

**Human Rights Commission Submission to
Hon Marama Davidson, Minister for Family
and Sexual Violence, on a National Action
Plan and Strategy to Address Family and
Sexual Violence in Aotearoa New Zealand**

July 2021



**NZ
Human
Rights.**

Human Rights Commission
Te Kaitiaki Take Kōwhiri

Table of Contents

1. Introduction	3
2. Recommendations for an Action Plan and Strategy on Family Violence and Sexual Violence	4
3. Te Tiriti-based responses to FVSV that integrate prevention are crucial to the Plan and Strategy	7
4. Sanctuary for everyone in women’s refuges, including migrants, refugees, and disabled people	8
5. Ending family and sexual violence at work: creating a zero-tolerance culture to end violence	9
6. Victim-centric justice means safer courts and pathways to redress and rehabilitation	10
7. Next steps for a rights-based Action Plan and Strategy on family and sexual violence	15
Annex: A gendered, intergenerational epidemic that has worsened in the COVID-19 era	16

1. Introduction

The Human Rights Commission Te Kāhui Tika Tangata (the Commission, Te Kāhui Tika Tangata)¹ welcomes the opportunity to make a submission to Hon Marama Davidson, Minister for Family Violence and Sexual Violence (FVSV) on an Action Plan and Strategy on FVSV for Aotearoa New Zealand. This submission contains recommendations for a Plan and Strategy that are: rights-based; victim-centred; gender-sensitive; culturally responsive; accessible; grounded in Te Tiriti o Waitangi (Te Tiriti) and informed by the lived experiences of survivors. We acknowledge the work on a Plan and Strategy guided by Te Tiriti and te ao Māori perspectives and focused on primary prevention of FVSV.

Our recommendations are guided by: voices of victims² and their advocates, whānau, hāpu, iwi and communities; and New Zealand's human rights obligations under domestic and international law.³ The Commission reiterates our call for a system-wide response to FVSV based on Te Tiriti and human rights. The Commission also calls for a Plan and Strategy that adopt recommendations in our [February 2021 submission to the Committee on the Elimination of Discrimination against Women](#) (CEDAW Committee) on New Zealand's compliance with the Convention on the Elimination of Discrimination against Women (CEDAW). We are also guided by the [report](#) and [recommendations](#) of the UN Human Rights Council on the Universal Periodic Review of New Zealand's progress on human rights, made in 2019, and the core human rights treaties that make up the 'Universal Bill of Rights'.⁴

Reviewing New Zealand's efforts to address FVSV under CEDAW and our core human rights obligations, the CEDAW Committee and Human Rights Council recommended a comprehensive, cross-party strategy to address

¹ This submission uses 'The Commission' and 'Te Kāhui Tika Tangata' interchangeably to refer to the Human Rights Commission Te Kāhui Tika Tangata of Aotearoa New Zealand. This submission also uses 'Aotearoa' and 'New Zealand' interchangeably to refer to Aotearoa New Zealand.

² The following terms are used interchangeably in this submission (except where victims of FVSV have lost their lives e.g. data from the Family Violence Deaths Review Committee): victim-survivors, victims and survivors.

³ National laws include: the Human Rights Act 1993, Te Tiriti o Waitangi (Te Tiriti), the Family Violence Act 2018, the Domestic Violence- Victims' Protection Act 2018, the Victims' Rights Act 2002, the Evidence Act 2006, and the Criminal Procedure Act 2011. Relevant international law includes: the Convention on the Elimination of All Forms of Discrimination against Women (1979) and its Optional Protocol, and the jurisprudence of the Committee on the Elimination of Discrimination against Women (CEDAW Committee) especially General Recommendation No. 35 on Violence against Women. Also the core human rights treaties: the International Covenants on Civil and Political Rights, and Economic, Social and Cultural Rights (1966); the Convention on the Rights of the Child (1990) and its Optional Protocols; the Convention against Torture (1989) and its Optional Protocol; the Conventions on the Rights of Persons with Disabilities (2006); Elimination of All Forms of Racial Discrimination (1966); and the Declaration on the Rights of Indigenous Peoples (2007). The jurisprudence of the Human Rights Council in New Zealand's Universal Periodic Review, and other UN expert bodies and special procedures mechanisms like the Special Rapporteur on violence against women, its causes and consequences, and the Committee on the Elimination of Racial Discrimination, are also relevant to addressing FVSV.

⁴ The Universal Bill of Rights includes: the Universal Declaration of Human Rights (1947); treaties including the International Covenants on Civil and Political Rights, and Economic, Social and Cultural Rights, recognised in our domestic law. The Universal Bill of Rights also includes core human rights treaties like Conventions on the: Elimination of All Forms of Discrimination against Women (CEDAW); Rights of the Child (CRC); Elimination of Racial Discrimination (CERD); and Rights of Persons with Disabilities (CRPD), and their optional protocols and normative guidance from UN committees and expert bodies.

gender-based violence.⁵ The CEDAW Committee welcomed the new Ministerial post to prevent and end FVSV, the Joint Venture on FVSV (Joint Venture) and the Interim Te Rōpū.⁶

The Commission acknowledges survivors and their advocates working to reform system responses to FVSV, including the Chief Victims Advisor and National Sexual Violence Survivor Advocate. The expertise of non-government organisations (NGOs) specialising in FVSV is crucial to a Plan and Strategy, as are commitment to human rights, Te Tiriti, gender equity, disability awareness, anti-racism and inclusion.

2. Recommendations for an Action Plan and Strategy on Family Violence and Sexual Violence

Our recommendations are summarised here, with a rationale for each further in the submission:

1. The Plan and Strategy should be firmly grounded in a Te Tiriti approach, including building partnerships with Māori survivors and their whānau, hapū, and iwi, and enabling Māori self-determination and rangatiratanga.
2. The Commission reiterates our recommendation from our report to the UN Special Rapporteur on violence against women, its causes and consequences, for more accommodation for perpetrators, so survivors and affected whānau are not forcibly removed from their homes.⁷
3. We reiterate (from the report cited above) that Māori need the resource and mandate to enable rangatiratanga to address issues affecting them, and need the Crown to honour Te Tiriti.⁸
4. Women's refuges/ shelters must be places of sanctuary, with no removing women, children, or families/ whānau (including based on immigration status, documented or undocumented), unless they are in imminent danger inside the refuge.
5. The Plan and Strategy must address types of FVSV that especially affect migrant women and children, and adopt the MBIE/ Immigration NZ recommendation of ensuring multi-lingual education on gender equity and FVSV for whole communities, including perpetrators.⁹
6. New Zealand should ratify the UN [Convention on the Rights of All Migrant Workers and Members of their Families](#) to better protect migrants. The Plan and Strategy should adopt provisions from that Convention

⁵ See UN Human Rights Council, [Report of the Working Group on the Universal Periodic Review: New Zealand](#), 1 April 2019, A/HRC/41/4, pp. 5-7 [accessed 8 July 2021]. Committee on the Elimination of Discrimination against Women, Concluding Observations on the Eighth Periodic Report of New Zealand, Adopted by the Committee at its seventieth session (2-20 July 2018), CEDAW/C/NZL/CO/8 [accessed 15 June 2021].

