Prevalence of abuse of disabled people and the relationship between disability and domestic violence – please see attached briefing paper written for Auckland Council. (Appendix One)

Currently there is very little accessible domestic or sexual violence service provision for women with disabilities.

Very little data is collected about people with disabilities in mainstream and national data collection – especially relating to violence and abuse.

**What can we do to improve the circumstances of disabled women/people?**

We must stop the erosion of rights of all women. When all women become marginalised in a country, as is occurring now with increased wage disparity between men and women, a range of legislation that harms women more than men, back-sliding on gender equity, than those who are already at the margins – because of (for example) disability, age, ethnicity – get pushed further to the edge and become even more silenced.

Janet Fanslow outlined the erosion of services for women and the new legislation that increasingly puts women at risk. What sits underneath this process?

Neo-liberal politics – introduced in the 1980s and continuing today.¹ This is the belief that the market is more effective than state provision of services and legislation. This has a number of negative effects on women.

- It drives wages and conditions down, further disadvantaging those who are on the lowest wages – and increasing unemployment.
- It silences organisations that are reliant on government funding. As funding is reduced organisations become afraid to speak out, and increasing insular, as they attempt to hold on to increasingly scarce resources.

More insidiously, this ideology promotes victim blaming – it blames victims for their own circumstances, rather than taking into account the environmental and political barriers and restraints that inhibit change. Women are blamed for many circumstances that are either beyond their control or are severely compromised by men. For example, women who live with abusive men are blamed for their ‘choice’ of partner and criminalised for failing to protect their children, unemployed people are blamed for their lack of employment, low waged people are blamed for their lack of skills. This is all done without considering the circumstances and context of people’s lives. The resources that would enable people to change their circumstances are removed from them as services are closed, reduced and/or targeted. For example, women attempting to leave abusive relationships will find that domestic violence services are constrained by lack of funding, Housing NZ no longer prioritises women escaping violence, so there may be nowhere for women to move to, it’s much harder to get legal aid so women will have limited access to family and criminal court processes and women may find themselves cast as the bad parent for both for having lived with an abusive man and then removing the children from him.

A small example of hypocrisy. Women, and their teenage daughters, are, under the new welfare provisions, being forced to use long-term contraception. Yet, at the same time, WINZ have been criticised for giving men money to get vasectomies. Surely, if the government believes that it has a right to control women’s fertility they should also be actively encouraging the control of men’s fertility. After all – women can only have one baby at a time – men can have as many as the women they have sex with.

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So all women suffer - but marginalised, minority, poor, less educated, elderly and disabled women suffer more.

The CEDAW recommendations provide us with a way forward.

But first we must pursue and reverse the policy and legislative changes that have harmed women. These are attached below. (Appendix Two)

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We must collect good robust gender disaggregated data about:
- violence against women and children
- the effects of political changes on women
and include questions about self identified disability in all of this data collection.

While we have reasonably good human rights legislation in New Zealand, there are very few provisions for women to complain about gender related discrimination. The provisions relate to work places - not to the provision of services or discrimination in private settings. We need human rights legislation that enables us to complain, for example, that women’s refuges are not accessible for disabled women, that Housing NZ does not prioritise women escaping violence in their provision of housing and at any time that government legislation discriminates against us.

The government’s initial response to CEDAW, and the relative attention it intends to give to the recommendations can be gauged by the letter (attached below) from the Minister of Women’s Affairs to her parliamentary colleagues, where none of the criticisms and recommendations for action are acknowledged.

What is this government doing?
- Reducing funding to all women’s organisations
- Marginalising women and women’s issues
- Destroying the infrastructure of women’s organisations
- Un-employing specialist staff
- Intending to create mega social service agencies that align with government policy – not people’s needs
- Punishing women, not helping.

We have two choices.
Silence - We can keep silent and try to hang on to the little bit that we have left – not cause any trouble in the hope that we’ll be the organisation or service that survives – this option means we watch more and more women’s agencies’ and women’s rights disappear without a ripple – without most of the country even knowing what’s happening…

Or we can resist this attempt to silence and marginalise us and be brave and loud. Let’s tell the people of New Zealand about the gulf between what the government is saying its doing and what it actually does. Illuminate the damage and the harm.

Keep talking – we only have to survive two more years – let’s fight to keep what we’ve got until we can start to rebuild again. Use this time to educate the other political parties about the need to redress the harm and make positive changes for women.

