to international frameworks and understandings, progressively developing international law and scoping robust research. A longer-term approach from 2024 might include consideration of immigration options, including for instance any humanitarian visa category, if the outcome of New Zealand's early actions make it clear that that is what Pacific peoples need and want.

Climate Change and Health

The Government is currently engaged in several ongoing projects that focus on climate change and health.

An Environmental Health Action plan is being developed to provide strategic direction for environmental health activities in New Zealand. While the Plan will focus on all aspects of environmental health, climate change will be a significant aspect throughout.

The aim of the Plan will be to identify local, regional, and national environmental health risks. It will provide environmental health risk management strategies, and reporting documents for District Health Boards to use to improve their sustainability and reduce their carbon footprint.

The Plan will prioritise the protection of vulnerable groups. Vulnerable groups may vary depending on the environmental issue, but will include Māori and Pasifika peoples, people of low socio economic status, and elderly people.

In addition, New Zealand is implementing a heat health plan which sets out the actions that need to be taken to prepare for, and respond to periods of high temperatures, such as a heat wave. A Health Heat Plan will provide guidance to help health and community service providers, local government and other community organisations prepare their own heat health plan. This plan has a specific focus on vulnerable groups (such as the elderly).

The Ministry of Health is investigating ways to support and encourage health sector initiatives to engage in the Certified Emissions Measurement and Reduction Scheme (CEMARS). This will be supported through wording in the District Health Boards Annual Plans.

BACKGROUND

Further information on the Zero Carbon Bill

Current status of the Bill

Public consultation on the scope of the Zero Carbon Bill is currently underway, with meetings being held across New Zealand and Iwi/Māori being consulted on the Bill's proposals. New Zealanders are able to make submissions on the Bill until 19 July 2018. Following this, Cabinet will consider policy decisions on the Bill this year, with a view to introducing the Bill to Parliament in mid-2019.

Transitioning to a low emissions economy

Once the Zero Carbon Bill is enacted into law, meeting a more ambitious 2050 target will require an economy wide transition, and every sector will need to play a part. This could include:

- moving towards 100 percent renewable electricity generation, with fossil fuel generation only called upon in years of hydroelectric electricity generation shortages
- the electrification of low grade industrial heat sources
- a shift to mostly electric vehicles with more domestic freight carried by rail.

New methane inhibitors and techniques to reduce biological emissions will also need to be developed, and we will need changes in land use, including substantial afforestation.

Offshore Oil and Gas

The announcement in April 2018 that 'there will be no further offshore oil and gas exploration permits granted', and to limit oil and gas exploration permit allocation to onshore acreage in Taranaki for the next three years, is part of the Government's commitment to address climate change as it works towards a net zero emissions economy by 2050.

The Government is committed to enabling a 'Just transition' to a clean energy future and providing certainty for businesses and communities. Working with the Interim Climate Change Committee, the Government plans to make careful changes over time, and invest hundreds of millions of dollars in new infrastructure and clean energy projects in regions that rely on fossil fuels for their economy, to ensure new jobs are created and communities effectively plan for this new future. As part of this transition, existing exploration and mining rights with current oil and gas permit holders will be honoured.

Balance to transport policy – public, motorways and cycles

As a sector, transport has a critical role to play in supporting the transition to New Zealand being a net zero emissions economy. Transition to a low-emissions transport system requires specific mitigation policies, for example, encouraging the uptake of Electric Vehicles, as well as a strategic focus through transport policy and investment that prioritises a shift to low emissions travel.

New Zealand is giving effect to this by making the environment a strategic priority in the Government Policy Statement on land transport 2018 (GPS 2018) and by shifting more funding towards public transport, walking and cycling. The GPS 2018 significantly increases the funding available for public transport, walking and cycling. It provides a 68% increase in funding available for public transport and a 116% increase in funding available for walking and cycling. In addition to this, GPS 2018 now enables funding for rail and rapid transit.

Following the final report from the New Zealand's Productivity Commission's Low Emissions Economy Inquiry, the Government will consider how best to speed the transition to a low emissions light vehicle fleet. This includes looking at the Productivity Commission's recommendations to have a feebates scheme and a vehicle fuel efficiency standard for vehicles coming into New Zealand.

In addition to what we are doing domestically, New Zealand is also committed to the efforts being made by the international aviation and maritime sectors to reduce their transport emissions.

DISASTER RISK REDUCTION AND CLIMATE CHANGE

Ensuring women are equally represented in disaster risk reduction planning, management, and governance, and that the needs of women are accounted for in response and recovery from emergency events.

NEW ZEALAND'S POSITION

The Government is committed to an inclusive approach to disaster risk reduction and climate change policy and planning.

Current Situation

Disaster risk reduction and climate change policy planning includes ensuring that women are adequately represented in:

- disaster planning and preparedness activities
- response and recovery structures
- governance positions for disaster management.

It also includes ensuring that the particular needs of women are recognised in response and recovery from disaster events, including:

- protection from gender-based violence in evacuation centres
- protection from discrimination when accessing livelihood support following disasters
- recognising that women are a key source of community support and mobilisation in recovery.

There was a time when disaster management in New Zealand was a male-dominated profession, but this is no longer the case. Women are represented as Emergency Managers, Controllers, Recovery Managers, Welfare Managers, Mayors, Councillors, the Director of the Ministry of Civil Defence and Emergency Management, previously a Minister of Civil Defence and a Minister of Climate Change, and, of course, Prime Minister.

At the national level, the Ministry of Civil Defence and Emergency Management has a strong ratio of female to male. Estimated to be approximately only 20% female 10 years ago, the Ministry is now 64% female.

BACKGROUND

Women are represented at all levels in business-as-usual preparedness activities, on governance structures for emergency management and climate change adaptation, and in response structures.

Recent emergency responses have illustrated this. For example, the Refinery New Zealand pipeline leak in October 2017, which caused a fuel disruption in Auckland, saw women in many key roles, including Response Manager, Controller, Chief Executive of the Responsible Department (Ministry for Business, Innovation and Employment), and the Minister of Energy.

Even so, we continue to work on this issue, and ensure diversity, representation, and equal opportunities in emergency management.

Ensuring protection from gender-based violence against women in evacuation centres

Security is a key concern for evacuation centres (known as ‘Civil Defence Centres’ in New Zealand). Civil defence authorities are required to consider how they will manage security when they are planning for welfare services provision. This is both in terms of how centres are physically set up – including segregated areas for women and children, and how they will be managed (processes and procedures). Protecting vulnerable people, including women and children is recognized as a critical aspect.

A registration and rapid needs assessment process conducted as people arrive at the centre helps to identify specific issues or at-risk individuals. Measures are then taken to protect them and provide a safe environment.

Ensuring protection from discrimination when accessing livelihood support following disasters

New Zealand has an established system for livelihood support following disasters, which includes a range of financial assistance measures for different circumstances. These measures are administered by the Ministry of Social Development and other government and non-government organisations. As such they are subject to all the usual rules for equality, fairness, and protection from discrimination.

Ensuring women are recognised as a key source of resilience in confronting natural disasters

Women are increasingly being recognized for the role they play in response and recovery. There is substantial academic research following the 2011 Christchurch earthquake about the role women played in response in caring for those affected by the disaster, in bringing the community together to work collaboratively and cooperatively, and in catalysing recovery.

Emergency management authorities in some regions are in early discussion with women’s groups (e.g. Rural Women New Zealand) about the possibility of taking ownership of some specific response activities in rural areas, including, potentially, conducting impact and needs assessments.

WOMEN IN DETENTION

Women in detention.

NEW ZEALAND'S POSITION

The Government is committed to reducing the numbers of women in detention and to better support those that are in detention.

Current situation

New Zealand's corrections system has been built around the needs of male offenders. To improve our approach to women in detention our services and interventions must be tailored to women's specific and distinct needs.

For instance, Māori women are over-represented in the prison population; three quarters of women in detention have been victims of family violence, rape and/or sexual assault and because many women in prison are single mothers or the primary caregiver, children and whanau are adversely affected by the detention of women.

Challenges

The women's prison population has increased by over 70% over the past decade – a much faster rate of growth than the male population over the same period. In the last two years alone, the women's prison population has grown by over 40%.

Government response

The Government has committed to reduce the prison population by 30 per cent within the next 15 years. To prevent the numbers of women in detention growing, and to better support those that are in detention, the Government has introduced a gender- and culturally-responsive approach to managing women prisoners based on evidence of what works to reduce women's re-offending. The Government is working to ensure that women maintain strong relationships with their whanau and friends by continuing to support the Mothers with Babies Units at Christchurch and Auckland women's prisons, and the less frequently used unit at Arohata women's prison, as well as the use of Audio Visual Links.

