

PACIFIC WOMEN'S WATCH [NEW ZEALAND]

NON-GOVERNMENTAL ORGANISATION

ALTERNATIVE REPORT

STATUS OF WOMEN

**Comments to the UN CEDAW Monitoring Committee
on New Zealand's progress in implementing the
Convention on the Elimination of All Forms of
Discrimination against Women
[CEDAW]**

December 2006

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EXECUTIVE SUMMARY

Conclusions in this PWW[NZ] alternative report reflect the outstanding gaps and challenges for women identified from presentations of new data and discussions at meetings, workshops and seminars during the last four years. The women attending were from a diversity of cultures and included many who represented leading agencies and NGOs in programmes of action to overcome all forms of discrimination.

Many asked when the excellent legislation and policies already in place, and much publicised, will be acted upon. There appears to be inertia and lack of will in the delivery of approved policy

PWW[NZ]'s monitoring and review took a comprehensive approach to the promotion and protection of human rights recognising the concept of "intersectionality" whereby "the equal and inalienable rights of the human family" are viewed as universal and indivisible. Special attention has been given to legislation compliance and policy development with a gender perspective in regard to New Zealand's international obligations.

Response is made to articles 1-7 and 10-13, in a targeted approach. This approach documents the undeniable impact on the well-being of New Zealand women and girls through the cross-cutting linkages of

- right to development
- right to the highest standard of health
- right to an adequate standard of living
- right to work
- rights at work
- right to adequate housing, food, a healthy environment
- right to participation in education.

We have found that many New Zealand women and girls are denied basic human rights starting with poverty in childhood causing a lifelong trajectory of inadequate food and housing, poor health, low levels of literacy, lack of well-paid employment and unrelentingly high levels of violence.

Solutions have been hard to find despite the existence of excellent legislation by international standards and a genuine commitment by government for improvement. This alternative report aims to augment the contribution of NGOs in ongoing partnership with government in seeking good solutions for the well-being and enjoyment of all their human rights by women and girls.

Article 1 – Definition of Discrimination against Women

Discrimination against women persists in the public sphere and particularly in the private sphere. PWW[NZ] contends that for the best outcomes on removal of discriminatory practices for New Zealand women and girls there needs to be further development of policy with measurable indicators, benchmarks and the systematic collection of gender disaggregated data.

Areas where discrimination against women is greatest are

- increasing violence and abuse of women, including workplace harassment
- the gender pay gap and access to positions of leadership, especially for women with higher qualifications
- the impact of poverty for families, with 1 in 4 children currently living in poverty
- multiple issues of discrimination against migrant women – from traditional repressive practices and from a lack of specialised services in New Zealand to address their unique needs.

Article 2 – Anti-Discriminatory Measures

New Zealand has not yet enacted a specific statute to achieve domestic implementation of CEDAW. Gaps in legislation and failure in collaboration between ministries continue to perpetuate discrimination against women.

Despite a whole-of-government approach taken in *The Action Plan for New Zealand Women* progress has been slow to achieve policy frameworks that improve the status of women with regard to ensuring their human rights are paramount. Both *The Action Plan* and the work of the Parliamentarians' Group on Population and Development lack a robust monitoring and evaluation agenda. Sustainable approaches to changing societal attitudes, improvement of gender perspective, community ownership of intervention programmes and review of the Domestic Violence Act 1995 depend on the will and determination of all stakeholders to take them forward.

Refugee and migrant women continue to face much discrimination in settling in New Zealand that requires very specific action.

Article 3 – The Development and Advancement of Women

Despite some progress, the guaranteeing of the human rights and fundamental freedoms of New Zealand women has been hampered by slow and inadequate collection of gender disaggregated data.

Comprehensive reporting on CEDAW, the Beijing Platform for Action, the Outcomes Document 2000 and the Millennium Development Goals relies heavily on the use of statistical data. The development of targets and indicators of the status of New Zealand women must be a priority for both government and NGOs in the next CEDAW reporting period.

The UN Millennium Taskforce on Gender Equality's strategic priorities to promote gender equality and women's empowerment are applicable to New Zealand. Key indicators that should be given priority in the New Zealand context are those concerning violence against women, attaining gender equality in employment, and in the percentage of seats in parliament and local government held by women.

Statistics in 2006 compared to 2004 on women's participation in governance and professional life showed "dismal" progress. Women continue to be in "women only" occupations, are much more likely to be in part-time work and are over-represented in the lowest three income quintiles. An increase of 25 percent since 2002 of women and their children seeking refuge assistance underlines the fear many women have for their personal safety.

Article 4 – Acceleration of Equality between Men and Women

The thrust forward for equality for women compared to the status of men driven by feminist zeal has largely dissipated. This endangers maintaining the current fragile gender balance in the future.

Temporary special measures have not been seen as necessary in New Zealand for accelerating de facto gender equality. PWW[NZ] considers that in the present climate special measures may well be effective to

- increase the number of women holding seats in Parliament by quota system
- encourage more women to take up apprenticeship training
- prepare women beneficiaries for full-time employment.

Article 5 – Sex Roles and Stereotyping

The threat of violence and uncertainty for their safety in domestic, community and workplace settings is the major issue for New Zealand women. Yet systematic data collection on the prevalence of gender-based violence against women is lacking.

Recent strategies to diminish levels of violence against women and girls have been remarkably ineffective.

Currently a review of the Domestic Violence Act 1995 is being considered. Confidence in Police protection orders is in doubt, with a 35 percent decline from 1998 to 2006 in numbers of applications. PWW[NZ] recommends additional funding resources for research, data gathering and evaluation to better understand the root causes of violence against New Zealand women and girls. The National Collective of Independent Women's Refuges reports an increase in clients of 25 percent in 2003 compared to 2002 and by 2005 the NZ Police attended one family violence incident every 8 minutes.

Education is fundamental in changing behaviour and attitudes for the long term. The *Taskforce for Action on Violence within Families* has targeted education as its key strategy.

Eight recommendations from the PWW[NZ] one-day conference to mark the 2006 International Day for the Elimination of Violence against Women will support government, agencies and NGOs in action to overcome violence.

Refugee and migrant women are at high risk of becoming victims of violence. Special support will be needed to ensure their settlement in New Zealand is successful and free of violence.

Article 6 – Suppression of Exploitation of Women

PWW[NZ] can find little evidence to allay the CEDAW Committee's concerns that despite the enacting of the Prostitution Reform Act 2003 prostitutes would continue to face risks of exploitation and violence. Furthermore PWW[NZ] contends that women's human rights are still not fully met. Prostitutes in New Zealand continue to be at risk of abuse, violence and sexually transmitted infections, as well as the use and trafficking of illicit drugs. Women aged under 18 years are still engaged in prostitution. Policing and enforcement of the Act are issues of concern.

Auckland is home to many Asian sex workers who often practise without good supports or safeguards.

PWW[NZ] urges the government to monitor the Act very closely, to require data collection on the numbers of women involved in prostitution and to provide education programmes to help sex workers find alternative means of earning their living.

Article 7 – Political and Public Life

The Census of Women's Participation in Governance and Professional Life published in 2004 and again in 2006 gives an excellent comparison as to how women are faring compared to their position in the fifth CEDAW reporting period. Private sector progress has been "grindingly slow." A small number of women hold top positions but New Zealand languishes behind many comparable countries in terms of women's participation in boardrooms of top public companies, in the university sector, the legal profession, the justice system and also in the media where progress has been minimal.

There are some positive signs; 40 women were returned to Parliament in the 2005 General Election, although only 5 hold Cabinet seats. Targets in the *Action Plan for New Zealand Women* and *The New Zealand Action Plan for Human Rights* are laudable as is ongoing activity in the area of equal employment opportunities.

A number of "not so positive signs" include the lack of women holding top ministerial portfolios, the male-dominated "climate" in Parliament, the backlash from men who feel threatened by women's move into higher level jobs, the absence of women on boards of public companies and the decline in membership of some long-established women's organisations.

Article 10 – Equality in Education

To achieve their fullest potential women must have educational opportunities available without barriers. PWW[NZ] has great concern that the loss of a range of "hobby courses" for adult education

will block this opportunity for women to prepare for return to the workforce after a period of child rearing. The high costs of such courses are a further impediment for women and a discrimination.

Poor levels of literacy in lower decile primary schools are now making a negative impact on students when they begin secondary school. Their chances of accessing tertiary study are also greatly diminished. Many girls are leaving school without qualifications. Migrant women often struggle to attain literacy in the English language.

Discrimination in tertiary institutions for academic women shows little sign of improvement despite 'gender observers' on staffing committees.

A low standard of education has been shown as a factor leading to female offending with rising numbers of women in prison as a result.

Young migrant women face special barriers in the New Zealand education system in gaining sufficient skills in written and spoken English to access professional qualifications or suitable future employment.

PWW[NZ] contends the New Zealand government has failed to deliver the best outcomes through education for young women in literacy skills, which include problem solving, research and good communication skills.

Article 11 – Employment

Women now make up just under half of the New Zealand workforce. Despite the high number in paid employment women face severe discrimination in many workplace situations.

Workplace stress for women is increasing due to ongoing sexual harassment, bullying, undue work loads and longer hours. The gender pay gap shows little sign of closing. Whereas women's full-time hourly earnings were 90 percent of men's in 2003 they were only 82 percent in 2005 as men's average hourly earnings have risen faster than women's.

PWW[NZ] can see little evidence of improvement since New Zealand's fifth periodic report in

- elimination of "occupational segregation" through education and training
- "application of the principle of equal pay for equal work" especially in the private sector
- promotion of additional wage increases in female-dominated sectors of employment.

Other outstanding issues for women in employment are

- the lack of valuing equal pay for equal work
- changes in conditions of employment as the economy fluctuates can mean an increase in part-time and casual jobs, generally taken up by women and fewer work opportunities for women with low levels of formal skills and education
- volatility of the gender pay gap leading to inability to save for retirement and to pay back student loans
- the high cost of quality child care
- the Paid Parental Leave Scheme excludes some part-time, short-term or casual work
- the difficulty of having time off when a child is sick
- the lack of a safe space for breast feeding a baby.

Many of the human rights of women in employment are still unmet. PWW[NZ] in workshops in preparation for the Beijing + 10 Review found that women consistently identified gaps in employment across transport, child-care, work/life balance, age/skills, pay equity and well-resourced support for the disabled.

Specific issues and gaps for migrant women in accessing employment were

- discrimination due to poor language skills in English

- the under-valuing of qualifications gained overseas
- little respect for women's religious activities – dress, need for prayer time
- transport to work.

Article 12 – Health

PWW[NZ] has found clear links between poverty, unequal gender relationship and lack of education as causes of poor health for many New Zealand women.

Health issues where policy and service delivery fail to meet the highest expectations of women are

- child health including lifestyle for good health
- maternity services – decline in maternity safety controls and midwife skills
- sexual health – unacceptably high rates of sexually transmitted infections
- refugee and migrant health – lack of specialised services to cater for their particular needs
- mental health – violence exacerbated by poverty and increasing workplace stress.

One in four New Zealand children live in poverty [see p.36] The impoverished girl child in particular, through poor nutrition, poor housing and frequent illness in childhood is disadvantaged throughout her lifespan in terms of the best outcomes for her health. Much impoverishment can be attributed to the high cost of housing resulting in overcrowding, spread of child health diseases, high noise levels and tiredness at school causing poor learning outcomes.

An increase in the number of health workers, programmes for health education, home educators and public nurses is urgent. We urge government to do a stocktake of extra resources, policy development and health personnel needed to ensure the highest health status for New Zealand women and girls is attained with regard to ensuring their basic human rights in all areas of their physical well-being.

Article 13 – Economic and Social Life

Poor housing was reported by an overwhelming number of participants at PWW[NZ] workshops and seminars as the primary obstacle to achieving the full development of women's economic and social rights.

Affordability and habitability of housing is a barrier for many families especially Maori and Pacific peoples. New Zealand houses are cold by international standards and so are frequently damp. The high cost of housing leads to overcrowding and transience.

In 2005 Auckland, where high numbers of Maori, Pacific peoples and migrants live, was ranked fifteenth of twenty most unaffordable housing markets worldwide. It is becoming increasingly difficult for families to be able to purchase a home in the face of rapidly rising house prices. That leaves them with no option but to remain in highly priced rental accommodation.

Families in rented accommodation frequently suffer from overcrowding. This is undoubtedly a root cause of the rising level of domestic violence which puts so many women and children at risk of injury and death.

PWW[NZ] asks that priority be given urgently by government and private agencies to the provision of affordable, safe housing for women and their families.

Concluding Comment

Women from all walks of life and ethnicities are deeply concerned at the slow rate of improvement in the status of New Zealand women when excellent legislation and policies are already in place. Sadly, these fail to be acted upon despite the urgency they merit.

INTRODUCTION

Pacific Women's Watch [New Zealand] Inc. PWW[NZ] brings this alternative report to the CEDAW Committee with conclusions drawn from its work as a non-governmental organisation in the years 2003-2006 to add new data on the status of New Zealand women. Response is made to Articles where PWW[NZ] felt competent to comment, that is Articles 1-7 and 10-13.

PWW[NZ] was established five years ago to be a link to Asia Pacific Women's Watch, the umbrella organisation which monitors, reviews and reports to the United Nations on the status of women in the Asia-Pacific Region. The New Zealand organisation, incorporated in 2001, is part of a sub-regional network reporting within the wider region and is represented on the Asia Pacific Women's Watch Executive Committee.

Key objectives are to

- ensure women's voices from the Pacific sub-region, especially New Zealand are heard internationally
- be a communication link between New Zealand and other non-governmental women sub-regionally and internationally
- share strategies to measure and assess changes in women's status
- recognise views and expectations of Tangata Whenua – thus upholding the obligation to honour the Treaty of Waitangi.

In this report PWW[NZ] aims to

- appraise progress in implementation of the Convention since the Committee considered the fifth periodic report of New Zealand at its 625th and 626th meetings on 14 July 2003
- consider response to the Committee's principal areas of concern as at 14 July 2003
- bring comment that may not be presented in other alternative reports for the sixth reporting period
- reflect the views of the increasingly diverse ethnic make-up of New Zealand women on continuing discriminations impeding the full and equal enjoyment of all their human rights and fundamental freedoms. [Beijing Platform for Action paragraph 213].

Conclusions brought in this report will reflect outstanding issues and challenges for women still perceived by a broad cross-section of women who have participated in meetings, workshops and seminars coordinated recently by PWW[NZ]. A comprehensive approach is taken to the promotion and protection of human rights in considering the reality of women's lives at all levels. The concept of "intersectionality" whereby "the equal and inalienable rights of the human family"¹ are recognised as universal and indivisible has been the basis for PWW[NZ] monitoring and review 2003-2006. *The New Zealand Action Plan for Human Rights* in considering a human rights approach to policy states "In addition to judicial decision-making and measuring compliance against defined indicators in its reports to the United Nations, a State's commitment to its international obligations will be reflected in the way it develops policy".²

This NGO report documents good practice in New Zealand government policy in those aspects on which it is qualified to comment and identifies remaining gaps and challenges.

