

**Shadow Report to CEDAW**  
**from**  
**The Auckland Coalition for the Safety**  
**of Women and Children**

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## Coalition for the Safety of Women and Children

### CEDAW and Women in NZ – How are we doing?

**In 2010 the Coalition wrote to the New Zealand Prime Minister asking for an update on the process made towards implementing the recommendations in the 2007 CEDAW Report on New Zealand. We didn't receive an answer to our letter. This is our assessment of the progress made to date.**

- 1) The CEDAW committee noted its concern that the Human Rights Act of 1993, contain no explicit and comprehensive definition of discrimination against women, in accordance with article 1 of the Convention, encompassing direct and indirect discrimination. The Committee urged the New Zealand Government to take steps to strengthen its prohibitions against direct and indirect discrimination against women in accordance with article 1 of the Convention. It also recommended that the New Zealand Government undertake efforts to emphasise the comprehensive scope of the Convention in all its efforts aimed at the practical realisation of the principle of equality between women and men. *The government appears to have taken NO steps to implement this recommendation.*
- 2) The Committee was concerned that while all policy papers submitted to the Cabinet and Cabinet committees must include a statement regarding compliance with the NZ Human Rights Act 1993, the NZ Human Rights Amendment Act 2001 and the NZ Government Bill of Rights, 1990, gender impact statements are only required for papers submitted to the Cabinet Social Development Committee. The Committee recommended that the Government require gender impact statements for all policy papers submitted to the Cabinet and to all Cabinet committees. *The government appears to have taken NO steps to implement this recommendation.*
- 3) The Committee urged the New Zealand Government to put in place an effective strategy for mainstreaming gender perspectives into all national plans and institutions and, with a view to ensuring that the promotion and protection of women's human rights as enshrined in the Convention are integrated into all national human rights plans, programmes and actions. *The government appears to have taken NO steps to implement this recommendation.*
- 4) The Committee noted that insufficient statistical data disaggregated by sex, in all areas covered by the Convention, makes it more difficult to assess accurately the situation and progress of different groups of women with regard to all areas covered by the Convention and recommended that this data be collected and collated. *The government appears to have taken NO steps to implement this recommendation.* Note: The Human Rights Commission produced a publication on EEO for women in the workplace (2010) that shows continuing lack of equity in the workplace. The current government stopped the work on equity in the workplace that was underway when they came into power.
- 5) The Committee voiced its concern that, there has been a climate change and "backlash" against the recognition and promotion of women's human rights in New Zealand and within Government, despite the persistence of inequality between women and men. The Committee called upon the Government to implement a national campaign on the importance of equality between women and men in a democratic society, to increase understanding of the meaning and content of the substantive equality of women and to eliminate negative stereotypes associated with men's and women's traditional roles in the family and in society at large, in accordance with articles 2 (f) and 5 (a) of the Convention. *The government appears to have taken NO steps to implement this recommendation.*
- 6) The Committee recommended that the Government encourage the media to project non-stereotypical and positive images of women, including minority women, and promote the value of gender equality for society as a whole, including through further measures to sensitise members of the press, television and other media on gender equality issues. The

Committee requested that the Government report on measures taken and their impact in its next report. *The government appears to have taken NO steps to implement this recommendation.*

- 7) While appreciating the steps taken by the New Zealand Government, such as the establishment of the Taskforce for Action on Violence within Families, the Committee expressed concerned that analysis on issues relating to violence against women remains inadequate for the purposes of identifying the causes of violence against women, monitoring trends and evaluating the appropriateness and impact of policy and law enforcement efforts. *The government appears to have taken NO steps to address this inadequacy.* Note: The current government continued the Labour government's NZ Family Violence Death Review Committee (NZFVDRC) which was tasked with producing a database that collated data on family violence deaths in NZ, but removed the funding to develop the database. A report from the NZFVDRC indicate deaths through domestic violence are gendered, with more men killing women partners or ex-partners than women killing men who are or were their partners and men killing women's perceived new partners.
- 8) The CEDAW Committee called upon the Government to ensure that all violence against women is effectively prosecuted and adequately punished in line with the committee's general recommendation 19. The Committee also recommended that training be enhanced for the judiciary, public officials, law enforcement personnel and health-service providers in order to ensure that they can adequately respond to it. *The Government has taken some steps to address this.* The government has continued to fund the Violence Intervention Programme that funds the training of health professionals. The Police have introduced career pathways for those police wanting to specialise in family violence. The government provided funding for training for the judiciary on family violence.

### **Human Rights and violence against women and children in New Zealand – An update**

CEDAW has said that women's rights are not fully protected under the New Zealand Human Rights Act, which only protects women from discrimination through pregnancy and employment. There are many other areas where women require protection from discrimination. The CEDAW Committee has issued a General Recommendation which states that violence directed against a woman because she is a woman or violence that affects women **disproportionately** is recognised and addressed as discrimination under the convention. Some of these issues, related to protecting women and children in New Zealand from gender related violence, are detailed below.

