

## Ministry for Women Advice Cover Sheet

Monday, 13 November 2017

### Addressing domestic and sexual violence: our current and upcoming work with the Ministry of Justice

#### Purpose

Briefing No:	MW 17-18 0085
Doc Ref No:	D-215584
Min Office No:	
Priority:	Medium

This briefing outlines our current and upcoming work with the Ministry of Justice.

#### Action sought

From	Action sought	Suggested Deadline
Minister for Women Hon Julie Anne Genter	<p><b>note</b> the information provided on current work with the Ministry of Justice</p> <p><b>note</b> the information provided on our upcoming work with the Ministry of Justice</p> <p><b>share</b> this briefing with your colleague Jan Logie, in her role as Under-Secretary to the Minister of Justice (Domestic and Sexual Violence).</p>	Friday, 17 November 2017
Under-Secretary to the Minister of Justice Jan Logie	<p><b>discuss</b> our current and upcoming work with the Ministry of Justice with Minister Genter, in your capacity as Under-Secretary to the Minister of Justice (Domestic and Sexual Violence).</p>	

#### Resources used to prepare this advice

Work Programme	Output Plan or Ministerial Priority <input checked="" type="checkbox"/>	Responding to ad hoc requests <input type="checkbox"/>	Other agency work (budget/governance) <input type="checkbox"/>
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#### Contact for telephone discussion

Name	Position	Telephone	1 <sup>st</sup> Contact
Deborah Malcolm	Acting Director Policy	[Redacted]	
[Redacted]	[Redacted]	[Redacted]	✓

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## Addressing domestic and sexual violence: working with the Ministry of Justice

### Purpose

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1. This briefing provides you with information on:
  - work the Ministry is currently undertaking with the Ministry of Justice (MoJ) on domestic and sexual violence
  - key pieces of work that are on the radar for the Ministry and MoJ's future work.
2. We suggest that you share a copy of this briefing with your colleague Jan Logie, in her role as Under-Secretary to the Minister of Justice (Domestic and Sexual Violence).

### Our current work with the Ministry of Justice

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3. Over the last year we have provided gendered advice to MoJ to support its work programme on domestic violence. This advice has focused on the following issues.

#### Supporting effective legal responses to domestic violence

4. We provided advice on the Family/Whānau Violence Bill (the Bill), introduced on 15 March 2017. The legal reforms include new criminal offences on forced marriage and strangulation.

#### Supporting an increased understanding of domestic violence, and improving justice sector data on domestic violence

5. We provided advice:
  - on the Risk Assessment and Management Framework 2017 (the Framework), which establishes a common approach to screening, assessing and managing family violence risk. The Framework is being tested in the Integrated Safety Response sites in Christchurch and the Waikato<sup>1</sup>
  - supporting the introduction of coercion and control<sup>2</sup> into the definition of family violence

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<sup>1</sup> The aim of the Integrated Safety Response is to deliver more effective safety responses to families referred by Police or Corrections through relevant agencies and social service providers working collectively for victims, children and perpetrators of family violence.

<sup>2</sup> Coercion and control cause serious harm and include a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour. The cumulative impact on the victim and that a repeated pattern of abuse can be more injurious and harmful than a single incident of violence.

- on the development of the New Zealand Crime and Victims Survey (NZCVS), which will replace the New Zealand Crime and Safety Survey.

## On the radar: our future work with the Ministry of Justice

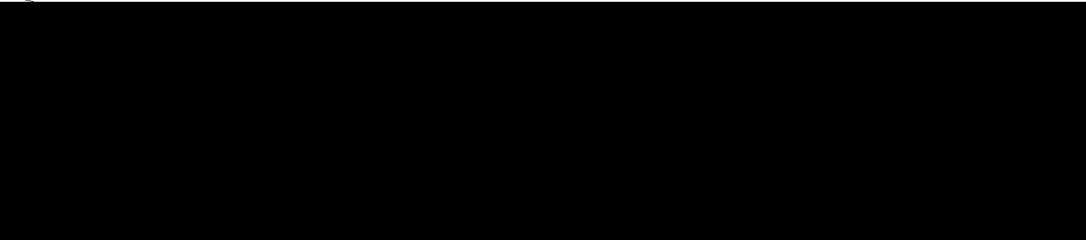
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### Supporting effective legal responses to domestic and sexual violence

