



## National Council of Women of New Zealand

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Wahine O Aotearoa

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S16.21

### Submission to CEDAW on the Draft Update of General Recommendation No. 19: Accelerating efforts on gender-based violence against women

#### Introduction

The National Council of Women of New Zealand - Te Kaunihera Wahine O Aotearoa (NCWNZ) is an umbrella group representing 288 organisations affiliated at either the national level or to one of our 20 branches. In addition to our organisational membership, about 260 women are individual members of branches. NCWNZ's function is to represent and promote the interests of New Zealand women through research, discussion and action. This submission has been prepared by the NCWNZ Public Issues Standing Committee. It draws on recent submissions NCWNZ has made relating to gender-based violence, on NCWNZ conference remits, and on Enabling Women's Potential – the social, economic and ethical imperative (2015),<sup>1</sup> a key policy document to which members have contributed. This document highlights that research shows New Zealand will be better off socially and economically if we're gender equal. The reasons for gender inequality are steeped in our history and entrenched in our culture. Violence against women is part of our culture which we need to collectively work to change.

NCWNZ supports CEDAW's goal to accelerate the elimination of violence against women. NCWNZ also supports paragraph 9, p. 4 which recognises that gender-based violence affects women throughout their lives and the inclusion of references to girls as well as women.

#### Prevention

- a) **Adopt and implement effective legislative and other appropriate preventative measures to address the underlying causes of gender-based violence against women.**

**NCWNZ supports Recommendation Prevention 15a) Adopt and implement effective legislative and other appropriate measures to address gender-based violence.**

NCWNZ has been a strong advocate for change in the law relating to family violence and violence against women.<sup>2</sup> On 13 September 2016 the New Zealand Government announced a range of changes to legislation relating to family violence in response to submissions by NCWNZ and others

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<sup>1</sup> NCWNZ, 2015. *Enabling Women's Potential – the social, economic and ethical imperative*. [http://www.ncwnz.org.nz/wp-content/uploads/2015/11/EnablingWomensPotential\\_OnlineViewing-1.pdf](http://www.ncwnz.org.nz/wp-content/uploads/2015/11/EnablingWomensPotential_OnlineViewing-1.pdf)

<sup>2</sup> NCWNZ, 2015. Submission to the Ministry of Justice on Strengthening New Zealand's Legislative Response to Family Violence, 25 September 2015, p.1. S15.23

relating to family violence. These changes include 53 law changes across the Domestic Violence Act, Care of Children Act, Bail Act, Crimes Act, Criminal Procedures Act and the Evidence Act.<sup>3</sup> In addition, there will be resources for better intra-agency information sharing and collaboration.

NCWNZ also considers that gender inequality is an underlying cause of gender-based violence. A recent submission to the NZ Human Rights Commission identified the causes of violence against women as economic inequality between women and men, poverty (especially in households that include young children), alcohol, illegal drug use, unemployment and women's low self-esteem – often driven by negative media images and their lack of societal equity.<sup>4</sup>

**b) Develop and implement effective measures, with the active participation of stakeholders to address the stereotypes, prejudices, customs and practices that condone or promote such violence.**

**NCWNZ supports recommendation Prevention 15b)i - The integration of gender equality content into all levels of education, sexuality education and public programmes that challenge stereotyped gender roles.**

NCWNZ has argued that education of young women and men is a key component of achieving change, especially sex education and the modelling of respectful relationships in schools and in pre-school education.<sup>5</sup> NCWNZ members consider that vulnerable groups (in the New Zealand context - Māori, Pasifika, new immigrants, refugees and those with disabilities) should be resourced to developed strategies appropriate for their communities. NCWNZ welcomes the proposed inclusion in New Zealand legislation of the principle of culturally appropriate responses to family violence.<sup>6</sup>

**c) Adopt and implement effective measures to encourage the media... to eliminate discrimination... including negative and stereotyped portrayal of women and girls.**

**NCWNZ supports recommendation Prevention 15c) i – iv.**

*Enabling Women's Potential*, the 2015 NCWNZ policy and strategy document, includes a section on current gender culture in New Zealand and its negative effects, including highly sexualised representations of girls and women and rape myths that suggest that women are “asking for it” and “deserving to be sexually assaulted”.<sup>7</sup>

NCWNZ considers that: “The media and advertising industries need to improve their understanding of the damage their promotion of sexism and stereotypes can do to everyone, and see the role they can play in positive cultural change”.<sup>8</sup> It regularly comments on media representations of stereotypical view of women and girls.<sup>9</sup>

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<sup>3</sup> Ministry of Justice, 2016. *Safer Sooner: Strengthening New Zealand's Family Violence Laws*. <http://www.justice.govt.nz/justice-sector-policy/key-initiatives/reducing-family-and-sexual-violence/safer-sooner>

<sup>4</sup> NCWNZ, 2015. *Violence Against Women: A Just and Safe Aotearoa*. Response to a request for feedback from the Human Rights Commission on the Action Plan for all New Zealanders, p. 2. S15.11

<sup>5</sup> NCWNZ, 2015. *Enabling Women's Potential*, p.30.

