



Alternate Report to CEDAW

Introduction

1. The National Collective of Independent Women's Refuges (NCIWR) is New Zealand's largest domestic violence organisation. NCIWR provides support, advocacy, safe accommodation, legal, and health services to 26,699 clients annually (47% women, and 53% children). Below, we outline the key issues that affect our client group, and our recommendations for the Committee to consider.

Current Issues

Men's violence against women

2. New Zealand has an extraordinarily high rate of violence against women, with one in three women being subjected to physical or psychological violence by an intimate partner over the course of their lifetime¹. Both child sexual abuse and adult sexual assault disproportionately affect women, with one in four girls being sexually abused before their 16th birthdays² and one in five women sexually assaulted in their adult lifetimes, with three quarters of these assaults perpetrated by somebody known to the victim³. Women continue to face myriad barriers to accessing justice after physical and sexual violence. However, the gendered (and violent) nature of abuse is increasingly being obscured by use of the term 'family harm', and inconsistencies in judicial decision-making that illustrate a widespread lack of understanding about the drivers, dynamics, and impacts of intimate partner violence.

Responses of the justice system

3. While there are outwardly reliable mechanisms through which to seek safety and justice within New Zealand's criminal and family courts, inconsistencies in the enactments of these mechanisms frequently punish women for becoming victims, rather than locating accountability with the men abusing them. This was particularly illustrated in a Protection Order decision that Women's Refuge was made privy to last year. In this decision the Judge declined the victim's application for a Protection Order despite a history of demonstrated violence by the abusive ex-partner, on the basis that the victim did not fit the stereotype of the consummate victim (the Judge specifically named her professional occupation, her level of education, and her access to family support as reasons why the order was declined), thus buying into a harmful and outdated narrative about who constitutes a 'real' victim and is in need of state protection. In other numerous instances, our advocates have supported women whose applications for Protection Orders have been declined on the basis of Judges' perceived mutuality of the violence, informed by police reports that fail to distinguish between the primary victim and primary perpetrator. Such misapplication of the DVA 1995 was recently the focus of a Court of Appeal ruling, which stated that the Family Court had wrongly interpreted the Act in its denial of a Protection Order application, and should be applying the Act as it is set out rather than relying on subjective and often groundless case law⁵. Further examples of judicial subjectivity and inconsistency are made evident in

¹ Fanslow, J., & Robinson, E. (2004). Violence against women in New Zealand: prevalence and health consequences. *New Zealand Medical Journal*, 117 (1206), 1-12.

² Van Roode, T., Dickson, N., Herbison, P., Paul, C. (2009). Child sexual abuse and persistence of risky sexual behaviors and negative sexual outcomes over adulthood: Findings from a birth cohort.

³ Auckland Sexual Abuse HELP (2017). *Sexual Abuse Statistics*. Retrieved from <http://helpauckland.org.nz/get-info/statistics>

⁴ NZ Family Violence Clearinghouse. (2017). *Data Summary: Violence Against Women*. Retrieved from <https://nzfvc.org.nz/sites/nzfvc.org.nz/files/DS2-Violence-Against-Women-2017.pdf>

⁵ *SN v MN* [2017] NZCA 289.



decisions relating to the Harmful Digital Communications Act, which is applied based on judges' impressions of whether victims were 'severely emotionally distressed', rather than whether an offence against their reputations had been committed. This has led to instances of women who are depressed or in treatment as a result of nude images being circulated, yet who are managing to maintain a calm public persona, being deemed insufficiently distressed for the non-consensual distribution of their nude images to be deemed a crime.⁶