The British Council's project for Commonwealth National Human Rights Commissions focuses on economic, social and cultural rights [CEDAW Article 1] including a number relevant to the situation of New Zealand women and in particular the right to development, the highest attainable standard of health, an adequate standard of living, right to work and rights at work, adequate housing, food, a healthy environment and participation in education. Those rights, their linkages and the resulting impacts for women and girls are the primary focus of this alternative NGO report.

In a statement at the United Nations Economic Commission for Asia and the Pacific [UNESCAP] High-level Intergovernmental Meeting, September 2004, Dr Meena Shivdas, a gender and

¹ Preamble: Universal Declaration of Human Rights

² *The New Zealand Action Plan for Human Rights- Mana ki te Tangata*, p.37

development consultant working with NGOs, said “When we speak of women’s empowerment human rights and gender equality are non-negotiables”. In preparing this report PWW[NZ] has recognised the critical need for a gender dimension. We have been mindful of the request in Paragraph 430, Concluding Comments of the Committee in consideration of the New Zealand Government’s fifth periodic report, for information on the gender dimensions of declarations, programmes and platforms for action coming from relevant United Nations conferences, summits and special sessions to be included in its sixth report.

This alternative report aims to draw the CEDAW Committee’s attention to the compelling impact for the well-being of New Zealand women from the clear linkages through child poverty, poor lifelong health outcomes, low levels of literacy, lack of access to well-paid employment and unrelentingly high levels of violence against women and girls.

Solutions have been hard to find despite a genuine commitment by government for improvement. Excellent legislation and policies, much publicised, are already in place but we see little evidence of nationwide delivery.

In the introduction to *Voices 2000 and Beyond, Proceedings of the Asia Pacific NGO Forum on Beijing + 10: Celebrating Gains - Confronting Emerging Issues, Thailand June 3-July 3, 2004* the Chairperson, Patricia B. Licuanan, notes that we share with governments, the UN and other stakeholders “our contribution to the fulfilment of obligations under the Beijing Platform for Action and the Convention on All Forms of Discrimination Against Women [CEDAW]” and expresses the hope we will continue to work in genuine partnership.

We hope this alternative report will enhance the contribution of NGOs in genuine partnership with government.

METHODOLOGY

Information and data gathering for this alternative report came through meetings, workshops and seminars facilitated by PWW[NZ] in the years 2003 - 2006.

In 2003 and 2004 regular Discussion Forums were held in Auckland to bring new information on the status of women. Panels of speakers outlined progress on projects and programmes they were involved in to improve women's economic status, health, media portrayal, employment and outcomes for refugee and migrant women. Women from many different cultures participated. Some did not belong to any organisation but had a keen interest in the issues being discussed. The views of these women who found acceptance in a welcoming and safe environment were particularly valued.

From the PWW[NZ] Forums a Focus Group grew which included women from Maori, European, Pacific Island and Asian communities some of whom were holding leadership positions locally, nationally and internationally. The Focus Group was invited to come together twice at workshops facilitated by the Human Rights Commission to consider the Draft of the *New Zealand Action Plan for Human Rights*. It also formed the core of a large meeting facilitated by the Ministry of Women's Affairs for Auckland women to consider the *Draft Plan of Action for New Zealand Women*.

A Half-Day Seminar in June 2003 on *Women and Decision-Making: Women's Empowerment* facilitated by PWW[NZ]'s partner organisation, the Bridgebuilders Trust, contributed information and recommendations through speakers and workshops.

Because PWW[NZ] was able to provide the necessary resource and personnel when other non-governmental organisations were unable to do so, it conducted twelve workshops nationwide and a number of focus groups to gather the data and publish the New Zealand NGO report for the March 2005 ten-year review and appraisal of the *Beijing Declaration and Platform for Action* and outcome of the 23rd session of the General Assembly taken at the 49th session of the United Nations Commission on the Status of Women [CSW]. The workshops and Focus Groups were conducted in a snapshot of time from early April to mid-May 2004. A short questionnaire entitled *How Are We Doing*, the same as the one used in 1999, was circulated through the workshops to create a measurable indicator across a range of issues closely aligned to the critical issues of the Beijing Platform for Action. The sample was provided by response from 480 women nationwide. A comparison over a five-year period was made. Dame Miriam Dell, former President, International Council of Women, noted in her foreword to the report that it was a praiseworthy effort towards the achievement of human rights for all the women of the world.

In August 2005 a Half-Day Seminar in Auckland looked at the way forward for New Zealand women³ and carried further the work to gather new data on the status of women. Speakers contributed current information on women's health, poverty impacts on the girl child, lifelong education for women and employment issues including equal employment opportunities. Workshop groups then drew conclusions to prepare questions for candidates in the September 2005 General Election where they perceived gaps in policy. Those questions are pertinent to this NGO report to the CEDAW Committee.

To bring information about Government and NGO action on discrimination and violence against women and girls and to mark the International Day for the Elimination of Violence against Women PWW[NZ] organised and co-ordinated a One-Day Conference in Auckland on 25 November 2006 entitled *Taking Action to Overcome Violence*. The Conference was modelled on the CONGO Conference held in New York during the 2006 session of the Commission on the Status of Women to promote the UN Secretary-General's special study on violence against women. Three panels of high level speakers from government ministries, researchers on gender-based violence, the Family Court, restorative justice practice, refugee and migrant services and NGOs advocating for the elimination of child poverty reported on current initiatives to secure enhanced outcomes to eliminate violence. Panel themes were - highlighting persistence and unacceptability; assessing prevalence; and seeking strategies and effective action to combat all forms of violence. Interactive workshops and plenary discussion saw agreement on 8 recommendations for advocacy and further action. Outcomes from the Conference have informed this alternative NGO report.

³ *Report on Outcomes from the ten-year Review of the Beijing Platform for Action and the Way Forward for New Zealand Women* PWW[NZ], 27 August 2005

QUESTIONS the Monitoring Committee May Choose to Consider

Article 1 – Definition of Discrimination against Women

- When will the government amend the Human Rights Act to cover specifically non-discrimination on the basis of language and culture?
- What steps will the government take to monitor fully the gender implication statements supported by gender analysis across ministries in papers going to the Cabinet Social Development Committee?

Article 2 – Anti-Discriminatory Measures

- How soon will the government take steps through appropriate measures to incorporate all the provisions of the Convention into domestic law?
- What steps will the government take to ensure the *Action Plan for New Zealand Women* has a timed agenda as soon as possible for definite outcomes?
- What steps will the government take to put into place safeguards to ensure the safety and social integration of migrant wives living in New Zealand?

Article 3 – The Development and Advancement of Women

- When will the government put into place processes and appropriate resources, with special provision for analysis and continuity of action, for the systematic data collection on violence against women?
- When will the government put into place processes and appropriate resources, with special provision for analysis and continuity of action, for the systematic data collection on violence specific to refugee and migrant women?
- How can the government encourage ministries, agencies and NGOs to develop and use indicators relevant to gender equality?

Article 4 – Acceleration of Equality between Men and Women

- What steps will the government take, if necessary by quota in the short term, to ensure that at least 50 percent of parliamentary seats are held by women?

Article 5 – Sex Roles and Stereotyping

- What steps will the government take to integrate violence prevention into social and educational policies thereby promoting gender and social equality?
- How does the government intend to define priorities for supporting research on causes, consequences, costs and prevention of violence against women and their families which can be put into action as soon as possible?
- When will the government provide resources for adequate Court time for cases in the dedicated Family Violence Courts and for the process of appropriate monitoring of men referred to non-violence counselling programmes?
- How will the government ensure the traditional lifestyles, beliefs, culture and essential human rights of refugees are acknowledged?
- What new resources and support will the government provide for additional refuges for women victims of violence with special priority given to the needs of Maori, Pacific Island, disabled and refugee and migrant women?
- What new resources will the government provide for refuges for women with mental health problems, and in particular those resulting from alcohol abuse, following from domestic abuse?

- What steps will the government take to set criteria under the “Domestic Violence” category in section 4.5 of the Immigration Operations Manual to enable more women in violent relationships to be granted permanent residency?
- What steps will the government take to make changes to the Immigration Review Act to include financial liability for male sponsors after migrant women leave their sponsors due to violence?
- Will the government incorporate increased restrictions into the Immigration Review Act to stop men with convictions for domestic violence being able to sponsor migrant women?

Article 6 – Suppression of Exploitation of Women

- What steps will the government take to reduce the risks of exploitation faced by prostitutes and to monitor fully and report on the intended and unintended effects of the Prostitution Reform Act?

Article 7 – Political and Public Life

- What steps will the government take, to ensure the urgent implementation of the *Action Plan for New Zealand Women* and the *New Zealand Action Plan for Human Rights* as a means of attaining a 50/50 gender balance in public and professional life?

Article 10 –Equality in Education

- What further steps will the government take to promote and monitor the adoption of policies to ensure women in tertiary teaching positions can achieve equality with men?
- What steps will the government take to train teachers at all levels to develop fully the literacy and numeracy skills of all students?
- Will the government request the Tertiary Education Commission to modify the adult and community criteria to permit the widest interpretation for funding to allow social needs to be met as preliminary for employment training?

Article 11 - Employment

- What steps will the government take to ensure a safe breastfeeding space is provided in all workplaces for mothers who need to breastfeed an infant up to and including 9 months of age?
- When will the government carry forward policies to recognise and value equal pay for equal work?

Article 12- Health

- When will the government provide appropriate funding to implement the sexual and reproductive health strategy to reduce the unacceptably high rate of teenage pregnancy currently impeding the well-being of young women in New Zealand?
- What steps will the government take to provide at an early date specialist medical, sexual assault and mental health care with trained interpreters for refugee and migrant women?

Article 13 – Economic and Social Life

- What steps will the government take to provide accommodation that is affordable and adequate to their needs thereby assuring the well-being and safety of families?

ARTICLE 1 – Definition of Discrimination against Women

Discrimination against women persists in both public and private spheres in New Zealand and is perhaps more entrenched in the private sphere. Further policy development is needed to address specific discrimination. Measurable indicators and benchmarks to assess improvement or otherwise in discriminatory practices are not well developed. This is due to a continuing lack of gender disaggregated data. The CEDAW Committee's concern at the lack of gender disaggregated data collection especially on violence against women and sexual harassment in the workplace needs further attention. For a variety of reasons legislation and policy frameworks do not currently deliver the best outcomes.

There has been some improvement in data collection since 2003 with the publishing in August 2005 of *New Zealand Women 2005*, although many of the statistics relate to the Census of 2001. The Child Poverty Action Group has done analysis of data on poverty⁴ and the New Zealand Family Planning Association's Report Card for Reproductive Health of New Zealand – 1 February 2006 has brought new data. A study on violence against women in New Zealand by Janet Fanslow and Elizabeth Robinson published in November 2004 in which they reported on a large cross-sectional study of women aged 18-64 years in Auckland and North Waikato has added more data⁵. These three contributions will provide benchmarks in the next reporting period.

Workplace Discrimination [See Article 11]

Discrimination is manifested in the workplace where women, because of family obligations often work part-time or on a casual basis. Poor working conditions affect women more than men.

Conditions of work involving longer work hours and lack of staff are beginning to cause more work related stress for women.

In a case brought by the Department of Labour against Nalder and Biddle [Nelson] Ltd in the District Court on 13 April 2005 a prosecution of work-related stress resulted in a conviction for failure to take all practicable steps to ensure that an employee was safe from work-related stress. Too great a workload had been placed on a female employee resulting in a medical condition.⁶ This was the first conviction for work-related stress. Such cases add strength to advocacy for improved legislation and policy frameworks where gender discrimination exists.

Workplace discrimination is hard to quantify as many cases are settled "behind closed doors" and so the basis of the complaints and the amounts of settlement are never made public.

Women are still under-represented in workplace leadership positions and over-represented in lower paid jobs. In 2004 there was only one female University Vice-Chancellor of the eight such positions in New Zealand and women lawyers with 16-20 years experience were less likely to be law firm partners, District Court or High Court Judges.

Apprenticeship training is difficult for women to access [see Article 11] due to an environment which is not gender friendly. The Electricity Supply Industry Training Organisation [ESITO] found no "pool" of young women willing to enter its apprenticeship training.⁷

At the PWW[NZ] Half Day Seminar in Auckland in August 2005 one of the prime workplace concerns for NGOs was barriers to women who wished to return to work after the birth of a child while breastfeeding. No policy has been developed to ensure employees provide a suitable place for mothers to breastfeed. It was reported that women generally had little knowledge of the steps they could take to know how to breastfeed at work. The recommendation was made for a pack to be

⁴ Website: www.cpag.co.nz

⁵ Janet Fanslow and Elizabeth Robinson, "Violence against women in New Zealand: prevalence and health consequences" *NZ Medical Journal* Vol. 117 No. 1206, November 2004

⁶ re Health & Safety in Employment Act 1992, *Employment Law Bulletin*, Issue 4, June 2005, p.73

⁷ Judy McGregor and Lance Gray, "Modern Apprenticeships: Training for the Boys?" *An Equal Employment Opportunities Discussion Paper for Human Rights Commission*, November 2003.

produced for mothers going back to work concerning what to ask for to be able to continue breastfeeding.

A call was made by seminar participants for legislation on employment and pay equity. To date the human rights and gender dimension on equal pay for equal work has not been adequately addressed.

Discrimination in Education

The gender-pay gap is an ongoing concern for New Zealand women. The gap is uneven. It is greatest for women in university teaching positions and for women in part-time and casual work [see Article 11]. Women have found repaying student loans onerous and although the government removed interest payment on loans in April 2006, not yet effective, the pay-gap will still be discriminatory. Women who are sole parents find the payment of school “donations” burdensome as these are regarded by schools as a fee rather than a donation. In addition they are expected to help with regular fundraising projects throughout the school year bringing an ongoing financial and time commitment.

Child Poverty

The Public Health Advisory Committee reported in October 2004 that one in three New Zealand children lived in poverty and those from poor families had higher rates of illness, injury and death.⁸ The Committee examined how factors such as education, employment, occupation, housing, location and income altered health. Improvements in health and life expectancy over the years had not benefited all groups equally. Gaps were widest between those in advantaged material circumstances compared to those in deprived conditions.

In considering the multi dimensional dynamics of this the report contended that if income is low, rates of poor health increase with the effects ongoing for whole-of-life. To break cycles of disadvantage that increase risks to health the report recommended the government adopt an official poverty measure by July 2005 and aim to reduce child poverty by at least 30 percent by 2007. PWW[NZ] believes that while the government has had the intention of introducing measures to reduce child poverty, it has been conspicuously unsuccessful. Many of our children continue to wait for their impoverishment to be recognised despite the Working for Families package.

The Child Poverty Action Group [CPAG] considers that the needs of 175,000 of the poorest children in New Zealand have been overlooked in the government’s In-Work Payment component of its Working for Families package. Its case to ensure the poorest children are not disadvantaged has been protracted. Following a win in the Human Rights Review Tribunal in June 2005, from the preliminary hearing by the Human Rights Tribunal as to whether CPAG had the right as a non-affected party to bring a case and whether the In-Work payment could be challenged legally, the decision of 15 September 2005 found in favour of the CPAG on both issues. The Crown appeal to the Tribunal’s decision in the High Court of Wellington resulted in a reserved decision on 17 May 2006. The judge dismissed the appeal, deciding the case did not lie within his jurisdiction. That meant the Tribunal’s decision in CPAG’s favour was allowed to stand.