The Government supports the initiatives outlined in the Department of Corrections' (Corrections') Women's Strategy 2017-2021, *Wahine - E rere ana ki te Pae Hou* ("women rising above the horizon") and believes it will enable women to rise above their past to create a better life for themselves and their families. All the actions outlined are underpinned by the Women's Strategy's three focus areas: providing women with interventions and services that meet their unique risks and needs, managing women in ways that are trauma-informed and empowering and managing women in a way that reflects the importance of relationships to women.

BACKGROUND

Improving our approach to women in detention

Corrections systems have historically been built around the needs of male offenders. However, research shows that women respond differently to rehabilitation and management and that a distinct approach is needed to manage women in detention. While women managed by the Department of Corrections have a diverse range of needs, many share a similar journey to offending that is complex and plagued by severe trauma, mental health issues, substance abuse, unhealthy relationships and poverty. This means that the services and interventions we deliver, and how we deliver them, need to be tailored to women's needs.

The rapid increase in the women's prison population can be attributed partly to a change in the Bail Act and partly to more rigorous application of pre-existing provisions of the Act. This increase has been compounded by the court system taking longer to process cases, which has resulted in longer duration of remands. An increased number of women have been sentenced to prison over the same period, which research suggests may be a result of those in remand custody being more likely to receive a sentence of imprisonment.

An increase in prosecutions and sentencing for serious violence and drug offences has also led to an increase in the number of longer sentences imposed, and the increased level of risk and treatment needs of these women has also resulted in them serving a higher proportion of their sentences.

The Government has committed to establishing and providing a new approach to managing women in detention, so that they can leave prison with the right skills, support and self-belief to shape better futures for themselves, their children and other whanau.

Providing women with interventions and services that meet their unique risks and needs

Preparation for employment

In all three women's prisons in New Zealand – Auckland Region Women's Corrections Facility, Arohata and Christchurch Women's Prisons – women are engaged in employment, education and rehabilitation programmes.

Women in prison generally have more limited and less diverse employment history than men in prison and are more likely to have worked in unskilled roles. Women's comparative economic disadvantage, coupled with more limited industry opportunities available for women in prison means that women would benefit from greater efforts to make them work ready before release. The Government recognises that the industry options currently available for women in prison do not always lead to employment in the community that fits with their lives outside of prison.

In light of this, the Women's Strategy has supported the establishment of barista training at Arohata Women's Prison and an agreement has been signed with the Hair and Beauty Industry

Training Organisation to deliver qualifications in the three women's prisons. Work is currently underway at Arohata and Christchurch Women's Prison to support hair and beauty training. Work is also underway to support delivery of construction training at Auckland Region Women's Corrections Facility.

Improved access to education

Women in detention and in the community have generally left school before their 15th birthday. This has resulted in about 60% of women in prison and 70% of Māori women in prison having literacy and numeracy levels lower than NCEA level 1. To improve the learning opportunities for women in detention, the Government has implemented Secure Online Learning suites at all women's prisons and provides education tutors who assess the skills and learning goals of each woman and create an individualised learning pathway for them.

We also recognise the different needs of young women and so for women under 25 we are:

- piloting a healthy relationships programme, and
- partnering with the Duke of Edinburgh Hillary Award to give young women in prison the opportunity to build their life skills and confidence.

Provision of mental health services

Historically, women in detention have received the same treatment as men, from rehabilitation to health services. However, women's pathways to offending and their needs are distinct from men. Specifically, it is more common for women to be affected by:

- trauma and victimisation
- mental health issues
- unhealthy relationships
- parenting difficulty and stress
- financial pressures.

Further, three quarters of women in New Zealand's prisons have been victims of family violence, rape and/or sexual assault as a child or adult. This high prevalence of trauma is linked to the mental health issues and substance abuse that impacts the lives of many women who offend. Linking women to the treatment, counselling and support that is specific to their distinct needs is central to the Women's Strategy.

Recognising women's social needs and high levels of anxiety at being separated from their children, the Government now employs social workers, counsellors and mental health professionals in prison. Specifically, six social workers and six counsellors have been employed in our three women's prisons and they are already making significant contributions to women's wellbeing. Since starting work in our women's prisons in November 2016, trauma counsellors have received 800 referrals and social workers have received 648 referrals.

The *Kowhiritanga* programme is an existing group-based rehabilitation programme that is designed to meet women's needs. The programme targets the attitudes and behaviours that contributed to women's offending and teaches new ways of thinking. The programme is available at all three women's prisons and to women offenders in the community. As part of the Women's Strategy, four programme facilitators and six psychologists have been employed to ensure women's rehabilitation needs can be met earlier in their sentence in prison. This has resulted in an increase in the number of programmes run in the women's prisons by 300% (at least 14 programmes will have run in the 2017/18 financial year, compared to three programmes in the previous year).

A new programme for high risk women with alcohol and drug dependencies is being developed with an iwi-based organisation in Auckland and will be piloted at Auckland Region Women's Corrections Facility this year.

Incorporation of kaupapa Māori values

A disproportionately high number of women in prison are Māori (56%), and this over-representation is higher for women in prison than men in prison (50% of men in prison are Māori). These are snapshot figures of the population at 31 March 2018, and reflect the proportion of people in prison who are Māori at any one time. A key objective of the Women's Strategy is to be culturally responsive to meet women's needs.

Disproportionality amongst Māori in the criminal justice system is evident in Police apprehension figures, as well as in prosecutions, convictions, sentencing and reconviction figures.

An explanation for this is that Māori young people are more likely to be raised in circumstances in which the following developmental risk factors are present:

- dysfunctional family structure and context processes: being born to young mothers, lack of family stability, gang associations, family environment in which conflict and violence is common and children exposed to neglect and/or harsh punishment
- individual characteristics and experiences of the developing child and adolescent: factors such as poor maternal nutrition and smoking during pregnancy that affect the child's neurological development and psychological temperament
- tenuous educational participation, engagement and achievement: frequent school absences, extensive involvement in school disciplinary processes, early drop-out age and failure to achieve qualifications
- the emergence of developmental disorders: childhood conduct disorder, anti-social behaviour, hyperactivity, early use/abuse of alcohol substances

These risk factors, as identified by longitudinal human development studies, such as the world-leading Dunedin Study, are known to increase the likelihood of criminal offending.

A specific kaupapa Māori rehabilitation and reintegration pathway for wāhine Māori (but available to all women) has been established for all women's prisons. Called *Te Mana Wahine*, it provides for the specific needs of wāhine Māori and includes participation of whānau, hapū, iwi and the wider community. *Te Mana Wahine* includes a continuity of care model to designated self-care units within the prison and to services in the community. Three Kaiāwhina (helpers) have been employed to provide full-time support to the ongoing development of *Te Mana Wāhine*.

The *Te Mana Wahine* unit at Christchurch Women's Prison was opened on 12 February 2018, making it the first kaupapa Māori unit to be opened in the South Island. A dedicated self-care unit will soon be added, creating a clear pathway for women as they move through their sentence and get closer to returning to the community. A new community-based programme called *Manaopou wāhine* is currently being piloted in Christchurch and aims to help wāhine Māori and women with Māori children move away from crime. The service is run by Ngā Maata Waka, the urban Māori Authority for the South Island, and is available to women who are remanded in custody, serving a sentence of imprisonment or home detention, and those reintegrating back into the community, with priority given to Māori. It will benefit women in prison, their children and the children's caregivers while the woman is in prison and after release.

The *Te Mana Wāhine Unit* at Arohata Prison formally opened on 17 April 2018.

An existing Te Ara Māori (Māori pathway) unit at Auckland Region Women's Corrections Facility, *Mirimiri Te Aroha* (nurture with love), will become part of the *Te Mana Wahine* pathway at Auckland.

More generally, Corrections has a national Māori Leadership Board, *Te Poari Hautū Rautaki Māori* with mandated iwi and Māori group members, which provides advice and input to the Chief Executive and the Executive Leadership Team on the development of policy and design of Corrections services aimed at reducing re-offending by Māori. Similar Boards also exist at regional and local levels.

Corrections is also working closely with the Kiingitanga (Māori king movement), and Housing New Zealand on the co-development of a re-integration centre for women in Hamilton.

