

GOVERNMENT RESPONSE

to

TE TOIORA MATA TAUHERENGA

Report of the

TASKFORCE FOR ACTION ON SEXUAL VIOLENCE

*Incorporating the views of Te Ohaakii a Hine –
National Network Ending Sexual Violence Together*

September 2010

Introduction

1. The Government welcomes *Te Toiora Mata Tauherenga, the Report of the Taskforce for Action on Sexual Violence, incorporating the views of Te Ohaakii a Hine-National Network Ending Sexual Violence Together* (the Report)¹, which was completed in July 2009. We acknowledge the significant social and economic costs of sexual violence and that more effective ways to address this problem must be identified.
2. The Taskforce was established in July 2007 for two years to provide leadership, coordinate efforts and advise government on future actions to prevent and respond to sexual violence. The Taskforce consisted of senior officials from the Ministries of Justice, Social Development, Women's Affairs, Education, Pacific Island Affairs, Health, New Zealand Police, Te Puni Kōkiri, Accident Compensation Corporation, and the Department of Corrections. It also included four representatives of Te Ohaakii a Hine - National Network Ending Sexual Violence Together (TOAH-NNEST), which represents up to 80 community organisations and individuals working in the sexual violence area. TOAH-NNEST is a Treaty-based organisation consisting of a partnership between Ngā Kaitiaki Mauri (the Maori Caucus) and the Taiwi Caucus, including Pasifika representatives.
3. The Government has considered the Report and provides this Response to it. We note that this Response by no means marks the end of the work necessary. We agree with the sentiments in the Report that there are no 'quick-fix' solutions. Effectively addressing sexual violence and developing a sustainable solution will take time.
4. The Government particularly acknowledges the expertise of TOAH-NNEST, whose knowledge and experience of those working on the front-line was invaluable for the work of the Taskforce. The Taskforce was responsible for providing the most comprehensive roadmap on sexual violence prevention and services that any New Zealand government has ever received.

¹ A copy of the Report of the Taskforce for Action on Sexual Violence and the Summary of the Report can be accessed from the Ministry of Justice website: <http://www.justice.govt.nz/policy-and-consultation/taskforce-for-action-on-sexual-violence>

Government Response

5. The Report covers a wide spectrum of areas - from preventing sexual violence to improving support for victims and increasing accountability of offenders both within and alongside the criminal justice system. The Report made 71 recommendations, 64 recommendations were made by TOAH-NNEST and seven were made by the full Taskforce (comprising both TOAH-NNEST and government).
6. The recommendations related to:
 - **prevention** – improving attitudes and behaviours within New Zealand (13 recommendations)
 - **front-line services** – improving crisis and long-term recovery services, and services for perpetrators (34 recommendations)
 - **reforming criminal justice** – improving the current system and considering alternative models (10 recommendations)
 - **future directions and approaches** – focusing on future actions to end sexual violence (14 recommendations).
7. The Government Response is a targeted response consisting of a number of initiatives across the four action areas. The Response does not attempt to directly address all 71 recommendations made in the Report but focuses on areas where we believe progress can best be made at this time.
8. The summary of recommendations referenced in this Response are drawn from the ‘Summary of the Report of the Taskforce for Action on Sexual Violence’², which was approved by the Taskforce.

² <http://www.justice.govt.nz/policy-and-consultation/taskforce-for-action-on-sexual-violence>

Prevention

The Taskforce recommended:

- the completion of the Sexual Violence Prevention Plan in consultation with TOAH-NNEST.

In addition, TOAH-NNEST recommended (in summary):

- the establishment of a whole-of-government group with TOAH-NNEST to lead ongoing work to prevent sexual violence;
- effective funding for specialist sexual violence prevention services and programmes, including immediate funding as well as long-term funding that ensures sustainable, expanded programmes (including tertiary prevention programmes for perpetrators);
- a focus on six key priority areas including changing attitudes, protecting children and young people, investing in Māori-led solutions and strengthening institutional and policy approaches;
- support for the development of Te Ohaakii a Hine as a prevention tool and that the Prevention Plan is informed by Te Ohaakii a Hine; and
- the creation of a forum to generate and share information and evidence.