On 16 October 2006 a Judicial Review of the right for CPAG to act on behalf of poor New Zealand children [Attorney-General v The Human Rights Review Tribunal and Child Poverty Action Group Inc.] was heard in the High Court Wellington. The High Court decision of 6 November 2006 upheld the CPAG’s right to act on behalf of children affected by discriminatory government policies. The way is now cleared for advocacy groups to bring discrimination cases, thus supporting the spirit and intent of the Human Rights Act.

Migrant Women

In January 2006 Shakti Community Council Inc. reported the following discriminatory issues for migrant women

⁸ “The Health of People and Communities: A Way Forward” *Public Policy and the Economic Determinants of Health*, Wellington, October 2004

- the number of reported instances of domestic violence is increasing and also the number of deaths
- the lack of preventative programmes to reduce family violence - government strategy does not cover ethnic women from Asia, Africa and the Middle East
- difficulty in accessing finance to set up small businesses
- men not permitting their womenfolk to work – this is particularly so for women of certain religious and social backgrounds
- women in farming areas, toiling all day as part of a family group, have no access to their pay or income support from Work and Income New Zealand as their husbands/families appropriate their money.

Shakti recommends research and data gathering to see a fuller picture of the extent of discrimination. Many of the discriminations are related to repressive cultural practices brought from their country of origin which are perpetuated following arrival in New Zealand. Support from NGOs will help to integrate migrant women into the norms of New Zealand society through education and encouragement.

ARTICLE 2 – Anti-Discrimination Measures

New Zealand has not yet acted upon the concern and recommendation in 401 of the CEDAW Committee's consideration of NZ's fifth periodic report to enact a specific statute to achieve domestic implementation of CEDAW. Despite the stated whole-of-government approach many of the continuing discriminations against women arise from gaps in legislation and failure in collaboration between ministries. Flexibility and consistency is needed when policy is cross-cutting. Existing programmes and new programmes do not always intersect well. Many women 'fall through the gaps' so created.

NGOs and agencies working with refugee and migrant women agree that key outstanding issues leading to discrimination are

- the language barrier in employment when foreign names and English spoken with a foreign accent are off-putting to employers, and/or,
- difficulty of access to housing for refugee women.

Recommendations from the PWW[NZ] seminar on 27 August 2005 were

1. Greater government support for the Chamber of Commerce "New Kiwi" publication that supports and advocates for new immigrants.
2. Provision of information on arrival about groups who can help migrants to access employment.
3. Greater support for and recognition of organisations that employ a diversity of cultures.
4. Encouragement by employers to view CVs without names or gender being disclosed.

The whole-of-government approach was used in the *Action Plan for New Zealand Women* launched in March 2004. It was drafted after wide consultation with women throughout the country. Following its launch members of the Ministry of Women's Affairs travelled to many centres to speak about it at meetings of interested women. The *Action Plan for New Zealand Women* which looks at Economic sustainability, Work-life balance and Well-being will need to be well promoted if it is to deliver on its objectives. NGOs have expressed concern that the Plan has no timed agenda or comprehensive monitoring process. Action will require vigorous government commitment as well as strong advocacy by women. At this point in time it is difficult to assess what effect the Plan is having in developing policy frameworks to improve the status of women. The Ministry must convince agencies of the value of gender analysis at the start of the research, evaluation and policy development process. Success for the Plan also relies on the Ministry of Women's Affairs continuing to be well resourced both in finance and personnel. Merely planning a whole-of-government approach will not overcome a general misunderstanding and lack of will on the part of legislators to ensuring women's human rights are paramount.

Several collaborative ventures have seen some progress being made. The New Zealand Parliamentarians Group on Population and Development Open Hearing into Prevention of Violence against Women sought the collaboration and support of a wide range of ministries and agencies. Its recommendations, focusing on CEDAW reporting 2006 included sustainable approaches to changing societal attitudes, importance of a gender perspective, community ownership of intervention programmes and further review of the effectiveness of the protection order regime instituted by the Domestic Violence Act 1995.

There is no doubt that the New Zealand government has made a real effort to improve programmes to reduce violence against women. An example of that effort is related to action on *Te Rito: New Zealand Family Violence Prevention Strategy*. Launched in 2002 with 18 action areas *Te Rito* was designed to be the cornerstone of policy for family violence protection. The 18 action areas have now been replaced by five themes in an attempt to make the best outcomes more effective. While NGOs welcome this flexibility of approach they are concerned that the original focus for action has become blurred, making monitoring, measuring of outcomes and reporting most difficult. The current view of all stakeholders is that *Te Rito* has not been able to achieve effective outcomes. Migrant and refugee women in New Zealand are a very vulnerable group who are currently not well covered by anti-discriminatory measures.

To better understand the problems migrant and refugee women face in a new country of residence, and specifically in New Zealand, Shakti initiated an overseas project “Women against Violence” with the objective of partnering NGOs overseas in reducing domestic violence against women and children. Led by Farida Sultana the Women against Violence team conducted a fact-finding mission to obtain a ground reality of the status of women in general and in domestic violence, in particular, in countries that are signatories to CEDAW. The following countries were visited: Singapore, Malaysia, Bangladesh, India and Dubai. New Zealand receives a significant number of ethnic women from these countries either as migrants, migrant wives or refugees. The cultural perceptions and societal tolerance to domestic violence in these countries further confirms the perpetuation of such behaviour against migrant and refugee women in New Zealand.

All the abovementioned countries had the following similarities

- strongly patriarchal societies
- low social recognition for women
- polygamy
- marriage is institutionalised – no options to remain single
- social and cultural acceptance of domestic violence
- dowry and bride-burning
- oppression and discrimination against women and girl children
- non-acceptance of single motherhood
- shame and stigma associated with those speaking out against domestic violence.

The following were the findings: Information and access to resources are not filtering down to individual women; absence of suitable legislation to protect women from domestic violence; legal aid concept is largely unknown; police response is ineffective; women are reluctant to come out of domestic violence as they will be ostracised; women not coming out of domestic violence due to lack of financial independence, a big myth; middle class society under denial of domestic violence; violence is across the board across all stratas of society; no appropriate alternative to shelter home model; polygamy widely practiced; Sharia Law focused on oppressing women; continuing incidences of female foeticide and infanticide; migrant wives disadvantaged because of a lack of appropriate immigration status; exploitation of domestic workers.

In New Zealand one of the most affected categories of migrant women are migrant wives. As it is they come from such cultural backgrounds as mentioned above. When they are brought into a western country where their men folk are immediately alert to the prospects of their wives acquiring western values, they are rendered even more vulnerable. Oppression at home continues and becomes worse for many. Most of these women are harassed and abused – verbally, physically and psychologically – for various reasons including dowry. They are made to slave at home or toil on farms with no access to the rest of society or resources available for women in New Zealand. They

are isolated, violated and rank among the highest number of domestic violence victims in New Zealand within the migrant and refugee communities.

The other high-risk category is the number of women who remain isolated, are not encouraged to learn English and nor to drive. Young women may be betrothed to Muslim men through arranged alliances. These young women have a high tendency to commit suicide. Many women feel deprived of their right to study after having been exposed to it in a western environment, cannot marry a man of their choice or secure employment towards becoming financially independent. Some migrant women of Islamic background are faced with the constant pressure of having to keep aspects of the Muslim culture alive.

Shakti recommends that CEDAW should be more explicit in ensuring safety to women through amendment possibly to Article 2 under its anti-discrimination measures. PWW[NZ] supports this view. We also support the Shakti recommendation that funders with UN involvement should use neutral interpreters whilst evaluating and auditing service delivery, thereby ensuring best practice in all respects.

ARTICLE 3 – The Development and Advancement of Women

Any assessment of the development and advancement of New Zealand women having regard to the guarantee of their human rights and fundamental freedoms on a basis of equality with men is still hampered by a lack of disaggregated data.

Since the fifth periodic report a worthwhile collection of disaggregated data has been published by Statistics New Zealand into one volume *Focusing on Women 2005*. While some relates to 2002 and 2003, much comes from the New Zealand Census of 2001. The figures have still been useful in compiling this alternative report. It is to be hoped that following the Census of March 2006, data can be collated much more quickly than four years after its collection. *Focusing on Women 2005* will be a valuable benchmark for measurement prior to the seventh periodic report.

It can therefore be said that steady progress is being made on the collection of disaggregated data, thereby upholding the Committee's Geneva Recommendation No. 9. There are still however, some notable exceptions in data collection. Violence against Women, a prime issue of concern has little systematic data collection. Data has been lacking on the health of Asian women in New Zealand, but following the Asian Women's Health Symposium last year action is being taken to form a national Asian Public Health Organisation to monitor trends for Asian people's health, advocate for research and health policy, facilitate an annual symposium and monitor and support Asian workforce capacity in the health sector.

Targets and Indicators of the Status of Women

These are not yet well developed. Reporting on CEDAW, the Beijing Platform for Action and the Millennium Development Goals [MDGs] relies heavily on the use of statistical data. Without good data the reporting is patchy at best and often unreliable. The development of measurable indicators should be a priority in the next reporting period. NGOs have an important part to play in developing measurable indicators giving a solid basis for checks and balances to be applied.

A number of indicators for tracking progress on strategic priorities to promote gender equality and empower women proposed by the UN Millennium Taskforce on Gender Equality provide an excellent basis for a measure for the status of New Zealand women.

A Symposium held in Australia in June 2006⁹ had as its purpose the identification of ways to fill the gap between gender policy commitments and actions taken. In particular gender-specific indicators acting on accountability mechanisms, measuring the impact of gender mainstreaming were considered. Symposium outcomes targeted the need to consider context in the process of collecting and interpreting data. The Symposium recommendation to move beyond sex-segregation to

⁹ IWDA Symposium on the Harmonisation of Gender Indicators, Canberra, 15-16 June 2006

account for ethnicity, age, disability and sexual preference is readily applicable to the New Zealand context.

Two further recommendations which could provide a worthwhile basis for New Zealand organisations to develop a stronger set of indicators, methodologies and research, based on gender as an overarching principle are

- aiming for all organisations to conduct periodic gender audits, address the issues which emerge, conduct gender training and share resources
- seeking of university linkage grants to explore issues relevant to taking work on indicators forward e.g. methodologies for pooling data and researching these in terms of gender.

Key UN Millennium Taskforce Indicators applicable to the situation of New Zealand women are

- gender gaps in earnings in wage and self-employment
- employment choices available to women
- percentage of seats held by women in parliament
- percentage of seats held by women in local government bodies
- prevalence of domestic violence.

In the New Zealand context priorities are to

- eliminate gender inequality in employment
- increase women's share of seats in parliament and local government bodies
- combat violence against women and girls.

Mechanisms to drive forward gender equality for New Zealand women which NGOs should be encouraged to pursue vigorously prior to the next CEDAW reporting in 2010 are

- making performance on gender equality a milestone for payments in contracts
- developing an industry award to demonstrate best gender equality outcomes
- recognising the value of mandates in ensuring gender is included
- working with the Ministry of Women's Affairs to hold government accountable
- raising project indicators into national indicators
- relating current policy to the reality of women's lives.

PWW[NZ] Measuring the Status of Women

At workshops for grass roots women nationwide in April – May 2004 for the Beijing +10 review and appraisal participants were asked to write a response to the same short pilot questionnaire "*How are We Doing*" as was used in 1999 for the Beijing +5 Review. They then recorded further responses from a broad cross-section of women of many cultures. Questions mirrored the twelve critical issues of the Beijing Platform for Action. A comparison in 2004 with the 1999 pilot survey revealed

- 52 percent had less money to spend than previously compared to 61 percent in 1999
- over 60 percent of women were unable to save for retirement compared to 47 percent in 1999
- increasing poverty was still a prime concern
- most women were familiar with their employment agreement
- 85 percent had core/basic/some computer skills.

There were some gains – some "going back" but overall not much progress for a large proportion of women.

A question about conditions of work found 55 percent were happy with their paid employment. Of the 45 percent not happy a range of difficulties included

- poor pay for skills brought to the job
- inability to access work for which they were professionally qualified

- no increase in pay in the last five years
- lack of employer/employee communication
- lack of trust from experienced staff
- need for equal employment opportunity [EEO] policies in the workplace
- difficulty in attaining promotion
- “bullying” by those in higher positions
- poor management of performance.

Overcoming these workplace difficulties will take some time. Meanwhile employed women remain disadvantaged.

In 2002 the role of an Equal Opportunities Commissioner was developed within the Human Rights Commission. This Commissioner position has enabled much valuable work to be done in promoting gender mainstreaming. In 2004 the *New Zealand Census of Women’s Participation in Governance and Professional Life* published by the Human Rights Commission with the New Zealand Centre for Women at Massey University enabled international comparisons to be made. This gave a benchmarking tool for the future [see Article 11]. The Census brought to public attention “key areas where it might be assumed women could or should be making a greater contribution to New Zealand’s social and political life”. The recently published 2006 Census revealed disappointing results on women’s progress. Access to leadership positions showed “dismal” progress. Only 7.13 percent of New Zealand’s top 100 listed companies had women directors, up a mere 2.9 percent since the 2004 study. Women still had only 16.91 percent of university senior academic positions.

Gender Mainstreaming

Positive moves since 2002 include further work by the Ministry of Women’s Affairs to ensure an audit through all ministries of a gender dimension in all policy. The development of a national plan for Human Rights through a *New Zealand Action Plan for Human Rights* was published by the Human Rights Commission in September 2004 was published. Wide consultation which involved NGOs provided a further safeguard to the Human Rights of Women including a gender dimension.

Focusing on Women 2005 found some positive trends in employment and in the status of women. These were

- women are now more likely to be represented in tertiary education – 53 percent in 2001
- employment growth has been much faster among women than among men
- in 2000-2002 female life expectancy at birth rose to 81.1 years.

But it also found some negative trends such as

- considerable differences still exist in the occupational distribution of men and women – some employment sectors are looked on as “women only” occupations
- women are three times as likely as men to work part-time – 36 percent compared to 12 percent
- women are over-represented in the lowest three income quintiles and under-represented in the top two
- in 2003 13,729 women and 10,053 children were assisted in women’s refuges an increase of 25% from 2002.

The Action Plan for New Zealand Women

This whole-of-government approach to improving the circumstances of women across economic sustainability, work-life balance and well-being has the potential to make a positive difference. However, success will only come if its vision is strongly promoted by all concerned. It will also rely on the Ministry of Women’s Affairs continuing to be robust and resourced to pursue a proactive advocacy role.

ARTICLE 4 - Acceleration of Equality between Men and Women

The thrust forward for equality for women compared to men driven by strong feminist zeal in the 1970s and 1980s has largely dissipated. With some legislation achieved across many gender issues and most women now in paid employment women no longer have the time nor the energy for vigorous feminist activity. PWW[NZ] sees this as a danger in the future to maintaining the progress for gender equality already achieved. Women will only make progress if there is constant monitoring of their position and very strong advocacy for positive change.