Then we can bring disabled and other marginalised groups of women in from the margins, resource women equitably and start to change the paradigm that enables violence against women and children to continue.
Sexual and domestic violence and disability
Appendix one: Briefing paper for Auckland Council

Currently, within sexual and domestic violence services, there is very little service provision for disabled women or women with disabled children. There is also limited understanding of the diverse needs of disabled women in sexual and domestic violence services and of domestic and sexual violence in the disability sector.

Disabled women include women with physical disability, mental health problems, intellectual disability, brain injuries and chronic illnesses that result in disability.

“Someone’s experience of disability may be obvious or hidden, serious or mild, singular or multiple, stable or degenerative, constant or intermittent. Disability can be caused by accident, illness, trauma, a genetic condition, aging or by birth. It can affect a person’s mobility, senses, moods and the way their brain functions.”

Disability is related to sexual and domestic violence in two ways.

1) Disabled people are more likely to be abused both as children and adults than non-disabled people. It is not possible to give reliable statistics as the numbers vary according to study design, the population studied, methodology etc. However, the consensus is that “Violence against women with disabilities has been identified as not only more extensive than amongst the general population but also more diverse in nature than for women in general.”

2) Domestic violence can result in short and long term disability including acquired brain injury, mental health problems, blindness, hearing loss and muscular skeletal injuries. Deliberate neglect and abuse can cause chronic illness and loss of function (mental and physical) which results in long-term disability. Sexual violence is strongly associated with mental health problems and could also result in physical disability and brain injury as a result of physical attacks associated with the sexual violence.

In New Zealand domestic violence legislation, domestic violence is defined as occurring between people who live in a domestic relationship – not necessarily a sexual relationship. For disabled people the relationships that this can include are much wider, as disabled people are reliant on a range of people to support them. This is explained in the booklet Domestic violence and disabled people.

“People who experience disability may rely on a variety of people to provide them with assistance. Some of these people are family and friends; others are paid caregivers and staff from agencies that people who experience disability use. Family violence is abuse of one person by another in a domestic relationship and under New Zealand law, it is child abuse when children witness or hear violence between adults. The domestic violence act defines a domestic relationship as

- a spouse or partner
- a family member
- someone that you ordinarily share a household with
- a close personal relationship

There does not need to be a sexual relationship.

In your family this could be your husband, wife, brothers and sisters, parents, aunts, uncles, grandparents, in laws, boyfriends and other people living in the same household, for example in a flat or institutional setting.

People who are not covered by the Domestic Violence Act, but could still abuse you are: your home help, taxi driver, medical personnel such as nurses, doctors and therapists, care givers, interpreters, teachers, social workers, counsellors and the range of staff in hospitals and other institutions.”
This describes the complexity of the relationships and the higher risk of sexual and/or domestic violence that a disabled person is exposed to.

Building the Evidence (2008) is a research project undertaken in Victoria, Australia, to understand how women with disabilities are recognised and responded to in policy and service provision for domestic violence. Their findings included that:

- Family violence sector standards and codes and guidelines say little about how to support women with disabilities
- Most services do not routinely collect data on disability and family violence
- Most family violence workers consulted had minimal or no training in supporting women with disabilities
- Little is known about the help-seeking experiences of women with disabilities experiencing violence
- Family violence and disability services need:
  - sustained collaboration with each other that includes specialist advice, secondary consultation and education about women with disabilities experiencing violence
  - education from women with disabilities
  - to undertake risk assessment and to respond appropriately

Family violence services must

- improve physical access
- Provide information in accessible formats...
- Provide secure, affordable crisis, supported and permanent accommodation...
- Provide more intensive case management and post-crisis support is needed

These are all issues have been identified as being of concern in New Zealand.

There are two groups in New Zealand that have the specific aim of bringing these two sectors together to improve the understanding of both sectors about the relationship between these disability and abuse and to ensure that service provision is accessible and appropriate for all women – not just those who are not disabled. These groups are DVD and DCAV.

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DVD support the initiative for Auckland Council to have a policy and programme of action to address sexual and domestic violence in the city. This is consistent with UNCRPD Article 16 “Freedom from exploitation, violence and abuse”.

In order to ensure that the needs and voices of disabled women and children are heard in this discussion and the formation of policy and practice we suggest:

- That disabled people be leaders in the ongoing development of these initiatives

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DPA is an umbrella organisation representing people with all types of impairments — physical, sensory, intellectual, psychiatric and neurological, acquired at any stage of life - the families of people with disability, disability advocacy organisations and disability service providers.