<sup>6</sup> Ministry of Justice, 2016, page 8.

<sup>7</sup> NCWNZ, 2015. *Enabling Women's Potential*, pp. 28-30.

<sup>8</sup> *Ibid*, p. 30.

<sup>9</sup> See for example: Enough is a enough New Zealand – NCWNZ press release 5.8.16 <http://www.ncwnz.org.nz/enough-is-enough-new-zealand-its-time-to-promote-positive-gender-culture/>

- d) **Provide mandatory, recurrent and effective capacity-building, education and training for the judiciary, lawyers and law enforcement officers... to equip them to address gender-based violence.**

**NCWNZ supports recommendation Prevention 15 d)i-iii.**

NCWNZ considers that the Independent Police Conduct Authority's report released on 19 March 2015 indicates the urgent need for police family violence training.<sup>10</sup> This need was reinforced in a further submission by NCWNZ in September 2015.<sup>11</sup> This training should focus on taken for granted assumptions about gender, include attention to intersections between gender and other forms of inequality, and consider the requirement for state agencies and their employees to prevent gender-based violence. NCWNZ welcomes proposals that Police Safety Orders are used more effectively to intervene earlier when there are long-term risks of family violence.<sup>12</sup>

Anecdotal reporting has indicated that in some cases the police issue a verbal warning to the perpetrator after an extreme act of violence against a woman rather than charge the offender. This may be the outcome of pressure on the NZ Police to reduce violent crime statistics.

**Provision of Protection and Redress**

- a) **Adopt and implement effective measures to protect and assist women complainants and witnesses of gender-based violence before, during and after legal proceedings.**

**NCWNZ supports recommendation Provision of Protection and Redress 15a)**

New Zealand has the highest reported rate of intimate partner violence in the developed world and women are most frequently the victims of this violence.<sup>13</sup> NCWNZ has been critical of the Domestic Violence Act 1995, the implementation of this legislation, the limited resourcing of support services and the training of the judiciary and police. The operation of protection orders has been a major source of concern, especially the requirement that women victims must initiate protection orders.<sup>14</sup> NCWNZ welcomes proposals to make it easier to apply for protection orders through the use of simpler application forms and allowing approved non-governmental organisations to apply for protection orders when victims are particularly vulnerable or fearful of retaliation.<sup>15</sup> NCWNZ welcomes plans directed at making protection orders more effective through directing perpetrators to attend non-violence programmes, giving the court greater powers to protect victims, allowing the NZ Police to share information with other agencies and more careful monitoring of risk when protection orders are discharged.<sup>16</sup>

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<sup>10</sup> See Roastbusters' victims let down by Police – IPCA finds <http://www.ipca.govt.nz/Site/media/2015/2015-Mar-19-Roastbusters-.aspx>

<sup>11</sup> NCWNZ, 2015. Submission to the Ministry of Justice on Strengthening New Zealand's Legislative Response to Family Violence, 25 September 2015, p.1. S15.23

<sup>12</sup> Ministry of Justice, 2016, p. 9.

<sup>13</sup> Ministry of Justice, 2015. Strengthening New Zealand's legislative response to family violence: A public discussion document, pp. 4-5.

<sup>14</sup> NCWNZ, 2015. p.3. S15.23

<sup>15</sup> Ministry of Justice, 2016, p. 9.

<sup>16</sup> Ibid, p. 10.

