

**Hon Jan Tinetti**  
**Minister for Women**

*Release of Cabinet Paper*

**Aotearoa New Zealand's Ninth Periodic  
Report under the United Nations Convention  
on the Elimination of all forms of  
Discrimination against Women**

Date of release: 8 February 2023

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***Cabinet Paper - details***

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Title: Aotearoa New Zealand's Ninth Periodic Report under the United Nations Convention on the Elimination of all forms of Discrimination against Women

Author: Minister for Women

Chair  
Cabinet Social Wellbeing Committee

## **AOTEAROA NEW ZEALAND'S NINTH PERIODIC REPORT UNDER THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN: RELEASE OF DRAFT FOR PUBLIC CONSULTATION**

### **Proposal**

- 1 I am seeking Cabinet approval to release the draft version of Aotearoa New Zealand's Ninth Periodic Report (the Report) under the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) for public consultation.
- 2 I am also seeking approval to make amendments to the Report following public consultation, before its final submission to the United Nations Committee on the Elimination of All Forms of Discrimination Against Women (the CEDAW Committee) in July 2023. The Report is attached as Appendix 1.

### **Executive summary**

- 3 The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is the primary international legal instrument that guides women's rights. Aotearoa New Zealand ratified CEDAW in 1985.
- 4 As a state party to CEDAW, Aotearoa New Zealand prepares a regular report on our implementation of the Convention, usually every four years. Manatū Wāhine Ministry for Women (Manatū Wāhine) has developed the latest report in collaboration with relevant agencies.
- 5 Cabinet approval is sought for the release of the Report for public consultation, planned to take place from mid-January to mid-March 2023. Civil society engagement is a key part of the development of the Report, and feedback received from this process will be incorporated as appropriate.
- 6 The Report notes that the Government has made progress over the reporting period in improving outcomes for women and girls, but that gender inequities persist in some areas. The Government's key priorities are already aimed at addressing these inequities.
- 7 Manatū Wāhine aims to have the final version of the Report completed in June 2023, ready for submission in July 2023. I am seeking approval to make minor amendments to the Report following the public consultation. Should this process result in substantive changes, I will brief Cabinet on these prior to submission of the Report.

### **Background**

- 8 State parties are required to report on progress to the CEDAW Committee every four years. Generally, one to two years after submission, the report will be formally examined in Geneva. The CEDAW Committee will hear from the official Aotearoa New Zealand delegation, as well

as the New Zealand Human Rights Commission and non-government organisations (NGOs)/civil society representatives.

- 9 Aotearoa New Zealand has submitted eight periodic reports and last appeared before the CEDAW Committee in 2018. An interim report back on a select number of issues was submitted in 2020. The due date of the ninth periodic report was previously scheduled for July 2022 but was postponed due to reporting delays related to the COVID-19 pandemic.
- 10 Following our last periodic report, Aotearoa New Zealand signed up for a 'simplified reporting procedure' – now standard practice across nearly all human rights treaty reporting processes. Simplified reporting provides the UN Committees with more targeted reporting, enhances the effectiveness of the treaty monitoring system, and strengthens state parties' capacity to respond in a timely and effective manner.
- 11 As per this simplified procedure, the CEDAW Pre-Sessional Working Group highlighted a "list of issues prior to reporting" (list of issues) in July 2022, with the response (constituting the next periodic report) due in July 2023.
- 12 International human rights reporting provides value to New Zealand, enabling us to meet the commitments in the treaties we have ratified. It creates transparency about where we are doing well and where we need to improve. In the CEDAW context, this stands to have a positive impact across all of our domestic priorities for gender equality.

## List of Issues

- 13 The list of issues (attached as Appendix 2) released by the CEDAW Committee covers a wide range of areas relating to the health and wellbeing of women and girls in Aotearoa New Zealand and the remaining discrimination they may face. Key areas of focus include:
  - 13.1 women's rights in relation to the pandemic and recovery efforts
  - 13.2 strengthening data collection
  - 13.3 combatting gender stereotypes and harmful practices
  - 13.4 access to, and experiences of, the justice system
  - 13.5 equal opportunities for employment and education
  - 13.6 health services
  - 13.7 addressing intersectional discrimination
  - 13.8 climate change and disaster risk reduction
  - 13.9 women and girls living in rural areas
  - 13.10 protection and support for diverse groups of women.
- 14 Many of the issues have arisen in previous CEDAW reports and examinations, for example around the recommendation for a national action plan for women, the experiences of women within the Family Court system, and the mandate and role of the Human Rights Commission.
- 15 The wellbeing of wāhine Māori is raised in the list of issues, for example around educational and employment outcomes, and in relation to the number of wāhine Māori in prison. An intersectional lens has been applied where possible across the Report, to include information on policies and initiatives which aim to directly improve outcomes for wāhine Māori.
- 16 While the report primarily focuses on responses to the list of issues, we have also highlighted initiatives around women in sport and women in trade for the CEDAW Committee's attention, under an "additional information" section. There is also a section on the situation for women and girls in Tokelau - a standard component of Aotearoa New Zealand's CEDAW reporting.

## The report highlights progress for women in Aotearoa New Zealand

- 17 Aotearoa New Zealand has made progress for women since the last periodic report and women continue to play a critical role in the social, economic, and political landscape of our country. Aotearoa New Zealand enjoys a reputation as a progressive leader in gender equality, ranking as the fourth most gender-equal country on the 2022 World Economic Forum Global Gender Gap Index.<sup>1</sup>
- 18 In responding to the list of issues, the Report highlights many positive measures undertaken or underway, including the launch of Te Aorerekura National Action Plan on Family Violence and Sexual Violence (Te Aorerekura). Te Aorerekura acknowledges the gendered nature of family violence and sexual violence and aims to achieve positive outcomes for women and others impacted by violence.
- 19 Improving women's economic wellbeing has also been a strong focus. Te Mahere Whai Mahi Wāhine: Women's Employment Action Plan, launched in June 2022, provides us with a plan specifically targeted to addressing the barriers for women in the labour market.
- 20 Te Mahere Wahi Mahi Wāhine will be supported through work underway across Government, such as Kia Toipoto, the Public Service Gender, Māori, Pacific and Ethnic Pay Gaps Action Plan 2021-24 (Kia Toipoto), which aims to substantially reduce pay gaps and accelerate progress for wāhine Māori, Pacific women and women from ethnic communities.
- 21 While the national Gender Pay Gap (GPG) has remained stubborn to shift, significant progress has been made in the public service. Kia Toipoto builds off the Public Service Gender Pay Gap Action Plan 2018-2021, which contributed to a decrease in the Public Service GPG from 12.2% in 2018 to 8.6% in 2021. The GPG has further decreased to 7.7% in 2022.
- 22 The Report further highlights the significant milestone reached for women in leadership, with over 52.5% of appointments to public sector boards and committees currently being held by women. There were 58 women (48.3%) Members of Parliament (MPs) elected to the current 53rd Parliament of New Zealand. This has subsequently increased to 60 women (50%).
- 23 The last five years has also seen significant progress in the areas of:
  - 23.1 pay equity – with seven pay equity claims settled to date, and 27 claims ongoing;
  - 23.2 recent increases to childcare assistance and Working for Families Tax Credits;
  - 23.3 reinstatement of the training incentive allowance, recipients of which are overwhelmingly female; and,
  - 23.4 the rollout of free period products to menstruating students in schools.

## There are remaining challenges

- 24 The Report also highlights a number of remaining gender disparities in Aotearoa New Zealand. Women are still systemically disadvantaged in a range of areas (such as those noted below), and this is compounded for wāhine Māori, Pacific women, ethnic and migrant women, disabled women, young women, older women, LGBTTQIA+<sup>2</sup> women, and sole mothers.

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<sup>1</sup> <https://www.weforum.org/reports/global-gender-gap-report-2022/in-full/economy-profiles-5b89d90ea5>

While New Zealand ranks strongly in data on educational attainment, political empowerment and literacy, we rank only 100th on health and survival, which covers, inter alia, gendered violence, abortion access, life expectancy and maternal mortality.

<sup>2</sup> Lesbian, gay, bisexual, transgender, Takatāpui, queer, intersex, asexual, and other sexual or gender minorities.

- 25 As noted in para 22, the national GPG (9.2 percent) has reduced since 1998 (when it was 16.3 percent), though progress has notably slowed over the last decade.
- 26 Violence against women is persistent and remains a major issue of concern.<sup>3</sup> While family violence affects people from all socio-economic groups, some groups of women experience different rates of violence, including young women, disabled women and wāhine Māori. The Government is taking urgent action to address this with significant investment across the sector and the launch of Te Aorerekura. This is a complex and long-term piece of work, which will see shifts in outcomes over generations.
- 27 Women are also significantly underrepresented in leadership roles in the private sector, holding just 22.5 percent of board director roles and 25.4 percent of chief executive and senior manager roles of all NZX-listed companies in 2020.
- 28 As noted in the Report, COVID-19 has both exposed and exacerbated many of the existing imbalances and inequities in our society, including with regard to gender. The Government has responded, with the Te Mahere Whai Mahi Wāhine seeking to embed changes to ensure women are resilient in the face of future economic shocks.
- 29 While the Report highlights the many measures underway to address these and other issues, they are likely to be included in NGO shadow reports and the CEDAW Committee's examination and concluding recommendations.

### **Government priorities for women**

- 30 As noted in the Report, the Government is dedicated to eliminating the remaining barriers to women's full participation in society and the economy. The Government's key priorities are already aimed at addressing the remaining inequities, and this is further strengthened by my specific priorities as Minister for Women and the strategic outcomes of the Ministry for Women.
- 31 There are many relevant measures underway across government in addition to those previously described. These include:
  - 31.1 reform of the health system with a strong focus on reducing inequities and ensuring access for all New Zealanders, including the development of a Women's Health Strategy;
  - 31.2 transformation of the family justice system;
  - 31.3 work to strengthen social cohesion in Aotearoa New Zealand to create a safer, more inclusive society;
  - 31.4 the Ara Poutama Aotearoa Department of Corrections Wāhine - E rere ana ki te pae hou: Women's Strategy 2021-2025; and,
  - 31.5 work underway to review childcare assistance and the overarching welfare system, which will benefit women.

### **The proposed process for public engagement**

- 32 Pending Cabinet approval, as with all Aotearoa New Zealand treaty reports, a draft version of the Report will be released for public consultation. This is planned for a period of two months (mid-January to mid-March 2023).

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<sup>3</sup>One in three New Zealand women experience physical or sexual violence in their lifetime, and when psychological/emotional abuse is included, 55% have experienced IPV in their lifetime. In its 2017 report, the New Zealand Family Violence Death Review Committee found that in 98% of IPV death events where there was a recorded history of abuse, women were the primary victim, abused by their male partner.

- 33 The International Women’s Caucus<sup>4</sup> (IWC), convened by Manatū Wāhine, will serve as the primary channel for liaison. The Report will be an ongoing item for discussion at IWC meetings and we will utilise IWC channels to distribute the Report.
- 34 Manatū Wāhine is also developing a communications and engagement approach to support this process. This will include a variety of options for engagement on the Report, including an online feedback form and survey. Manatū Wāhine will undertake targeted engagement, seeking to get a broad and diverse range of perspectives.
- 35 These insights will largely be reflected in a dedicated Appendix of the Report titled “Voices of New Zealand Women.” This section will outline issues of concern raised during public consultation and will include feedback from wider engagements Manatū Wāhine has held throughout 2022.

## **Risks**

- 36 Alongside their involvement with Government reporting, NGOs have opportunities to submit alternative views to the CEDAW Committee, including through “shadow reports”. These reports are usually critical of government in key areas of concern, and the Committee has traditionally given close consideration to these in preparing its own concluding observations and recommendations. This is an important part of a transparent and accountable process.
- 37 Careful consideration of the feedback received during the public engagement, as well as ongoing communication with NGOs, will ensure that challenging issues are signalled and considered well in advance of the CEDAW Committee’s examination.
- 38 Reporting on the issues raised by the CEDAW Committee may raise strong views from some groups or individuals on specific issues. For example, concerns could be raised around the level of violence against women in Aotearoa New Zealand, and/or the experiences of some women in the criminal justice system.
- 39 The Report also notes that “Aotearoa New Zealand takes an inclusive approach to human rights issues and the Government recognises the right of all people to self-identify; Manatū Wāhine represents and supports the interests of all who identify as women”, which may be noted by interest groups who advocate for a narrower definition of women.
- 40 Manatū Wāhine is aware of these risks and has a plan to mitigate these as appropriate.

## **Financial Implications**

- 41 There are no financial implications for the recommendations in this paper.

## **Legislative Implications**

- 42 Legislation is not required to implement the proposals in this paper.

## **Impact Analysis**

### *Regulatory Impact Statement*

- 43 There are no regulatory impact analysis requirements.

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<sup>4</sup> The International Women’s Caucus is a forum for government agencies and non-government organisations to work collaboratively on international issues relevant to the interests and wellbeing of women.

## *Population Implications*

- 44 The Report highlights Aotearoa New Zealand's progress in implementing CEDAW and the remaining challenges for women in Aotearoa New Zealand. An intersectional lens has been applied where possible across the Report, and in particular it includes information on policies which aim to specifically improve outcomes for wāhine Māori.
- 45 The Report discusses measures to eliminate discrimination against disabled women and there is a specific section on women and girls in rural areas. Manatū Wāhine will work with Whaikaha Ministry of Disabled People and other relevant agencies to publicise the consultation through their networks to ensure that diverse perspectives are represented.

## **Human Rights**

- 46 The paper is consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993. Reporting to the Committee on the Government's progress to implement CEDAW is consistent with New Zealand's international human rights obligations under Article 18(1)(b) of CEDAW.
- 47 This process will strengthen women's rights in Aotearoa New Zealand by providing transparency, accountability and a clear and balanced picture of the current status of women's rights.

## **Consultation**

- 48 The Report and this Cabinet paper has been developed by Manatū Wāhine in consultation with: Te Puni Kokiri; Ministry of Foreign Affairs and Trade; Te Kawa Mataaho Public Service Commission; Ministry of Health; Treasury; Ara Poutama Aotearoa Department of Corrections; Ministry of Education; New Zealand Police; Stats NZ; Department of Internal Affairs; Ministry of Business, Innovation and Employment; Ministry of Ethnic Communities; Ministry of Defence; Ministry of Justice; Ministry for the Environment; Ministry for Social Development; Whaikaha Ministry for Disabled People; Ministry for Pacific Peoples; and, Te Puna Aonui. The Human Rights Commission and the Institute for Judicial Studies have also provided information for the Report.

## **Communications**

- 49 Preparation of the Report has been signalled through Manatū Wāhine's communication channels and the IWC. The public will be notified of the release of the Report as part of a planned communications approach.

## **Proactive Release**

- 50 This Cabinet paper will be proactively released within 30 business days of decisions being confirmed by Cabinet. Redactions may be made in line with the provisions of the Official Information Act 1982.

## **Recommendations**

- 51 I recommend that the Committee:
- 1 **note** that Aotearoa New Zealand is required to submit its Ninth Periodic Report (the Report) under the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in July 2023;

- 2 **authorise** the Minister for Women to release the draft version of the Report for public consultation;
- 3 **authorise** the Minister for Women to make amendments to the Report following public consultation, prior to its submission;
- 4 **note** that the Minister for Women will update Cabinet in the event of any significant changes to the substance of report following public consultation.

Authorised for lodgement

Hon Jan Tinetti  
**Minister for Women**



# United Nations Convention on the Elimination of All Forms of Discrimination Against Women

**NINTH PERIODIC REPORT BY THE  
GOVERNMENT OF AOTEAROA NEW ZEALAND**

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## INTRODUCTION

Aotearoa New Zealand is pleased to present its ninth periodic report (the Report) to the United Nations Committee on the Elimination of All Forms of Discrimination Against Women (the Committee). The Report provides responses to the list of issues highlighted by the CEDAW Pre-Sessional Working Group, dated 8 July 2022. Information on progress for women in Tokelau (a non-self-governing territory) is also provided.

Aotearoa New Zealand welcomes the Committee's consideration of this report, as well as the valuable insights of non-governmental organisations (NGOs), communities, families, whānau, hapū, iwi, and especially women themselves.

Women and girls continue to play a critical part in the social, economic, and political landscape of Aotearoa New Zealand.

Despite the challenges Aotearoa New Zealand and the wider global community has faced since the last report was submitted in 2016, a number of important legislative and policy reforms have been implemented to improve the lives of women and girls. The Government is committed to ensuring these measures work for all women in Aotearoa New Zealand, including wāhine Māori, Pacific women, pan-ethnic and migrant women, disabled women, young women, older women, and those from LGBTIQIA+ communities.

There is more to do to ensure Aotearoa New Zealand achieves its gender equality goals.

Violence against women and girls remains a complex and pervasive issue in New Zealand. Family violence and sexual violence causes significant harm not only to those who are harmed, but to families, whānau, communities, and society as a whole. That is why the Government has developed Te Aorerekura, the National Strategy for the Elimination of Family Violence and Sexual Violence, which focuses on intergenerational change and sets a strength-based vision for eliminating family violence and sexual violence.

The Government will continue in its efforts to ensure all women and girls can participate equally in society and reach their potential. A broad range of strategies have been developed to progress this - including in employment, health, safety, and sport and recreation - reflecting some of the Government's key priorities for women and girls. This is described further in the Report herein.

The Report should be read in conjunction with Aotearoa New Zealand's previous reports under the Convention, as well as Aotearoa New Zealand's wider human rights reporting. Reference should also be made to Aotearoa New Zealand's Core Document, which gives an overview of the characteristics of Aotearoa New Zealand society and of the political and legal structures that are in place to ensure the

promotion and protection of human rights within Aotearoa New Zealand, including the rights of women and girls and obligations under Te Tiriti o Waitangi | Treaty of Waitangi.

# SPECIFIC RESPONSES TO THE LIST OF ISSUES AND QUESTIONS

## General - Data collection and analysis

### *Reply to question 1*

1. Timely and accurate data and statistics are important for tracking progress towards gender equality. The recently enacted Data and Statistics Act 2022 (the Act) supports higher quality data and statistics related to gender equality by:
  - a) recognising and respecting the Crown’s responsibility to give effect to the principles of Te Tiriti o Waitangi (Treaty of Waitangi) through recognising interests Māori have in data and statistics<sup>1</sup>;
  - b) enabling Statistics New Zealand to require the provision of administrative data, not just data through surveys, which supports the collection of larger quantities and more complex and informative data; and
  - c) incorporating engagement and consultation commitments so that diverse groups of people – including women, Māori, Pacific peoples, migrants, disabled people, and LGBTTQIA+ communities – can have input into data and statistical priorities.
2. The Government’s Data Investment Plan (the Plan) supports strategic investment in sex and gender-referenced data to provide insights into and support the monitoring of sex and gender-related issues. The Plan identifies and prioritises investment opportunities that will increase the visibility of different sexes and genders, positioning the Government to design and deliver services tailored to people’s different needs. The Plan was informed by the collection and analysis obligations under CEDAW and the Beijing Declaration and Platform for Action.
3. Information and data on the current situation of women in Aotearoa New Zealand is contained, where relevant, in the body of this report.

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<sup>1</sup> For example, the Act’s data access framework embeds the principles of Ngā Tikanga Paihere to ensure that data is accessed safely, used in ethically and culturally appropriate ways, and provides valuable insights while continuing to protect people’s privacy.

## Women's rights and gender equality in relation to the pandemic and recovery efforts

### *Reply to question 2 (a), (b), and (c)*

4. The impacts of the COVID-19 pandemic exposed and exacerbated the gender inequities and imbalances in our society, and particularly in relation to gender-based violence against women. These disproportionate impacts generated policy responses focused on both the immediate needs of women, as well as long-term solutions to systemic issues.

### **INCOME SUPPORT**

5. In response to the COVID-19 pandemic, the Government introduced a wage subsidy scheme which supported employers to continue paying their employees despite disruptions such as lockdowns, and business closures as a result of sickness. This payment was available for employers and self-employed people who would otherwise have been forced to lay off staff or reduce their hours due to COVID-19.
6. This ensured that groups who experience poor labour market outcomes, such as women, were supported financially despite the disruptions of COVID-19. In 2020, 54% of women in employment were supported by the wage subsidy and in 2021, 41% of women in employment received the subsidy.
7. Women's unemployment peaked (to date) at 5.8% in September 2020 and has since dropped to a record low of 3.2% in December 2021. However, underutilisation remains an issue, and some women face intersectional disadvantage in the labour market.

### **COVID-19 COMMUNITY FUND**

8. Financial support was allocated to community organisations that support women and girls through the COVID-19 Community Fund (the Fund). The Fund recognised that COVID-19 had a disproportionate effect on women, resulting in job losses, increased caring work, and increased family violence. It also enabled organisations to meet increased demand by improving some of the financial strain they faced due to COVID-19.
9. \$4 million was allocated to Manatū Wāhine | Ministry for Women across two funding rounds as part of the COVID-19 Response and Recovery Fund in Budget 2020. Successful fund applicants provided services such as: safe houses for women and children experiencing family violence; support for retraining and upskilling; and for essential supplies such as food, nappies, and sanitary products.

## WHĀNAU PROTECT SERVICE

10. In 2020, as part of the Government's COVID-19 Response and Recovery Plan, an additional \$5.98m was directed to the Whanau Protect Service over four years. This service, funded by the Te Tāhū o te Ture | Ministry of Justice (MoJ), supports victims of family violence to remain living safely in their homes by removing the burden of relocating themselves and their children. This will reduce the risk of re-victimisation for a further 1,296 people over four years.

## TE MAHERE WHAI MAHI WĀHINE: WOMEN'S EMPLOYMENT ACTION PLAN 2022

11. The impacts of the COVID-19 pandemic emphasised the need for a specific employment plan targeted at women. Te Mahere Whai Mahi Wāhine: Women's Employment Action Plan (the WEAP) was launched in June 2022 with the goal of supporting all women in Aotearoa New Zealand to fulfil their potential.
12. The long-term aim of the WEAP is to improve women's resilience in the face of future social and economic shocks, which in turn will improve the resilience of families and communities. It features actions to improve employment pathways for women who are marginalised at work, particularly wāhine Māori, Pacific women, young and older women, disabled women, women who are former refugees and recent migrants, and women from LGBTTQIA+ communities. The WEAP is discussed in more detail throughout this report.

## INTERNATIONAL FOCUS

13. Gender equality is considered in Aotearoa New Zealand's international response to the COVID-19 pandemic as part of the Humanitarian Action Plan. This plan provides a roadmap to support inclusive humanitarian action. In addition, one of the strategic priorities in the Ministry of Foreign Affairs and Trade's Gender Action Plan 2021-2025 centres on social protection initiatives, including in response to COVID-19 impacts.
14. To this end, Aotearoa New Zealand committed to protecting resources going to sexual and reproductive health rights (SRHR) services and ending violence against women services throughout the pandemic. In addition, as part of broader COVID-19 vaccine support efforts, Aotearoa New Zealand specifically donated Pfizer COVID-19 vaccines to the Kingdom of Tonga to enable pregnant women to be vaccinated.

# Visibility of the Convention and its Optional Protocol

## *Reply to question 3*

### **VISIBILITY OF THE CONVENTION AND ENGAGEMENT WITH CIVIL SOCIETY**

15. The Ministry continues to share information on CEDAW and its Optional Protocol on its website, including previous periodic reports, the current list of questions from the CEDAW Committee, and the CEDAW “tracking tool”.<sup>2</sup>
16. The Ministry convenes the International Women’s Caucus (the Caucus), a forum for government agencies and NGOs to work collaboratively on international issues relevant to the interests and well-being of women. This forum strengthens Aotearoa New Zealand’s capacity to participate in international fora, such as the Commission on the Status of Women, and in treaty reporting, including for CEDAW. The Caucus meets quarterly to discuss these issues and includes approximately 30 NGOs and civil society representatives with strong connections across Aotearoa New Zealand.
17. [Placeholder for information around public engagement on the CEDAW report].

### **PROFESSIONAL TRAINING AND CAPACITY**

18. The capacity of judges and other relevant professionals to operate in a gender-responsive manner is enhanced through elements of their training and development, as described below.

