



## Aotearoa New Zealand’s Ninth Period Report on the Convention on the Elimination of Discrimination Against Women (CEDAW) – substantive updates since Cabinet approval.

The draft CEDAW report was approved by Cabinet for consultation in December 2022 – this is the version we are consulting on. Since this approval, we have been able to reflect some further changes to work programmes in the report and generally condense its length for readability. Substantive changes to the final report will include updated information, such as that below. Parts highlighted in yellow are additions to the original response.

Draft report original response:	Current updated information:
<p><b>Reply to question 4(a) and (b)</b> <b>Specific prohibitions on discrimination</b></p> <ul style="list-style-type: none"> <li>• Aotearoa New Zealand is committed to maintaining and implementing a legal and policy framework that provides universal protection against all forms of discrimination. This includes via the New Zealand Bill of Rights Act (NZBORA), which all new Bills are scrutinised against and the Human Rights Act 1993 (HRA) which aims to protect people from discrimination across a range of areas.</li> <li>• The HRA also provides for the Aotearoa New Zealand Human Rights Commission (HRC).</li> <li>• Aotearoa New Zealand is party to seven of the nine core human rights treaties, all of which protect and promote women’s rights. The principles of these treaties are embedded into domestic legislation prior to ratification.</li> <li>• While gender is not a prohibited ground of discrimination in the HRA, sex and sexual orientation are covered by this law and ‘sex’ has been interpreted to include gender and sex characteristics.</li> <li>• In 2021, the Government publicly consulted on an in-principle proposal to amend section 21 of the HRA to include a new</li> </ul>	<p><b>Reply to question 4(a) and (b)</b> <b>Specific prohibitions on discrimination</b></p> <ul style="list-style-type: none"> <li>• Aotearoa New Zealand is committed to maintaining and implementing a legal and policy framework that provides universal protection against all forms of discrimination. This includes via the New Zealand Bill of Rights Act 1990 (NZBORA), which all new Bills are scrutinised against, and the Human Rights Act 1993 (HRA), which aims to protect people from discrimination across a range of areas and outlines the role of the Human Rights Commission of Aotearoa New Zealand (HRC).</li> <li>• Aotearoa New Zealand is party to seven of the nine core human rights treaties,<sup>1</sup> all of which protect and promote women’s rights. The principles of these treaties are embedded in domestic legislation before ratification.</li> <li>• While the HRA does not cover gender, it does cover sex and sexual orientation, and ‘sex’ has been interpreted to include gender and sex characteristics.</li> <li>• In 2022, Te Aka Matua o te Ture   Law Commission (the Law Commission) began an independent, first-principles review of the protections in the HRA for transgender people, non-binary people, and people with diverse sex characteristics. This will include</li> </ul>

<sup>1</sup> International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; International Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of All Forms of Discrimination against Women; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Rights of the Child; and Convention on the Rights of Persons with Disabilities.