9. A key concern of the Taskforce was the need for enhanced support to develop knowledge and expertise on sexual violence prevention, and the limited availability of effective primary prevention programmes.
10. The Government agrees that work on changing attitudes and behaviour is vital. The Government has committed \$500,000 per annum for sexual violence prevention programmes over the next two financial years.
11. Research conducted during the life of the Taskforce will be used to guide funding decisions related to these programmes. The following work, which was completed during the life of the Taskforce, is available through the Taskforce webpage located on the Ministry of Justice website³ and will inform government policy development and the sexual violence sector:
 - *What Works in Sexual Violence Prevention and Education: A Literature Review* – This literature review reports on what works in sexual violence prevention and education programmes. This research is being used to

³ <http://www.justice.govt.nz/policy-and-consultation/crime-prevention/taskforce-for-action-on-sexual-violence/>

inform the criteria for the allocation of prevention education programme funding.⁴

- *Raising the conversations: A Literature Review* – This report focused on raising awareness of rape and sexual abuse in local communities and changing attitudes and beliefs that support sexual violence.⁵
- *Creating the Conversation: Te Whakamārama Te Kaupapa – Tiaki Tinana Report* – This Report details the Tiaki Tinana project, which aimed to raise awareness of sexual violence within Māori communities, and to create a dialogue among community leaders as well as within whānau, hapū and iwi about practical, everyday ways of incorporating sexual violence prevention strategies.⁶
- *Sexual Violence and Pacific Communities Scoping Report* – The Ministry of Pacific Island Affairs commissioned this scoping report, which summarises findings from a scan of literature and in-depth interviews with key Pacific informants on Pacific sexual violence and prevention services.⁷
- *A Review of the Associations between Drugs (including alcohol) and Sexual Violence* – This literature review aimed to increase understanding about the potential relationship between alcohol and drug consumption and sexual violence. This paper includes some analysis of sentencing notes and how alcohol and drug related sexual offences are reported to the media.⁸

12. The following research was either completed after the publication of the Report or is still underway:

- *Te Puāwaitanga o Te Kākano (Māori background Paper)* – Te Puni Kōkiri worked with Ngā Kaitiaki Mauri, the Māori caucus of TOAH-NNEST, to complete this paper. It identifies Māori values, attitudes, concepts and practices most relevant to sexual violence issues and the impact of sexual violence upon Māori.
- *Pacific Pathways to the Prevention of Sexual Violence* – The Ministry of Pacific Island Affairs commissioned this research on effective pathways for sexual violence prevention amongst Pacific people in New Zealand. This research aimed to identify important protective factors embedded within

⁴ Russell, N. (2008b) *What Works in Sexual Violence Prevention and Education: A Literature Review*. Unpublished. Wellington: Russell Research. <http://www.justice.govt.nz/policy-and-consultation/taskforce-for-action-on-sexual-violence/documents>.

⁵ Robertson, N. and Oulton, H. (2008) *Sexual violence: Raising the Conversations - A Literature Review*. A report prepared for Te Puni Kōkiri and the Ministry of Pacific Island Affairs. Hamilton: University of Waikato. <http://researchcommons.waikato.ac.nz/handle/10289/995>.

⁶ Rape Prevention Education (2008) *Creating the Conversation – Te Whakamarama Te Kaupapa: Tiki Tinana Report*. Unpublished. Auckland: Rape Prevention Education. [http://www.tpk.govt.nz/en/in-print/our-publications/fact-sheets/safer-whanau/download/tpk-tiakitinana-2010-en\(2\).pdf](http://www.tpk.govt.nz/en/in-print/our-publications/fact-sheets/safer-whanau/download/tpk-tiakitinana-2010-en(2).pdf).

⁷ Ministry of Pacific Island Affairs (2008) *Sexual Violence and Pacific Communities: Scoping Report*. Unpublished. Wellington: Ministry of Pacific Island Affairs.

⁸ Russell, N. (2008a) *A Review of the Associations between Drugs (including alcohol) and Sexual Violence*. Unpublished. Wellington: Russell Research.

traditional Pacific culture that help to prevent sexual violence. This research is due for release in September 2010.⁹

- *Young Māori: Resilience and Coercion* – This Ministry of Women’s Affairs research is an exploratory project, which considers factors relating to the sexual coercion of young Māori women, including resilience. The purpose is to inform future primary prevention research and approaches to addressing sexual coercion for young Māori. The report is completed and is expected to be published by September 2010.