⁶ Committee on the Elimination of Discrimination against Women (CEDAW) [Concluding Observations on the eighth periodic report of New Zealand](#). CEDAW/C/NZL/CO/8 (2018) [accessed 16 June 2021].

⁷ The Human Rights Commission Te Kāhui Tika Tangata, [Submission of the New Zealand Human Rights Commission for the Special Rapporteur on violence against women, its causes and consequences](#), February 2021, p. 10 [accessed 12 July 2021].

⁸ Ibid p. 20.

⁹ Ministry of Business, Innovation and Employment (MBIE) [Recent migrant victims of family violence project 2019: final report](#), (2020) p. 4 [accessed 22 June 2021].

and the CEDAW Committee's [General Recommendations No. 26 on women migrant workers \(2008\)](#) and [No. 35 on Violence against Women](#).¹⁰

7. Women's refuges as sanctuaries must be on the 'twin-track approach' of the [Convention on the Rights of Persons with Disabilities](#).¹¹ The twin-track means mainstreaming disability in all work, as well as having disability-specific initiatives, to uphold the human rights of disabled people.¹² A twin-track approach means having services that are bespoke to disabled migrant survivors and affected whānau; mainstreaming disability sensitivity into existing services; and funding services to be accessible and inclusive, including training staff on disability rights (and building awareness of ableism).¹³
8. The Commission recommends that Aotearoa New Zealand ratify the [International Labour Organisation Violence and Harassment Convention \(C190\)](#).¹⁴ In the interim, we recommend the Plan and Strategy adopt relevant recommendations from: C190; the CEDAW Committee; the Special Rapporteur on violence against women; and other UN expert bodies, to address FVSV.
9. Workplace compliance with the Domestic Violence-Victims' Protection Act 2018 needs monitoring and compliance reporting. All employers should also follow, and make all workers aware of, [WorkSafe's guidance on addressing sexual harassment for workers](#).
10. The Plan and Strategy could be informed by policies from FVSV NGOs like SHINE's [Guidelines for a DV Free Workplace](#). Public sector agencies should gain certifications like the [SHINE 'DV Free Tick'](#) endorsed by Women's Refuge. Private sector and NGO employers could be supported to do the same.
11. To address FVSV, the public sector must also use the [Māori-Crown Relations Cultural Capability Frameworks](#) for Individuals and Organisations. The Frameworks are a first step in putting Te Tiriti, tikanga and te ao Māori approaches at the heart of addressing FVSV in the public sector.¹⁵
12. Workplaces should have policies and practices in place to safely report FVSV and, be accountable for preventing further harm caused by known perpetrators of FVSV, especially protecting whistle-blowers and those reporting FVSV at work.

¹⁰ As stated in CEDAW General Recommendation No. 35 at [11] p. 4, relevant General Recommendations of the CEDAW Committee on gender-based violence against women include: general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention; general recommendation No. 28; general recommendation No. 26 (2008) on women migrant workers; general recommendation No. 27 (2010) on older women and the protection of their human rights; general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations; joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices; general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women; general recommendation No. 33 (2015) on women's access to justice; and general recommendation No. 34 (2016) on the rights of rural women.

¹¹ [UN Convention on the Rights of Persons with Disabilities](#) (2006).

¹² See, UN Office of the High Commissioner for Human Rights, [Monitoring the Convention on the Rights of Persons with Disabilities](#) (2010) [accessed 8 July 2021].

¹³ New Zealand Government, [Making Disability Rights Real: Whakatūtu Ngā Tika Hauātanga](#) (third report of the Independent Monitoring Mechanism of the Convention on the Rights of Persons with Disabilities, Aotearoa New Zealand 2014-2019) [accessed 24 June 2021], p.21.

¹⁴ International Labour Organisation, [Convention 190: Violence and Harassment Convention](#) (2019) [accessed 24 June 2021].

¹⁵ Te Arawhiti, [Public Sector Capability: the Māori-Crown Relations Capability Framework](#) (especially the Organisation and Individual Capability Frameworks and Guides [accessed 24 June 2021].

13. The Plan and Strategy could aim for centralised, anonymised data sharing on FVSV complaints in the public sector including information held across government.
14. The Plan and Strategy should seek to reform the justice system, especially enabling the CEDAW Committee recommendation for a royal commission of inquiry into the Family Court, for a victim-centric system, including support for victims, the judiciary and others (detailed below).
15. Specialist training to promote rights-based, gender-responsive, disability-sensitive, culturally appropriate and quality-assured services for Māori, Pacific and ethnic minorities. This includes education and training for: judges; police; lawyers; court staff; interpreters; expert witnesses; and others in any roles that may be created like Kaiārahi.¹⁶ In its 2018 Concluding Observations on New Zealand's compliance with CEDAW, the CEDAW Committee recommended that CEDAW, the Committee's jurisprudence under the Optional Protocol, and its General Recommendations, be part of mandatory training for the judiciary.¹⁷

The recommendations add to the Commission's [February 2021 report on New Zealand's progress of the 2018 CEDAW recommendations](#), calling for a Te Tiriti -based response to FVSV that is rights-based, prevention-focused, and survivor-centric. The list above builds on a [June 2020 report to the UN Special Rapporteur on violence against women on the rise in domestic violence during the COVID-19](#) pandemic in Aotearoa.¹⁸ Our recommendations are based on international and domestic law, including core human rights treaties and normative guidance like the [CEDAW Committee General Recommendation No. 35 on Violence against Women \(2017\)](#).¹⁹

The recommendations need action by government, whānau, hapū, iwi, communities, employers and non-governmental organisations (NGOs), to transform how FVSV is addressed.

An annex at the end of this submission outlines the context of a gendered, intergenerational epidemic of FVSV that has worsened in the COVID-19 era. The annex has data and insights on the patriarchal, structural origins of FVSV and its prevalence, affecting those most at risk of violence. While women and children (especially girls) disproportionately experience FVSV, men and boys are also victims and survivors of violence.²⁰ Conversely, while most perpetrators are male, some perpetrators of FVSV may also be female.²¹

¹⁶ Ministry of Justice, '[Kaiārahi: Family Court Navigator role to be announced](#)' 30 April 2021 [accessed 27 May 2021]

¹⁷ CEDAW Committee Concluding Observations, [10].

¹⁸ Human Rights Commission Te Kāhui Tika Tangata, '[Submission of the New Zealand Human Rights Commission to the Special Rapporteur on violence against women, its causes and consequences: The impact of COVID-19 and the increase of domestic violence against women](#)' (June 2020) [accessed 29 June 2021].