#### **General issues**

- 1) First and foremost the New Zealand Human Rights Act needs to be amended to ensure that women are protected from all forms of discrimination against women as has been recommended by CEDAW members. While the right to be free from discrimination is protected under the NZ Bill of Rights Act 1990 there is widespread acknowledgement that this act "has no teeth" and our government is not held to account for not acting in accordance with the Act. Furthermore the Human Rights Commission is mandated to enforce the Human Rights Act 1993, not the NZ Bill of Rights Act 1990.
- 2) Wide disparity continues for Maori women in a number of different areas, including experiencing substantially more domestic and sexual violence than others. In a summary of the New Zealand domestic violence situation, the Leitner Institute<sup>1</sup> highlighted the need for specific interventions that targeted Maori women's needs when experiencing domestic violence<sup>2</sup> and pointed to the government's responsibility to provide for the safety of its citizens under human rights legislations.

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<sup>1</sup> LCILJ. (2008). *"It's not OK": New Zealand's efforts to eliminate violence against women.* Leitner Center for International Law and Justice, Fordham Law School, New York City:

Maori women are also constrained in their attempts to live free from violence by the structural inequity in the wider determinants of health such as income disparity, employment, access to safe and secure housing, education, structural and interpersonal racism and access to health, justice and other services.

3) Immigrant women face particularly difficult human rights issues related to escaping violence. Many enter the country under the sponsorship of a visa or work permit holder. Threats to withdraw sponsorship are a key component of migrant women's experience of domestic violence. Whilst there are some concessions in Immigration policy allowing the issuance of special permits to women who leave relationships because of violence, these are difficult to prove, difficult to obtain and take considerable amounts of time to process. Family violence service providers report that the delays mean women cannot access emergency support benefits and mean that some see no option but to return to their partner/husband. Women's (and children's) rights to live free from violence must be upheld irrespective of their immigration status. Other violations of immigrant women's human rights, when having to leave abusive relationships with a sponsoring partner include:

- Being deported into life threatening situations in their countries of origin
- Being deported and having to leave their New Zealand born children in New Zealand with the abuser
- Being arrested as an over-stayer, due to the abusive partner never allowing women to apply for residency
- Having no access to safe interpretation services during Court proceedings.

We have concerns that women are regularly appearing before the Courts without interpretation services, resulting in dangerous and unfair outcomes<sup>3</sup>. There is a need for the routine determination of the need for translation before appearance in any court in order to fulfil natural justice obligations. This is especially so for women appearing before the Family Court or the Criminal Court when violence is involved and their safety or the safety of their children is affected. Police need to make sure that they use interpreting services when attending domestic violence incidents involving new immigrants. People providing translation services for immigrant women living with violence must be professionally trained to protect confidentiality. Disclosures to members of the woman's community may endanger a woman's life or mean she is subjected to violence should her partner find out. Likewise Police, Courts, and legal services must carefully screen translators to avoid the possibility that these individuals may give information back to the community about women's experiences or continue perpetrating abuse against women by withholding information or inaccurately translating information. There have been complaints made that the police are not trained to recognise that violence in migrant families may be intergenerational and that they should not rely on family members for translation.

4) Under current legislation, and increasingly with proposed changes to welfare policy, most women who leave abusive relationships will be substantially less financially secure than they were before leaving. This is caused by a number of things. Women are more than one and a half times more likely than men to live in a household with a total annual income of \$30,000 or less<sup>4</sup>. Three-quarters of people whose personal income is over \$75,000 per year are men. The median annual income on census night (2006) from all sources for people aged over 15 was \$31,000 for men and \$19,000 for women, a gap of 39 percent<sup>5</sup>. There was a Pay Equity Unit established by the previous government but this has been dismantled and there are no plans to advance equal pay processes.

5) We are deeply concerned about the recent and proposed reforms of New Zealand's social welfare benefit system. We urge that the discriminatory effects of these and future reforms be brought before the CEDAW committee for review and comment. The recent changes to the Domestic Purposes Benefit included the introduction of work testing and sanctions on those who fail work tests. This has a disproportionate effect on women, who remain the majority of those receiving this benefit. Further changes proposed include collapsing all benefits into one lower paid benefit, time limiting benefits,

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<sup>3</sup> Robertson, N., Busch, R., D'Souza, R., Sheung, F. L., Anand, R., Balzer, R., et al. (2007). *Living at the Cutting Edge: Women's Experiences of Protection Orders*. Waikato: Ministry of Women's Affairs/Waikato University.

