

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*

taskforce for action on |

SEXUAL VIOLENCE

SEXUAL VIOLENCE IN AOTEAROA NEW ZEALAND – A SNAPSHOT

SEXUAL VIOLENCE IS PREVALENT IN OUR COMMUNITIES

- The 2006 Crime and Safety Survey found that approximately **29 percent of women** and **9 percent of men** experience unwanted and distressing sexual contact over their lifetime. Sexual offences were the **fifth most common offence** disclosed in the survey.

SOME GROUPS ARE MORE AT RISK THAN OTHERS

- Research suggests that **young women** and **Māori women** are **almost twice as likely** to experience sexual violence, and **young Pacific people** also report high levels of unwanted sexual contact.
- International studies indicate that sexual violence is more likely to be experienced by **people with a disability** and people who have been **abused as children**.

SEXUAL VIOLENCE IS A HIGHLY GENDERED CRIME

- Overwhelmingly sexual assault is perpetrated by men against women. It is both a consequence and cause of **gender inequality**.

VICTIMS OFTEN KNOW THEIR OFFENDERS

- Sexual violence is more likely to be **committed by a person known to the victim**, with over one-third of sexual offences committed by **current partners**, a quarter a **friend**, one in 10 by a **boyfriend or girlfriend** and one in 20 incidents a **work colleague**.

SEXUAL VIOLENCE IS ONE OF THE MOST COSTLY CRIMES TO INDIVIDUALS AND SOCIETY

- Treasury has estimated that sexual offending costs the New Zealand economy **\$1.2 billion each year** and is **by far the most costly crime per incident**.
- Sexual violence has **significant physical and mental health impacts** on victims, including physical injury, sexually transmitted infections, post-traumatic stress disorder and depression.
- The **high economic and social costs associated with sexual violence** result from victims suffering from long-term mental health problems and inability to function well in society. High numbers of **female prisoners**, **mental health patients** and people with **drug and alcohol problems** report a history of sexual violation.
- Sexual violence has been **correlated with almost every indicator of deprivation and poor health**, as well as other 'social problems' including increased smoking, drug and alcohol overuse, relationship breakdowns, truancy, teenage pregnancy, the ability to parent well and suicidality.

OFFENDERS ARE GETTING AWAY WITH IT

- About **90 percent of sexual offences go unreported** – sexual assault victims are the least likely of victims to report to the Police. Of the offences that are reported, approximately only 8 percent result in a perpetrator being convicted.

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FOREWORD

Hon Simon Power
Minister of Justice
Parliament Buildings
WELLINGTON

Dear Minister

I am pleased to present *Te Toiora Mata Tauherenga – Report of the Taskforce for Action on Sexual Violence, Incorporating Views of Te Ohaakii a Hine – National Network Ending Sexual Violence Together*.

The Taskforce for Action on Sexual Violence (the Taskforce) report sets out the key actions and recommendations to better prevent and respond to sexual violence in Aotearoa New Zealand. This completes the task set in 2007 when the Taskforce was established.

The report marks the completion of the work of the Taskforce, but it is clear there is considerable work yet to be done. Efforts must be made in the area of crisis support and recovery services for victims of sexual violence. The prevention of sexual violence will require investment in attitudinal and behavioural change over a long period of time. Improvements to the criminal justice system will need to take place in the immediate and long-term future.

A significant amount of effort has been made by all those involved in the Taskforce to develop the foundation needed to make progress in all these areas. We will no doubt strike challenges, but we now have an evidence base for decision making and stronger relationships across government and the community sector to assist in rising to those challenges.

As the title suggests, the report includes the recommendations of the Taskforce as a whole (made up of government agency chief executives and community representatives) and the separate further recommendations of those community sector experts who were represented by Te Ohaakii a Hine – National Network Ending Sexual Violence Together (TOAH-NNEST).

Facilitating a sector voice, gaining input from experts on a range of areas and drawing on the knowledge and experience of those working at the coalface with sexual violence has been an important objective of the Taskforce. This approach has given meaning to the government–TOAH-NNEST partnership that the Taskforce was based upon.

The message from TOAH-NNEST is clear. The partnership approach has been successful and must be maintained. Government and TOAH-NNEST must continue to work together if work to address sexual violence is to be effective.

TOAH-NNEST has also recommended that government be innovative in its approach to funding the sector. Dedicated resources specifically targeted at activity to better prevent and respond to sexual violence is a key recommendation from TOAH-NNEST.

I thank you for your continued support for the work of the Taskforce. I commend this report to you and your Cabinet colleagues for consideration and response.

Yours sincerely

Belinda Clark
Chair, Taskforce for Action on Sexual Violence
Secretary for Justice

July 2009

FOREWORD: TE OHAAKII A HINE – NATIONAL NETWORK ENDING SEXUAL VIOLENCE TOGETHER (TOAH-NNEST)

NGĀ KAITIAKI MAURI (TANGATA WHENUA CAUCUS)	TAUIWI CAUCUS
<p>Uhia mai nei ngā kapuapua o runga, takoto ake nei a Papatuanuku. Tuia Te ao i tua ki Te ao i waho kia noho tau ngā taonga o Te Ao Wairua ki a tatou.</p> <p>Karanga mai e Hine, whakahuahua mai Te ara whānui a Tane ki tua o Te arai. Kapunipuni iho mai kia mapū kia tangihia he rerenga wai he hokinga mahara rere noa, rere noa. Karanga mai karanga mai ...</p> <p>E huri ki Te Ohaakii a Hine hei waihotanga na Te toi ora. Ka pou pou mai e Ngā Kaitiaki Mauri e poipoi ana i tena i tena reo o tatou kia rangona e ngā tihi maunga, ara whakarongo mai ki Te reo parikarangakaranga, Kua Ea Te Ohaakii a Hine.</p> <p>Kati</p> <p>Pay tribute to the duality of life as is symbolised in the clouds that clothe the sky and permanence of our Earth mother. Bring together the worlds beyond to that within which we breathe in order for the gifts of our tupuna to sit gently within us.</p> <p>It is Hine who calls to us, it is Tane who guides us to the resting place beyond. We lament as we reminisce those who have gone before us. Our call is yet to come ...</p>	<p>Following the outpouring of anger throughout the streets of Aotearoa New Zealand in 2006 at the acquittals in the high-profile Louise Nicholas rape case, representatives from the national network (now known as TOAH-NNEST) called on the Government for the Ministerial Taskforce for Action on Sexual Violence (the Taskforce) to be set up. In 2006, TOAH-NNEST was an emerging Treaty of Waitangi-based national network that represented those working to end and respond to sexual violence. Through the Taskforce, TOAH-NNEST sought a partnership with government to enable the sector represented by TOAH-NNEST to be better able to provide services to the community, including further initiatives and programmes to prevent sexual violence, better resourced and more widely available early interventions and ongoing support for victim/survivors and their families, more widely available treatment and support for offenders and their families seeking help to end their offending and an improved criminal justice response.</p> <p>Prior to the establishment of TOAH-NNEST and the Taskforce, no such government–community partnership with this focus had existed in this country at such a high level with such wide terms of reference. Because of decades of under-resourcing, the Taskforce needed to focus on necessary foundational work and scoping exercises, such as stocktakes and literature reviews, to create a snapshot of the amount of work required to achieve the overall goals set. Because of this, the work of the Taskforce over 2007–09 has essentially taken only beginning steps in this journey.</p> <p>TOAH-NNEST acknowledges to everyone it represents just how frustrating it has been for all those working in the specialist sexual violence intervention sector to have to do such foundational work when the gaps in services at the flax roots continue to be so great and given that this situation has not improved markedly over the length of this taskforce.</p> <p>In addition, TOAH-NNEST is aware that presenting this report at the time of a global economic downturn is of concern, especially for all those who have worked so hard over the last two years in the hope that, when this report was presented to government, there would be the chance of immediate resourcing to improve services for those affected by sexual violence.</p>

NGĀ KAITIAKI MAURI (TANGATA WHENUA CAUCUS)	TAUIWI CAUCUS
<p>Turn now to the gifts left through the continuous path of life bestowed through Te Ohaakii a Hine. Nurtured by Ngā Kaitiaki Mauri, the voices of those who have been silenced will be heard, listen to the reverberating voices lift to tell their story.</p> <p>Nga Kaitiaki Mauri extends thanks to the women’s movement, in particular ngā kuia, whaea, mana wahine, that gave many hours to this kaupapa over the years to establish this sector as a point of contact for survivors. Ngā Kaitiaki Mauri hopes to follow and build on the contributions of their work.</p> <p>Sexual violence, rape and sexual abuse are not to be tolerated in our society. Ngā Kaitiaki Mauri works towards its elimination through the provision of a national network that supports all service providers both survivor and perpetrator agencies in the sector to be informed and to meet to formulate solutions to the barriers of elimination.</p>	<p>Despite the difficulty in timing, TOAH-NNEST is pleased to join with its government partners to present the huge amount of work achieved by the Taskforce in two short years.</p> <p>We would like to thank all of those in government (particularly the Chair and Secretariat of the Taskforce) and those in the community who took part in the work of producing this report. Almost everyone involved in the Taskforce showed true dedication and commitment and put their ‘all’ in to ensure the approximately 20 different working groups completed their goals.</p> <p>A debt of gratitude should also go to the hard working TOAH-NNEST Pae Takawaenga (Executive). Throughout the two years of the Taskforce most of the Pae have not only worked on several working groups and represented the sexual violence intervention sector as best they could at government level, they have also continued to put in many hours to build TOAH-NNEST as well as keep their own busy, but often poorly resourced, agencies operating.</p> <p>The work of the Taskforce has been a labour of hope, fuelled by those who have dedicated themselves to improving services for those affected by sexual violence and to making all of our communities free from sexual violence.</p>

EXECUTIVE SUMMARY

This report completes the work of the Taskforce for Action on Sexual Violence (the Taskforce) with 71 recommendations to government to prevent and respond to sexual violence.

In 2007, the Taskforce was asked to identify the actions required to better prevent and respond to sexual violence in Aotearoa New Zealand and where investment could be best made.

The Taskforce comprised 10 government chief executives and four representatives from Te Ohaakii a Hine National Network Ending Sexual Violence Together (TOAH-NNEST). The Government–community partnership has been crucial to developing an evidence base of research and information on which to inform future actions. TOAH-NNEST’s internal commitment to a Treaty of Waitangi-based relationship has also added breadth and depth to its role in the Taskforce.

The Taskforce has focused on adult victim/survivors of sexual violence because of the particular difficulties that adults encounter within the criminal justice system.

The challenge is to keep this important issue on the government agenda. Action is needed now and over the longer term because sexual violence is costly, common and remains largely invisible. Treasury has estimated that sexual offending costs the New Zealand economy \$1.2 billion a year and is by far the most expensive crime per incident. Ending sexual violence and the harm it causes to individuals, family, whānau and our community is paramount.

RECOMMENDATIONS

A hallmark of the Taskforce has been the collaborative relationship between government and community. Government members of the Taskforce have, in good faith, reflected the views of TOAH-NNEST in all advice provided to Ministers over the last two years.

This final report and the majority of recommendations therefore primarily reflect the views of TOAH-NNEST for what is needed to achieve the ultimate goal of freedom from sexual violence in Aotearoa New Zealand. The Government response will consider the recommendations in the broader context of Government priorities

ACTION AREA	KEY RECOMMENDATIONS PRIMARILY FROM TOAH-NNEST (SUMMARISED FROM THE REPORT)
PREVENTION	<ul style="list-style-type: none"> ■ Sustainable funding for specialist sexual violence primary prevention programmes. ■ TOAH-NNEST is resourced to continue in its work with government, including the development of Te Ohaakii a Hine as a prevention model and work on the Sexual Violence Prevention Plan. ■ The Sexual Violence Prevention Plan is completed and circulated for public consultation. ■ Specific work on child sexual abuse and adult rape is undertaken as part of the work of the Taskforce for Action on Violence within Families 'It's not ok' campaign.
SPECIALIST FRONTLINE SERVICES	<ul style="list-style-type: none"> ■ A review is undertaken of funding arrangements that support collaborative approaches and includes consideration of alternative funding models. ■ Immediate funding is provided so that workforce training and development needs and service coordination can be achieved. ■ Alternatives to the current accident compensation corporation (ACC) system are implemented. ■ Government–TOAH-NNEST exploration of legislative changes is required to enable ACC delivery of best practice rehabilitation and treatment. ■ The pilot programme for the treatment of non-mandated perpetrators of sexual violence is delivered and evaluated, and an additional pilot programme by and for tangata whenua is delivered. ■ Funding shortfalls are evaluated for the provision of community treatment for offenders.
CRIMINAL JUSTICE	<ul style="list-style-type: none"> ■ Legislative amendments are progressed (consent, reasonable belief and the 'rape shield'). ■ A joint government and TOAH-NNEST project is undertaken, specific to sexual violence, on: <ul style="list-style-type: none"> – reducing the impact of the criminal justice system on victims, and enhancing the rights of those victims – piloting and implementing a specialist court support role for victims of sexual violence – delivering specialist training to relevant criminal justice personnel on sexual violence and Te Ao Māori – progressing work on alternative methods of resolution, including models appropriate for Māori, and restorative justice programmes.
FUTURE DIRECTIONS AND APPROACHES	<ul style="list-style-type: none"> ■ Information prepared as part of the work programme is made publicly available. ■ There is monitoring of progress on the report's recommendations to ensure action is targeted to where it is most effective. ■ There is ongoing involvement and resourcing of TOAH-NNEST in sexual violence work.

THEMES

The report and recommendations are comprehensive. To assist the Government to respond, the recommendations have been grouped under four themes.

INVESTMENT IN EFFECTIVE FUNDING OF FRONTLINE SERVICES FOR VICTIMS AND OFFENDERS

Investing in effective funding models is crucial. Without investment, the sector will continue to face the same challenges of being unable to: plan long term, develop new services that meet current and emerging community needs and retain specialist staff.

The development of sustainable funding is a priority for TOAH-NNEST to make real improvements across the priority areas identified by the Taskforce – from prevention and services for victims to offender treatment.

Effective funding models would also recognise and provide for services that are culturally distinct. One size does not fit all.

ENSURING A CONTINUED HOLISTIC AND SYSTEM-WIDE APPROACH ACROSS THE SOCIAL, HEALTH, EDUCATION AND JUSTICE SYSTEMS AND IN PARTNERSHIP WITH THE COMMUNITY SECTOR

A holistic and system-wide approach is required. Action across the health, education and social sectors will ultimately make the biggest impact in reducing the costs of sexual violence. Action centred solely on the criminal justice system is inadequate because most victims do not access the system.

The Taskforce has set a foundation for working together in this complex and difficult area – a foundation for government agencies, and the community to work together in thinking about sexual violence, planning prevention and delivering services.

