



NEW ZEALAND

Affiliated with the International Federation of Business & Professional Women

BPW
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New Zealand Federation of Business
and Professional Women Incorporated

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27 February 2015

Public Consultation, Ministry of Social Development
Attn: Ageing, Disability and International

Email: uncroc@msd.govt.nz

Re: Submission on UNCROC 5th Government Draft Submission

Submission:

This submission is from the NZ Federation of Business and Professional Women (BPW NZ) Inc.

Our Organisation

Our organisation's aims are to link professional and business women throughout the world, to provide support, to lobby for change and to promote the ongoing advancement of women and girls. We work for equal opportunities and status for all women in economic, civil and political life and the removal of discrimination in all countries. We promote our aims and organise our operating structure without distinction as to race, language or religion.

International Status:

BPW International has General Consultative Status at the United Nations through the UN Economic & Social Council (ECOSOC). This enables BPW International to appoint official representatives to UN agencies worldwide and to accredit members to attend specific UN meetings.

BPW International upholds the outcomes of the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee at state party level. BPW International upholds the outcome documents of the annual UN Commission on the Status of Women (CSW) which evaluates progress, identifies challenges, sets global standards and formulates policies to promote gender equality and women's empowerment worldwide.

Our interest in this submission is because we are committed to advocating for equal opportunities for women and girls and for the health and safety of women and girls.

General Comments:

We congratulate the Ministry of Social Development on the wide ranging nature of the report and thank them for the opportunity to participate in the review process. We have concerns about some inaccuracies which are addressed in this submission.

There are also other issues which we believe New Zealand needs to address under this covenant.

The Federation has only addressed those clauses on which BPW NZ has policy and/or has previously made submissions to Select Committees.

Section III. Definition of the Child

Clause 58:

The Government is not protecting children by allowing the marriage of 16 and 17 year olds as forced marriage is a big issue for NZ's migrant population. Currently in NZ, the marriageable age is 18 years. Marriage is illegal under the age of 16, however 16 and 17 year olds (minors – defined as “children” in the Convention on the Rights of Children) who wish to marry can do so with parental consent.

- This occurs on average about 80 times per annum with 80% of those being girls.
- There is real concern and knowledge/proof within Shakti (Shakti Community Council Inc NZ /Asian Women's Support Group) that many of these 16-17 year olds are being forced into marriage by their parents or other elders in their community.
- A change to this legislation to protect any child under the age of 18 is required.

The Committees on the Elimination of Discrimination against Women and on the Rights of the Child have recommended that exceptions related to the minimum age of marriage be removed and that a minimum age of marriage for girls and boys, with or without parental consent, of 18 years be established.

Similarly, the Committee on Economic, Social and Cultural Rights has recommended that States raise and equalize the minimum age for marriage for boys and girls. States to increase the age of marriage to 18 years for both girls and boys without exception, and stated that child marriage could not be justified on traditional, religious, cultural or economic grounds.

All human beings are born free and equal in dignity and rights. Child marriage is an appalling violation of human rights and robs girls of their education, health and long-term prospects and a girl who is married as a child is one whose potential will not be fulfilled. As a nation we can influence and shape the world we live in. We have a responsibility to advocate and ensure that all children, have the opportunity to choose their own destinies, and this is surely the legacy we want to leave them.

- Globally, pregnancy is the leading cause of death in girls 15 – 19 years old.
- A child bride is 5 times more likely to die at child birth.
- It is not just about the girl; it is also about the next generation as babies born to such child mothers are also at risk.

Section IV. General Principles

Clause 81:

Our Federation is concerned at the change of onus on the Family Court in determining whether to appoint a lawyer to represent a child. Using a lawyer to represent the child in certain circumstances only does not keep the needs and views of children paramount. The new reforms have been a backward step in this respect.

Section V. Civil Rights and Freedoms

Clause 97:

We would like to recommend that a Kid's helpline be set up and that more emphasis be placed on the Child Safety Handbook given out to children in Year 8. Further funding and discussion with schools is called for to provide additional preventative support in this area. Parents and grandparents need to be a part of this education awareness.