#### *Judicial education*

19. Judicial education is managed independently and provided primarily through Te Kura Kaiwhakakawa Institute of Judicial Studies (Te Kura). Te Kura offers programmes on:
  - a) the dynamics of family violence;
  - b) understanding the impact of sexual violence on trial process and decision-making;
  - c) responding to diversity and enhancing access to justice; and
  - d) decision making which includes exploring unconscious bias and misconceptions.
20. All four programmes are delivered to Judges within the first 3-5 years of their appointment. Judges are also supported in their work by an online resource: Kia Mana Te Tangata – Judging in Context: A Handbook. This resource aims to ensure the fair and equitable participation of all people in the justice process and is informed by Aotearoa New Zealand’s international human rights obligations. It includes a specific chapter on women.

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<sup>2</sup> The tracking tool features information on how the Government is implementing the Convention and responding to the latest set of recommendations published by the Committee.



### *Other professionals*

21. Training for recruits at the Royal New Zealand Police College includes a “Valuing Diversity” session which is about inclusiveness and treating people equally, regardless of gender, culture, sexuality, religion, or diversity of thought.
22. Training for social workers in Aotearoa New Zealand includes a rights-based focus, promoting the principles of human rights, and social and economic justice. The Oranga Tamariki (Ministry for Children) National Care Standards provide for protection from discrimination, including from any action that diminishes, demeans, or disempowers the cultural identity or wellbeing of an individual. The listed grounds of discrimination include gender and gender-identity.
23. Training is provided to enhance the cultural capability for Corrections staff to enable them to support the wāhine Māori in their care. Planning is underway for sessions on the concepts that underpin “Te Mana Wāhine Pathway” (described under question 21). A further learning pathway for those working in a women’s prison is also being considered.
24. Corrections Bail Support Services have wāhine allocated officers and a specific framework to support best practice. Regular support sessions build and enhance capability for these services.
25. CEDAW is directly relevant to the training provided in the New Zealand Defence Force (NZDF). It is included in the Women, Peace and Security section of the mandatory legal training provided to all new recruits, and in 2022 this was updated to include reference to the Optional Protocol.
26. Operation RESPECT<sup>3</sup> was a development of the *More Military Women* programme that commenced in 2014 following the 2013 Ministry of Defence Review on Women in the NZDF. NZDF refreshed Operation RESPECT in 2020, with subsequent changes implemented.

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<sup>3</sup> Operation RESPECT provides a training package that enhances awareness of the risks to vulnerable persons and awareness of prevention methods. It is understood that the requirement for all members to understand their role in relation to preventing inappropriate and harmful behaviours would apply within New Zealand and when deployed, towards NZDF personnel and towards any other military or civilian personnel with whom we are working. It is also made clear that those who engage in inappropriate or harmful behaviours will be held accountable and managed through the appropriate internal or external channels (including military justice system and laws of New Zealand).

## Definition of equality and non-discrimination

### *Reply to question 4 (a) and (b)*

#### **SPECIFIC PROHIBITIONS OF DISCRIMINATION**

27. Aotearoa New Zealand is committed to maintaining and implementing a legal and policy framework that provides universal protection against all forms of discrimination. This includes via the New Zealand Bill of Rights Act (NZBORA), which all new Bills are scrutinised against and the Human Rights Act 1993 (HRA) which aims to protect people from discrimination across a range of areas. The HRA also provides for the Aotearoa New Zealand Human Rights Commission (HRC).
28. Aotearoa New Zealand is party to seven of the nine core human rights treaties<sup>4</sup>, all of which protect and promote women's rights. The principles of these treaties are embedded into domestic legislation prior to ratification.
29. While gender is not a prohibited ground of discrimination in the HRA, sex and sexual orientation are covered by this law and 'sex' has been interpreted to include gender and sex characteristics. In 2021, the Government publicly consulted on an in-principle proposal to amend section 21 of the HRA to include a new prohibited ground of 'gender' (including gender identity and expression), and to expressly include 'variations of sex characteristics' under the ground of sex. Final policy decisions have not yet been made [Placeholder text].
30. Aotearoa New Zealand takes an inclusive approach to human rights issues and the Government recognises the right of all people to self-identify. The Ministry represents and supports the interests of all who identify as women.

#### **GENDER-SPECIFIC APPROACH TO LEGISLATION, POLICIES AND PROGRAMMES**

31. Several measures are in place to promote visibility of, and emphasis on, the needs of different population groups, including women.
32. Population-focused agencies (Manatū Wāhine, Ministry for Pacific Peoples, Te Puni Kōkiri, Ministry for Ethnic Communities, Whaikaha – Ministry of Disabled People) are routinely consulted on, and involved in, public sector policy, regulation and legislative development, as relevant.

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<sup>4</sup> The International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; International Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of All Forms of Discrimination Against Women; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; UN Convention on the Rights of the Child; and UN Convention on the Rights of Persons with Disabilities.

33. The Department of Prime Minister and Cabinet (DPMC) provides guidance for the preparation of Cabinet papers. These must include a population implications statement to ensure the needs of diverse and potentially vulnerable populations have been considered<sup>5</sup>.
34. Manatū Wāhine's Bringing Gender In (BGI) tool supports agencies to undertake gender analysis across their policy development and Manatū Wāhine offers training for agencies to support this.
35. The BGI tool is currently being updated to further strengthen its effectiveness and ease of use. Manatū Wāhine is also developing ways to offer more systematic gender analysis training across government.
36. As part of a Gender Budgeting Pilot (the Pilot) for Budget 2022, Manatū Wāhine ran four workshops with participating agencies on how to use the BGI tool in relation to gender-responsive budgeting. The Ministry will run similar workshops as part of the gender budgeting exercise for Budget 2023, with all agencies invited to take part.

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<sup>5</sup> The population groups that implications should be assessed for are Māori (as individuals, iwi, hapū, and whanau), children, seniors, disabled people, women, people who are gender diverse, Pacific peoples, veterans, rural communities, and ethnic communities.

## Access to justice

### *Reply to question 5 (a)*

37. The Government's 2022 Budget contained an investment of over \$148.7 million across four years to strengthen the legal aid system and ensure continued access to justice for New Zealanders who cannot afford legal advice.
38. The MoJ is currently in the drafting stage of the Legal Services Amendment Regulations to come into force on 1 January 2023. These changes will enable more people to seek legal assistance and have a lower repayment obligation in accessing these services. The changes will make an extra 93,000 people eligible for legal aid, including women.

### *Reply to question 5 (b) and (d)*

#### **DISSEMINATING INFORMATION**

39. MoJ contracts 24 Community Law Centres (CLCs) nationwide to deliver law-related education sessions across their communities. These sessions help people to be aware of their rights and the services available to them. In 2021/22, 25,791 participants attended these sessions. Over half of these sessions were delivered to local Māori, rūpū, hapū and iwi and community groups or providers who aim to support Māori.
40. MoJ contracts 3 specialist CLCs to deliver free legal assistance services with a particular focus on issues relating to youth, disabled people and Māori land.
41. Work is underway to create accessible and consistent information for people to:
  - a. understand their options;
  - b. make informed decisions; and
  - c. confidently navigate the family justice system for care of children matters.
42. Under this project, key resources will be translated into a number of different languages and accessible formats. The care of children section of MoJ's website will also be refreshed, in line with accessibility standards.

#### **ACCESS TO JUSTICE**

##### *Assessing need*

43. MoJ, in partnership with the Ministry of Business, Innovation and Employment (MBIE), are currently developing a nationwide survey on access to justice needs in the community. The Government aims to ensure the survey results represent the experiences and views of key groups such as Māori and Pacific communities, disabled persons, and small business owners.

Results of the survey are expected to be ready in early 2024 and will inform policy and operational initiatives.

#### *Improving systems and processes*

44. MoJ is also modernising the courts systems, with the aim of:
- a. reducing the time it takes to hear and resolve matters in a court or tribunal;
  - b. improving the experiences of people in court,
  - c. improving productivity and efficiency; and
  - d. reducing dependency on physical locations.
45. The Te Ao Mārama initiative, supported by the MoJ, will improve District Courts by using solution-focussed judging, plain language, tikanga Māori and by revising courtroom layouts. The model draws from other specialist and therapeutic courts such as Rangatahi, Matariki, Young Adult List, and Family Violence Courts.
46. Improving the courts systems will have benefits for women and girls, in particular for victim-survivors.
47. MoJ is also working on a range of initiatives to ensure the justice system (including criminal justice) is responsive and supports disabled persons, including women, such as:
- a. The provision of full disability access and universal design for all new courthouse developments;
  - b. The implementation of a Communication Assistance Quality Framework; and
  - c. Access for MoJ staff to the online training module, Disability Awareness in the Workplace.

#### *Waitangi Tribunal*

48. The Government has established a cross-agency working group to look at funding for Māori groups to participate in Waitangi Tribunal processes, including wāhine Māori<sup>6</sup>.
49. Manatū Wāhine administers claimant funding for wāhine Māori participation in the Mana Wāhine Kaupapa Inquiry<sup>7</sup>, including claimant-led research through a Joint Research Committee. The Mana Wāhine Kaupapa Inquiry was established to hear claims which allege prejudice to wāhine Māori as a result of Treaty breaches by the Crown

### *Reply to question 5 (c)*

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<sup>6</sup> Matters that are being considered to address this crucial access to justice issue include funding for travel and accommodation to attend tribunal events, administrative costs for hearing preparation, and funding to co-ordinate the involvement of tāngata turi (deaf people).

50. MoJ funded three forums on family violence dynamics for the legal profession in 2021 and 2022. The first two forums focused on understanding the dynamics of family violence with particular reference to intimate partner violence, and how lawyers might apply that understanding in their work. The third forum was about family violence in different contexts and featured speakers from LGBTTQIA+ and disabled communities.
51. A Family Violence Sexual Violence Response Training Package is being developed for the court-related workforce, including the legal profession, to enable safe, appropriate responses to people who have experienced family violence or sexual violence.
52. The Sexual Violence Legislation Act 2021 was enacted to improve the experience of sexual violence victims in the justice system. The legislative changes aim to reduce stress and trauma associated with attending court and giving evidence. Additionally, it aims to improve the experience of complainants and victims of sexual violence by enabling evidence to be given in different ways, including through pre-recording.
53. Additional relevant information around gender-responsive capacity building is provided in the reply to question 3.

# National Machinery for the Advancement of Women

## *Reply to question 6 (a)*

### **NATIONAL ACTION PLAN**

54. In recent years, the Government has explored options for developing a strategic approach to gender equality in Aotearoa New Zealand. This has included looking at international examples to determine the most appropriate approach.
55. [\*Placeholder wording] Work is underway to develop a set of Women’s Equality Framework to provide a shared vision and common objectives for achieving gender equality in New Zealand. This approach is being taken to avoid undermining or duplicating existing work, while providing flexibility for it to be expanded or built upon in the future, as required. The Framework will tie together existing action plans and strategies relating to women and guide future work.
56. The Framework will include a set of guiding principles, the gender analysis tool, Bringing Gender in, which can be used by agencies to develop gender positive policies and initiatives; and a reporting dashboard to monitor progress for women on an annual basis. The Framework will be developed in a bicultural, partnership approach with wāhine Māori.

### **WOMEN, PEACE, AND SECURITY**

57. Aotearoa New Zealand launched its first National Action Plan (NAP) on Women, Peace and Security (WPS) in 2015, covering the period 2015 – 2019. In January 2021, the Ministry of Foreign Affairs and Trade (MFAT) Ministry of Defence (MoD) New Zealand Defence Force (NZDF) and the New Zealand Police (NZP), jointly produced an implementation report<sup>8</sup> examining New Zealand’s progress on the NAP.
58. The Government is committed to developing an updated NAP. In the meantime, the approach and actions set out in the first NAP continues to be implemented. Some examples of this work are set out below.
59. Aotearoa New Zealand continues to advocate for WPS issues in bilateral and multilateral engagement with partners (such as the Peacebuilding Commission, South Pacific Defence Ministers’ Meeting, and the UN Security Council). Additionally, Aotearoa New Zealand and Samoa co-hosted a Women, Peace and Security Summit in Apia in 2019.
60. The NZDF aim to take gender into account and integrate gender perspectives across its work. This is reflected in:
- a. Training on WPS, for Command Staff and all personnel deploying overseas;
  - b. Sexual Ethics and Respectful Relationship training;

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<sup>8</sup> New Zealand’s National Action Plan on Women, Peace and Security 2015–2019 Implementation Report

- c. Gender Focal Point courses aimed at developing a gender-responsive network across the organisation; and
  - d. The Women's Advisory Network, which promotes initiatives that benefit and reduce barriers for NZDF women.
61. This work is supported by the overarching Gender and Security Policy Statement, which aims to ensure gender mainstreaming is embedded in defence.
62. The NZDF also launched the Pacific Gender Defence Network in 2019 for Defence Forces across the Pacific.
63. The NAP is also central to the work of NZP. All NZP deployed staff complete a training module on Incorporating Gender Perspectives in Deployment. The gender balance of staff deployed to Pacific Capability Development programmes also continues to be a priority. Officer safety training has been delivered through these programmes to enable women to feel safer and more confident when working on the frontline.

#### **INTERNATIONAL DEVELOPMENT**

64. New Zealand's international development spending in relation to peace and security is guided by the NAP, the Humanitarian Action Policy, and the International Human Rights Action Plan. Gender equality is a core value underpinning New Zealand's humanitarian action, and it is a priority for New Zealand's international human rights advocacy. New Zealand is committed to inclusive humanitarian action and considering the diverse needs, vulnerabilities and capacities of different people and groups.

#### *Reply to question 6 (b)*

#### **MANATŪ WĀHINE | MINISTRY FOR WOMEN**

65. As the Government's principal advisor on improving the lives of wāhine women and kōtiro girls in Aotearoa New Zealand, Manatū Wāhine works closely with other government agencies to influence and advise on policy development and provide gender data and analysis.
66. Manatū Wāhine carries out its work by acting as a catalyst for action and change, and by getting key issues on the agenda of Government agencies and other relevant organisations. To carry out its mandate, Manatū Wāhine is closely connected across government and wider Aotearoa New Zealand, providing system leadership and working with those who are supporting women to thrive.
67. The value of this work was reflected in additional Government investment in Manatū Wāhine's resourcing in the Budget 2022. An increase of funding to \$13.1 million in 2021/22 is directly



enabling Manatū Wāhine to carry out its mandate to promote and protect women's rights. Some specific areas of funding include:

- a. In 2018/19, one-off funding to support the 125th anniversary of women's suffrage commemorations;
- b. In 2019/20, approximately \$6.2 million over four years to support the Mana Wahine Kaupapa Inquiry programme;
- c. In 2021/22, an additional \$3.75 million over three years to support the Mana Wāhine Kaupapa Inquiry claimant engagement;
- d. \$4 million between 2019/20 and 2022/23 to support NGOs to deliver services for women and girls affected by the COVID-19 pandemic through two COVID-19 Community Funds; and
- e. In 2021/22, \$400,000 per year for six years to support the Gender Pay Taskforce programme.

#### **WHAIKAHA - MINISTRY OF DISABLED PEOPLE**

68. In Budget 2022, the Government allocated \$100 million to fund the establishment of Whaikaha – Ministry of Disabled People (Whaikaha) and support its ongoing operation from 1 July 2022. Whaikaha will drive improved outcomes for disabled people, lead cross-government strategic disability policy, deliver Disability Support Services, and lead ongoing work on Disability System Transformation. Funding also includes investment to develop disability leadership and capability within the disability sector.

69. The establishment of Whaikaha creates significant opportunities to improve outcomes for disabled people, including women.

#### *Reply to question 6 (c)*

70. The Government is committed to ensuring that investment decisions made through the Budget process improve New Zealander's overall wellbeing, allow for the identification of investments that support women and girls, and promote gender equality. There are two key tools that support gender-responsive budgeting and policy development processes – the Treasury's Living Standards Framework (the Framework), and the gender analysis tool, Bringing Gender In.

71. Under the Framework, agencies are encouraged to analyse all elements of budget and policy through a distributional lens, alongside resilience, productivity, and sustainability lenses. Distributional analysis enables agencies to determine where outcomes have been different for men and women and consider how potential interventions might impact gender disparities. In addition, the Framework:

- a. Includes gender breakdowns of many indicators;

- b. includes care and volunteering alongside work in the wellbeing domains; and
  - c. encourages consideration of barriers to the accumulation and utilisation of wealth.
72. The Bringing Gender In tool enables gender analysis of budget initiatives. As discussed in the reply to question 3, this tool is being further strengthened.

#### **GENDER BUDGETING PILOT**

73. The Government is committed to mainstreaming gender across government policies, including through gender-responsive budgeting.
74. The Treasury and Manatū Wāhine trialled the Gender Budgeting Pilot for Budget 2022. Six participating agencies completed a Gender Assessment Template (GAT) across 19 Budget initiatives. The template encouraged participating agencies to identify and describe the policy implications for women and girls, including wāhine Māori. A further gender budgeting exercise will be undertaken for Budget 2023.
75. Manatū Wāhine also conducts a rapid gender analysis of the final Budget package to determine the gendered implications and impacts for women.

## National human rights institution

### *Reply to question 7*

#### **MANDATE**

76. While migrants, like anyone Aotearoa in New Zealand, can bring a complaint to the Human Rights Commission (HRC), they currently cannot bring a complaint alleging discrimination in relation to the application of the Immigration Act or associated regulations. The Government intends to review the HRA, which could include investigating the jurisdiction of the HRC.

#### **COMPLAINTS AND OUTCOMES**

77. Of the enquiries and complaints received by the HRC between 1 July 2017 to 31 July 2022, 44% were registered as from a “female”. The provision of demographic information is voluntary<sup>9</sup>.

78. Information on outcomes is available for the vast majority of enquiries and complaints - 10,886 out of 11,918 for the relevant time-period. Table 1 in Appendix 4 shows the number of outcomes which the HRC considers to be systemic, meaning they have a broader application than the complaint or enquiry itself.

79. Table 2 in Appendix 4 shows the other “outcome categories” listed in the HRC database.

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<sup>9</sup> For the period in question, 85% of the enquiries and complaints contain information on the person’s gender.

## Temporary special measures

### *Reply to question 8*

80. The Government acknowledges there are gender disparities in Aotearoa New Zealand that 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 the inequity. The Government considers the remaining gaps to be due to a complex mix of factors and is committed to addressing these. In the case of the gender pay gap, such factors include occupational and vertical segregation and patterns of employment and unconscious bias.
81. There are many measures and initiatives underway which seek to address the remaining gender inequities – as described throughout this document. The Government has also made sparing use of temporary special measures, by way of targets to achieve gender parity in leadership, outlined in the reply to question 13.

## Stereotypes and harmful practices

### *Reply to question 9 (a)*

82. The Government is committed to women having equal opportunity and choice to participate fully in society and the economy. Though New Zealanders generally value gender equality<sup>10</sup>, and Aotearoa New Zealand ranks relatively well internationally in existing indexes<sup>11</sup>, the Government recognises that underlying factors such as gender norms and stereotypes create barriers to achieving gender equality.
83. Through various measures and initiatives, Government has sought to understand this issue, address outcomes that reinforce gender stereotypes, and improve outcomes for women and girls. Examples of this work are described below.

### **GENDER ATTITUDES**

84. The National Council of Women of New Zealand conducted three Gender Attitudes Surveys in collaboration with Research New Zealand in 2017, 2019 and 2021.<sup>12</sup> The surveys looked at attitudes around gender roles at home, school, and in the workplace and community. Manatū Wāhine contributed funding to the 2021 survey.

### **HEALTHY RELATIONSHIPS AND GENDER NORMS**

85. In 2022, Te Tāhuhu o te Mātauranga | the Ministry of Education developed educational resources to ensure relationship and sexuality education (RSE) in schools and kura is safe and inclusive. These resources provide young people with the opportunity to:
- learn about and value gender diversity and gender identity;
  - challenge prevailing gender norms;
  - learn about the nature of consent in sexual relationships; and
  - promote healthy and safe relationships.<sup>13</sup>
86. The new teaching resource – Ka huri i te kōrero | Changing the conversations also helps navigate the conversation around pornography, including how it influence choices and reinforces gender stereotypes.<sup>14</sup>

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10 [https://genderequal.nz/wp-content/uploads/2022/03/Report\\_NCWNZ\\_Gender-Attitudes-Survey-2021-FINAL\\_01-03-22.pdf](https://genderequal.nz/wp-content/uploads/2022/03/Report_NCWNZ_Gender-Attitudes-Survey-2021-FINAL_01-03-22.pdf) p30

11 New Zealand is one of the 33 countries (out of 120 countries in total) rated as having a very low level of discrimination in the OECD's Social Institutions and Gender Index (SIGI).<sup>11</sup> New Zealand also rates comparatively well in the United Nations' most recent Gender Social Norms Index (GSNI).<sup>11</sup>

12 <https://genderequal.nz/ga-survey/>

13 <https://hpe.tki.org.nz/planning-and-teaching-resources/resource-collections/relationships-and-sexuality-education-guidelines-resource-collection/>

14 <https://training.education.govt.nz/pages/mediacollection.jsf?mediald=1244287&catalogId=849811&menuId=112475&client=external>

## OCCUPATIONAL SEGREGATION

87. Occupational segregation remains prevalent in Aotearoa New Zealand, as women's and men's employment continue to be spread differently across industries. This can be both a symptom and cause of gender norms and remains a barrier to many women to achieving equal employment outcomes.
88. The Government is committed to supporting women to enter occupations where high growth is projected and where women are currently underrepresented.
89. Between 2019 – 2021, the Government funded research to better understand the barriers and opportunities to boost the number of women in trade. In 2021, Manatū Wāhine collaborated with partners in the construction industry to develop resources to encourage more women into trades industries and trades-based roles.<sup>15</sup>
90. There are targeted scholarships available across Aotearoa New Zealand to support women in STEM.<sup>16</sup> Manatū Wāhine also launched a STEM directory to promote these fields of work to more women and girls.<sup>17</sup>

### *Reply to question 9 (b)*

91. Data regarding harmful practices is discussed in reply to question 9 (c) below.

## DATA COLLECTION

92. Netsafe<sup>18</sup> collects statistics on the volume and types of online harm experienced, including breakdown by ethnicity and gender. The types of reports received by Netsafe include abuse, harassment or threats, false allegations, non-consensual sharing of intimate images, grooming, inappropriate content, and gossip or rumour pages.<sup>19</sup>
93. Data on bullying in New Zealand is primarily collected through the Programme for International Student Assessment (PISA) Student Wellbeing survey. The most recent data<sup>20</sup> shows that although girls are less likely than boys to be frequently bullied<sup>21</sup>, slightly more girls than boys experience social-relational bullying.
94. Between 2015-2018 there was an increase of 6 percentage points (to 19%) in the proportion of girls who had been “made fun of” at least a few times a month. The proportion “left out” or

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15 <https://women.govt.nz/documents/women-trades>

16 <https://www.gcsb.govt.nz/working-for-us/gcsb-women-in-stem-scholarship/>; <https://studyspy.ac.nz/scholarships/11399/women-in-stem>; <https://studyspy.ac.nz/scholarships/10703/aut-south-bachelor-of-computer-and-information-sciences-scholarship-women-in-stem>.

17 <https://women.govt.nz/news/stem-directory> - The STEM directory identifies initiatives, programmes and associations through which young girls and women can "connect, discover and learn" about science, technology and engineering.

18 Independent organization which provides information, advice and support around online safety.

19 In the 2021 – 2022 year ended 30 June, Netsafe received 25,000 online harm reports. Of these, more than 5,000 breached one or more of the communications principles defined in the Harmful Digital Communications Act.

20 <https://www.educationcounts.govt.nz/publications/schooling2/large-scale-international-assessments/pisa-2018-student-wellbeing>

21 Just under 12% of girls and just over 18% of boys are classed as “frequently bullied”.

excluded increased slightly to 15%. Girls also reported higher instances of having rumours spread about them.

95. The prevalence of bullying behaviours in Aotearoa New Zealand Schools is also monitored through data from the Trends in International Mathematics and Science Study (TIMSS), and the Progress in International Reading Literacy Study (PIRLS)
96. The January 2021 report: He Whakaaro: What do we know about bullying behaviours in New Zealand? shows that students who are more likely to be exposed to bullying identify as male, disabled, gender diverse, Aotearoa New Zealand born, low achievers, and those from a disadvantaged background.