¹⁹ Committee on the Elimination of Discrimination against Women (CEDAW) Committee, [General Recommendation No. 35 on violence against women](#), (2017) [accessed 29 June 2021].

²⁰ See New Zealand Family Violence Clearinghouse, [Data Summary: Adult Sexual Violence](#) (June 2017) [accessed 12 July 2021] pp. 5-6. The New Zealand Crime and Safety Survey (NZCASS) findings showed that the lifetime experience of sexual violence for New Zealand women was 28.3%, 24.8% and 23.8% in 2006, 2009, and 2014, respectively. For males these figures were 7.9%, 5.9% and 5.6%, respectively.

²¹ See New Zealand Family Violence Clearinghouse, [Data Summary: Child Sexual Abuse and Adult Sexual Violence: Perpetration by Gender](#) (June 2017) [accessed 12 July 2021] pp. 5-6.

3. Te Tiriti-based responses to FVSV that integrate prevention are crucial to the Plan and Strategy

The Plan and Strategy should be grounded in a Te Tiriti approach, including building partnerships with Māori survivors and their whānau, hapū, and iwi, enabling Māori self-determination and rangatiratanga²² as in the Interim Te Rōpū strategy, *Te Hau Tangata*.²³ *Te Hau Tangata* calls for a Plan and Strategy with tikanga-based approaches to preventing FVSV, and definitions of FVSV that align with te ao Māori worldviews. The Interim Te Rōpū noted that to transform how FVSV is addressed in Aotearoa, means shifting from secondary prevention and intervening when FVSV occurs, to primary prevention and community-based solutions. A tikanga Māori approach to preventing FVSV means working with the whole community, including systemic, social and structural drivers that enable FVSV. This means significant investment in primary prevention, including by integrating te ao Māori worldviews into preventing FVSV. *Te Hau Tangata* defines violence as including family violence; abuse against whānau; sexual violence; and violence resulting from institutional and systemic discrimination.²⁴

In our submission to the CEDAW Committee, Te Kāhui Tika Tangata recommended that the creation of the Plan and Strategy ensure that:

- Māori as Tiriti partners are part of decision-making;
- Māori are able and supported to exercise self-determination and lead solutions; and
- Equity for Māori is central to responses on FVSV.

Te Tiriti and the UN Declaration on the Rights of Indigenous Peoples (the Declaration) are central to a Plan and Strategy. Te Kāhui Tika Tangata welcomes the focus in consultations on recognising te ao Māori, tangata whenua leadership and shared decision-making by Māori and the Crown.

Important Articles of the Declaration include:²⁵

- Article 7. 1 – protects rights to life, physical and mental integrity, liberty and security of person
- Article 7.2 – guarantees the collective right of indigenous peoples to live in freedom, peace and security as distinct peoples. This article also prohibits any act of genocide or violence, including forcibly removing children of the group to another group.
- Article 22.1 – calls for attention to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
- Article 22.2 – says that States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

²² See definition of 'rangatiratanga', here: <https://maoridictionary.co.nz/search?&keywords=rangatiratanga>

²³ Interim Te Rōpū for the Joint Venture on Family and Sexual Violence, *Te Hau Tangata: the sacred breath of humanity: a national strategy for eliminating family violence* (2020) [accessed 29 June 2021].

²⁴ Te Hau Tangata, Foreword and p. 6.

²⁵ See United Nations, [Declaration on the Rights of Indigenous Peoples](#), Resolution adopted by the General Assembly on 13 September 2007 [accessed 30 June 2021].

Other relevant parts of the Declaration include articles 3-4 which affirm self-determination, and 18-19 which uphold indigenous peoples' participation in decision-making.²⁶

Violations of some rights under the Declaration have arisen in the COVID-19 era. In our report to the UN Special Rapporteur on violence against women, Te Kāhui Tika Tangata received feedback from the Māori Women's Welfare League that women and children were being removed from their homes - not perpetrators of violence. The Commission asked the Government for more accommodation for men abusing women, children and/or whānau, so survivors and children were not the ones forcibly removed from their homes.²⁷ This recommendation affected both Māori and people from other communities impacted by the forcible removal of survivors and affected whānau.

Groups like the Tangata Whenua Rōpū, created to complement the Pandemic Working Group, were an example of the Crown taking steps to recognise its Te Tiriti duty to enable rangatiratanga for Māori. Unfortunately, such groups are not always resourced, with the Interim Te Rōpū disbanded and unable to continue supporting the Joint Venture, for instance. The Commission reiterates (from our report to the Special Rapporteur on violence against women) that Māori need the resource and mandate to enable rangatiratanga to address issues affecting them, and for the Crown to honour Te Tiriti obligations.²⁸

The Commission received evidence of approaches based on kaupapa Māori (Māori principles or ideas) mātauranga Māori (Māori wisdom) to address the disproportionate numbers of Māori FVSV survivors and offenders. There was excellent FVSV prevention work by Kaupapa Māori services during the first months of the pandemic, especially in rural areas. Iwi delivered food, medical supplies, hygiene products, data packages and other support to communities. Organisations like Te Rūnanga Ō Kirikiriroa and Te Whakaruruhau - Waikato Women's Refuge, reported fewer FVSV cases than would usually happen during a major crisis e.g natural disaster. Te Rūnanga Ō Kirikiriroa proactively reached out to whānau, delivering goods and services and helping whānau to get Government support, and having access to adequate personal protective equipment (PPE) early during COVID-19 enabled this.²⁹

4. Sanctuary for everyone in women's refuges, including migrants, refugees, and disabled people

Women's refuges/shelters must be places of sanctuary, with no removing women, children, or families/whānau (including based on immigration or refugee status, documented or undocumented), unless they are in imminent danger inside the refuge.

In 2019, most applicants for the Immigration NZ Family Violence visas (a visa category created for survivors of FVSV) were from India or Fiji. China, the Philippines, and Tonga completed the top five source countries. Recent migrant women on these visas faced: immigration law-related abuse and coercion by multiple perpetrators; violence perpetrated or supported across borders; and cultural values and practices that blocked help-seeking. The Plan and Strategy must address these types of FVSV and adopt the MBIE/ Immigration NZ recommendation

²⁶ Ibid.

²⁷ Submission of the New Zealand Human Rights Commission to the Special Rapporteur on violence against women, p. 10.

²⁸ Ibid p. 20.

