

# **THE BACKBONE COLLECTIVE**

## **FAMILY COURT WATCHDOG REPORT**

### **PRESS RELEASE**

**The Family Court is putting women and children in further  
danger**

**It's so much worse than we thought say Backbone Collective  
Co-founders.**

**The Family Court is a dangerous place for women and  
children.**

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The Backbone Collective was established one month ago by Deborah Mackenzie, Ruth Herbert and Tania Domett. It is an 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 is not-for-profit and is working outside of government to enable women who have experienced violence and/or abuse to have their say about how the system that responds to them can work better - to make them safer and help them rebuild their lives,” says Ruth Herbert, one of Backbone’s founders.

“When we launched we were inundated with registrations from women from all over New Zealand. Our membership has swelled to 400 members in just one month. Women obviously want to tell those in authority where the system is failing them”, says Deborah Mackenzie.

Deborah explains that when Backbone launched, they talked about system failure and signaled that the Family Court was putting women in more danger. In response, the Minister for Justice, Amy Adams, spoke out in defense of the system and claimed that changes to the Domestic Violence legislation would go a long way to fixing the problems. However, that did not line up with what women were telling us.

“Women are saying loudly and clearly that it is the interpretation and implementation of the legislation, not the legislation itself, that is the problem.”

Ruth says that since Backbone launched in early March they have been swamped by messages from women who have had dealings in the Family Court.

“Over and over again they are telling us horrific stories of how they and their children were put in worse danger by decisions being made in the Court. It is far worse than we ever imagined before we started the Backbone. “

To explore this further, Backbone asked ten of their members to each submit questions that they would like to ask those in authority about the Family Court. Those women have given 160 critical questions about how the Family Court functions presently.

“The ten women who agreed to contribute (and there are many more) gave us questions that shine a light on the dysfunction that is happening in the Family Court – the dangers, the misunderstandings, the misinformed decision-making, and the

mirroring of the abuse by those in power. These questions require immediate responses“, says Deborah Mackenzie.

Today Backbone released their first Watchdog report, containing the questions their members want answered by those in authority about the widespread failures they are experiencing in the Family Court, and exposing what is happening behind the closed doors of the NZ Family Court.

“The questions these 10 members have asked, together with the many detailed stories women have shared with us in the past month, leave us in little doubt that the Family Court is currently a dangerous place for women and children.

“We have heard from some women that they have been advised by their lawyers not to leave their abusive partner because the Family Court will force their children into care arrangements with him upon separation. So, women stay in an unsafe home to protect their children.

“Women who have left the abuser and been through the Family Court tell us they have ended up with care arrangements that put their children in greater risk.

“The stories we have been told are extremely disturbing“, says Mackenzie.

Ruth says she is sure the New Zealand public will be shocked to learn how dangerously the Family Court is functioning for women and children who have experienced violence and/or abuse.

“We expect those in authority to respond to the women’s questions. We will be tracking and releasing their responses. It is everybody’s business when women and children are put in danger.”

The main findings of the report are that:

- There is little or no independent and transparent monitoring of the Family Court
- Family Court practices and processes are failing to uphold basic principles of natural justice and due process
- There is cause for serious concern about the quality of the practice of (some) Family Court judges
- Some lawyers-for-child are putting children in more danger rather than keeping them safe
- Women’s voices and women’s complaints are not being used to inform change that would make the Family Court safer
- There are shortfalls in the legislation
- The rights of children are not being upheld in the Family Court

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- Parenting arrangements - the rights of abusive fathers appear to trump the safety of children
  - Mothers are being punished for trying to protect their children
  - Women are being re-victimised and abused by the Family Court
  - Violence and abuse is minimised by the Family Court
  - The Family Court is being used as a tool of abuse by the abusive ex-partner/husband
  - Protection orders are being watered down by the Family Court
  - Family Court proceedings are forcing women into debt
  - The Family Court does not recognise the impact of financial abuse on women and their children and respond appropriately

Deborah explains that Backbone is a safe way for women to talk about their experiences.

“Now they can tell us in a safe and anonymous way how the system has responded when they have reached out for support. This report on the Family Court is the first of many reports that we will be releasing publicly to make sure we lift the lid on what is going on in the system that is supposed to be keeping them and their children safe and helping them rebuild their lives. We encourage women to sign up on our website at [backbone.org.nz](http://backbone.org.nz) and ensure they add their voices to the 400 who have already joined Backbone.”