4. Research conducted in the past that used a measurement construct designed to gather shallow data about conflict methods (the Conflict Tactics Scale) is frequently drawn upon to strengthen a national narrative about intimate partner violence not being a gendered phenomenon⁷, despite utilising a scale widely criticized for lacking construct validity⁸⁹. This is despite readily available national data demonstrating the gendered nature of intimate partner violence, as demonstrated by clearly evident patterns of coercive control and by severity and frequency rates¹⁰. The absence of consistent, specialist, and monitored training across the judiciary has meant that these beliefs have gone largely unchallenged, and resulted in harmful responses to women reporting violence. This has been further evidenced by judicial decisions that imply that so-called 'situational violence' is acceptable and not serious (such as in instances where couples are separating and violence is perpetrated at the time of separation or just afterward) or decisions reflecting a perennial construction of the 'broken-hearted husband' perpetrator, for whom the Judge applies the most minimum sentence possible and excuses his behaviour on the basis that he was emotionally affected by a breakup or by infidelity – in short, minimizing responses to very serious abuse. In a recent case where a man violently assaulted both his wife and his daughter after discovering his wife's feelings for a friend, the Judge discharged the man without conviction and stated that the incident was a 'nasty assault', but 'had to be seen in context'¹¹.
5. That Protection Orders are rarely enforced by way of responding to breaches and holding the abuser accountable for the breach is an additional issue that inhibits women's access to safety and to justice. Abusers breaching Protection Orders are hardly ever arrested for doing so¹², leading to victims feeling that it would be pointless to even report breaches to police. This is despite the fact that such breaches are often constitutive of a wider pattern of intimidation and the demonstration of the abuser's continued power over the victim.
6. These issues are then exacerbated by the costs associated with applications for court orders, poor formalised support for women progressing through the justice system as victims, and restrictions to legal aid that preclude accessibility to protective mechanisms for many women. We discuss these in greater detail below.

⁶ Whyte, A. 'I've never hated myself more in my life' - Revenge porn law, does it really protect the victim? Retrieved from <https://www.tvnz.co.nz/one-news/new-zealand/ive-never-hated-myself-more-in-my-life-revenge-porn-law-does-really-protect-victim>

⁷ Straus, M. (1999). The controversy over domestic violence by women: A methodological, theoretical and sociology of science analysis. In X. Arriga, & S. Oskamp (Eds.), *Violence in intimate relationships* (pp. 17-44). Thousand Oaks, CA: SAGE.

⁸ Hamby, S. (2016). Self-report measures that do not produce gender parity in intimate partner violence: A multi-study investigation. *Psychology of Violence*, 6(2), 323-335. doi:org/10.1037/a0038207

⁹ Hamby, S. (2015). A scientific answer to a scientific question: The gender debate on intimate partner violence. *Trauma Violence Abuse, online first*, 1-10. doi:10.1177/1524838015596963

¹⁰ New Zealand Family Violence Clearinghouse. (2007). *Family violence and gender fact sheet*. Christchurch, New Zealand: University of Christchurch.

¹¹ Leask, A. (2017). Police reviewing judge's decision to discharge man who assaulted wife. Retrieved from https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11958625

¹² Tolmie, Julia Elizabeth, VB ; Gavey, Nicola. (2010). Is 50:50 Shared Care a Desirable Norm Following Family Separation? Raising Questions about Current Family Law Practices in New Zealand. *New Zealand Universities Law Review* 24(1):136-166



Care of children decisions

7. Despite the legislative protection offered by the Domestic Violence Act 1995, the principles set out in the Act are often not instrumentalised by the Family Court in cases where there has been violence toward the mother. Shared care is often prioritized despite current and concerning threats to children's wellbeing or on-going family violence perpetrated in front of the child¹³, and as a result, fathers' access is prioritized above mothers' concerns for the safety of their children while in the care of their fathers, often demonstrating pervasive unconscious bias that is implicitly blaming toward mothers.
8. This unconscious bias is especially evident in Judges' use of Parental Alienation Syndrome (or simply allusions toward 'parental alienation' that reflect the origins of the supposed 'syndrome'), despite being found to have been predicated upon harmful sexist beliefs that saw fathers' abuse toward both mothers and children as inconsequential, and being widely discredited and invalidated. Recently, one of our clients' children was put into the day to day care of her father, despite more than a dozen police call-outs evidencing his violence toward the mother, on the basis that she was considered to have influenced the child not to want to see the father. The sexist underpinnings of this false 'syndrome', which assume that mothers are essentially malicious, hysterical, and convince their children to construct false allegations against fathers, are directly in contravention of the intentions of the DVA 1995, which directs that the Family Court provide protection for all women and children subjected or exposed to IPV.