Managing women in ways that are trauma-informed and empowering

The Women's Strategy seeks a change to prison practice so that prison staff take the time to understand the impact of trauma on women and recognise the signs and symptoms of trauma to respond appropriately. To do this, we are integrating knowledge of trauma into our practice, policies and procedures. Women will be empowered to have ownership over their sentence, and develop confidence in their ability to build positive lives during and after their detention.

The responses seek to avoid causing further trauma, and so prison staff will:

- avoid triggering trauma reactions or retraumatising women through changes to operational practices
- provide women with programmes and services to educate them on the effects of trauma, and help them cope with its effects
- recognise the effect of trauma exposure on staff, by ensuring staff are given the help, support and training they need to avoid burnout.

Trauma counsellors are now employed in each of the women's prisons to provide therapeutic services to women who need support. Fitness and Wellbeing Trainers have been employed in Arohata and Christchurch Women's Prisons, complementing the five recreation officers in Auckland Region Women's Corrections Facility, to support women's mental and physical wellbeing through physical activity and education programmes.

A new orientation programme, *Kia Rite*, is currently being piloted in each of the three women's prisons. The programme is aimed at women newly arrived in prison to support them to build relationships, ensure they have access to services and to provide them with basic coping skills and strategies.

Planning is underway to design trauma-informed practices and training for staff working in women's prisons and working with women in the community.

Managing women in a way that reflects the importance of relationships to women

Many of the women in New Zealand's prisons are mothers and primary caregivers who are coping on their own, or have unhealthy relationships with the fathers of their children. A report by the Department of Corrections found that "*women do not leave their families at the prison gate; rather they endeavour to manage their families from inside the prison walls*".²⁰ Therefore, mitigating the impact of detention on children and whanau by encouraging women to grow healthy relationships with their children, whanau partners and other women is an essential component of the Women's Strategy.

One of the most successful examples of this is the *Bedtime Stories* programme at Arohata Women's Prison in Wellington. *Bedtime Stories* helps maintain the bond between mothers in prison and their children. Women can read a story, which is recorded on CD and their children get to hear their mother's voice reading them a bedtime story. In recognition of the positive impact the project has had on both the women and their children, *Bedtime Stories* won the Arts Access Corrections Community Award in 2017.

All three women's prisons have Mother's with Babies Units where women can look after themselves and their babies (up to 24 months) in a self-care unit. The Women's Strategy team is reviewing the Mothers with Babies operating model and will pilot training on child development

²⁰ Department of Corrections (2000). *He Kete Pokai: suitcase of hope - a working document on the management of women in Prison in New Zealand*, p. 25

for staff working in the Mothers with Babies Units. There are also mother and baby bonding facilities available, where a mother in custody can have her baby with her for the day, but the baby does not stay overnight.

It can be intimidating going into a prison, so Visitor Centres have been refurbished into more friendly places for children to visit. As part of the Women's Strategy, our social workers are developing new ways to improve the quality of contact between women and their family during visits.

Audio Visual Links at prisons are providing a new way for women in prison to maintain bonds with family. These virtual visits allow mothers to see and talk to their children who may live far away and cannot visit in person.

RELEVANT STATISTICS

- As at 17 April 2018, 809 women were in prison, compared to 739 women in prison at 30 June 2017
- As of 31 March 2018, women made up 7.5% of the prison population and 20% of the community based population.
- As at March 2018, 70% of women in prison aged under 20 were Māori.
- As at March 2018, 55% of women aged 20 and over were Māori.
- The women's prison population has increased by 70.7% over the last decade, compared to a 27.7% increase in the men's prison population.
- From March 2017 to March 2018 80% of women who received prison sentences received short-term sentences (for periods of up to two years).
- From March 2017 to March 2018 the offence types for which women were serving prison sentences was as follows:
 - 30% had dishonesty as their most serious offence (dishonesty is the most common offence for short-term prison sentences)
 - 18% had violence as their most serious offence (violence is the most common offence for long-term prison sentences)
 - 13% had breach of community sentence or orders as their most serious offence
 - 12% had drug related offences as their most serious offence.
- Between November 2016 and February 2018, social workers received 648 referrals and trauma counsellors received 800 referrals.
- In 2017:
 - 62% of women in prison had both mental health and substance disorders
 - 52% of women in prison had PTSD (22% in male prisoners)

- 68% of women in prison had been the victim of family violence
- 75% of women in prison had diagnosed mental health problems (compared to 61% male prisoners)
- 44% of women in prison had drug dependence disorders (37% in male prisoners)
- 46% of women imprisoned had lifetime alcohol dependence (35% in male prisoners)
- 81% of women in prison had experienced any type of violence including family, sexual and general violence.
- In the 2015/2016 financial year women released from prison reoffended at a lower rate than men – 21.2% of women returned to prison within 12 months compared to 33% of men; 27.7% of women returned to prison within 24 months compared to 43.7% of men.

OFFENDING BY YOUNG FEMALES

Young female offending.

NEW ZEALAND'S POSITION

Oranga Tamariki-Ministry for Children was established in April 2017 and is implementing new services and support that will help keep young females out of the youth justice system and respond more effectively to those in the youth justice system.

Current Situation

Young women (14 to 16 years) are the minority in the youth justice system. Key information about the current situation is provided below:

- There has been a decrease in the number of females appearing in the Youth Court over the last decade (405 appearing in court in 2016/17, compared with 1,005 in 2007/8.)
- In 2016/17 females made up 27% (n=405) of all young people who appeared in the Youth Court.
- Māori young women are significantly overrepresented, comprising 76% (n=279) of all young women appearing in the Youth Court.
- Court cases involving alleged robbery offences as the most serious charge for young women increased 50% (to 75 cases) in the five years to 30 June 2016.
- 92% of young women referred for a youth justice family group conference had been the subject of a report of concern to Oranga Tamariki about their care and protection in 2016/17.

Challenges

The pathway to offending for young females differs to young males. Young women's needs often relate to current and historic experiences of trauma which lead to mental health issues, and alcohol and drug use. These current and historic traumatic experiences include childhood physical and sexual abuse, exposure to family violence, and experiences of intimate partner violence. Meeting these needs is complex when young females comprise the minority in a small system, and remain in the system for only short periods of time. The picture can be further complicated when young women become mothers. There is a limited, but growing, evidence base regarding effective responses to young women's offending in New Zealand and internationally.

Government response

The Government is focused on ensuring that young people who commit offences have access to the effective services they need to turn their lives around, including increasing functional family therapy services to support young female offenders in the context of their family, and gender-specific programmes in youth justice residences.

From 1 July 2019, young people aged 17 years, who are currently dealt with in the adult justice system, will be included in the youth justice system.

ADDRESSING DOMESTIC AND SEXUAL VIOLENCE

Addressing domestic and sexual violence.

NEW ZEALAND'S POSITION

The Government acknowledges the harm that is caused to those who experience family or sexual violence, and is committed to creating a system that delivers an integrated, consistent and effective response to victims and perpetrators, as well as their families and whānau.

Current situation

New Zealand has unacceptably high rates of family and sexual violence. Around 12% of New Zealanders – over half a million people – are directly affected by family violence each year. Victims are overwhelmingly women, with more than one in four women experiencing intimate partner violence throughout their lifetime. Māori are significantly over-represented as both victims and perpetrators, with almost half of Women's Refuge clientele being Māori women and children.

Challenges

There are problems with the current response to family violence or sexual violence: victims and their families are not always kept safe; perpetrators are not always supported to make behaviour change; and services appear fragmented, difficult to navigate and are not always aligned to client need or best practice. A further challenge is addressing the significant over-representation of Māori and Pacific Island families in family violence statistics.

While \$1.4 billion of the Government's annual budget is attributable to core and specialist service responses to family violence or sexual violence, almost 90% of this goes to covering costs incurred after violence occurs. Investment in primary prevention is inadequate.

No one agency or group can solve family violence alone. Its effects are intergenerational and addressing it requires a mix of government and community leadership, including iwi and churches. Working collectively will require a common vision and purpose, leadership, sustained investment, trust, open-mindedness, and communication.

Government response

Progress towards successfully creating a systemic approach to family violence and sexual violence includes:

- the introduction of new laws and policies (including the Family and Whānau Violence Legislation Bill and Police policy),
- a national strategy for the prevention of family and sexual violence,

- increased funding for sexual violence and family violence services, including kaupapa Māori family violence services,
- dedicated roles in Government (Parliamentary Under-Secretary to the Minister of Justice and a dedicated agent), and
- improved population prevalence and incidence data.

The Government has also created a new political position of Parliamentary Under-Secretary to the Minister of Justice (Domestic and Sexual Violence) to support the coordination of cross-government work.