Already there has been a reshaping of the role of the Ministry of Women's Affairs from advocacy on behalf of women to providing policy on specific women's issues for legislative review. A number of very robust women's NGO organisations who were traditionally strongest in their drive for women's rights, notably church women's organisations active throughout the twentieth century, have declined greatly in membership. They are also finding it extremely difficult to attract women to take up leadership positions in the organisation. An important feature of these NGOs was the training they provided to non-governmental women for leadership in wider community roles. This has almost been lost and we see a backlash against gender balance in committees such as community boards when women's organisations are no longer so vigilant in their monitoring nor so enterprising in their own programmes of work for women and their families.

Temporary special measures have not been considered important in New Zealand in accelerating de facto equality between men and women. Legislation has generally been deemed not to need special measures. There have, however, been some special efforts to develop workplace skills for disadvantaged women.

In gathering data for the Beijing +10 Review and Appraisal, PWW[NZ] facilitators found in a workshop involving tertiary students that a number had been required to enrol in a women's studies course to build their confidence and skills. These women, currently receiving domestic purposes or sickness benefits, were being encouraged in this special way, to prepare for full-time employment. This is very positive and appears to be working well.

There are areas where NGOs contend that special measures might be effective. One is the Modern Apprenticeships Scheme initiated in 2001 which in 2003 had only 6.6 percent of females in training. [See Article 11].

PWW[NZ] believes special measures by way of quotas may be effective in increasing the number of women holding parliamentary seats.

ARTICLE 5 – Sex Roles and Stereotyping

Violence against Women [Also see Article 12]

General recommendation No. 12 of the Committee recommends that reporting should include statistical data on the incidence of violence of all kinds and on women who are victims of violence [1989].

Fourteen years later in its report on New Zealand's Fifth Periodic Report a principal area of concern [415 and 416] was lack of systematic data collection on violence against women, both domestic and workplace. A structure for systematic collection was recommended. The gap in data is not new. New Zealand still has no systematic data collection with respect to gender based violence and the full extent of violence perpetuated on women is not known.

A recent and timely contribution to data on violence against women came in the Auckland University Study reported in November 2004. The study focused on prevalence and health consequences of violence in a population-based cluster sampling of women aged 18-64 years in Auckland and North Waikato.

Face-to-face interviews with one randomly selected woman from each household showed 30 percent of ever-partnered women in Auckland and 38 percent in North Waikato had suffered physical violence

by an intimate partner at some time in their lives. It was also reported that 14 percent in Auckland and 22 percent in North Waikato had experienced sexual violence by an intimate partner at some time in their life. Among women who had experienced physical and/or sexual violence by their partners, 48 percent in Auckland and 53 percent in North Waikato had been injured. Health care follow-up for such injury was needed by 24 percent of women in Auckland and 30 percent in North Waikato. Long term, as well as immediate health consequences, were experienced. [See Article 23].

In the PWW[NZ] workshop for the Beijing +10 review and appraisal, gender-based violence was still seen as a major obstacle for women and girls – both domestic violence and safety within the community.¹⁰ Refugee and migrant women were particularly vulnerable.¹¹ The *Te Rito: New Zealand Family Violence Protection Strategy*, a framework for improving levels of violence launched in 2002, was seen as a positive step forward. Through *Te Rito* the family violence of “at risk” families component of the Crime Reduction Strategy of 2001 was to be delivered. Regrettably the framework has had a number of changes and while showing a flexibility of focus it now appears this flexibility renders outcomes doubtful. The *New Zealand Disability Strategy* and *Project Maui Ora* taskforce to assist those working with Maori victims of violence have been positive steps. Nonetheless, there seems to have been little reduction in the level of violence against women.

The *Action Plan for New Zealand Women* under the theme of Well-Being has the objective of reducing the incidence and impact of violence on women and improving women’s health. It does however depend on political will. The *New Zealand Parliamentarians’ Open Hearing in the Prevention of Violence against Women and Children* in August 2005 endorsed the establishment of the Ministerial Committee on Family Violence and the Ministerial Taskforce on Violence. Changing societal attitudes to violence through well researched and evidence based approaches was recommended together with community ownership of programmes. Involving men and boys, as well as specific groups such as Maori, Pacific, refugees and migrants would be necessary. A review of the protection order regime instituted by the Domestic Violence Act 1995 was supported.

There is a need to improve the implementation of the provisions in the Act as there is a lack of confidence in protection orders. Fewer applications are being made as the following figures show.

Figures for Protection Orders¹²

| Year from July to June | 98-99 | 99-00 | 00-01 | 01-02 | 02-03 | 03-04 | 04-05 | 05-06 |
|--|-------|-------|-------|-------|-------|-------|-------|-------|
| Total number of applications | 6970 | 6126 | 5983 | 5724 | 5262 | 4901 | 4560 | 4534 |
| Applications on notice | 758 | 597 | 689 | 737 | 742 | 633 | 584 | 576 |
| Applications without notice | 6212 | 5529 | 5294 | 4987 | 4520 | 4286 | 9376 | 3958 |
| Temporary orders made | 5247 | 4522 | 4122 | 3794 | 3469 | 3236 | 6083 | 3007 |
| Final Orders Made | 4322 | 3842 | 3629 | 3299 | 2998 | 2829 | 2601 | 2392 |
| Percentage of applications filed without notice | 89.1 | 90.3 | 88.5 | 87.1 | 85.9 | 87.1 | 87.2 | 87.3 |
| Temporary orders made as a percentage of applications filed without notice | 84.5 | 81.8 | 77.9 | 76.1 | 76.7 | 75.8 | 77.5 | 76.0 |
| Final orders made as a percentage of total applications filed | 62.0 | 62.7 | 60.7 | 57.6 | 57.0 | 57.7 | 57.0 | 52.8 |

The mere fact of making an application can itself be a cause of violence. Without notice applications where the applicant obtains an order without the respondent being heard by the Court have caused the greatest debate. Because safety is of paramount importance, orders directed by the Court to proceed ‘on notice’ result in the person having no protection prior to a Court hearing, at a time when protection may be more necessary than ever given the possible incitement caused by the application.

The Ministry of Women’s Affairs (MWA) has commissioned a study to find out more about women’s experiences of protection orders. The research, being undertaken by a team of researchers based at the University of Waikato, aims to describe women’s experiences of obtaining protection orders, the impact of protection orders and the response to breaches of the orders. The researchers will identify

¹⁰ “How Are We Doing? New Zealand Women Together” PWW[NZ] 2004. p.21

¹¹ Ibid p.13

¹² Judge P. Boshier, “Coming to Terms with Domestic Violence” October 2006

those aspects of protection orders that are working well and areas for improvement - including barriers that prevent women from applying for and obtaining protection orders in the first place.

The researchers will undertake 44 case studies of a diverse group of women based on interviews supplemented, if possible, by documentation such as affidavits and interviews with case informants such as the women's lawyer. Other components of the research include a literature review, analysis of case law and analysis of statistical information.

Discussions with key people in the domestic violence field will also be undertaken.

The research will be used to help MWA provide evidence-based policy advice as well as to inform various government strategies and policies regarding domestic violence. The project is expected to be completed in 2007.

Extent of the Problem of Violence against Women

In her opening address on behalf of the Minister of Women's Affairs at the PWW[NZ] conference *Taking Action to Overcome Violence*, the Hon. Luamanuvao Winnie Laban highlighted two numbers that starkly demonstrate the disproportionate impact of violence on New Zealand women.

- 85 percent – according to the Police the percentage of reported family violence cases in 2001 that involved women as the victims.¹³
- 94 percent – the percentage of perpetrators of adult family violence-related murders who were men in the four years to 2004.¹⁴

Cultural Attitudes

Prevalence of underlying gender prejudice, cultural patterns which accept male physical dominance and lack of information about how to make changes in gender stereotyping has meant New Zealand continues to have a very high level of violence against women and children and a general societal acceptance of violence.

To better understand the root causes of violence against New Zealand women and girls, additional funding resources for research, data gathering and evaluation must be made available urgently.

Towards a Non-Violent Society

In 1993 the National Council of Women of New Zealand's special project in celebration of the centennial of women's suffrage was entitled "Towards a Non-Violent Society." Branches and nationally organised societies were asked to report on positive initiatives throughout the country. In the report on Auckland, through a survey of agencies working to reduce violence, it was stated "some long established agencies were able to cite very general statistics with little attempt at analysis."¹⁵ It was reported that 80 percent of all violence related to families. The eleven refuges in Auckland, which were part of the National Collective of Independent Women's Refugees [NCIWR], reported that in 1991 84 women and 132 children were assisted compared to 94 women and 168 children in 1992. Since then the numbers of women and children assisted each year have grown steadily.

In 2003 NCIWR supported some 13,729 women and 10,053 children of whom 70 percent were new clients. This was 4,500 more than in 2002, an increase of 25 percent. Since 2000 the total number of women and children accessing refuge services has increased by almost 50 percent.

At the end of 2006 the National Collective of Independent Women's Refugees [NCIWR] had 57 refuges across the country and the refuge movement was in great demand locally and nationally.

¹³ New Zealand Police Submission to the New Zealand Parliamentarians' Group on Population and Development for Creating a Culture of Non Violence, Wellington August 2005

¹⁴ *Ministry of Social Development Taskforce for Action on Violence within Families – the First Report*, Wellington July 2006. p.32 [provisional statistics]

¹⁵ Jane Prichard, "Towards a Non-Violent Society: Report to Association of Presbyterian Women's National Executive on Positive Initiatives in Auckland" March 1993, p.3

Politically NCIWR is also in demand to give direction and leadership on strategies to overcome family violence. Between 1996 and 2005 the number of family violence incidents the Police attended doubled to in excess of 63,000 or one every 8 minutes.¹⁶ This was despite the known fact that women often still do not call the Police as they are fearful of the outcome. These figures show beyond doubt that violence against women and their children has escalated alarmingly in the last ten years. During the same period the number of migrant women accessing NCIWR services has also increased. Moreover migrant women without residency cannot escape relationships with violent men as many abusers actively use women's insecure immigration status as a tool of control. The scourge of violence against women currently continues unabated bringing a nightmare of fear concerning safety in every part of the community.

To date, legislation and policy directed towards reducing violence against women have been hopelessly ineffectual. With violence continuing to escalate it has become most urgent that more innovative initiatives are introduced to make a difference.

The Police Strategic Plan 1993-1998 states that for 30 successive years crime has increased and that family violence is about violence perpetuated by men on women and children. In 2000 52 percent of murders arose from family violence.

Recommendations in the 1993 Auckland report stressed a greater cohesion of services and concluded "education is fundamental in changing behaviour and attitudes in the long term". In 2006 this recommendation is still the key to any reduction in the prevalence of violence against women. New Zealand women endangered by violence and abuse continue to wait in 2006 for action to change behaviour and attitudes at every level and in every situation that is successful and durable.

Police Statistics of Assaults by males on females reported in Auckland City, for example, were –

| | |
|---------|-----|
| 2001-02 | 640 |
| 2002-03 | 613 |
| 2003-04 | 663 |
| 2004-05 | 622 |
| 2005-06 | 775 |

An increase of 24.6 percent was seen in 2005-06 compared to 2004-05, suggesting an increasing prevalence of violence.

While the recent government decision to open four additional dedicated Family Violence Courts in March 2007 in Auckland, Masterton, Porirua and Lower Hutt is laudable, the decision has been made without dealing with a number of problems currently overwhelming two dedicated Family Violence Courts already established in Auckland at Waitakere and Manukau. The two Auckland Courts aim to encourage men to be helped to stop their violence rather than pleading not guilty and forcing victims through interminable court battles.

The Manukau Court, however, faces a huge workload, inadequate court time and is failing to monitor men sent on to non-violence programmes.¹⁷ The proposals to bring in advocates from outside agencies and to establish a community liaison group have not happened. Victims are not therefore getting protection orders. Consequently men lack the funding to pay for non-violence programmes that would come with a protection order or a direct court sentence.

In turn, providers of counselling programmes for violent men are struggling financially because men cannot afford to pay for anger management help. Many are being referred by the Court informally without funding, or are self-referrals without any formal documentation from the Courts. In Manukau City, Friendship House, New Zealand's largest provider of counselling programmes for violent men, reports that clients without funding had risen from the usual 20 percent to 69 percent in September 2006.¹⁸

¹⁶ Heather Henare NCIWR, PWW[NZ] Conference Auckland. 25 November 2006

¹⁷ *The New Zealand Herald* A16, 28 October 2006

¹⁸ *Ibid*

Issues of adequate Court time, appropriate paper work from protection orders to supported funded non-violence programmes with monitoring of men referred and provision of victim advocates are still outstanding. The dedicated Courts already in operation are therefore failing to meet their expectations while women in violent relationships continue to be placed at grave risk of mental and physical injury.

Dedicated Family Violence Courts must be well resourced to provide adequate Court time for cases and for the process of appropriate monitoring of men referred to non-violence counseling programmes.

The Study of Violence against Women in New Zealand

Prevalence and health consequences published in November 2004¹⁹ collated rates of intimate partner violence reported by eight studies. Approximately 1 in 6 participants over age 15 in the sampling reported at least one act of physical violence inflicted by non-partners, while sexual violence was reported by approximately 1 in 10 women. Rates of violence against women in New Zealand have not diminished over a long period of time.

The *Parliamentarians' Open Hearing* stressed strengthening public education campaigns. Collaboration across ministries and agencies was recommended, but this process can be very slow.

What needs to change – effective initiatives

- changing societal attitudes which condone male physical dominance and have become desensitised to violent behaviour
- implementation of further legislation
- collaboration across ministries and agencies with better gender-specific approaches
- community projects with a well-funded education component.

A scheme of effective co-ordination between government and non-government agencies to better support children affected by family violence proposed by the *Taskforce for Action on Violence within Families* begun in September 2006²⁰ is a positive step. Lead agencies are the New Zealand Police, non-government organisations and Child, Youth and Family. The aim is to improve service capacity and capability.²¹ Positive outcomes depend on adequate funding and willingness of all agencies to collaborate successfully to provide

- support for victims to be in control of their lives²²
- support for adults to be part of the workforce
- support for children in their education
- adequate housing for families affected by violence
- help for people at risk of violence through depression or substance abuse.

Currently many families lack such support. NGOs will look for indications of improvements for positive change in 2007 when the *Taskforce for Action on Violence within Families* makes its second report.

Initiatives to Overcome Violence against Women and Children

The *Taskforce for Action on Violence within Families* was set up in 2005 to tackle the issue. Recommendations to be implemented in its plan by April 2006, not yet effective, include

- setting up three family violence courts in the Wellington region and one in Auckland
- research to measure accurately the level of family violence

¹⁹ Janet Fanslow and Elizabeth Robinson *NZ Medical Journal* Vol. 117 No: 1206 "Violence against women in New Zealand: prevalence and health consequences" November 2004

²⁰ "Taskforce for Action on Violence within Families the First Report", 2006 p.24

²¹ *Ibid* p.25

²² *Ibid* p.26

- a process to review family violence/related deaths to better understand the circumstances that lead to family violence
- interaction from police, Child Youth and Family, government and non-government agencies to better support children in homes that are prone to violence
- having 40 percent more people eligible for legal aid from March 2007.