<p>prohibited ground of ‘gender’ (including gender identity and expression), and to expressly include ‘variations of sex characteristics’ under the ground of sex.</p> <ul style="list-style-type: none"> <li>• Final policy decisions have not yet been made [Placeholder text].</li> <li>• Aotearoa New Zealand takes an inclusive approach to human rights issues and the Government recognises the right of all people to self-identify. The Ministry represents and supports the interests of all who identify as women</li> </ul>	<p>consideration of whether the prohibited grounds of discrimination in the HRA should explicitly recognise and reflect these concepts.</p> <ul style="list-style-type: none"> <li>• Aotearoa New Zealand takes an inclusive approach to human rights issues, and the government recognises the right of all people to self-identify. Manatū Wāhine represents and supports the interests of all who identify as women.</li> </ul>
<p><b>Reply to question 6(a)</b> <b>National Action Plan</b></p> <ul style="list-style-type: none"> <li>• In recent years, the Government has explored options for developing a strategic approach to gender equality in Aotearoa New Zealand. This has included looking at international examples to determine the most appropriate approach.</li> <li>• [*Placeholder wording] Work is underway to develop a set of Women’s Equality Framework to provide a shared vision and common objectives for achieving gender equality in New Zealand. This approach is being taken to avoid undermining or duplicating existing work, while providing flexibility for it to be expanded or built upon in the future, as required. The Framework will tie together existing action plans and strategies relating to women and guide future work.</li> <li>• The Framework will include a set of guiding principles, the gender analysis tool, Bringing Gender in, which can be used by agencies to develop gender positive policies and initiatives; and a reporting dashboard to monitor progress for women on an annual basis. The Framework will be developed in a bicultural, partnership approach with wāhine Māori.</li> </ul>	<p><b>Reply to question 6(a)</b> <b>National Action Plan</b></p> <ul style="list-style-type: none"> <li>• In recent years, the Government has explored options for developing a strategic approach to gender equality in Aotearoa New Zealand. This has included looking at international examples to determine the most appropriate approach.</li> <li>• Work is underway to develop a proposed shared vision and common objectives for achieving gender equality in Aotearoa New Zealand. The aim is to avoid undermining or duplicating existing work while providing flexibility for expansion as required. This will be developed in a bicultural, partnership approach with wāhine Māori.</li> <li>• It will include a set of guiding principles, the gender analysis tool Bringing Gender In (which agencies can use to develop gender positive policies and initiatives), and a reporting dashboard to monitor annual progress.</li> </ul>
<p><b>Reply to question 11(b)</b></p> <ul style="list-style-type: none"> <li>• Relevant agencies are working through consideration of reissuing the invitation to the special rapporteur [placeholder].</li> </ul>	<p><b>Reply to question 11(b)</b></p> <ul style="list-style-type: none"> <li>• Aotearoa New Zealand would be pleased to re-issue an invitation to the special rapporteur from 2025.</li> </ul>
<p><b>Reply to question 12 (a): Trafficking</b></p>	<p><b>Reply to question 12 (a): Trafficking</b></p>

