

IWD speech 8 March 2016.

Fifty Years of Feminism. And the future?

Rau rangatira m

E hui tahi nei,

Nau mai, haeremai,

Kia whakanui tōu i tōu nei r whakahirahira,

Te Rōmāng Whine katoa o te Ao.

Kia ora huihui tōu katoa.

Translation

Distinguished guests

Gathered,

Welcome, welcome here,

Where we can celebrate this important day,

International Women's Day.

Greetings to us all gathered.

It is a great honour to address this group on International Women's Day 2016. I recognise many women here today who have brought improvements to all of our lives. For some this has been their life's work, although few will be commemorated as Kate Sheppard or early pioneers such as lawyer Ethel Benjamin and doctor Emily Siedeberg have been. In my lifetime there have been many towering women leaders, and if I may single out a few Maori women including the first Maori woman MP Iriaka Ratana, Te Arikinui Te Atairangikaahu, Mira Szasy, Whina Cooper, Eva Rickard, – all these women demonstrated inspirational leadership, often against significant odds. All made significant changes to our lives as women, and I thank them and you from the bottom of my heart.

In my lifetime much has changed for women – that goes without saying – I am now 72 years of age.

In the 1960's we were so excited about the possibility of equality. There were so many barriers that women of my age can remember: inability to obtain finance without a male guarantor, pay-rates about 2/3 of a man's for the identical job, social isolation for the young woman who demonstrated her sexuality by having a baby while unmarried or was gay, and a thousand other discriminatory practices. One of my favourites, displayed in every lift, was the requirement that a man be 18 but a woman 21 before she was permitted to operate a lift under the Boilers Lifts and Cranes Act.

The advantage we had that many young women today lack, was the sheer blatancy of the discrimination. We had so much fun attacking the established social norms. I have spoken before about some I faced: being required by my Bank to have my husband Peter co-sign a cheque for my tax, a prerequisite that was willingly waived when the male accountant from my legal practice took the same withdrawal slip to the same branch. I have always done a lot of public speaking so when I mentioned the name of the bank several times over the next few months eventually the manager begged me to stop and offered me an excellent overdraft arrangement – something I had never had access to previously without Peter's support.

It needs to be emphasised that my struggles were nothing compared with those of the less privileged woman.

As a young lawyer, I acted for women who lived in dire marriages but unless they obtained a separation order they could get no financial support from their husbands. In order to get a separation order the woman had to prove that the man was persistently violent, failed to provide for the household AND was persistently drunk even though the legislation clearly was disjunctive – only one of those was necessary to qualify for an order. The judiciary was of course entirely male, there was no discussion of the problems women faced from family violence, the prevalence of incest, social pressure not to work outside the home, no reliable contraception or abortion and the widespread acceptance of our second place in every part of society. Women's evidence in paternity and sexual assault cases was viewed with scepticism, unless it was corroborated – reflecting the difficulty that endures for a woman alleging rape. Young women who had babies outside marriage were pressured to

place them for adoption, or obliged, young and often reluctant, to marry. Divorce was frowned upon, and very difficult to obtain so often these marriages led to misery for both partners for many years into the future.

We thought then that if we could have women politicians, women working in all the professions, scientists, journalists, farmers, engineers, – the whole array of occupations not then readily open to women, as well as equality before the law, then our status would improve and we would achieve that elusive dream of equality with men. For several decades this was the focus: vastly improved family laws enacted under both national and labour governments enabled women's work in the home to be better respected and valued financially. Changes to business practices were introduced to enable women to access mortgage finance, and across the board there was greater encouragement for women entering the workplace, although sometimes, for some women that has not felt like an opportunity so much as an obligation to help support the family where once one income was adequate.

Many social attitudes and legal principles have changed. Today there is no argument when a marriage or relationship falters: just as the father is entitled to seek the primary care of his children, so too the mother is entitled to seek half or more of the family assets. When I say no argument – naturally wealthy men and women fight tooth and nail to retain the larger part of the property, but at least both have similar rights.

Although there are few legislative measures that reinforce the inequality of NZ women, here and throughout the world the major battle is over the realisation of those rights, or the de facto as well as de jure implementation of women's legal entitlements. Some de facto practices stubbornly endure. In this country, both Maori and Pakeha women continue to face barriers to full social equality, albeit in different ways. While we are told that we are important, the power behind the throne, such practices can subjugate us. Of course, we should have as much chance of sitting on the throne as any man.