<sup>4</sup> Human Rights Commission (2010) Human Rights in New Zealand 2010

<sup>5</sup> Ibid

penalising women if they have more children while on a benefit and insisting that young women on certain benefits use long term contraception to prevent pregnancy while on benefits. There are no similar provisions for men who impregnate women. These changes will not only damage the health and wellbeing of women and children already on benefits, but will prevent women leaving abusive relationships as the benefit will no longer be seen as a viable option for women while they seek legal help, heal, find safety and housing and new directions for their lives.

When gender and poverty collide there can be an exponential effect on wellbeing. Research with lone mother's receiving the DPB in New Zealand found that an accumulation of factors associated with their social and economic status contributes to the incidence of poor physical and mental health. Lone mother's<sup>6</sup> were reluctant to attend primary health care services because of the cost; they experienced emotional problems arising from relationship breakdown, abuse, and continuing conflict around care and access arrangements; high rates of stress related to their financial situation; high rates of depression; and poor nutrition including frequently skipping meals to ensure their children were fed.

6) The government is supporting a bill, introduced into parliament by the leader of a coalition party, that would redefine shared care of children of separated parents from 40% to 28% contact time with children by the non-custodial parent, usually the father. This decision would allow the non-custodial parent to stop child-care support payments if he has 28% contact time per week with his children, which will be redefined as "shared care". The changes also include "changing the penalty rules for parents defaulting on their payments so they are not so punitive as to discourage parents from resuming payments."<sup>7</sup>

These changes all appear to be a response to fathers' rights groups'. Not paying child support – and making women spend many months or years in court contesting access and child support payments - are well documented abuse strategies. This reduction in child support payment from 40% contact to 28% contact will reduce payment to the custodial parent and affect the poverty level of many women trying to raise their children alone, making it even more difficult for women to leave abusive relationships. This will be further exacerbated by the benefit changes mentioned in (5) above.

7) The legal representation of women is a major concern. The income threshold for legal aid is very low (See Appendix 4) so that only those in the lowest income brackets can access this service. This means that many women – those who exceed the income threshold for legal aid, yet are still on low incomes - are either unable to afford lawyers or must put themselves under considerable financial stress to be safe and seek justice for themselves. This financial stress impacts on children's health and wellbeing, women's ability to access warm, secure housing, the ability to pay water, food and other bills and for women to move on and heal from the abuse that they have suffered.

New provisions, making legal aid a loan rather than a grant, will also significantly disadvantage women on low incomes seeking to leave abusive partners, take sexual offenders to court and work out custody and other issues when separating from their partners. There is a lack of clarity about the repayment regulations. Some officials believe that Protection Orders are exempt from repayment, for applicants; however, this is not always the case and some women will be assessed as having significant assets and therefore having to repay the legal aid grant. Only Protection Orders and processes under the Mental Health Act are exempt from repayment. Prosecuting rape charges, women defending themselves after being arrested for self-defence and many processes in the family court, are not exempt.

8) Women are increasingly finding that the family court is placing them and their children at risk by, on one hand, making children's safety women's responsibility, while also requiring women to facilitate their ex-partners parenting. This means that women are exposed to considerable risk, stress and expense to facilitate men's parenting or are being labelled as difficult and uncooperative by Judges.<sup>8</sup>

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<sup>6</sup>Baker, M. 2002 'Poor health, Lone-mothers, and Welfare reform: competing visions of employability', *Women's Health and Urban Life* 1 (2) December: 4-25.

<sup>7</sup> United Future Press release. <http://business.scoop.co.nz/2011/08/21/dunne-outlines-key-child-support-law-changes> accessed September 13, 2011

<sup>8</sup> Vivienne Elizabeth, Nicola Gavey and Julia Tolmie, 2010 *Between a Rock and a Hard Place: Resident Mothers and the Moral Dilemmas they Face During Custody Disputes*. *Feminist Legal Studies* Volume 18, Number 3, 253-274

9) The government has just passed the Crimes Amendment Act (no. 2). This contains a failure to protect provision based on English legislation. This Act has the capacity to further abuse and punish women who are living in a violent relationship and, as a consequence of living with sexual and domestic violence, are unable to protect themselves and their children.

10) The prevention of violence against women, as opposed to early or late intervention, is significantly under funded and undervalued by the present government. Recently the government has cut funding for nearly all health promotion and prevention services. This includes dating and domestic violence prevention with young people and community initiatives to stop family and sexual violence.

11) There is very little money available for research funding in the domestic and sexual violence sector. For a problem that costs the country billions of dollars a year this lack of resources is unacceptable.

12) There is a lack of coordination for addressing issues facing those with disabilities. Disabled women face extra challenges- being significantly more vulnerable to abuse, poverty and poorer health. There is a need for data and policy responses on the intersecting impacts of gender and disability in New Zealand to ensure health and other government policies are sensitive to the specific needs, concerns and barriers facing disabled women. This is a neglected and under-resourced area of government policy in New Zealand.