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| <ul style="list-style-type: none"> <li>• The Prostitution Reform Act 2003 (the Act) was intended to support harm reduction (as set out in its purpose) decriminalise prostitution (while not endorsing or morally sanctioning prostitution or its use) and create a framework that:             <ol style="list-style-type: none"> <li>a) safeguards the human rights of sex workers and protects them from exploitation;</li> <li>b) promotes the welfare and occupational health and safety of sex workers;</li> <li>c) is conducive to public health; and</li> <li>d) prohibits the use of prostitution of persons under 18 years of age.</li> </ol> </li> <li>• Additionally, it aims to protect vulnerable by requiring that only citizens or certain residence-class visa holders can provide commercial sexual services (or manage or invest in the provision of commercial sexual services). This is intended to remove incentives for vulnerable people (for reasons of their socio-economic status, lack of English proficiency, or lack of understanding of the New Zealand legal environment, for example) to enter New Zealand for the purpose of providing commercial sexual services.</li> <li>• While there is no current work underway to reform this aspect of the Prostitution Act, it could be considered as part of a future review of the Act, or as part of regulatory stewardship work.</li> <li>• In late 2019, Immigration New Zealand (INZ) undertook work to better understand issues within the sex industry as part of wider work on combatting exploitation. This involved gathering information to understand the particular challenges within this industry, and working to ensure that employers, facilitators of service and workers understand their rights and legal obligations.</li> </ul> | <ul style="list-style-type: none"> <li>• The Prostitution Reform Act 2003 aims to reduce harm, decriminalise prostitution (while not endorsing or morally sanctioning prostitution or its use), and create a framework that:             <ol style="list-style-type: none"> <li>a) safeguards the human rights of sex workers and protects them from exploitation</li> <li>b) promotes the welfare and occupational health and safety of sex workers</li> <li>c) is conducive to public health</li> <li>d) prohibits prostitution by people under 18 years of age.</li> </ol> </li> <li>• Additionally, it aims to protect the vulnerable by requiring that only citizens or certain residence-class visa holders can provide commercial sexual services (or manage or invest in the provision of commercial sexual services). This removes incentives for vulnerable people (for reasons of their socioeconomic status, lack of English proficiency, or lack of understanding of the Aotearoa New Zealand legal environment, for example) to enter the country to work as prostitutes.</li> <li>• While there is no current work underway to reform this aspect of the Prostitution Reform Act, it could be considered as part of a future review of the Act or as part of regulatory stewardship work.</li> <li>• On 18 November 2022, the Education and Workforce Committee reported back to the House on the Petition of Pandora Black: Repeal Section 19 of the Prostitution Reform Act 2003. The petition requested that the House of Representatives pass legislation to repeal Section 19 of the Prostitution Reform Act 2003 and apply the same rights and legal protections to migrant sex workers who are on a work visa as given to citizens.</li> <li>• The report recommended that the Government, in responding to the United Nations Committee on the Elimination of Discrimination Against Women, closely consider Ms Black's petition and the evidence outlined in this report.</li> <li>• A Government response is due within 60 working days by 6 March 2023.</li> </ul> |
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<ul style="list-style-type: none"> <li>• While temporary migrants are unable to legally provide commercial sexual services, migrant workers have the same employment rights as all other workers in New Zealand. Any migrants forced to unlawfully work in the New Zealand sex industry can contact INZ or the Labour Inspectorate, where their concerns will be handled in a safe environment. People can also report criminal activity anonymously through the “Crime Stoppers” website.</li> </ul>	
<p><b>Reply to question 14 (a) and (f)</b></p> <p><i>ISOLATION AND ACCESS FUNDING</i></p> <ul style="list-style-type: none"> <li>• From 1 January 2023, the decile system will be replaced with the Equity Index (EQI) as a method of distributing equity funding. As part of this implementation, the Isolation Index<sup>33</sup> is being updated to reflect changes in Aotearoa New Zealand over the last two decades.</li> <li>• Aotearoa New Zealand’s geography means that schools and early learning services are widely dispersed, and some are long distances from towns. To recognise the resulting additional costs, MoE provides additional funding to isolated schools.</li> <li>• The Access Barrier Boarding Allowance supports geographically remote students, such as those living rurally or on offshore islands, to cover boarding school fees when there is no local secondary school. 2097 students currently receive this allowance. The Multiple Barrier Boarding Allowance is also available for students with multiple barriers to attending their local school. Budget 2022 increased allowances by 8%.</li> <li>• There are also additional services targeted to kōtiro/kōhine , such as: a) Transport assistance funding for Māori-medium schools; and b) Boarding contributions, to enable tamariki (children) to board away from home.</li> </ul> <p><i>DIGITAL DEVICES FOR LEARNING</i></p> <ul style="list-style-type: none"> <li>• MoE supports several initiatives to provide access for learners, including in rural and remote areas. In response to the COVID-</li> </ul>	<p><b>Added to end of section:</b></p> <p><i>Ikura   Manaakitia te whare tangata (Period products in schools)</i></p> <ul style="list-style-type: none"> <li>• The government funds this programme to reduce barriers to access and improve school attendance, sports involvement, and child and youth wellbeing; reduce financial strain on families and whānau experiencing material hardship; promote positive gender norms; and reduce stigmatisation of menstruation. Over 2,000 schools, kura, activity centres, and alternative education providers have opted into the initiative. The initiative is reaching around 350,000 female students, representing 94% of estimated menstruating students. Over half a million packs of product have been supplied to schools since June 2021.</li> </ul>

19 pandemic, MoE provided access to internet connectivity, digital resources and other learning equipment to support remote learning.

- Internet connections were allocated to more than 40,000 households to help schools and kura deliver distance learning for all students affected by COVID-19-related school closures or isolation. MoE is reviewing the most effective way to continue to support learners to access remote learning on an on-going basis.

#### TRANSPORT ASSISTANCE

- MoE provides school transport assistance to help overcome barriers to getting children to school. The Government has also halved all public transport fares, including school and tertiary concession fares, until 31 January 2023 to respond to inflation in the general cost of living. 33 One component of the EQI which is used to determine the relative isolation of schools and early learning services and provide extra support.
- A free regional bus service for tertiary students was launched in 2020 across the Bay of Plenty Region which helps learners access tertiary study in the largest regional hub, Tauranga. This service is a joint venture between the University of Waikato, Toi-Ohomai Institute of Technology and the Bay of Plenty Regional Council, along with a grant from the New Zealand Transport Agency.