²⁹ Ibid pp. 24-5.

of ensuring that multi-lingual education on gender equity and FVSV is provided to whole communities, including perpetrators.³⁰

Women's refuges as sanctuaries, and their services, must be on the 'twin-track approach' of the [Convention on the Rights of Persons with Disabilities](#).³¹ The twin-track, originating in the disability rights movement but applicable to all human rights issues, combines mainstreaming disability in all work, and having disability-specific initiatives, to ensure equal rights for all disabled people.³² A twin-track approach means having services that are bespoke to disabled migrant survivors and affected families/whānau; mainstreaming disability sensitivity into existing services; and funding services to be accessible and inclusive, including training staff on disability rights (and building awareness of ableism).³³

5. Ending family and sexual violence at work: creating a zero-tolerance culture to end violence

Workplaces are both places where FVSV (including sexual harassment and violence) occurs, and crucial intervention spaces to prevent and end FVSV - public and private sector, large employers, and small and medium enterprises (SMEs). Most workplaces in New Zealand are SMEs, and many of these are family owned and/or run businesses, where FVSV can occur between family members. Workplaces are also places where survivors can seek help, and employers can intervene to prevent and end FVSV. The Commission recommends that Aotearoa New Zealand ratify the [International Labour Organisation Violence and Harassment Convention \(C190\)](#).³⁴ In the interim, we recommend the Plan and Strategy adopt relevant recommendations from: C190; the CEDAW Committee; the Special Rapporteur on violence against women; and other UN expert bodies, on addressing violence in the workplace.

All workplaces must comply with the Domestic Violence-Victims' Protection Act 2018, with adequate monitoring and reporting of compliance. All employers should follow, and make all workers (employees, contractors and interns), aware of [WorkSafe's guidance on addressing sexual harassment for workers](#). The Plan and Strategy should be informed by policies from FVSV NGOs like SHINE's [Guidelines for a DV Free Workplace](#), and should require public sector agencies to adopt WorkSafe's guidance and gain certifications like the [SHINE 'DV Free Tick'](#) endorsed by Women's Refuge and the FVSV sector. Private sector and NGO employers, especially community organisations, should be supported to do the same. Addressing FVSV in government agencies must involve the [Māori-Crown Relations Cultural Capability Frameworks](#) for Individuals and Organisations. The Frameworks are a first step in putting Te Tiriti, tikanga and te ao Māori approaches at the heart of addressing FVSV in the public sector.³⁵

³⁰ Ministry of Business, Innovation and Employment (MBIE) [Recent migrant victims of family violence project 2019: final report](#), (2020) p 4 [accessed 22 June 2021].

³¹ [UN Convention on the Rights of Persons with Disabilities](#) (2006).

³² See, UN Office of the High Commissioner for Human Rights, [Monitoring the Convention on the Rights of Persons with Disabilities](#) (2010) [accessed 8 July 2021].

³³ New Zealand Government, [Making Disability Rights Real: Whakatūtu Ngā Tika Hauātanga](#) (third report of the Independent Monitoring Mechanism of the Convention on the Rights of Persons with Disabilities, Aotearoa New Zealand 2014-2019) [accessed 24 June 2021], p.21.

³⁴ International Labour Organisation, [Convention 190: Violence and Harassment Convention](#) (2019) [accessed 24 June 2021].

³⁵ Te Arawhiti, [Public Sector Capability: the Māori-Crown Relations Capability Framework](#) (especially the Organisation and Individual Capability Frameworks and Guides [accessed 24 June 2021].

Workplaces should have policies and practices to report FVSV and must be held accountable to prevent further harm caused by known perpetrators, especially protecting whistle-blowers and those reporting FVSV. The Plan and Strategy could aim for centralised, anonymised data sharing on sexual harassment and FVSV complaints across the public sector including information held by: the Commission; MBIE; WorkSafe; the Employment Relations Authority; the Joint Venture; Oranga Tamariki; Te Puni Kōkiri; Police; the Ministries for: Social Development, Women, Pacific Peoples, and Ethnic Communities; and the Offices for Disability Issues and Seniors. This information sharing would: uphold confidentiality, consent and privacy; inform responses to FVSV based on prevalence and reporting; and consider input from NGOs like the '[#MeToo collective](#)'. The government agencies listed above, and NGOs working with communities affected by FVSV, should be resourced (including with FVSV experts) to educate employers and workers on FVSV.

6. Victim-centric justice means safer courts and pathways to redress and rehabilitation

Transforming our justice system means lifting reporting of FVSV, and reducing harm and re-traumatisation to survivors, especially Māori for whom reporting rates for sexual violence and family violence are 9 and 20 percent respectively.³⁶ The CEDAW Committee recommended a royal commission of inquiry, with an independent mandate, on the Family Court, for legal and structural changes to make it safer for women and children, especially survivors.³⁷ The Committee also recommended better experiences for women survivors in the Family Court.³⁸ A victim-centred approach should apply from the time of reporting to navigating all courts (including the specialist Family Violence Court, other criminal courts, and the Family Court) and gaining redress. Suggested reforms include:

- **The JV working closely with victims:** The Joint Venture should work with the Chief Victims' Advisor, civil society, and victims' advocates throughout Aotearoa, using successful aspects of the Interim Joint Te Rōpū and appropriate models with a Te Tiriti lens. A Te Tiriti-based approach involves the Crown meeting its Te Tiriti duty and ensuring that tangata whenua have a strong voice that is listened to and acted on. The Crown must also strengthen engagement with victim-survivors in ways that recognise the communal, intergenerational effects of FVSV.
- **The Crown taking a Te Tiriti-based approach** to strengthen its work with victim-survivors, ensuring tangata whenua have a strong voice that is listened to and acted on. This includes the Crown ensuring any governance or advisory bodies reflect Te Tiriti partnerships, including equitable representation of tangata whenua and tangata Tiriti. Tangata whenua must determine their own representatives, rather than Crown appointments.
- **Emphasising rehabilitation to remedy intergenerational violence and trauma.** A Te Tiriti-based approach to rehabilitation could draw on findings of Te Uepū Hāpai i te Ora (the Safe and Effective Justice Advisory Group, Te Uepū) and *He Tau Tangata*. Both the reports of the Interim Te Rōpū for the Joint Venture and Te Uepū commended Māori communities addressing the effects of colonisation, which compound

³⁶ L Pihama, R Te Nana, N Cameron, et al, '[Māori cultural definitions of sexual violence](#)' in *Sexual Abuse in Australia and New Zealand: An Interdisciplinary Journal*, (2016) 7(1), 43–51, p 43; and CEDAW Committee Concluding Observations, p.6.

³⁷ CEDAW Committee, [Concluding Observations on the eighth periodic report of New Zealand](#), recommendation 48 (20 July 2018) [accessed 15 June 2021].