TOAH-NNEST has been the Government's partner in the work of the Taskforce and has provided a coordinated voice across the areas of prevention, services for victims, offender treatment and the criminal justice system. This contribution has been invaluable and should continue.

IMMEDIATE AND MEDIUM-TERM ACTION

The Taskforce has built an evidence base of research and information for future work, and, as noted, comprehensive recommendations for action are set out in this report.

Efforts need to be made in *primary prevention* to stop sexual violence before it occurs, in *secondary prevention* to improve support for victim recovery and avoid re-victimisation and in *tertiary prevention* to ensure offenders are held accountable and have sufficient treatment or other intervention to avoid further offending.

Immediate action includes:

- amending legislation to improve the way the criminal justice system deals with sexual violence cases
- completing Te Puāwaitanga o Te Kākano (specific work focused on understanding and preventing sexual violence for tangata whenua)
- completing a draft Sexual Violence Prevention Plan (the plan will provide the overarching direction required to coordinate and focus efforts to effectively reduce and prevent sexual victimisation and offending)
- implementing changes to the ACC system so that victim/survivor needs are better met.

Medium-term action is required in terms of changing attitudes and beliefs, building the capacity and capability of the sexual violence sector and considering alternatives to the current system.

BUILDING EVIDENCE AND SHARING INFORMATION

Finally, continuing to build evidence and share information will ensure evidence-based interventions are developed, and knowledge and new research about sexual violence is made available to those working in the community and across government.

CONCLUSION

Across all of this work, progress towards implementing these recommendations must be tracked to ensure action is targeted to where it is most effective. Investment is required now to have an impact over the long term even though the outcomes of some of the actions taken at present may not be seen for several years.

Kua ea Te Ohāki ā Hine.

The words have been stated.

TOAH-NNEST awaits the Government's response to its recommendations.

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1. THE REPORT

*Tūngia Te ururua kia tupu
whakaritorito Te tupu o Te harakeke.*

Dispose of whatever hinders progress in all that is done in order that what is desirable may indeed grow and prosper.

**Set the old bush alight and the flax
shoots will spring up. Clear away what
is bad and the good will flourish.**

1.1 PURPOSE AND STRUCTURE OF THE REPORT

1. This report sets out the key achievements of the Ministerial Taskforce for Action on Sexual Violence (the Taskforce) and presents 71 recommendations for future actions to the Government for its response.
2. The report reflects the partnership between community and government members at all levels of taskforce work. Te Ohaakii a Hine – National Network Ending Sexual Violence Together (TOAH-NNEST) makes several separate recommendations in this report.
3. The following four chapters focus on priority areas for action.¹
 - a. **Preventing sexual violence** – over the medium-to-long term we need to improve attitudes and behaviours within Aotearoa New Zealand.
 - b. **Developing effective specialist frontline services for victims and offenders** – we need to create effective services that meet complex and diverse needs.
 - c. **Reforming criminal justice** – we need to improve the current system as well as look at alternative models.
 - d. **Future directions and approaches** – we need a sustained focus on leadership and funding across systems.
4. Taskforce recommendations from both the Government and TOAH-NNEST are grouped into four themes.
 - a. **Immediate investment** in effective funding of frontline services for victims and offenders.
 - b. A continued **holistic and system-wide approach**, including partnership with TOAH-NNEST, as work continues across the social, health, education and justice systems and in partnership with the community sector.
 - c. **Immediate changes**, such as legislative and procedural improvements to the current justice system *and* for future investment in longer-term prevention and alternatives to the current system.
 - d. **Building evidence** and sharing information.
5. The approach taken to developing the recommendations in this report reflects that taken for the work of the Taskforce over the last two years. The partnership operated in a way where government agencies have, in good faith, reflected the views of the community sector in all advice provided to the Taskforce and Ministers. In this way, although government agencies may not necessarily have a mandate on particular issues, the decision makers have been able to take broad views into account when making decisions. Once advice has been provided, including community sector views, government agencies return to the usual processes for policy decision making to consider the Government response to the recommendations presented in this report.

¹ These priority areas are drawn from the Taskforce's Terms of Reference, found at Appendix A

1.2 THE TASKFORCE

6. The Taskforce existed from July 2007 to July 2009. It was set up to identify and prioritise actions that would strengthen government and non-government responses to sexual violence against adults² (see Appendix D for a summary of the Taskforce work programme).
7. The Taskforce comprises chief executives across government as well as four community representatives from TOAH-NNEST.

MEMBERSHIP OF THE TASKFORCE FOR ACTION ON SEXUAL VIOLENCE ⁴	
Ms Belinda Clark	(Chair) Secretary for Justice, Ministry of Justice
Ms Shenagh Gleisner	(Deputy Chair) Chief Executive, Ministry of Women's Affairs
Mr Howard Broad	Commissioner, New Zealand Police
Mr Barry Matthews	Chief Executive, Department of Corrections
Ms Karen Sewell	Secretary for Education, Ministry of Education
Dr Colin Tukuitonga	Chief Executive, Ministry of Pacific Island Affairs
Mr Leith Comer	Chief Executive, Te Puni Kōkiri
Ms Katrina Ings	General Manager, Policy and Research, Accident Compensation Corporation
Dr Janice Wilson	Deputy Director-General, Population Health Directorate, Ministry of Health
Ms Sue Mackwell	Deputy Chief Executive, Ministry of Social Development
Ms Sandz Peipi	Ngā Kaitiaki Mauri, TOAH-NNEST
Ms Te Owai Josie Gemmell	Ngā Kaitiaki Mauri, TOAH-NNEST
Dr Kim McGregor	Tauiwi Caucus, TOAH-NNEST
Mr Hamish Dixon	Tauiwi Caucus, TOAH-NNEST

8. Government and TOAH-NNEST members have worked in partnership throughout all levels of the Taskforce project, building confidence and trust across the sectors and sharing respective areas of expertise (see Appendix B for an explanation of this approach).
9. TOAH-NNEST is structured as a partnership model on the basis of a Tiriti o Waitangi (Treaty of Waitangi) relationship. TOAH-NNEST has caucuses for both tangata whenua/Māori and tauiwi.³ The TOAH-NNEST partnership model and important contextual perspectives from the Ngā Kaitiaki Mauri and Tauiwi caucuses can be found at Appendix C.
10. The Taskforce developed a vision and outcomes framework (found at Appendix E). The recommendations in this report aim to take us closer to these outcomes.

² Sexual abuse against children predominantly occurs within the context of the family, therefore child sexual abuse falls within the remit of the Taskforce for Action on Violence within Families.

³ Tauiwi is a Te reo Māori term for all people in Aotearoa/New Zealand other than tangata whenua. The Tauiwi Caucus of TOAH-NNEST includes representation for Pacific peoples.

⁴ The Taskforce was supported by a dedicated Secretariat in the Ministry of Justice comprised of: Lauren Perry (Manager), Sheridan Smith, Rachel Caddick and Jonathan O'Brien

2. ACTION AREA: Preventing Sexual Violence

Ki Te hāmama popoia Te tangata, e kore e mau Te ika.

If one spends their time yawning, they will not catch any fish.

**Work of any kind will never be
completed if the worker gets tired of it.**

2.1 CONTEXT: SEXUAL VIOLENCE PREVENTION IN AOTEAROA NEW ZEALAND

PREVENTION MODELS

1. Four models for understanding primary prevention work have guided the Taskforce:
 - a. the ecological model (see Appendix F)
 - b. the public health prevention model (see Appendix F)
 - c. the TOAH-NNEST tangata whenua perspective (see Appendix G)
 - d. the TOAH-NNEST tauiwi perspective (see Appendix G).
2. Primary prevention involves the promotion of healthy community norms based on respect, safety, equality, healthy relationships and sexuality.⁵ Children and adolescents have therefore been included within the scope of this area of taskforce work.
3. Secondary and tertiary prevention are as important as primary prevention, and efforts must be made at all three levels to effectively prevent sexual violence. The following chapters deal with secondary prevention (which occurs through the provision of effective support services for victim recovery) and tertiary prevention (which is achieved through holding offenders to account and the treatment and management of offenders).

WORK COMPLETED

4. The Taskforce has:
 - a. reviewed the literature outlining the factors that contribute to sexual violence and drawn together findings on how best to raise the right conversations to effectively change problematic attitudes and promote positive behaviour⁶
 - b. undertaken a case study of the Tiaki Tinana programme⁷
 - c. prepared a scoping report on sexual violence and Pacific communities⁸

- d. carried out a stocktake of existing prevention initiatives in Aotearoa New Zealand⁹
- e. identified elements of prevention programmes that work¹⁰
- f. reviewed the literature on the links between alcohol and sexual violence.¹¹

WORK UNDER WAY

5. In addition to the work completed, three projects are under way.
 - a. 'Te Puāwaitanga o Te Kākanō' – a research paper about sexual violence for Māori. This is a joint Te Puni Kōkiri and Ngā Kaitiaki Mauri project.
 - b. 'Pacific Pathways for Sexual Violence Prevention' – research into effective pathways for sexual violence prevention amongst Pacific peoples in New Zealand. Consideration includes traditional practices and strategies that may impact on preventative measures in an Aotearoa New Zealand and Pacific context.
 - c. Development and consultation of the draft Sexual Violence Prevention Plan, led by the Ministry of Health with TOAH-NNEST.

5 Davis et al, 2006.

6 Robertson and Oulton, 2008.

7 Rape Prevention Education, 2008.

8 Ministry of Pacific Island Affairs, 2008.

9 Russell, 2008a.

10 Russell, 2008b.

11 Russell, 2008c.

2.2 KEY FINDINGS FROM COMPLETED WORK

A. LITERATURE REVIEW – CONTRIBUTING FACTORS AND RAISING THE CONVERSATION IN THE RIGHT WAY

6. A research project outlines factors that contribute to sexual violence at societal, community, relational and individual levels and provides an overview of what can be learnt from prevention efforts to change attitudes and behaviours (see Appendix H).¹² Issues relevant to Māori and Pacific Island communities, as well as the broad Aotearoa New Zealand context, were considered in this review.
7. Careful identification of messages and appropriate ways of discussing prevention of sexual violence are required to achieve success with different audiences. Offenders also need support to stop their behaviour; they need safe pathways for sourcing appropriate treatment and for addressing their behaviour. Communities need information and support to help them deal appropriately with sex offenders who live amongst them. Obstacles for offenders coming forward to admit their crimes and access treatment include fears of retribution and the potential of being ostracised and vilified by their family and whānau, community or church.¹³
8. An understanding of motivators, influences and barriers to change is necessary for prevention activities, such as awareness raising, changing problematic attitudes and behaviours and promoting healthier ones.
9. For Māori, raising conversations about sexual violence may involve drawing on concepts of manaakitanga (honouring others and ourselves), kaitiakitanga (upholding our responsibilities) and kotahitanga (connecting people).
10. Topics of a sexual nature are considered taboo in most cultures. For Pacific peoples, it is important to address the cultural and spiritual underpinnings of inappropriate behaviour. The approach must be broader than the individual to include family and community, and can draw on supportive messages in the Pacific languages, images, concepts, values and traditions. This also means there are broad avenues available to deliver prevention messages, such as through community groups, community leaders, Pacific providers and church groups.
11. In many Pacific cultures concepts of respect and reciprocity can be used. For example, in the Samoan culture, drawing on the concepts of:
 - va fealoaloa'i (mutual respect between people)
 - va tapuia (sacred relationships enshrined within covenants)
 - feagaiga (a covenant based on women sharing divinity because of the gift of producing and nurturing life)
 - le feagaiga i le va o le tuagane ma lona tuafafine (the sacred covenant between brother and sister, denoting that men should be mindful of their responsibilities and duties towards others in the same way that they are respectful of their sisters).

B. CASE STUDY – TIAKI TINANA

12. Tiaki Tinana is a pilot programme developed over three years by clinical Māori specialists in consultation with key Māori leaders and stakeholders (see Appendix I). Te Puni Kōkiri has been working with Rape Prevention Education in Auckland on the design, development and delivery of the Tiaki Tinana programme, and specialists from Rape Prevention Education have delivered it.¹⁴
13. The Tiaki Tinana programme applies a Māori model to a child sexual abuse prevention programme for Māori and all communities. The pilot model was well received in those communities where it was tested and led to an increase in disclosures. The Tiaki Tinana programme educates and supports whānau on how to:
 - empower their community to prevent sexual abuse by raising awareness of the issue and providing access to education and resources
 - minimise opportunities for offending to take place within the whānau environment through knowledge of biological, situational and environmental factors that contribute to offending behaviour
 - deal effectively and safely with disclosures of abuse from survivors as well as offenders.

¹² Robertson and Oulton, 2008.

¹³ Rape Prevention Education, 2008.

¹⁴ Ibid.

14. The Tiaki Tinana case study considered the elements of the programme, how it is delivered, identified key success factors and possible options for resolving identified issues. The strengths of the programme are in its specialised workforce, communication, relationship building and participation. Currently, the degree of programme specialisation limits its transferability to other community prevention initiatives.

C. SEXUAL VIOLENCE AND PACIFIC COMMUNITIES

15. A scoping report notes the importance of Pacific provision of primary prevention messages despite there being few such services in Aotearoa New Zealand (see Appendix J).¹⁵ Pacific provision is more likely to work because it is ethnic specific, holistic, family based and encompasses Pacific values and spirituality. Delivery to clients in their first language is also likely to increase programme effectiveness. The scoping report also notes that a systemic review of programme effectiveness and quality is required.
16. Key aspects to raising the conversation within Pacific communities include:
- a preference for talking about healthy relationships and processes for addressing sexual violence
 - the importance of respect when promoting messages
 - the importance of families and caregivers affected by sexual violence and the need to prioritise the conversation amongst Pacific communities
 - awareness of group dynamics – for example, not to deliver a programme to young New Zealand-born and older Island-born participants or to men and women together
 - the effectiveness of a separate forum for Pacific peoples for providing a non-threatening and encouraging environment.
17. Identified barriers to raising the conversation are:
- loyalty to family, pressure from family, including upholding the family's reputation – as barriers to disclosure
 - secrecy and the stigma attached to disclosure
 - reluctance and cultural taboos affecting willingness to discuss sexuality
 - reluctance to discuss relationships that are not heterosexual
 - a lack of resources and funding.