13. The Ministry of Women’s Affairs is also continuing to document evidence on what works to reduce the impacts of sexual violence on women. This work will include a series of papers, such as literature reviews, that will summarise current knowledge on effective treatment and service delivery for diverse groups of women victims. The Ministry will continue analysing and disseminating findings from the recent research project *Restoring Soul: Strong and Safe Communities – Effective Interventions for Adult Victim/Survivors of Sexual Violence*¹⁰. This will inform future government policy development , not just in the area of prevention.

⁹ University of Auckland (2010) *Pacific Pathways to the Prevention of Sexual Violence*. www.fmhs.auckland.ac.nz/soph/depts/pacifichealth/publications_author.aspx.

¹⁰ Ministry of Women’s Affairs (2009) *Restoring Soul: Effective interventions for adult victim/survivors of sexual violence*. Wellington. <http://www.mwa.govt.nz/news-and-pubs/publications/restoring-soul-part-one>.

Specialist Front-line Services

For crisis support services, TOAH-NNEST recommended (in summary):

- a review of funding arrangements that support collaborative approaches;
- immediate funding so that workforce training and development needs and service coordination can be achieved;
- the allocation of resourcing and funding for kaupapa Māori support services; and
- the development of an implementation plan and services for Pacific peoples.

For long-term recovery and support services, TOAH-NNEST recommended (in summary):

- a review of funding arrangements that support collaborative approaches and that includes alternative funding models;
- that ACC consults TOAH-NNEST on changes to ACC policies and procedures and on the development of culturally appropriate service delivery to tangata whenua;
- that best practice changes identified as part of the working group are implemented; and
- that legislative change to the ACC scheme be considered in order to support the best practice delivery of rehabilitation and treatment services.

For services for non-mandated perpetrators, TOAH-NNEST recommends:

- resolving who will be responsible for the pilot and delivery of the community treatment programme for non-mandated perpetrators;
- government funding for a Māori offender pilot programme by Māori for Māori; and
- a joint TOAH-NNEST government evaluation of the adequacy of existing funding for community-based offender treatment.

14. The Report expresses an underlying concern that additional investment in the sexual violence sector is needed to meet current and emerging community needs, implement workforce training and development, and retain specialist staff.
15. The Government agrees that effective investment is necessary to meet community needs, encourage better value for money and flexibility and to prevent duplication and waste. Most importantly, Government wants to see effective services to support communities, families, and individuals affected by sexual violence. The

Government has responded to immediate pressures and to the need for an approach that delivers better outcomes for families and better value for taxpayers through:

- an increase of \$1.2 million in 2008/09 for 27 of the 30 services identified in the TOAH-NNEST stocktake of tauwi services. These services also received CPI increases of 3% in 2009/2010, approximately \$94,000, and have recently received a cost pressure adjustment of 1.6% for 2010/11
- the **Community Response Fund (CRF)** - established in 2009 to support critical community-based services facing serious recession-related funding or demand pressures. Providers who have indicated that they delivered sexual violence services received \$864,000 in the first three of six rounds of the CRF. The fund is in place until June 2011.

16. In addition, the Community Response Model was announced in Budget 2010 to improve the way in which community based social services are funded. It includes the contestable Quality Services and Innovation Fund, totalling \$90.5million over four years. The model builds on the community-based approach used to implement the CRF and could provide a vehicle for improvements for sexual violence service delivery over the long-term.
17. During the life of the Taskforce, two stocktakes of specialist sexual violence services for victims of sexual violence were undertaken; a stocktake on services for Māori; and a stocktake of 'mainstream' services, including services for Pacific peoples^{11 12}. These are a useful source of information on existing specialist sexual violence services from the point of view of the service providers. However, they do not, nor did they intend to, cover off all the issues that government needs to take into account in order to consider what government spends, and how it spends it, to support victims of sexual violence.
18. The Ministry of Social Development will build on these stocktakes and lead an inter-agency stocktake of government funded sexual violence services and entitlements, including ACC funded support and entitlements, to inform Ministers' consideration of future funding or service delivery options.¹³ The focus will be on services and entitlements contracted or provided from July 2009 to June 2010. The stocktake will also include services for child and youth victims and perpetrators of sexual violence, which previous stocktakes did not include.