We would also like to see the lead agencies reviewing their methods and results after two years as we see this as being critical. It would then be possible to review and modify the way it worked or was staffed in order to achieve better results.

- We would like to see this information shared on a regular base with other government departments e.g. Department of Justice, Women's Affairs, Education and Ministry of Social Development.
- If we are rigorous in the collection of this data we can then look more effectively at implementing appropriate support networks to assist the communities.

We want to see the government give the same level of support in a campaign to increase the public awareness of the harm digital communications can have on our community, much like the Family Violence campaign "It's not Ok but it's ok to ask for help"

Clause 98:

BPW NZ advocates for review of codes and standards in the broadcasting area to ensure that sexually explicit music videos, advertising and reporting are not shown during family viewing times and that children are protected. The current Broadcasting Act 1989 needs a major revamp to reflect the various forms of media and level of visual images and sensational news being reported during family viewing times. At the time the original Act was passed, the media had a simpler series of mediums to work with, where today the use of YouTube, Facebook, and instant upload of videos can result in uncensored or sanctioned images being reported during family viewing times.

The level of sensational reporting, display of sexually explicit music videos and the repetitive reporting of sensitive topics, for example the Roast Busters news items, are contributing to the normalisation of unacceptable behaviour towards women and girls.

Clause 110:

BPW NZ advocates for more emphasis on prevention programmes in this area. We urge the Ministry of Social Development to extend the focus of the “It’s not OK” campaign to primary school children.

The only way to make a real change in violence against children is to change the culture in New Zealand and the most effective way to do this is to change our children’s morals and values. Focusing on raising our children with the fact that violence is not OK and showing them that there are other ways to deal with issues - providing them with tools to do so - is key on making a real change. Ways to achieve this is for example by supporting programs like PB4L (Positive Behavior for Learning), anti-bullying programs and roll out of Restorative Justice programmes in schools.

Section VI. Family Environment and Alternative Care

Clause 126:

BPW NZ supported the introduction of a non-adversarial Family Dispute Resolution service to allow for earlier intervention, reduction of the impact of conflict on children and to speed the resolution of family disputes. However, for this to be effective it needs to take place after the Parties have attended Counselling, which needs to be for up to six Sessions as one session can achieve very little. We are also concerned that the fee structure to use the Family Dispute Resolution service places a barrier to those with no or low income accessing the family justice system and could be a manipulative, controlling and a stalling tactic for a Party who wishes to hurt or punish the other, or to “cement in” a status quo situation to the Party’s advantage. This works against the rights of the child.

Clause 146:

Our Federation strongly supports the “It’s not ok” campaign and as detailed under Clause 110 we advocate for the campaign to be extended into primary schools.

Clause 150:

Protection of children and adults with disabilities who are compulsorily in residential care under the Intellectual Disability Compulsory Care and Rehabilitation Act 2003 is not sufficient.

Domestic violence legislation does not cover all situations that disabled women and girls live in such as residential facilities, nor all forms of abuse, for example hate crimes such as bullying, name-calling and physical assaults by members of the public, family friends, school pupils and caregivers.

More responsive services including justice, education, health, social and specialist disability support could prevent or minimise harm.

- Greater support from service agencies and more readily accessible advocacy services are required to ensure a safe environment.

- Women’s refuges are inaccessible and do not have support services for women and girls with disabilities.
- There is only one refuge for women and girls with disabilities in the country.
- Housing NZ assists with the provision of refuge houses and needs to ensure that they are accessible to women and girls with disabilities.

We also note that safe residential education places for girls with severe and/or significant disabilities are limited.

- A proposal from the Minister of Education to close the only residential school for girls with special needs in NZ and make places available at special needs schools for boys was only reversed following a public campaign and a High Court judicial enquiry.
- A substantial body of literature purports that girls with learning disabilities are up to 7 times more likely to suffer abuse, including sexual abuse than non-disabled girls of the same age – girls going on to be revictimised whereas abused boys go on to become abusers.