³⁸ CEDAW Committee Concluding Observations *ibid*. The CEDAW Committee's specific concerns included reliance on Parental Alienation theory, and experiences of survivors in out-of-court processes.

disadvantages and contribute to Māori overrepresentation in the justice system. These communities wanted to co-lead efforts to lift social wellbeing and reduce crime. Their involvement could better align the justice system to social services focused on preventing crime. Te Uepū noted that communities sought locally led rehabilitative justice to restore mana to perpetrators, victims, whānau, hapū, and iwi. Unfortunately, justice and social services to prevent crime were often under-resourced and siloed, and hard for communities to access.³⁹

- **Victims' groups ensuring diverse representatives** from groups especially affected by FVSV including: women's and girls' organisations including those representing marginalised groups e.g. disabled women's NGOs; Pacific, Asian, African, Middle Eastern, Latin American, Caribbean and other ethnic minorities including migrants and refugees; disability rights organisations; child and youth NGOs; SOGIESC-diverse communities; and other groups disproportionately affected by FVSV.
- **Education on FVSV** at schools/kura, universities/tertiary institutions/vocational and training institutions/wānanga. Rights-based education must be guided by CEDAW Committee recommendations for: safe educational environments free from discrimination and sexual violence, with curriculums including education on non-violence. These measures remedy the lack of comprehensive, culturally appropriate and age-appropriate sexuality education or education on FVSV, which exacerbates high rates of FVSV. The Committee noted in 2018 the lack of sexuality education especially affected Māori youth and communities.⁴⁰
- **Specialist professional training** to promote rights-based, gender-responsive, disability-sensitive, culturally appropriate and quality-assured services for Māori, Pacific and ethnic minorities (FVSV is consistently underreported for these groups.)⁴¹ This includes specialist training for: police; lawyers; judges; court staff; interpreters; and experts, including cultural, FVSV and gender, religious and others; Kaiārahi/Family Court Navigators and any roles that may be created like Kaiārahi.⁴²
 - Judicial training could be social context education on FVSV, structural discrimination and systemic racism affecting those most affected by FVSV, as is the case in Canada.⁴³
 - Legal education could entail all graduate and practising lawyers undertaking basic FVSV training. The College of Law and Institute of Professional Legal Studies of New Zealand could have education modules on FVSV for qualifying lawyers. The New Zealand Law Society could provide specialist FVSV training for criminal, family and other lawyers dealing with FVSV, e.g police prosecutors.

³⁹ See Te Uepū Hāpai i te Ora/Independent Advisory Group, *He Waka Roimata: Transforming Our Criminal Justice System* (2021) [accessed 22 June 2021] p. 55.

⁴⁰ CEDAW Committee Concluding Observations, p. 9.

⁴¹ See, e.g. Ministry of Justice, New Zealand Crime and Victims Survey Topical Report: Māori victimisation in Aotearoa New Zealand, Rachel Simon-Kumar, [Ethnic Perspectives on Family Violence in Aotearoa New Zealand](#) (2019) Issues Paper for the New Zealand Family Violence Clearing House [accessed 24 June 2021].

⁴² Ministry of Justice, 'Kaiārahi: Family Court Navigator role to be announced' 30 April 2021 [accessed 27 May 2021].

⁴³ Department of Justice of Canada, '[Amendments to the Judges Act and the Criminal Code: Continuing education for judges in sexual assault law and social context and greater transparency in sexual assault decisions](#)' (7 May 2021) [accessed 22 May 2021].

- Police training could include training officers, police lawyers and prosecutors on FVSV and gender equity and social context issues more broadly.
 - Other experts, e.g psychologists, could also participate in FVSV and social context education, including on the intergenerational patterns and prevalence of FVSV, and the need for a victim-centred approach to addressing FVSV.
- **Appropriate legal, psychosocial and economic assistance to victims**, recommended by the CEDAW Committee, that is free and accessible. This should include:
 - More and accessible legal aid for victims of FVSV.
 - Providing substantive education on FVSV to build a cohort of family and criminal lawyers with expertise in FVSV throughout the country.
 - Kaiārahi or similar navigators to help victims navigate the Family and Criminal (including Family Violence) Courts. With 50 Kaiārahi currently intended only for the Family Court, it may be that specialist FVSV navigators are needed to better support victims, especially in specialist Family Violence and general criminal courts.
 - Culturally appropriate, rights-based, gender-responsive and disability-sensitive cultural context reports for the courts to consider in all cases of FVSV in all courts as they arise.
 - Free, accessible, trauma-informed counselling, ending waitlists for counselling for FVSV victims. Funding counselling that is rights-based including culturally appropriate, disability sensitive, gender responsive including SOGIESC-competent.
 - Financial support where needed to enable victims to seek justice through the courts, and to have support people attend hearings and meetings relevant to their case.
 - More funding for support organisations and awareness-raising of their crucial services in the community, as well as greater funding and awareness raising for refuges throughout the country, prioritising those serving at-risk groups.
 - **Reducing barriers for victims to gain protection orders**, so that the orders can better protect victims and so that police safety orders remain a stopgap and not in lieu of court protection orders.
 - **Reducing court delays**: Current delays in hearings and services for victims not only defer access to justice, but they also inhibit survivors from beginning or persisting with prosecution. Not only have survivors described facing perpetrators in court and being examined by defence lawyers as a ‘second assault’ but court delays can further (re)traumatise survivors.⁴⁴ There must be adequate (not last-minute) notice to claimants of delays in court hearings, communicated clearly to survivors and their lawyers, advocates, and supporters, with a clear timeline for next steps. The Commission recommends accelerated timeframes for

⁴⁴ Ibid. p. 33.

all government agencies addressing complaints of FVSV, including psychological and sexual harassment and financial abuse reported to any agency.

- **Raising awareness of financial abuse and less ‘visible’ forms of FVSV:** Eliminating barriers to reporting less ‘visible’ FVSV and raising awareness among: judges; lawyers; police; court staff; court-appointed experts; ACC counsellors; social workers; service providers; banks; accountants; and all involved in relationship property and family law issues, of the risks of financial abuse.
- **Adopting normative guidance on women’s and migrants’ rights, which protect all survivors:** New Zealand should ratify the UN [Convention on the Rights of All Migrant Workers and Members of their Families](#) to better protect migrants, especially women and children. In the interim, the Plan and Strategy should adopt relevant provisions from that Convention and the CEDAW Committee’s General Recommendations No. 26 and 35 on women migrant workers and violence against women respectively.⁴⁵ Core provisions of these General Recommendations include:⁴⁶
 - Removing all laws that allow forms of gender-based violence, including child or forced marriage and other harmful practices; medical procedures performed on disabled women without their informed consent; criminalising Rainbow identities, sex work and adultery.
 - Ending discriminatory evidentiary rules and procedures, including those that deprive women of their liberty to protect them from violence.
 - Repealing all laws that prevent or deter women from reporting gender-based violence, such as guardianship laws that deprive women of legal capacity or restrict the ability of disabled women to testify in court, restrictive migration laws that discourage women, including migrant domestic workers, from reporting such violence
 - Examining gender-neutral laws and policies to ensure they do not create or perpetuate existing inequalities and repealing or amending them if so.
 - Creating a comprehensive, gender-sensitive and rights-based policy. States parties should use the CEDAW Convention and General Recommendations to create a policy based on equality and non-

⁴⁵ As stated in CEDAW General Recommendation No. 35 at [11] p. 4, relevant General Recommendations of the CEDAW Committee on gender-based violence against women include: general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention; general recommendation No. 28; general recommendation No. 26 (2008) on women migrant workers; general recommendation No. 27 (2010) on older women and the protection of their human rights; general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations; joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices; general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women; general recommendation No. 33 (2015) on women’s access to justice; and general recommendation No. 34 (2016) on the rights of rural women.