13) Women have higher prevalence of anxiety, mood and eating disorders than males. Men have higher prevalence of substance use disorders than females. Life time prevalence for suicidal behaviours are significantly higher in females than males (ideation, planning and attempts).<sup>9</sup> There is an eight times higher risk of suicide attempts for women who have experienced severe physical or sexual violence from an intimate partner.<sup>10</sup>

Women have higher rates of mental illness for several reasons - poverty, discrimination and social disadvantage, social isolation, lower paid less stable jobs with less status, the double work load of work and home including the care of children, and widespread gender based violence (both sexual and domestic), with the severity and length of exposure to violence being highly predictive of the severity of mental health outcomes.<sup>11</sup>

One area of particular concern is the lack of available Women's Refuges that can cater to women with mental health problems. Post traumatic stress disorder, which is associated with domestic and sexual violence towards women is commonly associated with mental health problems such as depression, anxiety and substance abuse disorders. Women's Refuges do not have the resources to deal with the seriously disabled. This means that these women do not have the same access to resources that other women who experience violence have. Funding for Women's Refuges comes through the Ministry of Social Development. Consideration needs to be given to ensuring equity of services for these women.

The mental health sector in NZ has yet to specifically incorporate a gender perspective into service delivery. Gender-informed care needs to be developed in partnership with women service users, in both the hospital and community settings. There are good examples from overseas including how women's safety can be prioritised in in-patient settings, how gender stereotypes in diagnosis can be challenged, and how different life situations (eg for lesbian or refugee women) need to be integrated into an overall strategy<sup>12</sup>. This includes the provision of gender specific, women-only drug and alcohol

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<sup>9</sup> MA Oakeley Browne, JE Wells, KM Scott (eds) 2006 *Te Rau Hinengaro The New Zealand Mental Health Survey*, Wellington – Ministry of Health

<sup>10</sup> Fanslow, J.L., & Robinson, E (2004). Violence against women in New Zealand: prevalence and health consequences. *New Zealand Medical Journal*, 117-1206: 1173.

<sup>11</sup> *Ibid.* pg 2-3

<sup>12</sup> National Institute for Mental Health in England (2008) *Informed Gender Practice* (2008) Royal College of Nurses, United Kingdom

and mental health inpatient services, that incorporate an understanding of the effects of sexual and domestic violence.<sup>13</sup>

14) Young women have expressed considerable distress at the on-going use and objectification of their bodies to promote consumer products in advertising and the sexualised use of their bodies in music videos<sup>14</sup>. Excessive advertising displays of “gorgeous and perfect” representations of women have been associated with the epidemic of eating disorders amongst young women. New Zealand young women are experiencing high rates of body dissatisfaction, poor body image and eating difficulties, with impacts on their physical and mental health.

Young women have also attributed these media representations to the abuse that they experience from boyfriends. They have argued that these media representations that draw from the objectification of women or the treatment of them simply as sexual objects provide the platform for young men to treat them as disposable objects: there to be used and then discarded<sup>15</sup>. Furthermore they create dissatisfaction amongst young men who try to mould girlfriends into the consumer ideal representation. Young women say these actions by young men towards young women have profound effects on their freedom of expression and harmful effects on their identity and mental health<sup>16</sup>.

15) Young girls are increasingly portrayed as sexually available mini-adults. This is being driven by sexualised music videos, magazines, billboards, toys, games, clothing and marketing. As a result, girls are developing physical and mental health problems such as eating disorders, depression and anxiety. The culture changes are being driven by marketers targeting pre-teens with disposable incomes, the rise of pornography and the mainstreaming of pornographic messages. In the past five years it had also been especially perpetuated by the internet. It is harmful to girls as the message they are getting about how they have to act and look is very negative.

The Coalition appreciates the excellent research undertaken by the Ministry for Women’s Affairs “*Strong and Safe Communities – Effective Interventions for Adult Victim/Survivors of Sexual Abuse*”. However, policies informed by this research need to be implemented immediately. Furthermore, this research needs to be replicated looking at domestic violence against women and the impacts of sexualisation and gender representation in the media.

### **Sexual Violence**

16) The UN Resolution 64 / 134: *Eliminating Rape and other forms of sexual violence in all their manifestations, including in conflict and related situations* affirms the need to provide all necessary assistance to victims, and urges States to provide victims with access to appropriate health care, including sexual and reproductive health care, psychological care, and trauma counselling, as well as to rehabilitation, social reintegration, and, as appropriate, effective and sufficient compensation.

There are about 30 specialised sexual violence services for victims in New Zealand covering about 70% of the female population, however, many of these are severely under funded as funding has been reduced over the past three years due to changes in the ACC<sup>17</sup> clinical pathway and other government decisions. Changes to ACC resulted in a 90% reduction in access to counseling. This means that many victims and survivors either have no access to services or must go on waiting lists to access therapy and/or crisis services. There are very few specialised services for sexually abused children.