Maori women deserve a special mention. Before Pakeha arrived in NZ, they held a much different position in society. Elder, healer and leader in the Maori community Dr. Rangimarie Turuki Rose Pere describes her childhood as being full of very positive female models, and how her elders set the

example of men and women respecting and supporting, and working alongside one another. She considers her Maori ancestresses, prior to the impact of Christianity, to have been "extremely liberated" in comparison to her English ancestresses. Maori women were not regarded as chattels or possessions, they retained their own names upon marriage, their children were free to identify with the kinship group of either or both parents, they dressed in similar garments to the men, and conception was not associated with sin or child bearing with punishment and suffering but that these were seen to be uplifting and a normal part of life.

While we are shocked at and publicly deplore that treatment of Saudi women and even worse, Yasidi women, sometimes we overlook the fact that Maori women feel they have gone backwards. We need to focus on the hidden discrimination and sometimes violence against women in our so-called enlightened society.

What of the future for women in NZ? For me the main battle will be over those de facto rights. Law is easily changed and can be paraded as the solution to ongoing discrimination against women. Social attitudes and practices are much harder to change. They require the leadership of all those in positions of power and influence as well as commitment to make change in the private spheres of women's lives. Violence against us remains a major issue. It affects us not only physically and emotionally but also financially. Even if we do not rate it as a gross violation of rights, economically it is a huge cost to our society – hospitalisation, days off work, disturbed children needing health care, are just a few examples.

While it is wonderful to celebrate women's appointment or election to high office, I have said before that the celebration of the 113 years of women's suffrage, the fact that we have had two female Prime Ministers and many capable women Cabinet Ministers and Members of Parliament is all fine and good. But only two women Prime Ministers in over 100 years? One woman Chief Justice? While officially we are gender blind when filling positions of power and influence, the record is not as marvellous as we make out. In any event women in those positions are not the true measure of the position of women in NZ.

The vast numbers of NZ women live and work in less exalted positions. The majority are educated, aware of their entitlements, able to survive financially, and to control their lives and their futures. But even this group lacks the advantage of complete autonomy. The improvements in pre-school education and parental leave, the increasing numbers occupying higher paid positions are all positive, and women's advocacy and successive governments are to be thanked for their contributions. There remain far too many women represented in the lower paid parts of society and unless and until this changes we will continue to have grave social problems including ongoing problems about making ends meet and the impact this has on living a full and contributing life. I do not look only to government to find the solutions although they will always have a leadership responsibility to encourage change for the good and a place in smoothing the road ahead for women who need it. They have the responsibility to protect not only our pockets but also our human rights.

As many of you know, most of my professional life has been spent in the law and most recently as a judge in the ECCC (Extraordinary Chambers in the Courts of Cambodia) where we have been trying serious crimes against humanity, graves breaches of the Geneva Conventions (War Crimes) and genocide. As is common in such Tribunals only the senior leaders who have survived have been indicted. In the trials I have conducted only one was a woman, effectively discharged before trial when she was diagnosed with dementia. During the trials I was able as with so much of my professional career in NZ, to observe the situation of the women in the country.

Unlike contemporary conflicts, there were few complaints of rape during the Khmer Rouge regime. After some time of perplexity I concluded that there were two primary reasons for this:

- (a) Until there was adverse comment, the prosecutors who controlled the investigation did not look for evidence of rape and other sexual offending
- (b) From the evidence before us, the Khmers Rouges were quite puritanical and did not encourage or permit the soldiers to rape women. When there was an indication of such practices which could occur for example during torture sessions, both the perpetrator and the

victim were killed. The victim like all others interrogated by the KR was going to be killed anyway but killing the perpetrator enforced discipline among the ranks

There emerged a kind of mad insistence on equality between the sexes. There were regime-enforced marriages and strictly controlled supervision to ensure that a man and woman who may never have met before being told to marry, cooperated as a couple. This created enormous problems, but for both parties.

Women as well as men worked for 12 – 18 hours a day in the tropical heat with inadequate food and water, constantly fearful of the irrational commands of their guards, who were often uneducated and young rural people, themselves traumatised by the regime. Women were put to work carrying rocks to build dams, or pushing the ploughs normally pulled by oxen.

Even worse, more women than men seem to have survived the 3 years, 8 months and 20 days of the regime. Men were frequently removed for immediate execution and children died from hunger, dehydration, and untreated disease. Many women spoke of the horror of watching one child after another die from preventable causes, being obliged to bury them and to show no signs of mourning. I recall one woman speaking of the 5 children she had buried, whose life, if she has survived, now consists of picking rubbish on a tip. For me that was worse than dying.

