

## Auckland Coalition for the Safety of Women and Children

Shadow report to CEDAW

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Tena koe. Thank you for this opportunity. This submission is based on the shadow report written by the Coalition for the Safety of Women and Children 4 years ago. This is because despite our on-going advocacy – and the advocacy of many other women and women’s organisations - the situation for women in New Zealand has deteriorated over the 4 years since our last shadow report and very few of the recommendations made to our government have been actioned. A new coalition Government was elected in September 2018 and they have begun to repair some of the considerable damage to women’s lives carried out by the previous Government. We have chosen to limit our recommendations in this report to those specifically concerned with violence against women and children and related gender issues. However, we begin by outlining the situation for women in New Zealand in relation to this.

### Overview of women’s situation in New Zealand, 2018

#### Men’s violence against women

In New Zealand, 1 in 3 women who have ever had a partner will experience psychological or physical abuse from their male partner or ex-partner during their lifetime<sup>1</sup>. 1 in 4 girls (compared to 1 in 10 boys) experience sexual abuse during their childhood<sup>2</sup> and 1 in 5 women will be sexually assaulted in their lifetime. Of these, 75% will be assaulted by someone known to the victim, and 25% will be assaulted by a stranger<sup>3</sup>. In New Zealand

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<sup>1</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>2</sup> Van Roode, T., Dickson, N., Herbison, P., Paul, C. (2009). Child sexual abuse and persistence of risky sexual behaviors and negative sexual outcomes over adulthood: Findings from a birth cohort. *Child Abuse & Neglect: The International Journal*, 33(3), 161-172

Fanslow, J., Robinson, E. Crengle, S. & Perese L. (2007). Prevalence of child sexual abuse reported by a cross-sectional sample of New Zealand women. *Child Abuse & Neglect: The International Journal*, 31(9), 935-945

<sup>3</sup> Auckland Sexual Abuse HELP (2017). *Sexual Abuse Statistics*. Retrieved from <http://helpauckland.org.nz/get-info/statistics>

sexual violence has a very low conviction rate. Only an estimated 9% of incidents are ever reported to police, with only 13% of those cases resulting in conviction<sup>4</sup>.

## Services

Over the past decade and a half funding for sexual and domestic violence services has decreased significantly and no longer covers the actual costs of providing services, meaning organisations have to rely heavily on volunteer hours and are constantly seeking philanthropic funding. It also means that staff work for very low wages and often work overly long hours or unable to meet the demand for their services. For counselling and related services, including crisis services this results in long waiting lists or clients referred to non-specialised services with inadequate training and response processes. Seeking philanthropic funding is timely and competitive and means that there is less time to actually manage and develop services. In addition, this funding had not been guaranteed for the future, which impeded agencies' abilities to strategically plan for service development.

Many organisations, particularly those with a gendered analysis of violence, and/or those that critique government policy and lack of action addressing violence against women have had their government funding totally removed over the past decade. Others have had no funding increase in contracts for 15 years. These reductions result in less staff being employed, and no wage increases, often not even to meet cost of living increases. This despite significant increases in violence and poverty related hardship – and fewer women being able to afford legal representation – increasing the workload for NGO advocacy staff. After an opposition lead enquiry into the funding of sexual violence services, many of which had closed or been on the point of closing, the NZ government announced, on March 31<sup>st</sup>, 2016, that it was accepting all recommendations of a Select Committee report into the funding of sexual violence services<sup>5</sup>. However, according to Jan Logie, Green Party MP and initiator of the select committee investigation,

*the Government qualified their support for three important recommendations: accessible services, remuneration for staff, and strengthening existing kaupapa Māori services<sup>6</sup>.*

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NZ Family Violence Clearinghouse. (2017). *Data Summary: Violence Against Women*. Retrieved from <https://nzfvc.org.nz/sites/nzfvc.org.nz/files/DS2-Violence-Against-Women-2017.pdf>

<sup>4</sup> Triggs, S., Mossman, E., Jordan, J. & Kingi, V. (2009). *Responding to Sexual Violence: Attrition in the New Zealand criminal justice system*. Wellington. Ministry of Women's Affairs.

<sup>5</sup> New Zealand Government. (2016). *Government response to the report of the Social Services Select Committee on its Inquiry into the Funding of Sexual Violence Social Services*. Wellington, New Zealand: Author.

<sup>6</sup> Logie, J. (2016). Cited in Kirk, S. (2016, March 31). *Government agrees to overhaul sexual violence support services at budget*. Stuff. Retrieved from <http://www.stuff.co.nz/national/politics/78420964/government-agrees-to-overhaul-sexual-violence-support-services-at-budget>.

The coalition Government's May 2018 budget allocated \$7.5 million of operating funding over four years for sexual abuse assessment and treatment services. The same budget announced a funding increase for domestic violence services, promising an additional \$76.157 million over four years to help around 150 providers of family violence services nationwide. The increases for both sexual and domestic violence agencies will make some welcome difference to the sector, but do not fully address the funding needs nor does it resurrect the many services that have been closed.

Currently, most specialist agencies are not funded to undertake long-term therapeutic work with survivors of gender-based domestic violence, and there are few low-cost private alternatives to provide quality counselling. This contrasts with the long-term support available for sexual violence victims (when adequately funded), who may access long-term quality therapy under the ACC scheme. In many regions there are no funded options for support and recovery from the effects of violence once safety is established, despite research indicating that mental health impacts such as anxiety, depression, suicidal ideation and attempts, substance abuse and other mental health problems often occur for many years after the end of the relationship with the abuser<sup>7</sup>. Nor are there therapeutic services for children, despite the evidence of the harm that witnessing/living with violence against women does to children and the long term impacts on their emotional and physical growth and development.

The National led government developed policy to insist that all NGO and other services working with women and children provide full personal details to government – names, ages, marital status, address, socio-economic circumstances – and insisted that government funding would only continue if agencies did this. The National Party only backed down on demanding client data because Wellington HELP said they would not hand the data over and Wellington Rape Crisis and Wellington Sexual Abuse HELP invited all social service providers and concerned individuals to a public meeting at Parliament. Within hours the Government had backed down<sup>8</sup>.

The Coalition for the Safety of Women and Children also welcomes the announced \$2 million in operating funding for 2018/19 for a Family and Sexual Violence Central Agent. The funding is to cover the initial policy work to set up the agency, which will coordinate public sector and non-government organisation efforts to address family and sexual violence. The Government has stated that this body will make sure all our work is informed by Māori experience and knowledge as well as being intersectional.

#### Access to Justice

Increasingly women are being blamed and criminalised for being involved with abusive men; many women have had their children removed when they attempt to leave violent and

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<sup>7</sup> Hager, D. (2001). *He drove me mad: The relationship between domestic violence and mental illness*. (Unpublished master's thesis). Auckland, New Zealand: University of Auckland.

<sup>8</sup> <http://www.radionz.co.nz/news/national/330943/msd-rush-caused-privacy-breach-critics>

coercive relationships and a number have been imprisoned for failing to protect their children from harm, despite being so severely abused (and consequently traumatised) that they have been virtually unable to function, yet have continued to seek help.

