

The Auckland Coalition for the Safety of Women and Children was developed in 2006 to strategise and work toward achieving the ultimate goal of safety for women and children in Auckland.

The Coalition is currently made up of predominantly Tauwiwi women. We recognise Te Tiriti o Waitangi as the founding document of Aotearoa New Zealand and actively seek to honour and uphold it in our work.

Vision

New Zealand is free of gender-based violence against women and children.

Mission

Progress a gender and intersectional analysis of the underlying determinants of violence against women and children and the policy and practice responses to the issue.

Objectives

1. Support the development and maintenance of policy that is designed to prevent gender-based violence against women and children and keep women and children safe
2. Provide collective advocacy for policy and practice that promotes women and children's safety
3. Proactively work towards the prevention of gender-based violence against women and children
4. Share information with each other and other sectors working towards similar goals, and network
5. Proactively engage with the media to raise awareness of gender-based violence against women and children
6. Provide information to key decision makers and stakeholders

Our work

We have undertaken a number of innovative activities including a competition for young people to make a video for you-tube on violence against young women and a community development programme involving small businesses making a commitment to speaking out against domestic violence. We make frequent representations to Government on matters concerning preventing and responding to sexual and domestic violence.

Members:

- Auckland Sexual Abuse HELP
- Auckland Women's Centre
- Eastern Women's Refuge
- Homeworks Trust
- Inner City Women's Group

- Mental Health Foundation
- Mt Albert Psychological Services Ltd
- North Shore Women's Centre
- Rape Prevention Education – Whakatu Mauri
- SHINE Safer Homes in NZ Everyday
- Supportline Women's Refuge
- Te Rito Rodney
- Women's Health Action Trust

Networking

Tu Wahine, which provides services for Maori, works in parallel with us, and we also link in with the National NGO Alliance, a collective of national agencies including Jigsaw, the National Network of Stopping Violence Services and the National Network of Independent Women's Refuges.

Contact Person: Leonie Morris

Centre Manager

Phone: Auckland Women's Centre
+62 9 376 3227 EXT 205
Email: akcentre@womensz.org.nz

Postal address: P O Box 78 271
Grey Lynn
Auckland 1245
New Zealand

1. Recommendations

1.1 The Coalition for the Safety of women and Children requests that the Universal Periodic Review strongly urges the State party, New Zealand, to develop with civil society involvement an Action Plan for Women's Equality with authentic targets and strong accountabilities.

1.2 We request that the Universal Periodic Review strongly urges the State party, New Zealand to recognise violence against women as a gross breach of women's and children's human rights and that women and children have a right to safety and to be free from gender-based violence, coercive control, and exposure to domestic and sexual violence.

1.3 We request that the Universal Periodic Review strongly urges the State party, New Zealand, to make a government-wide commitment to end gender-based violence against women and children and exposure to such violence, by engaging all arms of the Government and all Ministries in the initiative. To achieve this, the Government develops, in collaboration with the domestic and sexual violence sectors and based on international best practice, a comprehensive strategic and implementation plan that recognises the gendered nature of violence, has sustainable long term funding streams attached to it and works to keep women and children safe and hold perpetrators accountable.

1.4 We request that the Universal Periodic Review strongly urges the State party, New Zealand, to ensure that all those working with abused women and children (judges, police, lawyers, social workers, psychologists, other health workers, counsellors, refuge and other support staff.) be required to complete a national training programme with internationally recognised competency standards and that competency standards are maintained and approved on an annual basis. That these training programmes are provided by recognised institutions and produce recognised qualifications.

2. Introduction

2.1 Domestic and sexual violence are at endemic levels in New Zealand. One in three women is battered by her partner in her lifetime and one in five women is sexually assaulted in their lifetime. (Fanslow, J. Robinson, E. 2004). New Zealand women are not a homogenous grouping and Maori women, migrant women and disabled women suffer particular high rates of violence.