¹¹ Hamilton-Katene, S (2009). *National Stocktake of Tikanga and Kaupapa Māori Services in Crisis Intervention, Long-term Recovery and Care for Sexual Violence*. Wellington: unpublished.

¹² Multiple contributors. (2009) *Tauwi Responses to Sexual Violence: Mainstream Crisis Support and Recovery and Support Services and Pacific Services*. Wellington: unpublished.

¹³ In April 2010, the Minister for ACC requested an Independent Clinical Review to assess the implementation and impact of the new Clinical Pathway for clients who have a mental injury caused by sexual assault or sexual abuse. The stocktake of government expenditure on sexual violence services will be informed by the report of the Clinical Pathway Review Panel and will also inform Ministers' consideration of future funding or service delivery options.

19. The scope of the stocktake is outlined in the table below.

In Scope
<p>The stocktake will include:</p> <ul style="list-style-type: none">• all programmes, services, and initiatives for victims of sexual violence funded by government that are delivered under contract or grant by a third party including programmes and initiatives that provide:<ul style="list-style-type: none">○ a crisis response to victims○ long-term recovery and support, including ongoing counselling and support for victims of sexual abuse, and court support○ services for children and young people who are victims and perpetrators of sexual violence• services for adult perpetrators• ACC-funded support and entitlements to victims of sexual violence through the mental injury provisions of the Accident Compensation Act 2001• any other government entitlements available for victims of sexual violence• where possible, sexual violence services that are available but privately funded.

20. The table below outlines the services that are out of scope although some descriptive information on these services may be collected to provide a broader context.

Out of Scope
<p>The stocktake will not include:</p> <ul style="list-style-type: none">• core client services to individuals or families that are provided directly by government agency staff (eg statutory social work services, case management, Police investigations, court services delivered by court staff)• services, programmes and initiatives that indirectly address the needs of sexual violence victims and/or perpetrators (eg general mental health services or alcohol and drug counselling).• consideration of the wider question of duplication and how sexual violence services can work with other social services to deliver effective crisis and longer-term responses.

Criminal Justice

The Taskforce recommended:

- progressing the three legislative amendments relating to consent, reasonable belief and the rape shield;
- referring a project to consider options for fundamental change to the current criminal justice system to the Law Commission; and
- work on alternative pathways alongside and outside of the current criminal justice system be explored.

In addition TOAH-NNEST recommended (in summary):

- formal consultation processes are established between New Zealand Police, the Ministry of Justice and TOAH-NNEST for policy and procedural changes that may impact on victims of sexual violence; and
- a national, formal tri-partite forum be established between Police, crisis support services and the medical response represented by Doctors for Sexual Abuse Care.
- progressing further legislative changes, including trials being referred to the High Court, changes to the Evidence Act 2006 about corroboration, previous consistent statements, delays in making a complaint, rules of disclosure, and a range of amendments that promote victim's rights including the instigation of counsel for the complainant and the presence of a support person.
- a project to map the impact of engagement with the criminal justice system on victims of sexual violence, and to identify procedural and systemic changes contributing to improved responsiveness for victims.

21. Victims of sexual violence who have gone to court say that they find the trial process traumatic. Many more do not report sexual assaults because of the way the criminal justice system treats the complainant.
22. The Government is concerned to improve the rights of all victims of crime and, in particular, to ensure that the criminal justice system does not further victimise victims of sexual violence. Measures to address these concerns and to increase support for victims of sexual violence are outlined below.
23. The Minister of Justice has invited the Law Commission to undertake an inquiry into pre-trial and trial processes in criminal cases, with particular emphasis on sexual violence cases. The Law Commission will consider whether the current adversarial framework should be modified or fundamentally changed in order to improve the system's fairness, efficiency, and effectiveness. The inquiry will include an examination of inquisitorial models and consider whether all or any part of such models would be suitable for inclusion in New Zealand.