BACKGROUND

Over-representation of Māori and Pacific Island families

Māori and Pacific Island families are significantly over-represented in family violence statistics, both as victims and perpetrators. Although Māori make up only 15% of the New Zealand population, half of those sentenced for the offence “male assaults female” are Māori men. In addition, it has been estimated that close to half of Women’s Refuge clientele are Māori women and children. Pacific children are five times more likely to die as a result of child abuse or neglect than their New Zealand European counterparts.

Reasons for over-representation are multifaceted and complex. Māori and Pacific peoples have been severely affected by colonisation. The imposition of Eurocentric beliefs, values and practices affects collective wellbeing and individual cultural identity, producing higher rates of social instability. As family violence is cyclical, the strongest predictive factors are socio-economic insecurity and exposure to family violence in childhood.

Introduction of new laws and policies

Family and Whānau Violence Legislation Bill

The Family and Whānau Violence Legislation Bill is currently before Parliament and is expected to be passed into law in 2018. The Bill lays the foundations for the transformation of the family violence response system.

The aim of the Bill is to: keep victims of family violence safe; hold perpetrators to account; ensure adequate responses; and promote consistent and collaborative responses to people experiencing family violence. Collaboration will be enabled by improving information sharing, developing codes of practice, and creating new pathways into services through Police Safety Orders and Family Court prescribed services.

The Bill provides for the following changes:

- clear principles to underpin judicial decision-making, including considering the views of victims and recognising the particular vulnerability of children

- making it easier to apply for protection orders
- improving the opportunities to help perpetrators change their behaviour
- better protecting the safety of adult and child victims following separation
- flagging family violence offences so judges have more information when making decisions, and
- ensuring family violence is effectively prosecuted, through the new offences of strangulation, assault on a family member and coercion to marry.

Policy changes to improve access to justice

Work is underway to simplify Protection Order application forms and systems. Currently, forms are complex and lengthy, making it difficult for victims to apply for a Protection Order. The process for designing new forms and systems has enabled input from victims of family violence and their advocates.

In 2018 Police launched a new approach to family harm investigations, in an aim to prevent further victimisation and offending. During investigations, frontline officers keep their eyes wide open to identify the wider context that the family harm is occurring within. Police have launched a new Static Assessment of Family Violence Recidivism (SAFVR) risk assessment tool based on New Zealand data, which is predictive. Frontline Police select safety actions from the Family Harm Graduated Response Model which go into the Family Safety Plan.

In 2016, a 12-month pilot of a new Integrated Safety Response (ISR) model was launched in two locations (Waikato and Christchurch). ISR deals with approximately 10,000 families per year in a model that includes:

- whānau centric practice
- cross-sector and community collaboration
- funded specialist services for victims and perpetrators
- information sharing seven days a week facilitated by a dedicated team
- electronic case management, and
- an intensive case management approach to collectively work with high risk families and high risk prison releases.

The ISR pilot has delivered promising results, and has been extended for another two years to further refine the model and better understand the benefits. To date 57,335 people (37% of these are children aged less than 18 years) have been involved and 22,653 families have benefitted from family safety plans. The October 2017 evaluation found that:

- 72% of completed and closed family plan outcomes were rated as positive or neutral
- 83% of participants had received one or more support service(s)
- many victims noted improvements in their overall well-being, and (where applicable) their children's
- 61% had no repeat call for Police service in the four months following ISR, and

- all victims interviewed reported feeling safer than they had prior to being dealt with by ISR.

In three sites, the New Zealand Police are testing a new response to reported family violence that is a partnership with local Iwi, Māori and social sector agencies. Police and community workers are responding together to call-outs with the goal of preventing reoffending and revictimisation.

Partnerships with Pacific communities include the SIAOLA Famili va Leleli programme.

Police have also developed on-scene video interviews for victims of violence to give victims a voice, improve the quality of evidence and reduce secondary revictimisation. 95% of the videos taken during the pilot to date have resulted in charges being laid, with 53.6% of these resulting in guilty pleas (compared to 22% of charges without videos).

Police have developed a range of materials to help victims of sexual violence to understand investigations (including a brochure, website, videos, information for support people, and links to local specialist support services), and to prepare victims (and their support people) for the justice process, including what to expect when cases are proceeding through court. Police have also implemented a survey for adult sexual assault victims to identify improvements that Police could make in the service provided to victims of sexual violence.

The Workforce Capability Framework and the Risk Assessment and Management Framework

New frameworks setting out the principles for safe, respectful and integrated practice in response to family violence, sexual violence and violence within whānau were released in 2017 and are being tested by the sector. The Workforce Capability Framework and the Risk Assessment and Management Framework aim to improve the capability of the Government and non-government sectors. Both were co-developed with non-government experts, support workers and organisations.

They are designed to improve capability to keep victims safe, stop the violence, hold perpetrators to account, and support long term healing and recovery. The Government has received positive informal feedback and will continue to work with sector to support the use of the frameworks to improve practice.

Government agencies' workplace responses to family violence and sexual violence

New Zealand Police identified that family violence accounts for 40% of front-line staff time and have developed a new approach to improve their response to harm within the family including increasing staff training, new mobile technology for investigating family harm and new codes of practice for front-line responses.

The Ministry of Justice is implementing a workplace Wellbeing Family Violence Policy, which includes training for all staff about the signs of family violence and the pathways to help. In

2018, all frontline court staff (more than 2000 staff) will receive training about how to respond safely and appropriately to victims of family violence and sexual violence, to reduce the likelihood of secondary revictimisation.

Workplace support for victims of domestic violence

There is no legislative requirement for workplaces to provide support specifically for victims of domestic violence. The Domestic Violence–Victims’ Protection Bill seeks to address this.

The Bill is currently awaiting its third reading, and would create a requirement for workplaces to provide flexible working conditions and up to ten days paid leave for people affected by domestic violence.

Several businesses and agencies of varying sizes have proactively established their own policies and provisions for their employees who encounter domestic violence issues. WorkSafe New Zealand also offers advice on managing risk in relation to family violence under the Health and Safety at Work Act 2015.

National strategy for the prevention of family and sexual violence

The Government has analysed submissions and recommendations made by the public to identify the critical shifts required in the family and sexual violence systems. That analysis will inform a national strategy. In late 2018 the public will be invited to provide feedback on the strategy, so that Government and communities can work together to implement it.

A new multi-agency team on family violence and sexual violence, with links to the non-government sector, has been established. The team brings together staff from a range of government agencies to enable better integration of work. The team has identified the critical shifts that must occur to achieve an effective family violence prevention and response system, and will lead the public engagement on the new national strategy.

National violence prevention programmes

Recent research into two of our national violence prevention programmes indicates their effectiveness in changing social norms and promoting help seeking and help giving.

- A 2017 evaluation of the national whānau violence prevention programme, *E Tū Whānau* found that over half of respondents noticed positive change in behaviour after participating.
- 2016 research from the national family violence prevention campaign *It’s not OK* found that 73% of people who knew about the campaign had taken some action. The impacts were higher for Māori and Pacific communities – 84% of Māori and 92% of Pacific people said the campaign helped them understand how to support someone experiencing family violence.

Further progress in prevention and community-led response to family violence and sexual violence

Reducing the incidence and impact of sexual violence will require a long-term strategic approach that shifts our focus to preventing, mitigating and minimising incidence of sexual violence while maintaining services which reduce the impact of sexual violence for those that have already experienced it.

In March 2016, the Government established advisory boards on family violence and sexual violence prevention, to provide prevention advice 'with one voice' and ensure the alignment of prevention efforts. Since its establishment, the Advisory Board has reviewed cross government sexual violence prevention initiatives, identified gaps and areas of need, and supported a life course (timely intervention) approach towards interventions and priorities, with an immediate focus on children and young people.

Sexual violence prevention initiatives have been developed or expanded, including:

- Workforce development – development of mainstream principles of practice and workforce capability. These will be the first ever standards that focus on the primary prevention of sexual violence.
- The review and development of appropriate policies and training of residential assistants, student and staff leaders towards a comprehensive approach to sexual violence prevention on tertiary campuses.
- Development of a web based resource to assist with planning and evaluation of programmes.
- Personal safety programmes for pre-school age children.
- Extended delivery of healthy relationships education for secondary school students (years 9-13), Kura Kaupapa and alternative education settings.

Increased funding for sexual violence and family violence, including kaupapa Māori family violence services

In 2016/17, the Government provided \$46 million (over four years) for specialist services to better support victims and perpetrators of sexual violence. New practice guidelines were co-developed with the service provider sector, and contracts for crisis support services have been extended to a three-year term to help provide stability for the sector. A new national sexual harm phone and web-based helpline was rolled out in March 2018.