#### **BULLYING PREVENTION ADVISORY GROUP**

97. The Bullying Prevention and Response Work Programme for 2019-2022 was developed with input from the cross-sector Bullying Prevention Advisory Group. Key actions under this programme of work include:
  - a. The completion of the Tō Tātou Kura Atawhai; Our Kind of Schools Our Kind of School project, designed to better understand how schools and kura can provide safe, inclusive environments that deter bullying;
  - b. The development of new Wellbeing@School22 items regarding racism, fairness and resilience strategies;
  - c. Evidence-informed bullying prevention and response resources provided through the Bullying-Free NZ website;
  - d. Support for Netsafe to provide online safety and digital citizenship education, advice and support to schools, including information relating to online bullying and abuse;
  - e. Facilitation of Bullying-Free NZ Week, to raise awareness of bullying and ways to address it;
  - f. Funding through Budget 2022 for a refresh of the Positive Behaviour for Learning School-Wide (PB4L-SW) initiative.<sup>23</sup>

#### **HARMFUL DIGITAL COMMUNICATIONS ACT 2015**

98. The Harmful Digital Communications Act 2015 (HDCA) was amended on 9 March 2022 to create a new offence of posting an intimate visual recording without consent. This offence does not require proof of an intent to cause harm in order to secure a conviction (as previously required under section 22 of the Act).

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<sup>22</sup> The Wellbeing@School website provides access to practical evidence-based tools, resources, and services, a 5-step self-review process, and information about how to get started.

<sup>23</sup> PB4L-SW provides a systemic framework that supports schools to build a positive and safe culture through a focus on clear behavioural expectations, based on shared values. The refresh of the PB4L-SW framework provides an opportunity to strengthen links to bullying prevention within its implementation.

99. There is further overarching work underway which examines harm from online content. This includes the response to the report from the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019, which recommended the development and promotion of “an accessible reporting system that enables members of the public to easily and safely report concerning behaviours or incidents to a single contact point within government.” This would include the reporting of scams, misinformation and online abuse.
100. The Department of Internal Affairs (DIA) is leading work to design and implement a new approach to content regulation that minimises the risk of harm caused by content. The Government will continue to analyse how the HDCA fits with this work, what legislative changes are needed, and how victims can be better supported through these processes.

### *Reply to question 9 (c)*

#### **HARMFUL PRACTICES UNDER THE LAW**

101. The Crimes Act 1961 contains many of the most serious offences in New Zealand, and criminalises conduct which causes harm, including physical harm to people. Any crime that involves physical harm or killing of another is an offence under the Crimes Act, including those carried out in the name of so-called “honour”.
102. While there is no specific offence for dowry payments, coerced marriage or civil union is illegal and provided for in the Crimes Act. Polygamy and bigamy are likewise illegal under the Crimes Act. The Minors (Court Consent to Relationships) Legislation Act 2018 provides that the consent of a Family Court Judge is required before a young person aged 16 or 17 years can marry<sup>24</sup>.
103. In August 2020, through the Crimes (Definition of Female Genital Mutilation) Amendment Act 2020, the definition of female genital mutilation (FGM) in the Crimes Act was amended to ensure that all types of FGM are illegal in New Zealand and that all women and girls are adequately protected from FGM. The amendment also added nurses to those explicitly bound by this section of the Act.
104. Depending on the circumstances, forced sterilisation could also be covered under the Crimes Act. In September 2021, the Contraception, Sterilisation and Abortion (Information Collection) Regulations 2021 took effect. This includes a new requirement for providers to submit an annual report on their sterilisation services, with information on the:
- a. types of sterilisations offered;
  - b. length of time between first visit and provision of sterilisation;

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<sup>24</sup> The Judge must consider whether the application is made voluntarily, free of undue influence of coercion, whether the young person understands the consequences of the marriage, and whether the marriage will be in the interests of the young person. This provides additional safeguards and oversight, given the law previously only required the consent of a guardian for the marriage to take place.



- c. number of requests for sterilisation refused by the service (and reason); and
  - d. the cost to each patient.
105. Police collect demographic data on victims when investigating crimes, and high-level summary data is presented through the New Zealand Police website. From 2018, MoJ has undertaken four iterations of the New Zealand Crime and Victims Survey (NZCVS), which records experience of victimisation in New Zealand, including crimes not reported to Police. The NZCVS reports present statistics on experience of crime, including sexual violence and intimate partner violence, disaggregated by gender and ethnicity.
106. Data is compiled on all charges prosecuted in courts. Summary data is published on:
- a. the number of offences by type and region;
  - b. the outcome of the prosecution, including by sentence passed; and
  - c. demographic data of all offenders by gender, ethnicity, and age group.
107. An outcomes and measurement framework is being developed for Te Aorerekura, the National Action Strategy to Eliminate Family Violence and Sexual Violence. Part of this entails assessing data sources and quality, including whether sex- and age- disaggregated data (at a minimum) are available for all relevant indicators. Attention to combatting harmful practices will be a priority.

## **CONTINUING EFFORTS TO COMBAT HARMFUL PRACTICES**

### *Letter of Agreement*

108. Since December 2012, a Letter of Agreement (LOA) has been in place which outlines an inter-agency response for victims of forced and underaged marriage between New Zealand Police (NZP), Oranga Tamariki | Ministry for Children, Work and Income, Family and Community Services, the MoE, and Immigration New Zealand.
109. The LOA emphasises that forced marriage is not accepted or condoned in Aotearoa New Zealand, commits to supporting victims, and outlines how responses will be coordinated between agencies.

### *New Zealand Police*

110. NZP works with ethnic communities to raise awareness of harmful practices, including coerced marriage, through Ethnic Liaison Officers. Refugees are given information on this by NZP during their first six weeks in New Zealand.
111. Police policy on forced and underage marriages has been updated to include information on the criminal offence of coerced marriage or civil union. This forms part of education for frontline staff and on the specialist family harm coordinator course. The Royal New

Zealand Police College training session on cultural competency incorporates a case study on these issues.

#### *Te Aorerekura*

112. Te Aorerekura seeks to address all forms of violence against women in all their diversity. Te Puna Aonui<sup>25</sup> has established a national Ethnic Communities Network comprising ethnic community leaders and practitioners working in the family violence and sexual violence field. This network will inform the implementation of Te Aorerekura, as well as address and co-design solutions to prevent and eliminate the different forms of violence within ethnic communities.

#### *Additional information*

113. The International Child Protection Unit (ICPU) at Oranga Tamariki was established in December 2020 in response to global child protection challenges which cross international borders. These challenges may include harmful cultural practices.
114. Lastly, Manatū Hauora is leading work to explore a framework to protect the bodily integrity of disabled people from non-consensual, non-urgent, non-therapeutic interventions and procedures, particularly in relation to sterilisation and abortion services. Currently, little is known about the rate or extent of this in New Zealand.

#### *Reply to question 9 (d)*

115. During 2021, Manatū Hauora commissioned work to develop a rights-based protocol to prevent unnecessary medical interventions on intersex children. This includes:
- a. developing best practice clinical guidelines for care of intersex people (particularly children) to supplement existing neonate guidance;
  - b. supporting workforce capability once clinical guidelines are in place; and
  - c. developing resources and support services for intersex people and their whānau to support them and their interactions with healthcare.
116. The National Child and Youth Network Programme aims to improve services for children and young people by supporting multi-disciplinary clinical networks. An Intersex Clinical Reference Group has established good practice guidelines to ensure that parents and whānau of new born intersex infants are supported. The guidelines outline that if a surgical intervention can be delayed and the same health outcome can be achieved, it should be delayed until the child can be involved in decision-making.

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<sup>25</sup> Te Puna Aonui brings government agencies together to align whole-of-government strategy, policy and investment to eliminate family violence and sexual violence. Te Puna Aonui agencies are responsible for implementing Te Aorerekura – the National Strategy to Eliminate Family Violence and Sexual Violence.

117. In New Zealand, anyone who uses a health or disability service has the protection of the Code of Health and Disability Services Consumers Rights (the Code). Under the Code, intersex children (or their parents) have grounds to make a complaint if they have received medically unnecessary surgery, particularly where this was not in line with professional standards, or where informed consent was not given.

## Gender-based violence against women

118. The rate of violence against women (VAW) and girls in Aotearoa New Zealand is high and can have a long-lasting and costly impact on victims, communities, and Aotearoa New Zealand as a whole. VAW can take many different forms and occur across multiple settings (such as the online sphere) and is a major barrier to achieving gender equality.

119. Most victims and survivors of intimate partner violence and sexual violence are women, and the most perpetrators of violence are men. Violence affects women from all cultures, backgrounds and socio-economic groups, although some groups of women are at higher risk than others. The Government views all forms of VAW as a serious social problem and is committed to addressing it.

### *Reply to question 10 (a)*

#### **GENDER-BASED VIOLENCE UNDER THE LAW**

120. The criminal law in New Zealand is generally drafted in gender-neutral terms, recognising that criminal harm may be inflicted by or onto a person of any gender. As outlined in the reply to question 9, the Crimes Act 1961 contains many of the most serious offences in New Zealand, and criminalises conduct which causes harm, including physical harm to people.

121. New Zealand also has the following relevant criminal offences against harassment and stalking:

- a. Offences in the HDCA, which address harm caused from online communications;
- b. The offences of criminal harassment in the Harassment Act 1997, which can capture stalking-like behaviours; and
- c. The Family Violence Act 2018, which has offences for breaching protection orders, and which can apply to psychological violence (capturing certain harassment and stalking in the online sphere).

122. While these are the most relevant pieces of legislation, offences may constitute harmful acts that can form part of an instance of stalking and harassment (such as threats in the Crimes Act 1961).

123. MoJ is aware of concerns around some aspects of the coverage and application of these laws and has undertaken initial consultation with experts to address this.

#### **A NEW APPROACH TO PREVENTING FAMILY VIOLENCE AND SEXUAL VIOLENCE**

124. Aotearoa New Zealand has formalised the way Government agencies work together to eliminate family violence and sexual violence, through Te Puna Aonui, the Joint Venture for the

Elimination of Family Violence and Sexual Violence. Te Puna Aonui brings together government agencies to align strategies, policy, and investment. It also supports government agencies to take a collective, community-led and people-centred approach to prevention and responses to violence.

125. Chief Executives of the Joint Venture agencies form the Board of Te Puna Aonui and they are responsible for ensuring the effective delivery of the Te Aorerekura – the National Strategy to Eliminate Family Violence and Sexual Violence and the Action Plan (Te Aorerekura), which was launched in December 2021. Te Aorerekura recognises that most victims and survivors are women and takes a long term approach to eliminating violence by achieving wellbeing.
126. The Action Plan outlines the agency responsible for actions, and that agencies are legally required to work together. In 2022, a Budget investment of \$114.5 million over four years was announced to prevent and respond to family violence and sexual violence.
127. Further information on how this work directly relates to eliminating VAW is included in the answers below.

### *Reply to question 10 (b)*

128. Te Aorerekura is a 25-year strategy focused on intergenerational change and sets a wellbeing and strength-based vision for eliminating family violence and sexual violence. There is a strong focus on primary prevention, healing, and the critical role of tāngata whenua and community leadership.
129. Te Aorerekura includes an initial 2-year Action Plan which contains 40 actions that contribute to 6 “shifts” to address the drivers of violence.
130. Each action requires scoping, engagement, development, testing, implementation, evaluation and expansion. A governance mechanism has been established with advisory/working groups at Ministerial, Chief Executive, Deputy Chief Executive and General Manager levels to monitor and drive the implementation. There are also various specialist external and internal working groups to progress implementation.
131. Te Aorerekura acknowledges the gendered nature of family violence and sexual violence and includes a broad understanding of who is impacted by, and who perpetrates these forms of violence. The Action Plan for Te Aorerekura is designed to achieve positive outcomes for women, wāhine Māori and others impacted by violence.

### Reply to question 10 (c)

132. An Outcomes and Measurement Framework is being developed for Te Aorerekura which includes assessing data sources and quality, including whether sex- and age-disaggregated data (at a minimum) are available for all indicators.
133. This has involved working with tāngata whēnua, civil society, the Government and academics to refine the outcomes and indicators in Te Aorerekura to measure change. Te Pūkotahitanga | the Māori Advisory Group has identified monitoring as one of their focus areas and are supporting the development of a monitoring system and indicators that also includes kaupapa Māori approaches.
134. The primary prevention initiatives E Tū Whānau; Pasefika Proud; and, The Campaign for Action on Family Violence include outcomes frameworks. Each initiative uses appropriate monitoring, evaluation and reporting mechanisms and includes report-back processes, developmental evaluations, audience research, user testing, and reach and retention surveys.
135. These initiatives have been supported by funding from the 2022 Budget. The funding will also support new prevention approaches focused on ethnic communities, elder abuse, and youth and research and evaluation to build an evidence-base of effective primary prevention approaches.
136. *The Campaign for Action on Family Violence* uses a population-based approach, working with communities to shift harmful values, behaviours and norms and encourage positive change. These outcomes aim to have universal benefit for people impacted by violence, and will include wāhine Māori.

### Reply to question 10 (d)

137. The New Zealand Police (NZP) launched [policedata.nz](https://policedata.nz) to provide easy access to regularly updated police crime data through interactive reports. The data NZP collects can be disaggregated by offence type, sex, relationship of offender to victim and ethnicity. The reports include the number of proceedings against offenders during a relevant period and provide an overview of trends in proceedings. This data is intended to be presented in a manner consistent with protecting the privacy of individuals.
138. In 2018 the NZCVS replaced the previous New Zealand Crime and Safety Survey (NZCASS). The survey is conducted on an annual basis and provides a fuller picture of victimisation in Aotearoa New Zealand, as not all crimes are reported to the Police.

139. As noted under question 10 (c), the development of an Outcomes and Measurement Framework for Te Aorerekura will entail assessing data sources and quality, including whether sex- and age- disaggregated data (at a minimum) are available for all indicators.
140. The number of people with proved charges for family violence offences<sup>26</sup> ordered to pay reparation is collected through the Ministry of Justice and reported by gender, ethnicity, and age group.
141. NZP data showed an increasing trend in the number of Family Harm Investigations (FHI) per month during the COVID-19 pandemic (March 2020 – August 2021), supporting research which shows that gender-based violence increases during national disasters and emergencies.
142. Additional factors influencing increases in FHIs, include:
- a) changes in reporting behaviour as a result of the Family Violence Act 2018 coming into force on 1 July 2019 (which was expected to lead to an increase in FHIs);
  - b) the introduction of the Police 105 number making it easier to report family violence; and
  - c) operational changes (like multi-agency responses such as *Integrated Safety Response*, *Whāngaiā Ngā Pā Harakeke*) that place more emphasis on family harm.

### *Reply to question 10 (e)*

#### **ATTRITION AND PROGRESSION REPORT**

143. The 2019 report: *Attrition and progression – Reported sexual violence victimisations in the criminal justice system* found significant attrition of reported sexual violence, and the length of time needed to progress through the system. It also demonstrated that there are differences for children and young people, Māori, adults reporting historic childhood offences, different offence types, and different perpetrator relationships.
144. Relevant work underway includes a MoJ project designed to improve the experiences of tamariki and rangatahi witnesses going through sexual violence proceedings in the District Court. This project will contribute to Action 27 of Te Aorerekura. Action 27 seek to develop new practice guidelines for supporting participants in court proceedings by establishing commitment by all relevant agencies to meet minimum national standards.
145. MoJ is also implementing the Sexual Violence Legislation Act 2021, which aims to reduce the potential re-traumatisation that sexual violence victims and witnesses experience when attending or giving evidence in court. It enables victims to give evidence in alternative

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<sup>26</sup> This includes all charges flagged as family violence, regardless of the offence type. In the Family Violence Act 2018, family violence offences include any offence involving family violence (as defined in section 9 of the Act) or any offence against the Act (such as breaching a protection order or failing to attend a non-violence programme). This data includes information on people charged with offences flagged as family violence in the Ministry of Justice Case Management System, or involving other certain offence types.

ways and pre-record their cross-examinations before trials, eliminating the need to appear in court again unless formally recalled.

146. The MoJ plans to repeat analysis of the 2019 attrition report biennially (starting from 2022), to monitor attrition and progression over time, and in relation to new interventions.

### *Reply to question 11 (a)*

#### **EFFECTIVE COORDINATION AND COLLABORATION**

147. Chief Executives of the Joint Venture agencies form the Board of Te Puna Aonui, and they are responsible for ensuring the effective delivery of Te Aorerekura – The National Strategy to Eliminate Family Violence and Sexual Violence and the Action Plan. Further information about effective coordination and collaboration is provided under question 10 (a).

#### **INTEGRATED SAFETY RESPONSE (ISR) AND WHĀNGAIA NGĀ PĀ HARAKAKE (WNPH)**

148. Approximately 73% of all family violence episodes reported to New Zealand Police (NZP) are referred to an ISR or a WNPH that uses the case management ‘Family Safety System’ (FSS)<sup>27</sup>. For the period 1 October 2020 – 30 September 2022, 132,624 ‘females’ have been involved in episodes that are risk assessed and triaged by the locations that use FSS. Of these:

- a) 33,616 of these are female children (under the age of 18).
- b) 109,278 females are identified as victims, and 15,863 as perpetrators.

149. ISR is a multi-agency intervention designed to ensure the immediate safety of victims and children, and to work with perpetrators to prevent further violence. It is a locally driven, continuous improvement model with national oversight to monitor and support delivery.

150. An evaluation<sup>28</sup> of ISR completed in 2019 showed the ISR model is effective and makes a positive difference for many families and whānau. There is good overall evidence that ISR is responsive to Māori. Māori impacted by violence had an 18% reduction in family violence offence related re-victimisation compared to matched controls from non-ISR sites.

151. Whāngaiā Ngā Pā Harakeke (WNPH) is a collaborative, system-wide approach where Police, iwi, other agencies and NGOs work together to assess risk and deploy resources to address harm. WNPH is unique, with engagement occurring at the earliest sign of need regardless of whether an offence is identified.

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<sup>27</sup> FSS information is also not ‘official’ Police data. For the purposes of this response, information from FSS episodes was analysed for the period 1 October 2020 – 30 September 2022 for all locations that use FSS for risk assessing and triaging family harm episodes. Individuals person records can feature across more than one episode during the time period (person counts are distinct counts). Multiple episode characteristics can feature in one episode. Individuals can identify over time as both victim and perpetrator (the report distinctly counts episode roles identified).

<sup>28</sup> <https://www.justice.govt.nz/justice-sector-policy/key-initiatives/addressing-family-violence-and-sexual-violence/work-programme/isr-evaluations/>



152. An evaluation<sup>29</sup> of WNPH in Counties-Manakau from March 2019 showed a total reduction in family harm of 15%, based on recorded events between 2009-2018. The evaluation found immediate reduction in the harm committed by repeat offenders who were seen in the first 12 months, and an increase in requests for service.

### *Reply to question 11 (b)*

153. Relevant agencies are working through consideration of reissuing the invitation to the special rapporteur [placeholder].

### *Reply to question 11 (c)*

154. The need to improve data collection and statistics on disabled people was a key recommendation made by the United Nations Committee on the Rights of Persons with Disabilities and the Independent Monitoring Mechanism<sup>30</sup>.

155. The Government's Disability Data and Evidence Working Group (DDEWG), co-chaired by the Office of Disabilities Issues (ODI) and Statistics New Zealand, focuses on the types of data required to ensure the development of sound policy and appropriate services to meet the needs of disabled people in Aotearoa New Zealand.

156. A key focus of the DDWEG is to ensure that decisions on the collection of data about disabled people are informed by the views of the disability sector. The DDWEG will also assess what data is required and available to measure the indicators selected for each of the outcome domains in the New Zealand Disability Strategy 2016-2026.

157. DDEWG has worked to ensure data about disabled persons (including disabled women) is collected in an increasing number of government household surveys. The NZCVS<sup>31</sup> has subsequently provided disaggregated responses by disability status. The NZCVS shows that:

158. over the course of their lives, 32.6% of disabled adult women who have ever had a partner have experienced intimate partner violence at least once, compared with 22.8% of non-disabled women and 9.5% of non-disabled men.

159. 37.8% of disabled women have experienced sexual assault at least once over the course of their lives, compared to 35.2% of non-disabled women and 12.0% of non-disabled men.

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<sup>29</sup> Walton, D and Brookes, B (2019). Technical Report: Whāngaia Ngā Pā Harakeke Pilot, Counties Manukau District. Outcomes Evaluation: NZ Police, Safer Whānau: Wellington.

<sup>30</sup> Comprised of the Office of the Ombudsman, the Human Rights Commission and the Convention Coalition Monitoring Group.

<sup>31</sup> The New Zealand Crime and Victims Survey (NZCVS) surveys New Zealanders on their experience of different types of crime, including sexual violence and family/intimate partner violence, and reports on frequency of these offences including by gender of the victim. The Family Violence Death review committee periodically reports on all family violence and intimate partner deaths, including by gender.

160. NZP is in the early stages of exploring how it might contribute to better data about disabled people experiencing family harm. Currently, NZP does not routinely record whether an applicant for a protection order is disabled. If disability has a specific relevance to a case, it might be recorded – for example, in a disability-related hate crime.

### *Reply to question 11 (d)*

161. The Abuse in Care - Royal Commission of Inquiry has published two reports from their investigations: the Interim Report – Tāwharautia: Pūrongo o te Wā (Tāwharautia), and He Purapura Ora, he Māra Tipu. From Redress to Puretumu Torowhānui (the Redress Report). The Redress Report has made 94 recommendations primarily focused on the processes State and Faith-based Institutions' use to respond to claims for redress made by people who have been abused in the care of the State or of faith-based institutions (either as children, or as vulnerable adults aged under 65).

162. The Government has established a Crown Response Unit (CRU) to coordinate a whole of-government response to the work of the Royal Commission, and to directly progress its recommendations. This work has included coordinating State agencies to provide large volumes of information to the Royal Commission and to present evidence at public hearings.

163. The response to the Redress report has involved establishing a set of "immediate projects" including:

- a) beginning work to respond to the recommendation that the Crown establish an interim listening service;
- b) work on early payments for people who are elderly or unwell;
- c) work on improving the way records of abuse in care is managed; and
- d) work on delivering a national apology to those abused in care (also to be delivered after the final report is received).

164. The CRU is also working to enable the design of a new independent, centralised, redress system, in collaboration with survivors of abuse in care, as recommended by the Royal Commission. This work has been underway for several months now and will deliver on the Royal Commission's recommendations over the next two-three years.

165. It is likely that the Royal Commission's final report, which is due in June 2023, will contain additional recommendations. The CRU plans to respond to these recommendations using a similar process of working with survivors of abuse in care to identify how they should be implemented. They will also support Crown Agencies to deliver the changes (as agreed by Government).

## *Reply to question 11 (e)*

### **KAIWHAKAORANGA SERVICE**

166. The Kaiwhakaoranga Specialist Case Management Service (Kaiwhakaoranga Service), in conjunction with other government and non-government agencies, provide a range of supports for women victims of the terrorist attack in Christchurch to assist their journey of recovery.
167. The Kaiwhakaoranga Service was setup in April 2019 to provide immediate support in the aftermath of 15 March 2019 terrorist attack on two Christchurch Masjidain. It was then enhanced in March 2021 in response to Recommendation 25 of the Royal Commission of Inquiry into the Terrorist Attack. This broadened the scope of support offered and expertise from Immigration and Accident Compensation Corporation was included in the team, as well as a dedicated work broker.
168. There has been a range of supports provided to widows and other women impacted by the attacks through the Kaiwhakaoranga Service and other government and non-government organisations. People opt-in to receive support and some women have chosen to seek support directly from other agencies. Those who opt-in are assigned a Case Manager to support them and their family. This Case manager becomes their one point of contact to help navigate access to support that is tailored to meet their needs. The types of supports women are connected to include counselling and mental health support, housing solutions, education pathways and legal advice.