2.2 Violence against women has been described as the most shameful human rights violation (Annan, K., 1999). Violence against women comes at a great cost to individuals, their families, communities, society and the economy (WHO, 2013). In addition to the physical and psychological harms we need to consider the socio-political harms of domestic violence, to look at whose life has been made smaller. This requires a focus on what survivors have been prevented from doing for themselves.

3. Maori Women

3.1 According to the Ministry of Social Development's 2008 Social Report, Maori women are three times more at risk of being assaulted or threatened by a partner than the average (eighteen percent compared with six percent for all respondents). This echoes the 1996 New Zealand National Survey of Crime Victims in which 26.9% of Maori women respondents reported that they had experienced one or more types of abuse from a partner and the Fanslow 2004 domestic violence study which found that lifetime prevalence rates for partner abuse are significantly higher for Maori women than for New Zealand European, Pacific Island and Asian women.

3.2 The high rates of violence Maori women currently experience are rooted in the brutal impact that colonisation inflicted on Maori. Colonisation not only brought a loss of land, population decline, and the distortion of Maori tikanga, but also the imposition of the British patriarchal system on iwi (Mikaere, 1994). The legacy of colonisation continues to this day and can be seen in health, earnings, unemployment, and education disparities between Maori and other ethnicities.

3.3 Today Maori women live their lives at the intersection of colonisation, racism and sexism. All of the breaches of women's human rights outlined below have their greatest impact on Maori women; all failures of governmental policies to act with due diligence to prevent violations of these rights or to investigate and hold perpetrators accountable for violence again have their greatest impact on Maori women.

3.4 In order to comply with its obligations under the Treaty of Waitangi and international law, the government should consult with Maori regarding any new strategies, statutes, or programmes to address domestic violence at the earliest stages so that Maori have voices in shaping these policies (rather than asking Maori to agree to them only after they have been formulated by the government).

4. Domestic Violence

4.1 While there has been positive work on domestic violence in recent years for example the "It's not OK" campaign, the White Ribbon campaign, and the development of the whānau ora approach, there have also been many problems. One of our main concerns is that over the last 15 years fathers' rights groups have promoted the idea in the media and elsewhere that men and women are equally violent (Flood, 2010; Rosen, 2009). Our justice system appears to have been taken in by this discourse (Fields, 2008) and has increasingly trivialised domestic violence by:

