

Shadow Report to CEDAW from the National Collective of Independent Women's Refuges

May 2012

Introduction

Please accept this report as part of the participation by New Zealand's Non-Governmental Organizations for the 52nd session of the COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW)

We are very pleased to present this shadow report which considers New Zealand's implementation and commitment to the Convention on Elimination of Discrimination against Women from the perspective of the National Collective of Independent Women's Refuges.

Who we are

The National Collective of Independent Women's Refuges is New Zealand's leading and largest non-government organisation delivering services and support to women, children and their families who have been victims of violence.

We are made up of 44 affiliated refuges, supported by a National Office and a governing body.

We have a National Office situated in Wellington, with approximately 7 full-time staff plus 4 permanent part-time positions. National Office services the needs of member Refuges, by administering the National Contract, providing assistance and advice about administration, organisation, training, policy and quality control via service development.

Refuges provide a raft of services including:

- 24 hour crisis phone lines.
- 24 hour access to emergency accommodation.
- Home visits and community support.
- Education and support groups.
- Information on legal issues, benefits, safety options and housing.
- Policy development, advocacy and training at a national level.

In the 2010/11 financial year:

- Provided over 27,500 different sorts of services to women and children across New Zealand in their homes, communities and within our own safe houses.
- Answered 60,565 phone calls on our crisis lines (one every 9 minutes).
- Provided the equivalent of 83,996 bed nights to women and children for an average stay of 27 days.
- Employed around 500 paid staff and 500 volunteers.

Why we have decided to write our own shadow Report

In the past we have participated in the shadow report presented by the National Council for Women. While we have provided information to the National Council for this round (which we won't duplicate in this paper), we believe that the situation for women in New Zealand (in terms of family violence but also more widely) is such that an individual submission is warranted.

Additionally, the information provided to the Council is dated and we wanted the chance to present information since their deadline.

Issues of concern

General Comments

We remain very concerned about the level and nature of domestic violence in New Zealand. In 2011, there were 86,710 family violence related call outs made to the Police. This represents an increase of 2.5% from the previous year. While this figure is in and of itself concerning, it is even more alarming that the Police believe that they only see 20% of the actual family violence happening in New Zealand. 80% of family violence remains unreported. We are also very concerned that well under half of the 86,710 call outs resulted in an offence/crime.

Over the past 5 to 8 years, efforts have been made to raise awareness around family violence. This has mainly been done via a public marketing campaign called "It's not Ok" and through some work with the media and local government.

Lack of Commitment

However over the last 2 to 3 years commitment to domestic violence at nearly all levels has tapered off.

- There appears to be a move to 'decriminalise' domestic violence. This is reflected in the decreasing number of family violence offences (despite higher than ever demand for Police services) and subsequent arrests.

- We are concerned that the language of intimate partner or domestic violence appears to be watered down in government policy work. Instead there appears to be a preference for the catch all phrase 'family violence' which we believe waters down and minimizes the different forms of violence.
- The Government is focused on violence against children which we agree is a significant issue in New Zealand. Last year, the Government consulted on a Green Paper for vulnerable children. The options did not allow for a link to be made between vulnerable children and intimate partner violence. While we have urged the government to link child abuse and domestic violence, this has fallen on deaf ears.
- Despite the Government's Status of Women in New Zealand CEDAW Report 2010 noting on paragraph 160 the Ministerial Group's lack of tolerance for family violence, the lack of commitment of this Group is obvious. The Ministerial Family Violence Group has not met with each other since the last general election in November 2011. The Minister of Women's Affairs noted in our meeting with her in April 2012 that she was unaware of any meetings of this Group coming up. This is a group of Ministers with portfolios which can all be said to be impacted by family violence. Joint meetings allow for high level oversight and co-ordination and it is very concerning that this is not happening.
- While the Government touts the Taskforce for Action as a key plank in its family violence commitment, this does not play out in reality. We note the Government's Status of Women in New Zealand CEDAW Report 2010 (paragraph 166, 167, 168, 169) relies on the existence of the Taskforce as a key Government response to address family violence.
 - The relevant Minister has met with Taskforce for Action on Family Violence once in the last 3.5 years.
 - While once the Taskforce for Action was populated by departmental Chief Executives, membership has now been handed to 3rd or 4th tier managers who do not have the mandate to make decisions on behalf of their ministry. This undermines the whole purpose of the Taskforce which was to ensure a high level, co-ordinated response to family violence in New Zealand. It should be noted that community members are represented at the Chief Executive level.
 - Despite the Government's Status of Women in New Zealand CEDAW Report 2010 noting on paragraph 163 that domestic violence in New Zealand is gendered in nature, the Government (and the Taskforce) does not focus on gendered violence in any substantive way.
- Public awareness coverage is at best sporadic. The 'It's Not Ok' campaign has lost momentum.
- During the 2011 Rugby World Cup, New Zealand's biggest ever sporting event the Government refused to support any extra ordinary family violence prevention and awareness raising work. This was despite international research that big sporting events can correlate