D. STOCKTAKE OF PREVENTION PROGRAMMES

18. A preliminary stocktake of prevention programmes in Aotearoa New Zealand found that the majority of programmes are delivered by community organisations (see Appendix K). Many of these organisations have stopped carrying out prevention work because of a lack of funding.
19. The findings of the stocktake show that comparatively few specialist sexual violence prevention education programmes (as opposed to generic non-violence activities or self-defence programmes, which may also serve to prevent sexual violence) are being delivered to children, young people and the community. Approximately 13 Rape Crisis and specialist sexual assault service organisations deliver these programmes in an extremely limited way.
20. TOAH-NNEST reports that most of the resources are limited and dated. For example, many agencies only have access to dated materials, such as the 'Shari and Jo' video developed by Rape Crisis in the 1990s for school-based programmes. Student evaluations have reported this video is dated and less relevant to today's youth culture. Updating and coordinating such resources at a national level and providing a 'training for trainers' programme to support a standardised approach for school-based programmes would be beneficial to all specialist sexual violence prevention groups given the economies of scale.
21. For most of these organisations, counselling and crisis support services for victims of sexual violence and their families are their core business and prevention is a secondary or smaller part. There is only one organisation in Aotearoa New Zealand that is primarily aimed at developing and delivering sexual violence prevention services.
22. Generic programmes tend to be targeted at the general population rather than at-risk groups, and although it was not possible to confidently draw conclusions about geographic coverage, it appears there are variations in interventions and coverage across the country.

15 Ministry of Pacific Island Affairs, 2008.

23. The stocktake was exploratory and the findings primarily reflect the views and experiences of some organisations within the sexual violence sector. Mostly non-Māori providers of sexual violence prevention took part in the survey. Views and experiences of Māori designed, developed and delivered services and those designed to meet the needs of other ethnic and cultural groups were therefore not fully gained from the survey.

E. COMPONENTS OF EFFECTIVE PROGRAMMES – WHAT WORKS

24. A review of national and international literature found that while there are recognised components that contribute to programmes being effective, there is limited research and evaluation into the effectiveness of programmes (Appendix L).¹⁶ This is because of a lack of funding to develop and deliver the programmes to a standard and capacity where they may then be monitored and evaluated.

25. In brief, the literature states that successful programmes:

- are comprehensive, challenge cultural norms and promote respectful sexual behaviours
- are tailored to their audience
- foster networks and partnerships, and have a community approach
- demonstrate empathy for victims of sexual violence and are not blaming
- include males as partners in the solution
- are equipped to deal with disclosures of sexual violence and are able to identify and deal with inappropriate sexual behaviours
- may include some single-sex sessions
- are well resourced.

26. The research also found that effective programmes for children and young people also tend to:

- have well-trained and qualified programme providers
- use peers
- involve peers, parents and caregivers
- have a 'whole school' (or whole community) approach
- have varied and interactive teaching methods
- focus on skill building
- have reinforcement of programme content be well timed.

27. Promising primary prevention approaches that appear to be working internationally include:¹⁷

- public information and awareness campaigns to break the silence that surrounds sexual assault; to inform and influence attitudes and social norms that allow violence and build political will to address the problem
- early childhood and family based approaches to developing children's problem-solving, emotional management and social skills, reducing children's exposure to violence and other adverse effects of family violence, and building parental capacity to care for their children
- school-based approaches that equip children and young people with the ability to identify inappropriate sexual or violent behaviour, build their protective behaviour skills and shape their expectations and capacity to build and sustain respectful relationships.

28. The most effective prevention actions are those that meet the diverse needs of women and men to build respectful sexual relationships.

F. ALCOHOL AND SEXUAL VIOLENCE

29. The Taskforce review on alcohol-assisted sexual violence confirmed the strong association between alcohol and sexual violence (see Appendix M).¹⁸

30. There is limited data on the extent of alcohol-related sexual violence in Aotearoa New Zealand. International research shows an estimated three-quarters of offenders and just over half of date-rape victims had been taking drugs or drinking before sexual violence occurred.¹⁹ While alcohol is often involved in incidents of sexual violence it should be noted that alcohol alone does not 'cause' a person to rape. Not every person who becomes drunk will rape. Research indicates the link between alcohol and sexual violence is likely to be mediated by factors such as pre-existing attitudes towards women and attitudes and beliefs about sex and intimacy.²⁰

16 Russell, 2008b.

17 National Council to Reduce Violence against Women and their Children, 2009a.

18 Russell, 2008c.

19 Koss and Dinero, 1988; Koss, 1988.

20 Russell, 2008c.

31. Specialists who work with sex offenders report that the motivation to sexually offend is present prior to the offence occurring. Those intending to rape will often target potential victims who are already drunk or encourage them to drink so their ability to resist is lowered and they will be less likely to remember details of the attack and identity of the attacker, or to be believed. Alcohol may also be used as part of a grooming process for the sexual abuse of children and young people.
32. People may take more risks when they have been drinking (for example, allowing themselves to become separated from friends). They may have lower awareness and less effective reactions, making them less able to defend themselves or to realise when they are getting into a risky situation.

2.3 WORK UNDER WAY

A. TE PUĀWAITANGA O TE KĀKANO – MĀORI BACKGROUND PAPER

33. Te Puni Kōkiri is working with Ngā Kaitiaki Mauri to produce a research paper about sexual violence for Māori – 'Te Puāwaitanga o Te Kākano'. The findings will facilitate Māori-responsive approaches to sexual violence intervention and prevention strategies and explore, from a historical perspective, the demographic, societal, economic and political influences that have impacted on indigenous knowledge. Preventative factors, core protective principles, possible points for intervention and key positive messages for Māori communities will be identified. This work will be completed by the end of 2009.

B. PACIFIC PATHWAYS FOR SEXUAL VIOLENCE PREVENTION

34. The Ministry of Pacific Island Affairs has commissioned research on effective pathways for sexual violence prevention amongst Pacific peoples in New Zealand. The research aims to identify important protective factors in Pacific cultures that help to prevent sexual violence. These may include deep-rooted cultural and religious understandings based on values, practices, protocols and behaviours that have a practical place in modern New Zealand life. This research will be completed in coming months.

C. DRAFT SEXUAL VIOLENCE PREVENTION PLAN

35. Building on the evidence gathered in its first year, the Taskforce agreed that overarching national direction for prevention was required. Government and community representatives on the Taskforce's prevention plan working group are working together to set out a strategic approach aimed at reducing and preventing sexual violence in Aotearoa New Zealand.

36. The Ministry of Health is leading the development of the Sexual Violence Prevention Plan. The plan will guide government and the community sector agencies on where to focus to be more effective and make a significant impact to reduce victimisation and offending. The plan will focus on the primary prevention of sexual violence.

37. The plan is intended to outline overarching prevention objectives and goals and the actions required to achieve these. Previous taskforce work on prevention has been drawn on in the development of the draft plan, including the social conditions, norms and culture that can serve to reinforce or validate sexual violence in this country and opportunities to modify these.

38. A final draft plan is expected to be completed for consultation later this year (subject to Ministerial approval).

2.4 FUTURE ACTIONS

A COORDINATED EFFORT TO PREVENT SEXUAL VIOLENCE

39. There must be no tolerance of sexual violence in Aotearoa New Zealand. This requires a primary prevention focus and level of community readiness to engage in sexual violence prevention – a willingness to break down barriers to attitude and behaviour change and to promote respectful approaches to intimacy and sexual relating.
40. The development of the Sexual Violence Prevention Plan is an important part of a nationally coordinated effort to prevent sexual violence. Previous prevention efforts in this country have not been fully realised because of a lack of overarching direction, coordination, collaboration and dedicated resources for investment in prevention at a government level.
41. This has resulted in ad hoc and inconsistent funding and delivery, and led to variations in prevention activity across the country. In some areas, little progress in sexual violence prevention has been made. Efforts that have been undertaken and shown potential to be effective have often not been able to continue or develop further.
42. The following areas have been identified as important for the primary prevention of sexual violence:
 - a. changing attitudes, behaviours and social norms that contribute to sexual violence (and the promotion of healthy relating)
 - b. protecting children and young people from exposure to family violence and sexual abuse, because these are risk factors for offending and victimisation in adulthood
 - c. supporting and investing in Māori/whānau-led solutions
 - d. ensuring diverse needs are met
 - e. strengthening institutional and policy approaches to prevention
 - f. establishing a forum to facilitate the ongoing gathering and sharing of evidence, research and evaluation to underpin future work
 - g. increasing the capacity and capability of the community sector.

A. CHANGING PROBLEMATIC ATTITUDES AND BEHAVIOURS AND PROMOTING HEALTHY ONES

43. Efforts to prevent sexual violence will not be successful unless the community is ready for them. Every community is already dealing with child sexual abuse and sexual violence. This is often done in secret or shame-based ways. Knowledge and skills are required to raise the kinds of conversations that can serve to prevent sexual violence and to ensure responses are appropriate if sexual violence does occur. Conversations need to be raised in ways that are appropriate to the requirements of particular cultural, ethnic and faith communities and this needs to occur at all levels of society.²¹
44. Consideration should be given to the role that media can play in influencing attitudes and behaviour related to sexual violence. Research shows that a relationship exists between exposure to sexist imagery on television, in film, advertising material and electronic games, and a tolerance for physical or sexual violence that can enhance violence-supportive attitudes.²²
45. There is also evidence that a variety of media (including music videos, song lyrics, movies, advertising and animation/cartoons) as well as products (video games, toys, and clothing and cosmetics targeted at young girls) can objectify and sexualise women and girls and may both *reflect* and *contribute* to societal tolerance of sexist attitudes and sexual violence.²³
46. The impact of a sexualising culture can be countered by a range of practices, such as educating young people about the importance of autonomy and mutual respect in sexual relationships. Informing and encouraging girls and boys to critique images and ideas presented by media can act as a buffer against the negative impacts of sexualisation.²⁴
47. The connection between alcohol and sexual violence and New Zealand's drinking culture must also be considered in future primary prevention work because, as noted, alcohol use is a risk factor for both victimisation and perpetration.

21 Robertson and Oulton, 2008.

22 Flood and Hamilton, 2003; Flood and Pease, 2006.

23 American Psychological Association, 2007.

24 Ibid.

48. Most New Zealanders drink occasionally, and whilst many drink in moderation, New Zealand is recognised as having a drinking culture that condones and supports the excessive consumption of alcohol.
49. The presence of alcohol in incidents of sexual violence can also affect attributions of blame, for example, offenders may be seen as less culpable and victims as more blameworthy.²⁵ These findings have important implications for initiatives aimed at changing attitudes and behaviours for both sexual violence and excessive alcohol consumption. Addressing hazardous drinking behaviour needs to be managed without the counterproductive outcome of focusing on women's consumption and victim blaming.

B. PROTECTING CHILDREN FROM FAMILY VIOLENCE AND SEXUAL ABUSE

50. Witnessing or experiencing family violence as a child is also a risk factor associated with both sexual violence victimisation and perpetration.²⁶ Family violence and sexual violence have important parallels and differences and these must be taken into account in future sexual violence prevention work. Family violence (including child maltreatment) and sexual violence share common risk and protective factors and often co-occur within the same households.²⁷
51. Both forms of violence are gender based and strongly linked to cultural and social values about gender and interpersonal relationships. Both require changes to attitudes and behaviours and improved relationship skills if they are to be successfully prevented. Similarly, prior history of child sexual abuse, which often occurs within the context of families,²⁸ is also a risk factor for both experiencing sexual violence later in life and for offending sexually.
52. Work to prevent family violence therefore has clear interconnections with that aimed at preventing sexual violence. Benefits can be gained from collaborating and integrating existing and new programmes in both areas. An example of where such integration may be successful is within school-based initiatives aimed at preventing bullying and dating violence.²⁹

53. There are some areas, for example, developing understanding about the complexities of sexual consent and the skills required for non-exploitative mutual sexual negotiation, that are specific to sexual violence. These need to be addressed separately and only stand-alone sexual violence programmes can effectively and appropriately achieve this.
54. Increasing parents' and caregivers' knowledge and skills about how to protect their children from potential sex offenders is also an important area that should be addressed. Parents need to know how offenders typically gain access to children, how they groom children to be silent about the abuse and how they often present as trustworthy, safe, child-friendly people. Education for parents and caregivers through maternity and other parenting classes will assist them to keep their children safe from sexual abuse and violence.

C. INVESTING IN MĀORI-LED SOLUTIONS

55. The prevalence, incidence and nature of sexual violence affect Māori in ways different to those of non-Māori. Prevention strategies need to have resonance and practical applicability within dynamic and changing Māori communities and contexts.
56. Taskforce work has shown that, for sexual violence intervention and prevention strategies to be effective, approaches must have respect within target communities, and should validate and add to existing community knowledge. Some interventions around sexual violence continue to be delivered from a non-Māori conceptual and practice framework that can have the potential to isolate, criminalise or even pathologise Māori experience and behaviour.
57. Ngā Kaitiaki Mauri has developed a sexual violence prevention model based within a Māori world view – Te Ohaakii a Hine. This model places whānau at its core and provides a pathway to whānau wellbeing (whānau ora) through the facilitation of whānau, hapū and iwi connectedness and healing.
58. For Māori, whānau ora is the foundation for the prevention of sexual violence. As a principal source of strength, support, security and identity, whānau play a central role in the wellbeing of Māori as individuals and members of their whānau, hapū and iwi.

25 Russell, 2008c.

26 Jaffe and Wolfe, 2003; McMahon, 2000; World Health Organization, 2007.

27 National Center for Injury Prevention and Control, 2002.

28 Fanslow et al, 2007.

29 Prevention Institute, 2007.

59. Achieving whānau ora requires a commitment to and investment in:
- Māori involvement in decision making
 - working directly with whānau, hapū, iwi and Māori communities
 - ensuring all services (not just Māori-specific) are effective for Māori
 - all sectors working to address Māori health outcomes.
60. Whānau ora and Te Ohaakii a Hine are key foundations for developing tangata whenua priorities and approaches for the Sexual Violence Prevention Plan and ongoing prevention efforts. Māori-focused priorities within the plan will also be informed by 'Te Puāwaitanga o Te Kākano', the background paper on sexual violence issues for Māori.
61. TOAH-NNEST recommends that future planning, development and delivery of sexual violence prevention for Māori must be guided by Te Ohaakii a Hine. Te Ohaakii a Hine is explained in further detail in the 'Tangata whenua perspective on prevention' (in Appendix G).