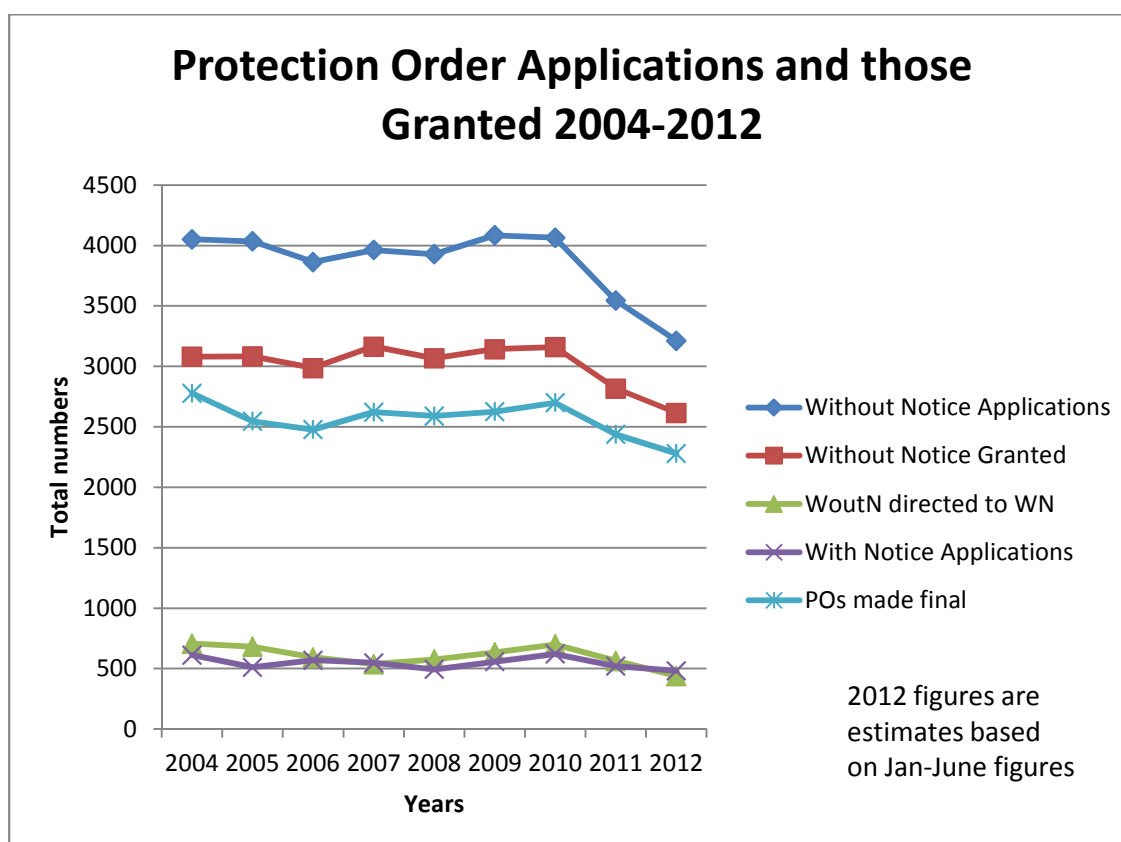
- viewing it as "couple conflict" or "situational violence" (Johnson, 2006);
- depicting women as just as violent as men, and ignoring the pattern of violence of the male perpetrator.

4.2 Our courts have moved away from the analysis underpinning the Domestic Violence Act 1995, which recognised the dynamics of male power and control in domestic violence situations (Leitner Center for International Law and Justice, 2008; Robertson et al., 2007; Towns & Scott, 2006). The repercussions of this accelerating shift are many and serious:

- We have seen judges granting bail to men who have then gone on to kill their ex-partners or men killing partners, ex-partners, their children or their new partners while on parole (leading the Family Violence Death Review Committee to recommend care around release of prisoners who have an identified family violence history (FVDRC, 2011)).
- The Police have raised their threshold for arrests and so are arresting fewer perpetrators. The police now use ODARA, a Canadian risk assessment tool to assess risk of re-offending (Hilton, N. Z., Harris, G. T., & Rice, M. E. 2010). This risk assessment tool means that offenders are classified as either low or high risk and the police only deal with the men who are at a high risk of reoffending.
- In addition to now only responding to high risk offenders, the police have changed the way they report domestic violence. They have created a new category called "dwelling assaults" making it difficult to compare statistics across time and find out what is happening in the domestic violence sector (Henare, 2013).
- Fewer perpetrators who are arrested are being convicted; in 2010 changes were made to the Solicitor General's guidelines for prosecution which increased the threshold for

evidence for crimes to be prosecuted. This means that in cases where it is he says/she says (domestic and sexual violence) the prosecutor is less likely to go forward with the case.