The agenda is action orientated and funding is available. Consultation has included the Children's Commissioner, Families Commission, Police Commissioner and Chief Judges of the Family Court and the District Court.

Funding is also available in the long term goal for the changing of attitudes and behaviours of New Zealanders.

This key area acknowledges that as legislation is generally a reactive measure to help families already experiencing violence, strategies beyond legislative intervention will be needed to eliminate violence before it occurs. Strategies developing through the *Taskforce for Action on Violence within Families* target success through a mass media campaign, information about what works for supporting families, best practice and evaluating what works. NGOs have an important role to play in the Taskforce Campaign for Change in attitudes and behaviour.

PWW[NZ]'s one-day conference *Taking Action to Overcome Violence* drew attention to the gaps and challenges through keynote statements by experts from the areas of government ministries, justice, police, women's refuges, health research, restorative justice, an NGO targeting child poverty and refugee and migrant services.²³ The ethnically diverse audience from many NGOs and agencies was empowered to work, through their ongoing programmes, to overcome violence especially at the community level. Follow-up to the conference will include encouraging the participants to include public education messages and media statements aimed at changing behaviour to promote healthy relationships and attitudes.

The Conference endorsed the following recommendations

1. Support Children's Commission proposed "register of children" to track children and identify early risk factors.
2. Develop national guidelines for information sharing between agencies, NGO and community networks with timely release and agreed standards e.g. NFVCH (National Family Violence Clearing House).
3. Support education programmes that promote non-violence and healthy relationships.
4. Provide information in their own languages, which is culturally appropriate, about the unacceptability of violence and the availability of services for abused women, to assist the safety and good settlement of refugee and migrant women.
5. Having regard to human rights urge government action to end poverty as a stressor leading to violence.
6. Support early exploration of alternative systems with respect to effective and unbiased ways of preventing further family violence such as restorative justice, mediation and Family Group Conferences.
7. For the safety of victims of violence investigate allowing Police to issue immediate protection orders.
8. Promote wide consultation and safety as paramount concerns with monitoring and evaluation mandatory in all policies, programmes and projects designed to overcome violence.

Te Ara Tukutuku Woven Pathways to Wellbeing is proposed by the Children's Commissioner to create a "safety net" for children. It is designed to track children's health, safety and education from birth to childhood. Through "youth transition services" school leavers will be helped to get jobs or continue further education.

These are very positive steps towards reducing violence against women and girls both short and long term but most are agreed that creating a community-wide response will bring the best outcomes. Prevention must include

²³ PWW[NZ] Conference "Taking Action to Overcome Violence" Auckland, 25 November 2006

- zero tolerance for violence
- fostering and promoting healthy relationships.

For this to happen we need

- adequate resources for services
- commitment to fixing systemic problems
- investment in primary prevention – school based programmes about healthy relationships
- strategies that focus on changing community and societal responses
- strategies that seek to engage other sections of our society, e.g. media, faith communities.

Refugee and Migrant Women

Refugee and migrant women in New Zealand are at high risk of being victims of violence. Shakti Community Services set up their first refuge in 1998 and were surprised when the 5-bedroom house became full with women and their children within a few months and without much publicity. Since then, a higher number of ethnic women have left situations of domestic violence.²⁴ In 2003 a second refuge was set up in Auckland [5 bedrooms]; in 2005 a refuge was set up in Christchurch for ethnic women in the South Island; currently a fourth refuge is being set up in Tauranga. Approximately 100 ethnic women are supported annually through Shakti's refugee services nationally. Reported incidence of domestic violence is increasing as well as the number of deaths. The Shakti reference database still needs more development before a true analysis of how migrant women have fared in 2002-2006 can be given. Culturally repressive attitudes in the women's countries of origin are frequently perpetuated in New Zealand leading to domestic violence.

Refuge support is essential for women without permanent residency status leaving violent relationships as currently the economic responsibility for the man sponsoring her ends then. This means she has to support herself. The legislation specifically set out regarding migrant women without residency in a violent relationship in Section 4.5 of the Immigration Operations Manual provides that migrant women may be granted residency in certain limited circumstances. The NCIWR contends that the criteria for Domestic Violence Category are set prohibitively high.

Section 4.5 requires evidence of domestic violence and a very high burden of proof. In the last three years only a low number of applications have been made

- in 2004-05 of fourteen applications made only five were accepted
- in 2005-06 of nine applications made four were accepted.

As the present legislation stands "it is difficult to see how migrant women without residency are being assisted to live free from violence when their only recourse to stay in New Zealand is so poorly taken up".²⁵ In many cases the barriers for migrant women without residency fleeing violence are so great as to leave them with no option but to remain in the abusive relationship.

PWW[NZ] contends that migrant women in a violent relationship must have increased access to justice and adequate protection for their safety. We call for change to the Immigration Review Act to include financial liability for male sponsors after women leave them due to violence and increased restrictions to sponsor criteria to be incorporated into the Act to stop men with convictions of domestic violence being able to sponsor migrant women.

Research has shown that the best settlement outcomes and acculturation are taken when the traditional home culture is preserved and valued and where the best of the new mores and values of the host society are respected.²⁶

²⁴ Shila Nair, Shakti Community Services, January 2006

²⁵ Heather Henare, "Supporting Victims – the Critical Need" PWW[NZ] Conference Auckland, 25 November 2006

²⁶ G. E. Poole, "What are the Roots of Cultural Violence against Refugee and Migrant Women and Children in New Zealand?" PWW[NZ] Conference Auckland, 25 November 2006

Refugees and migrants to New Zealand, while being made aware of social norms of their new society, have the need for the preservation and valuing of their traditional lifestyles, beliefs, culture and that their essential human rights be acknowledged.

Positive Steps forward for Refugee and Migrant Women

Strengthening Community Action in Refugee and Muslim Communities is a Refugee and Muslim Family Violence Prevention Programme currently in the drafting stage. It provides for public education and awareness in identified communities and calls for the development of a comprehensive family violence education/communication strategy.

Key aims are to

- promote a consistent message that violence in families is unacceptable
- promote healthy relationships and safe behaviour in families
- promote healthy gender roles and non-violent conceptualisations of masculinity.

The project has the support of the Ministry of Social Development, Auckland Health Board, New Zealand Ethnic Social Services, the Human Rights Commission, Auckland Regional Public Health Service, Child Youth and Family, Refugees as Survivors and the Auckland Somali Community Association.

PWW[NZ] believes that government must provide adequate funding for community educational programmes to promote the message that violence in families is unacceptable.

ARTICLE 6 – Suppression of Exploitation of Women

Exploitation of Women

In its conclusions on the New Zealand government's fifth periodic report in paragraphs 413 and 414 the Committee expressed concern that despite the recently enacted Prostitution Reform Act 2003 prostitutes would continue to face risks of exploitation and violence.

Furthermore, monitoring of the law including collection of statistical information and training and education to help prostitutes "acquire alternative means of earning their living" was recommended.

PWW[NZ] can find little evidence to show that these concerns have been well addressed.

The Prostitution Reform Act 2003 [PRA] was passed by only one vote and opinions are still divided over whether it has had a positive or negative effect on women. PWW[NZ] believes the human rights of women in equality with men are still not fully met following the legislation. Prostitutes continue to be at risk of abuse, violence and sexually transmitted infections, as well as the use and trafficking of illicit drugs.

The Family Planning Association's [FPA] Report Card for Reproductive Health in New Zealand published in February 2005, shows a steady increase 1996-2003 in sexually transmitted infections [STI], particularly Chlamydia [1665 cases in 1996; 4485 in 2003] and Gonorrhoea [274 cases in 1996; 673 in 2003]. These numbers are taken from statistics of confirmed STI cases recorded at sexual health clinics over those years.

While the legislation provides young women with protection under the law from exploitation, it appears that those under 18 years of age are still engaged in prostitution.

One of the first prosecutions under the PRA was heard in Wellington in September 2005 with a brothel owner pleading guilty to two charges of assisting an under 18-year-old to provide sexual services and two of entering into a contract for sex with an under 18-year-old.

Communities cannot ban the proliferation of brothels. Local councils cannot refuse to register premises for prostitution and cannot control where these operate. This has been confirmed by a High

Court ruling. Statistical evidence of the effects of the Act is not yet available and it is too soon to see the results of monitoring.

Voices 2005 and Beyond the proceedings of the Asia Pacific NGO Forum on Beijing +10 states under the issue of Violence Against Women "There is a complete lack of will on the part of the international governing bodies to recognize all forms of violence against women as fundamental human rights violations." The Forum also recognised trafficking in women and children as one of the key areas of concern in the region and The Coalition against Trafficking in Women [CATW] emphasised that prostitution is harm/violence against women.

Five months after the passing of the PRA Sandra Coney looked at the effects on local councils of the passing of the PRA in Women's Health Watch Newsletter writing: "The issues of policing and enforcement are looming large in the debating chambers of local councils where by-laws must be enacted to do with the Act. The Act only gives police powers to seek a warrant to enter a brothel if they suspect a person aged under 18 is working there. They are not given any special powers to enter a premise if they think trafficked women are present".

In the same newsletter information on the effects of decriminalising or legalising prostitution in Australia in the mid 1990s and earlier is given as follows

- Increase in brothels: in New South Wales brothel numbers had tripled; in Victoria they doubled in a decade. Street prostitution increased hugely.
- Increase of illegal brothels: in Queensland only 500 of an estimated 3,000 brothels are legal. in New South Wales, where brothels must get permission from local councils as to their siting, 80 percent of brothels are set up without permission. Victoria has more unlicensed than licensed brothels – 400 illegal, 100 legal
- Sexual slavery is an increasing problem. Trafficked women are often physically detained with their passport removed. Some are under age.

While no statistical data is available and monitoring of the legislation is as yet unreported there are indications "local bodies have found that street soliciting has increased – anecdotally, including teenagers of less than 18".

In a presentation at the Asian Women's Health Symposium in Auckland in 2005 on Asian's Sex Workers in New Zealand the following was reported:

"Over 300 Asian sex workers practise in the Auckland region. The industry often presents itself in the form of hair dressing salons, therapeutic massage and health clubs. Even with legalisation the Asian sex industry works under cover and is difficult for health promotion services to access. When Health Promotion Service staff offer condoms they are accepted even when the sex industry declines to admit they operate as sex parlours. Anyone who presents as an official of any kind is seen as very suspicious. As a result sex workers are not provided with good support and are often pressured into sexual acts that are unsafe for them. It is also not uncommon for women to work from their homes. Virtue is highly regarded in the Chinese culture. Sexuality is hidden behind closed doors and rarely spoken about. This flows on into how Chinese sex workers feel about disclosing their occupation within their own culture".

Some local councils have reviewed their by-laws specifically relating to the prevention of the siting of brothels in residential areas. The proposed amendments were rejected by government.

PWW[NZ] members travelling to overseas conferences since the passing of the PRA 2003 have often been questioned by NGOs from other countries about how it is working. While some have approved the legislation a number have expressed their disapproval.

PWW[NZ] contends that the PRA 2003 may be detrimental to the promotion of women's human rights in New Zealand. We urge the government to monitor the Act very closely, require the collection of data on the numbers of women involved in prostitution and provide education programmes to help sex workers find alternative means of earning their living.

ARTICLE 7 – Political and Public Life

Participation of New Zealand Women in Governance and Professional Life

Despite women holding the key positions of Prime Minister, speaker of the House of Representatives and Chief Justice, tenure here and in local government is uncertain. With regard to the number of women elected to Parliament much depends on political parties selecting women candidates in winnable seats and in upper levels of their party lists. Similarly in local government, women have to be willing to stand and committed to winning.

The first *Census of Women's Participation in Governance and Professional Life* published in 2004 provides up-to-date data on how women were faring now compared to their position in the fifth periodic reporting period. The appointment of an Equal Opportunities Commissioner within the Human Rights Commission opened the way for this and other valuable research. It addressed concerns of the CEDAW Committee in 2003 on

- the under-representation of women in public life, particularly with respect to Chief Executives in the public sector and on Crown Company boards
- the inequality which persists within the private sector where equal opportunities are taken up only reluctantly
- the number of women in Parliament and in local government
- the number of women among teachers in higher positions.

While providing a benchmarking tool for monitoring women's participation now and in the future, the Census revealed the validity of these concerns. The second Census published in mid 2006, enables valuable comparisons to be made as a measure of progress.

Results are mixed with women making good progress in the public sector but in the private sector progress towards women's participation in governance "is grindingly slow".²⁷

In New Zealand's top 100 companies women's representation has improved by only two percent compared to the first Census in 2004. The Census 2006 also notes that while there has been a high profile given to the ten women at the top, New Zealand, in fact, languishes behind many comparable countries in terms of women's participation in the boardrooms of top companies.²⁸ Similarly in the university sector, the legal profession, the justice system and the media, progress has been minimal.

The New Zealand Council of Trade Unions [NZCTU] has long standing concerns of under-representation of women in senior positions and Carol Beaumont, Secretary NZCTU, has called attention to the paucity of EEO data available.

The Census provided an objective analysis of the position of New Zealand women and a basis for international comparisons to be made. The Census also brings to public attention key areas where it might be assumed women could or should be making a greater contribution to New Zealand's social and economic life. It has identified a number of gaps.

PWW[NZ] strongly encourages women's professional and community groups at both national and local levels to use the objective data in Census 2006 to raise media and public awareness about women's progress.

Positive Signs

1. The 2005 General Election returned a total of 40 women to Parliament, the highest number yet [33 percent compared to 29 percent in 2002].
2. Women currently hold five seats in Cabinet compared to fifteen men, with two women also ministers outside cabinet.

²⁷ *New Zealand Census of Women's Participation*, April 2006, p.1

²⁸ *Ibid*

3. The Action Plan for New Zealand women sets a target of 50 percent female representation on government boards by 2010.
4. The establishment of an Equal Opportunities Commissioner in the Human Rights Commission.
5. The development of the New Zealand Centre for Women at Massey University.
6. The *New Zealand Action Plan for Human Rights* published in September 2004, which sought consultation with women NGOs in the drafting stages, builds a human-rights-based approach across issues.
7. The compiling by Statistics New Zealand of *Focusing on Women 2005* from Census figures.
8. Research undertaken by the Equal Employment Opportunities Trust for the *EEO Trust Diversity Survey Report 2005* to create an EEO/diversity score and consider EEO strategy related to human capital and social responsibility [see Article 11].
9. *The New Zealand Census of Women's Participation in Governance and Professional Life*: Human Rights Commission 2004 with the New Zealand Centre for Women, Massey University
10. The gradual increase of women in central government and on public boards.