Social security

9. To obtain benefits intended for sole parents under New Zealand's social security system, women must not be "in a relationship in the nature of marriage", as set out in the Social Security Act. However, this disregards the financial power imbalance in relationships where there is an abuser using economic means to perpetuate control over a victim¹⁴. The rule of "being in a relationship in the nature of marriage" is both ambiguous and harshly enforced. In the experience of many of our clients, punitive responses including both prosecution and immediate cessation of payments have been applied to women who have met new partners and spent time in their houses; similarly, women who have allowed their abusive ex-partners to stay temporarily (often under duress or the threat of violence toward themselves or their children) are subject to prosecution, despite this hardly being "in the nature of marriage" and involving the reciprocal care-taking and joint financial responsibility that this term implies.
10. This puts victims in an extremely precarious position, where they risk losing their primary or only source of income – even in the early stages of relationship development or reconciliation. This rule continues to be applied despite being found to be misapplied in the case of *Ruka v Department of Social Welfare*, in which Ms Ruka had been charged with benefit fraud despite receiving no commitment or financial support from her abuser. The Court found that because this relationship was lacking in financial commitment from the abuser, it was not deemed to be "in the nature of marriage". The 2001 Joychild Report further recommended that over 15,000 cases be reviewed to ensure that women had not been similarly punished for rightfully accessing their entitlements; however, our clients report still being investigated and punished for being placed in similar

¹³ Ibid

¹⁴ Jury, A., Thorburn, N., & Weatherall, R. (2017). "What's his is his and what's mine is his": Financial power and economic abuse in Aotearoa. *Aotearoa New Zealand Social Work*, 29(2), 69-82. <http://dx.doi.org/10.11157/anzswj-vol29iss2id312>



positions regarding their sole parent status.

11. Sanctions applied to sole mothers who will not name the biological fathers of their babies is another enduring concern. If they do not identify the father(s), they are subjected to deductions of \$28 per child per week from a benefit already barely meeting subsistence levels. This, we consider, does not take into account the reasoned and often inarguable decisions women make not to involve fathers; chiefly motivated by prior abuse and by the desire to keep their children safe¹⁵. NCIWR is 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.
12. NCIWR is aware that a significant number of 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. We further argue 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.

Access to data disaggregated by gender

13. Police now do not capture family violence incident data based on the relationship of the abuser to the victim, entirely precluding the identification of patterns and measurement of the impacts of new interventions. Further, the sole source of reliable data pertaining to violence against women has been axed by Government. We consider this, particularly in the wake of increasingly obscured patterns of offence reporting by Police, to undermine the public's right to data, and to threaten the ability to make informed policy decisions driven by evidence about offending and victimisation. We have noticed a growing demand for information both by members of the public and by professionals (particularly those working in health or justice) about rates of victimisation and about information about victims and perpetrators. To date, we have been able to direct these requests to the New Zealand Family Violence Clearinghouse (who previously held the contract to produce data summaries using data drawn from a range of both Government and civil society sources) website or forward the data summaries ourselves, thus educating a sizeable group of people. Many requesters are

¹⁵ Catriona MacLennan – Fear and violence behind decision to keep dad's name secret, New Zealand Herald, 20 September 2016
http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11712674



concerned members of communities – people who have become aware of the presence of family violence in their communities, and are attempting to educate themselves about the problem. This is a notable and reassuring step forward, as family violence gains media attention and, as a consequence, increasingly becomes regarded as a matter for public consideration. Accordingly, we have been informed that the data summaries from the 2016-17 period have been downloaded more than 13,000 times.

14. Statistics regarding family violence, and in particular police statistics, are open to misinterpretation and misappropriation by individuals or collective bodies who are motivated by a particular agenda. In the absence of the already collated and presented information that has been offered by the NZFVC in recent years, we anticipate that reporters and other groups will attempt to gather their own statistics from available sources. While reliable sources of this information exist, these sources of information are not contextualised and are therefore subject to individual interpretation, which may further obfuscate the gendered nature of intimate partner violence and associated instances of child abuse and neglect. Formalising mechanisms for police reporting that accurately depict the gendered nature of these interrelated issues, and establishing methods of presenting and disseminating this data that are accessible to a wide audience, are essential steps for Government to take in addressing violence against women responsibly.