- Fewer Temporary Protection Orders are being made final (Towns & Scott, 2006)
- Fewer men are being referred to stopping violence programmes and some women are being forced to attend couple counselling with their abusers.
- Women and children are still dying when Protection Orders have been made in the Family Court to safeguard them.
- Judges are giving primary care to men against whom Protection Orders have been made when there is evidence that this is not good practice or safe for children (Bancroft & Silverman, 2002).
- Violence to mothers is treated as irrelevant to the welfare of children, when research clearly demonstrates how immensely damaging it is (Graham-Bermann & Edleson, 2001).
- Some judges focus on fairness to the respondent rather than the safety of women and children when dealing with Protection Order applications (Robertson et al., 2007; Towns & Scott, 2006).
- Some judges dismiss violence to mothers as "situational" violence relating to the ending of a relationship and/or not relevant to children's safety (Boshier & Spelman, 2011).
- Mothers who raise safety concerns are labelled as alienating and frequently punished by having their contact with children reduced (Elizabeth, Gavey & Tolmie, 2010; Elizabeth, Gavey & Tolmie, 2012; Robertson, N., Busch, R., D'Souza, R., Sheung, F. L., Anand, R., Balzer, R., et al., 2007).



4.3 The Leitner Centre also identified a number of factors inhibiting progress. These included: difficulties experienced by both victims and perpetrators of violence in accessing programmes; difficulties experienced by victims in accessing legal aid (not just the funding for legal aid, but also the availability of appropriate legal aid. New legal aid criteria have increased the difficulties for access to the justice system for victims of violence as lawyers can no longer afford to provide legal aid services); and lack of training in domestic violence for key groups, such as judges, police, lawyers and benefits officers. Domestic violence organisations have also identified the disadvantage experienced by women who leave an abuser, including economic disadvantage. (Leitner Centre, 2008).

4.4 Other barriers that have been identified are:

- a paucity of data collection to properly evaluate policies
- the objectification of women by the advertising and pornography industry (Human Rights Commission report to CEDAW 2012).

5. A Bill currently before parliament will further harm women and children

5.1 The Family Court Proceedings Reform Bill currently before Parliament was criticised by submitters, including ourselves, for downgrading the current law's emphasis placed on the safety of women and children (Catriona MacLennan: "Court changes still a threat to kids," NZ Herald, Thursday Apr 4, 2013). The Select Committee Report on the bill has not properly addressed these concerns. While we applaud the use of the Domestic Violence Act to identify domestic violence and children subject to, or exposed to, such violence, the Report supports the abolition of the Bristol clauses which are excellent because they require judges to carry out a risk assessment on children where there are allegations of violence. The abolition of these clauses prevents the requirement of judges to conduct a risk assessment on children suspected of being exposed to or subject to domestic violence.

5.2 The report establishes a greater role for Court Registrars, for example, if respondents don't comply with the requirements of the service providers the registrar must inform the protected person that their safety may be at risk. While we applaud the greater emphasis on accountability and safety this is not an appropriate role for a registrar who is a specialist in the operation of the court, not in domestic violence. The protected person should be contacted by a domestic violence specialist who can assess risk and help her develop a safety plan.

5.3 The new Family Disputes Resolution (FDR) service will be contracted out and Not for Profit and For Profit agencies will be funded to provide the service. It will be mandatory for all parties to use this private service, except where domestic violence is present. The FDR provider will be undertaking the assessment of respondents to ascertain whether or not domestic violence is present. This is not appropriate as most providers of dispute resolution services have no expertise at all in assessing for domestic abuse. In addition, it creates a conflict of interest. The FDR providers have a financial incentive to find that domestic violence is not present, so that the respondent has to use their service.

5.4 The pre-court Family Disputes Resolution process and changes to the Family Court processes will create a more complex system than we currently have. The Chair, Family Law Section, of the Law Society, Gary Collin, says "Under the current system one point of entry provides access to counselling, mediation, Lawyer for the Child, and to the Court. The new system is a complex maze of procedures with different entry points, criteria and exemptions" <http://www.scoop.co.nz/stories/PO1306/S00081/law-society-has-continuing-concerns-with-family-court-bill.htm>.

5.5 The bill also removes the right of a party to choose to be legally represented in all Family Court processes. "New Zealand stands almost alone in limiting access to legal assistance in Family Court processes," Mr Collins says. We note that there are civil and political rights violations here. Under the Bill of Rights Act and under international civil and political rights everyone should have the right to access to the courts and to legal representation. Collins believes that if the changes are implemented, as proposed, it will not create an efficient and effective Family Court system, as the bill leaves vulnerable parties without support when they need it most. "The system will be more expensive and Family Court Registries are not staffed sufficiently to cope with the increased workloads (Ibid)."