#### GET INVOLVED!

Register as a member who has experienced violence or abuse at

<https://www.backbone.org.nz/contact/>

Volunteer your help at <https://www.backbone.org.nz/contact/>

Like us on Facebook at [facebook.com/thebackbonecollective/](https://www.facebook.com/thebackbonecollective/)

Tell others about Backbone

Donate to us at our Givealittle page at <https://givealittle.co.nz/org/backbonecollective>

Email us in confidence at [info@backbone.org.nz](mailto:info@backbone.org.nz)

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For more information: Deborah Mackenzie [deb@backbone.org.nz](mailto:deb@backbone.org.nz)

## **Backbone Collective Cofounders**

### **Ruth Herbert**

Ruth is well known as a researcher, campaigner and advocate working to improve New Zealand's system response to violence against women and children. She has written and spoken extensively on the issue. The fact that Ruth is a survivor of domestic violence herself has meant numerous other survivors have trusted her with their stories and experiences of the system. In recent years she has been a member of the independent review into ACC's sensitive claims pathway, Director of Family Violence at the Ministry of Social Development and Executive Director of the Glenn Inquiry.

### **Deborah Mackenzie**

Deborah has worked in the violence against women sector for many years as an advocate, network coordinator, policy analyst, and independent contractor. She has a lasting commitment to ensuring that 'the system' listens to women's voices and responds to keep them and their children safe. Deborah has a strong interest in the justice sector. In 2014 Deborah co-authored The Way Forward report with Ruth Herbert which showed why we need an integrated response system in NZ and how to create one.

### **Tania Domett**

Tania is a researcher and policy analyst who over the years has worked with many agencies and organisations providing evidence-based solutions to improve the work they do. Tania sees violence against women as a human rights failure that must be addressed so that New Zealand women can exercise their fundamental human right to bodily integrity and freedom from fear. Tania believes violence against women is the most critical social issue facing New Zealand right now, from which many other forms of inequality and social harm stem, and that improving the response system is key to improving the life chances of not only women survivors, but also those of their children and entire communities.

### **About The Backbone Collective**

- The Backbone Collective "Backbone" is an entirely independent body formed in Feb 2017 by Founders Ruth Herbert, Deborah Mackenzie and Tania Domett.
- Backbone aims to recruit as many women as possible who have experienced violence or abuse and anonymously surveys them to collect data that will then be used to continually improve the response system.
- Backbone always listens to women and will do all it can to provide them with online information to help them understand how the system works, what resources are available for them and who are safe and understanding people in the system to approach for assistance.

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- Backbone gathers evidence from women who have experienced violence and abuse in New Zealand to find out where the 'leaks' and gaps in the current response system are. Backbone reports this evidence to highlight problem areas and advocates for change to start a cycle of continuous improvement in the system.
  - Backbone speaks the truth on behalf of women experiencing violence and abuse. It is entirely independent, so it can share information without the worry of having its funding cut. That said; Backbone has no funding for this venture and those involved are volunteering to make it happen. Backbone hopes other New Zealanders will support it to grow into something truly life changing for women.
  - Backbone works with the media, Government, the legal system and all agencies working within the response system to help them understand what women are saying. Backbone also advises on how to implement change needed if its help is requested. Backbone charges for this service.
  - Backbone acts as a watchdog of the Government, the legal system and all agencies working within the response system by using evidence that women give it through Backbone's surveys and focus groups to recommend change, and to monitor what change is happening as a result.
  - Backbone tracks actual progress against government work programmes and recommendations from other major reports. It does this by checking such programmes are doing what they said they would do - and what other authorities have said needs to change.
  - Regular reports will be publicly released outlining our findings
  - The Backbone aims to recruit supporters and volunteers who will help us build the Collective, to reach more women and collect more information from them and to develop a louder and louder voice calling for improvements to be made to the system. We need people with skills, time, professional advice and donations to help us with running costs.

Backbone differs to other organisations working in the field of violence against women as Backbone:

- Is the only independent body focused on gathering the views of women about where the response system is and isn't working and using that information to shine a light on areas where improvements are needed
- Is the only body with robust client informed data that is available to the Government and agencies working within the response system to make improvements
- Is the only independent watchdog body for the violence-against-women response system in New Zealand.
- Is entirely independent, so we can share information without the worry of having our funding cut. That said; we have no funding for this venture and we are volunteering to make it happen – we hope other New Zealanders will support us so we can grow this initiative into something truly life changing for women.
- Demonstrates continuous improvement in its own processes by constantly asking members what can make Backbone work better for them.

**What Backbone does not do**

- We cannot provide advocacy and support for individual women but we will provide online information on where good help and resources are available.
- We do not pretend to know the answers or be the experts - we think the women we work for know the system best.
- We do not make unfair or unsubstantiated accusations against other bodies helping women experiencing violence and abuse.
- We cannot implement fixes to the system - others are responsible for doing that.
- We do not accept funding from anybody that will compromise our ability to be transparent, tell the truth and uphold our principles of putting women at the centre of everything we do.
- We cannot force change - only attempt to influence it.
- We do not offer membership to men experiencing