24. TOAH-NNEST was consulted on the terms of reference for the inquiry and will be involved throughout its duration. The Law Commission is expected to submit its final report, which will include any recommendations, to the Minister of Justice by December 2011.
25. The Law Commission has also agreed to consider, where relevant, TOAH-NNEST's recommendations about evidential procedures in sex crime trials as part of its review of the Evidence Act 2006, which is likely to commence in December 2011.
26. A number of new measures, funded through the new offender levy scheme¹⁴, also address the needs of sexual violence victims. The initiatives include:
- a new **court support service** for victims of sexual violence, which is being rolled out over three years, with the first six sexual violence court advisors having been appointed in July 2010 in consultation with TOAH-NNEST. The new service provides access to trained and experienced advisers who understand the dynamics of sexual violence and the needs of victims of sex offences. There will be 18 sexual violence court advisors across the country by mid 2012.
 - a new **discretionary grant**, which provides additional financial assistance to victims of sexual violence. The grant of up to \$250 is available to help cover the one-off expenses arising from sexual violence offences, such as replacing items of clothing collected for forensic evidence.
 - new **information resources**, which provide information on the criminal justice process and on the support services available to victims at different points in the process. Three pamphlets, including one specifically for victims of sexual violence, were released on 1 July 2010, and a DVD was released in August. The pamphlets have been widely distributed to support agencies, including sexual violence support agencies.
 - **increases in travel, accommodation and childcare assistance** for victims of serious crime attending High Court trials, from \$1,000 to \$3,000, and Parole Board hearings, from \$500 to \$1,500. The assistance covers costs incurred by the victim and by an unpaid support person.
27. In many cases, police will be the first contact point between victims and the criminal justice system, and therefore police play an important part in ensuring that the criminal justice system is responsive to the needs of victims. The New Zealand Police have introduced the new 'Adult Sexual Assault Guidelines' and view this as a critical part of continuously improving services to victims. Training on investigative interviewing is also well underway and is being evaluated. In time, this component will become part of the standard training for all police detectives.

¹⁴ These initiatives are funded by an offender levy introduced by the Sentencing (Offender Levy) Amendment Act 2009. Since July 2010, a \$50 levy has been automatically imposed on all convicted offenders at sentencing. It is estimated that this levy will generate \$13.6 million for the victims of crime in the first four years.

28. A National Tri-Partite Forum has also been established between Police, TOAH-NNEST and Doctors for Sexual Abuse Care. The Forum:
 - allows for high-level problem resolution, mutual discussion on potential changes to practices or services that might impact on victims and/or other services
 - discusses the implementation and monitoring of the Police Adult Sexual Assault Investigation Policy and other quality measures of the parties
29. The Forum meets several times a year to provide national oversight of a co-ordinated front-line response.
30. The National Sexual Abuse Assessment and Treatment Service (SAATS) model is funded jointly by the Accident Compensation Corporation, New Zealand Police, and the Ministry of Health. The service addresses the acute and non-acute medical (including injury), psychological, and forensic (where indicated) requirements of the victim in a developmentally appropriate way. This service aims to identify and prevent any further or escalating issues and manage any physical, emotional trauma, address safety issues, expedite the recovery of the affected victim, and ensure that all required forensic and medico-legal requirements are met.
31. SAATS is being implemented nationwide, with 15 District Health Boards (DHBs) signed up to the model and the remaining five DHBs being close to final sign up. An evaluation is underway into this service so the funders can determine whether the purpose and objectives of the service have been met and to identify enhancements or inclusions to the present service schedule. Recommendations will be actioned and improvements made to the service schedule by December 2010. Rollout of services by DHBs not yet contracted will continue through 2010/11.

Future Directions and Approaches

The Taskforce recommended:

- that information prepared as part of the Taskforce work programmes is made publicly available; and
- the monitoring of progress on the recommendations in the Report to ensure action is targeted to where it is most effective.

In addition, TOAH-NNEST recommended (in summary):

- the Taskforce continues for a minimum period of four years with revised terms of reference that give effect to a Māori worldview;
- funding for the TOAH-NNEST network as experts and workers in sexual violence prevention and response;
- TOAH-NNEST are involved in ongoing work across government agencies;
- a lead agency for sexual violence policy and funding is identified;
- resourcing to bring together the respective findings of; the Tiaki Tinana case study, the stocktake of kaupapa and tikanga tangata whenua services and Te Puāwaitanga o Te Kākano; and
- further research into the needs of specific communities.

