

**ROUNDTABLE  
ON VIOLENCE  
AGAINST  
WOMEN**

an end to all forms of violence against women

# Violence Against Women in Aotearoa New Zealand

April 2009

## The case for an integrated plan of action

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Roundtable on Violence Against Women

**[www.roundtablevaw.org.nz](http://www.roundtablevaw.org.nz)**

*Adapted from the report 'What a Waste' written by British women Liz Kelly and Jo Lovett*

**“Violence against women continues to persist as one of the most heinous, systematic and prevalent human rights abuses in the world. It is a threat to all women, and an obstacle to all our efforts for development, peace and gender equality in all societies.**

**The United Nations family is stepping up its activities at all levels – from new initiatives by the Regional Commissioner to better coordination and programming at the country level. Efforts are under way to raise public awareness, build political will and provide effective responses. And we are working on proposals to help States assess the scope, prevalence and incidence of violence against women, and respond to it more effectively.**

**I have decided to spearhead a system-wide campaign through 2015 for the elimination of violence against women. The campaign will focus on three key areas: global advocacy; United Nations leadership by example; and strengthened partnerships at the national and regional levels to support the work of Governments, civil society, the private sector and others. And I have called on the Security Council to establish a mechanism dedicated to monitoring violence against women and girls, within the framework of resolution 1325 (2000) on women, peace and security. Violence against women is always a violation of human rights; it is always a crime; and it is always unacceptable. Let us take this issue with the deadly seriousness that it deserves.”**

*Ban Ki-moon, Secretary-General, United Nations<sup>1</sup>*

**“As Minister of Women’s Affairs, I have a commitment to working to reduce the incidence and the impact of violence against women. I agree that this is a fundamental violation of human rights, and as such, Government has a role in addressing and preventing gender-based violence.”**

*Hon Pansy Wong, Minister of Women’s Affairs personal communication 19 January 2009*

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<sup>1</sup> Statement at UN to mark International Violence Against Women Day 2007.  
<http://www.reliefweb.int/rw/RWB.NSF/db900SID/EGUA-795RL8?OpenDocument>

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# 1. Introduction

**“Violence [against women] must be addressed on multiple levels and multiple sectors of society simultaneously, taking direction from local people on how women’s rights may be promoted in a given context.”**

*Report from the UN Special Rapporteur on Violence Against Women, E/CN.4/2003/75, 2003.*

**“No one government or international agency or civil society organisation can hope to have an impact [on violence against women] alone. Pooling resources, sharing strengths and knowledge, and listening to local leaders will allow end-violence efforts to move to the next level.”**

*Noeleen Heyzer, Executive Director, UNIFEM, in Not a Minute More: Ending violence against women. United Nations Development Fund for Women, 2003.*

A significant proportion of violence in Aotearoa New Zealand is gender-based violence – that is, violence that disproportionately affects women more than men, or violence where women are targeted just because they are women. Our government is obligated under international law to take effective steps to protect women from all forms of violence, hold perpetrators accountable and to guarantee women equal protection of the law.

Violence against women (VAW) encompasses, but is not limited to: domestic violence; female genital mutilation; forced and child marriage; honour crimes; rape and sexual assault; sexual abuse and sexual exploitation of girls; sexual harassment (in the workplace and in the public sphere); trafficking in women and exploitation in the sex industry.

The true levels of VAW in Aotearoa New Zealand are not known. However the evidence shows that VAW affects one third to one half of all women over their lifetime.<sup>2</sup> The vast majority of perpetrators in all cases of violence against women (and men), are male. In many forms of violence the levels of victimization are higher for women and girls. In partner violence for example, women are victimised more often than men, and are more likely to be injured, killed, stalked, sexually abused, fearful, and experience violence after separation.

The absence of available data on VAW in Aotearoa New Zealand appears to pervade all related government and non-government agencies. In August 2007 the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) commented to New Zealand that there is “*insufficient statistical data disaggregated by sex in all areas covered by the Convention mak[ing] it more difficult to assess accurately the situation and progress of different groups of women with regard to all areas covered by the Convention*”<sup>3</sup>.

<sup>2</sup> NZ research on partner abuse shows that 33-39% of women experience violence (see Fanslow and Robinson, 2004), but UK and Australian research into multiple forms of VAW show that around 50% of women are affected by VAW over their lifetime (S. Walby and J. Allen.(2004). **Domestic Violence, Sexual Assault and Stalking: Findings from the British Crime Survey**. London: Home Office; Mouzos and Makkai. (2004). **Women’s Experiences of Male Violence: Findings from the Australian Component of the International Violence Against Women Survey**. Canberra: Australia Institute of Criminology).

<sup>3</sup> Concluding comments of the Committee on the Elimination of Discrimination against Women: New Zealand. CEDAW/C/NZL/CO/6 <http://daccessdds.un.org/doc/UNDOC/GEN/N07/459/77/PDF/N0745977.pdf?OpenElement>

Aotearoa New Zealand is at a juncture where we appear to have increasing rates of VAW being reported, coupled with a growing awareness that gender based violence is not adequately monitored or reported. Central government, non-government agencies, local communities and the public have a new awareness that domestic and sexual violence in particular, are priorities for us to address.

