



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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19 February 2015

Civil Law and Human Rights,
Ministry of Justice,
Justice Centre, 19 Aitken Street,
DX SX10088, Wellington 6011

Email to: humanrights@justice.govt.nz

Re: Submission on ICCPR 6th Government Draft Report

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. 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 for the health and safety of women.

General Comments:

We congratulate the Justice Department 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 other issues which we believe New Zealand needs to address under this covenant and we will be making a shadow report later in the year after the government report has been finalised.

Clause 5:

Add to this clause another sentence: “Consideration is still being given to the ratification of the Optional Protocol on the Rights of Persons with Disabilities:

Clause 65:

Add to the current paragraph:

“Disquietingly if average rates are used female rates were 86% of male hourly rates in June 2014 and the gender pay gap has increased since June 2013 when the female rates were 87.3% of male rates according to the Statistics NZ Quarterly Employment survey”

Clause 66:

Add the following sentence:

“Historical occupational segregation has caused structural gender discrimination and there is systemic undervaluation of the work performed by women in many fields.”

Clause 67:

Replace current paragraph with the following:

“New Zealand’s legislative framework prohibits pay discrimination. This includes the Equal Pay Act 1972, the Employment Relations Act 2000, and the Human Rights Act 1993. However until 2014 the Equal Pay Act was not challenged. The 28.10.2014 ruling of the Court of Appeal to dismiss the Appeal against the Decision in the Terra Nova Homes and Care Limited v Service & Foodworkers Union Nga Ringa Total Incorporated case has opened the possibility that the legislative framework can be used to counter structural gender pay discrimination. The Employment Relations Amendment Act 2014 will come into effect in March 2015 and will impact heavily on women due to a decrease in security and stability in the work environment and a corresponding decrease in the ability to note if any act of discrimination has occurred.”

Clause 71:

Add to this clause the following bullet point:

- The promotion of the Women's Empowerment Principles to change the systems of companies to empower women. This is a joint initiative by UN Women, Business and Professional Women NZ, the Human Rights Commission and the Equal Opportunities Trust.:

Clause 72:

Add this sentence:

"Currently women in the public sector are paid an average 14 per cent less than their male counterparts, despite making up 60 per cent of the sector's workforce. There is considerable work to be done in this area."

Clause 75:

Before "Some of these include" insert. "Processes around the implementation of protection orders are inadequate" and then go on "Some of the initiatives include:"

Clause 76:

Add this sentence:

"As yet the initial results from the new police measuring tool, the Ontario Domestic Assault Risk Assessment (Odara), which predicts how likely domestic violence offenders are to reoffend have yet to be released."

Clause 77:

Remove the last sentence of this clause and replace with:

"The welfare and safety of victims, particularly of sexual violence, is dependent on funding of specialist social services which is currently insufficient.

Clause 99:

Add to this clause or insert a separate clause.

"Those diagnosed with a mental illness are required to receive appropriate treatment and support as required by Section 75 of the Corrections Act 2004 and in accordance to the United Nations Minimum Standard Rules for the Treatment of Prisoners (1990). These services are being underfunded"

Clause 150:

Add the following sentence to the last bullet point plus the next bullet point to the clause:

- There is a need to take a more proactive role with migrants choosing to immigrate to New Zealand. 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.
- 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.

Clause 151:

Replace this clause with:

“The Government is not proposing to increase the minimum age of marriage despite forced marriage being 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.”

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.



President,

BPW NZ