Coercion into marriage as minors

15. Women's Refuge is concerned that 16 and 17 year old minors are still permitted to marry, despite the numerous ways in which this marriage may be forced or coerced through exploitation of young women's relative lack of social power. In the last several years, Women's Refuge has seen a dramatic increase in the number of adolescent girls accessing our services after being physically, sexually, and emotionally abused by their partners, who can be either adolescents or adults. The lack of social power available to them makes it significantly more difficult for them to access safety, as avenues for interpersonal support, validating responses by peer groups, and the freedom to engage in services is often inhibited by their age and relative cognitive immaturity. If we consider the additional implications of girls in similar situations who have entered into the legal, cultural, and social contract of marriage, we then see them face additional barriers as familial expectations often supersede personal desires for safety or freedom from partnership.
16. CEDAW has previously argued for only adults to be eligible to marry and recommends that this be codified by State Parties, instructing that "the betrothal and marriage of a child have no legal effect". In its 2012 commentary of New Zealand's performance, it was recommended that 18 become the legal age for marriage, without exception¹⁶. This has not happened. Adolescents' agency progressively develops as they begin to diversify their peer networks and develop their identity and self-concept. Entering into a marriage while this identity and self-concept is still being developed may heighten the chances of adolescents being unwittingly pressured into adhering to partners' expectations of marriage, without the level of social power typically accompanying adulthood. It is this social power that enables adults to feel comfortable in asserting their right not to consent to sexual activity, to recognise and set limits about partnered behaviour, and to seek alternatives if the marriage becomes unsafe or unwanted. We argue that 16 and 17 year olds do not have this social power, and it is unlikely to be conferred on them by way of marriage.

¹⁶ Committee on the Elimination of Discrimination against Women (2012) Concluding observations of the Committee on the Elimination of Discrimination against Women: New Zealand. Retrieved from: http://women.govt.nz/sites/public_files/CEDAW%20concluding%20observations%202012.pdf



17. Marriage of minors may present significant disadvantages to their health, wellbeing, safety, and economic prospects¹⁷. The Convention recommends that when developing marriage law, attention must be given to the attainment of substantive as well as formal equality. Accordingly, under Articles 2(f) and 5(a), the Convention states that State Parties must attend to cultural and social customs and normative practices that promote or perpetuate any form of discrimination or gendered expectations for men and women. In practice, this means considering the ways in which allowing marriage of 16 and 17 year olds to be perpetuated as a legal practice disproportionately disadvantages women and girls. In our experience, young women in this position are often partnered with men whose economic and social status is substantially higher than their own, and are rarely able to exercise equal decision-making power within the partnership. Often, they are compelled to submit to their partners' wishes, and face social exclusion if they do not. Too frequently, this means the young woman's partner dictating whether they do or do not work outside the home, whether they do or do not enter and complete higher education programmes, and whether, and when, they have children. This is not equal.

Issues and Recommendations by Article

Article 2: Elimination of Discrimination

Legal aid

Issue: As described above, legal aid often excludes those with minimal income but shared assets, and results in such debt that the system amounts to a deterrent to access the court system for safety. Declining numbers of legal aid lawyers and inadequate pay rates for legal aid law means this becomes inaccessible. In rural areas in particular, where there is often a dearth of legal aid-registered lawyers, women are often precluded from accessing representation in family court matters. The 2010 changes to legal aid¹⁸ saw the introduction of restrictive criteria regarding who could access legal aid, and determined that people receiving legal aid should be required to repay this in most circumstances. Given that abusers often prolong court procedures to deter victims from pursuing applications against them, victims ultimately bear the brunt of debilitating legal aid debt in a bid to access protection. Those who are ineligible (and this group comprises most working women) and cannot afford to seek legal representation privately end up representing themselves, often with poor results. This is a chronic and concerning example of inequitable access to the machinery of justice.

Recommendation: Include funding for legal aid, make legal aid free from repayment obligations, and means-test according to accessed income offset by dependents; and ensure that legal aid provision is incentivised across rural regions.

Unsafe practice of restorative justice or family counselling for IPV offences

Issues: Unlike specialist models of restorative justice geared toward sexual violence offences that are delivered in accordance with international best practice (for example, Project Restore) and are funded for the complexity of this work, restorative justice delivery for family violence offences is standard and does not

¹⁷ De Silva-de-Alwis, R. (2008). Child Marriage and the Law. Unicef. Retrieved from

[https://www.unicef.org/policyanalysis/files/Child_Marriage_and_the_Law\(1\).pdf](https://www.unicef.org/policyanalysis/files/Child_Marriage_and_the_Law(1).pdf)

¹⁸ New Zealand Law Society. (2015). *Legal Aid and Access to Justice* <https://www.lawsociety.org.nz/lawtalk/lawtalk-archives/issue-868/legal-aid-and-access-to-justice>



account for the potential for re-victimisation, re-traumatisation, and subtle re-enactment of power and control that can and does occur within a mainstream delivery model. We consider this dangerous, and victims report to us that their experiences have been disempowering and harmful. This applies equally to the Family Disputes Resolution process that for many families is a mandatory requirement by the Family Court. Although women who have experienced violence are supposed to be exempt from participation, this requires recognition of the abuse and judicial sensitivity to it; in other instances, Family Court judges continue to direct victims to participate.