6. We intend to provide advice on:

- the Family/Whānau Violence Bill. Our focus will continue to be on providing advice on effective legal responses to domestic violence for women and girls, including the criminalisation of coercion and control.
- other legal responses, such as the protection of victims of domestic violence in the workplace. Our focus will be on continuing to build our evidence base, and continuing to work with agencies including the State Services Commission and the Multi Agency Team.<sup>3</sup>

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- the government response to the 2016 Law Commission report 'Understanding Family Violence: Reforming the criminal law relating to homicide'. Our focus will be to support the recommendation that the test for self-defence is more accessible to defendants charged with murder who are also victims of family violence.
- the proposed review of the Crimes Act. We are likely to focus on coercion and control and abortion. This work is in its early scoping phase.
- the planned review of the Family Court. Our focus will be on women's access to justice (including legal aid), particularly those women who have experienced domestic violence.
- the government response to the Law Commission's review of the Relationship Property Act 1976 (the PRA). The Law Commission expects to complete the review in late 2018. Our focus will be on how domestic violence is considered in property relationships, and the role of the PRA in reflecting and shaping societal values in the way people enter, conduct and leave relationships.

### Supporting an increased understanding of domestic violence, and improving justice sector data on domestic and sexual violence

7. We will continue to collaborate with MoJ on improving gendered data in the justice sector. This includes understanding the cross-cutting nature of violence: in terms of its

<sup>3</sup> The Multi Agency Team has led the cross-government response to domestic and sexual violence.

<sup>4</sup> Ministry of Women's Affairs, 'Responding to Sexual Violence: Attrition in the New Zealand criminal justice system' and 'Responding to Sexual Violence: Pathways to Recovery', 2009.

wider effects (including at work), and for those populations more affected by violence (including Māori, young women, women and girls with disabilities).

8. We can also provide advice on the use of data sources such as the Integrated Data Infrastructure.<sup>5</sup> We will look for opportunities to contribute to data design and dissemination to support effective policy development and implementation.

## Recommendations

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The Ministry recommends that you:

1. **note** the information provided on our current work with the Ministry of Justice Note
2. **note** the information provided on our upcoming work with the Ministry of Justice Note
3. **share** this briefing with the Ministry of Justice with your colleague Jan Logie, in her role as Under-Secretary to the Minister of Justice (Domestic and Sexual Violence)

Agree / ~~disagree~~



**Renee Graham**  
Chief Executive



**Hon Julie Anne Genter**  
Minister for Women

Date: 16 Nov 2017

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<sup>5</sup> The Integrated Data Infrastructure (IDI) is a large research database containing microdata about people and households. Researchers use the IDI to answer complex questions to improve outcomes for New Zealanders.

## Appendix One: Role of the Ministry – our vision

### Taking on an oversight role for progress to prevent and reduce violence against women and girls

All the agencies working in the domestic and sexual violence system are committed to preventing and reducing domestic and sexual violence. However, our view is that vertical accountabilities continue to hamper the ability of government to support a system that delivers the outcomes we need.

There is an opportunity for the Ministry to take more of an oversight role in the domestic and sexual violence sector.

This oversight role would re-orient our role from system participant to system leader, and would strengthen our influence in the cross government work on domestic and sexual violence and better support system outcomes. We are well placed to take on this role, given our independence and expertise.

The oversight role could include prototyping and testing a framework that includes setting expectations for agencies, focusing on results, encouraging best practice, and building the evidence base over time.

This role could also include tracking progress against indicators we would develop with our agency colleagues, and encouraging agencies to continue to improve the evidence base and collect data. This will help us identify where progress is faltering and the steps to take.

This oversight role would require the support of your colleagues, and possibly a Cabinet mandate.

It may require additional resourcing, or if we were to lead with our population agency colleagues, shared resourcing.

We also see the support of population Ministers and agencies as important.<sup>6</sup>

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<sup>6</sup> These include: Te Puni Kōkiri, Ministry for Pacific Peoples, Office of Disability Issues, and Office of Ethnic Communities, Ministry of Youth Development and Ministry for Vulnerable Children Oranga Tamariki.