6 Reductions in funding for service provision

6.1 There is anecdotal evidence from a number of agencies that funding contracts which commence on 1 July 2013 only provide funding for domestic violence survivors who have children under 17 years old. Domestic violence survivors without dependent children will find it increasingly difficult to find services. In addition to being a blatant breach of women's human rights, this is a breach of the Domestic Violence Act 1995, which states that programmes must be available to all survivors.

7 Dating violence prevention pilot programme implemented

7.1 'Loves Me Not', a dating violence prevention pilot programme began in nine New Zealand secondary schools in May 2013. It has been developed by the Sophie Elliott Foundation (established after Sophie was murdered by her ex-partner), NZ Police, the Ministry of Social Development's It's not OK campaign team, and other experts. Nationwide implementation of 'Loves Me Not' is aimed to be rolled out by 2014 (NZFVCH, 2013). While a small amount of funding for this rollout will be provided by the Sophie Elliot Foundation, given the funding cuts the Government has made in recent years to the social service sector, (Collins, S. 2013) the domestic violence sector is sceptical that the Government will provide enough extra funding in 2014 to cover the country's 2,538 secondary schools.

8 Sexual violence against women

8.1 Sexual violence is also prevalent in Aotearoa New Zealand. It is a highly gendered crime experienced disproportionately by female victims. Perpetrators are overwhelmingly male. 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).

8.2 The impacts and long term effects of sexual violence include:

- 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 counselling.
- Most victim /survivors indicated they had experienced one cost barrier as they tried to feel safer. These barriers included
- 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.
- 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 (Ministry of Women's Affairs, 2012)

9 Government inaction

9.1 In October 2009 the Government released the findings of their two year research into adult sexual assault producing four high quality reports. The reports contained valuable findings and recommendations on how to increase justice for adult sexual abuse survivors in New Zealand.

Key points included:

- The impacts of sexual violence are huge, long lasting and wide ranging. It found that counselling helps greatly- being listened to, validated and rebuilding safety and trust with the right counsellor is the most important support. It also found that support workers need to have specialist knowledge about sexual violence.
- Despite sexual offences being the fifth most common offence reported in the Crime Survey, only 10 percent of sexual offences are reported to the police. Of those reported, eight percent go to a defended trial and result in a conviction, an additional five percent will also plead guilty. Consequently of the 10 percent that are reported, only 13 percent are convicted!
- Research informants consistently identified factors associated with the adversarial system - e.g. cross-examination and the 'beyond reasonable doubt' standard of proof as key reasons why the conviction rate is so low. Survivors have demanded a change to the criminal justice system which currently places them on trial rather than the offenders. (Ministry of Women's Affairs, 2009).

9.2 In spite of these findings there has not been an increase in Government funding for sexual abuse services. In fact existing services are being reduced and closed, even though more and more survivors are asking for help, leaving people with nowhere to go <http://www.scoop.co.nz/stories/HL1207/S00090/gordon-campbell-on-disinterest-in-violence-against-women.htm>.

9.3 There are whole groups of people in New Zealand who do not have the access they need to specialist survivor services to help them recover from sexual violence. Groups like disabled people, Pacifica people and refugees are left with no services to support their specific needs. At the moment funding comes from a wide range of different ministries and the community, with no security or single body in control <http://www.stuff.co.nz/national/crime/8723276/Rape-victims-wait-months-for-help>.

9.4 The New Zealand Government tasked the Law Commission to undertake an inquiry into improving the justice sector response to sexual violence victims. Based on this inquiry the Law Commission made several recommendations to the Government, however the Government took no action in response to the recommendations <http://www.nzfvc.org.nz/?q=node/765>.