Flawed research promoted by highly regarded researchers (for example, Straus, 1999)<sup>9</sup> involving a gender biased scale now believed to lack construct validity<sup>10</sup> has been driving a belief in New Zealand that women are just as violent as men. Lack of education of professionals working in the area of domestic violence because of the lack of funding and resources has allowed this belief to be promulgated unchallenged, despite all of the evidence to the contrary<sup>11</sup>.

Māori continue to be over represented in the justice system. Despite making up about 15 per cent of the total population in New Zealand, almost 57 per cent of women prisoners sentenced are Māori.<sup>12</sup> This has long reaching and inter-generational impacts for the children, families and whānau and communities of women prisoners. Furthermore, the over representation of Māori is not an anomaly but has been consistent over several decades,<sup>13</sup> and represents a failure on the part of government to address conscious and unconscious prejudice in the judicial system and to reduce inequalities between Māori and non-Māori.

Unlike many OECD countries, New Zealand expects women to pay to be safe when applying for protection orders. While a small amount of money is available for protection orders through legal aid this funding does not extend to the amount required when the orders are challenged or to covering the costs of women trying to keep their children safe. Such costs can run from tens of thousands to hundreds of thousands of dollars. Professional or educated women appear to be particularly at risk as some in the judiciary do not believe that educated women can be victims of domestic violence. Whereas in many OECD jurisdictions legal representation is available to victims of violence involved in criminal trials such representation is not available in Aotearoa/New Zealand<sup>14</sup>.

In a bid to reduce spending on legal aid, the government introduced changes in 2010 targeted at both lawyers offering legal aid and at those accessing legal aid. These include changes to how lawyers can charge for their work and the expansion of the Public Defence Service, as well as changes to the eligibility criteria for who can access legal aid, requiring legal aid to be

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<sup>9</sup> Straus, M. (1999). The controversy over domestic violence by women: A methodological, theoretical and sociology of science analysis. In X. Arriga, & S. Oskamp (Eds.), *Violence in intimate relationships* (pp. 17-44). Thousand Oaks, CA: SAGE.

<sup>10</sup> New Zealand Family Violence Clearinghouse. (2007). *Family violence and gender fact sheet*. Christchurch, New Zealand: University of Christchurch.

Hamby, S. (2016). Self-report measures that do not produce gender parity in intimate partner violence: A multi-study investigation. *Psychology of Violence*, 6(2), 323-335. doi:org/10.1037/a0038207

Hamby, S. (2015). A scientific answer to a scientific question: The gender debate on intimate partner violence. *Trauma Violence Abuse, online first*, 1-10. doi:10.1177/1524838015596963

<sup>11</sup> New Zealand Family Violence Clearinghouse. (2017). *Data Summary 2: Violence against Women*. Auckland. Author Accessed from <https://nzfvc.org.nz/data-summaries/violence-against-women>

<sup>12</sup> Waitangi Tribunal *Tū Mai te Rangi! Report on the Crown and Disproportionate Reoffending Rates - Pre-Publication Version* Wellington: Waitangi Tribunal, 2017. Downloaded from [www.waitangitribunal.govt.nz](http://www.waitangitribunal.govt.nz). p. 11

<sup>13</sup> Waitangi Tribunal *Tū Mai te Rangi! Report on the Crown and Disproportionate Reoffending Rates - Pre-Publication Version* Wellington: Waitangi Tribunal, 2017. Downloaded from [www.waitangitribunal.govt.nz](http://www.waitangitribunal.govt.nz). p. 11-13

<sup>14</sup> WHO. (2014). Global Status Report on Violence Prevention [Press release]

repaid and introducing interest on legal aid.<sup>15</sup> This has resulted in declining numbers of legal aid lawyers and inadequate pay rates for legal consultations – violence and abuse cannot be resolved in one or two meetings/court appearances. As a result, those who lack financial resources but either cannot find a legal aid lawyer or are ineligible for legal aid, are forced to represent themselves. This undermines equal access to justice in New Zealand and disproportionately affects women, as women (and particularly women of ethnic minorities) continue to earn less than men.<sup>16</sup>

This lack of representation is of particular concern in situations of domestic violence, as women may be forced to defend themselves against an abusive ex-partner in Family Court and can impact on whether or not they are successful in court, for example, applications for Protection Orders are more likely to be successful with the support of a lawyer.<sup>17</sup>

Another area of particular concern is how unconscious bias and institutional sexism disadvantage women using the Family Court to negotiate relationship breakdowns. Research has shown the Family Court idealises shared care of children between separating parents.<sup>18</sup> As a result, fathers' access to their children is being prioritised over women's concerns for the safety of their children in cases of conflict and domestic violence.<sup>19</sup> In such circumstances, women who raise concerns are disbelieved or their concerns minimised by court professionals. In particular, the Family Court in New Zealand applies the concepts of Parental Alienation Syndrome and Situational Violence, both of which minimise and discount domestic violence. Parental Alienation Syndrome was developed in the United States several decades ago, but has been discredited for many years there and in other countries. It is accepted that it is an invalidated and unproven concept, but the Family Court in New Zealand continues to apply this so-called syndrome. Essentially the syndrome asserts that malicious mothers work to undermine their children's relationships with their fathers, including by making up false allegations of violence and abuse. This is utterly contrary to all the evidence and means that women and children do not receive the protection which the Family Court should provide under the Domestic Violence Act 1995, as violence is minimised or disbelieved. Situational Violence is used to discount domestic violence by asserting that violence which occurs at or near the time of separation is out of the ordinary and should be ignored. In fact, separation is the most dangerous time for women and the time at which they are most likely to be killed by their violent partners. The use of these concepts despite social science evidence to the contrary, suggests that the Family Court is either misinformed by those they are using as experts in this area and/or is ideologically driven to discourage

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<sup>15</sup> New Zealand Law Society. (2015). *Legal Aid and Access to Justice* <https://www.lawsociety.org.nz/lawtalk/lawtalk-archives/issue-868/legal-aid-and-access-to-justice>

<sup>16</sup> Statistics New Zealand 2013 *Census QuickStats about income*. Retrieved from: <http://www.stats.govt.nz/Census/2013-census/profile-and-summary-reports/quickstats-income.aspx>

<sup>17</sup> Women's Refuge. *Protection Orders*. Retrieved from <https://womensrefuge.org.nz/protection-orders/>.

<sup>18</sup> Tolmie, Julia Elizabeth, VB ; Gavey, Nicola. (2010). Is 50:50 Shared Care a Desirable Norm Following Family Separation? Raising Questions about Current Family Law Practices in New Zealand. *New Zealand Universities Law Review* 24(1):136-166

<sup>19</sup> Tolmie, Julia ; Elizabeth, VB ; Gavey, Nicola. (2010). Is 50:50 Shared Care a Desirable Norm Following Family Separation? Raising Questions about Current Family Law Practices in New Zealand. *New Zealand Universities Law Review* 24(1):136-166

women from leaving men and to silence them even when violence and safety are the motivating factors for separation.