### **VICTIM SUPPORT**

169. Since 2019, Victim Support, funded by MoJ, has been providing victims of the Masjid attacks with a range of psychosocial and financial support. This support to victims is ongoing. Victim Support will support victims through the coronial investigation process in 2022.
170. In 2020/21, Victim Support helped 720 people who were directly or indirectly affected by the Masjid attacks. This included family members of the deceased, people who were injured, and other survivors, witnesses, and accompanying support people. Many of the victims are women, particularly those who are family members of the deceased. Victim Support has distributed 938 financial grants to victims of the Masjid attacks.
171. As part of the response to the attacks, MoJ also:

- a) provided a dedicated group of Court Victim Advisors and appointed legal counsel to assist the victims;
- b) provided livestreaming of the sentencing event to victims and family members unable to attend the sentencing hearing; and
- c) provided interpretation of the sentencing hearing in 12 languages.

172. The Government wishes to acknowledge that there is not always a remedy possible, for example after the loss of loved ones or following permanent disability.

## **CORONIAL INQUIRY**

173. A coronial inquiry into the deaths of the 51 people (including four women) killed in the Christchurch masjidain attack is currently underway. The coronial process is designed to help prevent deaths and to promote justice. Family members of the deceased are considered interested parties to the inquiry. Victims of gunshot wounds, parents of child victims of gunshot wounds, and witnesses present at the masjidain at the time of the attacks can apply to be interested parties.

174. The coronial inquiry is an independent judicial process. The MoJ provides administrative and logistical support to the coroner. This involves ensuring there is support available for victims through the coronial process, including:

- a) funding legal representation through New Zealand's legal aid scheme;
- b) providing communication resources to ensure effective communication with families, victims, and interested parties; and
- c) funding cultural and trauma training for staff working on the investigation.

175. Legal aid is available to ensure that access to legal representation for all victims in these proceedings.

## Trafficking

### *Reply to question 12 (a)*

176. The Prostitution Reform Act 2003 (the Act) was intended to support harm reduction (as set out in its purpose) decriminalise prostitution (while not endorsing or morally sanctioning prostitution or its use) and create a framework that:

- a) safeguards the human rights of sex workers and protects them from exploitation;
- b) promotes the welfare and occupational health and safety of sex workers;
- c) is conducive to public health; and
- d) prohibits the use of prostitution of persons under 18 years of age.

177. Additionally, it aims to protect vulnerable by requiring that only citizens or certain residence-class visa holders can provide commercial sexual services (or manage or invest in the provision of commercial sexual services). This is intended to remove incentives for vulnerable people (for reasons of their socio-economic status, lack of English proficiency, or lack of understanding of the New Zealand legal environment, for example) to enter New Zealand for the purpose of providing commercial sexual services.

178. While there is no current work underway to reform this aspect of the Prostitution Act, it could be considered as part of a future review of the Act, or as part of regulatory stewardship work.

179. In late 2019, Immigration New Zealand (INZ) undertook work to better understand issues within the sex industry as part of wider work on combatting exploitation. This involved gathering information to understand the particular challenges within this industry, and working to ensure that employers, facilitators of service and workers understand their rights and legal obligations.

180. While temporary migrants are unable to legally provide commercial sexual services, migrant workers have the same employment rights as all other workers in New Zealand. Any migrants forced to unlawfully work in the New Zealand sex industry can contact INZ or the Labour Inspectorate, where their concerns will be handled in a safe environment. People can also report criminal activity anonymously through the “Crime Stoppers” website.

### *Reply to question 12 (b) and (c)*

181. In March 2021, New Zealand launched a new Plan of Action against Forced Labour, People Trafficking and Slavery (the Plan of Action). This provides a five-year, all-of-government response, organised around three internationally recognised ‘pillars’ of prevention, protection, and enforcement/prosecution.

182. Prevention actions seek to address the drivers and vulnerabilities which enable forced labour, people trafficking and slavery. Protection is focused on identifying victims and ensure that the wide range of support and assistance available to victims remains fit-for purpose. Enforcement seeks to ensure that the tools available to disrupt and prosecute the businesses and individuals who exploit others are effectively used.
183. In April 2022, public consultation started on potential new legislation to address modern slavery and worker exploitation across operations and supply chains. Feedback from this is currently being analysed.
184. Government agencies continue to investigate situations of exploitation, including those with elements of trafficking, to identify any victims of trafficking while also acknowledging that victim identification and protection could be improved. The Government's recent focus has been on preventing and disrupting migrant worker exploitation which can escalate into or indicate more extreme forms of labour exploitation.
185. In July 2021, the Government introduced additional measures to address migrant worker exploitation, including platforms for reporting allegations, a temporary visa for exploited workers, and assistance for migrant victims to navigate support systems. It is expected that some victims of trafficking will be detected through this system. The development of a comprehensive training package on people trafficking to frontline government staff commenced in 2022 and is intended to assist with victim identification.
186. MBIE is currently researching and scoping best practice models for trafficking victim identification and support, such as a National Referral Mechanism (NRM). Officials expect that such a system would reduce harm to victims, provide for recovery and support, and improve enforcement activities by better supporting victims to assist investigation and enforcement activities. It will also allow for the more effective collection of data.
187. Many groups are vulnerable to exploitation. Factors can include poverty, gender, age, geographic and social isolation, lack of education, language and cultural barriers, and a lack of knowledge or understanding of the law. Globally, it is well recognised that women and children are particularly vulnerable to trafficking, with children making up a majority of those trafficked.
188. Globally, women are also particularly vulnerable to extreme forms of exploitation. New Zealand's Plan of Action recognises that people trafficking can occur for the purpose of sexual exploitation, and we know that women are more vulnerable to this form of trafficking. Implementation of the actions outlined in the plan will result in improved outcomes for women.
189. Since 2015, New Zealand has undertaken four prosecutions for trafficking in persons (under section 98D of the Crimes Act 1961) and 49 victims were associated with these four prosecutions. All victims were trafficked into New Zealand from overseas for the purpose of forced labour. Five victims were female, and the remaining 44 were male.

## Participation in political and public life

### *Reply to question 13*

190. As discussed in relation to question 8, while the New Zealand Government does not tend to use temporary special measures to address gender inequities, the Government established a target to achieve parity for women in leadership in the public sector, as outlined below.
191. In 2018 Cabinet introduced a target of gender-equal Minister-appointed public sector boards and committees. The proportion of public sector board and committee roles held by women has subsequently increased, from 47.4% in 2018, to 52.5% in 2021.
192. More broadly, since 2019, ethnic representation has been reported as part of an annual stocktake of gender diversity in public sector boards and committees. The proportion of women holding roles has increased incrementally for women who identify as Māori, Pacific, Asian or other ethnicities. Work is underway to establish data collection on representation of disabled women for this stocktake.
193. Manatū Wāhine acts as a ‘connector’ for emerging women leaders, providing support and information, to help them realise their leadership potential. Manatū Wāhine continues to assist board-appointing government agencies by nominating and endorsing applications from suitably qualified and experienced women.
194. Te Puni Kōkiri | the Ministry of Māori Development (TPK) and the other three population-based agencies (Ministry for Pacific Peoples, Ministry for Ethnic Communities, and Whaikaha – Ministry of Disabled People) also manage nomination services that communicate opportunities and support diverse candidates to upskill and apply for governance positions. Through these five agencies, the Government works to ensure that women’s participation on public sector boards and committees remains above the 50% target, and support a greater range of diverse candidates..

### **WĀHINE MĀORI AND PACIFIC WOMEN**

195. Strengthening Wāhine Māori Leadership is a new initiative funded through TPK where community providers work directly with wāhine Māori to build their cultural capability, leadership and influencing skills to help strengthen their place within the whānau structure.
196. The Ministry for Pacific Peoples (MPP) has invested in governance training workshops to increase Pacific women’s representation. In 2021 and 2022, MPP supported the Women in Governance Awards and sponsored the Pacific Governance Leader Award category.

## PARLIAMENT

197. The Government notes that the gender balance of Parliament has continued to significantly increase since the advent of the Mixed Member Proportional (MMP) voting system in 1996. There were 58 women (48.3%) Members of Parliament (MPs) elected to the current 53rd Parliament of New Zealand<sup>32</sup>. This has subsequently increased to 60 women (50%). Eleven of 26 Ministers of the Crown (42.3%) and nine of 20 Cabinet Ministers (45%) are women. Women also hold the following leadership roles: Prime Minister and leader of the Labour Party, co-leader of the Green Party who is a Minister outside of Cabinet, and co-leader of the Māori Party who is an MP.

## LOCAL GOVERNMENT

198. The proportion of women elected to local bodies has risen from one-quarter to over one-third (40%) over the past 25 years, with the number of women candidates also increasing (to 36%). Local boards and community boards tend to have greater proportions of women standing compared to other electoral positions. In 2019 these were both around 43%. The number of women elected mayors rose from 19% in 2007 to 27% in 2019.

## WOMEN IN THE PUBLIC SECTOR

199. The Te Kawa Mataaho Public Service Commission (PSC) continues to monitor women's participation in the public service. Women's overall representation in the public service remained stable between 2012 and 2022, at approximately 62%. The number of women chief executives has increased in this reporting period. As of 30 June 2022, 49% (18 of 37) of chief executives are women compared with 24.1% in 2012. Women now occupy 55.8% of senior leadership positions (up from 39.8% in 2010) in the public service (the top three tiers of management).

200. In November 2021, PSC launched Kia Toipoto, the Public Service pay gaps Action Plan 2021–2024. One of the three goals of Kia Toipoto is to accelerate progress for wāhine Māori, Pacific women, and women from ethnic communities. Kia Toipoto builds on the successful Public Service Gender Pay Gap Action Plan 2018–2020 but goes wider than gender and extends to Crown entities. The gender pay gap in the Public Service has dropped from 12.2% in 2018 to 7.7% in 2022.

201. In 2015 the Government Women's Network (GWN) was established to increase the impact of gender diversity action across government. GWN is working to achieve system-level change that will enable all women in the public sector to achieve their potential. It connects

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32 <https://www.rnz.co.nz/news/political/476546/parliamentary-milestone-new-mp-s-swearing-in-will-make-political-history>



employee-led diversity and inclusion initiatives across government and connects organisational development efforts linked to diversity, leadership and workforce.

## PRIVATE SECTOR

202. Women held 22.5% of board director roles and 25.4% of chief executives and senior manager roles of all NZX listed companies in 2020.
203. There are a range of private sector organisations in place to encourage women onto private sector boards and into senior roles, for example the Institute of Directors, Business New Zealand, Superdiversity Institute and Global Women/Champions for Change.
204. The Champions for Change has a work programme centred on four focus areas: Increasing Gender Diversity, Increasing Māori and Ethnic Diversity, Leading Inclusive Cultures and Influencing the Outside World.
205. The Institute of Directors provides a range of governance and board training for directors and governance professionals as well as the Future Directors programme which aims to develop the next generation of directors.
206. The Super Diversity Institute established a Top 100 Diverse Board Ready Chairs and Directors list, in collaboration with the Ministry of Ethnic Communities. This candidate list aims to help support, grow and showcase the pool of diverse board-ready candidates for governance roles, in order to increase the diversity of governance boards across Aotearoa New Zealand.

## ONLINE HARASSMENT

207. As outlined in the reply to question 10, New Zealand has several relevant criminal offences against harassment and stalking, including under the Harmful Digital Communications Act 2015.
208. MoJ is aware of concerns around some aspects of the coverage and application of these laws and has undertaken initial consultation with experts to investigate this.
209. In June 2022, the Government enacted changes to the Local Electoral Act to replace the requirement to include a physical address in an authorisation statement on election advertising, with an option to include either a physical address, an email address, a telephone number, a PO Box number, or a website address that includes another contact option.
210. This change was made in recognition that the requirement of a physical address on electoral advertisements could enable threats of harm to candidates, and may discourage certain groups, including women and rural people, from becoming candidates.

## Education

### *Reply to question 14 (a) and (f)*

#### **ISOLATION AND ACCESS FUNDING**

211. From 1 January 2023, the decile system will be replaced with the Equity Index (EQI) as a method of distributing equity funding. As part of this implementation, the Isolation Index<sup>33</sup> is being updated to reflect changes in Aotearoa New Zealand over the last two decades.
212. Aotearoa New Zealand's geography means that schools and early learning services are widely dispersed, and some are long distances from towns. To recognise the resulting additional costs, MoE provides additional funding to isolated schools.
213. The Access Barrier Boarding Allowance supports geographically remote students, such as those living rurally or on offshore islands, to cover boarding school fees when there is no local secondary school. 2097 students currently receive this allowance. The Multiple Barrier Boarding Allowance is also available for students with multiple barriers to attending their local school. Budget 2022 increased allowances by 8%.
214. There are also additional services targeted to kōtiro/kōhine, such as:
- a) Transport assistance funding for Māori-medium schools; and
  - b) Boarding contributions, to enable tamariki (children) to board away from home.

#### **DIGITAL DEVICES FOR LEARNING**

215. MoE supports several initiatives to provide access for learners, including in rural and remote areas. In response to the COVID-19 pandemic, MoE provided access to internet connectivity, digital resources and other learning equipment to support remote learning.
216. Internet connections were allocated to more than 40,000 households to help schools and kura deliver distance learning for all students affected by COVID-19-related school closures or isolation. MoE is reviewing the most effective way to continue to support learners to access remote learning on an on-going basis.

#### **TRANSPORT ASSISTANCE**

217. MoE provides school transport assistance to help overcome barriers to getting children to school. The Government has also halved all public transport fares, including school and tertiary concession fares, until 31 January 2023 to respond to inflation in the general cost of living.

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<sup>33</sup> One component of the EQI which is used to determine the relative isolation of schools and early learning services and provide extra support.

218. A free regional bus service for tertiary students was launched in 2020 across the Bay of Plenty Region which helps learners access tertiary study in the largest regional hub, Tauranga. This service is a joint venture between the University of Waikato, Toi-Ohomai Institute of Technology and the Bay of Plenty Regional Council, along with a grant from the New Zealand Transport Agency.

### *Reply to question 14 (b)*

219. It is compulsory for Aotearoa New Zealand schools to teach relationships and sexuality education up until the end of Year 10. Parents have the right to withdraw their child from sexuality education classes, However, to do this, they need to write to the principal of the school.

220. Relationships and sexuality education (RSE) in schools is developed to meet the curriculum of each school community, and it is mandatory under the Education and Training Act 2020 to undertake a community consultation on what is going to be taught.

221. From late primary school onwards, students learn about physical and emotional development during puberty as well as reproduction and sexual behaviour. They also learn about relationships, decision-making skills, and how to keep themselves sexually safe

222. Following a report by the Education Review Office (ERO) in 2018, MoE developed resources to assist educators and boards to implement the national curriculum, take a consistent approach to wellbeing, and meet community consultation requirements.

223. In April 2022, the Government launched new resources to support the teaching of RSE in schools and kura. These resources include information about consent, digital safety, and healthy relationships and were developed in collaboration with teachers, young people, universities, Government agencies, and NGOs.

224. The MOE's refreshed resource, Relationships and Sexuality Education: A Guide for Teachers, Leaders, and Boards of Trustees, focuses strongly on consensual, healthy and respectful relationships as being essential to student wellbeing. It is available in two volumes: one for years 1–8, and one for years 9–13. The guide informs principals, boards and teachers on the requirements of the Education and Training Act 2020. It also assists schools to consult with their community on the ways in which health education should be implemented.

225. A new module – Ka huri i te kōrero Changing the conversation – was developed by MoE and the Classification Office to support teachers and other educators to talk about pornography when delivering relationships and sexuality education.

226. MoE continues to work in partnership with the Accident Compensation Corporation (ACC) to develop additional resources for teachers and whānau specifically relating to healthy relationships, including repurposing successful resources from the “Mates and Dates” initiative.

227. The suite of teaching resources supporting the delivery of RSE are bicultural and inclusive, and includes resources specifically designed for Māori-medium settings.
228. MoE also contributes to the Government's overarching work on eliminating family and sexual violence. Several changes have been made in response to Recommendation 18 of Te Aorerekura, including support for schools to keep students who have experienced sexual violence psychologically safe (including the need for resourcing and policy change within schools).

### *Reply to question 14 (c)*

229. The education sector response to child safety and wellbeing is determined by the legislative frameworks of the Education and Training Act 2020 and the Children's Act 2014, as well as broader health and safety legislation. The Children's Act requires comprehensive measures to protect and improve the wellbeing of children and young people.
230. Under the Children's Act, all schools and kura are required to have a written child protection policy in place. Child protection policies describe the processes and procedures that schools will follow to ensure children are safe, and that incidents of suspected and potential abuse and neglect are appropriately responded to, such as reporting them to the Police and/or Oranga Tamariki | the Ministry for Children. These protection policies must be reviewed every three years and compliance is monitored by the Education Review Office (ERO).
231. The Children's Act also requires that all staff who work with children are safety checked every three years.
232. MoE can support schools through Traumatic Incident Teams that are available on request to respond to significant events that impact the physical and emotional welfare of students and teachers. This can include support to respond to sexual violence that has occurred in schools, or off-site. These teams support schools to work through their own policies and procedures, and identify and access appropriate supports within their community.

### **MANA WĀHINE KAUPAPA INQUIRY**

233. MoE has been participating in the Waitangi Tribunal's Mana Wāhine Inquiry, described under question 21. There are several claims that allege prejudice of wāhine Māori in Education both historical and present day. As previously detailed, the Mana Wāhine Inquiry is at the Tūāpapa Hearings (foundational/contextual hearings) stage, and learnings will be taken forward from the claims heard.

### *Reply to question 14 (d)*

234. Section 33 of the Education and Training Act 2020 guarantees the right of all domestic students (including pregnant and parenting girls) to free enrolment and free education at any state school between the ages of 5 and 1 January following their 19th birthday.
235. Teen Pregnancy Units (TPUs) provide wraparound support to pregnant or parenting students by working closely with the affiliated Early Childhood Education (ECE) as well as community groups and government agencies. This minimises the barriers to, and increases engagement in, education.
236. TPUs are educational units attached to an established state or state integrated secondary school. They operate as a separate department within the host school and may be located on or off the school's site. The ECE, which caters for the children of teen parents, is either onsite or close by.
237. An Individual Learning Programme (ILP) is developed based on each student's individual needs. This supports students to improve their academic achievement, literacy, numeracy, and career competencies.
238. Sex and relationship education in schools is discussed under question 14 (b).

### *Reply to question 14 (e)*

239. Te Mahere Whai Mahi Wāhine: Women's Employment Action Plan (WEAP) includes actions to improve education and employment pathways for women, including several education-based actions that aim to eliminate structural barriers to women's entry into traditionally male-dominated fields of study.
240. These include the continued Reform of Vocational Education (RoVE). The RoVE system enables learners to move around the country and choose what type of learning works best for them. The system is equipped to be inclusive and equitable to all learners, providing flexibility and equal opportunity for success.
241. Under this reform programme, a measurement framework is being developed to ensure the needs of all learners are met. To complement this, a multi-year marketing campaign on Vocation Education and Training (VET) aims to increase participation in this field. The campaign includes dedicated targeting of women and showcases women in typically non-traditional roles.
242. An Industry Equity Project is building on the earlier success of Project Retrain, focused on attracting more women into the construction sector. The same model is now being piloted in engineering, logistics and manufacturing sectors.
243. The WEAP includes an action to continue the Targeted Training and Apprenticeship Fund. This fund works towards providing apprenticeship opportunities for women in fields of study that are traditionally male dominated.

244. Tahatū, an online career planning tool under development, will provide quality information and support on learning and career pathways for all New Zealanders. The system is being designed to be gender-inclusive.
245. The WEAP also seeks to facilitate improved access to driver’s licences for wāhine Māori, sole mothers, and young, ethnic and disabled women to support their access to educational and employment opportunities.
246. The Apprenticeship Boost Initiative has seen an increase of 88% in women participating in apprenticeships from 4,240 in August 2020, to 8,000 in February 2022. The number of men participating in apprenticeships increased by 36% in this time. Apprenticeships are a subset of the vocational education and training system.
247. There are also industry-led initiatives to publicise careers in trades, including deliberate messaging to women about trades career and training opportunities. Some of these campaigns have received developmental funding from the Government.

### *Reply to question 14 (g)*

248. Under the Education and Training Act 2020, disabled learners have the same rights as non-disabled learners. The Government is committed to progressively implementing an inclusive education system.
249. The key strategies and frameworks that guide this work are the National Education and Learning Priorities (NELP), the Tertiary Education Strategy (TES), the Learning Support Delivery Model (LSDM) and He Pikorua practice framework which embeds the principles of the New Zealand Disability Strategy.
250. The NELP and TES set out the Government’s priorities for education to ensure the success and wellbeing of all learners, including disabled learners. Education providers must have regard for these priorities to ensure that places of learning are safe, inclusive, and free from discrimination.
251. The Learning Support Action Plan 2019 – 2025 (LSAP) sets out six priorities for learning support to drive progress towards an inclusive education system. The aim is for those with learning support needs to get the right support, at the right time.
252. The Highest Needs Review is underway as part of the LSAP to review supports for learners. The Review will consider changes that can be made across the education system to improve opportunities and support for disabled learners.

### **PHYSICAL ACCESSIBILITY**

253. All new work on school property must adhere to certain property design standards which set out requirements to ensure school buildings are inclusive and accessible. Additionally,

MoE provides funding for modifications to existing school buildings to respond to accessibility and learning support needs.

### **CURRICULUM REFRESH AND NCEA CHANGE PROGRAMME**

254. The New Zealand Curriculum, Te Marautanga o Aotearoa, and the National Certificate of Educational Achievement (NCEA) are undergoing changes to make them more inclusive and accessible. This will include designing achievement standards and associated resources that are accessible and inclusive, with a reduced need for Special Assessment Conditions (SACs).
255. Further work is underway to ensure disabled students are supported in Literacy and Numeracy | Te Reo Matatini me te Pāngarau, a new co-requisite qualification which will be required to achieve NCEA.
256. Resources for teachers and learning support staff on Universal Design for Learning (UDL) and inclusive education have been developed. The MoE and the New Zealand Qualifications Authority continue to work on improvements to SACs.

### **REFORM OF VOCATIONAL EDUCATION**

257. Through the Reform of Vocational Education (RoVE), New Zealand is creating a Unified Funding System. This system includes a “learner success” funding component to lift performance for traditionally underserved learners, including disabled learners. For 2023, providers will receive a funding rate per full-time equivalent learner who is disabled. Learners who are both disabled, and Māori or Pacific will be funded at both rates.
258. The RoVE is also establishing six Workforce Development Councils (WDCs) that will have functions to address the needs and aspirations of priority learners in specified industries. The WDCs are committed to considering how they can contribute to equitable outcomes for disabled learners.

### **SUPPORTING THE EDUCATION WORKFORCE**

259. Learning Support Coordinators (LSC) have been introduced to work with and influence school leadership with the aim of ensuring all learners receive support to learn and progress. MoE developed resources and provided training for school Boards and principals as part of LSC implementation.
260. The Learning Support Network (LSN) aims to build the capability of LSCs, teachers and other staff that work with disabled learners.
261. MoE contracted Massey University to provide a new post-graduate qualification from 2021 with strengthened core content on neurodiversity (including autism) across all

endorsements and a study pathway for Kaiako (teachers) working in kōhanga reo (Māori-medium Early Childhood Education).

262. Since December 2021, 36 new resources have been added to Te Rourou Whai Hua (Learning Support Toolkit), including knowledge modules on supporting inclusive schools, and webinars on hearing impairment.

#### **SUPPORTING DISABLED ĀKONGA (STUDENTS)**

263. Te Tiriti o Waitangi (Treaty of Waitangi) principles have been embedded into Inclusive Design Modules, supporting learning communities to be mana-enhancing, culturally informed, and focused on partnerships between ākonga, whānau, and Kaiako (teachers).
264. In 2022, in partnership with Taonga Takiwātanga Charitable Trust, MoE held five marae-based wānanga exploring the Māori world view on takiwātanga (autism). Approximately 330 people participated from a range of learning support roles.
265. In the tertiary space, the RoVE reforms are expected to increase opportunities for disabled learners, including Māori disabled learners, to enrol in and complete VET qualifications that have strong employment outcomes.
266. In addition, MoE:
- a. is working in partnership with Tainui Kāhui Ako to develop Māori-medium resources to support dyslexic ākonga;
  - b. has consulted with a range of disability voices on a draft set of impact statements for disabled ākonga and their whānau.