D. ENSURING DIVERSE NEEDS ARE MET

62. One size does not fit all for effective sexual violence prevention. For prevention to be most effective, different groups need to be approached in appropriate ways that reflect their frame of reference and draw on strengths.
63. Prevention efforts must reach and be tailored to ethnic, migrant and refugee people in New Zealand communities. Immigrants may be at risk of sexual violence because of language barriers, unfamiliarity with physical surroundings, and the potential to be manipulated into unsafe situations due to a lack of knowledge about cultural norms.
64. For Pacific peoples, there are deep-rooted cultural understandings that have relevance to preventing sexual violence. These values, practices, protocols and behaviours have a practical place in modern Aotearoa New Zealand life and open up avenues for effectively preventing sexual violence. For example, community and church groups and leaders can play a pivotal role in building an understanding of appropriate relationships.
65. Tailored efforts to prevent sexual violence against the elderly and people with disabilities are also required. People with physical, intellectual or psychiatric disabilities experience sexual assault at much higher rates than the general population.³⁰ Research suggests that the likelihood of victimisation differs for disabled persons and elderly depending on the level of care or support they require.
66. Elderly people and people with disabilities often have to rely on others to help them with a variety of daily activities and tasks, such as toileting, eating, bathing and mobility. This dependence often requires intimate relationships with a range of people and caregivers, such as family members, interpreters, homemakers, nurses, doctors, drivers, social workers, psychiatrists, therapists, attendants and workers in hospitals and other institutions. Dependence on a large network of relationships increases the chances that a disabled or elderly person will experience abuse.
67. Practices such as screening future carers and staff and providing education and training for those who work with the elderly and children and adults with disabilities may serve as a means of preventing sexual assault. Awareness raising, sexuality education and prevention programmes for people with disabilities are also important for increasing safety.³¹
68. Education programmes that build understanding and respect for diverse sexual identities and lifestyles are important for the prevention of sexual violence. Recognising the ways in which diverse sexualities and gender identities are marginalised within society, as well as recognising the ways in which this not only supports sexual violence but limits possibilities for prevention, assists in understanding the specific issues faced by gay, lesbian, bisexual, transgender and intersex people.³²
69. Sexual violence prevention programmes need to be relevant and accessible for same-sex attracted people, transgender and intersex people.³³ Lesbian women have been found to experience significant rates of homophobic sexual abuse and sexual abuse by intimate partners.³⁴ Similar results have been found for gay men.³⁵ Research also suggests that young gay men are the most vulnerable to sexual assaults by other men,³⁶ and that same-sex attracted men are more likely to sustain serious physical injuries when sexually assaulted.³⁷

30 Murray and Powell, 2008.

31 Murray and Powell, 2008.

32 Fenaughty et al, 2006.

33 National Council to Reduce Violence against Women and their Children, 2009a; White, 2002.

34 Rose, 2003; Farrell and Cerise, 2006, p 10.

35 Ibid.

36 Stermac et al, 1996; Saewyc et al, 2004.

37 Hodge and Canter, 1998.

E. INSTITUTIONAL AND POLICY APPROACHES TO PREVENTING SEXUAL VIOLENCE

70. Prevention of sexual violence has significant overlaps and can interlink with the prevention of other crimes and social problems, such as anti-social behaviour and underachievement.
71. Coordination across government and a close working relationship with community organisations delivering services are required to ensure prevention solutions are workable, effective and incorporated, where possible, into interventions already being delivered.

F. A FORUM TO GATHER AND SHARE EVIDENCE

72. Sexual violence prevention initiatives and evaluation research both here and overseas are still in their infancy. A key learning from the Taskforce work is that a shortage of evidence exists about what works to prevent and reduce sexual offending in Aotearoa New Zealand communities. Research in this burgeoning field needs to be accessed and used to inform future efforts.
73. Much of the work of the Taskforce over the previous two years has involved building a stronger evidence base to inform advice and decisions about where efforts are best focused.
74. To be useful, an evidence base must be relevant, up to date and accessible. Achieving this goal requires commitment and coordination across a range of sectors and organisations. The knowledge required to inform sexual violence prevention practice is scattered across a variety of disciplines, including the public health, mental health, social work, education and crime prevention fields.
75. At the same time, investment needs to be made in the evaluation of programmes and initiatives to prevent sexual violence. Ongoing work is required to ascertain the programmes and activities that are effective and those that may require change in order to improve effectiveness.
76. Keeping abreast of relevant findings from research here and overseas, sharing practical experience and learning from each other are important for practitioners working to prevent sexual violence. Similarly, policy makers need to remain up to date with what is working both here and overseas to develop policy that is effective, aligned with what is happening on the ground and caters to the needs of specific communities.

77. TOAH-NNEST recommends the development of a forum so that new evidence and information about sexual violence prevention can be generated and made available to those in the community and across government. Such a forum would also provide a mechanism for coordination and collaboration across the sexual violence community sector and across the sector and government agencies.

G. CAPACITY AND CAPABILITY OF THE COMMUNITY SECTOR

78. To effectively prevent sexual violence, programmes and activities need to be delivered by individuals and organisations with appropriate skills, experience and tools. This requires investment in training for staff and expansion of the capacity of organisations to provide prevention programmes.
79. The Taskforce stocktake on prevention activity in Aotearoa New Zealand found that many organisations had reduced or stopped delivering prevention services in the previous five or more years. Some organisations report that, due to not being able to secure funds, the education and prevention programmes they had previously delivered had been cut back or dropped altogether in order to focus resources on their other services.
80. TOAH-NNEST recommends that the specialist knowledge and skills that currently exist in the community sector are harnessed and built on through the development of a national forum for sexual violence prevention. Such a forum would provide the strategic leadership and coordination required at a national level. This would enable resources and activities to be maximised whilst avoiding duplication of efforts. Regional steering groups should be developed to enable regional planning and training in the prevention of sexual violence.

2.5 RECOMMENDATIONS

EFFECTIVE FUNDING FOR SPECIALIST SEXUAL VIOLENCE PREVENTION SERVICES AND PROGRAMMES

TOAH-NNEST RECOMMENDS THAT:

1. Immediate funding is made available for specialised sexual violence primary prevention services and programmes that meet criteria based on promising primary prevention approaches (refer above, 'Components of effective programmes – what works').
2. Adequate resourcing is dedicated to the completion of and consultation on the Sexual Violence Prevention Plan.
3. Sustainable and dedicated funding is made available for primary prevention strategies and programmes, especially for the few existing specialist programmes (funding should be sufficient to expand existing prevention strategies, enable broad delivery of programmes, the piloting of new initiatives and resources to evaluate programmes).

A CONTINUED HOLISTIC AND SYSTEM-WIDE APPROACH INCLUDING PARTNERSHIP WITH TOAH-NNEST

TOAH-NNEST RECOMMENDS THAT:

4. The Government establish a whole-of-government group, with TOAH-NNEST to lead ongoing work to prevent sexual violence, including the completion and implementation of the Sexual Violence Prevention Plan, and to facilitate a long-term commitment to the prevention of sexual violence.
5. TOAH-NNEST is resourced as the national network of specialist sexual violence prevention experts to work with government.

IMMEDIATE AND MEDIUM-TERM *PREVENTION ACTION*

IMMEDIATE

THE TASKFORCE RECOMMENDS THAT:

6. The Sexual Violence Prevention Plan being led by the Ministry of Health is completed and consulted on in partnership with TOAH-NNEST.

IN ADDITION, TOAH-NNEST RECOMMENDS THAT, FOR THE SEXUAL VIOLENCE PREVENTION PLAN:

7. Government agencies continue to support the development of Te Ohaakii a Hine to inform the prevention plan.
8. Broad consultation is undertaken on the prevention plan so that wide views on the plan are gained from individuals and community organisations that are not represented by TOAH-NNEST and from government agencies that may be involved in work relevant to the prevention of sexual violence.
9. The Government seeks the approval of TOAH-NNEST to the prevention plan following public consultation and prior to its implementation.
10. The prevention plan is implemented.

MEDIUM TERM

TOAH-NNEST RECOMMENDS THAT:

11. The Government focuses on six areas for the prevention of sexual violence (four of the areas are listed below; the two other areas relate to partnership and funding and are included as part of those recommendations):
 - a. changing attitudes, behaviours and social norms that contribute to sexual violence, beginning with expansion of the 'It's not ok' campaign in partnership with TOAH-NNEST and led by the Ministry of Social Development to specifically address child and adult sexual abuse and rape
 - b. protecting children and young people from exposure to family violence so they do not become victims of sexual violence or offenders later in life, through a specific stream of work, in partnership with TOAH-NNEST, on the prevention and response to child sexual abuse being added to the work programme of the Taskforce for Action on Violence within Families
 - c. supporting and investing in Māori/whānau-led solutions informed by Te Ohaakii a Hine as a prevention model for tangata whenua
 - d. strengthening institutional and policy approaches to preventing sexual violence so that all community and institutional policies and cultures are not tolerant of sexual violence.

BUILDING EVIDENCE AND SHARING INFORMATION FOR PREVENTION

TOAH-NNEST RECOMMENDS THAT:

12. Resources are dedicated to begin a detailed stocktake of specialist sexual violence prevention programmes that includes a programme content description, an assessment of the extent of delivery, number of educators, programme capacity and audience reached.
13. A forum is developed for generating and sharing information and evidence so that knowledge and new research about sexual violence prevention is made available to those working in the community and across government.

3. ACTION AREA: Developing Specialist Frontline Services

Ahakoā he iti Te matakahi, ka pakaru i a ia Te tōtara.

Although the wedge is small it will fell the mighty oak tree.

**With persistency and consistency,
together we will achieve our goal.**

3.1 CONTEXT: SPECIALIST FRONTLINE SERVICES IN AOTEAROA NEW ZEALAND

SERVICE DELIVERY IN AOTEAROA NEW ZEALAND

1. Specialist services for victims/survivors of sexual violence have existed in Aotearoa New Zealand since the 1970s. It was not until the establishment of Te Kākano o Te Whānau in 1984 that tangata whenua were formally recognised as having an independent approach to sexual violence. For tauwiwi, victim/survivor services were grass-roots responses by women's collectives which provided immediate, practical and emotional assistance for women who had been raped.
2. These services are vital given the profound and long-lasting effects of sexual violence on victims/survivors.
3. Services for victims/survivors cover both crisis and long-term support. Crisis support may include 24/7 telephone lines, a call-out service and help in accessing police and medical services. Longer-term services include counselling and support through the court process. Most services for victims/survivors encompass both crisis and long-term support.
4. Services for offenders function separately and generally only for the small percentage of offenders convicted of a sexual offence. This chapter focuses on services for perpetrators who have not been convicted (referred to as non-mandated perpetrators).
5. Many of the specialised services are members of TOAH-NNEST under the Ngā Kaitiaki Mauri and Tauwiwi caucus structure. Tangata whenua and tauwiwi perspectives on service delivery provide an important context for service delivery within Aotearoa New Zealand. Detail on these perspectives can be found in Appendix N (Crisis support services) and Appendix O (Long-term recovery). The recommendations in this chapter call for distinct responses for tangata whenua and tauwiwi services (and clients).

TASKFORCE PROCESS

6. A taskforce working group, led by the Ministry of Social Development focused on issues around early intervention and crisis support services, and longer-term recovery and support services. This group comprised TOAH-NNEST Ngā Kaitiaki Mauri and Tauwiwi Caucus representatives, and officials from the Ministry of Health, Ministry of Women's Affairs, Accident Compensation Corporation (ACC), Te Puni Kōkiri and New Zealand Police.
7. The Ministry of Social Development, Te Puni Kōkiri and Ministry of Pacific Island Affairs supported TOAH-NNEST's Ngā Kaitiaki Mauri and Tauwiwi caucuses to undertake stocktakes of current sexual violence service provision. This has enabled TOAH-NNEST to provide advice to the Taskforce, and for this advice to be reflected in the Taskforce report. The major findings of these stocktakes are outlined in this section of the report.

WORK COMPLETED

CRISIS AND LONG-TERM RECOVERY SERVICES FOR VICTIMS/SURVIVORS

8. Work completed during the life of the Taskforce consists of:
 - a TOAH-NNEST Ngā Kaitiaki Mauri stocktake of existing services
 - a TOAH-NNEST Tauwiwi stocktake of existing services
 - the identification of improvements to ACC services
 - initial work on cost as a barrier to accessing services.

SERVICES FOR NON-MANDATED PERPETRATORS

9. A treatment programme for non-mandated perpetrators of sexual violence has been designed and is ready to pilot.

WORK UNDER WAY

10. Work is under way to develop effective practice guidelines for mainstream crisis services for victims/survivors.

FUTURE WORK

11. Priorities for future work have been identified as:

- immediate resourcing of services (tangata whenua and tauwiwi) to address funding shortfalls and gaps in the provision of crisis support and long-term recovery services
- developing an implementation plan to address gaps in service provision
- improving long-term recovery services so they are accessible and appropriately delivered, including investigating alternative funding models
- implementing identified improvements to ACC service delivery
- further work to address cost as a barrier to accessing services, based on the evidence gathered
- implementing and evaluating the pilot programme for non-mandated perpetrators of sexual violence.

RELATED WORK

12. Government agencies have also undertaken several initiatives in relation to the issues raised by this working group. Details of initiatives undertaken by:

- the Police to improve practices and responses to victims of sexual violence are described in chapter 4, 'Reforming criminal justice'.
- the Ministry of Health are included in chapter 2, 'Preventing sexual violence'
- the Ministry of Women's Affairs research (referred to in chapter 4, 'Reforming criminal justice') has informed our understanding of current service provision and good practice in delivering sexual violence services.

13. The Ministry of Social Development has led the introduction of new approaches to funding of the social services sector. Sexual violence services, delivered through both mainstream and holistic provision, are amongst those that have benefited from funding increases over the past two years. TOAH-NNEST's view, based on findings from its stocktakes, is that for most services these increases were not enough to cover the impacts of insufficient funding increases over previous decades because sexual violence has taken a back seat to other social needs. TOAH-NNEST regards addressing funding issues as urgent to prevent further closure of services and ensure victims/survivors are able to access the kinds of services they need in a timely fashion.

3.2 KEY FINDINGS FROM COMPLETED WORK

STOCKTAKES

PROCESS

14. This section sets out an overview of the findings of the stocktake research undertaken by Ngā Kaitiaki Mauri and Taiwi caucuses (see Appendix P and Appendix Q respectively for the executive summary of each stocktake). The stocktakes were undertaken for each 'house', consistent with the Treaty of Waitangi-based partnership approach of TOAH-NNEST, and as recognised by the Taskforce.
15. Common issues across both stocktakes, and in the recommendations that follow the research findings, include:
 - the need for funding to improve service capacity and capability – approximately 70 percent of the population (less for men) has access to 24/7 specialist crisis support services, but there are no 24/7 kaupapa, tikanga and tangata whenua crisis response services
 - the need for workforce training and development, for example, cultural competencies for kaupapa and tikanga Māori practitioners as well as for all workers working with Māori
 - improved coordination of services.

NGA KAITIAKI MAURI STOCKTAKE FINDINGS

16. In 2009, the Ngā Kaitiaki Mauri Caucus undertook a stocktake of specialist sexual violence services in Aotearoa New Zealand.³⁸
17. The stocktake showed two key findings.
 - Tangata whenua models of health provide a template for practice, but services are most likely to be extended so they are delivered in locally whānau/hapū/iwi specific ways. The holistic approach of tangata whenua models of health place whānau at the centre of the healing process although the focus may be on the individual.
 - There are three main pathways through which tangata whenua access specialist sexual violence services: kaupapa and tikanga tangata whenua organisations; bicultural organisations; and tangata whenua workers. These are outlined in the table below.