Anti-domestic violence advocates have long expressed concern about the way in which the Domestic Violence Act is interpreted and applied. It is excellent and very clear legislation, but has never, in two decades, been properly interpreted and applied by Family Court Judges. They have consistently applied glosses and given strained meanings to the very clear wording in the act. This has resulted in women being denied Protection Orders when they should have been granted. The Court of Appeal, in July 2017, ruled that a Family Court Judge had wrongly interpreted the act in every way, and overturned his finding that a Protection Order was not required.<sup>20</sup> The Court of Appeal stated that rather than rely on case law the Family Court should be applying the act as stated, which is quite uncomplicated in law.

Domestic violence campaigners are well aware that the Judge involved has ruled incorrectly on many other domestic violence cases, and that other Judges have similarly misinterpreted the law.<sup>21</sup> In the wake of the Court of Appeal decision, comprehensive and compulsory education for Family Court Judges must be required about the Domestic Violence Act. There also needs to be a comprehensive review of earlier decisions by this Judge and other Judges who have applied the law incorrectly, so that women and children can be granted the protection that they are entitled to under the Domestic Violence Act.

Responses to breaches of Protection Orders are inconsistent, reflecting a lack of understanding of the dynamics of domestic violence within the justice (and police) system. Offenders are rarely arrested for non-violent breaches of Protection Orders,<sup>22</sup> which makes victims less inclined to report minor breaches out of fear of retaliation by their abuser.<sup>23</sup> However, even seemingly minor breaches are often part of a pattern of intimidation and should therefore result in a mandatory arrest and conviction,<sup>24</sup> to better ensure women's basic human right of freedom from violence.

Despite expert seminars for judges in New Zealand, the Family Court continues to operate under an outdated belief that children who have been exposed to domestic violence remain safe with the violent parent<sup>25</sup>. When women apply for protection orders a train of legal apparatus involving the Care of Children Act is put into effect to address the contact the

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<sup>20</sup> *SN v MN* [2017] NZCA 289.

<sup>21</sup> MacLennan, C. (2017). *Finally, hope for victims of domestic violence*. Newsroom, <https://www.newsroom.co.nz/2017/07/07/37783/catriona-maclennan-template>

<sup>22</sup> Women's Health Action. (2015). *Submission to the Ministry of Justice on the Family Violence Law Review*. <http://www.womens-health.org.nz/resources/publications/#submissions>.

<sup>23</sup> Morgan, T. *Abusers refusing to stay away*. New Zealand Herald. 10 August 2016. [http://m.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=11690474](http://m.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11690474).

<sup>24</sup> Women's Health Action. (2015). *Submission to the Ministry of Justice on the Family Violence Law Review*. <http://www.womens-health.org.nz/resources/publications/#submissions>.

<sup>25</sup> Graham-Bermann, S. A., & Edleson, J. L. (2001). *Domestic Violence in the Lives of Children: The future of research, intervention and social policy*. Washington D.C.: American Psychological Association. Bancroft, L., & Silverman, J. G. (2002). *The Batterer as Parent: Addressing the impact of domestic violence on family dynamics*. Thousand Oaks/New Delhi/London: Sage.

child(ren) has with the (usually) offending father. This can entail the appointment of Council for Child, psychological reports on the child(ren), the disclosure of health information about the mother, sometimes the expectation that a mental health assessment of the mother will be provided. All of these actions can be experienced as further abuse by both women and children, through the justice system<sup>26</sup>. The focus is taken away from the violent parent, and the mother and the children are placed under legal scrutiny. The Backbone Collective, an online support service for New Zealand women in this situation, has found that women believed that the Family Court made their children less safe than they were prior to involvement with the Court<sup>27</sup>.

The processes for engaging with the family court were changed in 2014 and the expectation is now that all families will engage in couple mediation prior to going to the Family Court unless domestic violence is disclosed. This is a very unsafe practice as domestic violence is only accepted with a protection order and as discussed above, many women, in dangerous situations, are not being granted protection orders. This means they are put at increased risk by engaging with mediators many of whom have no experience in gender related domestic and sexual violence.

The New Zealand government has recently revealed plans to carry out a review into the Family Court because of the impact the experience is having on women and children<sup>28</sup>. However, at this time (May 2018) these violations of women's and children's rights are not included in the review, despite advocacy for inclusion and examination of the issues.

#### Unsafe practice of restorative justice for Intimate Partner Violence offences

We are very concerned that many women are being compelled to engage in restorative justice processes with their abusers. Unlike specialist models of restorative justice geared toward sexual violence offences that are delivered in accordance with international best practice (for example, Project Restore in New Zealand) and are funded for the complexity of this work, restorative justice delivery for family violence offences is standard and does not account for the potential for re-victimisation, re-traumatisation, and subtle re-enactment of power and control that can and does occur within a mainstream delivery model. We consider this dangerous, and victims report to us that their experiences have been disempowering and harmful. Yet the government continues to insist that women participate in this process and funds organisations, with no qualifications or particular credentials in the dynamics of violence and abuse, to promote and run these services.

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<sup>26</sup> Salter, M. (2012). Invalidation: A neglected dimension of gender-based violence and inequality. *International Journal for Crime and Justice*, 1(1), 3-13.

<sup>27</sup> <https://static1.squarespace.com/static/57d898ef8419c2ef50f63405/t/5a3171c59140b743f5abbe36/1513189837189/Seen+and+not+Heard+Children+in+the+Family+Court+%281%29.pdf>

<sup>28</sup> <https://www.stuff.co.nz/national/politics/102936799/justice-minister-andrew-little-concerned-about-access-to-justice-in-family-court>

## Qualifications, workforce competency and specifications for service delivery

In New Zealand there are no mandatory baseline qualifications or training programmes for people who work in the sexual/domestic violence sector<sup>29</sup>. The Coalition for the Safety of Women and Children believes the sector will only be able to think differently about men's violence against women and children if a system for enabling and requiring people to access consistent, comprehensive and high quality training and education is introduced. We believe the domestic and family violence workforce needs a national strategy and clear pathways to ensure the workforce has the depth of knowledge needed about family violence to think critically, deal with complexity and practise with an analysis of gender and in a culturally responsive way.

Two Government/Taskforce reports have highlighted the need to urgently address domestic violence workforce development: *Family violence workforce development*<sup>30</sup> (2012) and *Training and education for the family violence workforce: Developing a national training framework*<sup>31</sup> (2013). These papers both set out options and recommendations for the way forward, which have largely been ignored. The 2012 paper notes:

*The market place for family violence training is both wide and unregulated. There are multiple providers of training and no central monitoring looking at their consistency or effectiveness. There are no mandatory or recommended courses in family violence and there are no minimum standards for any of the many courses on family violence to adhere to. We therefore do not know if all the courses are of a quality standard (content and delivery) or are consistent in their messaging.*

*It is currently left to the workforce to 'choose' which course(s) to attend. That choice is affected by barriers ... however the point to make is there is no road map or information that informs the workforce what it is they need to know and understand and therefore which courses they should attend and in which order (page 18).*

As the paper states, the current piecemeal approach of having individual agencies train their staff in isolation from other agencies' responses is inadequate. For the workforce to work safely, effectively and as part of an integrated response, a shared, strategic approach is required.