## Employment

267. Women, their families and whānau, society, and the economy all benefit from women's economic wellbeing. However, inequities remain which hamper women's ability to achieve economic resilience and success, including around pay, underutilisation, and the social infrastructure required to support more women to work. The Government is committed to enabling equal opportunity for women in all their diversity to thrive in the labour market

### *Reply to question 15 (a)*

268. The All-of-Government Employment Strategy was released in mid-2019 and sets out the Government's programme for improving labour market outcomes and supporting employment that contributes to a productive, sustainable, and inclusive economy. Under this strategy are seven population-focused Employment Action Plans (EAPs), including the Te Mahere Whai Mahi Wāhine: Women's Employment Action Plan (WEAP) and Te Mahere Whai Mahi Māori, the Māori Employment Action Plan (MEAP).

269. The WEAP has 31 action items divided into three success areas:

- a. women are financially secure;
- b. the labour market is inclusive of women; and
- c. women are supported to meet their paid and unpaid work commitments (without incurring penalties).

270. Many of the action items involve the monitoring of other EAPs with a gender lens. Manatū Wāhine will continue to review all available data sources and report on the impact of the WEAP.

271. The MEAP and WEAP have bespoke initiatives that seek better working conditions for wāhine Māori. This includes an initiative under the WEAP focused on ensuring wāhine Māori, Pacific women and ethnic women have access to appropriate and accessible information about employment programmes and related initiatives. The MEAP also includes an action to remove barriers to accessing information about employment rights and responsibilities.

272. The other EAPs also have a focus on women within their population groups. Several also include initiatives that contribute to providing better employment outcomes for wāhine Māori in particular.

273. The Ministry of Business, Innovation and Employment (MBIE) has completed the first six monthly report to Employment Education and Training (EET) Ministers assessing progress on the action plans. This report showed the EAPs are progressing well, with those released in 2019 and 2020 seeing positive outcomes from their initiatives.

274. While it will take time before outcomes can be seen from the EAPs released later, their implementations are progressing well. Implementation plans have been developed for both the MEAP and WEAP.
275. An implementation plan is also being developed by the Ministry for Pacific People for the Pacific Employment Action Plan (PEAP). Monitoring of the PEAP will include reporting on the ethnic-gender pay gap, participation in labour market programmes and business support services for Pacific women.

### *Reply to question 15 (b)*

#### **PAY EQUITY IN LEGISLATION**

276. Amendments to the Equal Pay Act 1972 in 2020 introduced a practical and accessible process to raise and consider claims of systemic sex-based pay undervaluation in female-dominated occupations. This approach uses a collaborative process and makes court action a last resort.
277. Achieving pay equity settlements has broad reaching implications for employees in undervalued female-dominated occupations. There have been seven pay equity claims settled to date, three of which were settled under the amended Act. There are currently 27 pay equity claims ongoing and more claims are expected to be raised in the future.
278. The Equal Pay Amendment Act 2020 sets out a clear pay equity process to test whether work that's predominantly done by women is free from sex-based undervaluation. Under the Act, employers, workers, and unions negotiate in good faith, with access to mediation and dispute resolution services if needed.
279. The Pay Equity Taskforce (the Taskforce), based at Te Kawa Mataaho |the Public Service Commission (PSC) was set up to progress action on closing pay gaps and achieving pay equity. The Taskforce supports implementation of pay equity in accordance with the Act and provides guidance, resources, workshops and advice to both public and private sector organisations.
280. Te Orowaru<sup>34</sup>, a freely available work assessment toolkit developed by the Taskforce, was designed for use in pay equity assessments. It recognises cultural values and ensures these are reflected when correcting for any undervaluation. The Taskforce is developing guidance for the wider economy on how to use Te Orowaru in the job evaluation context.

#### **KIA TOIPOTO**

281. Kia Toipoto, Public Service Pay Gaps Action Plan 2021-24 is being implemented across the public service. Its goals are to:

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<sup>34</sup> <https://www.publicservice.govt.nz/system/public-service-people/pay-gaps-and-pay-equity/te-orowaru/>

- a. substantially reduce gender, Māori, Pacific and ethnic pay gaps;
  - b. accelerate progress for wāhine Māori, Pacific women and women from ethnic communities; and
  - c. create fairer workplaces for all, including disabled people and members of LGBTTTQIA+ communities.
282. Kia Toipoto builds off the Public Service Gender Pay Gap Action Plan 2018-2021, which contributed to a decrease in the public service gender pay gap from 12.2% in 2018 to 8.6% in 2021.
283. 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 are on a similar pathway.

### *Reply to question 15 (c)*

284. See the reply to question 2.

### *Reply to question 15 (d)*

285. As outlined in the replies to question 14, the WEAP is focused on supporting equal opportunity for women in all their diversity to thrive in the labour market. It includes actions to improve education and employment pathways for women, including several education-based actions that aim to eliminate structural barriers in traditionally male-dominated fields of study.
286. While these measures are not implemented as temporary special measures per se, they will be tracked through a monitoring and implementation framework and supported by the development of an overarching Gender Equality Framework [placeholder].

### *Reply to question 16 (a)*

287. The MoE provides direct funding for early childhood centres.<sup>35</sup> From 1 January 2023, there will be a 2.75% increase to funding rates for all early learning providers. The increase in Targeted Funding for Disadvantage will take effect from 1st March 2023.
288. The Government has also increased funding for kōhanga reo<sup>36</sup> in recent years, with over \$200 million provided to support equity and sustainability for this service.
289. The Ministry of Social Development (MSD) offers a range of supports and assistance to help families with the cost of childcare, primarily focused on supporting parents' ability to work and study and supporting learning and development for children.<sup>37</sup>

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<sup>35</sup> Through the ECE Funding Subsidy, 20 Hours ECE funding, Equity Funding, and Targeted Funding for Disadvantage.

<sup>36</sup> Kohanga Reo is an early childhood education and care (ECE) centre where all education and instruction is delivered in te reo maori (Maori language).

<sup>37</sup> Supports include: OSCAR (Out of School Care And Recreation) targeted subsidy for costs of before/after school care and holiday programmes for children aged 5-13; Childcare Subsidy - targeted subsidy for childcare costs of children aged 0-5; Training Incentive

290. Current issues facing parents include complex and inflexible settings and subsidies not keeping pace with childcare costs. In addition, the Out of School Care and Recreation (OSCAR) sector is facing challenges, in part due to the impacts of COVID-19 but also due to how the system is funded.
291. Recent research<sup>38</sup> found that Māori and Pacific mothers were two or three times more likely to experience issues accessing childcare than Pākeha (European) mothers.<sup>39</sup>
292. MSD is currently undertaking a review of childcare assistance, as part of their Welfare Overhaul work programme. This programme of work seeks to improve support for low-and middle-income families with childcare costs to enter and/or remain in employment, education, and training. It also seeks to improve the settings from a child wellbeing perspective, as part of a broader programme of work on early learning and care supports for children and families.
293. MSD will conduct targeted engagement with providers, including Māori providers, as part of the review.

### *Reply to question 16 (b)*

294. Aotearoa New Zealand maintains a robust legislative and administrative system to ensure that labour market discrimination is effectively addressed. Both New Zealand's Human Rights Act 1993 (HRA) and the Employment Relations Act 2000 (ERA) provide protection against discrimination and sexual harassment in employment.
295. In addition, the Health and Safety at Work Act 2015 places a duty on any person conducting a business to ensure the health and safety of workers, and this is taken to include workers mental health, and their safety from behaviours such as bullying or harassment at work.
296. The HRA 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.
297. The ERA 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. Where this obligation is breached

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Allowance - targeted support for childcare costs for parents studying with children aged 0-17; Flexible Childcare Assistance - targeted payment for childcare costs for non-standard hours for children aged 0-17; Early Learning Payment - extra support for ages 18 months – 3 years; and the Guaranteed Childcare Assistance Payment - targeted subsidy for parents under 20 with children aged 0-5.

<sup>38</sup> Access to childcare interim report 1: Who has difficulty accessing affordable childcare? Motu Economic and Public Policy Research September 2021, and Access to childcare interim report 2: How persistent are issues with access to affordable childcare? Motu Economic and Public Policy Research October 2021, and Access to childcare interim report 3: How do childcare experiences differ by ethnicity and for families with previous childcare access issues? Motu Economic and Public Policy Research December 2021, and Access to childcare interim report 4: How are childcare access issues reflected in mothers' work? Motu Economic and Public Policy Research May 2022.

<sup>39</sup> Mothers cited a range of access issues, with cost cited as a major factor, particularly for Pacific mothers.

and the employee has been disadvantaged in their employment or is forced to resign as a result of that breach, they can raise a personal grievance.

## REMEDIES

298. 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 ERA. Employees may then bring proceedings in the Employment Relations Authority, and subsequently the Employment Court.

299. The Employment Relations Authority or the Employment Court may award a range of remedies, including:

- e) reinstating the employee in their former position or in a position no less advantageous;
- f) relevant reimbursement;
- g) compensation; or
- h) disciplinary or rehabilitative action (in sexual or racial harassment cases).

300. Information about public sector agencies and other organisations that can help those affected by sexual harassment and/or workplace bullying is available online on the Government “Worksafe” website.

301. All New Zealand citizens and resident class visa holders are eligible for publicly funded health and disability services.

## PUBLIC CONSULTATION AND FURTHER WORK

302. In 2021, MBIE released a paper to get public feedback on current systems which prevent and respond to bullying and harassment (including sexual harassment) at work. The Government is currently considering the next steps for this work.

303. Also in 2021, a Member of Parliament’s bill was introduced in Parliament which proposes an extension to the timeframe for raising a personal grievance for sexual harassment from 90 days to 12 months. The bill is currently being considered by the Education and Workforce Committee.

### *Reply to question 16 (c)*

304. While Aotearoa New Zealand values the role of international treaties and conventions in our constitutional arrangements, a standard process of considering domestic legal ramifications means Aotearoa New Zealand is currently unable to ratify the conventions listed.

305. Aotearoa New Zealand legislation provides extensive protection against discrimination (through the HRA), and in employment (through the ERA). The HRA prohibits discrimination on

the grounds of sex, marital status, and family status (including pregnancy and childbirth), amongst other categories of prohibited discrimination. This applies to both the public and private sectors.

306. Aotearoa New Zealand employment legislation does not contain a definition of the terms “domestic worker” or “domestic work”. “Domestic workers” who are employees are treated in the same way as other employees under Aotearoa New Zealand’s employment law, which applies irrespective of occupation. “Home worker” is included in the definition of employee in the ERA – they are considered to be an employee provided they work within a dwelling-house.
307. The Government also provides a range of measures targeted at providing financial support to working families, particularly those with lower incomes. These include a range of tax credits available to families through the Working for Families scheme.
308. Under the Parental Leave and Employment Protection Act 1987, up to 52 weeks (including 26 weeks of primary carer leave, and an additional 26 weeks of unpaid extended leave) is available to primary carers. Entitlements can be shared with a primary carer’s spouse in part or in full. This scheme is funded by the Government and is available to workers in the public and private spheres. Additionally, the Act prohibits termination of employment on the basis of pregnancy or parental leave.
309. New Zealand’s health system is publicly funded and provides free or subsidised healthcare to citizens, permanent residents and certain classes of people. Care for pregnant people is free or heavily subsidised (unless the person chooses to use a private healthcare provider) and includes prenatal, childbirth and postnatal care and hospitalisation care when necessary.

## Health

### *Reply to question 17 (a)*

310. Abortion was legalised in Aotearoa New Zealand in March 2020. There is no statutory test for abortion before 20 weeks pregnancy and while there is no formal upper time limit for the abortion period, there are additional requirements for pregnancy beyond 20 weeks. Pregnant people can self-refer, and counselling is no longer mandatory (but the person must be offered abortion counselling services). There are amended conscientious objection provisions which state that those who do not wish to provide abortion care must, as soon as possible, tell the person and inform them of where to access abortion care. Conscientious objection provisions are overruled in the case of an emergency.
311. The new Contraception, Sterilisation, and Abortion (Information Collection) Regulations 2021 came into effect on 24 September 2021. These regulations set out what abortion service providers must report to Manatū Hauora monthly and annually. Since the law change, reporting indicates that the rate of abortion has stayed the same and people are accessing services much earlier.<sup>40</sup>
312. Manatū Hauora is funding a national abortion telehealth service ([www.decide.org.nz](http://www.decide.org.nz)) that acts as a central source of information and support. From 1 November 2022, it will also provide access to early medical abortion by phone. This will increase access, improve equity, and deliver more choice for those seeking abortion.
313. The Contraception, Sterilisation, and Abortion (Safe Areas) Amendment Act came into force in March 2022 to introduce safe areas, enabling safe access for both pregnant people and health practitioners.
314. The national abortion services work programme has a strong focus on equity. The Information Collection Regulations aim to capture information on access to abortion services, including costs and wait times for service users, as well as data on the abortion workforce.
315. Culturally safe practices, grounded in Te Tiriti o Waitangi principles, are a focus for the next few years, including with the implementation of Abortion Clinical Guidelines (published in October 2021) and Standard for Abortion Counselling (published August 2022).

### *Reply to question 17 (b)*

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<sup>40</sup> Early medical abortions now account for 43.8% of all abortion in New Zealand (up 5% from the previous year). The trend for surgical abortion is decreasing and accounted for 53.5% in 2021 (down 5% from the previous year).

## MATERNITY WORKFORCE

316. Workforce is a key focus of the interim Government Policy Statement on Health, and Te Pae Tata - Interim New Zealand Health Plan. Te Pae Tata was released in October 2022, and sets out the first two years of action for Te Whatu Ora (Health New Zealand) and Te Aka Whai Ora (the Māori Health Authority).
317. Te Whatu Ora has established a Workforce Taskforce with representatives from across the health and education sectors, to support the development and prioritisation of short to medium term workforce initiatives and investments.
318. The Workforce Taskforce includes a midwifery working group which will examine the barriers to workforce recruitment and retention. Workforce diversity and the barriers to entry are a key part of this work.
319. To assist in attracting an internationally trained workforce, nurses, midwives, and mental health professionals have been added to MBIE's immigration "Green List"<sup>41</sup>.
320. The Voluntary Bonding Scheme is a financial incentive programme for several health professions, including nurses and midwives. The scheme offers financial incentives to retain and encourage health professionals to work in the communities and specialties that need them most.<sup>42</sup> The scheme also aims to increase representation of Māori and Pacific peoples within the health workforce.

## MATERNITY ACTION PLAN

321. In Budget 2020, \$35 million over four years was provided to support the Maternity Action Plan (MAP). The MAP includes initiatives to improve maternity quality and safety programmes, workforce sustainability and whānau support. This funding has been used for urgent, practical actions to enhance the stability of the maternity sector.
322. Actions to increase the number of midwives under MAP include:
- a) Funding to support 'Return to Practice' programmes;<sup>43</sup> and
  - b) Te Ara o Hine - Tapu Ora - a wrap-around programme supporting Māori and Pacific midwifery students to complete their studies successfully.

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<sup>41</sup> The Green List is a residency policy that provides straight-to-residence and two-year work-to-residence pathways for migrants in specific highly skilled, hard-to-fill occupations of high national importance.

<sup>42</sup> In 2022, the scheme has supported 385 registered and enrolled nurses, including 186 working in mental health and addictions. A total of 4210 new graduate nurses (registered nurses and enrolled nurses) have been supported since 2009.

<sup>43</sup> This aims to make it easier and more attractive for former midwives or New Zealand trained midwives working overseas to refresh their practising certificates and return to midwifery.



## NURSING WORKFORCE

323. Aotearoa New Zealand has 18 schools of nursing, and in 2022, the health system has employed a record number of graduating students.
324. The national Nurse Practitioner Training Programme has a strong focus on equity for services in communities with high numbers of Māori, Pacific and other marginalised groups, as well as rural communities and communities with high mental health and addiction needs.
325. A National Nursing Pipeline work programme aims to improve nursing student experiences, and has a focus on growing workforce diversity.
326. Manatū Hauora has invested in a General Nursing Campaign and Mental Health and Addiction Campaign to promote nursing and grow the domestic supply of nurses in New Zealand.
327. Manatū Hauora has also allocated \$1 million in funding from the 2021/22 Nursing Accord budget to the Return to Nursing Workforce Support Fund. This fund supports nurses to return to the nursing workforce.
328. In 2021, \$10 million of funding for the Care in the Community Health System Preparedness Programme was allocated for health workforce initiatives and recruitment. One initiative under this programme aimed to support and increase nursing workforce capacity, capability, and resilience within critical care settings.
329. The Nursing Council of New Zealand (NCNZ) is also making changes to improve the supply of nurses from overseas<sup>44</sup>.

### *Reply to question 17 (c)*

330. Section 7 of the Contraception, Sterilisation, and Abortion Act 1977 notes that where a person does not have capacity to consent because of their age, no one else can consent on their behalf.
331. Manatū Hauora is exploring a framework to protect the bodily integrity of disabled people from non-consensual, non-urgent, non-therapeutic interventions and procedures, particularly in relation to sterilisation and abortion services. Key areas of focus for this framework include:
- a) Legislative safeguards;
  - b) health workforce disability training; and
  - c) data collection and monitoring on the rates and extent of bodily integrity violations for disabled women.

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<sup>44</sup> In August 2022, NCNZ announced a refresh of its English Language Competence policy. NCNZ also recently announced plans to introduce a new, more accessible, model for registering nurses educated outside Aotearoa New Zealand.

332. When progressing this work, Manatū Hauora will continue to consider the specific needs of wāhine Māori, including wāhine whaikaha Māori (Māori women with disabilities).

### *Reply to question 17 (d)*

333. MSD provides the Supported Living Payment for carers who give full-time care at home for someone who has a health condition, injury, or disability (provided this person is not their partner). The Supported Living Payment is a weekly payment, and the amount someone receives will depend on a range of factors.
334. Budget 2022 committed \$111 million over four years to extend eligibility for paying family carers for people eligible for publicly funded home support services.<sup>45</sup> This aims to provide people eligible for health and disability support needs with greater choice and control, flexibility, and options for their care. It also more appropriately recognises and values the large population of family/whānau and āiga carers.
335. The Carer Support subsidy provides reimbursement of some of the costs of care and support for a disabled person while their carer (including a family carer) takes a break.
336. The New Zealand's Carers' Strategy (2008) and Mahi Aroha: Carers' Strategy Action Plan 2019-2023 guide Aotearoa New Zealand's work in this area. This is a highly gendered workforce, with around 70% of carers being women.

### **COVID-19 PANDEMIC**

337. The Carers Alliance (supported by MSD) funded and developed "We Care Kiwi", a website focused on strengthening companionship, community participation and support for carers, including those who were unable to access their usual services during COVID-19 lockdowns.
338. The Carers Alliance identified a need for more consistent global messaging about respite for different population groups of carers, especially during COVID-19. A working group is being set up with the Alliance, Manatū Hauora, District Health Boards and Accident Compensation Corporation (ACC) to develop and agree on messaging.
339. During the national lockdown in August 2021 the Mahi Aroha Working Group met weekly to discuss and respond to carers needs. This led to tangible responses to carers' concerns, including:
- d) updated information on government websites about travel and support to access appropriate travel documentation,

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<sup>45</sup> Including older people, disabled people, people with long-term conditions, palliative care and mental health and addiction.

- e) communications from government asking the public to be kind and remember that some people legitimately cannot wear facemasks,
- f) updated information on government websites about how to access food (this was also distributed through Carers Alliance networks).

## Economic and social benefits and economic empowerment of women

### *Reply to question 18*

340. The Government has committed to overhauling the welfare system so that everyone has a decent standard of living and income which enables them to live in dignity and participate in their communities.
341. In 2018, the Government established the Welfare Expert Advisory Group (WEAG), which subsequently provided recommendations on the future of the welfare system. In 2019, the Government established a work programme to work towards its vision for the welfare system.
342. Work-to-date has included a wide range of measures aimed at supporting low- and middle-income families with children and has addressed issues that have disproportionately impacted women and wāhine Māori.<sup>46</sup>
343. Progress on the welfare overhaul work programme includes:
- a) the introduction of the Families Package, which included the Best Start payment for new-born babies and the Winter Energy Payment;
  - b) increases to main benefit rates, and the indexation of main benefit rates to average wage increases;
  - c) more frontline staff to focus on helping more people into work;
  - d) funding to support access to employment for disabled people and people with health conditions;
  - e) the repeal of Section 192 and the subsequent child policy – two policies which previously had a negative impact on some sole parent families;
  - f) increases to Special Needs Grants for immediate and essential dental treatment;
  - g) increases to income limits for hardship assistance; and
  - h) a new housing-related financial assistance programme.
  - i) building towards a more equitable welfare system continues to be a strong focus.

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<sup>46</sup> Approximately 372,000 individuals, families and whānau on benefits are better off by \$114 on average due to the changes made since 2017.

## Climate change and disaster risk reduction

### *Reply to question 19*

344. The 2019 amendments to the Climate Change Response Act (CCRA) set out the process for assessment and understanding of the risks posed by climate change and taking action to manage them.
345. Under this process, the risk of exacerbating existing and creating new inequities due to differential distribution of climate change impacts has been identified as one of the 10 most significant risks. Gender vulnerability was identified as part of this, particularly relating to ongoing job and house displacement, increased domestic violence and reduced access to education and childcare for children after extreme events.
346. New Zealand's first National Adaptation Plan (NAP) contains strategies, policies and actions that will help all New Zealanders adapt to the changing climate and its effects. A particular focus of public consultation on the NAP was to reach groups that are disproportionately impacted by climate change.
347. Officials from Manatū Mō Te Taiao | Ministry for the Environment (MfE) worked closely with Manatū Wāhine to understand how climate change is likely to disproportionately impact women and to identify specific support needs. There are several actions in the NAP that respond to this feedback, outlined in Table 3 in Appendix 4.

## Rural women and women living in poverty

### *Reply to question 20*

348. Women continue to play an integral role in rural communities, including in many rural businesses. Many initiatives across government support the wellbeing and development of rural women, described throughout this section. Some specific examples include funding from the Manatū Ahu Matua | Ministry of Primary Industries (MPI) for:
- a) The Pathways to primary sector leadership: Māori Women. Young Women project, alongside the Agri-Women's Development Charitable Trust;
  - b) The Farming for the future leader's programme alongside the Dairy Women's Network;
  - c) Development of Agri-Women's Development Trust financial risk management training programme;
  - d) An internship programme which includes a rural women focused pilot, Thriving Farming Women; and
  - e) Whānau Āwhina Plunket to support rural wellbeing through a range of family-support focused initiatives.

### **SUPPORTING REGIONAL GROWTH**

349. The Government wants to make regions' economies stronger and more resilient to improve the economic prospects, wellbeing and living standards of all New Zealanders, including women.
350. In 2018, the Government created the Provincial Growth Fund (PGF), through which \$3.05 billion dollars was allocated to invest in regional economic development. The PGF supported the development of a regional economy that is sustainable, inclusive, and productive. Objectives of the PGF included job creation and increasing social inclusion and participation.
351. The Regional Strategic Partnership Fund (RSPF), established in 2021, is a \$200 million fund to support regions to achieve their economic potential. The RSPF aims to build more "Productive, Resilient, Inclusive, Sustainable and Māori-enabling" regional economies by delivering tailored local approaches.

### **CONNECTIVITY**

352. The Government has been working with private telecommunications providers to improve the extent and coverage of rural internet coverage. In the last 12 years, government investment in rural internet infrastructure improvements has totalled more than \$770 million.

353. Under the Rural Broadband Initiative, 84,000 rural homes and businesses will receive improved broadband. Additionally, two further rural broadband capacity upgrade programmes, announced in 2022, are expected to benefit an additional 43,000 and 26,000 rural homes and businesses.
354. The Government has also allocated \$15 million to a Remote Users Scheme to provide digital options for an estimated 5,200 rural households.
355. Provision has also been made for an extension of the Marae Digital Connectivity programme, through which marae (meeting grounds) are provided with internet connections, hardware, and technical support.