As part of Budget 2018, an additional \$76 million in funding over four years was invested to support family violence services for victims, perpetrators and their families. Sexual abuse prevention, assessment and treatment services will also receive an additional \$7.5 million over four years.

A new elder abuse response service has been established, including a free and confidential 24/7 helpline where registered nurses can provide advice to victims and their families and carers.

While the Government is committed to improving outcomes for victims from diverse backgrounds, there is more to be done in this area. A recent evaluation found that there are service gaps for specific population groups, including Māori, Pacific and migrant communities, and highlighted the need to develop services which respond to the specific needs of these populations.

Efforts are being made to ensure an appropriate mix of kaupapa Māori and Pacific services. This includes 16 new providers who have particular strengths in working effectively in Māori, Pacific and ethnic communities, offering safety programmes and services for victims and children, along with non-violence programmes for perpetrators. This supports a wraparound approach that better meets the needs of many whānau.

To date, \$26.4m has been invested in the ISR two pilot sites. In the last round of funding, over half of the new funds went to kaupapa Māori providers to help them respond to the high demand for whānau-centred and wāhine Māori support.

Dedicated roles in Government

The Government has announced funding for a dedicated body to lead the transformation of the family and sexual violence system. This will provide a single point of leadership and accountability for the whole-of-government response to family and sexual violence. It is responsible for improving the way in which Government agencies work together to reduce family violence and sexual violence, and how they engage meaningfully with service providers and the wider sector.

The body will co-design an integrated family violence system with community stakeholders, including new services which respond to gaps relating to specific cultural needs. It will set a clear direction for the Government's commitment to prevent and reduce family and sexual violence, with a collective strategy designed in partnership with the sector, Māori and other stakeholders.

Improved population prevalence and incidence data

We are making improvements to the data collected and this will give us better insights into the prevalence of family and sexual violence, and the outcomes achieved through services.

New Zealand's family and sexual violence prevalence data comes from a national crime survey, which has been carried out in 2006, 2009 and 2014. The survey has been redesigned to allow the collection of richer data about crime, including relationships between victims and perpetrators. Family violence has been prioritised for in-depth exploration in the 2018 survey.

The New Zealand Crime and Victims Survey 2018 is expected to provide the most comprehensive family and sexual violence prevalence data that New Zealand has seen.

Female deaths from family violence and investigations

From 2009 to 2012, 139 people died from family violence or family violence related homicides in New Zealand – an average of 35 per year. This number represents 47% of all homicides. Of the 126 deaths considered by the Family Violence Death Review Committee, 74 were female; 51 adult women and 23 girls. This is approximately 13 family violence-related adult female deaths per year. These numbers are broadly consistent with New Zealand Family Violence Clearinghouse statistics up to 2015.

The New Zealand Police Family Violence Action Plan requires that, once a family violence offence is disclosed, an investigation must occur. Police have a pro-arrest policy for family violence incidents, and do not have discretionary power to decide whether to proceed with an investigation in the event of a homicide.

Strengthening the evidence base on family violence

The Government is committed to improving the evidence base on family violence. The New Zealand Crime and Victims Survey, an annual randomised survey about New Zealanders' experience of crime, will include a greater focus on family violence to increase our depth of understanding of the effects of family violence. The Government is also working with communities to improve evidence by seeking additional information from service providers on service outcomes, and co-designing services with victims and perpetrators based on their experiences with violence.

The integrated service response to family violence is currently being evaluated. This will add to the body of evidence around effective immediate safety responses to family violence. The Ministry of Justice funds the New Zealand Family Violence Clearinghouse to provide a central repository of data and information on family violence in New Zealand.

The Family and Whānau Violence Legislation Bill will also introduce measures to improve information on family violence. The Bill will introduce a flag for family violence offences which will follow a case through the Court process and appear on offenders' criminal records. This will provide reliable information on the number and type of family violence offences being committed.

RELEVANT STATISTICS

- Around 12% of New Zealanders – over half a million people – are directly affected by family violence each year.
- The annual rate of family violence offences was 6.4% in 2013.
- The annual rate of intimate partner violence offences was 5.1% in 2013.

- It is estimated that 26.1% of New Zealand women have experienced one or more violent offences by a partner and 23.8% of New Zealand women have experienced one or more sexual offences at some point during their lives (lifetime prevalence).
- The social costs of family violence are conservatively estimated at between \$4 billion and \$7 billion per year, with around \$1.6 billion of this figure as a direct cost to the Crown.
- Intimate partner violence is the biggest driver of violent crime.
- Intimate partners commit the largest number of all interpersonal violent offences against adults.
- Women experienced significantly more repeat incidents of interpersonal violence by family members than men.
- Women also report more serious offences by partners, and sustain more injuries. Women were 7 to 10 times more likely to be seriously injured by partner violence than men.
- Girls are more likely to be killed than boys. Adult women are more likely to be killed by their partner or ex-partner — adult men are more likely to be killed by other family members.
- Those who experience chronic victimisation (5 or more family violence offences) are more likely to be female, aged 20–29 years, Māori, solo parents or be unemployed.
- Māori were 2.8 times more often victims of intimate partner deaths than non-Māori.
- Māori children were 5.5 times more likely to die from child abuse and neglect.

WHĀNAU ORA

The Whānau Ora approach to achieving better outcomes for whānau Māori and other families in New Zealand.

NEW ZEALAND'S POSITION

Government has committed to continue its investment of Whānau Ora for all New Zealanders, recognising the collective nature of Māori whānau as the fundamental unit of Māori society, and the inherent potential within whānau to inculcate wellbeing across the whole whānau and inter-generationally.

Current situation

Whānau Ora is an all-of-government, cross-sectoral and interdisciplinary approach that provides whānau-centred services and initiatives to achieve better outcomes for whānau Māori and other families in New Zealand. It was implemented in 2010 in recognition of:

- service fragmentation
- continuing disadvantage and dependency for whānau Māori
- a cultural mismatch from universal social and health services that contributed to disappointing results, particularly for whānau Māori, despite some valuable initiatives.

Currently, at any one time, 11,500 whānau are engaged with Whānau Ora. In the year to 30 June 2017 over 12,500 whānau received support through Whānau Ora initiatives.

2,705 Pacific families are registered with Pasifika Futures (the Whānau Ora commissioning agency that engages with Pacific). Over the last three years, Pasifika Futures has engaged with 10,400 families and 53,039 individuals through its investment programmes.

In addressing the needs and aspirations of individuals within the context of their whānau, Whānau Ora has been successful in promoting the wellbeing of wahine Māori and Pacific women across a range of wellbeing outcomes. Reports indicate that the majority of whānau members engaged with Whānau Ora services and initiatives are female.

Challenges

Central to Whānau Ora is the importance of culture and language for whānau and families in the delivery of effective services and initiatives and achieving the best possible outcomes. Outcomes achieved for women and their whānau members through Whānau Ora have included better health outcomes including increased access to breast screening, participation in a range of healthy living programmes and initiatives, smoking reduction, and access to education and employment opportunities.

Although grounded in concepts of te ao Māori (the Māori world), Whānau Ora is available to anyone in need. A fundamental principle underlying Whānau Ora is the recognition of the key

contribution that culture and language make to the wellbeing of all whānau and families across New Zealand. There are opportunities for government agencies to align their approaches to the wellbeing of whānau and families with the Whānau Ora approach and a number of government agencies are actively pursuing these opportunities.

Government response

The Government continues to invest in Whānau Ora, and in April 2018, the establishment of an independent review was announced. The Government will review the Whānau Ora Commissioning Agency model and consider matters for its future advancement. The review will also scope the applicability of a whānau-centred approach as a useful exemplar for improving outcomes for whānau across the government with an emphasis on the social sector.

The Review Panel will report to the Minister for Whānau Ora and to Cabinet on their findings by December 2018.

BACKGROUND

The Whānau Ora Approach

Whānau Ora aims to improve whānau outcomes and build whānau capacity by working with whānau through integrated service delivery and through a range of whānau-centred initiatives and activities. The approach recognises the strengths and abilities that exist within whānau and aims to support and develop opportunities that fulfil the potential of whānau and individual whānau members.

Whānau Ora has a set of underlying principles, including ngā kaupapa tuku iho (the ways in which Māori values, beliefs, obligations and responsibilities are available to guide whānau in their day-to-day lives), whānau opportunity, whānau integrity, coherent service delivery and competent and innovative service provision.

