



NEW ZEALAND

Affiliated with the International Federation of Business & Professional Women

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SUBMISSION

**Ministry of Justice
PO Box 180
Wellington**

Re: Enhancing Victims Rights Review

Introduction

1. This submission is from the New Zealand Federation of Business and Professional Women Inc.

Our organisation

2. Our organisation's aims are to link professional and businesswomen throughout the world, to provide support, to lobby for change and to promote the ongoing advancement of women. We work for equal opportunities and status for all women in economic, civil and political life and the removal of discrimination in all countries. We promote our aims and organise our operating structure without distinction as to race, language or religion.

Our structure is comprised of a National Executive, 30 branches located nationwide between Kaitaia and Southland, with a number of individual members in areas where there is no branch. We are a non political organisation.

Our interest in this bill is because we are a women's group who are committed to ensure equality for all working women through advocacy, education and mentoring.

We submit our views on the Enhancing Victims Rights Review as we have policy that was passed in 1993, 2005 and 2008, and as New Zealand is a signatory to CEDAW we believe that more can be done in protecting and counselling victims; refer below

18.5.3 **Campaign to End violence Against Women**

THAT members support the campaign to end violence against women and urge their organisations to ensure that their members know about how to exercise their right to live without fear of violence, and are aware of the **information, resources, support, protection and assistance available in their communities for victims of domestic violence.** (2008)

Rationale

- Research shows that domestic violence is a gender issue, the perpetrators are overwhelmingly male and that education / counselling programs for women are vital in empowering women to deal with domestic violence.
- CEDAW Article 5 (a) states that “Parties shall take all appropriate measures to modify the social and cultural patterns of conduct of man and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority of the superiority of either of the sexes or on stereotyped roles for men and women”
- BPW NZ Policy does not include formal acknowledgement of our stance on domestic violence.
- BPW has a key role to play in ensuring that women are aware of what resources are available in their own community to protect and support women dealing with domestic violence.

18.6 Funding for Victims of Sexual Abuse

18.6.1 **ASK** the Government to provide sufficient funds to run a full-time service for all Rape Crisis Centres and Women’s Refuges. **(1993)**

18.6.2 URGES the government to provide sufficient, long term funding to ensure that:

- i) Fully subsidized counselling and therapy are provided to victims of sexual violence for as long as is necessary to enable the victim to deal with the trauma and cope with every day life, and that
- ii) These services are available free of charge to all survivors of sexual violence throughout New Zealand. **(2005)**

Rationale:

- The government has recently drafted an Action Plan for the Reduction of Violence and Sexual Violence; however it has not specified a remedy for the problem faced by many survivors of sexual violence regarding the cost of counselling. Research has shown that sexually abused women are taking longer to recover from their ordeal because of the high cost of counselling and restricted access to subsidized therapy funded by the Accident Compensation Corporation. Some women report feeling pressured to finish counselling before they are ready due to lack of financial resources.
- *The scale of the problem is huge as New Zealand research suggests that up to 1 in 4 women may have had one or more unwanted sexual experiences before the age of 12. For adults, the National Survey of Crime Victims (NZ) in 1996 suggests that 1 in 16 women is sexually assaulted per year.*
- While not all people with a history of sexual abuse will experience serious long-term negative effects on their lives, the list of possible long-term consequences of sexual violence is long. These include a wide range of mental health problems such as depression, substance abuse, eating disorders, anxiety disorders, suicide attempts and self-harming behaviours.
- Government funding for services for the resolution of the effects of sexual violence is essential for maximization of the individual’s quality of life and for the society as a whole. That New Zealand subscribes to this view seems evident from:
 - i) New Zealand’s role in co-sponsoring the UN Commission on Human Rights Resolution 2003/45 Elimination of Violence Against Women, which “encourages States to ensure that women have access to comprehensive and accessible health services and programmes and to health-care providers who are knowledgeable and trained to meet the needs of patients who have been subjected to violence, in order to minimize the adverse physical and psychological consequences of violence” and “calls upon States ...to support initiatives undertaken by women’s organizations and non-governmental organizations on the elimination of violence against women **Including in the area of support services for victims**”.
 - ii) The Safer Communities Action Plan To Reduce The Victims’ Rights Act 2002
 - iii) Community Violence and Sexual Violence, released in June 2004

This resolution is in accordance with articles 5, 6 and 13 of CEDAW and paragraph C3 and D of the Beijing Platform for Action.