## HOUSING

356. Current Government housing initiatives will benefit women, including women living in rural areas.
357. Public housing is a critical part of the Government's strategy to deliver more affordable homes. The Government has committed to adding over 18,000 public and transitional housing places by 2024. Since 2017, over 9,000 public housing places and 5,000 transitional housing places have been added.
358. The Government has developed a range of complementary programmes to respond to the diversity of housing needs across Aotearoa New Zealand, such as the Affordable Housing Fund, First Home Products, Build-to-rent, and KiwiBuild.
359. Te Tūāpapa Kura Kāinga | the Ministry of Housing and Urban Development (HUD) uses a placed-based approach to achieve better housing outcomes for people and communities. Under this programme, there are partnerships in place in priority regions some of which cover rural areas.
360. In addition, provisions were added to the Residential Tenancies Act (RTA) in 2020 to enable tenants who are experiencing family violence to leave a tenancy with two days' notice, to enable victims of family violence to seek safety quickly. Regulations covering the operational detail for these provisions take effect from 29 December 2022. Consideration was given to ensuring that the evidence requirements will be accessible and culturally appropriate for victims of family violence, including for rural women who may face more or different barriers to leaving unsafe living situations. HUD officials consulted with Rural Women New Zealand on the regulations.

## FAMILY VIOLENCE AND SEXUAL VIOLENCE

361. Te Aorerekura includes actions around supporting all women to access integrated and inclusive responses to ensure their safety. Targeted engagements were undertaken with rural and isolated communities in the development of Te Aorerekura.
362. The Ministry of Social Development (MSD) supports family violence services for women experiencing violence across Aotearoa New Zealand, including those in rural locations. Some of these services include Māori whare refuges operating under Te Ao Māori<sup>47</sup> frameworks.
363. In 2021, MSD, in partnership with NGOs, launched nationwide 24/7 access to services for people experiencing or supporting those impacted by family violence. This service, alongside the re-designed “Are You OK” website helps women in remote locations. The website includes a service finder tool to help with locating services in local areas.
364. MSD also funds Heartland Services which improve access to government and non-governmental organisation (NGO) service support for people in rural, provincial, and isolated communities.
365. The Whānau-centred Facilitation Initiative, led by Te Puni Kōkiri, tests innovative, locally led prevention and restoration programmes to address current service fragmentation in family violence and sexual violence systems. This initiative aims to expand whānau-centred prototypes, enabling kaupapa Māori service providers to work with whānau affected by violence across New Zealand.

## HEALTHCARE

366. A key priority of the health and disability system reforms underway is improving health care access for rural communities. The Pae Ora (Healthy Futures) Act requires the development of a rural health strategy to improve rural health outcomes, alongside a New Zealand Health Strategy, a Hauora Māori Strategy, and strategies for the health of Pacific people, disabled people and women. Rural health will be considered across these strategies, including the Women’s Health Strategy.
367. Rural health is also a key focus within Te Pae Tata, under which a Primary, Community and Rural Early Actions work programme has been established. One such “early action” is the development of a rural telehealth initiative to support rural access to after-hours primary care.
368. The shift to a locality approach is fundamental to Aotearoa New Zealand’s health system reforms. It offers a new way of delivering integrated primary and community health services tailored to the needs of local populations, and providing for greater partnership with communities.

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<sup>47</sup> The Māori world view - acknowledges the interconnectedness and interrelationship of all living and non-living things.



369. Te Whatu Ora | Health New Zealand's National Immunisation Programme continues to engage with districts across the country to address challenges relating to COVID-19 vaccination uptake within rural communities. This includes increasing the number of providers offering vaccination, establishing outreach/mobile clinics, and supporting community-led initiatives.
370. The National Cervical Screening Programme is implementing Human Papilloma Virus primary screening, self-testing, and upgrades to the supporting information systems. This investment will improve the quality, safety, and effectiveness of the programme, and aid in addressing current equity gaps.
371. Manatū Hauora's national abortion telehealth service, DECIDE, will deliver improved and more flexible access to abortion information and services for many women, including those in rural communities.
372. Rural areas of Aotearoa New Zealand are experiencing a range of workforce shortages including midwives, which reflects both national and global maternity service trends. Budget 2020 included specifically allocated funding to increase remuneration for maternity services provided to women living in rural areas.

#### ALLEVIATING HARDSHIP

373. As described under question 18, the Government has committed to overhauling the welfare system, which supports financial wellbeing and connection to employment for women across New Zealand. Equity across the system remains a key focus for this work.

## Wāhine Māori and women belonging to ethnic minority groups

### *Reply to question 21 (a)*

374. The Government is developing a draft plan to implement the UN Declaration on the Rights of Indigenous Peoples in partnership with Pou Tikanga of the National Iwi Chairs Forum and the Human Rights Commission. The Government will be guided by the advice provided by the Expert Mechanism on the Rights of Indigenous Peoples and the requirement to address the needs of indigenous elders, women, children, youth, disabled persons and indigenous members of the Rainbow community.

### *Reply to question 21 (b)*

375. The Government recognises the compounding impacts of multiple and intersecting forms of discrimination in the lives of women and girls, and is committed to ensuring that policies, initiatives, and actions take these realities into account. Aotearoa New Zealand's efforts to address discrimination for wāhine Māori, Pacific women, and other women of ethnic minority groups encompasses a broad range of work across government.

376. Wāhine Māori and women belonging to ethnic minority groups experience disproportionate rates of and impacts from gender-based violence against women. This has also been highlighted in the Mana Wāhine Kaupapa Inquiry (outlined further below). Te Pūkotahitanga | the Māori Advisory Group and the Ethnic Communities Network are some of the mechanisms supported by Te Puna Aonui that address this (further described under question 9 and 10).

377. Te Puni Kōkiri (Ministry for Māori Development), the Ministry for Pacific Peoples and the Ministry for Ethnic Communities are dedicated central government agencies focused on improving outcomes for Māori, Pacific and ethnic communities, with programmes of work underway which impact positively on women and girls.

378. Additionally, the Mānatu Wāhine | Ministry for Women works across the system to drive progress for woman and girls in all their diversity. Mānatu Wāhine has four strategic outcomes, all of which include a focus on improving outcomes for wāhine Māori.

## **WĀHINE MĀORI**

379. Whānau Ora is a government-funded, culturally based, and whānau-centred approach to improving the wellbeing of whānau (family group). It wraps the necessary services and support

around whānau to improve outcomes in areas such as health, education, housing, and employment, including for wāhine Māori.

380. The Te Mahere Whai Mahi Māori - Māori Employment Action Plan (MEAP) sets out a range of actions aimed at improving labour market outcomes for Māori, including wāhine Māori. Immediate actions that benefit wāhine Māori include researching barriers and incentives to flexible work, and researching how workplaces can be more inclusive.

#### *Kōhine Māori initiative*

381. Ngāti Porou Hauora and Sport Gisborne are co-delivering an initiative, supported by the Government, for kōhine (young women) who may have experienced rural isolation, poverty, and a lack of access to job and education opportunities. The programme enables kōhine to explore opportunities for employment, education, training and aims to build their confidence through sport and wānanga.

#### *Mana Wāhine Kaupapa Inquiry*

382. In 2018, the Waitangi Tribunal<sup>48</sup> formally initiated the Mana Wāhine Kaupapa Inquiry into claims alleging prejudice to wāhine Māori arising from Crown breaches of the Te Tiriti o Waitangi (Treaty of Waitangi), in both historical (pre-September 1992) and contemporary times.
383. The Mana Wāhine Inquiry concerns a range of claims which centre on the loss of wāhine rangatiratanga<sup>49</sup> and the social, economic, environmental and cultural prejudices that have occurred as a consequence. In 2020, the Tribunal grouped the multiple issues detailed in the claims into three main themes:
- a) Protection of the role, status, and knowledge of wāhine Māori;
  - b) Equity and disparities in outcomes and well-being for wāhine Māori; and
  - c) Representation and access to leadership, governance, and decision-making roles for wāhine Māori.
384. The Inquiry is in the tūāpapa (or contextual) hearings phase, with evidence being heard about the status, role and experiences of wāhine Māori prior to colonisation. A claimant-led research committee has been established and will oversee a large, wāhine Māori-led research programme to support the claims.

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48 The Waitangi Tribunal is a standing commission of Inquiry. It makes findings on the claims brought by Māori relating to legislation, policies, actions or omissions of the Crown that are alleged to breach the promises made in the Treaty of Waitangi. The Tribunal also makes recommendations to the Crown to remedy or remove the prejudice caused by any breaches of te Tiriti.

49 Rangatiratanga is a traditional Māori philosophy, value and practice of people exercising their independence, and determining their choices for governing themselves

385. Manatū Wāhine and Te Puni Kōkiri are leading the Government's response to the inquiry.<sup>50</sup> Manatū Wāhine also chairs a cross-Government working group focussed on identifying opportunities to address the issues raised through the claims process. Further analysis of the claims will be undertaken, with learnings fed into wider policy development as the inquiry progresses.

## PACIFIC WOMEN

386. Since 2021, the Ministry for Pacific Peoples (MPP) has been delivering the 'Pacific Aotearoa Community Outreach' initiative to build the resilience of Pacific communities, in particular to improve access to health and social services. The initiative included extensive community engagements with different intersectional groups to understand their needs and share available supports.

387. In September 2022, MPP launched the All of Government Pacific Wellbeing Strategy (PWS). The Strategy is informed by Pacific values and specific experiences of diverse Pacific communities. Key priority populations identified for support include Pacific women, Pacific disabled people, Pacific youth, and Pacific MVPFAFF+/ LGBTTQIA+ + and Realm nations.

## ETHNIC COMMUNITIES

388. Former refugee and migrant women are supported by Aotearoa New Zealand's Migrant Settlement and Integration and Refugee Resettlement strategies to make Aotearoa New Zealand their home, participate fully in and contribute to all aspects of New Zealand life. Both strategies are currently being refreshed to ensure they support successful settlement in the future.

389. The Te Tari Mātāwaka | Ministry for Ethnic Communities (MEC) supports the wellbeing and development of pan-ethnic women in New Zealand. This has included support for the establishment of the Manawaka Ao – Women of Colour Network, which aims to create a safe space for ethnic women to network and collaborate on matters of collective interest.

390. MEC has also supported the Women2Women project, established in Christchurch in response to the 2019 terrorist attack on Christchurch masjidain. Information sessions have held for members of this project around the themes of wellbeing (including prevention of sexual violence and family harm), employment and media.

## SOCIAL COHESION

391. The Government has a programme of work underway through MSD to strengthen social cohesion in Aotearoa New Zealand and create a safer, more inclusive society. This work is part of

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<sup>50</sup> This involves responsibility for forming a collaborative approach to the Mana Wāhine inquiry, in partnership with claimants; leading the Crown's involvement in the Waitangi Tribunal Mana Wāhine Kaupapa Inquiry and its response to the issues raised; and working closely with other government agencies to help improve outcomes and focus for wāhine Māori.

the wider response to recommendations from the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain in 2019. The vision of this work is to continue building a New Zealand where everyone is connected, included, respected and safe.

392. MSD engaged with over 600 stakeholders across the Aotearoa New Zealand, with intersecting identities to develop a package of tools and resources to foster social cohesion. Key products within this package are the strategic and measurement frameworks. The strategic framework notes six focus areas for action including “tackling all forms of discrimination” and “ensuring equitable access to the determinants of wellbeing for all” that will help create a socially cohesive society. The accompanying measurement framework includes gender, gender identity, and sex as subgroups.

### **NATIONAL PLAN OF ACTION AGAINST RACISM**

393. The MoJ is leading the development of a national action plan against racism, in partnership with the National Iwi Chairs Forum. The plan aims to progressively eliminate racism at all levels of society. It will set practical steps for the Government to take and provide guidance for communities, businesses and institutions to support their own solutions. MoJ has recently completed initial engagement on the plan, which will inform the development of a draft report for further consultation.

### **HEALTHCARE**

394. There is a suite of initiatives aimed at achieving equitable outcomes for Māori, and these are a key part of addressing the intersecting forms of discrimination against wāhine Māori in their access to health care services and health outcomes.

395. As outlined under question 17, the Aotearoa New Zealand health system is in the process of a major reform. Reducing inequities and ensuring access for all New Zealanders is a key focus of this work. Pae Ora (Healthy Futures) Act 2022 (the Act) sets out the following principles of equity:

- a. ensuring the health system is equitable in relation to access and outcomes achieved
- b. engagement with Māori and other population groups;
- c. opportunities for Māori to exercise decision-making authority;
- d. choices of services for Māori and other population groups; and
- e. protection and promotion of people’s health and wellbeing.

396. Te Pae Tata embeds Te Tiriti o Waitangi (the Treaty of Waitangi) at its foundation, and instils responsibility across the sector to end discrimination, racism and bias. Te Pae Tata identifies actions to achieve this, with progress monitored by an independent statutory entity - Te Aka Whai Ora.

397. Ao Mai Te Rā | The Anti-Racism Kaupapa is a specific programme of work to support the way the health system understands, reacts, responds to and addresses racism. Ao Mai Te Rā recognises that individuals require different approaches and resources to achieve equitable health outcomes.
398. As previously discussed, the Pae Ora Act requires the development of a New Zealand Health Strategy, a Hauora Māori Strategy, and strategies for the health of Pacific, disabled and rural people and women. Each of these population strategies will provide strategic direction to guide health entities in improving the health of the populations listed.
399. The Women’s Health Strategy itself includes a focus on equity and addressing gender bias and other intersecting forms of discrimination.
400. In the development of the Health of Disabled People Strategy, Manatū Hauora will continue to consider the specific needs of disabled women. Under the Disability Action Plan 2019-2023, MoH is also progressing a work programme to improve access to health services for disabled people, including disabled women

## EDUCATION

401. Evidence has shown that our education system is not delivering for all and has historically underserved some groups. Work is underway to achieve an inclusive and equitable education system. Some of the key ways this is being progressed include:
- a. refreshing Ka Hikitia - the Māori Education Strategy, and redesigning Te Marautanga o Aotearoa, the curriculum used in Māori-medium schools;
  - b. the launch of Te Hurihanganui to address racism and bias, strengthen equity and accelerate educational achievement and wellbeing of ākonga (disabled) Māori; and
  - c. refreshing the Action Plan for Pacific Education 2020–2030.

### *Reply to question 21 (c)*

402. The Government is committed to safely reducing the prison population and addressing the over representation of Māori in the system. A key part of this lies in ensuring a gender and culturally responsive approach to managing women prisoners, based on evidence of what works to reduce women’s reoffending.
403. Women have specific needs as prisoners, based on their distinct experiences and realities. Many women share a similar journey to offending that is complex and impacted by trauma, mental health issues, substance abuse, experiences of violence and poverty. A disproportionately high number of women in prison are Māori and this over-representation is higher than for Māori men in prison.

### *Women’s Strategy*

404. Ara Poutama Aotearoa | Department of Corrections updated and released the second iteration of Wāhine - E rere ana ki te pae hou: Women's Strategy 2021 -2025 in 2021. The Strategy has four focus areas:
- a. Tautoko - gender informed and culturally responsive programmes, policies, and interventions;
  - b. Holistic approaches, with individualised pathways to meet women's needs;
  - c. Whānau and whanaungatanga - relational approaches, with whānau brought along the journey; and
  - d. Trauma informed and mana enhancing pathways of care.
405. Mitigating the impact of detention on children and whānau and encouraging women to grow healthy relationships is an essential component of the Women's Strategy. All three women's prisons have Mothers with Babies Units where women can look after themselves and their babies (up to 24 months) in a self-care unit. Social workers are developing new ways to improve the quality of contact between women and their whānau during visits.
406. Further measures of note include:
- a. Employment, education and rehabilitation and reintegration programmes and services available across all three women's prisons.
  - b. Social workers, counsellors and mental health professionals available to support people in prison.
  - c. The Kowhiritanga programme, a group-based rehabilitation programme that is designed to meet women's needs
  - d. Fitness and wellbeing trainers available to support women's mental and physical health.
  - e. A number of women's supported accommodation services to support women's reintegration. This includes Te Waireka in Hawke's Bay, which is a Kaupapa Māori services that supports women's reintegration.
  - f. A bail house for women in Hamilton.

#### *Te Mana Wāhine Pathway*

407. A specific Kaupapa Māori rehabilitation and reintegration pathway for wāhine Māori has been established in Christchurch Women's Prison, called Te Mana Wāhine Pathway. This includes:
- a. A new Kaupapa Māori whānau-centred operating model;
  - b. Culturally appropriate space for women and their families;
  - c. Wraparound support delivering whānau-centred services;
  - d. Increased cultural practice for frontline staff;
  - e. Kaupapa Māori programmes that are whakapapa and whānau-centred; and

- f. Kaupapa Māori accommodation services.
408. Te Mana Wāhine Pathway lays the foundation for longer term system changes required across the prison network.

#### ALTERNATIVES TO DETENTION

409. As part of the Hōkai Rangi: Ara Poutama Aotearoa Strategy 2019-2024, Corrections is undertaking research and analysis on how it can actively work towards keeping youth and Māori women (especially Māori women with primary care of children) out of prison.<sup>[1]</sup>
410. Findings from this research indicates that supporting wāhine Māori to gain and maintain bail is likely to be the most effective way of further reducing the number of women in custody.
411. Wāhine Bail Support Officers have been employed to support the three women's prison facilities, with a specific focus on supporting wāhine Māori in accessing and maintaining bail in a timely manner. The Bail Support Services Programme has also undertaken work, such as creating the wāhine framework, which will influence the service design and delivery in supporting groups such as wāhine Māori. Additionally, a women's bail house has been established in Hamilton. The bail house provides accommodation for women approved by the courts who may have otherwise been remanded in custody due to having no suitable accommodation.
412. Corrections is also establishing a dedicated programme team to explore options for the future of women's reintegration services. This work will ensure appropriate services are available in the right locations to better meet the needs of women and their whānau.

#### ANTENATAL AND POST-NATAL SUPPORT

413. As noted, Mothers with Babies Units are in women's prisons in Aotearoa New Zealand, and all providers in this space are Kaupapa Māori. Any woman can apply if she is pregnant or has a child under the age of 24 months that she normally cares for in the community. Mothers are individually supported to successfully and independently parent.
414. There are also feeding and bonding facilities available for women who are unable, or do not wish to have their children reside in prison with them. These facilities support mothers to have contact and maintain bonds with their children, and for other whānau members to bond as a family unit.
415. Pregnant prisoners are placed in accommodation which provides unrestricted access to flush toilet and hand washing facilities. They are also provided with a specific pregnancy diet. All pregnant women are referred to a local Lead Maternity Carer (LMC) through the Te Whatu Ora

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<sup>[1]</sup> Some notable findings so far include that since 2018, the number of women in prison has declined, however the proportion of Māori women in comparison to non-Māori women has increased; Māori women are over-represented in the remand population, and thus in the total women's prison population; and Māori women have only marginally greater difficulty obtaining bail than non-Māori women, but greater difficulty in staying on bail for the duration of the case.



Community Midwifery Team and/or an obstetric specialist who coordinates antenatal maternity care and postnatal care up to six weeks. Intrapartum care (labour) is provided by midwives (or obstetric specialists) working within birthing units at local hospitals.

416. When pregnant women are being escorted on pregnancy or birth related escorts, at least one of the escorting officers must also be a woman. Escorting staff must not remain in the hospital room unless the mother has given approval, health professionals request they remain, or the risk of escape is unacceptably high. Mechanical restraints are not used on women on escort who are 30+ weeks pregnant, are in labour, or remain in hospital with their baby after giving birth.
417. Women will be supported to observe their cultural, religious, and spiritual customs, practices, and beliefs during labour and after birth, provided there is no risk of escape or other identified risk.

## Migrant women

### *Reply to question 22 (a)*

418. In June 2021, Immigration New Zealand (INZ) commissioned an independent review to examine operational practices relating to the potential detention of asylum seekers. The resulting recommendations were all accepted by INZ.
419. To implement these, INZ has established a decision-making panel to consider any recommendations to detain an asylum seeker or restrict their movement in the limited cases where there is an identifiable risk that cannot be managed appropriately in another way.
420. Decisions made by this panel are consistent with the 2012 United Nations High Commissioner on Refugees (UNHCR) detention guidelines. Any referrals or recommendations to the decision-making panel must be accompanied by additional information regarding the person's relevant personal circumstances. This may include experiences of trauma or violence, whether there are children involved, the claimants gender identity, or whether they are elderly, pregnant, or have a disability.
421. INZ has also:
- a) established several working groups to ensure review recommendations are implemented in an operationally feasible way;
  - b) established a focus group which includes representatives from Auckland District Law Society, New Zealand Law Society, New Zealand Red Cross, Asylum Seekers Support Trust, UNHCR, Amnesty International (NZ) and the MoJ;
  - c) explored options to give claimants better access to legal representation, online access and other support that may help them progress their claims; and
  - d) explored how asylum seekers can access key support and services where it is necessary for them to be in short-term detention.

### *Reply to question 22 (b)*

422. The Minister of Immigration (or delegated officials) can make decisions on a discretionary basis and the rights of the child are a paramount consideration.
423. The Ministry of Business, Innovation and Employment (MBIE) has been directed to begin work on wider eligibility for Victims of Family Violence Visas, including the partners of temporary migrants.
424. MBIE has also been directed to conduct a broader review of partnership and family immigration settings in 2023. The review is yet to be scoped but is expected to include

consideration of how the immigration system supports victim-survivors and responds to instances of family violence.

### *Reply to question 22 (c)*

#### **SUPPORT FOR VICTIMS OF VIOLENCE**

425. MSD supports family violence services for women in all their diversity in Aotearoa New Zealand. A range of funded NGOs provide culturally competent support and refuge services for women, children and families of Asian, African, and Middle Eastern origin who are affected by family violence.
426. The online tools and services described under question 10 will help migrant women affected by family violence. Research is underway to understand how these tools and services might be further improved for ethnic communities, including people from former refugee or migrant backgrounds.
427. The E Tū Whānau primary prevention work programme was expanded in 2013 to include work with former refugee and migrant communities. E Tū Whānau's strengths-based approach and values resonate with these communities, many of whom come from collective, family-focused cultures. MSD received funding through Budget 2022 to support the development of prevention programmes to further meet the needs of ethnic communities.

#### **MIGRANT EXPLOITATION AND SUPPORT**

428. In 2021, the Government implemented a series of measures which have the purpose of preventing and protecting the victims of exploitation, forced labour and people trafficking. These include the new Migrant Exploitation Protection Visa, strengthened labour exploitation reporting channels, and \$8.8 million over the last 3 years in additional funding for the New Zealand Labour Inspectorate. The Government has begun work on draft legislation (The Worker Protection Bill) to further address migrant worker exploitation.
429. Three Principal Liaison Advisors were established at MBIE in 2021 to support survivors of migrant exploitation during the investigation of their exploitation allegation. This support includes facilitating contact with accommodation and welfare support providers, as well as supporting survivors through the visa process and any resulting court case.

#### **LEGAL AND VICTIM SUPPORT**

430. Relevant improvements in the availability of, and access to, legal aid services have included:

- a) Increasing the number of legal aid lawyers with experience in Immigration and Protection Tribunal matters that can be assigned warrant of commitment (WoC) cases;
- b) Reviewing the operational granting policy and making changes to increase the number of hours granted to legal aid lawyers for these matters, and, making it easier for legal aid lawyers to access additional hours; and
- c) Developing an ongoing list of legal aid lawyers willing to act on an urgent basis for unrepresented clients in WoC matters.

431. As outlined in the reply to question 11 (e), since 2019, Victim Support (funded by the MoJ) has been providing victims of the terrorist attack on Christchurch with a range of psychosocial and financial support.

## Marriage and family relations

### *Reply to question 23*

#### **IMPLEMENTATION OF FAMILY JUSTICE REFORMS**

432. Transformation of the family justice system, in response to an Independent Panel's recommendations, is a five to ten-year project.

Completed initiatives include:

- d) reinstating legal representation in the early stages of proceedings in the Family Court; and
- e) Kaiārahi – Family Court Navigator roles to help parents and whānau navigate the family justice system.

Current initiatives include:

- f) rolling out inclusive and accessible information on navigating the family justice system;
- g) establishing a new role, the Family Court Associate, to enable faster resolution of disputes; and
- h) implementing the Family Court (Supporting Children in Court) Legislation Act which reinforces expectations that people should be protected from family violence.

These initiatives ensure that families and whānau are well-supported with early legal advice and information, children's participation is enhanced, and delay is reduced in the Family Court.