There have been numerous enquiries, reports and government strategies that relate in part to VAW but we have no integrated strategy to prevent and eliminate all forms of VAW. Government and non-government agencies are working together on strategies for family violence and sexual violence and these strategies form part of New Zealand's Crime Reduction Strategy. But we have a scarcity of knowledge, and a lack of recognition of action of other kinds of VAW, for example the vulnerability of migrant women brought here for marriage.

The United Nations have suggested that important steps in preventing and eliminating VAW are integrated measures and plans of action to address and prevent *all forms* of violence that women experience. The purpose of this document is to raise awareness of VAW in Aotearoa New Zealand and to put forward a case for a national strategy that includes all forms of VAW.

Now is the time for us to take a more coordinated approach to VAW, to make VAW in all its forms a visible issue in Aotearoa New Zealand. The silo approach that currently separates different forms of VAW needs to progress towards an integrated approach to allow opportunities for considerable knowledge transfer and more effective services and responses that match women's and girl's experiences of violence. Developing and implementing an integrated approach to VAW would provide opportunities for Aotearoa New Zealand to meet our international obligations and to be seen as a world leader in addressing all forms of VAW. Aotearoa New Zealand would be a safe place for women to live.

## 2. What is violence against women and how common is it?

**“..... the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”**  
*Article 1 of the United Nations Declaration on the Elimination of Violence against Women 20/December 1993<sup>4</sup>*

There are many forms of VAW, including sexual, physical, or emotional abuse by an intimate partner; physical or sexual abuse by family members or other known people; sexual harassment and abuse by authority figures (such as teachers, police officers or employers); trafficking for forced labour or sex; and such traditional practices as forced or child marriages, dowry-related violence; and honour killings, when women are murdered in the name of family honour. Systematic sexual abuse in conflict situations is another form of VAW.

Violence touches the lives of most women in Aotearoa New Zealand. Even women who are not direct victims of violence will know female family members and friends who are survivors of male violence. Many women live in fear of male violence – in their homes and on the streets. Women are more fearful of crime than men, particularly in relation to physical and sexual assault<sup>5</sup> and this fear restricts women’s choices in terms of routine decisions and activities.

Some particular groups of women are targets for violence and abuse. They have more limited resources, less support and are often in contexts where violence has become normalized. Combinations of factors may increase women’s vulnerability: for example, women from families in which intergenerational abuse is the norm are less likely to perceive violence as unacceptable, and more likely to face multiple abuses. Māori women are victimized at higher rates than other ethnicities in Aotearoa New Zealand, but are less likely to seek assistance from the criminal justice sector. Women with disabilities or mental health issues are more likely to spend time in unsafe residential settings, and/or have interactions with a large number of professionals. Refugee women may have limited English, a lack of knowledge of the legal context in Aotearoa New Zealand, as well as histories of abuse, and/or may have little reason to trust authorities, based on experiences in their country of origin. Young women are more likely to experience rape and partner abuse than older women.

<sup>4</sup> <http://www.un.org/documents/ga/res/48/a48r104.htm>

<sup>5</sup> Mayhew, P., and Reilly, T. (2007). **Community Safety Findings from the New Zealand Crime and Safety Survey 2006.** Wellington: Ministry of Justice.

Statistics do not reflect the true level of VAW that exists in Aotearoa New Zealand because all forms of VAW and child sexual abuse are under-reported. Unfortunately, there has been minimal information sharing between the sectors, allowing further abuse to occur.

Table 1 presents a range of available recent data on the prevalence of VAW in Aotearoa New Zealand.

**Table 1: Levels of violence against women in Aotearoa New Zealand**

| Type of VAW  | Prevalence | %      | Source  |
|--|------------|--------|---|
| <b>Domestic Violence (physical and sexual violence)</b>                                | Lifetime   | 33-39% | Fanslow and Robinson (2004)                     |
| <b>Physical violence from partner</b>  | Lifetime   | 30-34% | Fanslow and Robinson (2004)                     |
| <b>Severe physical violence from a partner</b>   | Lifetime   | 19-23% | Fanslow and Robinson (2004)                     |
| <b>Sexual violence from a partner</b>  | Lifetime   | 14-20% | Fanslow and Robinson (2004)                     |
| <b>Feeling frightened by partner's threats</b>   | Lifetime   | 19.5%  | Morris and Reilly (2003)                        |
| <b>Physical violence by non-partners</b>   | Lifetime   | 15-17% | Fanslow and Robinson (2004)                     |
| <b>Sexual Violence by non-partner</b>  | Lifetime   | 9-12%  | Fanslow and Robinson (2004)                     |
| <b>Child Sexual Abuse<sup>6</sup></b>  | Lifetime   | 24-28% | Fanslow, Robinson, Crengle <i>et al.</i> (2007) |
| <b>Unwanted sexual contact before age 17</b>   | Lifetime   | 26%    | Fleming, Watson, Robinson <i>et al.</i> (2007)  |
| <b>Bullied at school</b>   | 12 months  | 28%    | Fleming, Watson, Robinson <i>et al.</i> (2007)  |
| <b>Being worried about intimidation, harassment or assault because of their gender</b> | Lifetime   | 29%    | Mayhew and Reilly (2007b)                       |

Table 2 presents data on forms of violence where we have less reliable data and which are currently marginalized in policy and practice. It is the combination across all these forms of violence, alongside those for which we do not have recent data – like sexual harassment in public spaces and stalking – which make up 'VAW'. We do not have accessible data on how many women have been killed – the NZ Police only started to collect the information on gender of a victim in 2009.