Whānau Ora works with the whānau as a whole, to identify their aspirations, build on their strengths, and to increase their capacity to achieve the outcomes they want to achieve. Whānau are at the centre of planning and decision-making to find solutions relevant to their unique circumstances and are supported as a whole, addressing individual needs within the context of whānau.

Whānau Ora recognises that all whānau have different challenges at different stages in their lives and that some whānau have a multiplicity of challenges to overcome and/or aspirations to achieve. The Whānau Ora approach is particularly effective for those whānau who are experiencing multiple disadvantage and complexities.

To facilitate change, the Whānau Ora approach focuses on building strong and trusting relationships alongside whānau to overcome barriers and setting goals that focus on sustainable, transformational, long-term change.

The whānau-centred approach:

- Starts by **asking whānau and families** what they want to achieve for themselves, and then **responding to those aspirations** in order to realise whānau potential
- Provides **flexible support for whānau and families** to move beyond crisis into identifying and achieving medium and long-term goals for sustained change
- Focuses on **relationships, self-determination and capability building** for whānau to achieve positive long-term outcomes
- Uses a **joined up approach** that focuses on all factors relevant to whānau wellness, including economic, cultural, environmental factors, as well as social factors
- Recognises that **each whānau has a different set of circumstances**, and that what works well for one whānau does not necessarily work well for other whānau
- Recognises that **whānau and families** have **skills, knowledge and experiences** that contribute to their own resilience, and that these can provide a platform for them to become more self-managing and independent.

Whānau Ora Outcomes

Whānau across New Zealand identified seven key wellbeing outcomes that were then assembled into a Whānau Ora Outcomes Framework, agreed to by both Iwi and the Crown in 2015. These seven outcomes represent the key areas in which results are expected from whānau-centred initiatives.

Whānau Ora is driven by a focus on these seven key outcomes. Whānau wellbeing will be achieved when whānau and families are:

- Self-managing and empowered leaders
- Living healthy lifestyles
- Participating fully in society
- Confidently participating in Te Ao Māori (the Māori world) (or their Language and Culture dependent relevant to them)
- Economically secure and successfully involved in wealth creation
- Cohesive, resilient and nurturing
- Responsible stewards of their living and natural environments.

The Whānau Ora Outcomes Framework continues to set the overarching focus for Whānau Ora and acts as a reference point for whānau wellbeing for iwi, government agencies, and the three Whānau Ora commissioning agencies.

Whānau Ora is for all whānau and families

Although grounded in concepts of te ao Māori (the Māori world), Whānau Ora is available to anyone in need. A fundamental principle underlying Whānau Ora is the recognition of the key

contribution that culture and language make to the wellbeing of all whānau and families across New Zealand.

Of the three community-based Commissioning Agencies that make Whānau Ora investment decisions at the community level, one is dedicated to working with Pacific Island families, and approximately one-fifth of the families engaged by the other two Commissioning Agencies in 2016/17 were non-Māori.

Whānau-centred services and initiatives provided through Whānau Ora

Whānau Ora focuses on achieving wellbeing outcomes on the Whānau Ora Outcome Framework. These wellbeing outcomes cover the domains of health, social wellbeing, employment, housing, education, economic, cultural and environmental outcomes.

Whānau Ora provides direct services to whānau through integrated service delivery, invests in social enterprises, and commissions a range of whānau-driven initiatives, including activities to enhance whānau and to build whānau capacity.

A formal evaluation of 38 Whānau Ora investments commissioned by Te Pūtahitanga o Te Waipounamu (the Commissioning Agency across the South island of New Zealand) provided evidence that wide-ranging positive social, cultural and economic outcomes had been accomplished through these Whānau Ora initiatives. Two examples of the initiatives evaluated are provided below.

- “Pā Ora, Pā Wānanga” at Ōmaka Marae in Blenheim aimed to transform the marae into a learning living village through a range of initiatives that engage whānau, rangatahi and tamariki. Marae initiatives include Pā Kids, an after-school programme for tamariki, a marae-based gym sports club, a Māori kai enterprise and the future establishment of a Kura (school) Māori. Whānau commented that the success of the initiative is that it has shown their ability to learn together as a whānau, has led to tamariki learning their tikanga and aspects of kaupapa Māori, and to the development of their physical and spiritual wellbeing.
- Te Pūtahitanga o Te Waipounamu also invested in the 1000 Days Trust in Invercargill to establish specialised support for at-risk Southland babies and families during the first 1000 days of the child’s life. The Trust has developed a true early intervention model to promote early healthy parent/infant relationships, and assists with the prevention of secondary problems that may arise from a broad range of early risk factors. The 1000 Days model consists of a residential service, and a comprehensive follow-on programme for whānau. A parent-child relationship buffers a child from adversity and builds resilience. The intended outcome of the 1000 Days model is to empower mothers and/or fathers to establish healthy and positive relationships with their children, using the tools learnt to nurture them to reach their full potential.

Whānau Ora Navigators (Kaiārahi)

Navigation is a key mechanism through which Whānau Ora works alongside whānau and families to build whānau capacity. Whānau Ora providers employ navigators or kaiārahi who support whānau to plan, and then connect them with the support they need to achieve their goals.

Navigator coordination includes facilitation, mediation, advocacy, and future planning. Navigators are resourceful champions they empower whānau and whānau members and have the cultural and local knowledge necessary to understand whānau situations and build relationships of trust and confidence.

For many whānau, working with a navigator will be their first experience where there is a focus on their strengths and aspirations. In some instances, they may need help to overcome certain crisis or barriers, but once this is done, the navigator will continue to work with them to look at opportunities.

Reports from whānau, providers and researchers show that when whānau work with navigators they experience significant benefits including improved outcomes across education, employment and income. This navigator approach has been [identified by the New Zealand Productivity Commission](#) as a key example of an integrated whānau-centred approach supporting seamless access to health and social services.

Whānau Ora Commissioning Agencies

Under the administrative oversight of Te Puni Kōkiri, the Government continues to invest in Whānau Ora as a promising approach to improve wellbeing outcomes for whānau and families.

In 2014, the Government adopted a devolved commissioning model for Whānau Ora. Commissioning is a process that intentionally focuses on contracting for outcomes or results with a non-government organisation or entity to purchase integrated or wrap around services. The focus on contracting for outcomes was a model well suited to the intention and objectives of Whānau Ora.

The intent of devolved commissioning is to tailor local solutions to long-standing issues, utilising the Whānau Ora approach. Three non-government organisations, Whānau Ora commissioning agencies, were established at a regional level across the country. In consultation with their community stakeholders, whānau and families, each commissioning agency continues to develop localised models and approaches to Whānau Ora. The Commissioning model is now in its fourth year of operation.

The review of Whānau Ora

The intention of the independent Whānau Ora review is to ensure that Whānau Ora is strengthened, providing better outcomes in the community to respond to the diverse needs of New Zealand whānau and families. A key focus of the review will be to assess the ability of the

Whānau Ora commissioning approach to effect sustainable change in the wellbeing and development potential of whānau.

The Whānau Ora review will also consider the applicability of a whānau-centred approach as a useful exemplar for improving outcomes for whānau across government with an emphasis on the social sector.

STATISTICS

Whānau Ora continues to have a small reach across New Zealand and at this stage receives only a small percentage of total government expenditure across the social sector. Since the time of the last report in 2015, there has been a slow but steady increase in the numbers of whānau and families receiving services and initiatives through Whānau Ora.

Currently, at any one time, 11,500 whānau are engaged with Whānau Ora. In the year to 30 June 2017 over 12,500 whānau received support through Whānau Ora initiatives.

Each of the seven Whānau Ora outcomes on the Whānau Ora Outcomes Framework has a set of indicators used to measure the achievement of the Whānau Ora outcomes. Further development work to refine the data collection and outcome measurement systems continues within the context of a maturing commissioning model and the challenges associated with measuring cross-sectoral government agency contribution to Whānau Ora.

E TŪ WHANAU

Preventing violence by working with communities, in a culturally specific way, to create change from within, using a strengths-based approach to increase protective factors and through those actions decrease risk factors for family violence.

NEW ZEALAND'S POSITION

The Government is committed to combating family violence and gender-based violence against all women. E Tū Whānau supports actions at a whānau, hapū, iwi and hapori level (extended family, sub-tribe, tribal and community) to create positive change, nurture strong whānau and prevent violence.

Current situation

Māori are more than twice as likely to be a victim of a violent interpersonal offence by an intimate partner and almost twice as likely to experience one or more coercive and controlling behaviours from a current partner. The prevalence of intimate partner violence among Māori fell by approximately 6% between 2009 and 2014 (NZ Crime and Safety Survey 2014).