#### **ADDRESSING FAMILY VIOLENCE AND SEXUAL VIOLENCE**

437. In 2018, the Government reformed Aotearoa New Zealand's family violence legislation. The Family Violence Act 2018 and Family Violence Amendments Act 2018 came into force on 1 July 2019. Those Acts made significant changes to the law and the way the Government responds to family violence, including introducing family violence leave and other allowances for employees experiencing violence.

438. MoJ has a multi-year work programme underway to improve the court experience for people affected by family violence and sexual violence. The goal of the work programme is to ensure those affected feel safe, supported and well informed when interacting with courts and justice services. Specific improvements include:

- a) work on minimum service standards for participants in family sexual violence proceedings; and
- b) foundational training for the court-related workforce to ensure safe and appropriate responses.

439. MoJ is also supporting the judiciary to implement Te Ao Mārama<sup>51</sup>, the judiciary's vision for the District Court, including the Family Court.

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<sup>51</sup> Te Ao Mārama is a journey towards a more enlightened justice system where all people who come to court to seek justice will be seen, heard, understood and are able to meaningfully participate.

## CAPACITY OF JUDGES AND OTHER PROFESSIONALS

440. Please refer to the reply to question 3.

### *Reply to question 24 (a)*

441. Victims of family violence are exempt from participating in mediation.

### *Reply to question 24 (b)*

442. The Family Court deals with some of Aotearoa New Zealand's most difficult and complex cases, including cases involving family violence or where a child might refuse contact with one parent. The Care of Children Act 2004 (COCA) sets out the law relating to guardianship and the day-to-day care of children. The Act sets out that child's safety must be protected, in particular from all forms of violence.

443. The Act also specifies that protection orders made under the Family Violence Act 2018, convictions for family violence offences, or relevant safety concerns must be taken into account by the court.

444. While the Act provides that family dispute resolution ('FDR') is mandatory before proceedings under the Act may be commenced, FDR is not mandatory if one of the parties (or a child) to the family dispute has been subject to family violence by one of the other parties.

### *Reply to question 24 (c)*

445. Aotearoa New Zealand's family laws do not refer to parental alienation syndrome theory and MoJ understands that this theory has been widely discredited. The principles in COCA, as referenced above, primarily prioritise the child's welfare and interests.

## Additional information

### *Reply to question 25*

#### **INTEGRATING A GENDER PERSPECTIVE INTO THE SUSTAINABLE DEVELOPMENT GOALS**

432. Aotearoa New Zealand is contributing to the achievement of the 2030 Agenda and the Sustainable Development Goals (SDGs) through a combination of domestic action, international leadership on global issues and support for developing countries.
433. In 2019, Aotearoa New Zealand submitted a Voluntary National Review on the implementation of the SDGs.<sup>52</sup> This Review reflected Aotearoa New Zealand's belief in productive, sustainable, and inclusive development which improves the wellbeing and living standards of all New Zealanders. Aotearoa New Zealand reported on its efforts to pursue sustainable development in New Zealand and abroad and integrate gender perspectives into implementation efforts.
434. Aotearoa New Zealand recognises that Goal 5 is a key human rights priority and also crucial to sustainable development. Aotearoa New Zealand is working to address gender inequalities, including around violence against women and women's economic wellbeing.
435. Gender equality is relevant to implementation efforts across the SDGs. Aotearoa New Zealand is working to eliminate gender disparities in education in the implementation of Goal 4 – Quality Education. Gender equality is also visible in the implementation of SDG Goal 8 - Decent Work and Economic Growth, through initiatives to address gender pay gaps and improve the standard of living for women. Finally, as part of New Zealand's efforts to implement Goal 13 – Climate Action, the Government is working to ensure gendered-related employment barriers are addressed within New Zealand's just transition towards a more productive, sustainable, and inclusive economy and society.

#### *Gender Action Plan*

436. The Gender Action Plan 2021-2025 (GAP)<sup>53</sup>, endorsed in January 2021, commits New Zealand to advancing gender equality and women's empowerment through targeted gender investments and mainstreaming gender across the International Development Cooperation programme<sup>54</sup>, in line with Aotearoa New Zealand's strategic priorities and implementation of the SDGs.
437. The GAP identifies the following priority areas:

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52 <https://www.mfat.govt.nz/assets/Peace-Rights-and-Security/Our-work-with-the-UN/Sustainable-Development-Goals/New-Zealand-Voluntary-National-Review-2019-Final.pdf>

53 <https://www.mfat.govt.nz/assets/Peace-Rights-and-Security/International-security/Gender-Action-Plan-2021-2025.pdf>

54 <https://www.mfat.govt.nz/assets/Aid-Prog-docs/Policy/New-Zealands-International-Development-Cooperation-2020-21.pdf>

- a. women in governance and leadership;
- b. elimination of violence against women and girls;
- c. social protection initiatives;
- d. women's economic empowerment;
- e. women's education and health;
- f. sexual and reproductive health and rights; and
- g. Women Peace and Security.

#### **ADDITIONAL INFORMATION**

438. The following additional areas of work demonstrate the broad range of work underway across government to eliminate all forms of discrimination against women.

#### ***Women in sport and active recreation***

439. There are inequalities for women and girls when it comes to participation, involvement and visibility in sport and active recreation in Aotearoa New Zealand. The Government is committed to addressing these barriers and has taken active steps to do so.

#### ***Development of women in sport***

440. The Government's Strategy for Women and Girls in Sport and Active Recreation has three priority areas: leadership, participation, and value and visibility. Through Sports New Zealand, the Government has committed almost \$42 million of investment into initiatives, programmes and projects aimed at addressing the gender equity gap in sport and active recreation, at both community and high-performance levels.

441. A key achievement under the strategy is the successful increase of diversity on boards. Sport New Zealand achieved gender parity in their leadership programmes in 2018/2019 and 91% of Sport New Zealand partner organisations achieved the 40% target of self-identified women on boards.

442. The second strategic outcome aims to increase the quality and quantity of sport and active recreation opportunities available to girls at a national, regional, and local level. To this end, Sport New Zealand launched the “#itsmymove” campaign to help address declining physical activity levels in young women. It aims to help young women feel confident and empowered to participate in sports and activities on their own terms. Sport New Zealand also launched the “It's Time” campaign which is aimed at encouraging greater engagement in elite women's sport.

443. The third strategic outcome aims to generate more media content focussing on women's sport and recreation, generate content that represents a diverse range of women and girls, and address the pay gap between men and women in sport.



444. As part of a Women’s Sport Media Coverage Analysis project, one third of all New Zealand sports coverage is being analysed in a two-year study to understand gender balance in sports media.

445. Aotearoa New Zealand has funded several events to deliver more equal opportunities for women and girls in sport. Between 2019 -2021, Sport New Zealand hosted the Women + Girls Summit, aimed at building momentum for the international Working Group on Women and Sport World Conference to be hosted in Aotearoa New Zealand in 2022.

## **Women in Trade**

### *Representation of women in trade*

446. In 2022, the OECD Trade and Gender Review of New Zealand (prepared by the OECD and Manatū Aorere | Ministry of Foreign Affairs and Trade (MFAT)) assessed how New Zealand women experience the benefits of trade as workers, business leaders, and consumers, and examines the trade policies that affect them. More women in Aotearoa New Zealand are in export employment than ever before<sup>55</sup>, however gender disparities persist and are larger than in the non-exporting economy.<sup>56</sup>

### *Initiatives to increase and promote women in trade*

447. The Government is committed to reducing the barriers to trade for women as part of its ongoing efforts to promote “Trade for All”.<sup>57</sup> The Te Mahere Whai Mahi Wāhine | Women’s Employment Action Plan (WEAP) includes a focus on reducing barriers on women’s export participation.<sup>58</sup>

448. New Zealand Trade and Enterprise’s (NZTE’s) Women in Export programme is reviewing the support it provides to businesses to better tailor offerings to women exporters, such as through training, networking, and investment events. They are also working to better use their customer base to gather insights on the experiences of women exporters and to showcase the stories of women exporters. NZTE is also actively working to activate allies to employ more women (especially at senior leadership levels) in export as well.

449. Aotearoa New Zealand has signed three Free Trade Agreements (FTAs) that explicitly mention women: the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), the Digital Economy Partnership Agreement (DEPA), and the NZ-Singapore Closer Economic Partnership. There are also a range of provisions in FTAs signed before 2017 that

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55 More than 250,000 women are estimated to have produced goods or services for export in 2021, representing 40% of New Zealand’s total export workforce and up from 38% a decade ago.

56 <https://www.mfat.govt.nz/en/trade/mfat-market-reports/market-reports-global/nz-women-in-export-oecd-releases-trade-and-gender-review-of-nz/>

57 <https://www.mfat.govt.nz/en/trade/nz-trade-policy/trade-for-all-agenda/>

58 Te Mahere Whai Mahi Wāhine: Women’s Employment Action Plan (2022) | Ministry for Women

support women, including around labour standards, inclusive development, redressing inequalities, and the right to regulate.<sup>59</sup>

450. Under the recently concluded FTA's with the United Kingdom and European Union, Aotearoa New Zealand secured robust new provisions on advancing gender equality in trade.<sup>60</sup>

451. Aotearoa New Zealand is also an active member of the Global Trade and Gender Arrangement and continues to engage actively with like-minded partners on joint initiatives in international fora such as APEC, the WTO, and the OECD.

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59 <https://www.mfat.govt.nz/en/trade/mfat-market-reports/market-reports-global/nz-women-in-export-oecd-releases-trade-and-gender-review-of-nz/>

60 The FTA with the United Kingdom contains a Trade and Gender Chapter to support women business-owners, entrepreneurs, and workers to fully access opportunities of international trade. The FTA with the European Union includes also a section on trade and gender equality. This FTA will see dispute settlement being applied to gender equality provisions for the first time, and these commitments include an obligation to effectively implement the obligations under the UN CEDAW.

# APPENDIX ONE: VOICES OF AOTEAROA NEW ZEALAND WOMEN

## ENGAGEMENTS

Between 2017-2022, Manatū Wāhine | Ministry for Women conducted public meetings and smaller confidential meetings throughout New Zealand with women's groups, community organisations and service providers. A diverse range of groups and perspectives were included in these engagements, including women with lived intersectional experiences.

Manatū Wāhine consulted on a range of issues over this time, including through the International Women's Caucus, and in the development of Te Mahere Whai Mahi Wāhine: the Women's Employment Action Plan. Manatū Wāhine heard about issues of concern and what the Government's goals and priorities should be for women. Recurring high-level themes from these engagements are summarised below.

### *Employment, skills, and financial security*

- Successful employment is needed that is flexible, safe, and free from discrimination.
- Structural labour market issues need to be addressed, including around:
  - o gender and ethnic pay gaps;
  - o pay transparency and equity;
  - o financial security; and
  - o employment conditions and recruitment processes.
- Women should have access to appropriate and accessible training and support, including around growing digital and technology needs.
- Women-owned businesses require greater access to mentoring and support, with increased investment made in these businesses.
- Women-dominated sectors of work should be valued, and high-quality flexible and part-time work should be available across all parts of the economy.
- Women need to be supported to transition between unpaid and paid work, including support around mental and physical health concerns which can act as a barrier to long-term employment.
- Childcare needs to be affordable, accessible, culturally appropriate, and available at the right time. Māori and Pacific mothers face particular barriers in this regard.
- Women need to be supported to manage childcare requirements and wider whanau obligations.
- Support for women not in employment, e.g. on parental leave, should be adequate and accessible.

### *Safety, health, and long-term change*

- Women continue to bear the brunt of family violence and sexual violence victimisation. A stronger gender lens is required across all government efforts to address these issues.
- An intersectional lens must be applied to all issues concerning women and girls, to ensure that Māori, Pacific and pan-ethnic women are visible in policy proposals and their voices are heard.
- There is concern around the long-term impacts of COVID-19 lockdowns, particularly for children’s education, women’s health, and women from ethnic minority groups.
- Reform of the health system is needed with a strong focus on ensuring equitable access, including in relation to mental health and maternity care.
- Increased efforts are needed around the Women, Peace and Security Agenda, including the development of a new action plan.
- An overarching National Action Plan for women is needed to drive efforts across government, as per previous CEDAW Committee recommendations.
- Further reporting and action is needed on the implementation of the Sustainable Development Goals, with a gender lens applied across all work in this area.
- Work is needed to address discrimination and racism across the board. This issue was especially raised by wāhine Māori, Pacific women, and pan-ethnic women.

*Mana wāhine Kaupapa inquiry*

- [Placeholder] Claimants to the inquiry (described throughout the main report) allege loss of rangatiratanga and the social, economic, environmental, and cultural loss that has occurred from this loss of recognition of wāhine rangatiratanga. Claims have been organised thematically into four ‘pou’ or pillars:
  - Whakapapa/whānau – Education, health, justice, family and sexual violence, housing
  - Rangatiratanga – Leadership and decision-making roles
  - Whai rawa – Employment including the wāhine Māori pay gap and pay equity
  - Whenua – Resource management and land tenure
- The Inquiry is in the tūāpapa (or contextual) hearings phase, with evidence being heard about the status, role and experiences of wāhine Māori prior to colonisation. A claimant-led research committee has been established and will oversee a large, wāhine Māori-led research programme to support the claims.
- Manatū Wāhine and Te Puni Kōkiri are leading the Government’s response to the inquiry.[3] Manatū Wāhine also chairs a cross-Government working group focussed on identifying opportunities to address the issues raised through the claims process. Further analysis of the claims will be undertaken, with learnings fed into wider policy development as the inquiry progresses.

**GOVERNMENT ACTION**

The Government is dedicated to eliminating the remaining barriers to women’s full participation in society and the economy. The Government’s key priorities are already aimed at addressing the remaining

inequities, and this is specifically supported by Manatū Wāhine’s work programme. Manatū Wāhine continues to liaise with a range of agencies and stakeholders to identify and monitor issues of concern for women in Aotearoa New Zealand.

*Public consultation on the ninth periodic CEDAW report*

[Placeholder].

## APPENDIX TWO: TOKELAU

Tokelau is a non-self-governing territory, as defined under the Charter of the United Nations, administered by New Zealand. It comprises three small atolls with a population of 1,967 (2019).

The women of Tokelau play an important role in the socio-economic development of Tokelau. This important role is realized through the work of each Fatupaepae (Women's Organization at the village level) in the three villages of Tokelau.

In 2010 Tokelau's National Council of Women launched a National Policy for Women of Tokelau 2010-2015 (the National Policy). The National Policy had several objectives including the objective to provide a framework to give effect to the principles of the Convention of the Elimination of All Forms of Discrimination against Women (CEDAW).

The overarching goal of the National Policy is to ensure that all women of Tokelau have access to and utilization of all opportunities for an equal and improved quality of life.

In May 2019, the National Fatupaepae Organisation held a Summit in Atafu titled: "Tifa Ola, na Ukutia I Fatumanava, ke Punifenua, Ōtea Alofa ki he Alafaki Mālama" meaning Lively Pearl Shell, Harvested from the Heart, Nurtured to be Full Grown, With Love for a Brighter Tomorrow.

The Summit drew together members of the women's groups from the three atolls as well as Government of Tokelau Ministers and officials. The outcome of the Summit was a report summarising a number of priorities identified by Tokelau's women in connection with all aspects of Tokelau society including health, education, culture, village development, climate change, environment, leadership, communication, law and transportation.

Key priorities identified included:

- increased opportunities for women to become leaders; and
- an increase in the number of Fatupaepae representatives in the General Fono — not under three from each village; and
- the opportunity for the Atafu Fatupaepae to negotiate with the Taupulega and Village for a plan that helps qualify women to be eligible as Taupulega members.

By way of response, the Government of *Tokelau's National Strategic Plan 2021-2026 (TNSP)* included a new outcome focused on creating pathways that encourage Tokelau women to become leaders in Taupulega, General Fono and Council with one exception; the Plan expressly excludes women from joining the Taupulega of the atoll of Fakaofu.

While this means practically all women may now be elected to positions of decision making, the first annual report against the TNSP shows that there has yet to be any progress by the Government in progressing programmes in connection with this new outcome. However, in September 2022, Tokelau accepted an offer by UNDP Women (Pacific) to assist it to progress this priority outcome.

### **WOMEN IN LEADERSHIP – BY THE NUMBERS**

- In 2014, Atafu elected its first female Minister to Tokelau’s Council for Ongoing Government.
- Four out of ten Heads of Government Departments are women.
- In the elections held on 23 January 2020, 22 General Fono delegates, including four women, were elected for the current parliamentary term of 2020–2022.
- Two out of three atoll General Managers are women.

### **VIOLENCE AGAINST WOMEN AND GIRLS**

Little to no data has been collected on the prevalence of violence against women in Tokelau. However, the incidence and prevalence of domestic violence has been raised with New Zealand by Tokelau's female leaders. As a result, the Fatupaepae is coordinating with New Zealand, once Tokelau’s borders reopen, on the delivery of a programme to address family violence. Kaiga Maopopo is a framework based on Tokelauan cultural values developed by the Tokelauan community in New Zealand.

### **HEALTH CARE**

Tokelau has reported low infant and maternal mortality, thanks to the early referral of mothers for maternity care in Samoa or New Zealand. In 2022, consistent with the commitment made by PM Ardern to improving women’s health during her visit to Tokelau in 2019, 900 doses of the MFAT-funded Gardasil 9 Human Papillomavirus (HPV) vaccine were sent to Tokelau for its 9–19-year-old cohort. The HPV vaccine is an effective means of reducing the risk of cervical cancer and other diseases caused by HPV but has yet to be offered in Tokelau. In September 2022, Tokelau approved to expand eligible age group to include its 20 – 26 year old cohort. Tokelau and New Zealand are also working together to progress a number of health reforms impacting on women’s health identified by a 2019 review of Tokelau’s primary health care system.

### **WOMEN AND THE FORMAL AND INFORMAL ECONOMY**

The inati system (a system of strong communal sharing) is a critical traditional arrangement of the workforce based on the collection and distribution of seafood, ensuring that all households are well cared for. Tamafafine (first born female) tend to be responsible for overseeing the distribution of resources. However, there are limited prospects for other fafine (women) in the informal village workforce. The

introduction of high-speed internet in 2022 will provide possibilities for private sector development which could provide formal economic opportunities for women.



## APPENDIX THREE: GLOSSARY OF MĀORI TERMS

**Crown:** Government

**Hapū:** kinship group, clan, tribe, subtribe - section of a large kinship group and the primary political unit in traditional Māori society

**Iwi:** extended kinship group, tribe, nation, people, nationality, race - often refers to a large group of people descended from a common ancestor and associated with a distinct territory

**Kaupapa:** topic, subject, theme, issue

**Kōhine:** young female

**Kōtiro:** girl

**Mana:** prestige, authority, control, power, influence, status, spiritual power, charisma - mana is a supernatural force in a person, place, or object

**Māori:** indigenous person of Aotearoa/New Zealand

**Marae:** a traditional Māori tribal meeting place, originally one in the open air, now frequently a purpose-built building

**Rangatahi:** young person/youth

**Rangatiratanga:** chieftainship, right to exercise authority

**Tamariki:** child

**Te Ao Māori:** The Māori world view - acknowledges the interconnectedness and interrelationship of all living and non-living things

**Te Reo Māori:** the Māori Language

**Te Tiriti o Waitangi:** The Treaty of Waitangi

**Tūāpapa:** foundation

**Wāhine:** women

**Whānau:** family or smaller group of related people

## APPENDIX FOUR: DATA TABLES

**TABLE 1: THE NUMBER OF OUTCOMES WHICH THE HRC CONSIDERS TO BE SYSTEMIC**

Systemic Outcome	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Access to Goods/services/facilities provided (RP2)	2	9	5	1	41
Amendment of policy or change in practice (RP2)	14	10	20	20	41
Anti-discrimination programme or policy (RP2)	4	1	5	3	2
Material removed from website or other publication (RP2)	0	1	0	0	0
Participation in a review (RP2)	3	3	0	2	1

**TABLE 2: OTHER “OUTCOME CATEGORIES” LISTED IN THE HRC DATABASE.<sup>61</sup>**

Other Outcomes	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
[Archived] Other	0	1	0	0	0
Acknowledged and closed (AG1)	202	139	148	124	239
Acknowledged and closed (NA3)	2	0	8	10	9
Another jurisdiction (PNFA2)	0	0	1	0	1
Apology (RP2)	46	35	30	29	55
Assistance provided with applying human rights concepts to policies, practices, activities (NA3)	0	1	4	1	0
Beyond/outside scope of the HR Act (PNFA2)	1	2	7	1	1
Commission presence at meeting or event (NA3)	1	0	11	2	1
Complainant or respondent withdrew (PNFA2)	17	19	8	12	10
Complainant or respondent withdrew (RP2)	0	0	3	1	4
Complaint withdrawn/no further contact (NAT1)	174	161	228	120	139
Donation to a charity (RP2)	1	0	0	1	1
DRT process did not resolve the matter	60	53	35	21	22
DRT process did not resolve the matter (PNFA2)	0	0	7	2	4
DRT process did not resolve the matter (RP2)	0	0	0	3	1
DRT process not appropriate (PNFA2)	1	3	3	2	5
Education in/ explanation of HR Act (RP2)	21	22	12	9	5
Explained no action (AG1)	332	209	225	210	304
Explanation of HR Act (AG1)	928	615	674	565	854
Explanation of HR Act (RP2)	0	1	10	7	7
Explanation or discussion met needs (PNFA2)	0	0	3	1	4
Explanation or discussion met needs (RP2)	29	30	31	17	14
External referral (AG1)	1129	950	741	480	351
External referral (NA3)	0	1	0	0	0
External referral (NAT1)	0	0	3	5	6
Facilitated self-help (NA3)	0	0	1	1	0
Frivolous, vexatious, or trivial (PNFA2)	0	0	0	0	2
Further work requested (NA3)	0	0	1	0	0
HRC complaint triggered resolution elsewhere (RP2)	6	6	6	6	5
HRC facilitated self-help (AG1)	231	181	159	114	137

<sup>61</sup> The number 1 listed in the brackets means the HRC responded only to the person who contacted them. The number 2 means the HRC notified the respondent and offered them their dispute resolution service. The number 3 means it was a “broader human rights matter”, not a complaint (for example an invitation for a Human Rights Commissioner to speak at an event).

HRC facilitated self-help (RP2)	0	1	2	1	0
HRC facilitated self-help or referral to appropriate agency/process (RP2)	1	4	0	1	0
Individual settlement/conditions agreed (RP2)	22	21	17	17	12
Money / compensation (RP2)	29	22	19	13	12
Other (NAT1)	148	122	79	38	308
Other rights of redress (PNFA2)	2	1	3	1	5
Press release (RP2)	1	0	0	0	0
Provided information or advice on human rights (NA3)	0	1	3	10	3
Provided information/resources (AG1)	677	742	410	378	1577
Provided information/resources (PNFA2)	8	10	6	1	5
Provided information/resources (RP2)	0	1	5	5	4
Re-instatement, reference, job offer or interview (RP2)	4	2	5	1	0
Relationship established or strengthened (NA3)	0	1	1	2	1
Resolved by E&C discussion (AG1)	48	32	18	33	41
Resources requested (NA3)	0	1	4	5	2
Respondent would not engage in process (PNFA2)	0	3	6	4	5
Training or education session delivered (NA3)	0	0	1	0	0

**TABLE 3: CLIMATE CHANGE NATIONAL ADAPTATION PLAN SECTIONS RELATED TO GENDER AND WOMEN**

Actions	Considerations for women
3.4 Raise awareness of climate hazards and how to prepare	This action will support greater emergency preparedness for women and ensure they are engaged with education campaigns around emergency preparedness.
3.2 Design and develop risk and resilience and climate adaptation information portals	The portals will explore opportunities to collect and make available data and information on social and equity risks and support the assessment of climate vulnerability. This will include the disproportionate exposure and sensitivity for women.
Objective HBP1: Homes and buildings are climate resilient, and meet social and cultural needs, and; 3.22 Work with community housing providers to enable effective climate hazard response	In many contexts, gender inequalities limit the control that women and girls have over decisions governing their lives, including adequate housing <sup>62</sup> . Actions under this objective aim to improving homes and buildings so they can withstand the expected range of temperatures, rainfall and wind. In particular, the action to <i>work with community housing providers to enable effective climate hazard response</i> will reduce exposure of community housing tenants, including women, to climate risks.
3.10 Assess socio-economic and climate vulnerability for Māori	The action to assess socio-economic and climate vulnerability for Māori will support a greater understanding of vulnerability and support needs of wāhine Māori.
5.1 Pass legislation to support managed retreat	This action will consider how to minimise risks to social cohesion, which can be worsened when communities need to relocate. It must also consider the unique challenges for women.

