



National Council of Women of New Zealand

Te Kaunihera Wahine o Aotearoa

Oral Submission to the UN Human Rights Council Working Group on the Universal Periodic Review for New Zealand 3rd cycle, pre-sessions 2018

By Vanisa Dhiru on 26 October 2018

E ngā mana, e ngā reo, e ngā rau rangatira ma.

Ko tumuaki o Te Kaunihera Wāhine o Aotearoa.

Ko Vanisa Dhiru tōku ingoa.

Tēnā kotou.

Members of the diplomatic corps, fellow whānau and friends of civil society, thank you for this opportunity to address you. My name is Vanisa Dhiru, and I am the current President of the National Council of Women of New Zealand (NCWNZ).

> Slide 1 - Title slide

This year Aotearoa New Zealand celebrates 125 years of women's suffrage. Our organisation, the National Council of Women, is the largest civil society umbrella group focusing on Gender Equality in our country.

> Slide 2 - Suffrage 125 logo and NCWNZ logo

With 50 national organisations, 15 branches, 450+ individual members we've been at the forefront of gender equality issues for over 122 years. Founded by Kate Sheppard and the suffragists, it's an honour to be in her role today as President and represent this iconic membership organisation.

Today I present six key thematic issues, which we believe will progress us towards a Gender Equal New Zealand.

> Slide 3 - NCWNZ member organisation logos

Specific recommendations are noted in the fact sheet set that is pinned with a complimentary Suffrage 125 pin for the diplomatic community.

1. Discriminatory stereotyping

We agree with the Independent Monitoring Mechanism for the UN Declaration on the Rights of Indigenous Peoples in Aotearoa New Zealand, who noted that New Zealand has some of the worst constitutional framework for indigenous rights.

The New Zealand Bill of Rights Act and the Human Rights Act prohibit sex-based discrimination in public and private spheres. Current NZ legislation on discrimination against women is not fully in line with articles 1 and 2 of the CEDAW, of which NZ ratified in 1985.

We need a centralised system for the collection, analysis and sharing of data, disaggregated by sex, age, disability, ethnicity, location, gender identity and sexual orientation and socioeconomic status, to support identification of the depth of issues pertaining to our Māori, Pacifica and ethnic women and girls.

We also need a comprehensive strategy to eliminate discriminatory stereotypes and funding for this work.

> Slide 4 - Recommendations: Discriminatory Stereotyping

Building on previous recommendations:

- *“Consider amending or repealing its legislation to close the gaps in the protection of women against discrimination.” (South Africa to NZ, 1st cycle, Supported)*
- *“Consider further improving existing legislation in order to close the gaps in the protection of women against discrimination.” (Cyprus to NZ, 2nd cycle, Supported)¹*

a. From CEDAW recommendation (12a 12b and 12c)

- i. Amend section 21(1)(a) of the Human Rights Act with a view to including specific prohibition of discrimination on the grounds of gender identity, gender expression, and sex characteristics.
- ii. Enact the Legislation Bill to ensure that disclosure statements become binding legal obligation for all Government bills and instruments and ensure their compliance with international human rights standards;
- iii. Include a gender-specific rather than gender-neutral approach in its legislation, policies and programmes, in line with paragraph 5 of the CEDAW’s general recommendation No. 28.

b. From CEDAW recommendation (24)

- i. Adopt a comprehensive strategy to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and society, in cooperation with civil society

¹ UPR Info's Database of UPR recommendations and voluntary pledges: <https://www.upr-info.org/database/>

organizations, in particular women's groups, community leaders, teachers and the media, in order to create an enabling environment that is supportive of gender equality.

c. From CEDAW recommendation (50)

- i. Set up a centralized system for the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, disability, ethnicity, location, gender identity and sexual orientation and socioeconomic status, and that it use measurable indicators to assess trends in the situation of women and progress towards the realization of substantive equality in all areas covered by CEDAW, while maintaining confidentiality of women in these groups.

d. From CEDAW recommendation (34a)

- i. Urgently addresses the working conditions of Māori, Pasifika, women with disabilities and young women in all areas of employment including through data collection and analysis.

2. Equal Pay for work of Equal Value

NCWNZ's very first policy remit agreed by members of 122 years ago was on ensuring equal pay for work of equal value.

122 years later, we are still waiting. While the recent pay gap is reported at 9.2% across all sectors of employment, this gap varies across professions.²

We are also poorly served by regulation, monitoring and research on gradual process injuries, occupational disease and psychosocial harm. Female-dominated industries tend to be poorly understood and regulated. This continues to have a disproportionate impact on the health, financial position and employability of women.