- with a rise in domestic violence.
- In the face of a growing need for support, Women's Refuge faced cuts to its baseline funding for the first time in its history in 2011. While other funding mechanisms were made available, they were one off and short term.
 - Women's Refuge struggles to get meetings with some relevant Ministers often waiting months for an appointment.

Minister of Women's Affairs

We are very disappointed that the Minister of Women's Affairs sits outside Cabinet. It signals a complete lack of commitment to women's issues. We note that the CEDAW Committee has previously urged New Zealand to work towards mainstreaming gender perspectives in to all national plans and the like. One of the obvious ways to do this would be to have the Minister of Women's Affairs sitting in Cabinet so she could influence all policy decisions from a gendered perspective.

Police Statistics

a) Collection of Family Violence Data

On 2 April 2012, we were advised via the media that the Police had decided to no longer distinguish between family violence and non-family violence-related offending. The decision was made public via a question and answer page of the Police's website.

The police website states...

"Family violence-related offences are no longer specifically identified in the official statistics for recorded offences because changes in recording practices and systems over time have affected whether or not a recorded offence is flagged as family violence-related.

In order to produce meaningful statistical information, data must be recorded in a consistent way. Therefore, comparisons over time in Police family violence statistics are ambiguous and not meaningful for official purposes".

We believe the collection and publication of family violence data is essential in order to monitor progress and target resources from year to year.

We are extremely disappointed with this decision on several levels.

1. We were not consulted on the decision.
2. Despite being the largest domestic violence provider in New Zealand we were given no advance warning of the decision or explanation as to why the decision had been made.

3. The decision was not discussed at the Taskforce for Action on Family Violence.
4. When we took the matter to the Minister of Women's Affairs she noted she was unaware of the decision.

Subsequent to the announcement, and after high levels of media attention, the Police gave us additional information as to why the change has been made. Their position is that New Zealand is changing its data collection and presentation to align with Australia.

Following a meeting with the Commissioner of Police, we have also been advised that family violence specific data will be made available to Women's Refuge on request.

However, we believe the data should be made publically available for all New Zealanders to view and not just to a select view, on request. Furthermore we query how marrying data collection and presentation with Australia will work in a New Zealand context where we have our own domestic violence laws etc.

b) Gap between police attendances and arrests.

We are very concerned about recent trends in family violence offences. The table and graph below, illustrate how police attendances at a family violence call how is tracking with the number of actual offences being registered.

In 2011, the New Zealand Police attended 86,710 family violence call outs yet only registered 39,983 offences. What this shows is that while Police are attending more family violence calls outs than ever (an increase of 2.5% over the last year), they are walking away from these events without considering the event to be a crime more often than not (a decrease of 5% over the last year). Less than half of all POI 400 occurrences result in an offence.

When these statistics came out in April 2012, the deputy Police Commissioner noted in the media that 'while the Police were going to more family violence events than ever, they were finding the violence to be low level offending'. We assume from this that the Police have decided not to arrest for 'low level' offending.