Section VII. Basic Health and Welfare

Clause 171:

As New Zealand is becoming a more desirable country to live in to many ethnic groups as a nation we need to ensure that women and children are well versed with their human rights under our legislation.

Whilst the government believes that there is no anecdotal evidence to support that we do have a problem with FGM or Forced Marriages, we believe that we are not engaging on a level that encourages trust for these communities to open up to seek help.

More resources and education needs to happen before refugees/migrants enter the country. More robust reporting from the Health sector and Police, easier access to information starting in the schools, more interpreters available at Medical Centres, Police etc.....The availability to have an independent interpreter could assist in data collection.

Clause 186 & 187:

We have a The NZ Suicide Prevention Strategy 2006 – 2016 as well as a NZ Suicide Prevention Action Plan 2013 – 2016 BUT we still have some of the highest statically suicides in the OECD Countries.

- Our figures when you start looking at gender, age groups and ethnicity we have appalling stats.
- Our Maori and Pacifica nations are even higher by 54% over there non Maori counterparts.
- So what has all the energy, funds, focus of resources achieved when on an International level we are not achieving significant inroads?
- Where are the KPI’s, targets reductions that are meaningful when translating this data.
- Reviews every five years are too long a period when we are losing too many of our future minds.

The District Health Boards have targets for shorter stays in emergency departments, improved access to elective surgery, shorter waits for cancer treatment, increased immunisation, better help for smokers to quit, more heart and diabetes checks.

- Their performance against these targets are measured and published and the latest statics indicate a significant increase in performance in all the above areas.
- There should be similar targets relating to outcomes for mental health and youth suicides.

We also draw to the Ministry of Social Development's attention the success of the Mental Health Foundation's Mindfulness in Schools pilot programme. Initial research is indicating major changes in attentiveness, self-control and respect for other classmates as a result of this programme. Focus on extending the reach of this work is vital.

Section VIII. Education, Leisure and Cultural Activities

Clause 222:

We also advocate for the establishment of another subgroup with a focus on migrant children being bullied in the playgroups and this should be started at entry level. As our landscape is becoming multicultural we need to ensure ALL children have a safe physical and emotional environment in our schools.

Clause 226:

Children adapt so quickly to new technology without the insight as to the danger they are opening themselves up to. In 2007 it was estimated one in five Adolescents experienced some form of cyber-bullying or harassment that year. It is important that government not only focus on the children when it comes to cyberbullying and the resources they are developing but we need the parents/guardians/whanau to also be included in this education process so they are able to be first responders in identifying the issues and able to access help.

We are concerned with the delay in passing the Harmful Digital Communications Bill as currently needed protection of children is not in place. We also note that consequent on passing that bill amendments are needed to other relevant pieces of legislation including: the Summary Offences Act 1981, the Harassment Act 1997, the Human Rights Act 1993 and the Privacy Act 1993. These combined pieces of legislation will then apply to all forms of digital communications and address cyber bullying, online harassment, posting intimate pictures and other harmful digital communications

Section IX. Special Protection Measures

Clause 241:

Our Federation is concerned that the rights of children are protected and that our government be very aware of the issue of forced marriages when refugees seek protection status. Individual interviews with women and children are required to ensure they are aware of their rights and the legislation around marriage in our country.

Clause 264:

There is a need to take a more proactive role with all migrants choosing to immigrate to New Zealand to guard against forced marriage. We are particularly concerned about vulnerable 16 and 17 year olds.

- Individual interviews with women and children are required to ensure they are aware of their rights and the legislation around marriage in our country.
- This can be by Skype as is done in Australia.
- There should also be education of where they can expect to receive assistance if found in a forced marriage.