> Slide 5 - Recommendations: Gender Pay Gap, Employment

Building on previous recommendations:

- *“Eliminate the gender pay gap across all groups and ethnicities using demonstrated effective mechanisms, including intensive monitoring processes and legislative levers.” (Malaysia to NZ, 2nd cycle, Supported)*
- *“Ensure equality in law between men and women and take necessary measures to combat discrimination, particularly in order to reduce pay gaps.” (France to NZ, 2nd cycle, Supported)³*

a. From CEDAW recommendation (34c)

² Article: Gender pay gap is second-smallest: <https://www.stats.govt.nz/news/gender-pay-gap-is-second-smallest>

³ UPR Info's Database of UPR recommendations and voluntary pledges: <https://www.upr-info.org/database/>

- i. 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.
 - b. From CEDAW recommendation (34d)**
 - i. Adopt temporary special measures to address occupational segregation and ensure that women and men have equal promotion opportunities.
 - c. From CEDAW recommendation (38a)**
 - i. Amend the Social Security Act to fully align with it with obligations under CEDAW.

3. Sexual Harassment in NZ workplaces

Women's rights to be safe need to be embedded in everyday life. We continue to experience sexual harassment and bullying in our workplaces that regularly goes unnoticed, unreported and ignored.

The Government has not effectively enforced our laws, and each profession has been left to deal with the issue themselves. Employers need to be held accountable for these unsafe workplaces by existing regulatory bodies and government agencies. There are no structural supports or incentives, there is no accountability.

With a 43% increase in sexual harassment complaints in the past 10 years to the Human Rights Commission,⁴ we need movement on this growing issue.

> Slide 6 - Recommendations: Sexual Harassment

Building on previous recommendations:

- *“Continue to develop government-sponsored initiatives which focus solely on ending domestic violence and sexual and gender-based violence, particularly through implementing the recommendations of the Taskforce for Action on Sexual Violence and the National Sexual Violence Prevention Plan.” (Australia to NZ, 2nd cycle, Supported)⁵*

a. From CEDAW recommendation (36a, b, c)

- i. Examine the organizational culture in workplaces in order to address the root causes of sexual harassment and assault.

⁴ Committee on the Elimination of Discrimination against Women - Concluding observations (2018) CEDAW/C/NZL/CO/8: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/NZL/CO/8&Lang=En

⁵ UPR Info's Database of UPR recommendations and voluntary pledges: <https://www.upr-info.org/database/>

- ii. Ensure that all work places have a sexual harassment policy and clear process in place for victims.
- iii. Disseminate information on available reporting procedures and ensure that complaints about sexual harassment and bullying in the workplace are investigated and perpetrators brought to justice.

Our rate of family and intimate-partner violence is known to be one of the worst in the developed world.

4. Gender-based Violence

A robust criminal legal framework setting out family violence offences is only useful if it is applied in a way that safeguards women and children attempting to seek help from being further victimised. This is not the case at present.

In family court, we must remove terms such as 'parental alienation' from being used, compel the consideration of all forms of information about family violence histories, and take all histories of all types of abuse seriously in decisions about protection orders.

The entire judiciary needs to be subject to compulsory, regulated, and evidence-based training to ensure that we have a family violence-informed system that is responsive to the needs of women and their children before, during, and after experiences of violence.

More funding for frontline staff to meet the needs of all clients is required.

Our Domestic Violence Act⁶ does not specifically include immigration abuse as a form of domestic violence. Immigration instructions exclude many migrant women (and their children) from accessing the Domestic Violence based visas. This creates a strong incentive for women to remain with their perpetrator, as if they leave, their visa becomes invalid.

Fact sheets on these issues [distributed today] by the National Collective of Women's Refuges, the Wellington Community Law Centre and the Backbone Collective are supported by NCWNZ.

> Slide 7 - Recommendations: Gender-Based Violence

Building on previous recommendations:

- *"Look to identify a more accurate measure of the extent of domestic violence, thereby providing a tool to better measure the success of domestic violence prevention and conviction agencies and programmes." (United Kingdom to NZ, 1st cycle, Supported)*
- *"Develop, in consultation with all relevant actors, including representatives of indigenous communities, a comprehensive action plan to target gender-based*

⁶ Domestic Violence Act 1995: <http://legislation.govt.nz/act/public/1995/0086/60.0/DLM371926.html>

violence against women, with clear goals and timelines for their implementation.” (Hungary to NZ, 2nd cycle, Supported)

- *“Continue enhancing legislation and policies to fight the scourge of gender-based violence at its roots, and in particular strengthen awareness-raising campaigns both in the media and in educational establishments.” (Spain to NZ, 2nd cycle, Supported)*
- *“Allocate adequate resources to implement the legislative and administrative measures taken in order to prevent violence against women and children, including domestic violence, and provide victims with prompt and full support.” (Italy, 2nd cycle, Supported)*
- *“That the measures taken to reduce domestic violence be followed up, adapted and extended on solid empirical base.” (Switzerland, 2nd cycle, Supported)⁷*

a. From CEDAW recommendation (10b)