Recommendation: Review, develop guidelines for, and fund a model of restorative justice oriented toward gender-based violence that aligns with the best practice principles demonstrated by specialist sexual violence models.

Judicial inconsistency in the Family Court

Issues: In the beginning sections, we have outlined compelling issues across the criminal and family courts in relation to violence against women. Further to this, both COCA proceedings and Protection Order applications are subject to a high degree of subjectivity. As such, we regularly witness outdated and harmful gendered expectations informing judges' decisions, often with severe implications for women's access for themselves and their children. Currently, in COCA cases, only convictions for family violence are considered, with draft legislation proposing that existing Protection Orders also be mandatorily considered. This assumes homogeneity of access to (and safety from) Protection Orders that does not reflect women's realities – often, women at the most risk of lethal violence from a partner elect not to exacerbate the abuser's anger by obtaining a Protection Order and alerting them of her intention to seek safety. Accordingly, many women's experiences of violence (evidenced by records of police call-outs and health records) are made invisible within COCA decisions. In addition, victims have notified us that their applications for Protection Orders are declined on the basis that parties are perceived as 'equally violent', even when violence from an abuser is clearly aggressive while violence from a victim is clearly reactive, or on the grounds that the victim has sufficient social power (evidenced in her employment and social situation) to keep herself safe. Both rationales minimise the realities of women's entrapment in abusive relationships and the constraints that these pose on women's social power, and reflect a lack of consistent knowledge and understanding by decision-makers. Finally, there are presently no outcome measurements for the training for judges acting as decision-makers in family or sexual violence cases; thus no way to evaluate effectiveness.

Recommendations: Include all family violence information in COCA decisions to identify patterns of coercive control; and improve judicial consistency in decision-making regarding Protection Orders through training by specialist victim organisations.

Inequitable access to safety and justice for women with disabilities

Issue: Although the Crimes Amendment Act 2011 referenced the protection of vulnerable adults and recognised that some people are unable to remove themselves from the authority of the abuser, this has not translated to policy or practice initiatives safeguarding or supporting women with disabilities who experience violence. In many cases, women are unable to communicate their experiences (and are not provided with opportunities to, even by first responders) and are left without support to access information and exercise self-determination.

Recommendation: Design and implement an independent advocacy agency targeted at vulnerable adults to



promote supported decision-making and be universally accessible, and which can also be accessed by professionals to support their work with adults with disabilities; and resource joint initiatives and capacity building with specialist and generalist family violence organisations to overcome barriers to access, awareness, and support.

ARTICLE FIVE: SOCIAL AND CULTURAL NORMS

Early and forced marriage

Issue: The Committee has previously recommended that New Zealand raise the statutory age of marriage to 18. This has not yet been done. While a Bill to safeguard young people against forced marriage by introducing a requirement that minors obtain court consent in order to be able to marry, this does not go far enough to circumnavigate young people's relative lack of social power and developmental capacity. This constrains their abilities to exercise choice and thus limits their freedoms, leaving them open to suggestion and coercion and, correspondingly, to mistreatment at the hands of often older male partners with comparatively greater social capital. There has been no indication that the State is willing to consider raising the minimum age of marriage to 18.

Recommendation: Raise the minimum age of marriage to 18, with no provisions for exceptions to be made.

Gendered cyber-bullying (including 'revenge porn')

Issue: There is currently no national initiative to prevent cyber-bullying (gendered) in schools across NZ, despite the growing phenomenon of 'revenge porn' perpetrated against adult women by previous intimate partners, typically motivated by abusers' desires to degrade and demonstrate power over victims.

Recommendation: Develop and deliver a national prevention initiative that recognises the gendered nature of digital harm that involves 'revenge porn' and other forms of sexual harassment.

ARTICLE SIX: EXPLOITATION OF WOMEN

Funding stability and sustainability for specialist family violence organisations

Issue: Government has stated that violence against women would constitute one of their four priority areas. However, funding for specialist organisations (especially crisis and support organisations) still does not cover the actual costs of providing services, meaning organisations have to rely heavily on volunteer hours. This threatens the professionalism of services where there is no option but to substitute qualified staff with volunteers to fulfil vital support functions. In addition, this funding, and additions to it, is not guaranteed for the future, which impedes agencies' abilities to strategically plan for service development.