Workforce development initiatives need to include partnering with domestic violence specialists to develop and resource a comprehensive system of accredited training and education, which teaches the knowledge and skills required to work in this field. Further, specialist qualifications in violence need to be developed and in time, specific training for specific roles. As part of the strategy, we suggest a stocktake and project needs assessment

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<sup>29</sup> Personal communication, January 12, 2015

<sup>30</sup> Family Violence Unit. *Family Violence Workforce Development*. Wellington. Ministry of Social Development. <https://library.nzfvc.org.nz/cgi-bin/koha/opac-search.pl?q=Family+Violence+Workforce+Development+%282012%29>

<sup>31</sup> Taskforce for Action on Violence Within Families. (2013). *Training and education for the family violence workforce: Developing a national training framework*. Wellington. Ministry of Social Development. From <https://www.msd.govt.nz/documents/about-msd-and-our-work/work-programmes/initiatives/action-family-violence/training-and-education-for-the-family-violence-workforce-developing-a-national-training-framework-21-08-2013.pdf>



be undertaken in relation to the domestic violence content in existing relevant tertiary education courses such as social work, law, psychology, medicine/health sciences, teaching, etc. (many of which have no content). We are concerned that the existing content is not sufficient in either quantity or quality to give people the skills and knowledge to work safely and effectively on domestic violence in these professional roles.

In June 2017 the government released a Workforce Capability Framework<sup>32</sup> that describes good practice across a range of issues related to working in the violence sector. This framework may, in time, result in mandatory training and qualifications but is still lacking in a number of areas including the integration of disabled women and women of non-European ethnicity.

### Data collection and cohesion

A problem related to the collation of data measuring the prevalence of violence against women and the corresponding consistent generation of statistics and development of coherent policy, prevention and practice is the lack of clear and consistent definitions across researchers, sectors and ministries in New Zealand. For example, we have *Domestic Violence* legislation, police now call domestic violence *Family Harm* and government and other services talk about *Family Violence*. As Radford, Harne & Trotter (2006) identify, this “*unsettled debate over definitions of domestic violence*” (p240) complicates examinations of prevalence because narrow definitions provide lower prevalence rates than broader ones – and are not comparable with each other<sup>33</sup>. Gulliver and Fanslow (2013) explain:

*Without consistent definitions underpinning our data collection systems, we cannot hope to answer policy questions about trends over time. If effective monitoring of the extent of family violence in the community is to take place, there needs to be a consistent theoretical definition that underpins administrative data collections used for reporting family violence at the population level.*

*Community perceptions of the nature and extent of violence, and social acceptance or disapproval of family violence can change, sometimes influenced by community advocacy and policy changes. These changes in perceptions can effect operational definitions ... A common theoretical definition and an explicit specification of the operational definitions in use is imperative to promote a clear understanding of use of the data by policy makers and the general public. Key concepts to be specified in order to arrive at a meaningful theoretical or operational definition of family violence*

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<sup>32</sup> Ministry of Social Development, 2017

<sup>33</sup> Radford, J., Harne, L., & Trotter, J. (2006). Disabled women and domestic violence as violent crime. *Practice: Social Work in Action*, 18(4), 233-246.

*include the specific behaviours to be included, and the relationship between the perpetrator and the victim*<sup>34</sup> (p14).

This lack of data is not a minor consideration, as credible statistics are crucial for the distribution of funds and the creation of social policy<sup>35</sup>. The policy and related funding in turn affect women's mental health and safety as they shape the development of mental health, justice, violence and other services.

We note with concern that the New Zealand Family Violence Clearing House contract to collate and publish data summaries extrapolated from all of the various government data sets about domestic violence has been cancelled. There is now no collation of data about the incidence and prevalence of domestic violence in New Zealand. We understand that the new Government is considering renewing this contract.

### New Zealand Family Violence Death Review

New Zealand has a very good system for the review of family violence related deaths. The New Zealand Family Violence Death Review (FVDR) committee have written a series of excellent reports, highlighting deficiencies in the service and justice response to violence against women and children. Most of these recommendations have been ignored by government.

Despite their excellent reporting we are concerned that this system does not investigate domestic violence related suicides and think that this aspect of lethal harm to women experiencing violence should be documented and investigated as domestic violence related deaths. Fanslow (2004)<sup>36</sup> reports an 8 times higher risk of suicide attempts for New Zealand women who experience moderate to severe physical violence. If research measured sexual and emotional violence the risk could be much higher.

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<sup>34</sup> Gulliver, P., & Fanslow, J. (2013). *Family violence indicators: Can administrative data sets be used to measure trends in family violence in New Zealand?* Research report 3/13. Wellington, New Zealand: SuPERU, a division of the Families Commission.

<sup>35</sup> Bogard, M. (2005). Strengthening domestic violence theories: Intersections of race, class, sexual orientation and gender. In N. J. Sokoloff, & C. Pratt (Eds.), *Domestic violence at the margins: Readings on race, class, gender and culture*. (pp. 25-38). Piscataway, NJ: Rutgers University Press.

<sup>36</sup> Fanslow, J. & Robinson, E.M. (2004). Violence against women in New Zealand: Prevalence and health consequences. *New Zealand Medical Journal* 117 (1206)

Nor are family and domestic violence related deaths of disabled women investigated. This is because across the justice, violence and disability sectors these deaths are not usually recognised as domestic violence<sup>37</sup>.

## Disabled women

Disabled and Deaf women are invisible and highly marginalised in New Zealand society. While many New Zealand women have problems with income, employment, social cohesion and sexual and domestic violence, disabled women's experience of all of these problems is more extreme. Disability does not affect all ethnicities equally and those who come from lower socio-economic communities have higher rates of disability compared to those communities/ethnicities with higher incomes and from wealthier areas. For example, 26% of the Māori population are identified as disabled, compared to 24% of the total New Zealand population.<sup>38</sup>

Comparing rates of employment, 46% of disabled women are employed compared to 71% of non-disabled women<sup>39</sup>. Of these, 71% of employed disabled women have incomes of \$30,000 or less, compared with 55% of disabled male workers (\$30,000 is the median income for European men. All others,<sup>40</sup> men and women, have lower median income). This is compounded by 34% of disabled women having no educational qualifications, compared with 15% of non-disabled women<sup>41</sup>.

Disabled women are at significantly higher risk than non-disabled women of experiencing intimate partner and/or sexual violence in their lifetime<sup>42</sup>. There are no prevalence rates for New Zealand, however, overseas studies indicate that prevalence rates of sexual and physical abuse of disabled girls and women are higher than for disabled men across all areas of

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<sup>37</sup> Hager, D. (2017). Domestic and sexual violence and disability: *Understanding paradigms and creating congruence to prevent violence against disabled women*. Unpublished thesis. Doctor of Philosophy – Health Science, The University of Auckland.