<sup>6</sup> Includes indecent exposure, sexual contact offences, and rape and sexual assault.

**Table 2: Other indicators of the scale of VAW**

| Type of VAW  | Numbers  | Source                                     |
|--|--|--|
| <b>Death by assault</b>                                | 32 women and girls in 2005   | Ministry of Health provisional data (2008) |
| <b>Domestic violence homicide of adult women</b>       | On average 14 per year ( in 80% of these cases the offender is the male current or ex partner)   | Police statistics                          |
| <b>Homicide of females</b>                             | 1.1 deaths per 100,000<br>Aotearoa New Zealand has a higher female homicide rate than the OECD average of 0.9 deaths per 100,000 – higher than Canada, Australia and the UK  | Social Report (2008)                       |
| <b>Dating violence by male partner</b>                 | Women were 4 times more likely to report dating violence than men  | Morris and Reilly (2003)                   |
| <b>Violence by a child towards their parent</b>        | Women were 4 times more likely to report violence from a child than men  | Morris and Reilly (2003)                   |
| <b>Violence from an ex-partner</b>                     | Women were 3 times more likely to report violence from an ex-partner than men  | Morris and Reilly (2003)                   |
| <b>Trafficking<sup>7</sup> for sexual exploitation</b> | About 25% of surveyed police said that the exploitation of sex workers in their area was a problem.<br>Police estimate between 1% and 60% of women in prostitution non-New Zealand citizens or permanent residents (depending on district) | Prostitution Law Review Committee (2005)   |
| <b>Sexual Harassment (workplace)</b>                   | 31% of women surveyed said they had experienced sexual harassment  | Human Rights Commission (2000)             |
| <b>Elder abuse</b>                                     | 70% of those experiencing elder abuse are women  | Age Concern (2005)                         |

Shame, guilt and fear can prevent women talking about the violence they experience. VAW is hidden, because it is often unreported to the Police; what is reported is not always recorded as a crime; cases that are recorded are not always prosecuted; and cases that are prosecuted do not always result in a conviction.

However, VAW is not always hidden in the community. Many women do talk to friends, family/whanau, church members and work colleagues as well as health professionals, victims' services, and statutory agencies. Other people may know about the violence without being told, such as neighbours, teachers and staff in the entertainment industry and sports clubs. The responses of these informal networks can be critical in enabling women to access support, and in communicating intolerance of violence. There have been some recent encouraging steps in the community to foster intervention skills in the field of domestic violence, but this has not been mirrored in other forms of VAW.

<sup>7</sup> "Trafficking" involves the movement of a person by coercion or deception into a situation of exploitation. It is unlikely that all non-New Zealand women working in prostitution will be trafficked; nevertheless, concentrations of migrant women elsewhere have indicated high levels of trafficking.

### 3. Paying the price

**“Violence against women is complex and diverse in its manifestations, with far-reaching and long-lasting consequences and costs.”**

*Study of the Secretary-General (2006). Ending violence against women: from words to action.<sup>8</sup>*

Individual women pay the ultimate price for ineffective responses to VAW – but so does the national economy. Violent crime costs all of Aotearoa New Zealand in both of the public and private sectors.

It is hard to find any published economic analysis of the projected cost of all types of VAW in Aotearoa. Research was completed in 1994 by economist Suzanne Snively to formally estimate the costs of domestic violence using economic forecasting.<sup>9</sup> Snively projected costs for three different prevalence rates and included costs to the economy from domestic violence for individuals, the Government and employers including medical care, social welfare and assistance, including victim services, legal and criminal justice, and employment. Table 3 shows how the results vary with different assumptions grouped into scenarios.

**Table 3: Economic Cost of Family Violence for 1993/94 in Aotearoa New Zealand (Snively, 1994)**

|                               | Prevalence: 1 in 10<br>\$B | Prevalence: 1 in 7<br>\$B | Prevalence: 1 in 4<br>\$B |
|-------------------------------|----------------------------|---------------------------|---------------------------|
| Base Scenario*                | \$1.187                    | \$1.235                   | \$1.352                   |
| Five Times Callout Scenario** | \$2.691                    | \$2.739                   | \$2.855                   |
| Income Foregone Scenario***   | \$3.770                    | \$4.206                   | \$5.302                   |

\* Calculates direct costs for families who called out the police.

\*\* Calculates direct costs for five times the number who called out the police.

\*\*\* Calculating income foregone as well as direct costs for five times the number who called out the police plus the value of life.

Snively reports that the costings from the base scenario can be more directly measured. The base scenario assumes that the maximum number of women acknowledging violence is equal to the number of police callouts and then focuses on costing mainly the actual services known to be used by survivors of family violence. If Snively’s ‘income foregone scenario’ is used the estimated annual cost was \$4.206 billion assuming the conservative prevalence of 1-in-7. Even the highest costing displayed in Snively’s findings was based on a below-average proportion of women experiencing loss of earnings from family violence. If the labour market participation of women experiencing family violence was assumed to be the average for all women (this is a likely assumption), the annual economic cost of domestic violence would be nearly double the highest figure in the table.