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<sup>13</sup> Hager, D. 2011 Finding Safety. Provision of specialised domestic violence and refuge services for women who currently find it difficult to access mainstream services: disabled women, older women, sex workers and women with mental illness and/or drug and alcohol problems as a result of domestic violence. Winston Churchill report. Accessed October 2<sup>nd</sup>, 2011, from [http://www.communitymatters.govt.nz/vwluResources/WCMFReport10Hager/\\$file/WCMFReport10Hager.pdf](http://www.communitymatters.govt.nz/vwluResources/WCMFReport10Hager/$file/WCMFReport10Hager.pdf)

<sup>14</sup> Towns, A., & Scott, H. (2008). *The Culture of Cool: Getting in early to prevent domestic violence* (pp. 150). Auckland: ACC/Mt Albert Psychological Services Ltd.

<sup>15</sup> See Towns & Scott (2008) above

<sup>16</sup> See Towns & Scott above.

<sup>17</sup> Accident Compensation Corporation. The government organization tasked with providing resources to rape and sexual abuse victims for therapy and rehabilitation.

In New Zealand, of the less than 10 percent of sexual violence offences that are reported to police<sup>18</sup>, only 13 percent result in a perpetrator being convicted.<sup>19</sup> This is an unacceptable conviction rate. There are concerns about some judicial decisions, for example, two recent decisions resulting in discharge without conviction on the basis of the offender's career in entertainment (a musician and a comedian) and many concerns about defence lawyers, particularly the ways that they work the system to "get the offender off at any cost"<sup>20</sup>.

Survivors have demanded changes to the criminal justice system that, they feel, places them on trial, rather than the offenders. Specialist services have asked for many changes including specialist judges and legal advocates for rape complainants.

The Taskforce for Action on Sexual Violence stated in the 2009 report<sup>21</sup> that changes would be made to NZ legislation to reduce the stress and trauma sexual assault complainants face in the criminal justice system. In response, the New Zealand Government stated that it would look into improving the justice sector response to sexual violence victims and the Law Commission has been tasked with this inquiry. Changes that have occurred include the Ministry of Justice re-prioritising \$1 million of funding over two years for sexual violence prevention education programmes and improving the level of support available to victims of sexual violence as they go through the criminal justice system. This includes funding for 18 specialist court victim advisers, a discretionary grant to assist with expenses incurred as a result of sexual violence, new information resources, and increased financial assistance for travel, accommodation, and childcare. While other work may be going on 'behind the scenes', as of September 2011 very little progress has been made to implement the taskforce recommendations. We believe that this is an important issue that requires urgent attention if the Government is to respond to the UN resolution 64/134.

### **Domestic violence**

17) Despite the high prevalence of domestic violence in New Zealand (see appendix 2) the number of protection orders<sup>22</sup> issued since the introduction of the Domestic Violence Act 1995 appear to have decreased substantially in the period from 1999 to 2008<sup>23</sup> and the number of temporary protection orders made final have dropped substantially since the introduction of the Act<sup>24</sup>. Around ninety percent of those seeking protection orders under the Act are women and only approximately 75% of protection orders are granted. Between 2004-2009 there has been no change in the number of temporary protection orders granted and no change in applications to the court for temporary protection orders (around 4000 annually), despite increasing rates of reported abuse.

In 2008 a significant appeal court case, *Surrey vs Surrey*, stated that the intention of the Act was to make the provision of protection orders for those experiencing domestic violence relatively easy. Our observation is that the *Surrey vs Surrey* case has not made any change to judicial practice.

18) The introduction of Family Violence courts was to streamline family court cases through the criminal courts, but there are very real concerns about justice for women whose cases come before these courts. These concerns include:

- that the rushed process does not allow women, who are the primary victims, to represent themselves well

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<sup>18</sup> Mayhew P. Reilly J. 2006 NZ Crime and Safety Survey, Ministry of Justice, Wellington

<sup>19</sup> MOJ. *Te Toiora Mata Tauherenga*, Report of the Taskforce for Action on Sexual Violence, 2009. Ministry of Justice, Wellington

<sup>20</sup> Personal correspondence, Auckland Sexual Abuse Help

<sup>21</sup> *ibid*

<sup>22</sup> Court issued orders to abusive men to prevent them contacting or further abusing their partner and children

<sup>23</sup> Families Commission (2009). *Family Violence Statistics Report: A Families Commission Report*. Wellington Families Commission.

<sup>24</sup> Towns, A., & Scott, H. (2006). Accountability, natural justice and safety: The protection order pilot study (POPS) of the Domestic Violence Act 1995. *New Zealand Family Law Journal*, 7(7), 157-168.