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• That relevant Auckland Council staff attend training with DVD about the relationship between disability and abuse
• That Council fund research into the relationship between the sexual/domestic violence sector and the disability sector and how to encourage collaboration for the wellbeing of clients
• That Council's policy and activities promote community wide changes in the attitudes and behaviours that limit opportunities for disabled people to live lives without abuse
• That council policies ensure that all events are assessed for the risks of sexual and family violence and prevention of violence is included in all planning
• That all events are assessed for accessibility and planned to be fully accessible
• That the Council increase the levels of knowledge and information available to the Auckland community on the link between sexual/domestic violence and disability
• That the Council widen its older person's policy and strategy to include the risk of violence for those with disabilities

A recent report, *Finding Safety. Provision of specialised domestic violence and refuge services for women who currently find it difficult to access mainstream services* makes a number of recommendations about service provision for disabled women. Council could play a crucial role in brokering these relationships and providing funding for cross sector workers.

The recommendations include:
• “Domestic violence services and women’s refuges be available to women escaping all forms of violence including that associated with sexual violence, sex work, trafficking, FGM\(^5\) and underage and forced marriage.
• Women are housed and offered services regardless of age, and age appropriate services are offered by all services.
• All refuges have fully accessible accommodation available for women with physical disabilities or those with disabled children
• Specialised refuge services be established for women with mental health and drug and alcohol problems associated with sexual and domestic violence
• Good quality housing is made available for women to move to after refuge or when escaping violence (see www.homeworkstrust.org.nz)
• Women-only drug and alcohol and mental health inpatient services, staffed by women, are available to women in all regions
• Domestic violence training and training about the mental health effects of domestic violence be incorporated into the initial and ongoing professional development training of all health, legal, therapeutic and social service professionals including psychologists, psychiatrists, mental health and drug and alcohol service staff, judges, lawyers, court staff, police, social workers, therapists and counsellors.
• Long-term adequate funding is provided by government to the educational institutions and NGOs that provide this education.
• All services involved in responses to abused women, including clinical and NGO mental health and drug and alcohol services are be encouraged to develop polices about partnership development and memorandums of understanding (MOUs) in local areas
• Service user groups are convened and involved in the development of all services designed to address violence against women and to keep women safe”

\(^5\) Female genital mutilation
References


Concerns about legislation and policy that affects women's ability to live lives that are free from abuse.

Appendix two:

**Legislation and policy changes that specifically impact on women's safety:** This includes legislation that has unintended consequences for women.

- Changes to the Family Court that impact on women’s ability to leave abusive relationships because of the lack of processes that prioritise women and children’s safety. They include:
  - the focus on mediation and couple work
  - contracting for counselling rather than respondent programmes for domestic violence
  - referring more people/couples to counselling rather than respondent programmes
  - the excessive costs of using the court
  - the inability to be represented by a lawyer and to get legal aid when applying for a parenting order, except when the order is without notice

- Changes to/cutting of funding for prevention and health promotion in all areas including family and sexual violence

- The changes to Housing NZ including the merger with the Department of Building and Housing, the loss of case managers and face to face contact, the restriction on the provision of social housing policy to government and other changes which seriously diminish the function of the organisation to provide social housing to women needing to leave violent relationships. Also, Women’s Refuge NZ has been told that domestic violence is no longer a priority for the allocation of housing.

- Decreased funding to sexual and family violence services

- All of the changes to the provision of welfare that disproportionately discriminate against women and children and further impoverish and marginalise sole parents

- The regulation of women’s fertility via the domestic purposes benefit

- The Bill to change provisions for child support payments to custodial parents including shared care measured as two nights a week and less sanctions for non payment

- The changes to Legal Aid which make it much more difficult for women to get legal aid and therefore have access to justice

- The Crimes Amendment Act which has the capacity to further abuse and punish women who are living in a violent relationship and, as a consequence of living with sexual and domestic violence are unable to protect themselves and their children, by criminalising them for this failure.

- Changes to the Families Commission (no longer an advocate for families, less resources, directed by government policy) and the closing of the Family Violence Unit in the Ministry of Social Development

- The changes to the Taskforce on Family Violence, which downgrades the taskforce members from chief executives to less senior representatives with lesser decision making/spending powers

- Cuts to Community Law services especially the specialised services such as disability and youth

- The Child and Family Protection Bill which means that when Protection Orders are granted there is now a requirement for the case to return to court within 2 weeks for a contact/care decision to be made...this can put abused women and their children at serious risk of ongoing abuse as it provides the abuser access to his victims and power over their lives via the access/contact requirements
The changes to the Solicitor General’s Guidelines for Prosecution, 2010, which increased the threshold for evidence for crimes to be prosecuted. This means that in cases where it is ‘he says’ / ‘she says’ (domestic and sexual violence) the prosecutor is less likely to go forward with the case.