<sup>8</sup> [www.un.org/womenwatch/daw/vaw/launch/english/v.a.w-consequenceE-use.pdf](http://www.un.org/womenwatch/daw/vaw/launch/english/v.a.w-consequenceE-use.pdf)

<sup>9</sup> Snively, S. (1994). **The New Zealand Economic Costs of Family Violence**. Auckland: Coopers and Lybrand

The figures contained in Snively’s research are now 15 years out of date but no more up to date economic analysis is available. If Snively’s figures are adjusted to 2008 levels the most conservative figure increases to \$1.678 billion and the highest scenario becomes \$7.495 billion. It is also important to remember that her projected economic costs were for family violence which is one component of all VAW. If similar research were to be undertaken for all forms of VAW using current economic costs the projected economic impact would be many times worse than Snively’s figures.

Table 4 shows the New Zealand Treasury’s projections of the economic impact of each violent assault. According to Statistics Aotearoa New Zealand’s population projections there are 2,203,200 women living in Aotearoa New Zealand in 2009. Based on the rate of 1.1 homicides for 100,000 women in Aotearoa New Zealand each year (refer table 2) we can expect 24 women to be murdered in 2009. At a projected cost of \$4m per homicide this equates to an impact on the New Zealand economy in one year, of \$97m for the homicides of women and girls.

**Table 4: Average Cost of each Violent Offence to Public and Private Sector (Treasury, 2006)**

| <i>Homicide</i> | <i>Grievous assaults</i> | <i>Sexual violation</i> |
|-----------------|--------------------------|-------------------------|
| \$3,906,160     | \$30,430                 | \$304,370               |

The costs to the Aotearoa New Zealand economy of VAW will continue to increase as reported violence against women increases. If there was a national framework directed towards a more effective, integrated and preventative response there will be considerable short and long-term economic savings to be made.

## 4. The impact of multiple forms of violence

**“Gender-based violence, or violence against women (VAW), is a major public health and human rights problem throughout the world.”**

*World Health Organisation<sup>10</sup>*

Too many women’s lives are constrained and diminished by the threat and reality of male violence. Research in Aotearoa New Zealand shows that VAW is a significant factor underpinning women’s ill-health.<sup>11</sup> An Australian study found that VAW in relationships is responsible for more ill-health and premature death in women under 45 than any other well-known preventable risk factor including high blood pressure, obesity and smoking.<sup>12</sup>

Health impacts are compounded for those who suffer serial victimizations. The appalling reality is that women with the most horrific, cumulative experiences of abuse are the very women for whom services are most difficult to access. Their lives do not ‘fit’ with Government policy, practice and training which still tends to focus on domestic violence *or* rape and sexual assault *or* sexual exploitation.

Women’s lives are complex, crossing over these bureaucratic, organisational and analytic boundaries. The connections between different forms of violence need to be acknowledged and incorporated into strategic planning, preventative frameworks, and service delivery.

The connections between different forms of VAW include:

- Similar myths and stereotypes that excuse abuse and/or blame victims;
- The dynamics of power and control underlying various forms of abuse;
- Gendered inequalities which produce the distribution of victimization and perpetration;
- High levels of under-reporting across all forms of VAW;
- The justice gap in relation to prosecutions and convictions for some forms of VAW;
- The long-term psychological, social and economic impacts and consequences;
- The extent of repeat victimization by both the same and different perpetrators; and
- An historic failure of government agencies to respond appropriately, and support efforts to prevent VAW.

The best way to understand the connections between different types of VAW is through women’s lived experiences. Early experiences of violence can mean girls and women are more vulnerable to being targeted by other abusive men. Aotearoa New Zealand research, for example, has found that women who had experienced child sexual abuse were twice as likely as non-victims to experience partner abuse and other violence as adults.<sup>13</sup>

<sup>10</sup> <http://www.who.int/gender/violence/en/>

<sup>11</sup> Fanslow, J. L., & Robinson, E. M. (2004). *Violence against women in New Zealand: Prevalence and health consequences*, The New Zealand Medical Journal, 117(1206).

<sup>12</sup> VicHealth. (2004) *The health costs of violence : measuring the burden of disease caused by intimate partner violence : a summary of findings. Australia*: VicHealth. .

<sup>13</sup> Fanslow et al. (2007). Prevalence of child sexual abuse reported by a cross-sectional sample of New Zealand women. *Child Abuse & Neglect* 31 (9), pp 935-945.

The following stories of two women survivors of VAW show how male violence is cumulative. Both these stories exemplify the kinds of connections between forms of VAW that we need to be making at both strategic and service levels. Whilst forms of violence can be separated in legislation, research and service provision, they were intertwined in these women's experiences and in the lives of many other women. It is impossible to understand their lives without addressing the repeat victimization.

### **Katrina**<sup>14</sup>

Violence has been a part of Katrina's life since she was very young. As a young girl, she was sexually abused by her father and other male relatives while in a placement under welfare care. She thought sexual abuse was normal, and at 14 became pregnant to her boyfriend Rana but did not realise for many months.

Katrina took a job as a live-in caregiver but left when her employer raped her, moving in with Rana and his family. She miscarried several times and also gave birth to several children. Her relationship with Rana lasted many years, during which Rana regularly beat and abused Katrina. Katrina did not call the Police every time, and when she did call them, their response varied so much she did not have any faith in their ability to protect her. Even so, Rana was imprisoned for his violence against her, and after this became even more abusive, forcing her to have sex and to do sexual things which she hated. She took out a non-molestation order, but it made very little difference. After Katrina left, Rana stalked and harassed her, and it took several more years before Katrina was free of him.