THE CONCEPT OF CRISIS – PRIMARY OR PERIODIC

18. The stocktake also identified that the concept of crisis for kaupapa and tikanga tangata whenua service providers refers to the level of assistance and support required by an individual and their whānau. The research identified two ways in which kaupapa and tikanga tangata whenua services respond to crisis: primary or periodic.
 - A primary crisis response emphasises the concept of availability (ie, 24/7 access through a crisis telephone line).
 - A periodic crisis response focuses on providing long-term support and ongoing recovery work and acknowledges that whānau members may present with a variety of issues related to sexual violation (such as the effects of drug and alcohol use, mental illness, relationship issues and/or domestic violence) at any time throughout their lives.
19. The timing and urgency of crisis response therefore depends on the needs of the individual and whānau seeking assistance. Clinical and cultural assessments assist kaimahi (workers) in gauging the most appropriate approach.

³⁸ Hamilton-Katene, 2009.

ACCESS PATHWAY	OVERVIEW	BARRIERS TO EFFECTIVE SERVICE DELIVERY
KAUPAPA AND TIKANGA TANGATA WHENUA ORGANISATIONS	<p>The strength of these organisations is in their ability to provide holistic services to whānau that are underpinned by tangata whenua cultural values, beliefs and practices. These organisations offer a range of services focused on transforming the negative impacts of sexual as well as domestic violence. Some organisations also provide mental health services and, in general, all provide cultural and/or clinical assessments, intervention, advocacy, and long-term recovery and care for all age groups.</p>	<p>A lack of pathways for primary crisis response, including crisis lines.</p> <p>A lack of specialised approaches to address the impact of sexual violation for male whānau members.</p> <p>A lack of rural organisations offering a full range of services.</p>
BICULTURAL SERVICES	<p>Acknowledge Te Tiriti o Waitangi and provide options to access services that may be categorised as 'by tangata whenua for Māori'. The strength of these services is in their ability to implement a kaupapa and tikanga tangata whenua approach within a mainstream framework. It was noted that they are often dependent on the willingness, capability and capacity of individual workers to deliver Māori-specific services.</p>	<p>Sufficient tangata whenua staff to deliver a kaupapa and tikanga tangata whenua service.</p> <p>Intervention strategies capable of responding to complex issues stemming from childhood sexual abuse.</p> <p>Programmes to support whānau recovery and healing.</p>
TANGATA WHENUA WORKERS	<p>The research identified a tangata whenua worker as either an independent ACC-registered counsellor or someone who provides mahi aroha (voluntary services). ACC-registered counsellors usually either work on their own or contract their services to an organisation. Their practice is defined by ACC parameters and is likely to be limited to an individual therapeutic relationship.</p> <p>Mahi aroha workers are often closely connected to their communities through whakapapa. These people provide an essential service within their communities, may be classified as a volunteer workforce and likely to be under-resourced and over-worked. They are often accessed through word of mouth within their communities and most have relationships with agencies such as Victim Support, Police and Mana Whenua support services.</p> <p>In areas where access to kaupapa and tikanga tangata whenua services is limited, tangata whenua workers are acknowledged as an alternative for whānau members needing support.</p>	<p>Appropriate funding to resource a whānau-oriented approach to service provision.</p> <p>Appropriate organisational support to address complex presenting issues for whānau.</p>

KAUPAPA AND TIKANGA TANGATA WHENUA SERVICE DELIVERY

20. The stocktake research drew attention to a concept of ‘dual competencies’ that practitioners of kaupapa and tikanga tangata whenua services require. That is, they must be both clinically and culturally competent. However, there is currently no formal pathway to gain competencies in both components. For example, there is no national tangata whenua training strategy and often limited capacity within organisations to support staff in their professional development.

21. Four common issues facing kaupapa and tikanga tangata whenua sexual violence service providers were identified and are summarised below.

<p>FUNDING</p>	<p>Participants considered that insufficient funding for sexual violence services directly impacts on their ability to respond effectively to the broad and diverse needs of whānau. For example:</p> <ul style="list-style-type: none"> ■ whānau referred to tauwi or ‘mainstream’ services may be less likely to receive appropriate and necessary cultural support ■ the limited capacity of organisations to develop a fully trained workforce ■ prevention work suffers because intervention and crisis response work is prioritised ■ funding for family violence services obscures the visibility of sexual violence, especially if sexual violation occurs outside the whānau.
<p>DIVERSITY OF TANGATA WHENUA POPULATION</p>	<p>Participants reported that the diversity of the tangata whenua population has an impact on their organisations. It was felt that tangata whenua who live in urban areas are less likely to have an understanding of their cultural heritage than those living in rural areas. This has implications for potential differences in the requirements of urban and rurally based organisations.</p>
<p>WORKFORCE DEVELOPMENT</p>	<p>Research participants advised that there is currently no national training strategy for kaupapa and tikanga tangata whenua workers. Formal training occurs within New Zealand Qualifications Authority accredited programmes. Informal training is limited by organisational capacity and capability so that much of this occurs within communities and through relationships with other kaupapa and tikanga service providers.</p>
<p>COORDINATION OF SERVICES</p>	<p>Organisations reported that most referrals received by kaupapa and tikanga tangata whenua service providers are self-referrals, where whānau know of the service through relationships within their communities. There is currently no 24/7 kaupapa or tikanga tangata whenua crisis response service. This means that kaupapa and tikanga tangata whenua organisations often become secondary services because clients are referred on to them by the 24/7 service. However, these referrals are inconsistent nationwide and depend upon the quality of networking and relationships between organisations.</p>

22. One of the most challenging aspects of this work is to build the capacity and capability of tangata whenua service provision in provincial and isolated areas. There is a preference amongst tangata whenua service users to build a trusting relationship with one provider (more likely to be a tangata whenua provider) and to seek assistance for all aspects of crisis support, recovery and rehabilitation from this provider, whether or not they have equipped and trained staff to deal with the spectrum of issues presented. This means providers of services to tangata whenua are often asked to supply frontline services outside their areas of expertise and, in many cases, beyond the levels of service that funding is approved for by government agencies.
23. Added to the existing poor geographic spread of tangata whenua service delivery and the expectation of tangata whenua users for a 'one-stop-shop' is the need for tangata whenua service providers to blend clinical practice and tikangā into their delivery mechanisms. Tangata whenua victims and offenders expect to have service delivery from a tangata whenua perspective and to engage with service providers through the appropriate use of tikanga, kawa (protocols) and to connect on the basis of whakapapa. This adds to the work that tangata whenua in frontline services are expected to do, often without additional funding.
- TAUIWI STOCKTAKE FINDINGS**
24. Specialised services for sexual violence help provide informed and appropriate early intervention and crisis support and can avoid the risk of further harm. In contrast to generic service provision, the availability of effective and responsive specialist providers can help:
- ensure social ambivalence about sexual violence is not reflected in interactions with survivors
 - with the provision of effective, client-centred therapeutic interventions
 - with the communication of accurate information about medical or legal procedures.
25. Evidence suggests victims/survivors highly value specialised services for their knowledge and emphasis on emotional care and support³⁹ and because such services often provide a comprehensive range of support for victims/survivors, their families and communities.
26. For the Taiwi Caucus, specialised 'mainstream' services have two main components:
- early intervention crisis support
 - long-term recovery and support.
27. Early intervention crisis support services provide emergency psychosocial support following sexual assault, the 'emergency' being when the client defines it, rather than how long ago the crisis occurred. Currently, the Taiwi Caucus considers there are three major service components to crisis services:
- a 24/7 telephone service to respond to people when they or someone they know has experienced sexual assault
 - a call-out service to provide psychosocial support at police interviews and medical examinations (a tripartite response, the three elements being the Police, medical and sexual violence support services)
 - face-to-face support sessions to respond to distress, address safety concerns or support decision making around legal proceedings.
28. A comprehensive list of service components envisaged by the Taiwi Caucus is included in the Taiwi vision (see Appendix N).
29. For TOAH-NNEST's Pacific members, specialised services are those that recognise diverse cultural and contemporary views of sexual abuse and sexual violence. These members see that while services would ideally be ethnic specific, and thus reflect each ethnic group's concepts, perspectives and language, values such as the involvement of families, spirituality and emphasis on ideals such as tapu (sacred) and va fealoaloa'i (women working with women, and men working with men) would be common to all.

CURRENT SERVICE PROVISION – RESEARCH FINDINGS

30. In 2009, the Taiwi Caucus undertook a stocktake of specialised sexual violence services in New Zealand,⁴⁰ the findings of which are listed below.
- Although approximately 70 percent of New Zealand's population (less for men) has access to 24/7 specialist crisis support services, some areas of the country have no access.
 - There are few services for male victims/survivors of sexual violence.
 - Some services have waiting lists for those seeking counselling as part of their long-term support and recovery.

39 Lievore, 2005.

40 Te Ohaakii a Hine: National Network Ending Sexual Violence Together – Taiwi Caucus, 2009.

- Barriers to service access for victims/survivors include a lack of knowledge of service availability, lack of transport, problems with phone coverage, particularly in rural areas and financial costs associated with time off work, childcare and travel.
- Successful delivery of crisis services requires effective tripartite relationships between sexual violence, police and health services. While several sexual violence services have informal agreements with health and police services, only four have a local formal tripartite agreement. Many areas do not have access to doctors who can provide specialist forensic medical services.
- Mainstream sexual violence services are active in finding ways to serve tangata whenua clients, but are less confident in their strategies to meet the needs of Pacific peoples and those from other cultures.
- Effective service provision is supported by an adequate supply of well-trained staff. Attracting and retaining qualified staff is an issue in some services.
- There are no tertiary courses that train workers specifically for sexual violence work.
- There is little research on sexual violence in Pacific communities, and this limits the ability to find solutions to respond to local needs.
- There are particular issues around workforce capacity and capability for Pacific services. These include the availability of workers with skills and qualifications to work with victims/survivors in culturally appropriate ways.
- There are only a small number of services specifically addressing the needs of Pacific peoples, and services for Pacific men, in particular, are required.
- Services receive funding through government agencies, philanthropic trusts, community grants and donations. Some services also have unpaid workers. A significant number of services choose not to access ACC funding for eligible clients. There is a lack of clarity about which agencies might fund particular components of service provision, and few services regard themselves as having adequate funding to respond to clients' needs.
- National networks, such as TOAH-NNEST, can play an important role in supporting the development of effective services.

WORK UNDER WAY

31. The Ministry of Social Development is supporting TOAH-NNEST to develop effective practice guidelines for mainstream crisis support services. The first step in this process is near completion. The guidelines are envisaged as a 'work in progress' that will be reviewed and updated on a regular basis to reflect new research findings and changing responses to the nature of sexual violence.

3.3 FUTURE ACTIONS AND RECOMMENDATIONS

EFFECTIVE FUNDING FOR SPECIALIST *CRISIS SUPPORT SERVICES*

TOAH-NNEST RECOMMENDS THAT:

14. Funding arrangements for support services are urgently reviewed to:

- provide for holistic, wrap-around and client/whānau-centred services so that improved services are provided and compliance costs are reduced (government funding processes support collaboration and cooperation in local communities, not competition)
- take into account the need for kaupapa and tikanga tangata whenua crisis services to provide primary and periodic support to victims/survivors of sexual violence (primary crisis refers to the concept of availability of services such as access to a 24/7 crisis telephone line; periodic crisis support focuses on providing long-term support and ongoing recovery work)
- provide equitable resourcing for kaupapa and tikanga tangata whenua services (Ngā Kaitiaki Mauri)
- provide appropriate and realistic funding and resources for Pacific-specific services
- consider the size of the social problem (and its psychological, social and economic impacts), the real costs of providing services and the rapid increase in demand for services.

15. Immediate funding is made available for crisis support services and programmes that take the following into account:

WORKFORCE TRAINING AND DEVELOPMENT NEEDS

- The need to develop a national training strategy for tangata whenua workers delivering kaupapa and tikanga tangata whenua services (Ngā Kaitiaki Mauri).
- Resourcing for each sexual violence service provider to supply cultural competency training for all sexual violence sector workers (Ngā Kaitiaki Mauri).
- The need for sufficient resources to enable the networking, training and supervision required to provided culturally appropriate and safe services.
- The current high levels of unpaid or underpaid work (Tuiwi).

INFRASTRUCTURE COSTS TO SERVICES

- Technological costs (Tuiwi).
- The need for each organisation to have sufficient infrastructure to manage the collaborative service delivery model required to serve all population groups (Tuiwi).
- The need for the development of infrastructure capable of handling large increases in service demand in response to the work of the Taskforce (Tuiwi).

BETTER COORDINATION OF SERVICES

- Resourcing and support for tangata whenua communities to provide first contact or referral services (Ngā Kaitiaki Mauri).
- Support for the existing national provider networks of TOAH-NNEST and Ngā Whiitiki Whānau Ahuru Mowai O Aotearoa – National Collective of Rape Crisis and Related Groups of Aotearoa, and support for the consolidation of Pacific networks to provide training support, resources, consultations, research and statistics.
- The need for local services with local knowledge (Tuiwi).
- The need for careful and planned transitions.

A CONTINUED HOLISTIC AND SYSTEM-WIDE APPROACH, INCLUDING PARTNERSHIP WITH TOAH-NNEST

TOAH-NNEST RECOMMENDS THAT:

16. There is continued collaboration and partnership between the Government and TOAH-NNEST that recognises the representation of tangata whenua and tauiwi, to enact, facilitate and support the development of services nationwide.
17. There is close collaboration with the Taskforce for Action on Violence within Families in future work to prevent and respond to sexual violence.

IMMEDIATE AND MEDIUM TERM *CRISIS SUPPORT ACTION*

IMMEDIATE

TOAH-NNEST RECOMMENDS THAT:

18. An implementation plan to deliver crisis services is developed in partnership with TOAH-NNEST, and contains the following recommended steps to make progress towards its (Tauwiwi Caucus) vision:
 - existing services identify what each needs in order to provide services in line with TOAH-NNEST's Tauwiwi vision, local needs and in a way that can sustainably meet current and projected needs, and to do this in collaboration with iwi services
 - existing services not currently providing 24/7 or call-out services are approached to explore whether the service *wishes to move to full 24/7* and associated service provisions, in association with iwi services, and what would be needed to do this sustainably
 - areas with no specialist sexual violence services, or with services that do not wish to move to 24/7 provision, are supported to facilitate community meetings in conjunction with iwi providers to establish services that reflect TOAH-NNEST's vision, and are compatible with local needs.