- concerns about the safety of women in these courts, when forced to make decisions about their futures in front of their violent partners
- the lack of provision of advocates in the court to support women
- the lack of effective responses to men, many of whom are repeat offenders, despite being referred to drug and alcohol treatment and stopping violence programmes

19) There have been, over recent years, increasing numbers of women arrested for assaulting their partners. These women are virtually always the victim of an abusive partner and are being arrested for charges such as with ‘assault with a weapon’ when defending themselves from assault with minor items such as mobile phones, keys and fruit bowls. Service providers report that this is because new recruits to the police have very little domestic violence training and no primary offender training so do not understand the primary victim’s context. This results in arrests for self-defence. This is devastating for all women who find themselves criminalised for trying to protect themselves and their children from assault. Many new migrant women in this situation say they will never call the police again because they have not been believed and have been the one arrested. Other concerns include that:

- some female police officers have been described as being very harsh to women
- some women arrested have described being refused the right to make a phone call
- police have left children with the primary offender when women have been arrested even when women have explicitly told them not to for safety reasons
- children being taken into care when the woman is arrested and the decision about where the child goes is at the police discretion. If the woman is arrested on a Friday she will often not appear in the arrest court until Monday - even if breastfeeding
- commonly lawyers advise women to plead guilty even when the action was self-defence. Women plead guilty based on perceived negative effects on family/children if they defend the charge.
- when released on bail, if women have been living with a partner, they can’t go home and must leave with or without the children. In some situations women are invited by their partners to return home to collect the children or clothing etc, only to find that their partner has called the police and they are then charged with breaching bail conditions.

20) There are still many women who are unable to access domestic violence services, especially women’s refuge. While the services do their best to accommodate diversity, they often do not have the funding, expertise or facilities to work with, and provide safety for, women who present with more complex issues or who don’t fit the criteria for mainstream services. This list of underserved women includes:

- Young women – those under 18 years needing refuge from parental abuse, forced marriage or partner abuse
- Women over about 50 years old
- Women with physical disabilities requiring disability friendly accommodation and services
- Women with mental health and/or substance abuse problems
- Sex workers escaping abuse related to their work

There are very similar barriers for women accessing specialist sexual violence services including for young women, children, and women with mental health and/or drug and alcohol problems and disabled women. Women’s refuges do not provide services for women escaping sexual violence.

21) From July 1, 2011, the police have been able to immediately issue Safety Orders to perpetrators of domestic violence. It is not yet known how this new measure is contributing to women’s safety and how it is being implemented. We hope that this policy implementation will be researched to measure its outcomes.

22) Funding to both front line and prevention services for domestic violence have been significantly cut over the past three years.

23) Survivors of domestic violence believe that there many barriers to escaping abuse and living lives free from violence. These are detailed in Appendix Five.

## **Recommendations.**

### **We recommend that:**

1. pressure be put on the New Zealand government to implement all of the recommendations made to the last CEDAW report
2. the New Zealand Human Rights Act be amended to ensure that women are protected from all forms of discrimination against women as has been recommended by CEDAW members
3. the government provide adequate resourcing for the provision of interventions that target specific populations experiencing domestic and sexual violence who are currently underserved by existing services. These populations include:
  - Maori women
  - Pacific women
  - Refugee and migrant women
  - Lesbian women
  - Disabled women
  - Women with mental illness
  - Women with substance abuse problems
  - Young women
  - Older women
  - Sex workers
  - Women without dependant children
  - Children
4. immigration and other polices are changed to ensure the safety and wellbeing of migrant and refugee women experiencing domestic or sexual violence
5. equal pay polices be enacted
6. social welfare benefit system reforms be brought before the CEDAW committee for review and comment
7. the proposed new Bill to change provisions for child support payments to custodial parents be reviewed for it's potential to seriously disadvantage women as the main custodians of children
8. the new Legal Aid provisions be reviewed for their potential to prevent women accessing legal representation to escape and prosecute violence against themselves and their children
9. all sexual and domestic violence services – front line, therapeutic and preventive, be well resourced with the intention of helping women and children escape violence and heal from their experiences and not subject to political ideology
10. funding is provided to ensure ongoing evaluation of prevention and service provision for sexual and domestic violence
11. all policy is examined for the intersecting impacts of gender and disability to ensure health and other government policies are sensitive to the specific needs, concerns and barriers facing disabled women
12. mental health services include a gender analysis and gender specific services
13. government take responsibility to prevent the objectification of women's bodies and the sexualization of children by advertisers, the media, the music industry and business
14. the Ministry of Justice Report, Te Toiora Mata Tauherenga, Report of the Taskforce on Sexual Violence, 2009, be fully implemented immediately
15. the justice system prioritises the safety of women and children over the rights of offenders
16. police, lawyers and Judges receive ongoing training about domestic and sexual violence including the gendered nature of this crime, the need to ensure safety of survivors and the intent of the legislation
17. police, lawyers and Judges receive ongoing training about primary offenders and primary offender policies are implemented into police processes
18. women's refuge services are provided for all women, not just those currently meeting the criteria

## **Appendix one.**

### **The Auckland Coalition for the Safety of Women and Children,**

#### **Who are we?**

The Auckland Coalition for the Safety of Women and Children was developed in 2006 in reaction to concerns regarding responses to domestic and sexual violence in New Zealand. Non government organisations met together to discuss domestic violence legislative developments and decided to form a coalition group that met regularly to strategise and work toward achieving the ultimate goal of safety for women and children in Auckland. Twelve agencies belong to the Coalition.