We have no idea what constitutes low level offending in a family violence context. We presume low level violence is still violence which is still 'violence' (and a crime) under the Domestic Violence Act. We are concerned that the Police have changed the threshold for what constitutes a crime and that this is resulting in much better statistics.

We know that what can appear to an under trained officer as a low level offence such as a threat or emotional abuse can in actual fact be very serious examples of domestic violence. Many women are terrified for the safety of themselves and their children because they live in a state of fear brought about by threats of physical harm. He may never lift a finger - the threat is enough.

2005	2006	2007	2008	2009	2010	2011
	61,797	69,932	72,764	78,993	84,673	86,710
29,756	32,688	40,620	44,633	45,661	42,108	39,983



We believe this trend marries the concerns raised by the Auckland Coalition for the Safety of Women and Children in their October 2011 report to you (page 3) that it appears that the Government (via Police operational changes) are not ensuring that *all* violence against women is effectively prosecuted and punished.

Domestic Violence

We support concerns raised by the Auckland Coalition for the Safety of Women and Children in their October 2011 to you (Page 8) that despite a steady increase in family violence incidences the number of protection orders issued is falling. The Families Commission published a report in 2009 (Family Violence Statistics Report) that shows a decrease in protection orders issued from 1999 to 2008.

Welfare Reform

In March 2011, the Government introduced the Social Security (Youth Support and Work Focus) Amendment Bill. It is the first stage in a significant overall of New Zealand's welfare system. Many (in some cases most) of the changes will impact on women.

There are several areas of concern to note. First, the Select Committee gave 11 working days (with Easter in the middle) for submissions to be made on what is a significant proposal. Given the changes proposed in the bill will impact on thousands of vulnerable New Zealanders (mainly women) we believe the Government has cut off the opportunity to encourage thoughtful, considered and well constructed submissions. We believe the short time frame is particularly unfair and shameful given the number of vulnerable lives the changes will affect. The Government should have gone to genuine lengths to seek the views of those young people and solo parents who will be most impacted by the new law.

The second issue is more ideological in nature. We believe much more must be done to raise the standard of living of New Zealanders. It is unacceptable so many New Zealanders (particularly children) live in poverty and we acknowledge the poor social outcomes attached to this. However, rather than focus on job creation and training opportunities, the new legislation is punitive in nature. It sees the problems as welfare, not a faltering economy. It targets women with children and sets work testing provisions in an economy with high unemployment and limited part time, flexible jobs.

The changes undermine a women's right to choose how she parents. It undermines the right a woman has to breastfeed in the first few years of her child's life.

We are concerned the main motivation of the welfare reform appears to be about saving money rather than lifting the standard of living of our most poor.

Specific Concerns that impact on women

- We note that the age of eligibility for Domestic Purposes Benefit (DPB) sole parent, DPB for care at home of the sick and infirm, sickness beneficiaries with dependent children, and unemployment beneficiaries with dependent children, has been raised to 19. This appears inconsistent with the standardisation of other age eligibility in other regards - voting, alcohol purchase, marriage without parental permission etc can all happen at 18.
- The Bill has new work-test provisions for those with dependent children that mean sole parents be available for part-time work when their youngest child turns 5 (with the exception of those who have an additional child while on benefit), and full-time work when their youngest child turns 14.
- For a new applicant for domestic purposes benefit whose youngest child is already aged 5, the work test will kick in upon the grant of the benefit. A separation is often a traumatic time for parents, with issues such as relationship, property and childcare arrangements to be negotiated, and the requirement to look for work immediately on separation will add to the stress that such newly separated people face.
- Although the government has said those who are leaving violent

relationships will have an exemption - we are concerned that it is not well promoted and has a poor take-up. Women are often unlikely to disclose they are leaving a violent relationship. Women's Refuge is very concerned that tightening the work test for sole parent beneficiaries may encourage women to stay in violent relationships for fear of being unable to meet the work test requirements.