BPW NZ supports the proposals to the government following the previous review and the subsequent report from the Justice and Electoral select committee, chaired by Lynne Pillay.

The following are opinions on the proposals.

- 1- Establish a Victims Services Centre as a central coordination and information point for the services available to support victims**

BPW NZ support the proposed establishment of a central Victim Support Centre to coordinate the information a victim requires ensuring their rights are being upheld and any queries answered.

BPW NZ proposes that victims receive a comprehensive and understandable information pack, detailing the responsibilities of each agency the victim may have to deal with. This would be a desirable resource for Victim Support to issue to victims.

2 - Develop a Code of Practice against which all criminal justice agencies can be made more accountable, similar to the program in Victoria, Australia

BPW NZ agrees that a code of practice will give agencies a standard that they know they must maintain and also to train their staff in a consistent way of handling victims, so that the victim does not get confused or disillusioned by the way an agency handles their problems and concerns.

3 - Establish a Victims of Crime Complaints Officer to improve the complaints process and assist in enforcing the Code of Practice

Currently Victim Support gives a lot to help victims in this area. If they can direct victims to one point of contact it makes the whole process easier and less stressful for the victim.

4 - Require all criminal justice sector agencies to include in their annual report to Parliament information about the use of their services by victims and any complaints received from victims

BPW NZ believes this should be an automatic requirement so that transparency is maintained for the public to view the performances of the various agencies.

5 - Improve Victims' role within the criminal justice process by providing for more communication between victims and prosecutors to ensure victims have the opportunity to be more involved in the case

BPW NZ would like to see a system put into place so that the victim has the right to be informed of what the prosecutors are advocating and to be asked whether they have other opinions on the process and progress of the case. This needs to be flexible enough that the victim does not feel pressured to have to become any more involved than he/she is prepared to become.

6 - Provide further victim information to the court by giving victims the right to say more in their Victim Impact Statement and to read their statement to the court.

BPW NZ has always supported the right of a victim to have their say on the impact that the crime committed against them has had, what they feel the ongoing effects will be and how it will affect not only them but their family and their future. BPW NZ would like to see this statement allowed to be read to the court through a video link, as some victims are so traumatised by having to face the perpetrator of the crime against them that they are unable to give voice to their feelings on the impact the crime against them has had.

7 - Improve the Victim Notification System for victims of serious offences by tailoring the system so victims can choose the level of notifications they receive and control their level of involvement.

BPW NZ agrees with the recommendation from the select committee report that it direct a new or existing agency to take responsibility for its overall effectiveness of the Victim Notification System, and ensure that the various systems are easy for the victims to access and understand. BPW NZ agrees with recommendation 19 which is an automatic inclusion in notification unless the victim chooses to "opt' out". Many victims are too emotionally involved to make the correct decision for their circumstances when asked at the time of the trial/court appearance and at the time want nothing more than to never hear about the crime again. However when time has passed they may feel very differently having had the chance to come to terms with the crime committed against them.

An example of a victim not being notified about the release and relocation of an offender is when a victim's husband had been killed, found out after the fact that the offender had been released on bail and was living across the road from the widow. This was an appalling lack

of judgement on the part of the justice dept. as the stress caused on the widow and her family when they discovered the offender living so close was immense. This is only one example of victims finding out that the perpetrator is living close by, there are many others that have been well documented in the newspapers and reported on through the radio and television.

8 - Clarify the rights of the victims of child and youth offenders by ensuring the Victims Rights Act 2002 is more explicit as to how it applies to cases in the youth jurisdiction.

Currently there is nothing specific in the Victims Rights Act 2002 on how a victim is able to deal with a youth or child offender, as this refers back to the Children, Young Persons, and their Families Act 1989. BPW NZ agrees that clarification is necessary as many offenders fall into the category of being tried in the youth court and family court where the offender is under the age of 14.

BPW NZ would like to see the recommendation that the Government establish and resource a programme similar to the Victims Assistance and Counselling Program in Victoria, Australia, to provide counselling and other assistance to victims. The programme to be facilitated by the Victims Services Centre, and written into any legislation or proposals given. Having one point of contact for the victim reduces the amount of stress and dissatisfaction a victim may feel if they are handed from one agency to another.

Yours Sincerely

Noeline Reisch
Legislation Convenor
BPW NZ