Challenge

Changing attitudes and behaviours towards family violence takes time and requires ownership and commitment at both the community and individual level. There is growing knowledge of Te Ao Māori (the Māori world) but more funding and support is needed. The scale and nature of the issues involved necessitates a long term strategy and investment.

Government response

E Tū Whānau (which translates as a call to families to stand up and take action) is one of three Government-funded national family violence prevention initiatives. It is an indigenous Māori social change movement that supports actions at a whānau, hapū, iwi and hapori level (extended family, sub-tribe, tribal and community) to create positive change, nurture strong whānau and prevent violence.

E Tū Whānau is designed and led by Māori community leaders and funded and supported by the Ministry of Social Development. It derives from a kaupapa Māori conceptual framework. E Tū Whānau aims to prevent violence by working with communities, in a culturally specific way, to create change from within. It does this by supporting community initiatives that shift social norms, encourage leadership and the growth of capability within communities. E Tū Whānau takes a strengths-based approach, working to increase protective factors and through those actions decrease risk factors for family violence. In 2013, the programme was extended to include refugee and migrant groups at risk of family violence.

Progress will be measured against high level goals articulated in a programme of action; with a focus on *Leadership* and *Changing Attitudes and Behaviours*. A formative evaluation has been completed and a further evaluation (involving in-depth case studies and other evaluation strategies) is underway to look more closely at the impact of E Tū Whānau.

The Ministry of Social Development also conducts regular qualitative studies and surveys to measure the engagement with and effectiveness of the initiative. The Ministry found that each year more than half of the respondents who took part in an annual survey (2015, 2016, 2017) noticed positive change in behaviour as a result of the E Tū Whānau resources (print and digital) and their application. These include a series of cards, books and posters based on positive messaging that encourage discussion about change. The change of behaviour has been seen in whānau relationships, responses to whānau violence and improvement in overall demeanour.

PASEFIKA PROUD

What is the government doing to address violence against Pacific women in New Zealand?

NEW ZEALAND'S POSITION

Addressing family violence, particularly against women, is a key priority for the Government. Supporting Pacific families to reduce instances of family violence is an important facet of this work.

Current situation

Pacific peoples are no more likely to be a victim of a violent interpersonal offence by an intimate partner than the rest of the New Zealand population and the prevalence of intimate partner violence has fallen among Pacific peoples. However, Pacific peoples are twice as likely to be an offender who has committed a serious crime against a family member; Pacific students are three times as likely as New Zealand European students to report witnessing adults hit children in their homes, and Pacific children are five times more likely to die from child abuse or neglect.

Challenges

Changing attitudes and behaviours towards family violence takes time and requires ownership and commitment at both the community and individual level. There is growing ownership amongst Pacific communities but they need more funding and support, particularly for capacity building and workforce development. The scale and nature of the issues involved necessitates a long term strategy and investment.

Government response

Pasefika Proud is one of three Government-funded national family violence prevention initiatives. It is designed to change the attitudes and behaviours that result in violence against Pacific women and girls, and is delivered and led by Pacific peoples.

Pasefika Proud uses clear, consistent messaging around building strong families to prevent and address family violence and focuses on promoting the protective factors that keep Pacific peoples safe and resilient.

An important part of the Pasefika Proud approach is a strong focus on collaboration to address universal concerns and maximise impact, but also recognition that the wider Pacific community in New Zealand is culturally diverse with a range of specific needs. Developing the knowledge and skills of those working in the community to provide culturally appropriate services to Pacific individuals and families affected by family violence is vital. A Pacific family violence training programme - Nga Vaka o Kāiāga Tapu (Nga Vaka) - has been developed to build the capability of Pacific service providers, practitioners, community leaders and influencers. A Nga Vaka programme specifically for Pacific men is an identified priority, and building the capability of facilitators and Pacific communities to develop localised solutions is also a priority. This will result in better access for Pacific peoples to culturally appropriate programmes in their own languages to meet identified local needs.

We are still gathering information about Pasefika Proud success, in relation to programme objectives and meaningful measurement tools. What we do know is that Pasefika Proud has contributed to community dialogue about violence towards women and children, increased understanding about the issues involved, and community leadership to create change. These are significant advances within communities where previously any discussion around family violence was shut down as private and shameful.

FORCED MARRIAGE

Mechanisms in place to prevent forced marriage.

NEW ZEALAND'S POSITION

Current situation

New Zealand law requires consent by both parties for a marriage to be valid. Under the Family Proceedings Act 1980, a marriage is void ab initio if at the time of the marriage there was an absence of consent by either party.

Challenges

One of the key difficulties New Zealand faces in addressing forced marriage is a lack of data and insight into its prevalence. Forced marriage is an inherently invisible issue with those involved often seeking to keep its existence from the authorities. However, anecdotal evidence from non-government organisations suggest it is occurring in New Zealand. Another challenge is addressing instances of forced marriage where the victims are forced into marriages overseas and then brought back to New Zealand.

Government response

The Government is taking several steps to better prevent and respond to forced marriage. Young people under 18 years who are married or in a civil union are now included within the jurisdiction of Oranga Tamariki – Ministry for Children. Other law changes have been proposed and are being considered by Parliament. Those changes include creating an offence of coerced marriage or civil union and making changes to require court consent, instead of parental consent for marriages, civil unions or de facto relationships involving minors.

BACKGROUND

Support for women and girls in a forced marriage

The Government funds community organisations to provide support to victims of family violence, which includes forced marriage. Some of these community organisations have a particular focus on forced marriage and often provide refuge, advocacy and training services to women affected by violence.

Where forced marriage is reported to Police, officers may investigate whether an offence has been committed. While some behaviours that occur as part of forced marriage may be captured by other criminal offences, there is currently no explicit offence for forced marriage.

Once the Family and Whānau Violence Legislation Bill has passed, the new offence of coerced marriage or civil union will come into effect. New Zealand Police's forced and underage marriages policy will be updated once this legislative change has taken place. The new offence will also be part of the legislation e-learning to increase frontline staff knowledge in the space.

Police will use the offence to educate communities on the harm forced marriage can cause and to prevent it from occurring.

Funding of support services

No specific government funding is provided for addressing forced marriage. However, forced marriage is often viewed as a type of family violence. Many NGOs are funded to provide support and services to those affected by family violence, including forced marriage.

The prevalence of forced marriage in New Zealand

There is no available data on the prevalence of forced marriage in New Zealand. However, anecdotal evidence from community organisations suggests that a small number of forced marriage are occurring.

Minimum marriage age

Minors aged 16 or 17 years have been able to get married with parental consent since the enactment of the Marriage Act in 1955. Prohibiting people from marrying under the age of 18 years may constitute age discrimination under New Zealand's Human Rights Act 1993, which prohibits discrimination on the grounds of age from age 16 years onwards.

The Marriage (Court Consent to Marriage of Minors) Amendment Bill will amend the Marriage Act to require a 16 or 17-year-old to instead get the consent of a Family Court Judge if they wish to marry. While not preventing under 18 year olds from getting married, this change will mean the court will be able to assess whether the 16 or 17-year-old is genuinely consenting to the marriage and understands the consequences of marriage.

Requirement of marriage celebrants to determine consent

There is no explicit legislative requirement of a celebrant to determine consent of the parties to a marriage. Like other contracts, consent by parties to a marriage or civil union is implied as a common law requirement and a marriage or civil union could be voided if consent were obtained by, for example, duress.

If a marriage celebrant solemnised a marriage knowing that one of the parties did not consent to the marriage, they could be charged with an offence under the Marriage Act 1955. Section 58 specifies that it is an offence to knowingly and wilfully solemnise a marriage contrary to the provisions of the Marriage Act 1955, or where there is another lawful impediment to the marriage. A person convicted of that offence may be imprisoned for no longer than 5 years, or may receive a fine not exceeding \$600.

Working with ethnic communities to raise awareness of forced marriage

New Zealand Police have Ethnic Liaison Officers that are engaged in activities that touch on forced marriage in various community settings. All refugees are given information by Police during their first six weeks in New Zealand, and again in a section on family harm once they are

resettled in the regions. Liaison Officers usually talk about psychological harm during ethnic community engagement sessions. This is informed by the anecdotal knowledge most Liaison Officers have of forced marriage cases in New Zealand.

Following the passage of the Family and Whānau Violence Legislation Bill, the Police policy on forced and underage marriage will be updated to include the coerced marriage or civil union offence. Police intend to ensure the new offence is part of the legislation e-learning to increase frontline staff knowledge in that space. It will also be an element of the specialist family harm co-ordinator course.

