

31 January 2020

Tēnā koe

## **Response to Sexual Violence Legislation Bill**

Tōpūtanga Tapuhi Kaitiaki o Aotearoa, New Zealand Nurses Organisation (NZNO) welcomes the opportunity to comment on the Sexual Violence Legislation Bill (the Bill).

NZNO has consulted its members and staff in the preparation of this submission, in particular members of; Te Rūnanga o Aotearoa, and professional nursing and policy advisers. NZNO is the leading professional nursing association and union for nurses in Aotearoa New Zealand, representing 53,000 nurses, midwives, students, kaimahi hauora and health workers on professional and employment matters. NZNO embraces te Tiriti o Waitangi and contributes to the improvements of the health status and outcomes of all people of Aotearoa New Zealand through influencing health, employment and social policy development.

1. We support the intent of the Bill. We agree with the Bill aim to improve sexual violence victims' experience in the court system while preserving the fairness of the trial and the integrity of the criminal justice system.
2. Nurses often look after women immediately after sexual violence trauma and are to whom historic sexual violence trauma is disclosed. It is reassuring to know that the protection to privacy offered within health will be continued in the judicial process.
3. NZNO is aware that Māori women have a greater than average risk of sexual violence.
4. We agree with the view of Te Ohaaki a Hine-National Network Ending Sexual Violence Together (TOAH-NNEST) (2019) that the criminal justice system currently lacks an understanding of the needs of Māori survivors of sexual violence and the particular kinds of trauma that this harm engenders when coupled with the impacts of colonisation. Further, we note Pihama (2016) research which identifies these issues can present with complex difficulties related to the

impacts of colonisation and cultural identity. We strongly agree that these inequities are no longer acceptable or tolerable in Aotearoa New Zealand in 2020.

5. We do however wish to raise our concerns that the Bill does not specifically identify funding or resourcing of kaupapa Māori service providers who respond to Māori sexual violence victims.
6. Further this investment should ensure that the court environment and services are culturally inclusive and reflect Te Ao Māori me Te Ao Pākehā, and must accommodate whānau support for sexual violence survivors and the use of Te Reo Māori me ōnā tikanga processes.
7. We urge the committee to resource and priorities funding support for Māori sexual violence survivors and kaupapa Māori services that uphold Māori aspirations for Tino Rangatiratanga and commitment to te Tiriti o Waitangi.
8. Our members have provided specific feedback below:

#### Kaupapa Māori services

- *Currently there are only a few kaupapa Māori services specialising in sexual violence left across the country, – none of which have 24/7 capacity, this needs to change; and*
- *We image that the way partnership would operate in terms of service delivery will change over time with the development of additional kaupapa Māori services – this is a good thing.*

#### Support for the Bill

- *If the intention of the Bill is to stop re-traumatising then I believe it goes a long way in assisting victims; and*
- *I don't know enough about the parameters of judges to comment on individual judges to advice about misconceptions or to interpret the level of unease of a victim during court proceedings however overall the intention of the Bill is good.*

#### Powers of the judge

- *Allowing judges to dismiss the public during the trial will help to protect the victims privacy;*
- *This is even more important with young victims of assault;*

- *Totally support and improved process for sexual health victims, particularly having the public excluded; and*
- *It is also important for women who have shared their stories, so that they don't have to continually retell their trauma as this is re traumatising.*

#### Safety of victims outside court environment

- *The whole sexual violence process is disempowering, especially being in a court. It is also disempowering for whānau who have been negatively impacted by the judicial system. They all need cultural support;*
- *The lack of trust in the system is sometimes what prevents them from going through with bringing charges etc; and*
- *We have concerns with ensuring safety of victims outside of the court environment, particularly if they require to attend clinics, or appointments or have an abortion, as retraumatising can happen at District Health Board sites or similar clinics that are constantly have pro-life protestors outside their grounds. This is another assault on the victim wairua.*

To conclude, please note we do not wish to present an oral submission at this time. Further, please note our concerns and our recommendations to improve this Bill.

Nāku noa nā



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#### **Reference**

Pihama, L., Te Nana, R., Cameron, N., Smith, C., Reid, J., & Southey, K. (2016). Māori cultural definitions of sexual violence. *Sexual Abuse in Australia and New Zealand: An Interdisciplinary Journal*, 7(1), 43–51.

TOAH NNEST (2019, November 1<sup>st</sup>). TOAH NNEST response to the release of MOJ's report [Press release]. Retrieved <https://www.scoop.co.nz/stories/PO1911/S00013/toah-nnest-response-to-the-release-of-moj-report.htm>