

THE BACKBONE COLLECTIVE

FAMILY COURT

PRESS RELEASE

Overwhelming disarray in our current response system
to Violence against Women

The system response for women who have experienced
violence and abuse is broken and dysfunctional

Women say the Family Court doesn't keep them safe

NGO says women are returning to violent partners
as battling NZ system too hard

Legislation and court system failing to hold abusers
accountable

The Backbone Collective “Backbone” is a newly established independent body taking action to change NZ’s alarming violence-against-women statistics (domestic and sexual violence and abuse being the most prevalent forms in NZ) by examining the present response system through the eyes of its users - women who have experienced violence and abuse.

Backbone will also act as a watchdog of the Government, the legal system and all agencies working within the response system by tracking actual progress against government work programmes and recommendations from other major reports.

“Are they doing what they said they would do and have they taken any action to address problems identified.”

The system is failing

Women who have experienced violence and abuse say that current system is not keeping women safe. One of Backbone’s cofounders, Ruth Herbert says:

“Many women tell us they have to battle the system and that it leaves them feeling unsafe and re-traumatised.

“Others tell us that they returned to the abuser as keeping themselves and their children safe and rebuilding their lives was just too hard,”

Tragically these calls echo those made by survivors in the past:

Our Government is spending vast amounts telling New Zealanders that Domestic Violence ‘Is Not OK’. Women and children are calling for help and leaving abusive relationships in greater numbers than before, only to find that the same government doesn’t support them after they leave. What message is this lack of support giving our children and as our future generation how will this impact on the cycle of violence?¹

Most people told the Inquiry that New Zealand’s current system for addressing child abuse and domestic violence is generally not working. Sometimes the things that were meant to help didn’t – they just made it worse^{1,2}

One third of the 156 women who responded to the Backbone’s first survey in November 2016 said the system definitely doesn’t keep women safe and support

¹ <https://library.nzfvc.org.nz/cgi-bin/koha/opac-detail.pl?biblionumber=2498>

²The People’s Report: The People’s Inquiry into Addressing Child Abuse and Domestic Violence. Glenn Inquiry, Auckland 2014

them to rebuild their lives. A further third said it probably doesn't. Only 5 women felt the system does keep women safe and helps them to rebuild their lives.

The justice system is failing the greatest

Backbone cofounder Deborah Mackenzie, who has a strong interest in the justice sector, says that past studies and anecdotal evidence she has collected from years of working closely with women, is that the Family Court is failing to keep women and their children safe and help them rebuild their lives.

“It was no surprise to me that the Family Court is the highest ranking ‘issue’ that women want Backbone to focus its next survey on.

“There has been report after report saying the justice system is not working for violence against women. These findings appear to have fallen on deaf ears.

“The stories women are telling us today about the failings in the Family Court are very serious and very common. Women are far worse off than they were even 10 years ago.

There has been no shortage of reports which document how harmful the justice system has been to women experiencing violence and abuse. In 2007 Waikato University undertook 43 case studies of women and their experiences of domestic violence and seeking safety under a contract with Government.³ This study found:

“Our key informants were almost unanimous that the Domestic Violence Act 1995, and the concurrent amendments made to the Guardianship Act 1968, were – and are – sound legislation. However, repeatedly, in our conversations with them, key informants expressed frustration at various aspects of the implementation of the legislation. Their comments were borne out in the case studies, in our analysis of decided cases, and in our analysis of the limited statistical information available.

Two years later the Government's Taskforce for Action on Sexual Violence reported:

“Surveys of people who have experienced sexual assault show that 90 percent do not report to the police the perpetrators of most acts of sexual violence are thus not dealt with through the criminal justice system and remain in the community. Consequently, many individuals are not held accountable, nor do they receive treatment to address, their offending.

³ *Living at the Cutting Edge: Women's Experiences of Protection Orders* University of Waikato (Robertson, Busch, D'Souza, Lam Sheung, Anand, Balzer, Simpson and Paina)

The following year, 2010, a group of survivors of Domestic Violence published a discussion paper in which they made 22 recommendations for changes to the Justice response:

“We applaud the Domestic Violence Act 1995 (the Act) which is both forward thinking and representative of the caring kiwi society we live in. Unfortunately the Act has not been fully implemented into the Government agencies where the true help and difference to victims and their families’ lives can be made. The Act has failed to deliver on its intent meaning the victims remain victims and the power and control still sits in the hands of those deemed to have done wrong – the perpetrators.