Katrina's next relationship started positively, but when she told Tony about her abusive history, he used it against her, taunting her about her mental health and using martial arts techniques to render her unconscious. Tony checked Katrina's phone to see who she had been talking to, asked neighbours who was visiting her, and removed her keys and wallet to stop her leaving him. Katrina repeatedly contacted the Police, and got a protection order against him. This order has not made much difference and Katrina continues to be harassed by him by phone and by him following her and parking outside her home and places she visits.

The effects of violence on Katrina and her children have been devastating to her health and well-being. Katrina's oldest son is in prison for violent offences.

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<sup>14</sup> For more details about Katrina's story, see Robertson, N., Busch, R., D'Souza et al. (2007). **Living at the Cutting Edge: Women's experiences of protection orders: the women's stories**. Hamilton: Waikato University.

## Mary

Mary was sexually abused from age 7 by her father, who told her no one would believe her if she tried to tell them. She stayed away from home as much as she could. At 15, she ran away to her older boyfriend Steve, who gave Mary alcohol and drugs and they had lots of parties. He was kind to her but told her she needed to pay her way, and introduced her to a friend of his who owned a strip club. Mary was promised lots of money and alcohol on tab, so began stripping three nights a week. Steve picked her up each night and insisted on sex no matter how tired she was.

Mary made friends with other women in the strip club, who she drank and took drugs with to help her stay calm while she stripped. She was offered money for sex by customers many, many times. By the time Mary was 19, Steve had started asking her to make more money by selling sex. But she was worried about how safe that would be, and knew Steve would get even more jealous.

Mary met Phil, a bouncer at the strip club, who she thought could protect her if Steve turned nasty, and she left Steve. Phil kept an eye on her in the club, and held her money. Things were good for a while, but Phil started to get angry if she didn't earn enough money in tips, especially after Mary had two children and was dependent on him. Phil hit Mary, but only in places it wouldn't show, and only he said, because she was disappointing him. After her second son was born Mary began selling sex to men Phil lined up for her, regulars at the strip club. Mary worked most nights to make up to Phil for not working while she was pregnant.

This is the point of her life when Mary first tried to commit suicide. She was taking lots of drugs, and four years passed in a blur. She went in and out of Women's Refuge with her children, but could not manage the rules there, and returned to Phil each time. She wanted to escape her life but did not know how.

Mary's third pregnancy triggered intense violence from Phil, who told Mary he didn't know whose child she was carrying. Her midwife asked Mary questions about violence, about her shaking and fear of Phil, about her drug use. Mary trusted her midwife, and made a plan with her to go to a Refuge in another city.

Mary stayed in the Refuge for several months and started to talk about the violence and her sexual abuse before moving into a flat with just her and her three children. She has regular flashbacks of her father raping her which feel real to her. She is still drinking more than she wants to, but less than she has since she was 15. She is scared of how angry she feels sometimes. She is scared of being alone. She sees a sexual abuse therapist, a mental health worker, a parent support services worker and an alcohol and drugs counselor as well as her Refuge Advocate.

The cumulative effect of VAW has serious impacts on the lives of girls and women. At the most obvious level, violence causes physical damage from death to permanent disabilities, miscarriages, broken limbs, cuts and bruises. With sexual offences there are also risks of HIV, sexually transmitted infections, forced pregnancy and persistent gynecological problems.

Women typically internalize shame and self-blame as a result of gendered violence. Humiliation is compounded when a woman is brave enough to disclose violence, which is usually from a man she knows, yet finds her experience denied, minimized or she is held responsible. These issues are further reinforced in cultural contexts where women are expected to embody honour and purity within a family or community. Too many women harm themselves or take their own lives rather than live with the stigma and pain of past male violence.

Violence affects a woman or girl's sense of self and sense of belonging: Abuse transmits a message that you are worth less than others, and that you are not safe. Where the abuser is a relative, partner or authority figure, violence also involves a profound betrayal of trust. Rejection and/or blame by family, friends or community serve to reinforce these messages, and create a deep sense of isolation and exclusion.

The violence women experience also affects their children. Children suffer when their mothers are victimized by the men in their life and children learn to be perpetrators and/or victims. Despite the Care of Children Act 2004 which recognizes that violent people may not be safe care-givers, there remains an unwillingness to adequately link the protection of children with the protection of women. Women's fears for their children's and their own safety are often trivialized and treated with disbelief.

While many women and girls are victimized by men, they are never 'just' victims. Advocates acknowledge that women use a range of resistance and survival strategies, not all of which are healthy in the longer term, even though they may dull the pain and keep women and girls safe in the short term. The correlation of abuse with drug and alcohol use and mental health difficulties is well-known to practitioners working in these fields and is supported by research.

Women and girls continue to resist abuse both at the time, and in the aftermath. Much of our knowledge of the impact of VAW comes from women, like Louise Nicholas for example, who have against all odds, been brave enough to name what happened to them as abuse.

The extent to which women are able to heal and rebuild their lives depends substantially on the responses of their friends, family/whanau, communities and the services they engage with. Enhancing the capacity of formal and informal community responses to violence to meet the needs of women who have experienced violence will make a huge difference, not only to women's lives now, but to the lives of our children and the well-being of our communities.