Legislation and policy that discriminates against women or harms women’s ability to participate fully in the community.

- The cuts to the community education budget. This was often women’s entry into adult education, employment and decreasing social isolation
- The cutting of the subsidy for women on the DPB to engage in tertiary studies
- The focus on “front line services” with the consequent loss of jobs and expertise
- All of the cuts in services that traditionally employ women – for example, health, education and the social services
- The closing of the Department of Labour’s Pay and Employment Equity Unit
- The changes to employment law that disadvantage employees
- Changes to the Mental Health Commission and the development of the Health Promotion Agency
- Increases in medical and prescription fees
- Changes to eligibility to home care for older/disabled people, changes to eligibility to disabled driver parking cards
- The focus on front line services with the subsequent loss of jobs and expertise
- Local government changes that impact on the provision of funding and support for women’s organisations and violence prevention initiatives
- Cuts to funding for women’s organisations
- Cuts to educational support for disabled children in main-stream schools
- Cuts to all public sector staffing and spending, including less research and policy advice – this means that government policy is based on Ministers’ wishes rather than evidence and best practice
- The need to implement fully the Ministry of Justice Report Te Toiora Mata Tauherenga, Report of the Taskforce on Sexual Violence, 2009
- Addressing the issues raised in the Human Rights Commission report on employment in rest homes “Caring Counts”
- The issues raised in the latest CEDAW report
- The need for full implementation of the Domestic Violence Act
- Implementation of the ruling from Surrey vs Surrey 2010 about the provision of protection orders
Appendix three

Office of Hon Jo Goodhew

MP for Rangitata
Minister for the Community and Voluntary Sector
Minister for Senior Citizens
Minister of Women's Affairs
Associate Minister of Health

Parliament Office
Parliament Buildings
WELLINGTON

7 NOV 2012

Convention on the Elimination of All Forms of Discrimination against Women

It was a great privilege to present New Zealand's seventh periodic report to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee in July 2012. Prepared every four years, this is a 'report card' on how well New Zealand women are doing according to international benchmarks. I believe this is an important report that all members of Parliament should be aware of. The full report and the advance version of the Committee's observations on New Zealand's report can be found at:

The Committee expressed its appreciation for the comprehensive report presented by the delegation, and acknowledged New Zealand for implementing a number of positive legislative and policy reforms for the advancement of women in the period covered by the report (2006 – 2010).

New Zealand was commended by the Committee for having the fundamentals in place for the continuing advancement of women. I note that the three specific priorities I have set for the Ministry of Women's Affairs: greater economic independence, more women in leadership and increasing safety from violence, align with many of the recommendations made by the Committee.

I am discussing the Committee's recommendations, which span various portfolios, with my Ministerial colleagues and officials.

Yours sincerely

Hon Jo Goodhew
Minister of Women's Affairs

Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand. Telephone 64 4 817 6833 Facsimile 64 4 817 5533
Prevalence of abuse of disabled people and the relationship between disability and domestic violence – please see attached briefing paper written for Auckland Council. (Appendix One)

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Neo-liberal politics – introduced in the 1980s and continuing today. This is the belief that the market is more effective than state provision of services and legislation. This has a number of negative effects on women.

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References


Concerns about legislation and policy that affects women's ability to live lives that are free from abuse.

Appendix two:

Legislation and policy changes that specifically impact on women's safety: This includes legislation that has unintended consequences for women.

- Changes to the Family Court that impact on women's ability to leave abusive relationships because of the lack of processes that prioritise women and children's safety. They include:
  - the focus on mediation and couple work
  - contracting for counselling rather than respondent programmes for domestic violence
  - referring more people/couples to counselling rather than respondent programmes
  - the excessive costs of using the court
  - the inability to be represented by a lawyer and to get legal aid when applying for a parenting order, except when the order is without notice

- Changes to/cutting of funding for prevention and health promotion in all areas including family and sexual violence

- The changes to Housing NZ including the merger with the Department of Building and Housing, the loss of case managers and face to face contact, the restriction on the provision of social housing policy to government and other changes which seriously diminish the function of the organisation to provide social housing to women needing to leave violent relationships. Also, Women's Refuge NZ has been told that domestic violence is no longer a priority for the allocation of housing.