- Clause 34 of the Bill proposes that parents who have an additional child while on benefit, be required to meet work expectations based on the age of their previous youngest child, once the new-born turns one year of age. This will effectively force such parents to place a child into childcare from the age of 12 months. This is likely in some instances to be detrimental to the parent-child bonding relationship and to the child's development and in most instances will preclude the choice of breastfeeding past the age of 12 months.

A final note – parenting is work. Its one of the most important things we do in life. We need to support people, in work or out of work, to be able to parent their children to give them the best start in life.

Legal Aid Reform

Reforms to New Zealand's legal aid system have been happening over the past few years. Legal aid ensures that low or no waged New Zealanders can access the justice system. We have regularly raised concerns about cuts to legal aid entitlements.

A recent concern involves the proposal announced on 21 March 2012 that the Ministry of Justice intends to introduce fixed fees for legal aid related to ACC. Among other injuries, ACC covers injuries caused by sexual assault or abuse. The term 'injury' is tightly defined.

According to the New Zealand Law Society there are only 13 lawyers in New Zealand who regularly undertake legal aid work in this area and this number may drop if cuts to the legal aid rate occur.

We concur with the President of the Law Society when he notes that these cuts would affect vulnerable people who have serious and/or complex medical problems. ACC cases are often complex and time intensive and demand specialised representation to ensure a fair and just outcome.

We understand that the net cost of ACC legal aid was just over \$1 million in 2011, constituting just 0.6% of the total net legal aid cost. We have written to the Minister to balance the negative impact to claimants, including limiting their right to access justice, with these relatively small savings.

Sexual Violence

We would like to reiterate concerns raised about the Government's lack of commitment to the sexual violence sector in New Zealand.

- Sexual violence against children in New Zealand happens on a daily basis and affects approximately 1 in 4 girls and 1 in 8 boys under the age of 16 years.
- The New Zealand Treasury estimated that sexual violence directly cost the economy \$1.2 billion in 2003-2004, and the cost now could be as high as \$7.5 billion per year.
- We are concerned that the Taskforce for Action on Sexual Violence was disbanded with very few of its recommendations implemented.
- The sector's capacity to prevent and deal with the high levels of sexual violence has been diminished in the last two years – especially since the withdrawal of \$6 million per annum of counseling support from \$10.6 million in 2007/2008 to \$4.5 million in 2010/2011 (source: Dr Kim McGregor).

Paid Parental Leave

In April 2012, a member's bill proposing to extend paid parental leave was pulled out of the ballot. The bill proposes to incrementally extend paid parental leave from the current 14 weeks to 26 weeks.

New Zealand's paid parental leave entitlements are among the lowest in the OECD and several studies, including one by the prime minister's chief science adviser, Sir Peter Gluckman, have shown the benefits of mothers spending extended time with their babies.

A Department of Labour report found 75% of mothers wanted to take a year off work but financial pressure made them return earlier. Furthermore, the Ministry of Health recommends that mothers breastfeed for at least six months. The World Health Organisation's recommendations around breastfeeding are for exclusive breastfeeding for 6 months and supplemented breastfeeding for two years.

There has been a strong and positive response to the bill with all political parties (with the exception of ACT and National) indicating their initial support. This would give the bill the numbers to send it to select committee for wider consideration (including from members of the public etc).

The Government responded by announcing they would enact a rarely-used power to veto the bill. This is a disappointing move, especially as the bill has not even had a first reading, let alone the chance to be debated by the wider public.

Of additional disappointment and concern have been comments made by the Chief Families Commissioner. The Families Commission has always been actively supportive of the paid parental leave scheme and we believe that the position of the Commission has not changed, including its extension. However comments made by the Chief Commissioner appear to contradict his organisation's stance.

The Chief Commissioner, Carl Davidson, noted

"So it's in the country's interests as well to make sure that women can discharge their parenting responsibilities in that early period ... so they can go back and be economically productive once ... those early weeks of child-raising are done."