Not so Positive Signs

1. The current Labour led government has a ratio of 19:31 [38 percent] of women in Parliament; National, the next largest party has 13.25 [28 percent] elected and unless that ratio improves any future National-led government would include fewer women.
2. Women ministers do not currently hold key portfolios such as finance, traditionally held by men.
3. The loss of funding for the Women's Advocate position in the Human Rights Commission.
4. The Ministry of Women's Affairs while now being more robust than in 2002 and not at this time in danger of being disestablished, has by no means a certain future.
5. The backlash from men to women occupying "top jobs" who fear their own rights may be in jeopardy.
6. The "Climate" in Parliament which is still male-dominated is not conducive to making women feel comfortable.
7. The high and sustained difference in the numbers of men and women on university academic staff.
8. The invisibility of women of different proportions on the Board and Executive Team of the NZ Institute of Management.
9. The decline in membership of some long-established women's organisations and the difficulty in finding women prepared to take up leadership positions have reduced the credibility of such organisations to advocate for and monitor improvement in the status of women.

PWW[NZ] recommends urgent implementation of the *Action Plan for New Zealand Women* and the *New Zealand Action Plan for Human Rights* as a means of attaining a 50/50 balance in governance and professional life.

ARTICLE 10 – Equality in Education

PWW[NZ] has focused on the issue of lifelong education literacy and empowerment, and in particular the role that literacy, and the opportunity for lifelong education, plays in shaping women's lives. We believe that New Zealand women and girls will only achieve to their fullest potential when educational opportunities are available to them without barriers.

Closely related to empowerment is literacy. Literacy includes not just the ability to read, but also skills in problem solving, critical thinking and good communication. Principals of low-decile [1-10 scale with 1 the lowest socio-economic status] secondary schools report that many students enrolling in Year 9 [first year of secondary education] have a reading level of 8 or 9 year olds and are unable to handle the reading requirements of the secondary curricula. Consequently if we are to analyse unresolved issues for women, we must look to where it all starts: "namely with the poor literacy levels of many particularly those in low-decile schools".²⁹

²⁹ Frances Townsend: Lifelong education literacy and empowerment for Women – PWW[NZ] report on 10-year Review of the Beijing Platform for Actions and the Way forward for New Zealand Women. p.8

The decision to include a presentation and workshop at the PWW[NZ] Half Day Seminar prior to the General Election on lifelong education, literacy and empowerment came in response to the Tertiary Education Commission's plans to redirect Adult and Community Education funding away from hobby courses and into vocational courses. Many women come to second chance education through experiencing success in a hobby type course first. After that they go on to other courses which can lead to employment and they are certainly empowered by such courses.

Some women such as those living alone or caregivers to children need hobby courses for social reasons. We believe women will be disadvantaged if hobby courses are no longer available. Cancellation of such courses will remove the encouragement they provide for women to consider re-entering the workforce after a break looking after a family. We contend that removal of hobby courses is discriminatory to women.

The high cost of adult education courses is also discriminatory when women who have taken time out for child-rearing are penalised for not having high level qualifications and for broken service. Further initiatives to enhance women's opportunities to participate in lifelong courses are absolutely essential if women are to attain the skills necessary for good parenting and the uptake of employment opportunities.

To overcome the complaint of tertiary institutions and industries about the low standards of writing, research skills and literacy, a number of training courses have been established. The Tertiary Education Commission is charged to address this situation by means of the government's Adult Literacy Strategy. These include tertiary entrance courses and the engaging of outside providers to teach work-related literacy. There is widespread concern about adult literacy which is a major barrier to women gaining employment or moving to higher level jobs. The Massey University–Wanganui District Library major longitudinal research project on adult literacy and employment studied the adult literacy needs of employed and unemployed, the social attitudes and economic barriers to adult literacy, numeracy and analytical thinking skills of employed and unemployed people in Wanganui and Districts.

These initiatives show that literacy is an unresolved issue for some New Zealand women and a cause for discussion in two areas in particular for women with the lowest levels of secondary education and for migrant women.

Workplace literacy programmes may not improve life skills and overall empowerment. Most in need of improvement in literacy are girls leaving school without qualifications and girls unprepared for parenting and the basic health care of children. Young women who have poor literacy skills themselves will find it difficult to support their children in their schooling. Teen mothers are a special category here – their opportunity for continuing their secondary school basic education for a standard minimum of 11 years is severely compromised by early motherhood. A number of teen mothers do not have access to a dedicated teen parent school with crèche facilities and qualified staff.

The Tertiary Education Commission is charged to address this by means of the government's Adult Literacy Strategy. Further initiatives to enhance women's opportunities to participate in lifelong courses are absolutely essential if women are to attain the skills necessary for good parenting and the uptake of employment opportunities.

Women in Tertiary Institutions

Academic women on tertiary staff meet discrimination when they find themselves stuck at lecturer's level in positions without a career path for promotion to higher positions. Only about 15.82 percent of women lecturers reach above lecturer level at New Zealand Universities [8.83 percent at Otago; 4.5 percent at Canterbury].

Some statistics for consideration

- in 2004 there were 12 Tertiary Education Commission Panels for Performance Based Research Funding. Ten of the 12 panel chairs were male.
- in the 2004 NZCER Massey University study of gender and promotion, 44 percent of Massey academic staff were women. Only 13 percent said they were satisfied with promotion

processes [men = 24 percent] and 12 percent that they had achieved their aspirations [men = 26 percent].

- the causes were family reasons, cost of childcare, high workloads, lack of research time and less time in continuous employment. Less than a third thought the University provided training and career development to enhance career progression.
- the average salary for Massey University female academics is NZ\$15,000 less than that of males. At present women in New Zealand face extreme discrimination when teaching at tertiary levels.

Following a complaint to the Human Rights Commission, Canterbury University will use “gender observers” on staffing committees but the observers have no powers and must be at professional level. Since there are few women or none in some Departments with only 4.5 percent of women academics being employed above lecturer level at Canterbury, it is very doubtful that gender ratios will improve through this means.

PWW[NZ] contends that the government must take further action to overcome the blockage to higher teaching positions for women in universities posed by male dominated appointment bodies in those institutions.

Women in Prisons

Focusing on Women 2005 reports that 55 percent of female inmates had left school before Year 11 and while 12 percent had passed Year 11 subjects, 22 percent had no school qualifications. Forty-four of those without qualifications were living on the Domestic Purposes Benefit while only 24 percent were in paid employment.³⁰

A low level of educational attainment was certainly one of the factors leading to offending by women. Continuing low levels of attainment and literacy will be a factor in the increasing number of women in New Zealand prisons.

It is imperative that action is taken to improve outcomes for girls in their primary and secondary education. During the period, 1999-2003, 17 percent [both boys and girls] left school without qualifications and in 2003, five percent of girls received permission to leave school before they were 16 years of age. We contend that the educational system must do more to ensure all girls leave school with some qualifications and a good standard of literacy if they are not to face daily discrimination in their adult lives.

Migrant Women

Young migrant women face special barriers in the New Zealand education system. Most have first to gain skills in written and spoken English before they can realise their fullest potential in primary, secondary and tertiary education. They must overcome the impediment of cultural norms that are different from their New Zealand peers.

A foreign-sounding name, poor pronunciation of English and lack of recognition of their overseas qualifications cause discrimination against migrant women in the workplace. On-the-job training is more difficult to access for migrant women. For a number, the expectation carried over from their country of origin that women will remain in the home, further impedes them being able to access tertiary education and paid employment.

Special measures are needed to enhance migrant women’s advancement in both education and the workplace.

Cost of “Free Education”

New Zealand women face discrimination when they are sole parents in being required to pay a ‘donation’ for children at school. While termed ‘a donation’ there is an obligation to pay. Anecdotally

³⁰ Statistics New Zealand 2005, *Focusing on Women 2005*

it was revealed that at a decile 2 primary school in Auckland parents are asked to pay NZ\$30 for each of the four school terms in 2006. In 2004 the amount of 'donation' was NZ\$20 per term. In addition there is an obligation to support twice-monthly additional fund raising. While termed 'a donation' the obligation to pay is a heavy burden.

Overall, the New Zealand education system must be held to account for providing the foundations of discrimination.

Continuing Discrimination against Women and Girls

1. Action is needed to ensure young women do not leave school illiterate and without qualifications.
2. Only women in employment can be helped by work-based literacy courses. Women not in employment continue to be disadvantaged.
3. Academic women on tertiary staffs will continue to face discrimination until effective measures are taken to create a gender balance.
4. Women are threatened by government decisions to make changes to adult and community education.

It is our opinion that the New Zealand government has failed to deliver the best outcomes through the education for young women in literacy skills, which include problem solving, research and good communication skills. This, in turn, has deprived many women from reaching their full potential in the family, workplace and community, thereby denying them the full enjoyment of their human rights and fundamental freedoms. This denial is ongoing.

Recommendations from NGO Workshop on Literacy³¹

1. That all students be assisted to reach Year 11 literacy and numeracy as competencies as their minimum levels of achievement.
2. That teachers of all subjects be trained to develop literacy and numeracy skills of students.
3. That parenting skills which include training in literacy and numeracy be included in the school curriculum.
4. That work-based literacy skills programmes be extended into wider communities.
5. That the EEO officer at tertiary institutions be required to offer awareness raising programmes that include decision-making, also mentoring and career guidance for women.
6. That government is requested to require the Tertiary Education Commission to modify the adult and community education criteria to permit the widest interpretation of the criteria for funding to allow for social needs to be included as preliminary for employment training.

ARTICLE 11 - Employment

Women and Work in New Zealand

In 2004 women made up 46 percent of the New Zealand workforce.³² At all ages except 15-19 and 65+, women are more likely to work full-time than part-time. While female labour force participation has been increasing, particularly in part-time work, male labour force participation has been declining, particularly in full-time work.

Both parents working full-time is the most common pattern for New Zealand couples with school-age children³³ and for 20 percent of those with pre-school children. More women with children under five years old are in the labour force than at home full-time. Only women with new babies are more likely to be out of the labour force, yet 39 percent of women with children under one-year-old were in the labour force in 2001.³⁴

³¹ *Report on Outcomes from the 10 year Review of the Beijing Platform for Action and the Way Forward for New Zealand Women*

³² Statistics New Zealand 2004, *Labour market statistics 2004 from Household Labour Force Survey*

³³ McPherson 2005: "Part-time work and productivity" EEO Trust Auckland

³⁴ McPherson 2005: "Part-time work and productivity" EEO Trust Auckland

Women's labour force participation peaks in the 45-49 age group. In the decade from 1991 to 2001 the proportion of women aged 60-64 in the labour force increased from 17 percent to 42 percent and those aged 55-59 from 45 percent to 66 percent. For Maori women, 12 percent aged 65+ are in the labour force compared with less than 7 percent for other groups – perhaps reflecting a greater financial need to work past the usual retirement age.³⁵

With smaller families, later childbearing, more women not having children at all, declining marriage rates, increasing divorce rates and greater life expectancy, most women are now in the labour force for the greater part of their lives. More women, with and without children, spend more of their lives without a partner and need to be economically self-sufficient.

Women's labour force participation is still affected by their role as primary caregivers for children. For example in 2001, 68 percent of women with dependent children were in paid work compared with 91 percent of men.³⁶ These women are more likely than men to work part-time - 36 percent compared with 12 percent of men in 2001. However, most women are working full-time and therefore need workplace practices that help them accommodate their dual roles.

The cost of childcare is one factor that may contribute to women's level of labour force participation; in many cases it is not financially viable for women to work and pay for childcare. Workplace and government subsidised childcare is likely to increase women's participation in paid work.³⁷

There are still considerable differences in the occupational distribution of men and women, with clerical and service and sales jobs accounting for 43 percent of the female workforce. Women were also more likely than men to be in professional or technical and associate professional jobs.

Within the female workforce there are marked differences in the occupational distribution of the major ethnic groups. Although clerical and service and sales jobs are the most common occupation for both groups, European and Asian women were the most likely to be working in the higher status white collar occupations.

Pay Equity

Women's full-time hourly earnings in 2003 were 90 percent of men's. This was an improvement from 2001 when women's earnings were 86 percent of men's.³⁸

These findings compared favourably with the UK where in 2004 women's full-time hourly earnings were 82 percent of men's³⁹, and Australia where in 2004 basic ordinary full-time hourly earnings for non-managerial women staff were 91 percent of men's, and women's average weekly earnings were 85 percent of men's.⁴⁰

But, in 2005 the pay gap in NZ suddenly widened compared to the 2003 figure. Because men's average hourly earnings rose faster than women's, women's earnings were reduced to 82 percent of men's.

Added to this inequality one of the greatest difficulties for New Zealand women is uncertainty of their continuity of employment. Women are also more vulnerable to changes in conditions of employment as fluctuations in the economy can mean an increase in part-time and casual jobs, generally taken up by women and fewer opportunities for permanent, full-time work for women with few formal skills and education.

New Zealand women rank sixth out of 58 nations covered in the World Economic Forum analysis of the global gender gap over a range of economic, political, educational and health and well-being measures. Only the Scandinavian/Nordic countries of Sweden, Norway, Iceland, Denmark and Finland outrank New Zealand. Canada, the UK and Australia are also in the top 10, with the US in

³⁵ Ibid

³⁶ Statistics New Zealand 2005, *Focusing on Women 2005*.

³⁷ OECD 2005: *OECD Economic Surveys: New Zealand*. July 2005

³⁸ Statistics New Zealand 2005, "Focusing on Women" 2005.

³⁹ Equal Opportunities Commission 2005, "Facts about women and men in Great Britain."

⁴⁰ Australian Bureau of Statistics 2005, *Employee earnings and hours* ABS publication number 6306.0.

17th place. However, New Zealand's ranking is mostly due to NZ topping the list for participation whereas NZ ranks 47th for economic opportunity.⁴¹ Economic participation measures include unemployment, the gender pay gap, pay equity [pay rates for similar work] and labour force participation. Economic opportunity includes maternity leave and benefits; government provided childcare, impact of maternity legislation on the hiring of women, the proportion of professional and technical workers that are women and gender equality in private sector employment.

The World Economic Forum recognises the advancement of women as an important strategic issue of economic competitiveness, not just as political correctness. "Countries which do not capitalise on the full potential of one half of their societies are misallocating their human resources and compromising their competitive potential".

PWW[NZ] contends that concerns of the CEDAW Committee following presentation of New Zealand's fifth periodic report have not been well met. [Paragraph 412 of the Committee's recommendations.] We see little evidence of improvement in

- elimination of "occupational segregation" through education and training
- "application of the principle of equal pay for equal work" especially in the private sector
- promotion of additional wage increases in female-dominated sectors of employment.

Of these, possibly the most pressing outstanding issue is the lack of valuing equal pay for equal work.

The volatility of the gender pay gap was highlighted by the PWW[NZ] comparison between 1999 and 2004 of the number of women able to save for retirement. In 1999, 47 percent of women were unable to save for retirement compared to 2004 when 60 percent were unable to save.

