

Coalition for the Safety of Women and Children

Shadow report to the UPR

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Aotearoa New Zealand

Tēnā 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. We have chosen to limit our recommendations in this report to those specifically concerned with violence against women and children and related gender issues.

Integrated systems

Herbert and Mackenzie ¹ 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:

- Develop one overall integrated system for responding safely and effectively to all women and children who have been abused. Integrate primary prevention services into this system.
- Recognise the links between child abuse and neglect and domestic violence against women and reflect this in policy, funding structures and the integrated system.

¹ 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.

- Improve the child protection social work response to IPV.
- Stop the practice of removing children from their protective mothers 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 is not being appropriately implemented by the judiciary and so, requires updating.
- 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 (Maori 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 the integrated system, for example, establish local service hubs and sustainably resource and support the regional family violence prevention networks.
- Establish formal, transparent mechanisms between Ministers, officials and the domestic/family, whānau and sexual violence sectors, to enable victims/survivors, communities, NGOs, academics and researchers to partner with government and have input to all levels of planning and decision making.

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/Maori/Pacific ethnicities, LGBTQI+ 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 fathers².
- 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, social workers, 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 Maori offending and recidivism with a specific Maori 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 Orders.
- 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.

² Please refer to the joint submission From the Backbone Collective and the Coalition on this issue.

- 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 violence³.
- 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 and women with mental health 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

³ There is a great need for more awareness and investigation of domestic /sexual violence related suicide as very few services are assessing for suicide risk when assessing for violence and/or responding to it.

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 sectors.
- Redefine the domestic violence legislation and how it is enforced to reflect disabled people'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 and to complain about services and responses that are breaching women and children's rights.

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
- Homework's 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 Centre Rodney
- Women's Health Action Trust

Our Mission Statement:

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

Our Coalition Objectives include:

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

Our Statement of Philosophy:

1. The Coalition has a feminist analysis of domestic violence. We understand that the dominant New Zealand culture perpetuates a myth that women are treated as equals to men, while ignoring women's experience of domestic violence, sexism, child abuse, rape, sexual assault, and femicide. We believe that power imbalances at a structural level support male violence toward women and children in Aotearoa. We also believe that domestic violence is caused by individuals who choose to use abusive behaviour, and that these individuals must be held accountable for their own violence and abuse.
2. Domestic violence is highly prevalent in New Zealand. One in three women report experiencing physical and/or sexual abuse during their lifetime by a partner or ex-partner⁴. 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 Fanslow, J., & Robinson, E. (2004). Violence against women in New Zealand: prevalence and health consequences. *New Zealand Medical Journal*, 117 (1206), 1-12.

4. Domestic violence occurs in the often private world of families and thrives in secrecy and isolation. Abuse is not challenged if it is secret. We believe victims of violence are not responsible for the violent behaviour of the offender. The community has a responsibility to challenge domestic violence and support the victims, and bring domestic violence out from the private sphere.
5. Sexual abuse is a common characteristic of domestic violence; however it remains a taboo subject in New Zealand. Our coalition believes that sexual abuse requires supportive responses for victims and sanctions for perpetrators. We endeavour to increase women's ability to address this aspect of domestic violence in a safe way.