When we understand that in that short period approximately ¼ of the population died and hundreds of thousands more lost mental and physical health, property, family, and hope, we begin to have a faint glimmer of the life of women many of whom were as educated and middle class as the average woman in this room before they were swept out of the cities to endure forced labour. Some of the women who survived live here in Wellington, and those of you who have read Wellingtonian Niborum Young's book "I Tried Not to Cry"¹ chronicling the lives of ten Cambodian/NZ refugee women will learn something of this nightmare.

Since finishing in Cambodia at the end of 2014, I have been engaged part time in advising the High Commissioner for Human Rights on his mandated investigation into serious human rights abuses in

¹ ISBN 978-1-927242-75-9 Steele Roberts Publishers

Sri Lanka during the civil war from 2002 to 2011². Again the plight of the women leaps off the page for me. This time there was no prudish discouragement of sexual violence against women and for that matter, against men as well. Some of the assaults were so terrible that I cannot speak of them – certainly they exceeded whatever I had previously observed in a life spent as a lawyer and judge in both the family and criminal spheres of law. The casual attacks on women and the final indignities of disfigurement and pre- and post death mobile photography suggest that barriers of civilisation break down rapidly at a time of conflict, particularly when the leaders encourage or permit such acts.

Why do I speak of these tragedies, which seem so remote from our comfortable safe lives in NZ? It is because the rules that govern society are very finely balanced, and a period of political, economic or other conflict can tip even apparently decent societies that are subject to the rule of law over the edge into conflict and tragedy. Women have much to gain from civil security and much to lose – possibly even more than men. Equality for women is a privilege in many countries and one that has been fought for by many NZ women both here in Aotearoa and in the rest of the world. We fortunate women who enjoy a freedom that most women do not, live in a country that is civilised, and relatively egalitarian have a duty – an absolute obligation to keep our country and region peaceful and to ensure that we do not look away, that we do not become complacent and that we do our best to support women in our own community no matter whether we approve of their lifestyle choices or agree with their politics. What happened in Phnom Penh and in Sri Lanka could conceivably happen here – both had a solid middle class and a viable community governed by the rule of law. We must work to retain the rights we have fought for and encourage the authorities to utilise women’s talent for peace building.

But back to International Women’s Day. You will all know that it is marked throughout the world, sometimes more enthusiastically in communist-like regimes than in democracies like ours. Some years ago in Phnom Penh, when I was in the middle of an intense battle with my Cambodian judicial colleagues about the highly suspect rules of procedure they wanted adopted for the upcoming trials, suddenly the atmosphere in the room changed. The door opened and everyone stood and applauded

² Report of the OHCHR Investigation on Sri Lanka; A/HRC/30/CRP.2

as I was presented with a bunch of flowers to mark International women's day, strongly reflecting the communist ceremonies that had persisted for so long. Then we all got back to business. The frowns reappeared, the subtle insults re-emerged, and I felt much more comfortable. I was back in a situation I recognised.

In spite of this lip service paid to women's rights, attitudes to women remained fixed in the past. I heard, and hopefully it was apocryphal, that one Cambodian judge was uneasy about a very capable young woman lawyer sitting in front of him in court as a greffier, least she distract him with her beautiful hair. And a very senior woman lawyer engaged at the court spoke at a later international women's day event. Apparently overlooking her considerable wealth, her foreign education, and her excellent connections to leaders in the government, she made the point that she had done it all by herself. It only takes intelligence and hard work apparently, to lift oneself from poverty into a superior position in society. We do see vestiges of that thinking here. It is wrong. It takes the whole community to support a woman to achieve and I am thankful for the support of both women and the few influential men in my life who have walked alongside me during my career.

As I said at the outset, much has changed for women in the last 50 years. Some of you will remember Virginia Slims cigarettes, designed and marketed as a female-oriented [fashion brand](#), generally targeted towards a younger demographic (18- to 35-year-olds). During their marketing campaigns over the years, the basic themes were independence, liberation, slimness, attractiveness, glamour, style, taste, and a contrast to men's cigarettes.

In a 1978 Virginia Slims magazine ad the image at the top is a photograph of a woman hanging laundry outside. The ad text reads: "Back then, every man gave his wife at least one day a week out of the house. You've come a long way, baby. Virginia Slims – Slimmer than the fat cigarettes men smoke."

So yes, we have come a long way and that is something to celebrate.