<sup>38</sup> Statistics New Zealand. (2013). *Disability Survey. 2013*. Retrieved from: [http://archive.stats.govt.nz/browse\\_for\\_stats/health/disabilities/DisabilitySurvey](http://archive.stats.govt.nz/browse_for_stats/health/disabilities/DisabilitySurvey)

<sup>39</sup> Human Rights Commission. (2018). Tracking Equity at work. Indicator: Labour force participation rate for people with disabilities. Retrieved from: <http://tracking-equality.hrc.co.nz/#/indicator/labour-force-participation-rate-for-people-with?dim2=sex>

<sup>40</sup> Statistics New Zealand. (2018). 2013 Census QuickStats about income Retrieved from <http://archive.stats.govt.nz/Census/2013-census/profile-and-summary-reports/quickstats-income/personal-income-ethnic.aspx>

<sup>41</sup> Office for Disability Issues. (2018). *Key facts about disability in New Zealand*. Retrieved from: <https://www.odi.govt.nz/about-disability/key-facts-about-disability-in-new-zealand/>

<sup>42</sup> Hager, D. (2017). *Domestic and sexual violence and disability: Understanding paradigms and creating congruence to prevent violence against disabled women*. Unpublished thesis. Doctor of Philosophy in Health Sciences, The University of Auckland.

disability<sup>43</sup> and higher than abuse of non-disabled women and girls<sup>44</sup>, with rates ranging from 90% of disabled women<sup>45</sup> to 62%<sup>46</sup>.

There are almost no mainstream violence services that are accessible for disabled or Deaf women in New Zealand, and no specialist services<sup>47</sup>.

### Workforce and pay inequity

New Zealand women's average hourly wage is 14% less than men. This gap is even larger for Māori women (22.9%), Pasifika women (28.4%) and Asian women (19.7%)<sup>48</sup>. The New Zealand government claims that there has been a 12% gender pay gap over the last decade however they also recognise that:

*There is clear evidence of a glass ceiling effect in NZ, with the gender pay gap increasing as we move up the wage distribution – from 0% in the 10th quantile to between 18 to 21% at the 90th quantile<sup>49</sup>.*

This is compounded by a number of factors including that 67% of minimum wage earners over 25 are women<sup>50</sup>. This is a consequence of those jobs considered to be predominantly women's work – for example care and support, retail and cleaning - being some of the lowest

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<sup>43</sup> McCarthy, M., & Thompson, D. (1997). A prevalence study of sexual abuse of adults with intellectual disabilities referred for sex education. *Journal of Applied Research in Intellectual Disabilities*, 10(2), 105-124.

New Zealand Family Violence Unit & Hager, D. (2013). *Evidence brief: Issues and opportunities for addressing family violence within the disability sector*. Prepared for the Taskforce on Family Violence. Wellington, New Zealand: NZ Family Violence Unit, Ministry of Social Development.

Turk, V., & Brown, H. (1993). The sexual abuse of adults with learning disabilities: Results of a two year incidence survey. *Mental Handicap Research*, 6(3), 193–216.

<sup>44</sup> Banks, M.E. (2003). Preface. In M.E. Banks, & E. Kaschak (Eds.), *Women with visible and invisible disabilities: Multiple intersections, multiple issues, multiple therapies*. (pp. xxi – xxxvii). New York, NY: Haworth Press.

Howe, K. (2000). *Violence against women with disabilities: An overview of the literature*. Australia: Women with Disabilities. Retrieved from [www.wdda.org.au/keran.htm](http://www.wdda.org.au/keran.htm)

<sup>45</sup> Curry, M. A., Renker, P., Robinson-Whelen, S., Hughes, R. B., Swank, P., Oschwald, M., & Powers, L. E. (2011). Facilitators and barriers to disclosing abuse among women with disabilities. *Violence and Victims*, 26(4), 430–444.

<sup>46</sup> Young, M-E., Nosek, M. A., Howland C., Campling, G., & Rintala, D. H. (1997). Prevalence of abuse of women with physical disabilities. *Archives of Physical Medicine and Rehabilitation*, 78(12), S34-S38. [http://dx.doi.org/10.1016/S0003-9993\(97\)90219-7](http://dx.doi.org/10.1016/S0003-9993(97)90219-7)

<sup>47</sup> Hager, D. (2017). *Domestic and sexual violence and disability: Understanding paradigms and creating congruence to prevent violence against disabled women*. Unpublished thesis. [Click here to enter text](#). Doctor of Philosophy in Health Sciences, University of Auckland.

<sup>48</sup> Coalition for Equal Value, Equal Pay. (2016). Retrieved from

<http://cevepnz.org.nz/Gender%20pay%20gap/ethnicity%202013.html>

<sup>49</sup> Pacheco, G., Li, C., Cochrane, B. (2017). *Empirical evidence of the gender pay gap in New Zealand*. NZ Work Research Institute. AUT. Report commissioned by the Ministry for Women, Wellington, New Zealand. p. 7

<sup>50</sup> Ministry of Business, Innovation and Employment. (2015). *Minimum Wage Review*. Retrieved from <http://www.mbie.govt.nz/publications-research/publications/employment-and-skills/Minimum-Wage-Review-report.pdf>

paid work in the country<sup>51</sup>. Only 11% of modern apprentices are women and most of these are in hairdressing<sup>52</sup>.

Women are over three times more likely to work part time compared to men, 30.4% versus 8.8%<sup>53</sup>. Also, on average, women in New Zealand spend twice as long on unpaid housework and three times as long on unpaid childcare work, than men. This is consistent across age groups<sup>54</sup>. This is despite women being increasingly better educated than their male contemporaries.

*Over the last two decades, and at almost all educational attainment levels, females now outstrip their male counterparts. For instance, the proportion of males with a bachelor's qualification or higher increased from 14.3% in 1997 to 22.5% in 2015; and for females increased from 12.4% to 30.5%<sup>55</sup>.*

Four years after completing study, earnings increase on average 10% more for men than they do for women<sup>56</sup>.

Local government bodies, which employ many women in a range of roles from librarians to senior managers, are not immune from these pay gaps. One local council is understood to have a 17% gender pay equity gap favouring men.

The New Zealand Government, in response to a pay equity legal case brought by careworker Kristine Bartlett and her union, reached a settlement, signed in 2017, costing NZ\$2 billion. This will raise the pay of careworkers. It was found by the courts that they had been underpaid over a long period because they were working in a female-dominated occupation.

In the wake of the case, the then Government created the Employment (Pay Equity and Equal Pay) Bill. If passed into law, that bill would have made it difficult or impossible for other women to bring pay equity claims successfully. The newly-elected coalition Government withdrew National's pay equity Bill and reconvened the Joint Working Group on Pay Equity.

The Government is currently drafting new legislation based on the Joint Working Group's recommendations focused on clarifying and simplifying the claims process which will be introduced mid-year.

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<sup>51</sup> Pacheco, G., Li, C., Cochrane, B. (2017). *Empirical evidence of the gender pay gap in New Zealand*. NZ Work Research Institute. AUT. Report commissioned by the Ministry for Women, Wellington, New Zealand.