#### **Members:**

- Auckland Sexual Abuse HELP
- Auckland Women's Centre
- Homeworks Trust
- Inner City Women's Group
- Mental Health Foundation
- Mt Albert Psychological Services
- SHINE Safer Homes in New Zealand Everyday
- Supportline Women's Refuge
- Women's Health Action Trust
- Rape Prevention Education - Whakatu Mauri
- Blow the Whistle on Violence
- NZ Family Violence Clearing House

#### **Our Mission Statement:**

*Auckland community agencies working together for the safety of women and children.*

#### **Our Coalition Objectives include:**

1. Support the maintenance and strength of policy that is designed to keep women and children safe such as the DV Act 1995.
2. Provide collective advocacy for policy and practise which supports women and children's safety.
3. Proactively raise public awareness of domestic and sexual violence in NZ
4. Share information with each other and network
5. Proactively engage with the media to raise awareness of sexual and domestic violence issues.
6. Lobby key decision makers/stakeholders.

#### **Our Statement of Philosophy:**

1. The Coalition has a feminist analysis of domestic violence. We understand that the dominant New Zealand culture perpetuates a myth that women are treated as equals to men, while ignoring women's' experience of domestic violence, sexism, child abuse, rape, sexual assault, and femicide. We believe that power imbalances at a structural level support male violence toward women and children in Aotearoa. We also believe that domestic violence is caused by individuals who choose to use abusive behaviour, and that these individuals must be held accountable for their own violence and abuse.

2. Domestic violence is highly prevalent in New Zealand. One in three women report experiencing physical and/or sexual abuse during their lifetime by a partner or ex partner (Fanslow, 2005). Women are overwhelmingly the most common victims of domestic violence. Domestic violence is usually perpetrated by men against women. There are significant overlaps between male violence against women and child abuse and neglect.
3. Domestic violence occurs in families and relationships across all ethnicities, cultures, backgrounds and socio economic groups in New Zealand. Dynamics of abuse may vary between groups. However, the intent of the violence remains common to all groups; to have power and control over another person(s) through the use of violence, coercion, threats and intimidation.
4. Domestic violence occurs in the often private world of families and thrives in secrecy and isolation. Abuse is not challenged if it is secret. We believe victims of violence are not responsible for the violent behaviour of the offender. The community has a responsibility to challenge domestic violence and support the victims, and bring domestic violence out from the private sphere.
5. Sexual abuse is a common characteristic of domestic violence; however it remains a taboo subject in New Zealand. Our coalition believes that sexual abuse requires supportive responses for victims and sanctions for perpetrators. We endeavour to increase women's ability to address this aspect of domestic violence in a safe way.

## Appendix two. Prevalence of domestic and sexual violence in New Zealand.

### Domestic violence

Prevalence research suggests that one in three New Zealand women will experience domestic violence (physical or sexual) from their male partner during their partnered life-time<sup>25</sup>. Police documentation of attendance at family violence incidents have increased over recent years with police recording attending 80,000 family violence events in 2008<sup>26</sup>. There were over 50,000 offences recorded in 2009 and 2010. It is estimated that only 18% of family violence cases are reported to the police<sup>27</sup>. Maori women receive higher levels of medical treatment for abuse and that abuse is of greater severity<sup>28</sup>. In 1995 the economic cost of family violence in New Zealand was put at \$1.2 to \$5.8 billion per annum<sup>29</sup> - in today's dollars up to 8 billion dollars annually. On average 14 women are killed through family violence each year<sup>30</sup>. Of the 141 deaths through family violence between 2002-2006, there were 88 female deaths and the perpetrators were overwhelmingly male. Seventy-seven were couple related deaths with 60 being women who were killed by their partners or ex-partners. Ten men, who were perceived to be the woman's new partner, were killed by the woman's partner or ex-partner<sup>31</sup>. There was evidence that eight of the children were killed by their father, to punish their mothers<sup>32</sup>. In 2009, to September there were 41 deaths through family violence<sup>33</sup>.