⁴⁶ See the CEDAW Committee’s General Recommendations No. 26 on women migrant workers at [26]-[29], and No. 35 on violence against women at [24]-[29] available at: <https://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx> [accessed 24 June 2021].

discrimination, and include women migrant workers and NGOs in creating, enacting, monitoring and evaluating the policy.

While some of the recommendation above are about migrants, they apply to all affected by FVSV.

- **Reducing recidivism**, with more resources for better sentencing and rehabilitation, including better residential programmes and anti-violence training that is culturally appropriate, rights-based, disability-sensitive and gender-responsive. Effective measures to stop recidivism, must be informed by: victims and affected whānau; FVSV and criminal justice experts, etc, using evidence on what works to end recidivism and FVSV especially in the worst-affected communities.
- **Ensuring safety for survivors when perpetrators are bailed:** Bail decisions for perpetrators of FVSV are of great importance to victim-survivors, affected families, whānau, and households. The Commission hears from victims of FVSV that they were subjected to further confrontation or offending while the defendant was on bail. Improved judicial education and increased use of family violence expert input should improve decisions about bail and bail conditions. For example, the Department of Corrections (Corrections) notes a previous convictions list is not enough to highlight the risk a violent perpetrator presents, commending a Ministry of Justice initiative that gives judges making bail decisions information about defendants' family violence histories.⁴⁷
- **Being informed by perpetrators' experiences of violence:** Victims, affected whānau, and communities, need accountability and redress. These are not often found in the prison system, with many convicted of FVSV themselves being victims of, or witnesses to, FVSV, according to global research. This is especially true for women perpetrators. In a Corrections study of FVSV offenders in New Zealand, 92 percent of women and 81 percent of men stated that they witnessed or directly experienced family violence as children.⁴⁸ One way to recognise victimisation of perpetrators could be to strengthen 'cultural reports' under section 27 of the Sentencing Act 2002. Strengthening these reports means considering an individual's personal, family, whānau, community, and cultural background not only in sentencing itself but at all stages of the sentencing process.⁴⁹
- **Building on the [Sexual Violence Legislation Bill](#):** This Bill before Parliament proposes some protections for victims during trials. If the Bill becomes law, the Plan and Strategy should support these changes with more legal aid and awareness-raising for victims and their advocates, and specialist education for police, judges, lawyers, and court staff. The Bill as it stands may not be enough to adequately lift reporting rates (now at

⁴⁷ Julie Sach and Rachel Smith, '[What does it mean when Corrections says we will place the victim at the centre of our concerns in a family violence context?](#)' *Practice: the New Zealand Corrections Journal*, 3(2) December 2015, available here: [accessed 24 June 2021].

⁴⁸ Dr Bronwyn Morrison and Marianne Bevan, '[For me it was normal: Some initial findings from the family violence perpetrator study](#)', *Practice: the New Zealand Corrections Journal* 2018 6(2) [accessed 24 June 2021].'

⁴⁹ See Tiana Epati, '[Criminal Law – cultural context and background in sentencing](#)' *Māori Law Review* (November 2018) [accessed 7 July 2021].

a ten-year low)⁵⁰ and improve experiences of survivors in courts. In a [January 2020 submission](#), the Commission recommended that international human rights guidance inform the Bill.⁵¹

7. Next steps for a rights-based Action Plan and Strategy on family and sexual violence

Te Kāhui Tika Tangata looks forward to a Te Tiriti- and rights-based Plan and Strategy which can transform the government-led response to the epidemic of FSVV in this country, especially for individuals, families, whānau, hapū, iwi and communities most at risk of violence. Next steps to include:

- Embedding the recommendations above, with commitment to CEDAW and other core human rights treaties and a rights-based approach, as well as recommendations from survivors and their advocates, FSVV experts including women’s NGOs. Those working on a Plan and Strategy may also consider official recommendations including from the Office of the Auditor-General on systems reform to FSVV, as well as diverse voices from stakeholders throughout the country.
- A Te Tiriti-based approach that upholds rangatiratanga, creates genuine Māori-Crown partnerships and other rights-based relationships that reflect CEDAW, the Declaration on the Rights of Indigenous Peoples, and core human rights and Te Tiriti obligations.
- Funding and resourcing the Plan, Strategy, and Joint Venture with the money, human resources and political will to take on the challenge of addressing the FSVV crisis in our country.
- A monitoring, evaluation, accountability and learning plan to be embedded into the Plan and Strategy, with clear timelines for acting, reviewing actions and learning from challenges and opportunities, as well as accountability for duty-bearers and rights-holders in ending FSVV.

⁵⁰ See [‘Rape convictions at ten year low: ‘The system is broken’ – sex education group’](#) (5 April 2021) *The New Zealand Herald* [accessed 24 June 2021].

⁵¹ Human Rights Commission Te Kāhui Tika Tangata, [‘Submission on the Sexual Violence Legislation Bill’](#) [accessed 29 June 2021], refers to:

- [The UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power](#) (a General Assembly Resolution requiring victims be treated with compassion and dignity).
- The [UN Office for Drug Control and Crime Prevention \(UNODC\) Handbook on Justice for Victims](#) guides the use of the Declaration above. UNODC has affirmed that states have a responsibility to uphold victims’ fundamental rights and protect them from further harm (<https://www.unodc.org/unodc/en/Human-rights/access-to-justice.html>).
- The [CEDAW Committee General Recommendation No. 33 on women’s access to justice](#) with core recommendations (at [51], [16], and [29]) to:
 - Use a confidential and gender-sensitive approach to avoid stigmatisation and secondary victimisation for survivors of FSVV during all legal proceedings, and during questioning, evidence collection, and other procedures.
 - Review rules of evidence and how they are used in cases of FSVV, especially violence against women, including ensuring rules of evidence are not restrictive or influenced by gender stereotypes – while balancing fair trial rights of victims and defendants.
 - Hold legal proceedings privately or allow testimony to be given remotely or via communication technology so that only affected parties can access their content.
 - Enable parties to use pseudonyms or take other steps to protect their identities at all stages of the judicial process. States should guarantee measures to protect victims’ privacy and image including prohibiting image capturing and broadcasting, where this could violate dignity, rights and safety of girls and women.