Clause 265:

Whilst MSD do a lot of work around social work and counselling service to target ethnic communities we believe that the services are not broad enough or targeted enough. We appreciate there is a trust issue involved and addressing many of their issues can be a long haul. But MSD also needs to work on the premise that to educate our own people on the issues migrants face is important if we are to become a truly multicultural nation.

BPW NZ has a major concern around forced marriage and the accompanying abuse and harassment. School nurses, counsellors and teachers are in a good position to identify cases – the girl ‘drops out of school’ or may show signs of distress. Educating these personnel about forced marriage is essential.

As many young girls in forced marriages are hidden by families the girls only connection in the community may be the medical professional dealing with pregnancy and child-birth. Specific education in this sector is needed to recognise cases.

Stronger penalties should also be introduced around forced marriages “that it is a criminal offence for anyone involved with a forced marriage which applies to any person with a role in bringing about the forced marriage, including families, friends, wedding planners or marriage celebrants.”

We urge that religious celebrants who work in the migrant community be registered in New Zealand in order to conduct marriages that are recognised by law. We would also like to see the promotion of the availability of intervention services for the migrant communities around our legislation on marriage.

BPW NZ looks for increased collaboration between government agencies and specialised organisations within civil society to tackle forced marriage. Better implementation of the 2012

agreement of Police, Work and Income, the Ministry of Education, Immigration New Zealand, Family & Community Services, and Child, Youth and Family is required to ensure cases suspected of being forced marriage or abuse in the migrant community are treated appropriately. In particular there needs to be a more engaging pathway to these agencies for migrants as we have a huge trust issue here.

We also advocate for funding of half-way homes for abused young women and girls from forced marriage situations and subsequent rehabilitation programmes.

Section X. Disability

The criteria and considerations for health and reproductive related treatment of disabled girls (under 18) is not the same as for non-disabled girls.

- Research and interviews have uncovered examples of girls with disabilities being sterilised without being informed and without their consent, abortions arranged on the basis of disability past the normal cut-off date for non-disabled fetuses and of disabled mothers having their babies removed at birth.
- Forced sterilisation is still legal in NZ. These all contravene the UNCRPD.
- Girls and women with disabilities need to be provided with education and support to understand sexuality, reproduction, contraception and childcare.
- Breast and cervical screening facilities and mechanisms are not always physically suitable nor available within easy travel distance.

There are minimal statistics on girls with disabilities attending tertiary education and/or vocational centres/facilities however the NZ Tertiary Education Strategy (2010-15) states that “people with disabilities are less likely to participate in tertiary education. They tend also to study at lower levels and are generally older”. The Strategy has a goal of “more disabled people completing higher-level qualifications” but does not provide recommendations on how providers how to increase accessibility, offer appropriate/suitable courses for them nor how to improve opportunities for girls with disabilities.

Section XI Ratification of International Human Rights Instruments

BPW NZ urges the Government to do more for disabled New Zealanders, especially disabled children by fully implementing international conventions.

New Zealand has signed and ratified the UN Convention on the Rights of Persons with Disabilities but has not signed the Optional Protocol for the Rights of Persons with Disabilities which allows individuals to complain and report breaches internationally.

New Zealand has also signed and ratified CEDAW (UN Convention on the Elimination of All Forms of Discrimination Against Women), including General Recommendation 18 on Disabled Women, but has not yet provided information on disabled women and girls and measures taken for their particular situation in their periodic CEDAW reports.

Girls (under 18) with disabilities face more discrimination and disempowerment in their workplaces and communities than their able-bodied counterparts.

We urge the Government to fully implement the international conventions that cover disabled children to ensure their rights are protected.

Optional protocols are needed to hold the Government to account. We also need statistical data to be kept so that progress can be tracked on access to education, employment, health and community involvement for children with disabilities.

Thank you for the opportunity to respond to this draft report and we hope that our comments are of use to you.

On behalf of
New Zealand Federation of Business and Professional Women Inc.

A handwritten signature in black ink that reads "Vicky Mee". The signature is written in a cursive, flowing style.

Vicky Mee
President,
BPW NZ