- Decreased funding to sexual and family violence services

- All of the changes to the provision of welfare that disproportionately discriminate against women and children and further impoverish and marginalise sole parents

- The regulation of women's fertility via the domestic purposes benefit

- The Bill to change provisions for child support payments to custodial parents including shared care measured as two nights a week and less sanctions for non payment

- The changes to Legal Aid which make it much more difficult for women to get legal aid and therefore have access to justice

- The Crimes Amendment Act which has the capacity to further abuse and punish women who are living in a violent relationship and, as a consequence of living with sexual and domestic violence are unable to protect themselves and their children, by criminalising them for this failure.

- Changes to the Families Commission (no longer an advocate for families, less resources, directed by government policy) and the closing of the Family Violence Unit in the Ministry of Social Development

- The changes to the Taskforce on Family Violence, which downgrades the taskforce members from chief executives to less senior representatives with lesser decision making/spending powers

- Cuts to Community Law services especially the specialised services such as disability and youth

- The Child and Family Protection Bill which means that when Protection Orders are granted there is now a requirement for the case to return to court within 2 weeks for a contact/care decision to be made...this can put abused women and their children at serious risk of ongoing abuse as it provides the abuser access to his victims and power over their lives via the access/contact requirements
The changes to the Solicitor General's Guidelines for Prosecution, 2010, which increased the threshold for evidence for crimes to be prosecuted. This means that in cases where it is ‘he says’ / ‘she says’ (domestic and sexual violence) the prosecutor is less likely to go forward with the case.

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**Legislation and policy that discriminates against women or harms women’s ability to participate fully in the community.**

- The cuts to the community education budget. This was often women’s entry into adult education, employment and decreasing social isolation
- The cutting of the subsidy for women on the DPB to engage in tertiary studies
- The focus on “front line services” with the consequent loss of jobs and expertise
- All of the cuts in services that traditionally employ women – for example, health, education and the social services
- The closing of the Department of Labour’s Pay and Employment Equity Unit
- The changes to employment law that disadvantage employees
- Changes to the Mental Health Commission and the development of the Health Promotion Agency
- Increases in medical and prescription fees
- Changes to eligibility to home care for older/disabled people, changes to eligibility to disabled driver parking cards
- The focus on front line services with the subsequent loss of jobs and expertise
- Local government changes that impact on the provision of funding and support for women’s organisations and violence prevention initiatives
- Cuts to funding for women’s organisations
- Cuts to educational support for disabled children in main-stream schools
- Cuts to all public sector staffing and spending, including less research and policy advice – this means that government policy is based on Ministers’ wishes rather than evidence and best practice
- The need to implement fully the Ministry of Justice Report Te Toiora Mata Tauherenga, Report of the Taskforce on Sexual Violence, 2009
- Addressing the issues raised in the Human Rights Commission report on employment in rest homes “Caring Counts”
- The issues raised in the latest CEDAW report
- The need for full implementation of the Domestic Violence Act
- Implementation of the ruling from Surrey vs Surrey 2010 about the provision of protection orders
Appendix three

Office of Hon Jo Goodhew
MP for Rangitata
Minister for the Community and Voluntary Sector
Minister for Senior Citizens
Minister of Women's Affairs
Associate Minister of Health

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7 NOV 2012

Convention on the Elimination of All Forms of Discrimination against Women

It was a great privilege to present New Zealand's seventh periodic report to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee in July 2012. Prepared every four years, this is a 'report card' on how well New Zealand women are doing according to international benchmarks. I believe this is an important report that all members of Parliament should be aware of. The full report and the advance version of the Committee's observations on New Zealand's report can be found at: http://www.mwa.govt.nz/our-work/international.

The Committee expressed its appreciation for the comprehensive report presented by the delegation, and acknowledged New Zealand for implementing a number of positive legislative and policy reforms for the advancement of women in the period covered by the report (2006 – 2010).

New Zealand was commended by the Committee for having the fundamentals in place for the continuing advancement of women. I note that the three specific priorities I have set for the Ministry of Women's Affairs: greater economic independence, more women in leadership and increasing safety from violence, align with many of the recommendations made by the Committee.

I am discussing the Committee's recommendations, which span various portfolios, with my Ministerial colleagues and officials.

Yours sincerely

Hon Jo Goodhew
Minister of Women's Affairs