Annex: A gendered, intergenerational epidemic that has worsened in the COVID-19 era

The costs of FVSV are economic, cultural, social, and borne by survivors, whānau, hapū, iwi and communities and society. FVSV is often intergenerational, with many perpetrators also victims of FVSV. Women/ wāhine at greater risk include: Māori; women from Pacific, Asian, African, Middle Eastern, Latin American, Caribbean, and migrant and refugee communities; young; in lower-paid jobs; lesbian, bisexual and trans; and in gang-involved households. Rainbow, disabled, and older persons are also more likely to face FVSV than those who do not belong to these groups. Children exposed to FVSV face lifelong disadvantages to their growth, behaviour, and ability to learn. Almost 80 percent of youth offenders grow up in homes with family violence. Children/ tamariki and youth/ rangatahi exposed to violence attempt suicide at three times the average rate of all children and youth.⁵² The Ministry of Justice's New Zealand Crime and Victims Survey (NZCVS) special report from 2018/19 showed that 36 percent of Māori adults – and 1 in 2 Māori women - faced some form of intimate partner violence (IPV) or sexual violence in their lifetime. Those most at risk among Māori adults were: women; aged 40-49; gay/lesbian or bisexual; separated or divorced; and/or living in a single-parent household.⁵³

The NZCVS 2021 confirms FVSV remains gendered against women and children in the general population. People at very high risk(s) from violence by family members included those who were separated or divorced or living in sole parent households (11 and 9 percent respectively). Over half of all sexual assaults were by intimate partners, around 40 percent of crimes by family members involved physical violence, and one in five crimes involved sexual violence. Threats and harassment made up 30 percent of family crimes (these could include coercive control and psychological abuse involved in IPV, although the data does not detail this). Around 15 percent of adults were victims of one or more personal crimes, including FVSV, in the survey period of 2019-2020. Separated or divorced women were more likely to be revictimised than men who were married/in a civil union/de facto relationship. Two-thirds of all incidents were either in residential areas or online/on the phone, confirming the rise of digital forms of abuse. Disabled adults were at high risk of facing sexual assault and IPV in their lifetimes, as were girls and young women aged 15-19 and people with Rainbow identities (9 percent).⁵⁴

Barriers to reporting FVSV may have increased in the COVID-19 era.⁵⁵ This trend is confirmed in countries with longer lockdowns than New Zealand due to worse COVID-19 outbreaks, with confinement in homes and movement restrictions. In the state of Victoria in Australia, police recorded a 9.4 percent rise in family violence incidents in 2020 versus 2019.⁵⁶ While New Zealand has been less affected than most countries, the secondary effects of COVID-19 (economic stress and job loss; insecure housing; fewer funds for primary health and FVSV services), exacerbated FVSV in Aotearoa. The Commission's report on family and sexual violence to the UN Special Rapporteur on violence against women in the early months of the COVID-19 pandemic indicates that women's refuges faced increases in FVSV. TOAH-NNEST (Te Ohaakii a Hine – National Network Ending Sexual Violence Together) a network of around 40 FVSV NGOs nationwide, reported to us a rise in cases of strangulation and sexual violence and a general increased demand of their services at every 'level' (alert levels 1-4).⁵⁷ Global trends confirm a rise in FVSV since

⁵² Office of Auditor-General, [Working in new ways to address family and sexual violence](#) (June 2021) [accessed 1 June 2021] p. 8.

⁵³ Ministry of Justice, [New Zealand Crime and Victims Survey: Maori Victimisation in Aotearoa New Zealand](#) (2020) p. 3 [accessed 15 June 2021].

⁵⁴ NZCVS 2021 Core Findings p. 6.

⁵⁵ Ibid.

⁵⁶ See '[Spike in family violence reports recorded as Victoria eased out of lockdown](#)' (14 May 2021) [accessed 28 June 2021].

⁵⁷ 'Submission of the New Zealand Human Rights Commission to the Special Rapporteur on violence against women', p. 7.

COVID-19 was declared a pandemic, with sharp spikes in FVSV exacerbated by lockdowns, increased family and household stresses, poverty, and other stressors.⁵⁸

New Zealand data by the Family Violence Death Review Committee of the Health Quality and Safety Commission shows men were offenders in 95 percent of deaths where a person was shot from 2009 to 2018. In this time there were 125 deaths due to IPV – 76 percent of offenders were men and 70 percent of victims were women. Separation did not equal safety. Half of all women who died were in the process of separating from a violent partner (and killed within three months of separating from their abuser). Another 14 percent of women who died had separated more than three months before being killed.⁵⁹ Four in ten homicides are crimes of family violence, with Māori are four times more likely to be killed due to family violence than non-Māori.⁶⁰

Children/ tamariki and youth/ rangatahi face are at risk of FVSV in childhood and adolescence. Nearly one-third (29 percent) of family violence deaths are children killed due to abuse and neglect.⁶¹ From 2009-2018, at least 20 children were killed each year. Nearly ten percent of children who were killed were disabled children, and 61 percent of offenders were men. 71 percent of children who were killed died due to physical assault (with no weapon involved).⁶²

Research from June 2021 on adverse childhood experiences (ACEs) like IPV and physical, emotional and sexual abuse, showed that among nearly 2,900 people in the 2019 NZ Family Violence Survey (a population-based study of 2017-2019) ACEs were prevalent for more than half of respondents. Before they were 18 years old, 55 percent of respondents, and 8 out of 10 Māori, reported having at least once ACE. A worrying 11.6 percent experienced at least four ACEs and this cumulative toll was linked to six-times higher risk of facing IPV and seven-times higher risk of experiencing non-partner violence. Those who were younger, had lower socioeconomic status, were food insecure, and who identified as Māori, reported higher prevalence of ACEs. Exposure to any ACE was significantly linked to later exposure to IPV and non-partner violence, with children being emotionally abused at home three times more likely to experience IPV later in life.⁶³ This first comprehensive review of ACEs in New Zealand's population indicates that preventing childhood trauma and family dysfunction are crucial to lifting wellbeing.⁶⁴

People facing intersecting discrimination(s) are most at risk of FVSV. Research shows disabled people experience violence at conservatively twice the rate of non-disabled people, rising to three times for children, and 4-10 times for sexual violence against disabled women and girls.⁶⁵ Globally, indigenous women and disabled women are more

⁵⁸ See UN Women, '[The Shadow Pandemic: violence against women during COVID-19](#)' [accessed 30 June 2021].

⁵⁹ See: https://www.hqsc.govt.nz/assets/FVDRC/Publications/FVDRC_2021_IPV_English_web.pdf

⁶⁰ See: Homicide Victims Report 2017, NZ Police, Family violence deaths from Family Violence Death Review Committee. 2017. Fifth Report Data: January 2009 to December 2015; cited in *He Waka Roimata*, p. 30.