9.5 The Government's establishment last year of eighteen Sexual Violence Court Victim Advisors for the entire country is a tiny drop in the bucket, when what is needed is a complete overhaul of the justice sector. Furthermore, while experts recommended that these Advisors be independent of Government, so that they could advocate for their clients without any conflict of interest arising (McDonald, E and Tinsley, Y. 2011), the new positions are employees of the Ministry of Justice.

10 Prevention of violence against women

10.1 The prevention of violence against women, as opposed to early or late intervention, is hopelessly underfunded. Recently the Government has removed funding for health promotion services. These services had been doing the sort of health promotion work with young people that involved the prevention of dating, sexual and domestic violence and they are no longer accessible for this work.

10.2 The government has no strategic plan for addressing violence against women. The last strategic plan was Te Rito, which was implemented in 2002. There is a Taskforce for Action on Family Violence, which is supposed to act at a Ministerial Committee level, but this has been down-graded from CEO status and action plans appear to be adhoc rather than following a clear strategic pathway towards prevention.

10.3 Research funding in this sector, where the cost to the country has been put at up to 8 billion dollars annually (Ministry of Social Development figures from their 'It's Not Okay' website) is also almost non-existent so that research work is accidentally of relevance rather than part of a prevention plan. Statistics relating to this area are increasingly more difficult to access, with the government appearing to silence any talk of this topic despite the Police attending increasing numbers of family violence incidents – last year alone they attended 100,000 family violence related incidents.

11 Conclusion

11.1 The Coalition for the Safety of women and Children requests that the Universal Periodic Review strongly urges the State party, New Zealand, to develop with civil society involvement an Action Plan for Women's Equality with authentic targets and strong accountabilities.

11.2 We request that the Universal Periodic Review strongly urges the State party, New Zealand to recognise violence against women as a gross breach of women's and children's human rights and that women and children have a right to safety and to be free from gender-based violence, coercive control, and exposure to domestic and sexual violence.

11.3 We request that the Universal Periodic Review strongly urges the State party, New Zealand, to make a government-wide commitment to end gender-based violence against women and children and exposure to such violence, by engaging all arms of the Government and all Ministries in the initiative. To achieve this, the Government develops, in collaboration with the domestic and sexual violence sectors and based on international best practice, a comprehensive strategic and implementation plan that recognises the gendered nature of violence, has sustainable long term funding streams attached to it and works to keep women and children safe and hold perpetrators accountable.

11.4 We request that the Universal Periodic Review strongly urges the State party, New Zealand, to ensure that all those working with abused women and children (judges, police, lawyers, social workers, psychologists, other health workers, counsellors, refuge and other support staff.) be required to complete a national training programme with internationally recognised competency standards and that competency standards are maintained and approved on an annual basis. That these training programmes are provided by recognised institutions and produce recognised qualifications.

References

Annan, Kofi (1999) Secretary-General, United Nations speech to the Inter-Agency Videoconference for a World Free of Violence against Women, in New York on 8 March 1999.

Boshier, P., & Spelman, J. (2011). What's gender got to do with it in New Zealand family law? *NZ Family Law Journal*, 7, 61-69.

Campbell, Gordon (2012) in Scoop "On ACC's (and Women's Affairs') disinterest in violence against women" <http://www.scoop.co.nz/stories/HL1207/S00090/gordon-campbell-on-disinterest-in-violence-against-women.htm>

Collin, D (2013) Law Society has continuing concerns with Family Court Bill, Press Release: New Zealand Law Society, <http://www.scoop.co.nz/stories/PO1306/S00081/law-society-has-continuing-concerns-with-family-court-bill.htm>

Crown Law, (2010) Prosecution Guidelines
http://www.crownlaw.govt.nz/uploads/prosecution_guidelines.pdf

Elizabeth, V., Gavey, N., Tolmie, & J. (2010). Between a rock and a hard place: resident mothers and the moral dilemmas they face during custody disputes. *Feminist Legal Studies*, 18, 253-274.