<sup>52</sup> NZ Human Rights Commission. (2012). *New Zealand Census of Women's Participation*. Retrieved from <https://www.hrc.co.nz/files/2314/2360/5171/web-census.pdf>

<sup>53</sup> Pacheco, G., Li, C., Cochrane, B. (2017), p. 12

<sup>54</sup> Gibb, S., Fergusson, D., Boden, J. (2013). Gender Differences in Paid and Unpaid work. Findings from a New Zealand Birth Cohort. *Policy Quarterly*, 9 (3). Retrieved from <http://igps.victoria.ac.nz/publications/files/a3a60088fe1.pdf>  
Statistics NZ. (2009/2010). Time Use Survey. Retrieved from [http://www.stats.govt.nz/browse\\_for\\_stats/people\\_and\\_communities/time\\_use/TimeUseSurvey](http://www.stats.govt.nz/browse_for_stats/people_and_communities/time_use/TimeUseSurvey)

<sup>55</sup> Pacheco, G., Li, C., Cochrane, B. (2017), p. 7

<sup>56</sup> Human Rights Commission. (2012). *New Zealand Census of Women's Participation*. Retrieved from <https://www.hrc.co.nz/files/2314/2360/5171/web-census.pdf>

Ministry of Education. (2012). *What do men and women earn after their tertiary education?* Retrieved from [http://www.educationcounts.govt.nz/\\_data/assets/pdf\\_file/0015/104253/What-do-men-and-women-earn-after-their-tertiary-education.pdf](http://www.educationcounts.govt.nz/_data/assets/pdf_file/0015/104253/What-do-men-and-women-earn-after-their-tertiary-education.pdf)

We believe the new Bill will allow some women (those who are members of unions (only 18%) and those that have other avenues of support) to achieve pay equity over time. Pay Equity Coalitions are advocating that the Bill require full pay transparency from employers making it easy for women to assess whether they have a claim and to make a claim. Advocates are also looking for a new independent expert body that resources claimants and that, where negotiations fail, will make binding decisions in support of equal pay claims.

### Welfare benefits and child support

New Zealand's benefit laws discriminate against women and have done so for decades. In order for single mothers to obtain benefit support, they must not be "in a relationship in the nature of marriage" under the Social Security Act. The test for this is very complicated and has been misapplied by the Ministry of Social Development in many cases. The Court of Appeal in the 1990s ruled in the case of *Ruka v Department of Social Welfare* that a relationship was not a relationship in the nature of marriage if there was no emotional commitment and no financial support. Ms Ruka had been found by the Department not to be entitled to her benefit, despite the fact that she was in an extremely violent relationship and had no control over when her partner came and went. He did not provide financial support.

Despite the Court of Appeal decision, the Department continued to apply the law incorrectly, leading to the 2001 Joychild Report, which recommended that 15,600 cases be reviewed to ensure the law had been correctly applied and women had not wrongly had their benefits cut and debts established against them.

The Ministry of Social Development continues to take an extremely punitive approach to mothers on sole parent support. They continue to be prosecuted and, even after serving jail terms, are pursued for the rest of their lives for debts they can never hope to repay.<sup>57</sup> This is in marked contrast to the lenient approach adopted to tax evasion, tax avoidance, non-payment of child support, and non-payment of fines and reparation. Inland Revenue between 2008 and 2013 wrote off \$5 billion in unpaid taxes. The Government in the 2015 Budget announced that it would write off up to \$1.7 billion in child support penalties. By contrast, benefit fraud debt totals \$182 million but the Government will not write it off and frequently imprisons beneficiaries for this fraud.

Mothers are required by law to identify the fathers of their children under the Social Security Act. If they do not do so, their benefit is docked initially by \$22 a week and then later permanently by \$28 a week. If more than one child's father is not identified, the benefit is docked for each child. This is a massive amount of money to be taking away from families

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<sup>57</sup> MacLennan, C. (2016). *Kathryn's story: How the government spent well over \$100,000 and 15 years pursuing a chronically-ill beneficiary mother for a debt she should not have*. Auckland. Child Poverty Action Group. <http://www.cpag.org.nz/assets/Publications/3-0%20Kathryn%27s%20Story-web.pdf>

that are seeking to survive on unliveable benefits. Often the father is not identified because of threats and the fear of violence.<sup>58</sup>

These sanctions apply almost exclusively to women and disproportionately heavily to Māori women. The sanctions are imposed 97.7 per cent on women and just over two per cent on men. 52.8 per cent of sanctions are imposed on Māori. A campaign was run in 2016 asking the Government to delete these sanctions from the law and stop applying them.

The coalition Government after it was elected in September promised to repeal these sanctions. However instead of doing this they have established a Welfare Expert Advisory Group (WEAG) to overhaul the welfare system. The deadline WEAG members have been given for their report is February 2019. Cabinet will decide on the Government response to their recommendations in March and it is likely that any resulting legislation and/or other financial changes will not be introduced until after next year's Budget in May.

This means any real change could be well over a year away. This delay is very disappointing given that the women who experience this sanction belong to the poorest whānau/families in the country.

Non-payment of Child Support is costing mothers and children billions of dollars annually<sup>59</sup> and confining them to deprivation and poverty. Child Support was introduced to prevent acrimony between separating parents, but has been used by many men to avoid payments and to punish women and children. Collection and monitoring of Child Support payments is by the Inland Revenue Department, which seems to have no interest in the welfare of women and children. Self-employed men are able to avoid paying income support by working with "under the table" cash payments, thereby not declaring their full income. Women are encouraged to 'dob' offending parties in to the Inland Revenue Department, but this practice makes women who have experienced violence from their partners more unsafe and many are unable or reluctant to do so.

## Representation

Women made up only 22% of board positions in 2017 and there are now no women listed as CEOs in any of our 20 largest listed companies. In our top 100 companies, there are only 3 female CEO's<sup>60</sup>. 30% of registered companies have no women in senior management and a further 26% of companies only have one woman, despite women making up 46.8% of the labour force<sup>61</sup>.

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<sup>58</sup> Catriona MacLennan – Fear and violence behind decision to keep dad's name secret, New Zealand Herald, 20 September 2016 [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=11712674](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11712674)

<sup>59</sup> [http://www.nzherald.co.nz/business/news/article.cfm?c\\_id=3&objectid=11452710](http://www.nzherald.co.nz/business/news/article.cfm?c_id=3&objectid=11452710)

<sup>60</sup> McGregor, J. & Davis-Tana, S. (2017). *The New Zealand Census of Women on Boards 2017*. Retrieved from [https://www.aut.ac.nz/\\_data/assets/pdf\\_file/0009/731349/New-Zealand-Census-of-Women-on-Boards-2017-PDF.pdf](https://www.aut.ac.nz/_data/assets/pdf_file/0009/731349/New-Zealand-Census-of-Women-on-Boards-2017-PDF.pdf)

<sup>61</sup> McPherson, M. (2010). *Women in senior management. Why not?* Wellington: Victoria University of Wellington

## Indigenous inequity

NZ is still battling with the legacy of its settler colonial past. There still remain significant outstanding unresolved Treaty of Waitangi claims, and for many Māori the transfer of wealth and resources to iwi under existing Treaty settlements has made little material difference to their day-to-day life. The legacy of settler colonialism is evident in the disproportionate representation of Māori in crime and unemployment statistics, as well as poor health and education outcomes. Data reporting on Māori women is primarily gained from the Police and the Department of Corrections and is inherently biased and therefore deficit in nature. Better and more balanced research by Māori female researchers, that incorporates poverty, age structure, income, sole parenting, housing and connection to Te Ao Māori, would better inform future policy directions.