MEDIUM TERM

TOAH-NNEST RECOMMENDS THAT:

19. An ethnic-specific Pacific policy for services for Pacific peoples be developed to enable specific approaches and responses that reflect a heterogeneous Pacific population.
20. Culturally appropriate criteria are used to assess ethnic-specific models of practice.
21. Ethnic-specific Pacific workers, including males, are recruited to address workforce gaps.

BUILDING EVIDENCE AND SHARING INFORMATION FOR *CRISIS SUPPORT*

TOAH-NNEST RECOMMENDS THAT:

22. The Government–TOAH-NNEST partnership establishes ways to support the ongoing development of quality service provision – to include ongoing provision for research in the sector, support for collaborative statistical data collection and dissemination of knowledge and information (eg, through a website) so services are able to easily utilise up-to-date information on service planning and provision.
23. Research is conducted with services, courts and the Police to establish optimum collaborative platforms for developing the 'case tracker' role, and the re-establishment of funded court support provided by specialist sexual violence services.
24. A needs analysis is undertaken of Pacific sexual violence victims to inform the establishment of new services and to strengthen current services.
25. Research is undertaken to identify qualification levels amongst current providers of Pacific sexual violence services, and that the sector is supported to develop a workforce strategy.
26. Research is undertaken to identify qualifications required for Pacific sexual violence workers, who might provide these qualifications and how workers can be funded to gain these qualifications.
27. Research is undertaken to identify issues of sexual violence and sexual abuse amongst homeless Pacific peoples and amongst the fa'afafine population.

3.4 CONTEXT: LONG-TERM RECOVERY AND SUPPORT

32. Distinct approaches to long-term recovery and support by the Ngā Kaitiaki Mauri and Taiuiwi caucuses of TOAH-NNEST are set out in Appendix O.
33. Long-term recovery and support includes the following work streams:
- ACC service improvement
 - a stocktake of long-term recovery and support services
 - cost as a barrier to accessing services
 - service delivery and capability for long-term recovery services implementation and funding (added in year two).
34. This section focuses on the ACC improvement project. Findings from the stocktake are referred to in this section and in the crisis support section. The cost as a barrier initiative is under way and is being led by TOAH-NNEST with distinct approaches by both the Ngā Kaitiaki Mauri and Taiuiwi caucuses (see 'Future actions and recommendations').
35. The initiative to consider the broad question of accessible, appropriate and improved long-term recovery and support for survivors of sexual violence has not commenced. Work was deferred so that the existing work programme could be completed. Undertaking the initiative is crucial because, for a large number of people affected by sexual violence, ACC does not cover the full cost of support and not all people affected are eligible for ACC support. ACC is only one part of a complex service-funding picture. Further, ACC protocols can also be a barrier to clients accessing timely and appropriate services and may at times prove therapeutically disadvantageous for clients.
36. TOAH-NNEST also sees a tension between ACC's role in providing services for people affected by sexual violence and being a prudent insurer that is managing ongoing costs and liability for the scheme.
37. TOAH-NNEST considers that addressing a broad funding framework for long-term recovery and support has become significantly more critical in recent times with a change in ACC's direction to focus on costs to ensure a no-fault 24/7 accident insurance scheme remains affordable for New Zealanders. This is impacting on how ACC implements its policy and procedures for survivors of sexual violence. One impact of this shift is a potentially higher threshold for eligibility. This will have the most impact on those in the community who are vulnerable to sexual violence (people with pre-existing conditions such as mental health, drug and alcohol or previous histories of abuse).

3.5 KEY FINDINGS FROM THE ACC SERVICE IMPROVEMENT WORK

38. This project identified legislative barriers and opportunities for improvements to existing ACC services (see Appendix R for a summary of the report).
39. The Taskforce working group agrees there are opportunities to improve services, client rehabilitation and experience for providers within the current legislative framework. Opportunities for change include operational improvements within the current legislation, potential options for legislative change within the ACC scheme and options for the delivery of services outside ACC.
40. The Injury Prevention, Rehabilitation, and Compensation Act 2001 (IPRC Act) provides cover for mental injury caused by certain criminal acts (section 21). The IPRC Act (section 27) defines mental injury as a clinically significant behavioural, cognitive or psychological dysfunction. Examples of commonly covered mental injuries include depression, post-traumatic stress disorder and anxiety disorders.
41. The following opportunities for improvement and reasons for change were identified.

OPPORTUNITIES FOR IMPROVEMENT	REASONS FOR CHANGE
<p>IMPROVE SERVICES FOR MĀORI BY INCREASING THE PROVISION OF KAUPAPA MĀORI SERVICES AND INCREASING THE NUMBER OF MĀORI PROVIDERS THROUGH A TAILORED REGISTRATION PROCESS</p>	<p>Services must be available that respond to the needs of Māori. This includes services provided for Māori by Māori. Currently, such services are limited because of ACC's existing policy framework and funding model.</p> <p>There is also no tailored registration (accreditation) process for Māori and limited acknowledgement of Māori therapeutic modalities and conceptual models.</p> <p>In 1992, ACC contracted the development of competency guidelines for Māori working as sexual abuse counsellors⁴¹. The aim of the guidelines were for Māori Sexual Abuse Counsellors to indicate types of knowledge and skills that a person should; have in order to ensure at least the minimum competencies required in working with survivors of sexual abuse. The guidelines were developed but training and resources were not allocated to assist organisations and providers to implement the guidelines.</p> <p>Further work needs to be done to build relationships with iwi service providers and local iwi, hapū and whānau because they deliver many initiatives to assist Māori.</p>
<p>MAKING CHANGES TO TEST FOR ELIGIBILITY AND DEMONSTRATING ELIGIBILITY TO ACCESS ACC SUPPORT</p>	<p>ACC must diagnose a mental injury to provide cover and entitlements to victims of sexual violence. The <i>Diagnostic and Statistical Manual of Mental Disorders</i> (DSM IV) tool is used when clients are seeking entitlements beyond counselling. A key reason for change is that TOAH-NNEST considers that labelling people with a DSM IV diagnosis may create a stigma for clients that follows them throughout their lives.</p> <p>Māori counsellors, in particular, find the tool to be incompatible for measuring the needs of Māori clients who have been sexually abused because their experience includes the impact of colonisation, the impact on whakapapa and the effect on the individual and whānau.</p>
<p>IMPROVING ACC CLIENT PROCESSES TO FACILITATE ACCESS TO TIMELY AND APPROPRIATE RECOVERY AND SUPPORT FOR CLIENTS</p>	<p>ACC prescribes processes for people to lodge a claim with ACC and for ACC to approve the claim, agree to a treatment plan and provide services. These processes are, at times, a barrier to best practice therapeutic intervention and effective case management.</p> <p>For Māori, often the plan does not take into account the cultural aspects of the healing journey, which requires specialised skills and experience that is often unrecognisable to non-Māori and therefore not considered.</p> <p>Terminology is also a barrier for some clients. Some clients have commented that ACC cover for the mental injury resulting from sexual abuse gave the impression that the sexual abuse was an accident and not a criminal act.</p>

41 Horiana Joyce and Michelle Erai were contracted by ACC to develop these guidelines in response to the change in ACC cover from organisations to individual counsellors.

OPPORTUNITIES FOR IMPROVEMENT	REASONS FOR CHANGE
IMPROVING SERVICES FOR PACIFIC PEOPLES	Around 4 percent of ACC sensitive claims clients are Pacific survivors of sexual violence. Change is proposed because ACC services focus on the individual, not the wider family.
IMPROVING SERVICES FOR MALE SURVIVORS OF SEXUAL VIOLENCE	Eighteen percent of ACC sensitive claims clients are male survivors of sexual violence, yet there are insufficient programmes for these clients. The needs of male clients may be different from female, and it is necessary to recognise the effect of sexual abuse on male victims in order to reduce the overall level of sexual abuse.
IMPROVING SERVICES FOR CLIENTS WITH PRE-EXISTING CONDITIONS	<p>ACC requires additional evidence before providing cover for people with pre-existing mental health conditions. ACC services are not currently working for complex cases such as those with pre-existing conditions. The ACC model does not easily accommodate traumatised clients at the serious end. There are additional hurdles in accessing cover for clients with mental health conditions before they experience sexual violence. This is because ACC has difficulty establishing a causal link between the sexual violence and the mental injury and separating out the impacts of the pre-existing condition.</p> <p>For a large number of Māori clients, the pre-existing mental health conditions have been as a result of sexual violence. However, this is hard to ignore because there is much conflict in the definition of mental health from a Māori perspective and that of mainstream models.</p>
MAKING CHANGES TO THE WAY ACC WORKS WITH PROVIDERS, INCLUDING ACCREDITATION PROCESSES	There are several disciplines involved in the provision of ACC services for victims of sexual violence. The processes for accreditation create barriers for providers. For example, psychiatry is based on a medical model. Research shows the best outcomes are achieved through a combination of medication and therapy. This is amplified for Māori providers because both medication and therapy is mostly based on a Western world view, making Māori models invisible.
INVESTIGATE ALTERNATIVE MODELS	<p>The funding approach is too narrow to cover the services that clients need and is linked to individual clients rather than organisation based. Funding models do not recognise the complexity of needs for some clients and so do not enable holistic service provision; and funding does not support appropriate cultural responses.</p> <p>Current funding does not acknowledge the specialised skills such as access to a kaupapa Māori approach, for example, Te Ohaakii a Hine, and the need to provide pathways that work to create increased access for Māori clients.</p>

3.6 FUTURE ACTIONS

COST AS A BARRIER

42. There are significant gaps in the funding of accessible and appropriate specialist services for victim/survivors of sexual violence. The work on cost as a barrier must be completed. The concept of cost and how that relates to the guiding kaupapa of Te Ohaakii a Hine identified that further research is required to ensure this project appropriately reflects the nine guiding kaupapa. A research project is currently under way to provide a definition of cost that is consistent with Aronga Māori and the current barriers associated with access, or non-access, to culturally appropriate services. Tauivi has developed a questionnaire in consultation with service providers and has completed data collection. The questionnaires are now being analysed.

BROADER WORK TO BE UNDERTAKEN

43. ACC sensitive-claims funding provides much needed funding toward the rehabilitation of many clients. However, a large number of victim/survivors do not meet the ACC criteria, or fall outside the ACC funding model, because of a complex range of support and therapeutic needs. A comprehensive overview of service delivery and capability for long-term recovery-services implementation and funding is required.

44. TOAH-NNEST considers that attempts by ACC over the years to work towards accommodating Māori world views have been unsuccessful. Māori counsellors and clients are still forced into mainstream models of recovery. Future work on long-term recovery services must also examine the development of a kaupapa Māori competency consistent with the nine guiding kaupapa of Te Ohaakii a Hine and that recognises a tangata whenua perspective of sexual violence.

45. A proportion of clients are not eligible for ACC funding for counselling. This includes New Zealanders who have lived out of the country for an extended period and who were assaulted while away, and new migrants who were assaulted outside of New Zealand. Additionally, clients who present with pre-existing mental health or other conditions may not be able to demonstrate the direct causal link required for ACC cover, as are many clients who have few or confused memories of the abuse. These groups of clients access specialist services, not only because of the available expertise, but also because they are generally low-cost or free, because the cost of what can frequently be long-term therapy is a prohibitive expense for many clients.

46. TOAH-NNEST is concerned that no single government department is responsible for funding psychosocial responses to sexual violence. Nor is there an arrangement between government departments for who should fund what. This leaves providers needing to manage multiple relationships and holding a level of responsibility for ensuring service provision which should sit at a more formal level given New Zealand's commitments under the United Nations Charter for the Elimination of Discrimination against Women, which promotes provision of such services.

3.7 RECOMMENDATIONS

EFFECTIVE FUNDING FOR SPECIALIST *LONG-TERM RECOVERY SERVICES*

TOAH-NNEST RECOMMENDS THAT:

28. Funding arrangements for long-term recovery services are reviewed to provide for more holistic, wrap-around and client/whānau-centred services.
29. Effective funding is made available for long-term recovery services in a form that reduces compliance costs and supports collaboration and cooperation in local communities, not competition.

AN ONGOING HOLISTIC AND SYSTEM-WIDE APPROACH, INCLUDING PARTNERSHIP WITH TOAH-NNEST

TOAH-NNEST RECOMMENDS THAT:

30. ACC consults TOAH-NNEST representatives from both Ngā Kaitiaki Mauri and the Taiuiwi Caucus on changes to ACC policies and procedures to ensure the views of specialist services are considered in ACC policy development, and representatives are included from Ngā Kaitiaki Mauri and the Taiuiwi Caucus on the Sensitive Claims Advisory Group.
31. The Government resources TOAH-NNEST as a national network of sexual violence services, providers and experts, including resourcing for TOAH-NNEST to work with local communities to develop kaupapa and tikanga tangata whenua services and services for other victims of sexual violence.

IMMEDIATE AND MEDIUM TERM *LONG-TERM RECOVERY* WORK

IMMEDIATE

TOAH-NNEST RECOMMENDS THAT ACC:

32. Works with TOAH-NNEST to develop a cultural component (consistent with the guidelines produced by Joyce and Erai in 1992) into the ACC assessment process to ensure a whānau-centred approach to healing.
33. Develops culturally appropriate models of service delivery for tangata whenua, and that resources be attached to providing those models in a culturally appropriate manner.
34. Develops culturally appropriate responses to working with registered Māori counsellors. For example, increase Māori staff capacity, increase Māori in decision making in relation to responding to issues for Māori and pathways to recovery.
35. Supports the development of a kaupapa Māori competency that is consistent with the nine kaupapa of Te Ohaakii a Hine and that recognises Māori perspectives of sexual violence, Māori models of delivery, Māori tools for measuring appropriate outcomes based on a Māori world view, Māori expertise and comes from a Māori evidence base.
36. Supports Māori responses to sexual violence as valid, and assists in the visibility of Te Ohaakii a Hine as an accepted framework for Māori in understanding sexual violence as it relates to Māori communities.
37. Improves its services to recognise the differing needs of clients, including Pacific peoples, men and people with pre-existing mental health conditions.
38. Recognises that most impacts of sexual abuse are psychological in nature rather than psychiatric and therefore they need to be described and assessed, and cover established accordingly, by finding different ways to describe mental injury and establish cover such as using descriptions of mental injury instead of DSM IV tools.
39. Increases the capability, and reduces the turnover, of case managers working with victims of sexual violence.
40. Increases the availability, and enhances the capability, of providers by changing ACC counsellor accreditation processes, introducing counsellor and Māori peer reviewers, increasing access to cultural resources, supervision and funding, and increasing the number of Pacific, Māori women, Māori men and male counsellors.
41. Recruits ethnic-specific Pacific workers, including males, to address workforce gaps.