We believe the Chief Commissioner's comments contradict the Commission's role in New Zealand. The Families Commission is the country's key organisation advocating for the position of families. It exists to encourage debate about family issues in New Zealand, not stop debate before it even happens. On its website it notes that it is....

'a voice for New Zealand families and whānau. We speak out for all families to promote a better understanding of family issues and needs among government agencies and the wider community'.

Going back to work for new parents is never easy and is often very hard on the whole family unit. Just because a parent goes back to work following the birth of their child does not mean their parenting obligations are discharged. The decision is generally not made lightly and is generally coupled with guilt and worry and anguish. Child care is expensive and not readily available. Most women return to work because they simply can not afford not to.

The Government's decision to veto this bill before it is even discussed undermines its commitment to breastfeeding (article 12 health).

Local Government Reform

On 19th March 2012 by the Prime Minister and the former Minister of Local Government announced some significant reforms to local government in New Zealand.

The reforms include refocusing the purpose of local government, introducing fiscal responsibility provisions, strengthening governance and facilitating council amalgamations.

In essence, the central government wants local government to 'stick to its knitting'. Over the past few decades local governments have been very involved in responding to community concerns that 'national governments fail to address' (Associate professor Christine Cheyne, March 2011).

Associate Professor Cheyne goes on to note that:

"Without local government leading local action, many initiatives around, for example, climate protection, biodiversity restoration and waste management would not have been implemented. The same can be said for a host of complex social and economic challenges."

It has been noted that one of the areas deemed inappropriate for continued

local government involvement is family violence (New Zealand Herald and the Manawatu Standard 20 March 2012).

We have some real concerns about these proposals. First, strong local democracy is widely recognised as enhancing democracy at all levels. Local government leadership and involvement has also been seen as pivotal in addressing social and economic concerns.

We believe that local government plays an important part in raising awareness and understanding of family violence. Indeed it has been one of the key successes of the Taskforce for Action on Family Violence. Under the auspices of the 'It's Not Ok' campaign, many councils and mayors have already successfully partnered up with central government to promote the message family violence is not okay.

It would be a significant loss to the family violence sector if local government was forced to move away from its commitment to addressing family violence in its communities. In recent years, local politicians have been the only politicians to speak out publically against family violence. Asking them to refrain from doing this in future sends a message that family violence is not important. It denies how damaging family violence is to any given community too.

Women and children living in poverty

Women's Refuge has a long standing interest and commitment to the addressing poverty in New Zealand.

While the Government has expressed a concern about vulnerable children, they have failed to make the link that to look after our most vulnerable children, it is fundamental we look after their mother/parents.

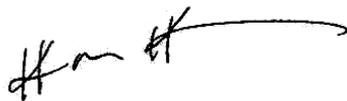
We see how poverty impacts on the women and children we work with every day. Financial concerns are a real barrier for women leaving violent relationships. And often they leave only to enter in to a new life of entrenched poverty where they live in sub-standard state housing, struggle to afford quality childcare etc. The social and economic deprivation involved is staggering and leads of a raft of problems including physical and mental health issues, repeat joblessness.

Some key points to note:

- Women and children are exponentially impacted by poverty in New Zealand.
- Approximately a quarter of a million New Zealand children live in poverty.
- An August 2011 Report (commissioned by a not for profit organisation called Every Child Counts) found that New Zealand has one of the poorest rates of investment in the first years of our children's lives in the OECD.

- The Report also found that New Zealand is one of the poorest performing countries in the OECD in terms of outcomes for children (28th out of 30 countries).
- New Zealand is second to last in child health and safety rankings of 30 OECD countries, with only Turkey worse.
- The cost of our poor investment in children is high (around 3 percent of GDP or \$6 billion per year).
- Health implications are especially damning:
 - In 2011 25,000 children were admitted to hospital for mainly preventable respiratory infections.
 - Rheumatic fever and scabies are common place- diseases now rare in Europe.

Thank you for the opportunity to present this information.



Heather Henare
Chief Executive