Examples of Progress

In the 2004 response by the New Zealand government to the UN Questionnaire for the Beijing +10 review and appraisal under Part Two: "Progress in implementation of the critical areas of concern of the Beijing Platform for Action and the further initiatives and actions identified in the twenty-third session of the General Assembly", examples of progress included

- the Employment Contracts Act 2000 reduces inequalities in bargaining power and may thus benefit women
- Paid Parental Leave Scheme effective from 1 July 2002 provides eligible women with 12 weeks government funded paid parental leave, extended to 13 weeks in 2004 and 14 weeks in 2005
- Property [Relationships] Act 2001, applies to de facto and same-sex relationships as well as married couples with generally an equal division of assets at the end of a marriage or relationship
- significant gains for women and girls in the education system
- increase in subsidised hours of childcare for low income families for 0-5 year olds and Out of School Care and Recreation Subsidy for 5-13 year olds in school holidays
- Prostitution Reform Act 2003 decriminalised prostitution.

On obstacles encountered and remaining gaps and challenges the government's response acknowledged

- the gender pay gap had a greater impact on women's ability to save for retirement and pay back student loans
- significant under-representation of women in the Modern Apprenticeships Scheme
- lower labour force participation by women and higher proportion in unpaid work than for men
- the Paid Parental Leave Scheme still excludes some part-time work, short-term or casual work
- women under-represented at senior levels in NZ public service and on Crown company boards [35 percent women in April 2004]

⁴¹ World Economic Forum 2005, "Women's empowerment: measuring the global gender gap" www.weforum.org

- the high cost of quality childcare a barrier to women being able to access paid work.

Apart from some adjustment to the Paid Parental Leave Scheme and the removal in April 2006, not yet effective, of interest payment on student loans, PWW[NZ] suggests little real reduction of these obstacles has been made. In 2006 many of the human rights of women are still unmet in all areas of employment.

Women participating nationwide at workshops facilitated by PWW[NZ] in preparation for Beijing +10 consistently identified gaps in employment conditions with respect to transport, affordable child-care, work/life balance including job sharing, age/skills and in mature women obtaining work. Pay equity - the pay disparity between men and women - was often mentioned. Repayment of student loans, contract work for women and well-resourced support for the disabled were also concerns.

Gains were cited as

- larger numbers of women now in paid employment
- greater equality for women in managerial and armed forces positions of higher responsibility
- paid parental leave
- better knowledge of health and Occupational Safety and Health [OSH] principles
- more family friendly workplaces.

Just over a year later in August 2005, more than sixty participants in Auckland from many organisations at the PWW[NZ] Half-Day Seminar and workshops prior to the General Election considered employment and workplace challenges, and raised/identified issues they believed represented gaps in the proposed policies of party candidates. Women were concerned that

- more women than men work in low-waged jobs
- women were considered to be disadvantaged when they needed time away from work to care for a sick child or a child who has been requested to leave school
- there was often no suitable place for women to breastfeed at work and that women had little knowledge of steps to take to be able to breastfeed at work
- on the issue of pay equity it was considered that women should be encouraged to move from part-time to full-time work and that temporary jobs should be made into permanent jobs
- legislation is needed on employment law and pay equity.

NGO's also report disadvantage for women under collective employment contracts. Women are not well involved in the governance structure of unions and so their particular needs may not always be met when collective contracts are negotiated eg under a two-year contract there is no chance to make changes until the end of that period.

Employment and Workplace Issues for Migrant Women

Migrant women's particular concerns are

1. Lack of recognition (especially by professional bodies) of overseas qualifications and general lack of appreciation/ valuing of qualifications and experience gained prior to migrants' arrival in New Zealand.
2. Discrimination on account of migrants' evident non-English speaking background (NESB) both when seeking work and in the workplace.
3. Difficulty in reaching interview stage when seeking work apparently linked to non-English name on CV or job application.
4. Little respect for specific behaviour prescribed by religious belief eg prayer time only allowed within standard work breaks taken by all employees.
5. Failure of migrant men to find employment can have very negative impacts and can lead to serious domestic problems and violent behaviour, particularly when women find paid work but men cannot.⁴²

⁴² Federation of Business and Professional Women Inc., *Resettlement Issues for Refugee and Migrant Women*, New Zealand May 2003

Article 11.3 provides for periodic review of the matters it covers. PWW[NZ] supports the view of Shakti that the specific rights of migrant women workers in foreign countries should be included. The rights of migrant wives in New Zealand would then be better safeguarded.

Recommendations from the PWW[NZ] August 2005 seminar included

- the provision of, and government support for the “New Kiwi” Programme [Chamber of Commerce] that supports and advocates for new migrants
- the provision of, information packs for mothers going back to work concerning what to ask for to be able to continue breastfeeding
- enhancing of family friendly policies for workers with sick children needing time off, including after sick leave is used up and sick children still need care. Participants requested that the employee be paid wages by the government for the time away from work. Therefore the employer loses a worker but does not have to pay
- families should not be disadvantaged for having a stay-at-home parent
- moves towards full-time employment in women’s employment areas to reduce the explosion in part-time work
- moves to make long term temporary employment into permanent jobs
- stronger legislation on employment law and pay equity.

ARTICLE 12: Health

An Executive Paper released in August 2006 by the WHO Department of Gender, Women and Health places special emphasis on the health consequences of discrimination against women. It contends that powerful barriers to women attaining – and maintaining – the best possible health include poverty, unequal power relationships between men and women and lack of education. Integration of gender into health policies and programmes is stressed.

PWW[NZ] in gathering data for this report has found clear links between poverty, unequal gender relationship and lack of education as causes of poor health for many New Zealand women.

PWW[NZ] in its dialogue with women at all economic levels over the last three years has identified six areas impacting on the health of women and girls where government policy needs further development. These are

- child health including lifestyle for good health
- maternity services
- sexual health
- refugee and migrant health
- Asian women’s health
- mental health related to increasing workplace stress [see Article 1, p.3].

To ensure that women enjoy their full human rights, the best health outcomes for the whole-of-life must be delivered by health legislation and policy design and implementation to meet the highest expectations.

Child Health

At the PWW[NZ] Half Day Seminar in Auckland, August 2005 the Child Poverty Action Group made a presentation on Child Poverty in New Zealand. Under the title *Our Children: The Priority for Policy* it revealed New Zealand has no official poverty lines and measurement of poverty is controversial. There is a close link between child poverty and the high cost of housing. The proportion of children with net-of-housing incomes below the 60 percent line between 1998 and 2004 was consistently high. In a UNICEF comparison with other countries of the incidence of child poverty as defined by the 50 percent poverty line, New Zealand comes in the high band of 15-26 percent. Further it was reported in research in 2003 [Easton] that of those living in poverty

- 80 percent are children and their parents
- over half live in 2 parent houses; less than half depend on social security benefits
- over half live in their own houses; less than half live in rental houses
- over half are Pakeha; less than half Maori, Pacific and Asian.

Based on UNICEF definitions the population of New Zealand children living in poverty had increased as follows

| | |
|---------|---|
| 1987/88 | 16 percent of dependent children |
| 2000/01 | 27 percent of dependent children |
| 2003/04 | 21 percent of dependent children about 210,000 children |

UNICEF considers poverty is not inevitable, but is a problem to do with the unequal distribution of resources and opportunities. The Child Poverty Action Group [CPAG] believes poverty is directly related to insufficient income, not the ability to work. Insufficient income is a problem in New Zealand, and it has a greater impact on women than men as they have the responsibility to maintain household budgets often as sole parents. Low income affects the provision of nutritious food; the size, quality and location of housing; clothing, bedding, washing and drying facilities; phone and transport; doctor and medicines; education and supporting resources; social participation. When these are missing the effects on children are critical.

CPAG contends that the recently announced “Working For Families Package” will not benefit children in the lowest income homes as it is targeted towards parents who are in employment. Their successful case is now at the appeal stage in the High Court.

The high levels of poverty in New Zealand have the greatest impact on girls whose long-term health and well-being are put at risk. The result is discrimination throughout their life cycle.

Poverty in childhood impacts across the lifespan, setting off a developmental trajectory, which is cumulative. It affects every health outcome, educational outcome and social participation. All are cross-cutting and all deny basic human rights to children and their parents, which becomes intergenerational. Such effects are now clearly visible in New Zealand.

The National Health Committee in The Social, Cultural and Economic Determinants of Health in New Zealand: Action to Improve Health, Ministry of Health, June 1998 stated “Income is the single most important determinant of health. There is a persistent correlation worldwide between low income and poor health”.

This statement is confirmed by an epidemic of child health diseases including

- cellulitis, which if treatment is delayed, requires hospitalisation
- meningococcal disease causing brain damage, loss of limbs, deafness, learning and psychological effects
- whooping cough – New Zealand rates are 5-10 times higher than for Australia, UK and USA.

Such statistics are directly related to poverty in homes and poor primary health. The New Zealand Council for Social Services [NZCSS] reports 70 percent of poor families spend more than 30 percent of income on housing and the other 30 percent of poor families spend more than 50 percent.

This, in turn, has impacts for success in education. A hungry, malnourished, sick child deprived of proper medical care and tired from chronic noise at night in an overcrowded home cannot learn properly [Pountney 2001]. CPAG research suggests 175,000 of New Zealand children are unable to properly benefit from education due to the above factors.

Poor children get sick more often. The likelihood of a child being sick is three times higher for those in the bottom household income quintile.⁴³ Socio-economic disadvantage in childhood has long-lasting negative effects on adult health. Children who grew up in low socio-economic status homes

⁴³ Easton and Ballantyne, 2002

had poorer cardiovascular health, poor dental health and more substance abuse as adults, regardless of adult socio-economic conditions.⁴⁴

Maternity Services

Following the deaths of three babies related to insufficient knowledge and skills of midwives who are the lead maternity carers there has been a “call for tougher maternity safety controls.”⁴⁵ Wellington Coroner, Garry Evans, called for a review of maternity services, greater involvement of GPs and an audit of baby death rates. Currently New Zealand women are not being provided with the best of outcomes in maternity care. The head of the New Zealand branch of the Royal Australian and New Zealand College of Obstetricians and Gynecologists, Dr Bill Ridley, has claimed midwife training is inadequate.

Sexual Health including Sexually Transmitted Infections [STIs]

New Zealand continues to have unacceptably high rates of sexually transmitted infections. Chlamydia rates in three northern regions of New Zealand, Auckland, Waikato and Bay of Plenty, were six times higher 1996-2003 than those reported in Australia and four times higher than in the UK [excluding Scotland]. Gonorrhoea rates were double those reported in Australia and the UK [excluding Scotland]. As the following table shows, rates for both Chlamydia and Gonorrhoea have risen steadily. Although the figures are not gender disaggregated it would be fair to say rates for young women are high and young women are therefore at significant risk from infection.

Numbers of confirmed STI cases at sexual health clinics [SHCs], 1996-2003⁴⁶

| | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 |
|------------|------|------|------|------|------|------|------|------|
| Chlamydia | 1665 | 1992 | 2263 | 2331 | 2870 | 3238 | 3372 | 4485 |
| Gonorrhoea | 294 | 291 | 329 | 384 | 491 | 533 | 532 | 673 |

The rising number of people with STIs is an ongoing health issue which has not been successfully dealt with yet. Ministry of Health plans for a screening programme for Chlamydia are a positive step but we believe the government should be much more proactive in reducing rates of STI infection.

The key to reduced rates of STIs is education and information. While the Ministry of Health’s Youth and Sexual Health Campaign November 2004 – February 2005 was aimed at raising awareness of STIs and to encourage young people to use condoms, we still await data to substantiate an anticipated lower infection rate. A Family Planning Association project in Auckland schools from Year 7 upwards on ‘Relationships’ is a welcome contribution to improving sexual health outcomes but much more needs to be done.

A Ministry of Women’s Affairs/Education Review Office review in 2006 to provide national information on sexuality education in schools will inform future policy. This collaborative approach will hopefully prove effective and it is to be hoped that an improved strategy can be put into place at an early date.

Teenage Fertility

The total teenage pregnancy rate or known pregnancy rate [which included live births, still births and induced abortions] has remained consistently high. From 1981 to 2001 the known pregnancy rate of 50 per 1000 is almost unchanged, with the lower birth rates being off-set by an increase in the abortion rates.⁴⁷ As in many other countries the age of first intercourse has lowered over the past ten years.

⁴⁴ Graham, Levershai and Vogel, 2001

⁴⁵ *The New Zealand Herald*, 4 February 2006 A1

⁴⁶ New Zealand Family Planning Association, “Report Card for Reproductive Health” Wellington February 2006

⁴⁷ New Zealand Family Planning Association, “Report Card for Reproductive Health” Wellington February 2006

Fertility rates are calculated by relating births to teenagers during a given year to the estimated number of teenagers in that year. As few births occur below age 15 years, the denominator was restricted to those aged 15 to 19 years.

Although the fertility rate for NZ teenagers was at a historical low of 25.6 per 1,000 in 2002, NZ's fertility experience does not compare favourably with OECD countries. The New Zealand teenage fertility rate in 2001 (27.7 per 1,000) was the third highest in the developed world, behind the United States (45.9) and England and Wales [29.2]. It was almost four times the latest rate recorded in France, Japan, the Netherlands and Sweden.⁴⁸

Age Distribution of Mothers by Ethnicity of the Mother - 2003⁴⁹

| Age Group | Mothers Total | | | | | | Number | Percent |
|---------------|---------------|-------------|-------|----------|-------|------------|--------|---------|
| | Maori | Pacific Is. | Asian | European | Other | Not stated | | |
| Under 16 | 91 | 14 | 0 | 36 | 1 | 11 | 153 | 0.3 |
| 16-19 | 1737 | 415 | 70 | 1334 | 75 | 61 | 3,692 | 6.8 |
| 20-24 | 3173 | 1414 | 598 | 3937 | 291 | 124 | 9,537 | 17.5 |
| 25-29 | 2631 | 1594 | 1339 | 7413 | 450 | 157 | 13,584 | 24.9 |
| 30-34 | 1948 | 1297 | 1659 | 11330 | 461 | 111 | 16,806 | 30.8 |
| 35-39 | 948 | 806 | 830 | 6033 | 215 | 67 | 8,899 | 16.3 |
| Over 40 | 257 | 200 | 201 | 1183 | 61 | 8 | 1,910 | 3.5 |
| Total | 10,785 | 5740 | 4697 | 31,266 | 1554 | 539 | 54,581 | 100 |
| Total percent | 19.8 | 10.5 | 8.6 | 57.3 | 2.8 | 1.0 | | |

The government has a very comprehensive sexual and reproductive health strategy, but the difficulty has been in implementing it. The strategy is good but funding and the political will have been lacking to put it into action. England has recently introduced a comprehensive strategy to combat teen pregnancy which is showing it has reduced the rates by a significant 15 percent. This was achieved when resources were targeted to action the strategy. The New Zealand Family Planning Association contends that a well-funded plan of action should be implemented across health providers, ministries and non-government organisations.

The high teenage pregnancy rate continues to be a serious health issue in New Zealand. An education and information programme to change attitudes and raise awareness is also urgently needed. The present high rate of teen pregnancy is unacceptable and the lack of implementation of the sexual and reproductive health strategy is a discrimination against the well-being of young women in New Zealand.

Refugee and Migrant Health

The Community Based Social Services to Refugee and Migrant Communities Settling in Project within the Family and Community Services of the Ministry of Social Development begun in 2004 identified significant difficulties for refugees and migrants. A number of difficulties impacted on health outcomes.