### Sexual violence

Sexual violence is a highly gendered crime experienced disproportionately by female victims. Perpetrators are overwhelmingly male. The 2006 Crime and Safety survey found that 29 percent of women and 9 percent of men reported experiencing unwanted and distressing sexual contact over their lifetime. Some groups are more at risk of sexual violence than others. Research suggests that young women and Maori women are almost twice as likely to experience sexual violence (Fanslow and Robinson. (2004). *Violence against women in New Zealand: prevalence and health consequences*. New Zealand Medical Journal 117 (1206).

The impacts and long term effects of sexual violence are therefore experienced more commonly by females than by males due to the gendered nature of the crime. Those impacts and effects include:

- Significant physical and mental health impacts on victims including physical injury, sexually transmitted infections, trauma and depression.
- High economic costs and social costs resulting from victims suffering from long-term mental health problems and inability to function well in society. Research in the Recent research into the cost of adult sexual violence on survivors, based on questionnaires completed by 50 survivors, made the following findings,
  - Sexual violence is financially debilitating. Costs are borne privately by individuals, families and employers, and collectively by tax payers.
  - Most victim/survivors (90%) identified cost barriers to accessing services such as counseling.
  - Most victim /survivors indicated they had experienced one cost barrier as they tried to feel safer. These barriers included

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<sup>25</sup> Fanslow, J., & Robinson, E. (2004). Violence against women in New Zealand: prevalence and health consequences. *New Zealand Medical Journal*, 117(1206), 1-12.

<sup>26</sup> FVDRC. (2010). Family Violence Death Review Committee First Annual Report to the Minister of Health October 2008 to September 2009. Wellington: Family Violence Death Review Committee.

<sup>27</sup> Ibid

<sup>28</sup> Kruger, T., Grennell, D., McDonald, T., & al, e. (2004). *Transforming Whanau Violence: A conceptual framework*. Wellington: Te Puni Kokiri.

<sup>29</sup> Snively, S. (1995). The New Zealand economic cost of family violence. *Social Policy Journal of New Zealand*, 4.

<sup>30</sup> Martin, J., & Pritchard, R. (2010). *Learning from tragedy: Homicide within families in New Zealand 2002-2006*. Wellington: Centre for Research and Evaluation, Ministry of Social Development.

<sup>31</sup> Ibid

<sup>32</sup> Ibid.

<sup>33</sup> FVDRC. (2010). Family Violence Death Review Committee First Annual Report to the Minister of Health October 2008 to September 2009. Wellington: Family Violence Death Review Committee.

- Moving -62% incurred expenses moving house so that they could feel safe
  - accommodation -56% identified an increase in accommodation expenses
  - Communication – 54% indicated that they needed to spend more on landline and mobile phone calls to ensure increased feelings of safety
  - Travel expenses – 47% reported increased expenses related to travel
  - Public transport – 40% indicated they were unable to travel by public transport as a result of sexual violence. (Julich et al 2010,pg ii)
- It has been correlated with almost every indicator of deprivation and poor health, lifelong low socio economic status and other ‘social problems’ including increased smoking, drug and alcohol overuse, relationship breakdowns, truancy, teenage pregnancy, the ability to parent well and suicidality (in *Te Toiora Mata Tauherenga*, Report of the Taskforce for Action on Sexual Violence, MOJ, 2009).

## Appendix Three

We support and tautoko the information contained in the Shadow Reports submitted by Pacific Women's Watch and The National Council of Women

## Appendix Four

### Legal Services Regulations 2011 (SR 2011/144)

#### Regulation by clause

##### Legal aid for civil matters: maximum levels of income

- (1) The maximum levels of income for the purposes of determining an applicant's eligibility for legal aid in respect of a civil matter are—
  - (a) \$22,366 per year for a single applicant:
  - (b) \$35,420 per year for an applicant with—
    - (i) a spouse or partner; or
    - (ii) 1 dependent child:
  - (c) \$50,934 per year for an applicant with—
    - (i) a spouse or partner, and 1 dependent child; or
    - (ii) 2 dependent children:
  - (d) \$57,880 per year for an applicant with—
    - (i) a spouse or partner, and 2 dependent children; or
    - (ii) 3 dependent children:
  - (e) \$64,678 per year for an applicant with—
    - (i) a spouse or partner, and 3 dependent children; or
    - (ii) 4 dependent children:
  - (f) \$72,302 per year for an applicant with—
    - (i) a spouse or partner, and 4 dependent children; or
    - (ii) 5 dependent children.
- (2) If an applicant has more than 5 dependent children, or has a spouse or partner and more than 4 dependent children, the maximum level of income for that applicant is calculated by adding to the amount specified in subclause (1)(f) a further \$6,689 for each additional child.

NZ Government, 2011

## Appendix Five.

It's Still Not OK. Protecting victims: rebuilding lives: sending the right message.

A discussion paper written by survivors of domestic violence.

<http://www.nzfvc.org.nz/PublicationDetails.aspx?publication=14726>