- i. Ensure that the Convention, the Committee’s jurisprudence under the Optional Protocol, as well as its general recommendations, form part of mandatory training of the judiciary, law enforcement personnel, lawyers, social workers, medical personnel and other relevant professional groups.

b. From CEDAW recommendation (26c and d)

- i. Strengthen capacity-building and awareness-raising campaigns as well as training for judges, law enforcement officials and welfare personnel on all forms of gender-based violence and abuse and the specific protection needs of migrant women, with a view to ensuring that victims are under no circumstances forced or put under pressure to accept mediation and alternative dispute resolution methods in lieu of criminal proceedings against perpetrators.
- ii. Allocate resources aimed at developing a comprehensive prevention strategy for gender-based violence against women

c. From CEDAW recommendations (46a and 46c)

- i. Revise immigration laws with a view to facilitating access to permanent residency permits for mothers of children who hold New Zealand nationality.
- ii. Create adequate conditions for women migrant to bring complaints, including by ensuring that they are properly informed about their rights and available remedies to complain about violations of those rights, including in a language that they can understand.

d. Additional recommendations

⁷ UPR Info's Database of UPR recommendations and voluntary pledges: <https://www.upr-info.org/database/>

- i. Amend immigration rules to ensure that no woman is incentivised by immigration policy to remain in a relationship with a partner using violence against her, or her children.

5. Abortion and Sexuality Education

While the Law Commission's upcoming Report regarding the decriminalization of abortion and its transfer to health care regulations is pending, this law needs to change, we need timely access to services, leadership and support for the consistent delivery of sexuality education.

Again, we have seen another student-led petition appear recently – another call from young people wanting consent education to be compulsory.⁸

> Slide 8 - Recommendations: Abortion and Sexuality Education

*No previous recommendations from countries.*⁹

a. From CEDAW recommendation (40a and 40b)

- i. Remove abortion from the Crimes Act 1961 and amend the Contraception, Sterilisation and Abortion Act 1977 in order for abortion to be fully decriminalized and incorporated into health services legislation.
- ii. Ensure that abortion is legalized at least in cases of rape, incest, threats to the life or health of the pregnant woman or severe foetal impairment, and ensure women's access to safe abortion and post-abortion care and services.

b. From CEDAW recommendation (32b)

- i. Ensure 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 the consequences of early pregnancy and sexually transmitted infections.

6. Machinery of Government: National Action Plans and the SDGs

The Government no longer has a strategic national action plan for women with targets, including gender budgeting. There is no direction, timeline or accountability across government for improving the outcomes for women.

⁸ Petition on Compulsory Consent Education in New Zealand: <https://www.change.org/p/ministry-of-education-compulsory-consent-education-in-new-zealand>

⁹ UPR Info's Database of UPR recommendations and voluntary pledges: <https://www.upr-info.org/database/>

Fiscal policies must be analysed for the differing impacts on people of all genders.

We also still have not heard how we, civil society, will work Government to implement the Sustainable Development Goals (SDGs). We support comments made today by the Acting Human Right Commissioner on other recommendations relating to the SDGs. The Government is due to report on this next year and time is running out.

However, we don't have that leadership for gender issues – New Zealand's national machinery for women is a small ministry with a minister outside of Cabinet. The voice for women is marginalised in the decision-making at the highest political level in this country.

> Slide 9 - Recommendations: National Action Plan, SDGs

Building on previous recommendations:

- *“Develop, in partnership with civil society, a national action plan for women with defined targets, to address issues such as violence against women, pay inequality, the situation of Maori and Pacific women, and women with disabilities.” (Ireland to NZ, 2nd cycle, **Noted**)*
- *“Step up the implementation of current national plans for addressing the challenges and disparities in health, education, employment and gender equality, especially for the vulnerable groups of women, children, migrants, ethnic and indigenous people in the country.” (Vietnam to NZ, 2nd cycle, **Supported**)¹⁰*

a. From CEDAW recommendation (18a & 18b)

- Adopt and adequately fund the implementation of a National Action Plan for the advancement of women, and strengthen the role, efficiency and effectiveness of the Ministry for Women by allocating sufficient human, technical and financial resources to enable the Ministry to carry out its mandate to promote and protect women's rights.
- Introduce gender budgeting so as to ensure that gender implications are taken into account during legislation and policy development throughout all government agencies.

b. Additional recommendations

- Analyse fiscal policy for the differing impacts on women, men and other genders.
- Partner with civil society immediately to implement the Sustainable Development Goals.

¹⁰ UPR Info's Database of UPR recommendations and voluntary pledges: <https://www.upr-info.org/database/>

Thank you for the opportunity to share these recommendations derived from the recent CEDAW Concluding Observations.¹¹

Nō reira.

Tēnā kotou

Tēnā kotou

Tēnā kotou katou.

¹¹ Committee on the Elimination of Discrimination against Women - Concluding observations (2018)
CEDAW/C/NZL/CO/8:
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/NZL/CO/8&Lang=En