



## Law Commission advice: Reduce court stress for victims of sexual and family violence

Auckland Women's Centre welcomes the recommendations as a small step in the right direction.



*A sign outside the Auckland High Court in November 2014 depicts the 1% of sexual assaults estimated to result in prosecution. Photo: RNZ/Carla Penman*

AWC welcomes the Law Commission's recent recommendations for tighter controls on allowable evidence in sexual and family violence cases - although much more action is required if New Zealand is to significantly reduce the stress of court appearances for victims, and to substantially increase conviction rates for sexual assault.

The Commission's [Evidence Act review](#) recommends further restricting what can be admitted as evidence of a rape victim's sexual history or sexual "disposition", and making a victim's "sexual reputation" completely off-limits. The Commission also wants:

- both family violence and sexual violence victims to be able to record their evidence, including cross examination, before the trial
- judges to be required to intervene when questioning of a witness becomes unacceptable
- and judges to be given advice as to what to do when jurors are affected by myths and misconceptions about sexual and family violence.

The Commission also recommends promoting greater recognition of tikanga Māori in court, as well as ensuring a defendant's rights to a fair trial.

The recommended changes would lower the stress of the court process for victims to some extent and, partially if this enables more victims to give evidence in court, the changes could potentially also lead to some increase in conviction rates for sexual assault. The Law Commission's report was tabled in Parliament in March, and AWC hopes the government will implement its recommended and long-overdue changes as soon as possible.

However, AWC Centre Manager Leonie Morris points out that also implementing more of the 82 recommendations of the Law Commission's earlier [2015 report](#) entitled "The Justice Response to Victims of Sexual Violence: Criminal Trials and Alternative Processes" would better serve victims.

"For years, many of us, including the Law Commission, have been advising that more than 'a tinkering around the edges' is required to remove the chronic injustice offered to victims of sexual and family violence in New Zealand. Real justice will require a vast improvement in processes and resources," she said.

Only an estimated 9% of all sexual assaults in New Zealand are reported to the police ([Ministry of Women, 2009](#)). Of those, the [latest known](#) conviction rate for reported sexual violation is only 13 per cent. A decade ago, around 30% of reported rapes were prosecuted, and around 42% of those cases resulted in conviction; 17% were withdrawn by the prosecution.

### For every 100 sexual violations in New Zealand:

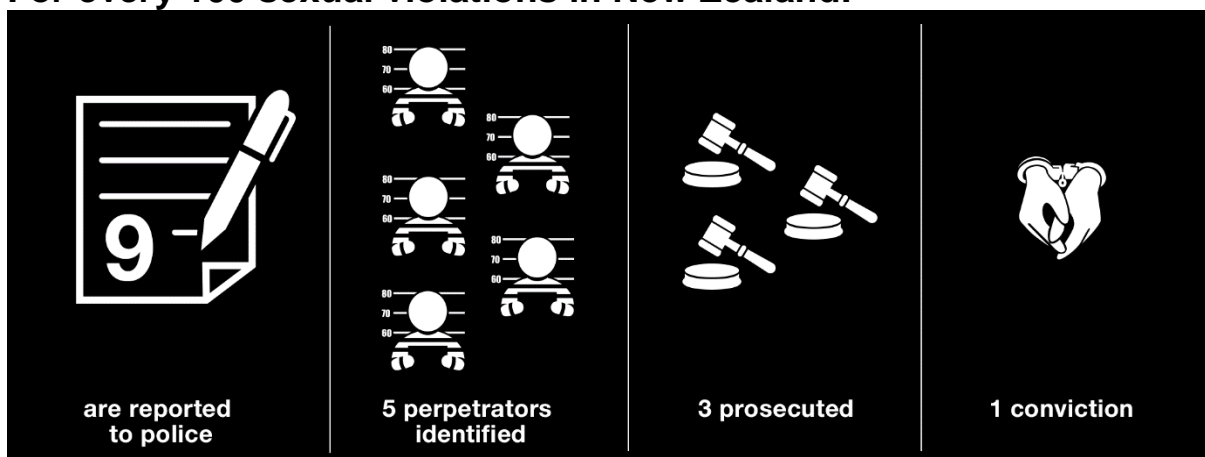


Image: Ashley Goodall for [vice.com](#), using Noun Project icons by parkjusun

Often victims feel advised by police not to progress a complaint because the court process is currently so painful. The *NZ Herald* reported [in May 2018](#) that NZ Police national crime manager Tim Anderson believes that "the system isn't serving our victims well". ■