Supporting the delivery of safer communities' initiatives is also a key focus for the Office of Ethnic Communities. The Office works with ethnic community stakeholders to:

- provide advice about New Zealand's legal and human rights framework
- raise awareness and normalise the conversation about family violence
- increase the capabilities of service providers to respond
- inform the development of prevention and education initiatives that can be driven by communities.

Young people under 18 years who are married or in a civil union within the jurisdiction of Oranga Tamariki

A significant law change in 2017 means that the functions of Oranga Tamariki—Ministry for Children in providing care, protection and assistance to children and young people now includes young people who are or have been married or in a civil union. Previously, the definition of 'young person' specifically excluded a young person who is or has been married or in a civil union. This change was made in July 2017 via an amendment to the Oranga Tamariki Act 1989 (the Act), New Zealand's child protection legislation.

Previously, the Act had specifically excluded a young person who is or has been married or in a civil union from being considered a young person for the purposes of the Act. In addition, since 1 April 2017, 17-year-olds have been included in the jurisdiction of the Act for care and protection purposes.

The amendment helps to address any inequities that might result from relationship status, and increases available protections for victims of forced marriage. It also prevents unnecessary disadvantage for young people who may separate from their spouse or civil union partner, and are not able to return to their family home.

Creation of offence of coerced marriage or civil union

A new offence of coerced marriage or civil union has been included as part of the Family and Whānau Violence Legislation Bill, which is currently awaiting its second reading. The offence will

apply where a person uses coercion (e.g., intimidation, threats, or violence) against another person with the intent to cause that other person to enter into a marriage.

It is already an offence to 'give a woman in marriage without consent, if for reward or gain' and an offence to 'take or detain, without consent, with the intent to marry'. Creating a specific criminal offence of coerced marriage or civil union will fill a gap in the law and criminalise the specific act of forcing a person to marry. This captures circumstances where the duress is purely psychological, such as pressure from family or community members, and the behaviour is not covered by existing offences.

It is structured broadly to capture civil unions, cultural ceremonies which are not legally binding, and ceremonies which take place outside New Zealand but involve New Zealand citizens or residents. This offence was considered in the wider context of family violence.

Change to consent requirements for marriage of minors

The Marriage (Court Consent to Marriage of Minors) Amendment Bill was introduced as a Member's Bill in April 2017. Currently, only parental consent is required for a 16 or 17 year old to enter a marriage, civil union, or de facto relationship. As introduced, the Bill proposes replacing parental consent with the consent of a family court judge.

The Justice Select Committee reported back on the Bill in May 2018. The Bill now requires 16 and 17 year olds who wish to get married, or enter a civil union or de facto relationship to obtain a Family Court Judge's consent. Civil unions and de facto relationships have been included within the Bill as New Zealand law generally treats these legal relationships the same. The Committee also recognised that a civil union or de facto relationship could be forced in the same way that a marriage may be. The Bill is currently awaiting the committee of the whole House stage.

INQUIRY INTO HISTORICAL ABUSE IN STATE CARE

The Royal Commission into Historical Abuse in State Care.

NEW ZEALAND'S POSITION

As part of its 100-day work programme, the Government committed to setting up an inquiry into abuse in state care (the Inquiry) to understand and acknowledge abuse that occurred.

There have been public calls for an independent inquiry into abuse in state care for several years, most recently in the Human Rights Commission's *Never Again/E Kore Ano* campaign. At the international level, the United Nations Committee on the Elimination of Racial Discrimination has also recommended the establishment of an independent inquiry into abuse in state care.

Royal Commission

On 1 February 2018, the Government formally established the Royal Commission into Historical Abuse in State Care, which has full powers under the Inquiries Act 2013. Royal Commissions are generally reserved for the most serious matters of public importance.

Scope of the Inquiry (current draft TOR)

The background of the Inquiry's draft Terms Of Reference (TOR) states that New Zealand has international obligations to take all appropriate legislative, administrative, judicial or other measures to protect people from abuse. It also recognises that abuse of individuals in state care warrants prompt and impartial examination and notes the Committee's call for the establishment of an independent inquiry.

A key focus for the Inquiry is to examine the differential impacts of abuse in state care including, for example, for Māori and Pasifika people, LGBTQI people, and persons who have experienced disability or mental health issues. Among other things, the Inquiry is directed to develop ways of working that are victim and survivor focused, take a family centred view, work in partnership with Iwi, Māori, and be responsive to Pacific communities.

The draft TOR directs the Inquiry to examine: the nature and extent of abuse that occurred in State care; its immediate and long-term impacts on individuals, families and communities (including intergenerational impacts); the factors (including systemic) which may have caused or contributed to abuse; and lessons for the future.

The Inquiry can examine abuse occurring between 1 January 1950 and 31 December 1999, with some discretion to consider issues outside these dates. It will consider physical, emotional and sexual abuse and neglect, as defined in applicable domestic and international standards. It can consider the experiences of children, young persons, and adults (including those with disabilities).

The Inquiry will examine current settings to prevent and respond to abuse, as well as the existing redress processes for victims and survivors. The term 'redress' is used widely to include monetary and non-monetary processes, as described in domestic and international guidance.

The Inquiry's recommendations may concern legislative, administrative, policy, practice, or procedural change. It will make recommendations on the appropriate steps for the State to take to address the harm caused, including whether the State should issue an apology.

Under the Inquiries Act 2013, the Inquiry cannot make findings of civil, criminal or disciplinary liability, but can make findings of fault and can recommend that steps be taken to determine liability.

The Inquiry is to issue a final report within the current Parliamentary term (which ends in 2020), unless the deadline is extended by agreement with the responsible Minister.

Next steps

Following its establishment on 1 February 2018, the Inquiry's first task was to undertake independent public consultation on the draft TOR and report to the Minister of Internal Affairs on those consultations.

The process of public consultation provides a useful opportunity for the Inquiry to build important relationships with victim and survivor communities, which will support its later work. It also helps to inform the development of the Inquiry's future work programme and its methods of working with victims, survivors and other stakeholders.

On 29 May 2018, the Chair delivered his report on public consultations to the Minister of Internal Affairs. The Minister, in conjunction with relevant portfolio Ministers, is currently considering the Chair's report. Following these deliberations, the Minister will take to Cabinet a final proposal on the Terms of Reference, Royal Commission members, and budget. Once the final Terms of Reference have been approved by Cabinet and publicly notified, the Inquiry can begin to hear and consider evidence. It is anticipated that the Inquiry will begin its substantive investigations in mid- to late-2018.

Government's response to resolving Historic Claims

In 2006, the Government took steps to develop a Crown historic claims litigation strategy which focuses on early and direct resolution of claims of abuse and neglect from people who were in the care of or who had significant involvement with the Ministry's predecessor agency's prior to 1993.

It also introduced the Confidential Listening and Assistance Service (CLAS) as a means of providing specific assistance and support to claimants or would be claimants.

As at 30 June 2017 a total of 2,433 claims have been received from people who were in State care. Of those, 1,555 have been resolved.

Delays in resolving claims

There has been criticism of delays of many years in resolving claims. It is true that some claims have been waiting for up to 10 years to be resolved. These are almost exclusively those that were filed in Court before the alternative dispute resolution process was put in place.

Government recognised that these delays were unacceptable and introduced the 2 Path Approach to address that backlog of claims.

Given the success of the 2 Path Approach, the Ministry of Social Development sought external expert advice to review the claims resolution process to identify options for a process which met claimants needs but was much more timely. An enhanced process is currently in development.

Status of claims (at 30 June 2017)

	Direct to MSD	Filed in Court	TOTAL
Claims received	1,814	619	2,433
Claims resolved	1,144	411	1,555
Claims remaining	670	208	878

BACKGROUND

Impetus for the inquiry

Previous responses to abuse in state care in New Zealand include responding to individual claims, providing other forms of assistance for victims and survivors, and carrying out reviews of state care delivery and oversight mechanisms. While system-wide reviews of policies and practices to reduce abuse in state care have been undertaken, there has been no systemic inquiry to understand the nature, scale, impacts and causes of abuse that has occurred and identify any lessons that can be learned.

Several stakeholders have called for an independent inquiry to identify any systemic issues and to help to prevent abuse in state care from happening again. The Human Rights Commission's *Never Again/E Kore Anō* campaign recently led calls for an inquiry. The United Nations Committee on the Elimination of Racial Discrimination also recommended New Zealand establish such an inquiry.