NCWNZ has also recognised that violence against animals in the home is a dimension of family violence. It supports the application of protection orders to include the protection of animals.<sup>17</sup>

**b) Address factors that heighten women’s risk of suffering gender-based violence....**

**NCWNZ supports recommendation Provision of Protection and Redress 15c)**

NCWNZ recognises that women and girls are often at increased risk of gender-based violence in conflict zones and where there are high levels of access to weapons. This is not a major threat in New Zealand, however, girls and women in the households of gangs more frequently experience gender-based violence. Māori women are also disproportionately represented in official victim statistics. Women in Pacific and ethnic immigrant communities are also over-represented among victims of reported family violence.<sup>18</sup>

**c) Provide effective reparation to women victims/survivors of gender-based violence.**

**NCWNZ supports recommendation Provision of Protection and Redress 15c)**

New Zealand’s Victims’ Rights Act does not guarantee victims reparation for harm as a result of gender-based violence. However, the Accident Compensation Commission does provide medical and psychological services and a degree of compensation when there has been significant damage to the victim. The Court can order an offender to pay a victim money if they have suffered emotional harm or had property damaged or lost as a result of a crime – including domestic/intimate partner violence. NCWNZ considers that governments should meet the medical, psychological and material needs of girls and women who experience gender-based violence, including intimate partner violence. Medical, psychological and material support should be the right of victims/survivors and not depend on a perpetrator’s capacity to pay.

**d) Disseminate accessible information aimed at women, in particular those affected by intersecting forms of discrimination...**

**NCWNZ supports recommendation Provision of Protection and Redress 15d)**

NCWNZ members overwhelmingly support the need for accessible information aimed at women and appropriate information and forms of support for different groups of girls and women. In New Zealand this entails specific information and support for women and girls in Māori and Pasifika communities as well as new immigrant and refugee communities, elderly women and women and girls with disabilities. There should also be better financial support for appropriate non-governmental organisations.<sup>19</sup> NCWNZ members are involved in gathering and distributing what has been learnt through research in relation to violence experienced by women and girls who experience intersections between gender and other inequalities, including girls and women with disabilities.<sup>20</sup>

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<sup>17</sup> NCWNZ Remit 12.2.3.10.

<sup>18</sup> Ministry of Justice, 2015, pp.13-14.

<sup>19</sup> NCWNZ, 2015. Submission to the Ministry of Justice on Strengthening New Zealand’s Legislative Response to Family Violence, p.6. S15.23

<sup>20</sup> NCWNZ, 2015. Violence Against Women: A Just and Safe Aotearoa. Response to a request for feedback from the Human Rights Commission on the Action Plan for all New Zealanders, p. 4. S15.11

## Data Collection and Monitoring

- a) Develop and evaluate all legislation, policies and programmes [in]<sup>21</sup> consultation with civil society organisations, in particular women's organisations....

### NCWNZ supports recommendation Data Collection and Monitoring 15a)

NCWNZ, in association with its national member organisations, regularly comments on legislation relating to violence against women. NCWNZ is establishing an annual monitor which will assess progress towards a gender equal New Zealand.

- b) Establish a system to collect, analyse and publish statistical data on the number of complaints about gender-based violence against women...

### NCWNZ supports recommendation Data Collection and Monitoring 15b)

NCWNZ members support the development by the NZ Government of a comprehensive system of recording and analysing data related to violence against women with data disaggregated by sex, type of violence and the relationship between perpetrator and victim. This will assist in identifying the extent to which violence is occurring and the relationships within which it occurs.<sup>22</sup>

- e) Set up a mechanism or body, or mandate an existing mechanism or body, to coordinate, monitor and assess regularly the implementation and effectiveness of the measures... to prevent and eliminate all forms of gender-based violence against women.

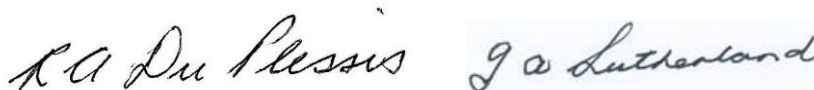
### NCWNZ supports recommendation Data Collection and Monitoring 15e)

In 2015 NCWNZ prioritised the development of a National Strategy on Violence Against Women in a submission to the Human Rights Commission.<sup>23</sup> Members considered that effective implementation of legislation relating to domestic violence required better collaboration across Government agencies and between these agencies and non-governmental organisations working in this field. They submitted that this collaboration should be monitored.

NCWNZ has consistently argued that action on violence against women requires a holistic approach that addresses the causes of gendered violence, better legislation and financial support for non-governmental, community-based organisations engaged in prevention, protection and action to change the behaviour of perpetrators.



Rae Duff  
National President



Rosemary Du Plessis and Judith Sutherland  
Conveners, Public Issues Standing Committee

<sup>21</sup> 'In' should be inserted into the text at this point.

<sup>22</sup> NCWNZ, 2016 Submission to the Law Commission on Issues Paper 39 – Victims of family violence who commit homicide, p. 7. S16.01

<sup>23</sup> NCWNZ, 2015, p. 1-2. S15.11