⁶¹ See: https://www.hqsc.govt.nz/assets/FVDRC/Publications/FVDRC_2021_CAN_English_web2.pdf

⁶² Ibid.

⁶³ See: New Zealand Family Violence Clearinghouse, '[New research explores the impacts of adverse childhood experiences in New Zealand](#)' (21 June 2021). Adverse childhood experiences (ACEs) include: emotional, physical or sexual abuse; witnessing intimate partner violence; household substance abuse; household mental illness; parental separation or divorce; an incarcerated household member.

⁶⁴ Janet Fanselow, Tracey McIntosh, Ladan Hashemi et al, 'Adverse childhood experiences in New Zealand and subsequent victimization in adulthood: findings from a population-based study' *Child Abuse and Neglect* (2021) 117.

⁶⁵ Karen Hughes, Mark A Bellis, Lisa Jones, Sara Wood et al, *Prevalence and risk of violence against children with disabilities: a systematic review and meta-analysis of observational studies summary overview*, available at: <https://www.who.int/disabilities/violence/en/> [accessed 16 June 2021].

likely to experience sexual violence than indigenous men and disabled men, respectively.⁶⁶ The NZCVS showed that disabled people were 52 percent more likely than non-disabled people to experience violence in their lifetime, after standardising by age (as disabled people are more likely to be older).⁶⁷ Tāngata whaikaha⁶⁸ (Māori disabled people) faced more than double the risk of experiencing violent crime compared with non-disabled Māori.⁶⁹

The Commission's [Prism](#)⁷⁰ report (2020) on SOGIESC (sexual orientation, gender identity and expression, and sex characteristics) rights issues confirms that people with SOGIESC identities disproportionately face violence. In a study of more than 1,100 trans and nonbinary people in Aotearoa, half of all disabled respondents (49 percent) had been forced to have sex against their will. This figure was much higher than non-disabled respondents (32 percent) and the overall population (7 percent).⁷¹

Violence against ethnic minority migrant and refugee communities, especially women and children, is consistently underreported in Aotearoa, and data on prevalence could be explained by low reporting and reluctance to address FVSV publicly among these groups.⁷² Asian, Middle Eastern, African, Latin American, Caribbean and other ethnic minorities, as well as religious minorities like the Muslim community, may experience cultural violence including: dowry- and 'honour'-related violence (including 'honour' killings); forced and child marriage; and female genital mutilation.⁷³⁷⁴ Migrants and asylum seekers may be threatened with loss of legal status, working rights and deportation, if they seek to report abuse.⁷⁵ Undocumented migrants and survivors of migrant smuggling, trafficking and modern slavery are even more at risk of FVSV, and other forms of violence and abuse. Intergenerational abuse can occur in ethnic minority families where young people are alienated from their communities or abandoned by

⁶⁶ United Nations Inter-Agency Support Group on Indigenous Peoples' Issues, (June 2014), [Thematic Paper on the Elimination and Responses to Violence, Exploitation and Abuse of Indigenous Girls, Adolescents and Young Women](#), [accessed 16 June 2021] pp.1-2.

⁶⁷ Ministry of Justice, [New Zealand Crime and Victims Survey Core Findings Cycle 3: 2019-2020](#), [accessed 22 June 2021] pp. 86-87; See also, Human Rights Commission, [New data shows high rates of violence experienced by disabled people](#) (press release) 16 June 2021 [accessed 16 June 2021].

⁶⁸ Tāngata whaikaha describes two or more Māori people with a disability. The term tāngata whaikaha shares the optimism and future focus of Whāia Te Ao Mārama: whaikaha means 'to have ability' or 'to be enabled' . [Whāia Te Ao Mārama 2018-2022: The Māori Disability Action Plan](#)[accessed 16 June 2021], p. 4.

⁶⁹ He hauā Māori: Findings from the 2013 Disability Survey, available from: http://archive.stats.govt.nz/browse_for_stats/health/disabilities/He-haua-maori-findings-from-2013-disabilitysurvey/disability-amongst-maori.aspx# [accessed 24 June 2021].

⁷⁰ Human Rights Commission Te Kāhui Tika Tangata, [Prism: Human Rights issues relating to Sexual Orientation, Gender Identity and Expression, and Sex Characteristics \(SOGIESC\) in Aotearoa New Zealand - A report with recommendations](#) (June 2020) Wellington, New Zealand

⁷¹ J Veale, J Byrne J, K Tan et al, [Counting Ourselves: The health and wellbeing of trans and non-binary people in Aotearoa New Zealand](#). Transgender Health Research Lab, University of Waikato: Hamilton NZ. (December 2019, second version) [accessed 28 June 2021], pp. 77-8.

⁷² Rachel Simon-Kumar, *Ethnic perspectives on family violence in Aotearoa New Zealand: Issues Paper 14*, (2019), Auckland, New Zealand: New Zealand Family Violence Clearinghouse, University of Auckland.

⁷³ D Mayeda, R Vijaykumar, 'Developing intimate partner violence intervention services for youth from migrant communities of colour : A technical report for Shakti Community Council, Inc. based on interviews with youth from Asian and Middle Eastern communities in Auckland, New Zealand'. Auckland: University of Auckland; 2015.

⁷⁴ DT Mayeda, R Vijaykumar, 'A review of the literature on honour-based violence', *Sociology Compass*, (2016) 10(5):353-363

⁷⁵ DT, Mayeda, and R Vijaykumar. Intersections of culture, migration and intimate partner violence as told by migrant youth. *International Journal of Criminology and Sociology*. 2015;4 p. 208.

⁷⁶ A Raj, J Silverman, 'Violence against immigrant women: The roles of culture, context, and legal immigrant status on intimate partner violence', *Violence Against Women* (2002), 8(3):367-398.

their family if they challenge cultural norms. Generational and age relationships operate alongside gender and can be used to assert power and control over youth.⁷⁷

Financial abuse by ex-partners who may manipulate Family Court and related processes is another area of concern for the Human Rights Commission. IPV and FVSV may involve ex-spouses and separated partners using legal systems to: delay separation or divorce; threaten custody, guardianship or access to children; avoid relationship property settlements; deny ex-partners of income, child support payments and/or financial stability. The existence or threat of financial violence and economic insecurity may deter victims from reporting abuse and/or leaving abusive partners.⁷⁸

⁷⁷ M Fu, 'What will it take to end gender-based violence?' in *Women's Studies Journal* (2015) 29(2):50.

⁷⁸ See Ayesha Scott, 'Hidden hurt: The impact of post-separation financial violence in Aotearoa New Zealand', *Australian Journal of Family Law*, 33(3) 282; 'Surviving post-separation financial violence despite the Family Court: Complex money matters as entrapment', *New Zealand Family Law Journal*, 2020 (10) 27.