## 5. The human rights context

**“Violence against women is perhaps the most shameful human rights violation, and it is perhaps the most pervasive. It knows no boundaries of geography, culture or wealth. As long as it continues, we cannot claim to be making real progress towards equality, development and peace.”**

*Former United Nations Secretary General Kofi Annan (1999)*

**“... articles 2, 5, 11, 12 and 16 of the [CEDAW] Convention<sup>15</sup> require the States parties to act to protect women against violence of any kind occurring within the family, at the work place or in any other area of social life. Gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention.”**

*General Recommendations No. 12 (eighth session, 1989) and No. 19 (11th session, 1992) of the United Nations Committee on the Elimination of Discrimination against Women (CEDAW).*

**“The prevalence of violence against women persists despite New Zealand’s commitments under international law to secure equality for women, act with due diligence to prevent, investigate or punish acts of domestic violence and provide for effective remedies to the victims of domestic violence.”**

*Leitner Center for International Law and Justice. It’s not OK: New Zealand’s Efforts to Eliminate Violence Against Women (2009)*

The human rights perspective serves to make it clear that VAW is not a private matter but one of public concern. Over the last three decades VAW has been increasingly recognized internationally not only as a public issue, but as a fundamental abuse of the human rights of women and girls. Aotearoa New Zealand is signatory to a number of international human rights conventions:

- The U.N. Charter<sup>16</sup>
- The Universal Declaration of Human Rights<sup>17</sup>
- The International Covenant on Civil and Political Rights<sup>18</sup>
- The International Covenant on Economic, Social, and Cultural Rights<sup>19</sup>
- The Convention on the Elimination of All Forms of Discrimination Against Women<sup>15</sup> (“CEDAW”). The CEDAW agreement is often described as an international bill of rights for women. It imposes specific obligations on Aotearoa New Zealand to ensure women’s equality.

<sup>15</sup> The Convention on the Elimination of All Forms of Discrimination against Women G.A. Res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46 (1980) [hereinafter CEDAW], adopted in 1979 by the UN General Assembly and entered into force on September 3, 1981. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

<sup>16</sup> U.N. Charter. The Charter was signed on June 26, 1945, and entered into force on October 24, 1945.

<sup>17</sup> Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/180, at 71 (1948).

<sup>18</sup> International Covenant on Civil and Political Rights, 999 U.N.T.S. 171 [hereinafter ICCPR]. The Covenant was adopted on December 19, 1966, and entered into force on March 23, 1976.

<sup>19</sup> International Covenant on Economic, Social and Cultural Rights, 999 U.N.T.S. 3 [hereinafter ICESCR]. The Covenant was adopted on December 19, 1966, and entered into force on January 3, 1976.

The United Nations Declaration on the Elimination of Violence Against Women<sup>20</sup> states *“violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men”* and *“violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms.”*

The 1995 UN Beijing Platform for Action (BPFA), which was signed by our Government, states that VAW is one of the major barriers for achieving gender equality. It addresses VAW as one of its 12 areas for concern, calling upon governments to *“take integrated measures to prevent and eliminate violence against women”* (UN, 2001: p.76).

In February 2008, United Nations Secretary-General Ban Ki-moon launched his campaign, *“UNite to End Violence against Women,”* a multi-year effort aimed at preventing and eliminating violence against women and girls in all parts of the world.<sup>21</sup> The United Nations are developing a coordinated database on the extent, nature and consequences of all forms of violence against women, and on best practices for policies and programmes aimed at combating such violence.<sup>22</sup> In September 2008 the United Nations asked all Member States to provide information for the database. As at 2 March 2009, 61 Member States had provided information – New Zealand had not yet responded.

Within a human rights perspective, VAW clearly denies women and girls the most fundamental of human rights: life, liberty, bodily integrity, freedom of movement, freedom from torture, and dignity of the person.

VAW means women must consider their safety in many situations every day. No woman is ever entirely safe from violence. Society expects women to modify their behavior in an attempt to avoid violence and then holds women responsible if they are assaulted. The normalization of VAW has wide-ranging consequences which limit women’s participation and involvement in community and public life.

United Nations member governments, including Aotearoa New Zealand, have obligations to prevent and address VAW, especially through the concept of due diligence. This requires governments to use all means at its disposal to address both individual acts of VAW and the structural causes so as to prevent future violence. Failure by governments to do this ultimately amounts to a failure to protect the human rights of Aotearoa New Zealand women and girls.

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<sup>20</sup> Declaration on the Elimination of Violence against Women, G.A. Res. 48/104, U.N. Doc. A/Res/48/104 (1994)

<sup>21</sup> <http://endviolence.un.org/index.shtml>

<sup>22</sup> <http://webapps01.un.org/vawdatabase/home.action>

## 6. Current approaches in Aotearoa New Zealand

**“While appreciating the steps taken by the State party, such as the establishment of the Taskforce for Action on Violence within Families and the 2006 report on violence within families, the Committee is concerned about the continued prevalence of violence against women, particularly Māori, Pacific and minority women, and the low rates of prosecution and convictions for crimes of violence against women. The Committee also remains concerned that analysis on issues relating to violence against women remains inadequate for the purposes of identifying the causes of violence against women, monitoring trends and evaluating the appropriateness and impact of policy and law enforcement efforts. The Committee also expresses concern that the number of protective orders granted to women is declining.”**

*Concluding comments of the United Nations Committee on the Elimination of Discrimination against Women: New Zealand Thirty-ninth session 23 July-10 August 2007*<sup>23</sup>

### The Government Sector

Legislative changes in Aotearoa New Zealand such as criminalizing rape within marriage and establishing protection for victims of domestic violence are relatively recent phenomena.