Elizabeth, V., Gavey, N., & Tolmie, J. (2012). The gendered dynamics of power in disputes over the post separation care of children. *Violence Against Women*, 18(4), 459-481.

Fanslow and Robinson. (2004). Violence against women in New Zealand: prevalence and health consequences. *New Zealand Medical Journal* 117 (1206)

Fields, M. D. (2008). Getting beyond "What did she do to provoke him?": Comments by a retired judge on the Special Issue on Child Custody and Domestic Violence. *Violence against Women*, 14(1), 93-99.

Flood, M. (2010). "Fathers' Rights" and the defense of paternal authority in Australia. *Violence Against Women*, 16(3), 328-347.

FVDRC. (2011). *Family Violence Death Review Committee Second Annual Report: October 2009-November 2011*. Family Violence Death Review Committee: Wellington.

Gillis, J. R., Diamond, S. L., Jebely, P., Orekhovsky, V., Ostovich, E. M., MacIsaac, K., et al. (2006). Systemic obstacles to battered women's participation in the justice system: When will the status quo change? *Violence Against Women*, 12(12), 1150-1168.

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.

Herbert, Ruth (2010) Pulling it all together: Family violence and sexual violence in New Zealand", PowerPoint presentation supplied by author.

Human Rights Commission (2012) report to CEDAW

Johnson, M. P. (2006). Conflict and Control: Gender symmetry and asymmetry. *Violence against Women*, 12(11), 1003-1018.

Law Commission (2003). *Dispute Resolution in the Family Court*. Ministry of Justice: Wellington.

Leitner Center for International Law and Justice, (2008) It's Not OK: New Zealand's Efforts to Eliminate Violence Against Women, Fordham Law School NY <http://www.leitnercenter.org/files/doc-17866.pdf>

MacLennan, Catriona "Court changes still a threat to kids," NZ Herald, Thursday April 4, 2013

Ministry of Justice, Report of the Taskforce for Action on Sexual Violence 2009. (Wellington New Zealand)

McDonald, E and Tinsley, Y (2011) From "Real Rape": to Real Justice: Prosecuting Rape in New Zealand, VUPress, Wellington.

Ministry of Women's Affairs (2009) Restoring Soul: *Effective interventions for adult victim/survivors of sexual violence*. (Wellington New Zealand)

Ministry of Women's Affairs (2009) Responding to sexual violence: attrition in the New Zealand justice system

Ministry of Women's Affairs (2009) Responding to sexual violence: a review of literature on good practice

Ministry of Women's Affairs (2009) Responding to sexual violence: pathways to recovery (2009)

Ministry of Women's Affairs (2011) Lightning Does Strike Twice: preventing sexual revictimisation.

New Zealand Family Violence Clearing House, (2012) "Recommendations for sexual offence trials not to be implemented: Judith Collins" <http://www.nzfvc.org.nz/?q=node/765>

New Zealand Family Violence Clearing House, (2013) "Dating violence prevention pilot programme in secondary schools" <http://www.nzfvc.org.nz/?q=node/1123>

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.

Rosen, L., Dragiewicz, M., & Gibbs, J. C. (2009). Fathers' rights groups: Demographic correlates and impact on custody policy. *Violence Against Women*, 15(5), 513-531.

Taskforce for Action on Sexual Violence (2009) *Te Toiora Mata Tauherenga. Report of the Taskforce for Action on Sexual Violence: Incorporating the views of TOAHNEST*. Ministry of Justice: Wellington.

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.

The It's Still Not Ok Group (2010) It's *Still Not OK!*

World Health Organisation, Department of Reproductive Health and Research (2013) Global and regional estimates of violence against women: Prevalence and health effects of intimate partner violence and non-partner sexual violence.