The neoliberal model and the axing of state services exacerbates existing social inequalities, and the strongest response from the National Party led government to this was to blame Māori for their situation. We hope that this will be reversed by this current Labour led government and the government will take responsibility for addressing racism and inequity.

## Gender specific services

Over the nine years of the National Party led government many social and health services closed down because of withdrawal of funds and others have been forced to merge with large generic social and health services. This means that there are now very few services that have specialist expertise in gender related issues or domestic, sexual and other violence against women and children – for example, forced and underage marriage. Domestic and sexual violence services for women of particular ethnicities have been particularly hard hit by this withdrawal of funding. We have lost kaupapa Māori services, services for Pacificia women and services for Asian, Middle Eastern and African women. The services that have survived for these women are often those that prioritise keeping families together or the contracts have been given to generic services with no gender and cultural knowledge or expertise.

Many Women's Centres, providing invaluable help, information and support to women have had their funding cut and despite assurances from Labour Party candidates prior to the 2017 elections, this funding has not been reinstated.

## Human Rights Commission

New Zealand's Human Rights Commission has been significantly down graded by the previous Government. Positions have been lost and advisors with specific expertise have been replaced with people with generic knowledge. For example, the positions of disabled people who supported the role of the Disability Commissioner were disestablished and



generic staff now provide that service. Currently the EEO Commissioner is a woman and the Disability Commissioner is a person with lived experience of disability – but this is not assured under current policy and funding for the Commission.

#### Using New Zealand's Human Rights legislation

New Zealand's human rights legislation does not allow for complaints to be made about many of the areas of women's lives discussed in this submission. Women can really only make complaints about issues that arise in public spheres such as the work place, educational settings, provision of accommodation, public places and provision of goods and services. They cannot complain about things that happen in their homes or complain about a lack of services. For example, a sexual harassment complaint may only be made about sexual harassment in a work place or some specified areas of public life – for example if a landlord sexually harasses. If the sexual harassment and/or abuse occurs in the woman's home, from a family member or intimate partner, no aspect of this is covered under human rights law. Domestic violence is not covered by human rights legislation at all and the courts/justice/police services and health services are also exempt – despite these being public services provided by government. This means, for example, that the concerns we have about women being discriminated against in the Family Court cannot be addressed under New Zealand's human rights laws. Also not covered is the lack of provision of services. So there is no ability for disabled women to complain that government does not fund domestic and sexual violence services sufficiently to ensure accessibility, nor can mental health services have discrimination complaints taken against them for institutional abuse of women with mental health problems as a result of domestic violence.

While it is important for women to be able to take complaints under the current parameters of the legislation, many areas where women's human rights are being breached are excluded.

## Recommendations

### Integrated systems

Herbert and Mackenzie<sup>62</sup> identify that within government there is a lack of cohesion within and between sectors, with sexual violence and various aspects of domestic violence associated with different ministries, work streams with different priorities and oversight, and Ministers taking lead responsibility for different parts of the sectors. Disability sits outside of all of the violence processes, currently situated in the Ministry of Health. The new labour government is starting work on this integration.

#### Recommendations:

- Coordinate systems and services for all women and children who have been abused and require help and support. Integrate these services with primary prevention services.
- Recognise the links between child abuse and neglect and domestic violence against women and reflect this in policy and funding structures.
- Improve the child protection social work response to IPV.
- Stop the practice of removing children from women who are victims of violent men.
- Stop criminalising women for being unable to protect their children from abusers.
- Develop true cross government collaboration with shared definitions and understandings of violence against women and children and shared understandings of the gendered drivers of violence.
- Identify and eliminate other policy barriers to a fully integrated, fully resourced system to address men's violence against women and children.
- Develop a comprehensive national strategy to address men's violence against women and children and ensure that the strategy is fully resourced and staffed by women with expertise in the various aspects of violence against women – not by civil servants or lay people with no expertise.
- Develop national domestic violence (men's violence against women and children) legislation that prioritises the safety of all women and children. Our current legislation is very good but has not been competently regulated and enforced and does require updating.

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<sup>62</sup> Herbert, R. & Mackenzie, D. (2014). *The way forward: An integrated system for intimate partner violence and child abuse and neglect in New Zealand*. Wellington: The Impact Collective.

- Develop clear, nationally consistent referral pathways into well-resourced violence services. Pathways should be accessible from any entry point – health, social services, violence or disability sectors, educational routes (via teachers and counsellors), police etc.
- Reduce the number of tamariki Māori (Māori children) taken into state care by supporting whānau (family) earlier. Prioritise and resource placing Māori children who are taken into state care with whānau and/or iwi (tribe). Provide significant resourcing for identifying and supporting placements.
- Establish local, regional and national coordination infrastructure, for example sustainably resource and support the regional family violence networks.
- Establish formal, transparent mechanisms for consultation and communication between Ministers, officials and the domestic/family, whānau and sexual violence sectors, to enable victim/survivors, communities, NGOs, academics and researchers to communicate and partner with government.

## Services

- Commit to funding plans for the specialist violence sector (domestic and sexual violence) that are sufficient to provide all existing services without the use of volunteers and to cover the costs of service development.
- Respect and pay staff more in the sexual and domestic violence (men’s violence against women) sector.
- Develop career pathways and specialties. Reward qualifications with remuneration.
- Adequately, sustainably and equitably resource specialist violence prevention and intervention services. Specific population groups such as Māori, Pacific, women of non-European/Māori/Pacific ethnicities, LGBTIQ and people with disabilities require both adequately resourced specialist services and culturally responsive ‘mainstream’ services.
- Provide women only accommodation and services for abused women, appropriate services for men. Women only services enable women who are traumatised by abuse to access services that are safe and supportive of their needs for safety and security. This is particularly important in mental health, substance abuse and domestic violence services.
- Resource and address barriers to effective implementation of existing and new legislation.

- Develop high quality national service specifications for violence services, including responses to disabled women; and service specifications and policies for disability services in regards to violence against disabled women. This need for national specifications for services is a generic need to ensure constructive responses to all women who do not fit the parameters of current services.
- Provide access to ACC coverage for family violence and child abuse.
- Provide specialist, long-term trauma services for women and children affected by domestic violence.
- Provide specialist, gender appropriate drug and alcohol and mental health services for women and children harmed by domestic violence.