Aotearoa New Zealand’s legislation around domestic violence is covered under the Domestic Violence Act (DVA) 1995, which defines violence, and protections in gender neutral ways. Since the DVA was introduced, it has become the norm to describe all violence in the home as ‘family violence’, which recognises abuse towards children and older family members as well as intimate partner violence.

Despite evidence that all of these forms of violence are gendered, the language and approach in Aotearoa New Zealand has been determinedly gender neutral. This obscures the extent to which the victims many forms of violence are predominately women and the perpetrators are predominantly men. It has created an odd, almost apologetic addition to Government reports in which the gendered nature of violence is mentioned in one paragraph, and then ignored in the rest of the report.

### Family Violence

The Family Violence Ministerial Team was established in 2006, and includes the Ministers for Social Development and Employment, Police, Justice, Education, Health, Women’s Affairs, and the Chairperson of the Open Hearing into the Prevention of Violence against Women and Children. The Ministerial Team is informed by the Taskforce for Action on Violence within Families, which includes Chief Executives of all Ministries, representatives from the judiciary, Families and Children’s Commissioners, Māori and Pacific Advisory Group representatives, and Chief Executives from five non-governmental organizations (NGOs)

<sup>23</sup> <http://daccessdds.un.org/doc/UNDOC/GEN/N07/459/77/PDF/N0745977.pdf?OpenElement>

which report back to the wider NGO sector. Government, NGOs and the judiciary together form the Taskforce for Action on Violence within Families, which has produced two programmes of action for eliminating family violence.<sup>24</sup> However, the documents produced do not easily lend themselves to measuring progress, and although the gendered nature of family violence is acknowledged, in practice much of the language and approach is gender neutral.

### Sexual Violence

Initiatives focusing on family violence have, despite legislative definition which includes sexual violence, left sexual violence off the agenda. A Taskforce for Action on Sexual Violence (TASV) was established in July 2007 to lead and coordinate interagency action to prevent and respond to adult sexual violence, comprising the chief executives of Justice, Women's Affairs, Police, Corrections, Social Development, Health, Education, Pacific Island Affairs, ACC and Te Puni Kōkiri, a member of the Judiciary, and four representatives from the National Network Ending Sexual Violence Together (NNEST). NNEST has been recognised as the official non-government representative body for the Taskforce as it represents the vast majority of organisations and individuals working in the sexual violence sector in Aotearoa New Zealand. The TASV is focused on sexual violence towards adults – children are explicitly excluded from its terms of reference. The TASV work programme comprises initiatives that cover a broad range of areas - from prevention and education to crisis and longer-term support for victims; offender treatment and management; and the responsiveness of the criminal justice system. It is due to make a final report to Cabinet in July 2009 to report on what has been achieved.

### Sexual Exploitation of Children

Commercial sexual exploitation of children was the subject of a National Plan of Action in 2001, progress on which was considered in a Ministry of Justice report in 2006. The Report concluded that progress in many areas was ongoing, with indications of continuing abuse of children continuing. For example, despite conservative estimates of 210 children exploited in prostitution in 2005, convictions of men buying sex with children in are very low, numbering only nine between 2001 and March 2006.<sup>25</sup> A brief trial by the Department of Internal Affairs of filter software discovered more than 3000 New Zealanders attempting to access illegal child pornography websites.<sup>26</sup> There is a full-time team at the Department of Internal Affairs monitoring the use of child pornography on the Internet, resulting in a conviction for on average every two weeks for a New Zealand citizen.<sup>27</sup>

### Trafficking

Aotearoa New Zealand has ratified the United Nations Convention on Transnational Organised Crime Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. As part of legislative changes ratifying the Protocol, Aotearoa New Zealand enacted the offences of people smuggling and trafficking in persons in the Crimes Amendment Act 2002. However, 'trafficking' as a term is virtually absent from discussions

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<sup>24</sup> Taskforce for Action on Violence within Families. (2006) **The First Report**, and (2007) **The Ongoing Programme of Action**. Wellington: Ministry of Social Development.

<sup>25</sup> Ministry of Justice. (2006). **Protecting Our Innocence: A Stocktake of the National Plan of Action against the Commercial Sexual Exploitation of Children**.

<sup>26</sup> ECPAT NZ February 2008.

<sup>27</sup> ECPAT NZ December 2007.

of the sex industry, not appearing at all in the comprehensive Prostitution Law Review Committee report of those working in the sex industry.<sup>28</sup> The violence, coercion, force and exploitation of women and children through trafficking does not sit easily with the language of 'sex work' employed by the New Zealand Prostitutes Collective, with the possible consequence that despite indications of ethnic minority women involved in prostitution, trafficking may be being missed.

Auckland Police conservatively estimated there were 500 women from Thailand working in prostitution in 1999. In 2005 Police listed Thailand, China, Taiwan, Korea, Vietnam, Philippines, Cambodia and Laos as countries of origin for women working in prostitution in their areas. The New Zealand Prostitutes Collective list Eastern Europe as a place of origin for small numbers of women working in prostitution.<sup>29</sup> All of these countries are trafficking countries of origin. It would be naïve in the extreme to believe that none of these women are in situations of exploitation, violence and abuse.