MEDIUM TERM

TOAH-NNEST RECOMMENDS, IN REGARD TO BROAD *LONG-TERM RECOVERY* AND SUPPORT, THAT:

42. The government considers legislative changes to support the delivery of best practice rehabilitation and treatment services for clients. Potential changes should include: changing ACC cover criteria; two years' automatic entitlement to counselling; reducing requirements for mental injury in children and young people; expanding ACC cover to include 'injuries without touch' (pornography, masturbation, grooming and witnessing abuse); providing treatment for wider whānau not just the individual; providing entitlements to counselling for trauma irrespective of pre-existing conditions; and enabling kaupapa Māori models for treatment.
43. The government, in partnership with TOAH-NNEST, should investigate alternative funding models for recovery and support services.
44. Work to examine service delivery and capability for long-term recovery services implementation and funding is undertaken in partnership with TOAH-NNEST.

3.8 CONTEXT: SERVICES FOR NON-MANDATED PERPETRATORS OF SEXUAL VIOLENCE

47. A community treatment programme for sexual offending against adults has been developed and is ready to be piloted. This chapter provides an overview of the pilot programme and seeks a commitment from government for an agency, or agencies, to be responsible for funding the programme.
48. 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.
49. Research shows that many victims of sexual violence know their offenders. For example 34 percent of sexual offences are committed by a current partner and 25 percent are committed by a 'friend'.⁴² This results in some victims choosing not to lay criminal charges.
50. Treatment services for perpetrators must be available to support victims of sexual violence who want the behaviour to stop without going through the criminal justice system. Appropriate community-based treatment services may prevent offending, reduce re-offending and increase community safety. This option is much less costly than imprisonment.
53. Offender and survivor services need the funding and resources to build a more holistic relationship and promote community healing, which has proven to be more successful than working with offenders on their own. Tangata whenua offender services would like to have funding for an additional pilot programme for tangata whenua by tangata whenua, for adults who have committed sexual assaults on adult victims.
54. As noted, specific tangata whenua focused work 'Te Puāwaitanga o Te Kākano' is under way. This work will provide context and factors relevant to developing and delivering services for Māori.

APPROACH: WORK UNDERTAKEN – A PILOT PROGRAMME FOR COMMUNITY-BASED TREATMENT PROGRAMME

55. In 2007, the Taskforce agreed that a community-based treatment programme for non-mandated perpetrators and offenders of sexual violence against adults would be developed. An inter-agency working group, led by the Department of Corrections, completed preliminary work to explore the size of the gap in treatment and options to develop a programme (see Appendix S).

PROGRAMME OBJECTIVES

56. Reduced sexual offending and increased community safety will be achieved when 'at-risk' groups and offenders are provided with access to effective and appropriate treatment services that:
 - address early signs of offending behaviour of potential perpetrators
 - reduce a person's propensity to sexually offend or re-offend
 - prevent and respond to sexual violence
 - promote healthy, respectful and non-violent sexual relationships.
57. Early intervention also reduces escalation of the offending behaviour.

DEFINITION OF NON-MANDATED PERPETRATORS

51. Non-mandated perpetrators are defined as individuals who have committed acts of sexual violence and who are at risk of committing further offences against adult victims – but who have no court mandate because they are not currently charged with, or under sentence for, offending. The perpetrator may or may not have previously had involvement with the criminal justice system because of sexual or other offending.

SERVICES FOR TANGATA WHENUA

52. Māori offender services want to work more closely with survivor services so as to promote positive outcomes for whānau ora. Offender and survivor services are together trialling assessments of offenders in Northland. Survivor services support this approach but are unable to resource a new relationship with offender services.

⁴² Mayhew and Reilly, 2007.

58. The primary target group for the programme are people who have committed a sexual assault against an adult. The group will cater for both mandated and non-mandated perpetrators although the great majority of participants will be non-mandated.

THE PROGRAMME

59. The programme was developed by an independent contractor. The Department of Corrections contributed to the development of the programme by:

- managing a contractual arrangement for the programme to be developed
- providing the Department's Adult Sex Offender Treatment Programme to a contractor to modify for delivery in the community
- providing clinical expertise to assist with the development of the programme
- funding the development of the programme.

60. Key components of the programme are as follows.

- The length of the assessment process is seven weeks. This includes a full risk assessment and baseline measures of attitudes and beliefs in relation to sex and violence.
- The programme is 32 weeks long. This includes 28 group sessions of 2.5 hours, seven individual sessions and four intensive day sessions.
- Eight to 10 clients/perpetrators are expected to participate at any one time.
- Involvement of support people and whānau members whenever appropriate is a key part of the programme as this increases both programme effectiveness and community safety. Four whakawhanaungatanga meetings and four system review meetings are held with support people. An eight session education group for support people runs alongside the programme.
- Whakawhanaungatanga sessions provide community accountability and an opportunity for indications and feedback about the perpetrator's behaviour in the community.
- The programme will be evaluated using changes in: risk levels, beliefs that support sexual violence, as measured by the Violence Risk Scale/Sex Offenders and information from support people about observed behavioural changes.

3.9 KEY FINDINGS FROM THE WORK

NO SPECIFIC TREATMENT PROGRAMMES ARE CURRENTLY AVAILABLE

1. Currently, there are no specific treatment programmes available in the community to address the needs of offenders and non-mandated perpetrators of sexual violence against adults. Offenders released from prison or serving community-based sentences may receive individual counselling, however, this is less effective than specialised group treatment. Community providers do not usually accept non-mandated perpetrators of sexual violence against adults into community-based programmes as these are usually reserved for (or focus on) child sex offenders.

TREATMENT FOR PERPETRATORS IN THE COMMUNITY IS CRUCIAL FOR COMMUNITY SAFETY

2. Community-based treatment for appropriate non-mandated men may be an effective option for some victims. Treatment is most likely to be useful where the offender is a family member or well known to the victim. This option of having the offender undertake community-based treatment does not prevent the victim from pursuing charges through the criminal justice system at a later stage if they choose. It does give the victim a real choice to seek help for the perpetrator without the consequences that action through the criminal justice system may bring.
3. The number of non-mandated sexual perpetrators in the community at any given point is difficult to determine, but there may be as many as 200,000 sex offences committed against adults every year.⁴³ While the number of offences does not equate to the number of offenders, there are likely to be a significant number of offenders. Given that fewer than 400 offenders are convicted annually of sex offences against adult victims, the total number of perpetrators whose offending is not officially dealt with must be considerable. However, only a small portion of these offenders are likely to be prepared to undertake non-mandated therapy because participants must be able and willing to take responsibility for their actions.
4. The provision of a community-based treatment option supports a cultural shift in our community away from behaviours and attitudes that condone or trivialise sexual violence. A similar process has started in the area of domestic violence, where it is now seen as appropriate to get 'anger management' to help stop violence in the home. The existence of stopping violence groups in the community provides an additional mechanism to the courts for issues of domestic violence to be addressed. In a similar way, having community-based programmes funded to deal with inappropriate sexual violence would help alter the current community climate in which sexual violence is occurring.
5. Other benefits of community-based treatment are:
 - it is much less costly than using the court and prison processes and can have better outcomes for offenders in appropriate situations
 - responses to the crisis can be more rapid, reducing the likelihood of denial and possibly reducing the stress on victims that results from offender denial
 - it enables learning to be practised in a normal environment – it is hard to practise relapse prevention in prison
 - it enhances prevention by enabling work with extended family and changing attitudes in extended social networks
 - that, as suggested by research, community-based treatment outcomes are at least equal to prison programmes in reducing re-offending.
6. Community-based treatment is unsuitable for those whose level of risk of further offending is so high that they need to be treated in prison for the safety of the community.

43 Mayhew and Reilly, 2007.

3.10 FUTURE ACTIONS AND RECOMMENDATIONS

IMPLEMENTATION OF THE PILOT PROGRAMME FOR NON-MANDATED PERPETRATORS OF SEXUAL VIOLENCE

7. The pilot programme is ready to be implemented. Delivery is dependent on funding. Currently, no government agency has agreed to be responsible for funding the implementation of this programme. Following (and in anticipation of) a successful evaluation, the programme could be extended across other areas and amended, where appropriate, to suit local circumstances.
8. Any wider use of the programme should also take into account the specific or distinctive needs of working with tangata whenua clients. The engagement of tangata whenua clinical practitioners at all levels of programme design, treatment and applications is crucial.

EFFECTIVE FUNDING FOR SPECIALIST SERVICES AND PROGRAMMES FOR PERPETRATORS OF SEXUAL VIOLENCE

TOAH-NNEST RECOMMENDS THAT:

45. Responsibility for the pilot and delivery (including evaluation) of the community-based treatment programme is resolved and that the pilot programme for non-mandated perpetrators and offenders of sexual violence is delivered and evaluated.
46. The Government funds Māori offender services to develop and deliver an additional pilot programme developed for Māori by Māori to work with adults who have committed sexual assaults on adult victims.
47. The Government, with TOAH-NNEST, evaluates the adequacy of funding for the provision of community treatment for offenders.

4. ACTION AREA: Reforming Criminal Justice

He mua tātau puritia Te tika.

Let us go forward together cleaving to what is right to achieve the goal.

4.1 CONTEXT: THE CRIMINAL JUSTICE SYSTEM RESPONSE TO SEXUAL VIOLENCE

1. The criminal justice system (Police, courts and Department of Corrections) is a key part of how the State responds to sexual violence and is central to ensuring the safety of victims and the community, holding offenders to account and preventing re-offending.
2. Sexual violence is the least likely of all crime to be reported to the Police, with an estimated 90 percent of victims of sexual violence who do not report.⁴⁴ Further to this, research has found that of the comparatively small proportion of sexual offences that do reach the attention of the Police, these cases proceed through the justice system at a lower rate, and obtain a conviction at a lower rate, than do cases involving other types of crime.⁴⁵
3. A strong criminal justice response to sexual violence is important because sexual violence must be recognised as a serious crime that is not tolerated in our society.
 - a. best practice within the current criminal justice system
 - b. alternative approaches outside the current system.
7. The Ministry of Women's Affairs has also undertaken groundbreaking research that explores the key points at which sexual violence cases fail to proceed through the system. This provides direction for where to focus efforts aimed at improving the current system. In addition, the research gives information about what proportion of reported cases result in conviction.
8. The Ministry of Women's Affairs research also considers what we know about effective practices in the criminal justice system, victims' views about their experiences of the justice system and what criminal justice personnel had to say about justice system responses to sexual violence. Further work is required to analyse the particular impacts that engaging with the criminal justice system has on victims of sexual violence.

APPROACH: WORK UNDERTAKEN

4. Many victims and commentators argue that low rates of reporting and conviction and high attrition rates are due to broader structural issues inherent to the current criminal justice system. Some argue that the underlying reasons for systemic deficiencies in dealing with sexual offending relate to the nature of the adversarial system as well as the crime itself. They also argue that the impact of engaging with the criminal justice system for victims of sexual violence is unacceptably traumatising, and this acts as a barrier to pursuing and achieving justice. They conclude that a specialist approach is warranted.
5. The Taskforce has identified improvements that would allow the current system to address sexual violence effectively and responsively. The initial focus has defined the particular dynamics of sexual violence and the system and implications for the response.
6. A taskforce working group, led by the Ministry of Justice, considered where improvements could be made to the current system in the areas of legislation, procedure and practice, and identified alternative approaches to offer different pathways to resolution. This task divided naturally into three areas of focus:
 - a. legislative changes to the current criminal justice system

WORK COMPLETED

9. Work has been completed on:
 - identifying changes to legislation, after public consultation
 - identifying improvements to processes in the current criminal justice system, including the mapping of the entire sexual violence process from pre-event prevention through to resolution (including ongoing recovery and treatment)
 - identifying the implications of the particular dynamics of both sexual violence and the current justice system
 - research (undertaken by Ministry of Women's Affairs) on effective interventions for adult victims of sexual violence.

WORK UNDER WAY

10. Work is under way to:
 - implement legislative change
 - improve police sexual assault interviewing techniques through the development of an 'investigative interviewing strategy'
 - identify options for fundamental change (referred by the Minister Responsible for the Law Commission).

⁴⁴ Mayhew and Reilly, 2007.

⁴⁵ Ministry of Women's Affairs, 2009.

4.2 KEY FINDINGS FROM COMPLETED WORK

A. LEGISLATIVE IMPROVEMENTS

11. Changes that may reduce the stress and trauma sexual assault complainants face and increase their trust in the criminal justice system have been a particular focus of the Taskforce's work in this area.
12. The Taskforce working group considered that improvements to victims' experiences of the system could be achieved by conducting fairer trials. Redressing the current imbalance of focus on the actions and behaviours of the complainant as opposed to those of the accused and ensuring that sexual history evidence is handled in a consistent way have been identified as being likely to improve complainants' experiences.
13. Further issues that could form the basis of additional legislative reform were raised in the working group and described in various sources considered by the group. TOAH-NNEST considers these reforms would significantly improve the experiences of victims going through the trial process and may improve outcomes. The additional legislative changes are listed in the 'Future actions and recommendations' section of this chapter.

THE LEGISLATIVE PROPOSALS

14. Three legislative proposals were set out in a discussion document entitled *Improvements to Sexual Violence Legislation in New Zealand* released by the Ministry of Justice in August 2008.
15. The proposals were:
 - the inclusion of a positive definition of consent to sexual activity – at present we have a list of circumstances where consent is said not to exist (Crimes Act 1961)
 - the requirement that, when determining whether the accused had reasonable grounds to believe the complainant consented to sexual activity, the court must have regard to all the circumstances relevant to the case (this would include any steps the defendant may have taken to ascertain whether the complainant was consenting (Crimes Act 1961))
 - the extension of the 'rape shield' so that evidence about previous sexual experience between the complainant and the accused is also inadmissible without prior agreement of the judge (Evidence Act 2006).

16. Similar changes have been made in comparable jurisdictions (Australia, United Kingdom and Canada).
17. The Ministry of Justice received 76 submissions, of which the majority supported the proposed legislative changes. Of the 65 submitters that provided views on the proposed legislative changes, 44 supported all three proposals, 11 supported some of the proposals (or supported at least one, but gave no indication of support or opposition to the others), and 10 opposed all three proposals. (See Appendix T for a summary of submissions.)