The Project showed a lack of information about the wider social issues facing refugees and migrants living in New Zealand. From a series of consultation meetings with migrants and refugees in early 2004 in the Auckland region, information is being used currently by an Auckland inter-sectoral group to

- do a stock-take of current services
- identify needs and gaps in services being provided by government
- find more effective ways to work with the community and local government to meet refugee and migrant needs.

Responses suggested lack of family, friends, employment and cultural and spiritual nurturing had an impact particularly on mental health. Many refugees and migrants experienced trauma as a result of war and spending time in refugee camps. Cost of GP visits, and dental and eye treatments were

⁴⁸ Statistics NZ, September 2003

⁴⁹ Statistics NZ "Teenage Fertility in New Zealand" September 2003

difficult, especially when interpretation fees were added. Such issues are particularly difficult for migrant and refugee women as is a lack of women-only doctors.

At the PWW[NZ] Half-day Seminar in Auckland on 27 August 2005 a workshop on issues for migrant women in New Zealand that impact on their health the following were identified

- lack of health facilities that can adequately address their cultural inhibitions e.g. breast and cervical screening
- in semi-urban and rural areas women continue to remain isolated often becoming victims of abuse and violence
- need for liberation from cultural aspects that are repressive for women
- a safe, comfortable and healthy house for most women and families is still an unaffordable concept
- lack of awareness of human rights
- difficulty in accessing information due to poor language skills and lack of mobility due to poor driving skills.

As a result migrant ethnic women are often reluctant to seek medical advice. They are fearful that their cultural inhibitions will not be understood by those providing medical services. It is very important that comprehensive support is made available to promote a higher health status for migrant women.

Mainstream services often lack an understanding of the religious customs and beliefs of Muslim women in particular. Since there are over 30,000 people of Muslim background in New Zealand the issue is becoming more urgent.⁵⁰

Recommendations coming from the Half-day Seminar emphasised the need for better funding for support agencies, greater collaboration between agencies and a national policy commitment to robust data collection to provide statistics disaggregated with respect to age, gender and ethnicity. There was a call for funding for agencies to be based on needs. Protocols for doctor consultations and hospital service delivery to refugees and migrants having regard to cultural sensitivities and needs were seen as a priority.

Refugee women are one of the most vulnerable populations in New Zealand society. Their numbers are growing, New Zealand accepts women in the United Nations refugee women-at-risk category which covers women at risk in their country of first asylum and would usually be outside the normal criteria for acceptance by other re-settlement countries. Also accepted are people in the medical/disabled category. Many arrive in poor health. Both groups bring very particular health requirements. Nonetheless they are not included in any domestic policy including the New Zealand Health Strategy. This is a serious gap in safeguarding the health of such a vulnerable group. The Settling In Project aims to change the serious health inequalities in women refugees but providing appropriate care is an increasing challenge due to

- areas of origin that are high risk for communicable diseases
- the effects of torture and organised violence prior to arrival in New Zealand.

It will take time to assess needs, plan local services and train service providers. Refugee welfare currently relies heavily on the volunteer sector for support and settlement assistance. Voluntary groups are finding it harder to access funding. Church communities are no longer able to provide traditional support due to dwindling membership and more women engaged in paid employment.

We believe the government has an obligation to provide specialised quality health care if it continues to accept women from refugee women-at-risk categories.

⁵⁰ *Report on Outcomes from the 10-year Review of the Beijing Platform for Action and the Way Forward for New Zealand Women*, Auckland August 2005, p.32

PWW[NZ] considers it a high priority that

- government policy provides for specialised medical, sexual assault and mental health care with trained interpreters for refugee women as soon as possible
- women's health information on health services and self-care be provided in appropriate languages.

Asian Women's Health

The Asian population is the third largest ethnic group in New Zealand and is growing rapidly. According to the Census, population and dwellings, Asian ethnic groups grew from 238,176 in 2001 to 354,552 in 2006 to make up 6.6 percent of the total population. That represented an increase of almost 50 percent. The number of people identifying with the Asian ethnic groups has doubled since 1996 when it was 173,502. It is projected that in 2016 the Asian population will comprise 9 percent of the total. It is therefore most important that policy and processes are in place to ensure the highest possible standard of health care is available in New Zealand for Asian women.

Asian people have a lower prevalence of most chronic diseases, except for diabetes. Disease rates, however, are likely to increase with acculturation. South Asians living in New Zealand have particularly high rates of obesity, diabetes and heart disease.⁵¹

Issues having an increasingly adverse effect on the health and well-being of Chinese women include sexual abuse; escalating numbers of Chinese sex workers; higher rates of sexually transmitted infections; later presentation of breast cancer; high rates of termination of pregnancy; isolation; depression and eating problems; increasing body mass; and lack of exercise.⁵²

Asian women with chronic disease often are not accessing health services nor are they having mammograms and cervical screening tests to the same extent as other New Zealand women. In 2002-2004 only 50 percent of eligible Asian women had a mammogram and only 40 percent had a smear test.⁵³

There are a number of reasons why Asian women are not accessing health services including

- the language barrier to accessing health information, especially for older women
- lack of knowledge about breast and cervical cancer
- lack of Asian-speaking health professionals
- the disturbingly high level of sexual abuse in the Indian community with new migrant women in arranged marriages – few consult health services
- a fear of the health system eg Asian women feel very unsafe with male doctors
- cultural barriers – belief that “seeking a cancer screening is merely asking for trouble”
- lack of family support
- lack of transport as many Asian women cannot drive.

Only now have numbers of Asian women living in New Zealand reached a critical mass sufficient for strategies to be implemented to improve their health outcomes. Actions needed to ensure improvement include

- appropriate health coding and collation of gender disaggregated data to show New Zealand cancer and other statistics for Asian women – currently there is little data collection
- health information translated into Asian languages
- clinics/mobile units in areas of high Asian population with Asian-speaking staff
- workforce development in health that meets Asian needs
- advocacy by health agencies and Asian communities
- development of a health strategy for Asian women
- encouragement for support groups for Asian women.

⁵¹ Asian Women's Health Symposium, 17 August 2005, p.14

⁵² Ibid Press Release "Calling for Action to Improve the Well Being of Chinese Women Living in NZ" September 2005

⁵³ Ibid, Newstel News: TV One "Asia Down Under" 25 September 2005

Unless improved health outcomes can be developed for Asian women, mortality and morbidity rates will increase along with costs of hospital admissions. Health provision must overcome the misconception that Asian people are self sufficient. Moreover, services will need to be designed with an understanding of Asian cultural values and beliefs if they are to be fully effective.

PWW[NZ] recommends that an increase in the number of health workers, home educators and public health nurses with appropriate skills for the health needs of ethnic women is urgent as well as programmes for health education.

Mental Health

Basic human rights are denied to women when their health, and in particular their mental health, is put at risk by poverty or violence. Violence is frequently an outcome of poverty.

Poverty generates multiple stressors for families – poor housing, poor nutrition and hygiene, lower educational achievement and poorer life prospects generally. Poverty and general social disadvantage affect self-image and perceptions of self-worth that can lead to substance dependency, spousal violence and/or mental health disorders, particularly depression.⁵⁴

Health research has shown that both immediate and long term consequences for women result when there has been experience of violence.⁵⁵ There is a seven-fold increase in numerous health problems including depression, lack of self-worth, anxiety disorders, tiredness leading to inability to nurture children, and feelings of loneliness and isolation.

Mental Health Related to Increasing Workplace Stress [See Article 11 – Employment]

Unresolved issues for women related to the workplace which lead consistently to poor mental health include

- employment segregation and lack of suitable employment opportunities
- difficulty in accessing higher positions
- undue workloads
- gender gaps in earnings and lack of gender audits
- stress caused by bullying by those in positions of power and authority
- high levels of sexual harassment
- racial prejudice
- lack of appropriate provision for breast feeding.

Many women currently suffer disadvantage in the workplace from several of these issues adversely affecting their mental health status. The Equal Employment Opportunities Trust has carried out much successful education and training with a number of employers now committed to gender balance, flexible hours and being “family friendly”. There is still much more to be done especially to encourage employers with smaller numbers of workers to undertake such education and training. Women remain overwhelmingly in their traditional lower paid service and clerical occupations.

Balancing family and work commitments is an ongoing challenge for women despite government commitment to the work-life balance goal of the *Action Plan for New Zealand Women*. Again, the Action Plan’s focus on Well-Being remains far from a reality for many overworked, undervalued and underpaid women suffering workplace stress. Many find their mental well-being is put at risk in the workplace. Workplace sexual harassment and bullying continues in New Zealand. Preferential treatment or threat to the future employment status for women, verbal or physical conduct which is uninvited and unwelcome as well as offensive visual material put women at further risk of workplace

⁵⁴ Pontop R., Caspi A., Milne B., et al “Association between children’s experience of socio-economic disadvantage and adult health; a life-course study” *Lancet* 2002; 360:1640-45

⁵⁵ Janet Fanslow, “Researching Violence against women” PWW[NZ] Conference. Auckland 25 November 2006

stress. Just prior to Christmas 2006, an article published in a leading New Zealand newspaper drew attention to harassment which can cause women much stress at end of year celebratory work events. The fact that such an article should appear in the Career section entitled "Stop it, I don't like it" indicates the extent of the problem.⁵⁶

Mental Health for Migrant Women Related to Workplace Stress

High levels of mental stress are experienced by migrant women both when seeking work and in places of employment. Women with distinctive dress and the need for a place for prayer required by their culture and religion are seldom viewed favourably by employers who are also reluctant to view CVs accompanying a foreign name.

A great deal of mental stress for migrant women comes through the urgent need for paid employment to ensure a better economic outcome for their families. Many are reluctant to seek help when stress related to employment issues has a detrimental effect on their mental health.

ARTICLE 13 – Economic & Social Life

PWW[NZ] Forums in 2005-2006 on subjects related to poverty and the health of women and their families highlighted poor housing as an obstacle to the attainment of the full development of their economic and social rights.

The Human Rights Face of Inadequate Housing

Themes and issues central to the New Zealand Action Plan for Human Rights include "A focus on the elimination of poverty to ensure that, as a priority, every child and every disabled person has an adequate standard of living".⁵⁷

Under Economic, Social and Cultural Rights the report on the New Zealand Action Plan for Human Rights states

"Housing is a prime determinant of an adequate standard of living and is crucial to good health in children and impacts on children's educational achievements."⁵⁸

The report concludes that

- Maori and Pacific peoples are disadvantaged in terms of affordability and habitability of housing. They are approximately four times more likely to live in overcrowded houses than the national average.
- New Zealand houses are cold by international standards. Overcrowded, cold houses and the affordability of housing is a reality for many families. The consequences are poor health, stress and mental illness. Women and girls in this situation are especially vulnerable.

On the subject of children and young people, this report concludes that one in three children and young people live in poverty. Significant numbers of children and young people are abused and neglected, with New Zealand having the fifth worst child maltreatment rate of 27 OECD countries.⁵⁹

The links between a denial of human rights, inadequate standard of living, poor health and poor housing are clear. Substandard housing puts children at risk of neglect and women and children at risk of violent abuse.

PWW[NZ] contends that for New Zealand women and girls this denial of human rights is intolerable and unsafe.

⁵⁶ *The New Zealand Herald* E1 16 December 2006

⁵⁷ Human Rights Commission, *The New Zealand Action Plan for Human Rights Mana Kite Tangata Priorities for Action: 2005-2010*, p.5

⁵⁸ Human Rights Commission, *Human Rights in New Zealand Today Nga Tika Tangata O Te Motu* p.13

⁵⁹ *Ibid* p.11

Rising House Prices Pose a Risk to Women and Girls

Since the fifth report to CEDAW in 2002 women's access to affordable housing with security of tenure has been severely compromised by rising property prices. Home ownership is now out of reach for many families and certainly for most single women and women with children. The higher bank loans and mortgages now needed to purchase a house have increased the risk of subsequent impoverishment for those who do manage to make a purchase.

To date there has been no levelling off in the rise of house prices. Based on Real Estate Institute and Statistics New Zealand data for the third quarter of 2005 and using the "Median House Price to Median Household Income Multiple" to rate housing affordability, Auckland was ranked as fifteenth of the 20 most unaffordable housing markets worldwide. No city in New Zealand appeared in the rankings of the top 24 affordable housing markets.⁶⁰

Since then New Zealand house prices have continued to rise. Indications are that this trend will continue in the main centres of population as demand is greater than supply.

Latest house sales figures by Auckland's largest residential real estate agency for October 2006 showed an average price of NZ\$502,297 compared to NZ\$501,470 in November 2005 and NZ\$476,916 in November 2004. The Real Estate Institute reported a record national median price of NZ\$324,000 for New Zealand house sales for November 2004. Rental prices, however, have remained almost static.⁶¹

In a developed economy such as New Zealand's the ability to own a home is critical to maintaining a stable family environment. Currently, this is becoming unattainable for many families with the average age of first home buyers rising because household incomes have not been increasing at a corresponding rate. A recent Auckland University Study, *Family Whanau and Wellbeing Project*, has found that the median family income after adjusting for inflation and family size, was just over NZ\$37,000 a year in 1961 and was still just over NZ\$37,000 in 2001. This was despite a rise in the proportion of women working in paid employment from 47 percent to 61 percent.⁶²

Many of these women are in low paid employment.

Transience

When affordable housing is difficult to access, families tend to share houses and/or move more frequently. The turnover of students at schools, especially in South Auckland where many Maori and Pacific families live, is extremely high. Educational achievement is greatest when there is continuity of study. Family break up or changes in employment can cause families to move. The lack of affordable safe housing with security of tenure is also a prime factor for family movement.

Girls are particularly disadvantaged when school and social relationships change. Constant moving allows them little chance of developing lasting links in the community setting or enjoying ongoing social or recreational opportunities. Frequent moves create an increasing feeling of isolation causing stress and mental illness which can seriously retard development and general well being.

Women's Health Action Plan

At the Women's Health Action Seminar in 2003 to study the Plan, women identified poor housing linked to poverty as one of the top priorities to be remedied. This was confirmed at the Human Rights Network Forum, 10 December 2006. Better housing is a prerequisite to improving women's general well being across the whole of life. Under the goal of affordable, safe housing with security of tenure, especially for single women and women with children, the following were considered barriers

- provision is not enshrined in legislation as a government responsibility

⁶⁰ Wendell Cox Consulting and Pavletich Properties Limited *The Annual Demographics International Housing Affordability Survey 2006* www.demographia.com

⁶¹ *The New Zealand Herald*, 7 December 2006 A9

⁶² Ibid 25 November 2006 A1

- very expensive private rentals
- low wages mean women are less able to buy homes.

Action priorities were

- lower interest payments on loans for poorer women and families to buy or improve homes
- provision of emergency housing for single women without children
- easing the housing shortage by increasing the quantity and variety of Housing New Zealand accommodation and providing government funded boarding house and rental accommodation for single women.

Since 2003 we can find little real improvement in affordable, safe housing for women and their families and certainly not for single women. For most, home ownership is now even further out of reach.

PWW[NZ] contends it is critical that priority be given by government and private agencies to the provision of affordable, safe housing for women and their families.

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