### **Workforce development**

- Develop and resource a comprehensive workforce development strategy, in collaboration with the sectors. This must include base line and on-going qualifications for all those who work with abused women – for example, violence sector workers, police, social workers, justice staff, judges, health professionals, specialist family court report writers - and should be both incorporated into core training and provided for on-going workforce development.
- These qualifications must be based on a gendered analysis of men's violence against women and children and fully explain the dynamics and harms of violence against women and children.

### **Primary prevention**

- Invest in primary prevention, including addressing the gendered drivers of violence against women and children, based on an intersectional understanding of marginalisation and power.
  - This needs to include a comprehensive, evidence-based, schools-based healthy relationships (violence prevention) programme mandated in all schools, rather than one-off, ad hoc programmes or approaches not informed by evidence.
  - It also needs to include prevention work carried out by and in communities (geographical and communities of identity).

## **Treaty of Waitangi**

- Invest in kaupapa Māori approaches to preventing and responding to violence and addressing the on-going experience and impacts of colonisation.

## **Access to Justice**

- Address the very serious issues in the Family Court for women and children escaping intimate partner violence and child abuse and neglect, including the emphasis on shared care, the use of parental alienation to minimise women's efforts to safeguard their children, and the supposition that abusers will be good fathers.
- Reintroduce the 'Bristol Clauses' to the Family Court legislation so that the legislation privileges the safety of children.
- Ensure that all abused women have access to legal services via legal aid and an adequately skilled legal workforce. Currently very few women can access this service so many women are unable to seek legal support. Address financial barriers to justice by increasing access to legal aid. Those who do this work are not always knowledgeable about the Domestic Violence Act or the dynamics of violence.
- Mandate regular, on-going gender informed training for everyone who works in the justice sector including judges, psychologists, counsellors, lawyers, police and other legal professionals, about the dynamics of men's violence against women and children; the physical and emotional effects of violence and abuse; evidence based constructive responses; gender stereotyping; coercive control; and psychological abuse.
- Prioritise efforts to reduce Māori offending and recidivism with a specific Māori strategy, with measurable targets and a dedicated budget.
- Address cultural barriers by employing and resourcing a culturally diverse workforce and funding organisations that work with ethnic minorities.
- Allocate appropriate resources to the police and courts to introduce mandatory arrests and convictions for breaches of Protection Order.
- Remove the necessity for mediation before engaging with the Family Court Mediation is dangerous and enables further abuse of women and children.
- Restorative justice is contraindicated for domestic violence. Remove any provision/directives for restorative justice in domestic violence cases.

## **Research and data collection**

- Partner with communities and researchers to develop and resource a research agenda and improve the quality and accessibility of statistics/data collection while ensuring privacy protection for individuals.
- Decide on one term that will be used by all agencies (for example, justice, police, violence sector, Family Violence Death Review committee) to describe sexual violence against women and one to describe domestic violence against women. Insist on the use of this language across all sectors involved with men's violence against women and children. Varying terms and definitions of violence hinder data collection and analysis.
- Ensure that data about disability/mental illness/substance abuse is collected by all agencies involved in addressing men's violence against women. Document disabled women's ability to access services and the outcomes of their engagement with services
- Reinstate the NZ Family Violence Clearinghouse funding to compile data summaries.

## **New Zealand Family Violence Death Review**

- Government to adopt and implement all recommendations from the five reports of the Family Violence Death Review (FVDR) committee.
- The FVDR committee to investigate all suicide deaths related to domestic violence.
- The FVDR committee to initiate education about the abuse of disabled women in domestic/family circumstances and investigate all these deaths as part of their review process.

## **Disabled women**

- Integrate disabled women/women with mental health problems or substance abuse problems into all systems for the prevention and response to violence against women. This would include:
  - Developing high quality national service specifications for violence services, to be inclusive of disabled women; and service specifications and policies for disability services in regards to violence against disabled women.
  - Developing high quality, nationally consistent training for everyone in all related sectors (violence, disability, social work/services, health, counselling and therapy, police and justice), including all management staff, about the dynamics of

violence and the mental and physical harms caused by violence, specifically including violence against disabled women .

- Collecting data. We need a national baseline prevalence study of violence against disabled women and then periodic updates as with other prevalence studies. Currently no violence services are collecting statistics about disability and very few disability services have robust processes for collecting information about abuse.
- Mandating all (relevant) services to prioritise abuse and response and collect information.
- Resource on-going training and qualifications for staff in both sector the disabled and mental health sectors.
- Redefine the domestic violence legislation and how it is enforcement to reflect disabled women's realities

### **Gender equity legislation and strategy**

- Develop a comprehensive strategy to address gender inequity in NZ including naming gender inequity; talking about violence against women and children – not family violence or family harm; ensuring that women have equal pay for equal work; and are fully represented in all levels of government and private organisations. Develop true cross government collaboration with shared definitions and understandings of what gender equity means in practice for women and how to achieve gender equity in all areas including types of employment, acknowledgment of unpaid work, pay parity, women's representation and participation in private and public spheres.

### **Gendered language and understanding**

- Recognise the gendered nature of domestic and family violence. Call legislation, policy and practice (at government and civil society levels) about intimate partner violence *men's violence against women* – not family violence or family harm. Family violence incorporates violence against older people, siblings and wider family – however is still gendered. Acknowledge the gendered aspect of all violence. Men are the primary perpetrators. Toxic masculinity is the driver.

### **Housing**

- Legislate to ensure that warm, healthy housing is a right for all and that government is mandated to ensure that all New Zealanders have a home that is healthy and affordable.

- Make affordable, accessible emergency, medium and long-term housing available for women who need safety. It is difficult for any woman to leave an abusive situation if she is moving into insecure, unaffordable, inaccessible accommodation. Most women will be poorer when they leave their relationship, so affordable, accessible, stable housing is a necessity to enable women and their children to recover and move on with their lives.
- Ensure that affordable safe housing is available for women who require it to raise children on their own, for elderly women and for women alone who have insufficient income to purchase a home.

### **Using New Zealand's Human Rights legislation**

Update New Zealand Human Rights legislation to cover women's circumstances in private settings, in justice, police and court settings and in health settings. Ensure that anti-discrimination legislation includes provision to complain about a lack of services being provided to a particular section of the population if that is not occurring.



## **Appendix one:**

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

The Auckland Coalition for the Safety of Women and Children was started in 2006 in reaction to women's concerns about justice and other 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.

#### **Members:**

- Auckland Sexual Abuse HELP
- Auckland Women's Centre
- Backbone Collective
- Eastern Women's Refuge
- Homeworks Trust
- Inner City Women's Group
- Mental Health Foundation
- Mt Albert Psychological Services
- North Shore Women's Centre
- Rape Prevention Education Whakatu Mauri
- SHINE Safer Homes in New Zealand Everyday
- Women's Health Action Trust

#### **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<sup>63</sup>. 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 this 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.

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<sup>63</sup> Fanslow, J., & Robinson, E. (2004). Violence against women in New Zealand: prevalence and health consequences. *New Zealand Medical Journal*, 117 (1206), 1-12.