32. The Taskforce Report is the outcome of successful partnership between government agencies and the sexual violence service sector. The Report notes that effective solutions for sexual violence require ongoing co-ordination and communication. The Government agrees that the partnership approach during the life of the Taskforce was successful and a collaborative approach should be maintained.
33. The Government acknowledges the valuable contribution of the sexual violence sector to date, and agrees that it is vital that the Government and community sector continue to work together and combine their respective resources and expertise. The importance of ensuring that the experience and expertise of those working on the front-line is considered in the development of policy relating to sexual violence is recognised by the Government.
34. The Ministry of Justice will fund TOAH-NNEST to enable it to continue its role as a co-ordinator of the sexual violence sector. Funding for TOAH-NNEST provides for a coordinator for both the Tauwiwi and Ngā Kaitiaki Mauri caucus in order to recognise the Treaty of Waitangi based relationship on which it is based.
35. The Ministries of Justice and Social Development will also provide funding for the Survivor Advocate role, which has proved valuable for many survivors and their families. Funding for this position has been approved for a further three years. The

Ministry of Justice will also continue to provide support for the posting of information and research on the Taskforce section of its website.

36. The Ministers of Justice, Social Development and Employment, Māori Affairs, Whānau Ora and Women's Affairs will meet quarterly with TOAH-NNEST to provide progress updates on work in the sexual violence area and to discuss any new matters.

Broader Government Work

37. Broader Government work being undertaken in a number of areas is also likely to have positive impacts for victims of sexual violence.

Drivers of Crime

38. The Government acknowledges the importance of looking at what is driving criminal offending in the first place. In December 2009, Cabinet announced that the Drivers of Crime was a whole-of-government priority. The four initial priority areas are antenatal, maternity and early parenting support, programmes to address behaviour problems in young children, reducing the harm caused by alcohol, alternative pathways to managing low level offenders, and offering pathways out of offending.
39. The focus across these areas is on improving services for those at risk of being the offenders or victims of the future, and their families and whānau. Addressing the drivers of crime for Māori will be a priority in all aspects of the work.

Criminal Procedure (Simplification) Project

40. Work is also underway to improve criminal justice procedures and responsiveness for all victims. The Government recognises the importance of delivery timely justice to victims, witnesses, and defendants. The Criminal Procedure (Simplification) Project is expected to result in less court delays, shorter trials, and increased efficiencies within the system.

Enhancing Victims' Rights Review

41. The Ministry of Justice is also undertaking a review of victims' rights and access to support services. Submissions on a public consultation document outlining 24 preliminary proposals to enhance victims' rights and access to services are currently being analysed by the Ministry of Justice. Broadly, the Enhancing Victims' Rights Review includes:
- enhancing the rights of victims by reviewing the provisions in the Victims' Rights Act 2002 relating to information to and from victims, victim impact statements, and the provisions related to the victim notification system
 - improving information and services provided to victims, including developing options to enhance the victim notification system, improving the provision of information to victims about their rights, as well as access to support services for victims.

Whānau Ora

42. Broader work is also being undertaken across the health, education, social housing, community and voluntary sectors through the Whānau Ora approach – an inclusive and integrated approach to service provision. The Taskforce noted that whānau ora has a role in both the prevention of sexual violence and in addressing the impact of sexual violence through a whānau-centred approach. Whānau Ora aims to provide practical, community-based support to build whānau capability to meet their own development needs and take responsibility for their own lives. The implementation

of Whānau Ora has started with Expressions of Interest being called for from eligible providers or provider collectives seeking to develop comprehensive whānau-centred services. This process may offer opportunities for sexual violence providers wanting to enhance kaupapa Māori models of service provision at an organisational level and at a collective level.

Family Violence Ministerial Group

43. The Taskforce noted that family violence (including child maltreatment) and sexual violence share common risk and protective factors and often co-occur within the same households. Work to prevent family violence therefore has clear interconnections with that aimed at preventing sexual violence. The Government Response will help inform work led by the Associate Minister for Social Development and Employment on the Government's response to family violence. The stocktake will supplement the Report of the Taskforce for Action on Violence within Families titled 'Review of Government Family Violence Programmes, Services and Initiatives: Findings and Recommendations'.

Conclusion

44. The Government Response to the Report of the Taskforce for Action on Sexual Violence recognises the serious impact of sexual violence, and details the necessary first steps Government is taking to address this issue. The Government acknowledges the work of both TOAH-NNEST and the Taskforce as a whole, and understands that continuing to build its relationship with experts in the community sector will be integral to the success of future work.