The United States Department of State reported "*New Zealand is a destination country for a significant number of foreign women from Malaysia, Hong Kong, People's Republic of China, and other countries in Asia, who are illegally in the commercial sex trade. Some of these women may be trafficking victims*"<sup>30</sup>. A National Plan of Action to Combat Trafficking in Persons has been touted since at least 2006 and is still to be developed.

### Exploitation of migrant women

The serial abuse by men who use marriage as a tool to exploit migrant women without permanent residency status in Aotearoa New Zealand, has been raised by both the Shakti Community Council and Women's Refuge as an issue of VAW. Both agencies have evidence of women's residency status being used in violent relationships. Men lie to their partners about the requirements of citizenship in Aotearoa New Zealand, with-hold passports and immigration documentation and in some cases leave their partners just before they qualify as residents. The women are deported and the men seek another new migrant partner. These women are currently flying under the radar of statutory agencies, with just five women granted residency under the Victims of Domestic Violence Policy in 2006.

## The Non-Government Sector

The VAW sector in Aotearoa New Zealand includes refuges, rape crisis, helpline and advocacy projects and survivors' groups. Many service organizations work with male victims as well as female, and many organizations working on violence within families in Māori communities take a holistic whanau approach.

Most NGOs are focused on local community solutions and developing and maintaining services in what continues to be an under resourced area. Access to services around the country is uneven in terms of geography, type of service, and range of skills of service

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<sup>28</sup> Prostitution Law Review Committee. (2005). **The Nature and Extent of the Sex Industry in New Zealand: An Estimation**. Wellington: Ministry of Justice.

<sup>29</sup> As above.

<sup>30</sup> United States Department of State. (2007). **Trafficking in Persons Report**. USA.

provider, including ethnic specific services. One of the conclusions reached by the Leitner Center (2009) with respect to violence against women was *“the New Zealand government currently relies on NGOs to provide many of the services necessary to comply with its obligations under international law..... The New Zealand government does not provide sufficient funding to cover the costs of such services, however.”*

## 7. Creating an integrated approach

**“Consider the possibility of developing national plans of action to promote the protection of women against any form of violence, or to include provisions for that purpose in plans already existing, taking into account, as appropriate, such cooperation as can be provided by non-governmental organizations, particularly those concerned with the issue of violence against women.”**

*(Article 4 (e) of the United Nations Declaration on the Elimination of Violence against Women 20/December 1993<sup>31</sup>)*

**“Take integrated measures to prevent and eliminate violence against women by any person, organisation or enterprise.”**

*(Strategic Objective D.1, United Nations Beijing Declaration and Platform for Action with the Beijing +5 Political Declaration and Outcomes Document. 2001: p.76.)*

A National Plan of Action covering all forms of VAW is needed. It would enable connections to be made, encourage the sharing of knowledge in useful ways, and focus our limited resources on strategic planning and service delivery, rather than duplicating work and energy. By naming VAW as the issue, the enduring patterns of gender inequality which are both sustained by violence can be brought into sharp focus. An integrated approach must, in the short term, support and empower women and girls and ensure sanctions and treatment for abusive men, whilst over the longer term, aim to reduce and ultimately end violence.

Other countries that we like to compare ourselves with have already introduced similar plans, many of which have included funding mechanisms to ensure adequate service provision. Most recently, the Australian Government has undertaken extensive community consultation to inform the development of a National Plan to Reduce Violence Against Women and Children, which will be led and monitored by a National Council.

A rethink of current approaches is needed. Addressing VAW requires:

- An innovative joined-up approach that gets beyond the government and community silos and highlights connections between forms of violence and abuse;
- Mainstreaming efforts to address VAW into all relevant areas of government policy while ensuring that a clear gender analysis of VAW is maintained;
- Using research, evaluation and other data collection to get a better understanding of the more invisible forms of VAW in Aotearoa New Zealand (e.g. exploitation of women in the sex industry, abuse of women brought to here for the purposes of marriage, dating violence, stalking) and the cumulative effect of multiple forms of VAW, particularly for Māori, Pacific, Asian, migrant, poor, unemployed, and disabled women;

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<sup>31</sup> <http://www.un.org/documents/ga/res/48/a48r104.htm>

- Encouraging and enabling integration in specific areas like prevention, research and evaluation, service development, and community collaborations;
- Learning from local and international initiatives that already take an integrated approach to VAW;
- Improving efforts to hold men accountable for violence and implementing more, effective programmes to change violent attitudes and behaviours;
- Consulting with, and involving Māori and Tauīwi community leaders, the women's movement, and women survivors of violence in all initiatives to address VAW.

**“Developing a culture of non-violence will require both patience and impatience. Changes will take time.”**

**“Recognising that it will take time to implement change and produce rigorous research should not be an excuse for inaction.”**

**“Today, many people are saying that this is not how they want New Zealand to be. So maybe now is the time to start the dialogue about the type of society we do want, and how we are going to get there.”**

*Fanslow, J. (2005). Beyond zero tolerance: key issues and future directions for family violence work in New Zealand. Wellington: New Zealand Families*

*Commission*

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