Recommendation: Review and commit to funding plans for the specialist sector that are sufficient to provide all existing services and to cover the costs of service development.

Commercial sexual exploitation of women and girls

Issue: Domestic trafficking and forced prostitution of women and girls has been found to occur in New Zealand,



yet there is no national plan of action that targets domestic trafficking, no specialist agency to support victims, no uptake of the recently updated trafficking legislation (which removed the transnational section of the definition) to use in place of lesser offences during the prosecutions of traffickers, and no commitment from State agencies to build capacity to respond to the issue (either through prevention, or support).

Recommendations: Develop specialist services for victims of trafficking and forced prostitution of all ages, update the National Plan of Action for trafficking and ensure that domestic trafficking for sexual purposes is prioritised within this Plan, and instigate capacity building initiatives within State departments likely to encounter this category of violence.

Accessible and disaggregated information on domestic and sexual violence

Issues: 24(e) of the Concluding Observations of the Committee in 2012 called upon New Zealand to ensure the systematic collection and publication of data, disaggregated by sex, ethnicity, type of violence, and by the relationship of the perpetrator to the victim. The only mechanism through which this data was robustly collected and disseminated has been through the Data Summaries presented by the New Zealand Family Violence Clearinghouse; a product that has now been cancelled. This leaves a dearth of accessible sources of collated and disaggregated information. In addition, police recording of family violence offences now precludes the collection of accurate data that identifies the nature of the relationship between victim and offender, and allows for the disaggregation of offences according to gender.

Recommendations: Renewal of contracting for Data Summaries produced by the NZFVC; and review police recording processes and police reporting on family violence offences.

Support for recovery from family violence

Issue: Most specialist agencies are not funded to undertake long-term therapeutic work with survivors of gender-based violence, and there are few low-cost private alternatives with regard to quality counselling. This contrasts with the long-term support available for sexual violence victims, who may access long-term quality therapy under the Accident Compensation Corporation (ACC) scheme. In many regions, there are no funded options for support and recovery from the effects of violence once safety is established, despite research indicating that mental health impacts often span many years after the end of the relationship with the abuser.

Recommendation: That entitlement to ACC coverage is extended to family violence and child abuse, and identify professionals within the existing specialist family violence sector who may be equipped to deliver these ACC-funded services.

ARTICLE ELEVEN: EMPLOYMENT

Impacts of domestic violence on women's employment

Issue: Recent research by Women's Refuge found that women's full-time employment prospects declined by up to half during a relationship with an abuser, and improved only negligibly after the end of the relationship. This is testament to the long-term impacts of IPV on women's employment, and, correspondingly, the



adverse impacts on their financial prospects.

Recommendations: Enact legislation that protects women's employment prospects in the event that they become victims of intimate partner violence, and amend the Human Rights Act 1993, s. 21, to classify being the victim of domestic violence as a prohibited ground for discrimination; and amend the Domestic Violence Act 1995 to specify 'economic abuse' as a separate category under s. 3(2), rather than as a subsection of s. 3(2)(c).

The gender pay gap

Issue: Existing legislation does not guarantee that work of equal value will result in equal pay.

Recommendation: Introduce legislation that compels work of equal value to have equal pay, as recommended by article 11(d) of the Convention.

ARTICLE TWELVE: HEALTH

Abortion

Issue: At present, abortion is only legally accessible to women under certain restrictive circumstances, as set out in the Crimes Act 1961. This contributes to the discrimination against women seeking abortion services, and the Committee recommended, following New Zealand's seventh periodical report (2012), that the State review its abortion law and seek reform that promoted women's self-determination in seeking abortion services. The Government has recently stated its intention to treat abortion as a health issue. We support this, in full recognition that the Crimes Act 1961 and the Contraception, Sterilisation and Abortion Act 1977 is no longer fit for purpose, and that women and transgender people deserve the *right* to abortion rather than simply access to abortion. We further submit that continuing to have a criteria test contributes to stigmatisation, and that compulsory assessment prior to access is not comparable to other forms of health treatment and unfairly suggests that women are incapable of making these decisions themselves. We therefore argue that abortion should be readily accessible in all regions, and that women making the choice to terminate pregnancies be protected from harm and stigmatisation arising from people's reactions to these decisions.

Recommendation: That New Zealand reviews its abortion law and removes the preconditions to accessing abortion services.