



## NCIWR Submission on Sections 176, 177, and 178

### Introduction

1. The National Collective of Independent Women's Refuges (NCIWR) is a non-governmental organisation delivering services to women and children affected by domestic violence in New Zealand. NCIWR provides support, advocacy, legal, and health services to 16,507 clients annually. 52 percent of these are women, and 48 percent are children. Last year, 2,852 women and children needed to be admitted into our safe houses to protect them from ongoing violence.
2. Please note we wish to appear before the Select Committee for this Bill.
3. NCIWR considers the principles underlying the proposed amendments to the legislation, and Section 70A of the legislation preceding it, as concerning, discriminatory, and harmful to vulnerable populations.
4. Women's Refuges frequently work with women who are struggling financially, and for whom sanctions to incomes that are already barely subsistence-level would cause significant financial distress. We further note that their children suffer the consequences of these sanctions disproportionately. Moreover, for families who are facing multiple and intersecting issues, additional financial stressors can become catastrophic. This will be discussed further below.

### Sections 176 and 178

5. NCIWR notes that in accordance with the current Section 70A and the proposed Sections 176, 177, and 178, a \$22-\$28 sanction may be imposed on women who are receiving a benefit if they do not identify the father of their child/ren. We invite the Select Committee to consider the approximately 17,000 children whose family incomes are being actively deducted from in accordance with Section 70A, who, inarguably, cannot be blamed for the recording of parental details and yet are the primary victims of punitive social security policies. We further urge the Committee to consider whether these children should be victimised as a result of their fathers' situations or of the situations in which they were conceived, which act as precursors for the activation of Section 70A (and the proposed amendments of Sections 176, 177, and 178 of the Bill).



6. The affiliated Refuges of NCIWR are closely acquainted with the impacts of poverty. Many of our clients who receive benefits struggle to retain their housing, and are barely able to meet their weekly financial commitments, with little to nothing left over for additional or unexpected costs such as school uniforms, doctors' visits, or schooling costs. While families with two employed parents may be able to cover a \$22-\$28 shortfall with little difficulty, it is probable that for households with children who are dependent on receiving full benefit entitlements, the deduction of such an amount will increase risks of being unable to provide adequate food, being unable to pay for costs such as petrol or bus fees for getting children to school, or being unable to pay the full amount of rent. Given the number of families receiving benefits who are entitled to but not receiving subsidized housing, this presents a very real threat to the welfare of children of beneficiaries. Consequently, NCIWR invites the Committee to consider the welfare of the children as paramount, and to recognise that children will be (and are being) unfairly punished through the implementation of sanctions that reduce the likelihood of children's welfare needs – such as food, clothing, education, and housing – being met.
7. Section 178 appears to be included for the purposes of increasing the punishment for women who appear not to be adhering to the policy of naming non-custodial parents. NCIWR considers this to be problematic for a number of reasons, the most prominent of which is the assumption that increasing poverty will inevitably correlate to increased adherence to the policy. We argue that it is unlikely to force compliance, and that increasing the amount deducted after a period of time will simply exacerbate financial stress and the corresponding detrimental effects on women and their children.
8. We note that at the end of March 2016, there had been 2,768 sole parents who had been subjected to sanctions for more than one child, in some cases receiving up to five additional sanctions. As discussed above, the financial consequences of this policy on these parents is overwhelming, and their corresponding ability to provide for their children's primary needs substantially reduced as a result, creating a poverty cycle from which any parent would find it difficult to extract themselves. We therefore urge the committee to consider the likely impacts of sanctions that reach over \$100 per week (often, as also discussed, for situations beyond the control of the parent) on parents whose weekly income is already minimal.

### Section 177

9. We argue that non-adherence to the policy of identifying the non-custodial parent is likely to



occur from one of two avenues: firstly, the reluctance to expose what could potentially be extremely personal, intimate information; and secondly, a lack of resources necessary to fulfil this obligation.

10. As explicated in the policy, women must obtain documentation to prove that they meet the criteria that excuses them from having to identify the non-custodial parent (father); namely, being unable to identify him, being in the process of identifying him, being at risk of violence if he is identified, and the child being conceived through rape or incest. This is notably challenging for many mothers. In the experience of women's refuge workers, not disclosing the identity of a child's father is often associated with complex and interweaving issues (for example, cultural norms and shame, non-documented situations of rape, or the risk of social exclusion). We consider that the likelihood of mothers withholding this information without significant reasons is minimal.
11. NCIWR argue that the institution of the policy fails to account for the complexities involved in situations of family and sexual violence. Mothers whose children were conceived in situations of rape or incest, or who are at substantial risk from biological fathers if they are named, are often unable to articulate this or have this recognized by way of formal systems. Even the prospect of discussing situations of rape or other violent trauma can be extremely distressing (and often simply unrealistic) for victims of violence. We feel that this policy fails to account for this, and argue that the difficulties of disclosing any type of abuse should be considered.
12. NCIWR is aware that many pregnancies result from rape or incest, and, equally, that many pregnancies occur within a violent context where the woman has very few options of escape. We therefore contend that when instituting a policy that impinges on women's privacy and autonomy in decision-making regarding when and to whom they choose to disclose this abuse, these complicating factors should be taken into account and that the potential for punitive responses to non-disclosure should be proactively minimized.
13. NCIWR further argues that to instruct women who are applying for an exemption from the requirement to identify the non-custodial parent to validate this claim by way of a letter from a lawyer is unrealistic and fails to recognise the difficulties inherent in accessing resources such as legal help. Women in very low-income households, many of whom are balancing childcare and other responsibilities and who may be constrained through additional social issues, are likely to encounter challenges in accessing legal help. NCIWR has found that women beneficiaries are



often unaware of how to access legal assistance, do not know that they may be eligible for legal aid, and often lack the necessities (i.e. money for petrol or transport) to get to a lawyer. This, in combination with benefit sanctions, then precipitates a downward spiral of financial desperation, with resources further limited by sanctions and these sanctions unable to be lifted because of a lack of resources.

14. We invite the Committee to consider the worst situations in which the conception of a child could occur, and to then consider being the mother of that child and being requested to explain, defend, and validate that situation to others in order to maintain the income necessary to care for that child. NCIWR regards this requirement as unnecessary and insensitive.

### Problematising Sole Mothers

15. NCIWR sees the existing Section 70A, and the proposed amendments Sections 176, 177, and 178 as being discriminatory against women. Women are disproportionately the custodial parents of children, and are disproportionately suffering from poverty. The policy of sanctioning mothers who, for reasons unable to be validated, cannot or will not identify the non-custodial parent further marginalizes women who are already struggling to provide for their children, often with little practical help or support. It also explicitly positions women as being solely responsible for the involvement or otherwise of men who fathered their children, and implies a moral judgement on women who cannot relate the details of a child's conception, without due regard for the wide range of circumstances which might preclude this.
16. We further argue that the policy operates on an assumption of dishonesty, rather than a more correct assumption that sole mothers have already been disadvantaged and are demonstrating legitimate need.

### Conclusion

17. NCIWR would like to see the existing Section 70A, and the proposed Sections 176, 177, and 178 abolished, on the basis that it is ineffective, arguably discriminatory, negatively impacts children, and causes additional financial hardship for sole-parent families.