62 General Recommendation No. 37 on Gender-related dimensions of disaster risk reduction in the context of climate change  
[https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/CEDAW\\_C\\_GC\\_37\\_8642\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_37_8642_E.pdf)

<p>9.8 Continue to overhaul the welfare system</p>	<p>After disasters, lower-income women experience ongoing job and house displacement, increased domestic violence and reduced access to education and childcare for children after extreme events.<sup>63</sup></p> <p>This action will make ongoing improvements in support – such as for employment, health, and communities – and in incomes for those interacting with the welfare system.</p>
<p>Chapter 6: Natural environment</p>	<p>This chapter contains a collection of actions to support a healthy and diverse natural environment will withstand climate change impacts.</p> <p>Actions in this chapter respond to feedback from women who commented on the importance of the natural environment and resilience in land during public consultation.</p>
<p>Chapter 9: Implementation</p>	<p>This chapter provides information on how New Zealanders can participate in the delivery of the actions. Engagement at the local level will be important to ensure actions are tailored to the unique needs of women. It also sets out how the NAP will be implemented, monitored, and evaluated and adjusted.</p>

63 Ministry for the Environment. 2020. National Climate Change Risk Assessment for Aotearoa New Zealand: Main report – Arotakenga Tūraru mō te Huringa Āhuarangi o Āotearoa: Pūrongo whakatōpū. Wellington: Ministry for the Environment.

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**Committee on the Elimination of Discrimination  
against Women****List of issues and questions prior to the submission of the  
ninth periodic report of New Zealand\*****General**

1. Please provide information and statistics, disaggregated by sex, age, nationality, disability, ethnicity, geographical location and socioeconomic background, on the current situation of women in the State party to enable monitoring of the implementation of the Convention. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, as well as in the light of the Committee's previous concluding observations (paras. 24 (a) and (b), 26 (f), 28 (c), 34 (a) and 50),<sup>1</sup> please indicate how the State party intends to improve the collection and analysis of data pertaining to the areas covered by the Convention so as to support policymaking and programme development and to measure progress towards the implementation of the Convention and the promotion of substantive equality between women and men, including with regard to the specific areas covered in the present document.

**Women's rights and gender equality in relation to the pandemic and recovery efforts**

2. In line with the Committee's guidance note on the obligations of States parties to the Convention in the context of the coronavirus disease (COVID-19) pandemic, issued on 22 April 2020, please indicate measures implemented by the State party to redress long-standing inequalities between women and men and to give a new impetus to the implementation of gender equality by placing women at the centre of the recovery as a strategic priority for sustainable change, in line with the Sustainable Development Goals; to meet the needs and uphold the rights of women and girls, including those belonging to disadvantaged and marginalized groups and women in situations of conflict or other humanitarian emergencies. Please indicate measures in place to ensure that all COVID-19 crisis response and recovery efforts, including the recovery and resilience plan:

(a) Address and are aimed at effectively preventing gender-based violence against women and girls;

(b) Guarantee the equal participation of women and girls in political and public life, decision-making, economic empowerment and service delivery, in particular in the design and implementation of recovery programmes; and

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\* Adopted by the pre-sessional working group on 6 July 2022.

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations on the eighth periodic report of the State party (CEDAW/C/NZL/CO/8).

(c) Are designed so that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic.

### **Visibility of the Convention and its Optional Protocol**

3. The Committee welcomes the publication of the previous concluding observations and the State party's information on its implementation of the recommendations on the website of the Ministry for Women (<https://women.govt.nz/cedaw>). With reference to its previous concluding observations (para. 10), please provide information on the steps taken to ensure that the Convention, the Committee's jurisprudence under the Optional Protocol, as well as its general recommendations, are well known to women and form part of mandatory training for members of the judiciary, law enforcement personnel, lawyers, social workers, medical personnel and other relevant professionals.

### **Definition of equality and non-discrimination**

4. In light of the previous concluding observations (para. 12), please describe the steps taken to:

(a) Amend section 21 (1) (a) of the Human Rights Act 1993, with a view to including specific prohibitions of discrimination on the grounds of gender identity, gender expression and sex characteristics;

(b) Review existing legislation with a view to include a gender-specific rather than gender-neutral approach in its legislation, policies and programmes, in line with paragraph 5 of the Committee's general recommendation No. 28, that also account for the perspective of Māori women, and inform the Committee whether the gender analysis tool of the Ministry for Women 'Bringing Gender In' is systematically used.

### **Access to justice**

5. Recalling its previous concluding observations (para. 14), please indicate the measures taken to:

(a) Increase the availability of free legal aid for women, in particular Maori and migrant women and women belonging to ethnic minority groups, including in civil and family courts;

(b) Disseminate information, in particular in rural and remote areas, about the legal remedies that are available to women whose rights have been violated;

(c) Strengthening systematic capacity-building on the Convention and on gender responsiveness and gender sensitive investigation and interrogation methods for judges, prosecutors, lawyers, police officers and other law enforcement officials;

(d) Eliminate the barriers faced by disadvantaged groups of women, including Maori women, women of other ethnic minority groups and women with disabilities, in accessing justice.

### **National machinery for the advancement of women**

6. With reference to the previous concluding observations (para. 18), please provide information on the measures taken to:

(a) Adopt and adequately fund the implementation of a national action plan for the advancement of women and of a national action plan on women, peace and security;

(b) Strengthen the role, efficiency and effectiveness of the Ministry for Women and the Ministry for Disabled People, established on 1 July 2022, by allocating sufficient human, technical and financial resources to enable the ministries to carry out its mandate to promote and protect women's rights and the rights of women with disabilities;

(c) Introduce gender-responsive budgeting so as to ensure that a gender perspective is integrated into the legislation and policy development processes across all government agencies.

### **National human rights institution**

7. Referring to the previous concluding observations (para. 20), please provide information on the mandate of the Human Rights Commission as it relates to complaints from migrants and update the Committee on the number and outcome of complaints received by women.

### **Temporary special measures**

8. In light of the Committee's previous concluding observations (para. 22), please describe the steps taken to consider the use of temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, and adopt and implement temporary special measures including quotas, in all areas in which women are under-represented or disadvantaged, including in political life and in the labour market, as well as in the private sector, with specific, increased efforts made to achieve gender parity in the composition of State-sector boards and to establish a set goal for achieving gender parity on private-sector boards.

### **Stereotypes and harmful practices**

9. With reference to the previous concluding observations (para. 24), please indicate the measures taken to:

(a) Combat discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society and to strengthen understanding of the concept of equality between women and men;

(b) Systematically collect data on harmful practices, including cyberbullying targeting adolescent girls, revise the Harmful Digital Communications Act 2015, and implement the work programme for 2019-2022 of the Bullying Prevention Advisory Group;

(c) Continue to combat harmful practices, in particular female genital mutilation, early and forced marriages, the use of dowry payments, polygamy, crimes in the name of so-called "honour", and forced sterilization, and systematically collect data disaggregated by age and ethnicity on those harmful practices, including convictions under the Crimes Act 1961;

(d) Adopt clear legislative provisions explicitly prohibiting the performance of unnecessary surgical or other medical treatment on intersex children before they reach the legal age of consent, provide the families of intersex children with adequate counselling and support, including by the New Zealand Child & Youth Intersex Clinical Network, and provide redress to intersex persons who have undergone such unnecessary surgical or medical treatment.

### **Gender-based violence against women**

10. Recalling the Committee's previous concluding observations (para. 26), please explain the steps taken to:

(a) Criminalize all forms of gender-based violence, including gender-based violence and harassment in the online sphere and stalking, in national legislation, and explain the mandate, activities and resources allocated to the Minister for the Prevention of Family Violence and Sexual Violence and the Executive Board for the Elimination of Family Violence and Sexual Violence, as mentioned in the related Public Service Order 2022, to prevent and address all forms of gender-based violence;

(b) Implement the *Te Aorerekura* national strategy and action plan and its effectiveness in combatting gender-based violence against women, including Māori women, women of ethnic minority groups, lesbian, bisexual, transgender and intersex women, and women with disabilities;

(c) Evaluate the effectiveness of awareness-raising programmes against gender-based violence, including of the 'It's not ok' campaign against domestic

violence, the three five-year frameworks for the prevention of family violence and the 'Safe Man Safe Family' pilot project (CEDAW/C/NZL/FCO/8, paras. 16 and 18), and provide information on the status of the development of indicators under the national strategy for the prevention of family and sexual violence (CEDAW/C/NZL/FCO/8, para. 17);

(d) Strengthen the collection and dissemination of disaggregated data through the website <https://www.police.govt.nz/about-us/publications-statistics/data-and-statistics/policedatanz>, including the number of cases of violence against women that have been investigated and the number of those that have led to prosecutions, the sanctions imposed on perpetrators, the number of women who have been victims of violence who have been provided with legal assistance and relevant support services and the number of such women who have received redress, including in the form of monetary compensation under the Family Violence Act 2018 (CEDAW/C/NZL/FCO/8, para. 26); please also describe trends observed during the COVID-19 pandemic;

(e) Draw recommendations from the survey 'Attrition and progression - Reported sexual violence victimisations in the criminal justice system' (2019) of the Ministry of Justice and implement such recommendations.

11. Please describe the measures taken to:

(a) Ensure effective coordination and collaboration among the entities responsible for combating gender-based violence and provide information on the number of women and girls benefitting from the Integrated Safety Response (ISR) model and the Whāngaia Ngā Pā Harakeke (WNPH) model;

(b) Consider renewing its invitation to the Special Rapporteur on violence against women, its causes and consequences and to the Working Group on discrimination against women and girls;

(c) Any progress made on the systematic collection of data by the Office of Disabilities Issues on cases of gender-based violence, including sexual violence and domestic violence, committed against women and girls with disabilities, and statistical data on the number and outcome of protection orders requested by women and girls with disabilities (CEDAW/C/NZL/FCO/8, paras. 11, 28), as well as any efforts made to ensure reasonable accommodation for women and girls with disabilities in requesting protection orders;

(d) Implement of the recommendations contained in reports of the Royal Commission of Inquiry about Abuse in Care;

(e) Provide women victims of the terroristic attacks in Christchurch on 15 March 2019 with an effective remedy.

### **Trafficking**

12. In the light of the Committee's previous concluding observations (para. 28), please describe the measures taken to:

(a) Amend section 19 of the Prostitution Reform Act 2003, with a view to reducing its negative impact on migrant women;

(b) Implement the Plan of Action against Forced Labour, People Trafficking and Modern Slavery (March 2021); please indicate how a gender perspective is reflected in the Plan of Action and its implementation;

(c) Strengthen mechanisms to identify, protect and assist victims of trafficking and sexual exploitation and provide them with legal support, shelter and assistance for long-term reintegration; please also provide comprehensive data about victims of trafficking.



### **Participation in political and public life**

13. Referring to the Committee's previous concluding observations (para. 30), please indicate any temporary special measures adopted and implemented, including time-bound goals, quotas or preferential treatment, to accelerate the equal representation of women, including Maori women, women of other ethnic minority groups, rural women and women with disabilities, in decision-making positions in all areas and at all levels, both in the public and private sectors. Please also explain the measures taken to prevent women politicians from being harassed, particularly in the online sphere.

### **Education**

14. In light of the previous concluding observations (para. 32), please indicate the legislative and policy action taken and the adequate resources allocated to:

(a) Facilitate access to secondary and tertiary education for girls and women living in rural areas, including through increased resources;

(b) Ensure that the decision-making power of schools and their mandatory community consultations on health education does not prevent the inclusion in school curricula of mandatory, culturally sensitive and age-appropriate education on sexual and reproductive health and rights and responsible sexual behaviour, focusing on the prevention and consequences of early pregnancy and sexually transmitted infections, as well as on gender-based violence, including sexual and intimate partner violence;

(c) Provide girls with a safe educational environment free from discrimination and sexual harassment and violence and include education on non-violence in the curricula;

(d) Strengthen the efforts aimed at ensuring that no pressure is placed on pregnant teenage girls to leave school or change courses and establish a reintegration policy for teenage mothers, while safeguarding against the risk of having teen pregnancy and motherhood perceived as a norm;

(e) Continue eliminating stereotypes and structural barriers that may deter girls from enrolling in traditionally male-dominated fields of study;

(f) Address all impediments to the education of girls living in rural areas, including financial and transportation-related obstacles;

(g) Ensure an inclusive education system that accommodates women and girls with disabilities.

### **Employment**

15. Recalling the Committee's previous concluding observations (para. 34), please outline the measures taken to:

(a) Assess the impact of the population-focused Employment Action Plans on the working conditions of Maori and Pasifika women, women from minority groups, women with disabilities, young women, older women, and migrant, refugee and asylum-seeking women, in all areas of employment including through data collection and analysis;

(b) Adopt and enforce the principle of equal pay for work of equal value in a revised employment relations legislation covering both public and private workplaces, including through analytical job classification and evaluation methods and regular pay surveys, and regularly review wages in sectors in which women are concentrated;

(c) Support women, who lost their jobs during the pandemic, to regain employment;

(d) Adopt temporary special measures to address occupational segregation in employment and ensure that women and men have equal opportunities for promotion in the labour market.

16. Please provide information on the measures taken to:

- (a) Ensure adequate funding for childcare facilities and services;
- (b) Prevent sexual harassment in the workplace, by ensuring that all workplaces have a sexual harassment policy, that victims have access to health care, including mental health services, and that complaints of sexual harassment and bullying in the workplace are investigated and perpetrators brought to justice;
- (c) Ratify relevant international treaties and conventions, such as the ILO Workers with Family Responsibilities Convention, 1981 (No. 156) of the International Labour Organizations (ILO), the Maternity Protection Convention, 2000 (No. 183), the ILO Domestic Workers Convention, 2011 (No. 189) and the Violence and Harassment Convention, 2019 (No. 190).

### **Health**

17. Referring to the Committee's previous concluding observations (para. 40), please describe the steps taken to:

- (a) Legalize abortion, in the Contraception, Sterilisation, and Abortion Act 1977, as amended by the Abortion Legislation Act 2020 (No. 6), also in cases of pregnancy beyond 20 weeks at least in cases of rape, incest, threats to the life or health of the pregnant woman or severe foetal impairment, update on the status of the Contraception, Sterilisation, and Abortion (Safe Areas) Amendment Bill and ensure access for women to safe abortion and post-abortion care and services;
- (b) Take the steps necessary to ensure that there is a sufficient number of nurses and midwives to provide appropriate health-care services, including mental health services, to women, particularly during pregnancy, birth and the postnatal period, including to rural women, women with disabilities, Maori women and women of other ethnic minorities;
- (c) Amend the Contraception, Sterilisation, and Abortion Act 1977 to ensure that no sterilizations are performed without the free, prior and informed consent of the woman concerned, including women with disabilities;
- (d) Support women who assist members of their family with disabilities, particularly during temporary suspension of care services for such family members due to the COVID-19 pandemic.

### **Economic and social benefits and economic empowerment of women**

18. In light of the previous concluding observations (para. 38), please outline the measures taken to implement the recommendations by the Welfare Expert Advisory Group. Please also explain whether the Social Security Act 2018 (No. 32) is fully aligned with the State party's obligations under the Convention and which other measures are being undertaken to ensure that the social security system responds to the needs of disadvantaged groups of women, such as rural women, Maori women, Pasifika women, migrant and refugee women, and women with disabilities.

### **Climate change and disaster risk reduction**

19. Please describe the steps taken to integrate a gender perspective into national policies on climate change in line with the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change. Please specify any measures taken to ensure the effective participation of women in decision-making processes on climate change adaptation, disaster risk reduction and land and environmental resource management.

### **Rural women and women living in poverty**

20. Recalling the previous concluding observations (para. 42), please explain the measures taken to improve the living conditions of rural women, including by alleviating poverty, eliminating gender-based violence, improving access to housing and health care,

offering alternatives to unpaid work and ensuring expanded use of modern technologies and adequate broadband internet services in rural areas.

### **Maori women and women belonging to ethnic minority groups**

21. In light of the previous concluding observations (para. 44), please indicate the steps taken to:

(a) Develop a National Action Plan to implement the United Nations Declaration on the Rights of Indigenous Peoples;

(b) Adopt legislation, including temporary special measures and awareness-raising measures, to combat intersecting forms of discrimination against Maori women, Pasifika women and women belonging to other ethnic minority groups, particularly in gaining access to health-care services, protecting their right to land ownership and ensuring reasonable accommodation in education, employment and access to health care for women with disabilities;

(c) Implement the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and provide alternatives to detention to reduce the high number of Maori women detainees.

### **Migrant women**

22. Referring to the Committee's previous concluding observations (para. 46), please provide information on the steps taken to:

(a) Ensure that immigration detention is only used as a measure of last resort and that refugee and asylum-seeking women who are pregnant, nursing, elderly or are women with disabilities are not detained;

(b) Revise its immigration laws, with a view to facilitating access to permanent residency permits for mothers of children who hold New Zealand nationality;

(c) Ensure the availability of shelters, legal and psychological support, complaint mechanisms and redress for migrant women who are victims of violence.

### **Marriage and family relations**

23. Please provide updated information on the implementation of recommendations contained in the final report of the Independent Panel examining the 2014 family justice reforms, including the adoption of a second bill focused on strengthening the Family Court (CEDAW/C/NZL/FCO/8, paras. 39, 43), and explain how the recommendations have included a gender perspective and benefitted women and girls who are victims of gender-based violence, including sexual violence and domestic violence. Please also explain any measures taken to increase the capacity of judges and other professionals in the judiciary and security forces on women's rights, gender equality and gender responsive adjudication.

24. Recalling the Committee's previous concluding observations (para. 48), please describe the measures taken to:

(a) Ensure that women who are victims of domestic violence are not forced to participate in out-of-court solutions, such as mandated mediation;

(b) Ensure that domestic violence, directed at a child or mother, is properly considered in child custody disputes, in particular when shared physical custody is being contemplated, and investigate the outcomes of shared physical custody on the development and welfare of children;

(c) Review the reliance on the parental alienation syndrome theory, with a view to limiting its usage in child custody disputes.

**Additional information**

25. Please provide any additional information deemed relevant with regard to legislative, policy, administrative and any other measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the previous periodic report in 2018. Such measures may include recent laws, developments, plans and programmes, recent ratifications of human rights instruments or any other information that the State party considers relevant. Please also provide information on the measures taken to integrate a gender perspective into all efforts aimed at achieving the Sustainable Development Goals. Please note that, further to the issues raised herein, the State party will be expected, during the dialogue, to respond to additional questions relating to areas covered by the Convention.

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# Cabinet Social Wellbeing Committee

## Minute of Decision

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*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

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### **Aotearoa New Zealand's Ninth Periodic Report Under the United Nations Convention on the Elimination of All Forms of Discrimination Against Women: Release of Draft for Public Consultation**

**Portfolio**                      **Women**

On 14 December 2022, the Cabinet Social Wellbeing Committee:

- 1        **noted** that Aotearoa New Zealand is required to submit its Ninth Periodic Report (the Report) under the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in July 2023;
- 2        **authorised** the Minister for Women to release the draft version of the Report, attached to the submission under SWC-22-SUB-0248, for public consultation;
- 3        **authorised** the Minister for Women to make amendments to the Report following public consultation, prior to its submission;
- 4        **noted** that the Minister for Women will update Cabinet in the event of any significant changes to the substance of report following public consultation.

Rachel Clarke  
Committee Secretary

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**Present:**

Rt Hon Jacinda Ardern  
Hon Kelvin Davis  
Hon Dr Megan Woods  
Hon Chris Hipkins  
Hon Carmel Sepuloni (Chair)  
Hon Andrew Little  
Hon Peeni Henare  
Hon Jan Tinetti  
Hon Dr Ayesha Verrall  
Hon Aupito William Sio  
Hon Meka Whaitiri

**Officials present from:**

Office of the Prime Minister  
Office of the Chair  
Officials Committee for SWC



# Cabinet Social Wellbeing Committee

## Summary

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### Aotearoa New Zealand's Ninth Periodic Report Under the United Nations Convention on the Elimination of All Forms of Discrimination Against Women: Release of Draft for Public Consultation

<b>Portfolio</b>	<b>Women</b>
<b>Purpose</b>	This paper seeks authorisation for the release of the Ninth Periodic Report (the Report) under the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) for consultation.
<b>Previous Decisions</b>	<p>In May 2016, the previous government agreed to submit the eighth report to the Committee [SOC-16-MIN-0061].</p> <p>In October 2019, SWC authorised the Ministry for Women to design and use a publicly available monitoring tool to monitor progress against the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) recommendations [SWC-19-MIN-0143].</p>
<b>Proposal</b>	<p>The CEDAW is the primary international legal instrument that guides women's rights. New Zealand ratified CEDAW in 1985. As a state party, New Zealand prepares a regular report on implementation of the Convention. The list of relevant issues released by CEDAW are attached as <b>Appendix 2</b>.</p> <p>The Report notes that the Government has made progress over the reporting period in improving outcomes for women and girls, but that gender inequities persist in some areas. The Government's key priorities are already aimed at addressing these inequities, and the last five years has seen progress in a number of areas, including pay equity, childcare assistance, and period product assistance. The remaining challenges are discussed in <b>paragraphs 24-27</b>.</p> <p>Agreement is sought to release the Report (<b>attached as Appendix 1</b>) for consultation. Feedback will be incorporated as appropriate. The Minister for Women will report-back if any significant changes are made as a result of consultation.</p>
<b>Impact Analysis</b>	Not applicable.
<b>Financial Implications</b>	None from this paper.

<b>Legislative Implications</b>	None from this paper.
<b>Timing Matters</b>	<p>Consultation on the Report is proposed to take place from mid-January to March 2023.</p> <p>New Zealand is required to submit the report in July 2023. State parties are required to report on progress to the CEDAW Committee every four years. An interim report-back on a select number of issues was submitted in 2020. The due date of the ninth periodic report was postponed due to reporting delays related to the COVID-19 pandemic.</p>
<b>Communications</b>	The public will be notified of the release of the Report as part of a planned communications approach.
<b>Consultation</b>	<p>Paper prepared by Ministry for Women, Corrections, Defence, MoE, MfE, the Treasury, MFAT (Foreign Affairs), MoH, DIA, MoJ, TPK, Police, Statistics, Pacific Peoples, Public Service, MSD, MBIE (Social Development and Employment,) Ethnic Communities and Disabled People were consulted.</p> <p>The Minister indicates that all SWC Ministers, and the Attorney-General, Minister of Defence, Minister of Statistics, and Minister for the Prevention of Family and Sexual Violence were consulted. The Minister also indicates that discussion has occurred with the government caucus.</p>

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**The Minister for Women recommends that the Committee:**

- 1 note that Aotearoa New Zealand is required to submit its Ninth Periodic Report (the Report) under the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in July 2023;
- 2 authorise the Minister for Women to release the draft version of the Report, attached to the submission under SWC-22-SUB-0248, for public consultation;
- 3 authorise the Minister for Women to make amendments to the Report following public consultation, prior to its submission;
- 4 note that the Minister for Women will update Cabinet in the event of any significant changes to the substance of report following public consultation.

Jenny Vickers  
Committee Secretary

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**Hard-copy distribution:**

Cabinet Social Wellbeing Committee  
Attorney-General  
Minister of Defence  
Minister of Statistics  
Minister for the Prevention of Family and Sexual Violence



# Cabinet

## Minute of Decision

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### **Report of the Cabinet Social Wellbeing Committee: Period Ended 16 December 2022**

On 19 December 2022, Cabinet made the following decisions on the work of the Cabinet Social Wellbeing Committee for the period ended 16 December 2022:

Out of scope





Out of scope



SWC-22-MIN-0248

**Aotearoa New Zealand's Ninth Periodic  
Report Under the United Nations Convention  
on the Elimination of All Forms of  
Discrimination Against Women: Release of  
Draft for Public Consultation**  
Portfolio: Women

CONFIRMED

Out of scope



Rachel Hayward  
Secretary of the Cabinet