The litany continues. In 2014 the independent Glenn Inquiry released its final report ‘The People’s Blueprint’ which was the culmination of a two year inquiry.⁴ They reported extensively on the failures of the New Zealand Family Court.

- The Family Court, in particular, attracts harsh criticism from people who rely on it. The Court stands accused of being broken, dangerous and unprofessional.
- The combative nature of adversarial justice re-victimises and re-traumatises people seeking help and protection, and exacerbates power and wealth imbalances.
- People feel judges, professionals and court staff are poorly trained and ignorant of the reality of living with family violence, and the psychological abuse and manipulative powers of those who inflict violence.
- Those affected by violence feel disrespected and disempowered further as they enter and progress through the court system.

It is shameful that with the plethora of research and reports telling us the Justice system puts women and children in more danger and yet nothing has been done to improve that system.

Deborah explains,

“We are sick of hoping and waiting. We decided to just get on do something. Our goal is to make sure the voices of women are loud and clear and demand that changes are made in the Justice system. Women should be safer not in more danger. It’s really that simple.”

Backbone Cofounder Tania Domett has campaigned against gender inequality for decades in her role as a researcher and evaluator notes:

⁴ The People’s Blueprint: Transforming the way we deal with child abuse and domestic violence in New Zealand. Glenn Inquiry 2014 Auckland

“In the coming months we will conduct a comprehensive survey of Backbone members asking about their experiences with the justice system and in particular the Family Court. We expect them to reiterate these earlier findings and to shine an even brighter light on the extent of system failures.

Why should Government and other authorities listen to women who have experienced violence and abuse?

In the 21st century it would be almost unthinkable for a private business not to seek input from their customers. It is now common place to be told your call will be recorded for training purposes, to be asked to stay on line to answer some short questions or to be given a weblink to provide your feedback.

Yet for some reason the public system (government agencies/ministries/judiciary) seems to actively discourage their ‘customers’ from providing constructive feedback or complaining. In contrast the public-sector tends to see those who use their services as problems to be dealt with rather than as valued customers. Ruth Herbert suggests:

“From time to time the public sector will ‘consult’ with the public or ask them to make submissions but for many this is a daunting process.

“Those who contribute their views never get told what changes have been made and consequently feel undervalued.

According to the 2012 guide published by the New Zealand Government’s Taskforce for Action on Violence within Families,⁵ ensuring the voices of service users are heard while planning, implementing and evaluating services and new initiatives, creates increased opportunities to provide higher quality, and more efficient and accessible services.

The Victorian Government’s Royal Commission into Family Violence⁶ also identified the importance of survivors’ voices:

“One of the main themes to emerge from the Commission’s public hearings concerned the importance of involving victims of family violence in the design and review of systems and services, to ensure that their voices are heard and that their experiences help guide the system response.

⁵ Taskforce for Action in Family Violence. *Incorporating the Voice of Experience*. Family Violence Service User Involvement Guide. July 2012. Available at <https://www.msd.govt.nz/documents/about-msd-and-our-work/work-programmes/initiatives/action-family-violence/voice-of-experience.pdf>

⁶ <https://library.nzfvc.org.nz/cgi-bin/koha/opac-detail.pl?biblionumber=4421>

To our delight in January 2017 Minister Anne Tolley announced the establishment of New Zealand's first independent connection and advocacy service for children and young people in care – VOYCE – Whakarongo Mai. The Minister elaborated

“I am delighted that, for the first time, young people in care in New Zealand are to have an independent advocacy service to represent them.

“The voices and needs of young people need to be at the very centre of all decision-making in the new model for care and protection, and this service will play a vital role.

The Backbone team hope the Minister and her colleagues will be equally delighted with our new independent advocacy service for women and will agree that the voices and needs of women who have experienced violence and abuse also need to be at the very centre of all decision-making regarding the system that is supposed to care for and protect them. Ruth Herbert notes:

“Until the Backbone there has been no mechanism for the voices of those affected to be gathered.

“There is one glaring difference between the Backbone and VOYCE – we are working voluntarily from our kitchen table. VOYCE on the other hand has \$1.2 million from government to help set-up the new service and a further \$6.9 million to be contributed by the government through to June 2019, to help build its capability.