THEMES IN SUBMISSIONS REGARDING LEGISLATIVE CHANGE

18. In addition to the three legislative proposals, submitters to the public discussion document also called for increased public education and awareness raising. Some submitters remarked that a public education campaign to raise awareness and inform discussion on the complex issue of consent is required before real differences can result from the proposed amendments.
19. Another theme in submissions related to the burden of proof and right to silence. A third of submitters (27) made comments on the burden of proof. Comments ranged from support for further discussion and exploration of what the implications might be if the burden of proof were reversed, through to clear statements that, in order for any significant or meaningful improvement to the way sexual violence trials are carried out, the burden of proof must rest on the defence when reasonable belief in consent is raised as an issue.
20. References in submissions regarding the right to silence were made in the context of defendants electing not to give evidence. Often, the only witnesses for sexual violence are the complainant and defendant. When a defendant does not give evidence, the complainant's testimony and credibility end up being the key focus of a trial. This can have a huge impact on a complainant, and is viewed as unfair and a particular problem the system faces that should be addressed.
21. A further theme raises the need to address the influence of dominant rape myths in society. Myths, misconceptions and stereotypes can be reflected in the deliberations of judges, lawyers, members of juries and court officials in general.

B. IMPROVING THE CURRENT SYSTEM

22. The Taskforce working group looked at current policies, procedures and practices within the criminal justice system that could be improved. The following needs were raised by victims of sexual violence, those working in the sexual violence sector, those who made submissions to the discussion document and legal professionals:
- ongoing efforts to implement and monitor quality responses by police to victims of sexual violence
 - the ability to ensure that the rights of victims are upheld
 - practices and procedures that are informed by the particular needs of victims of sexual violence and that can protect victims from further harm through engagement with the criminal justice system
 - the need for specialist support for victims during their engagement with court trial processes
 - delays in the court system
 - specialist sexual violence education and training for actors in the criminal justice system.
23. Over the course of the Taskforce, broad policy work to improve services for all victims commenced in various relevant agencies. The working group has ensured that specific issues for victims of sexual violence have been integrated into this work. Some of this work is outlined below.

MAP OF THE SEXUAL VIOLENCE PROCESS

24. An end-to-end map of the sexual violence process has been developed to provide a common understanding for agencies involved in the process and a framework for how the current process should operate (see Appendix U).
25. The current process is described, including key decision points and services, and the points of contact are identified between agencies and victims, offenders and their families throughout the process. This is outlined by way of a 'swim lane' view of the entire process.

26. The map includes the formal criminal justice system – from reporting, through the Police investigation, to the court process and subsequent offender management. Services relating to victims who do not report, such as support services and counselling, and medical response are also included.
27. Services and interventions both for victims (including crisis response and ongoing support and advocacy) and offenders (such as treatment programmes) are captured. The map encompasses central government, local government, non-governmental and private sector stakeholders.

POLICE RESPONSE

28. The Police play a vital role in responding to the specific needs of sexual violence victims. Police can be the first point of contact between a victim and the criminal justice system. The Police response to a sexual assault complaint can have a major effect on how quickly and well a victim recovers, and can impact on whether a victim chooses to proceed with the case. The response must carefully balance the need to undertake the investigation as quickly as possible, whilst ensuring the complainant's physical and emotional needs are met.
29. The progress made by the Police in improving practices and responses to victims of sexual violence must be recognised here. Many of these improvements are a result of the response to the Report of the Commission of Inquiry (COI) into Police Conduct (3 April 2007) in which 60 recommendations for change were made. Five COI recommendations related specifically to Police policies and procedures regarding adult sexual assault. The key practice improvements to date are summarised in the table below.

PRACTICE IMPROVEMENTS	SUMMARY
<p>REVISED POLICE ADULT SEXUAL ASSAULT INVESTIGATION POLICY 1998.</p> <p>This has been completed in conjunction with TOAH-NNEST and Doctors for Sexual Abuse Care (DSAC).</p>	<ul style="list-style-type: none"> ■ The introduction of an adult forensic interviewer (AFI-witness) for interviewing victims.⁴⁶ ■ Enhanced police response to victims.⁴⁷ ■ Establishing success measures. ■ Establishing an auditing and monitoring framework. ■ Establishing an implementation role (for roll-out of the revised guidelines) for the existing Police National Coordinator: Adult Sexual Assault. ■ Affirmation that Police districts should continue to use specialist agencies to support victims, where they are available.⁴⁸
<p>POLICE TRAINING</p> <p>Police deliver a range of training programmes that inform and guide responses to adult sexual assault.</p>	<p>This training includes:</p> <ul style="list-style-type: none"> ■ Adult Sexual Assault Investigation five-day training course ■ Adult Sexual Assault Investigation Initial Complaint course ■ investigative interviewing courses ■ support services and external training.
<p>POLICE INVESTIGATIVE INTERVIEWING STRATEGY</p>	<ul style="list-style-type: none"> ■ This is focused on providing a progressive pathway to develop and enhance police interviewing techniques based on international best practice. The strategy aims to improve sexual assault victims' experiences of police interviewing. The strategy sets out ethical principles and encompasses national standards, a training framework, quality assurance regime and updated technology and interviewing facilities.

46 An adult forensic interviewer is a person who has successfully completed the Level 3: Specialist Adult Witness Training.

47 This includes using an AFI-witness to interview victims, providing appropriate victim interviewing rooms, and also gives effect to the COI recommendation to improve communication with complainants.

48 This is specialist sexual violence support agencies, as opposed to general support services such as Victim Support.

30. The Police report publicly every quarter regarding progress of work to implement the COI findings. Whilst full implementation of the COI findings will take time, the Police recognise that attitudinal, behavioural and procedural changes are required to restore public trust, confidence and accountability in the Police.

31. The Taskforce commends the Police for their commitment to improving policy and practice over recent years, including the development of a collaborative relationship with TOAH-NNEST. It has been agreed that this will be extended to a national level forum of the parties to the tripartite response to sexual violence – the Police, crisis support services and medical response (represented by DSAC). This body will:

- be a national replication of local-level meetings
- allow for high-level problem resolution, mutual discussion on potential changes to practices or services that might impact on victims and/or other services
- discuss the implementation and monitoring of the Police Adult Sexual Assault Investigation Policy and other quality measures of the parties
- discuss other matters that will advance a justice response that is effective and responsive to victims/survivors.

32. TOAH-NNEST also commends the Police on its investment in good practice and quality control in recent years. TOAH-NNEST looks forward to supporting continued investment in the development of good practice through the national tripartite forum.

THE COURT PROCESS

33. The court process can be particularly traumatising for victims of sexual violence. The Ministry of Justice is undertaking a significant programme of work to improve victims' rights. The Enhancing Victims' Rights Review (the Review) is particularly focused on victims of serious crime, which includes victims of sexual violence. In 2007, the Justice and Electoral Select Committee inquiry into victims' rights reported that victims of crime lacked support throughout the justice process. In particular, it identified recurring issues regarding lack of coordination of services between agencies, lack of information for victims, lack of recognition of victims in criminal justice processes and lack of sensitivity to victims.

34. The Review aims to ensure that the implementation of the Victims' Rights Act 2002 has kept up with the intent of Parliament and that victims' rights are being met across the justice system. The Review covers legislative, policy and operational issues around the implementation of the Act. Views and advice from the Taskforce working group have been incorporated into this work where possible.

35. The Ministry of Justice has also undertaken work to improve court services for victims of sexual violence. First steps have been undertaken to improve training for Victims Advisors, including initial training on the dynamics of sexual violence. This is just the beginning; it is a start to improve responses.

FUNDAMENTAL CHANGE TO THE CURRENT SYSTEM

36. Legislative change and improved information, service provision and specialised support will only go so far in achieving an effective and responsive system. More fundamental change to the system, over the medium term, will be required to make any significant difference in the system's effectiveness and responsiveness to victims of sexual violence.

37. The biggest gains in improving our response to sexual violence may require significant changes to our current criminal justice system model. There was significant support for the exploration of substantial changes to the current system from submitters on the discussion document *Improvements to Sexual Violence Legislation in New Zealand*.

38. Of the 76 submissions received, 68 supported the exploration of such approaches to be applied to the current system. No submissions explicitly opposed the consideration of these models.

39. There is also growing international recognition that efforts to incorporate specific responses to sex crime trial processes are resulting in improved outcomes for victims of sexual violence.

40. As noted, there are strong arguments that sexual violence is so different from other types of crime that it warrants a fundamental change to the current system. Early work and consultation undertaken by the Taskforce working group considered further measures that could address the specific needs of victims of sexual violence. These include legal representation for the victim, and enhancements to the role of the prosecutor.

41. Introduction of such measures could assist in reducing the secondary victimisation many victims report when they proceed through the current system. This could, in turn, encourage increased reporting to the Police.

C. PARTICULAR DYNAMICS OF SEXUAL VIOLENCE AND OF THE CURRENT JUSTICE SYSTEM

42. Consideration has been given to the implications of the particular dynamics of the crime of sexual violence as well as that of the current adversarial system.

DYNAMICS OF SEXUAL VIOLENCE	DYNAMICS OF THE JUSTICE SYSTEM
<p>Sexual violence involves a deeply personal violation of the victim’s sexual integrity and autonomy – rape is an act that strikes at the core of a victim’s humanity and sense of self. For tangata whenua, this includes a violation of mana and whare tangata. Victims of other violent crimes also suffer significant harm but it is argued that few other crimes impact on a person’s humanity, dignity and sense of self in the way that sexual violence does.</p> <p>Sexual violence can have severe and long-lasting impacts for victims – the act of the crime can be significantly traumatic and the consequences for victims can be devastating and long term. The <i>Diagnostic and Statistical Manual of Mental Disorders</i> (DSM IV) lists survivors of rape as having the highest prevalence of post-traumatic stress disorder of any crime. Many victims spend years recovering from the impact of trauma on their nervous system and psychological wellbeing.</p> <p>Society views rape and sexual violence as serious and this is reflected in the level of sanctions that have been made available to judges. A responsive system must also consider the needs of victims of sexual violence when dealing with this crime. An environment that is safe and that ensures that victims feel their violation is acknowledged as wrong is especially important for this particular group of victims. The crime they have experienced undermines their sense of control, trust and safety.</p> <p>Significant myths and misconceptions about sexual violence exist – victim-blaming beliefs and preconceptions about why and how sexual violence happens are still strongly adhered to in our society.⁴⁹ Those beliefs and misconceptions can also lead victims to experience self-doubt, self-blame and shame. They may also fear not being believed. This can affect their willingness to report. The reaction of family and friends may create considerable pressure not to disclose further, not to report or not to continue through the legal system.</p>	<p>Many victims lack confidence in, and familiarity with, the justice system and this is particularly true with regard to sexual violence. This creates barriers to reporting and continuing through the legal system.</p> <p>Police are seen as gatekeepers to the justice system and their role is focused on investigation and evidence gathering. This means their responses and processes in relation to complaints of sexual violence may be at odds with victims’ needs.</p> <p>Victim-blaming beliefs and preconceptions about why and how sexual violence happens are still strongly adhered to in our society.⁵⁰ These misconceptions can impact on the attitudes and behaviours of those people who victims interact with in the criminal justice system and on the way they treat victims, including decision making about appropriate criminal justice system responses.</p> <p>We have an adversarial system of justice based on English common law. Such a system is based on fundamental principles that protect the rights of all citizens to a fair trial and that ensure innocent people are not convicted.</p> <p>The following components and basic principles of our system may have implications for the way it is able to address sexual violence.</p> <p>Confrontational style – the term adversary means ‘opponent’ and therefore a characteristic of the adversarial system is its confrontational style: prosecution and defence are pitted against each other and a decision is reached on the basis of the two alternative, often conflicting, versions of fact and law. The proceedings often involve each party cross-examining witnesses called by the opposing party in order to challenge their credibility and to elicit evidence that may be unfavourable to the opposing party’s case. The confrontational style of the adversarial system can mean a trial is particularly traumatic for victims of sexual violence.</p>

49 World Health Organization, 2003; Temkin and Krahe, 2008.

50 World Health Organization, 2003.

DYNAMICS OF SEXUAL VIOLENCE	DYNAMICS OF THE JUSTICE SYSTEM
<p>Sexual violence is often a matter of consent – the determination of whether sexual activity is considered to be criminal or not rests on the question of consent and the accused’s belief in consent. In few other crimes is a judgement required regarding whether or not the victim consented to the act in question as well as what the accused believed about that.</p> <p>Sexual violence tends to involve people who know each other – sexual violence is more likely to be committed by a person known to the victim.⁵¹ This has significant implications and these victims may find it difficult to report and continue through the justice system for several reasons, such as self-blame or concern about repercussions for themselves, their families, or the offender. Being sexually assaulted by someone you know is a considerable breach of trust. When a victim knows their offender there is also a sense that the history of connection between the two, no matter how minor, is important and victims are often faced with having to recount this in detail.</p> <p>Sexual offences tend to be committed in private – within the context of a relationship and intimacy, and there is often only two people involved (the complainant and the accused), meaning there is little or no corroborating evidence. As a society, we have also traditionally viewed private environments and personal relationships as outside the purview of societal involvement. This view may influence actors within the criminal justice system, including jurors. The intimate nature of the crime from a victim’s point of view is at odds with the public nature of the criminal jury trial environment and procedure.</p>	<p>Legal burden of proof – a key principle of our system is the presumption of innocence. This places the legal burden upon the prosecution to prove all elements of the offence and to disprove any defence raised by the defendant. This proof must be beyond reasonable doubt – meaning that the Crown’s case must be proven to the extent that there is no ‘reasonable doubt’ in the mind of a reasonable person that the defendant is guilty.</p> <p>In an era when DNA evidence is often available to establish identity, the central issue of most sexual violation trials becomes the existence of consent and the accused’s reasonable belief in consent. This exacerbates the focus on the complainant’s evidence and credibility and detracts from the accused’s actions, particularly where there is no corroborating evidence and where the accused has a right to silence. Difficulties in obtaining a conviction for sexual violence are evidenced by low conviction rates compared with other crimes.</p> <p>Victim as the witness – victims of sexual violence are key witnesses in the trial process for sexual violence. How victims and witnesses are treated is different – a victim requires empathy, comfort and support, witnesses require questioning intended to assure the accuracy of their account. Victims of other crimes may be called to give evidence but the implications of being treated as a witness for sexual violence victims are significant. Victims of other crimes are unlikely to have to provide evidence that is as deeply personal or be challenged by counsel as strenuously or personally as victims of sexual violence are.</p>

51 Mayhew and Reilly, 2007.

DYNAMICS OF SEXUAL VIOLENCE	DYNAMICS OF THE JUSTICE SYSTEM
<p>Some groups experience higher rates of sexual violence – the great majority of victims are women and this reflects the gendered nature of this crime. Within this group there are groups at an even higher risk of victimisation: Māori women, those with disabilities, solo mothers and young women. All these groups have potentially more barriers to overcome to access the justice system, such as requiring a greater level of assistance and advocacy or having a greater lack of trust in the system.</p> <p>Some victims may not disclose the assault until well after it has happened⁵² – and it may take even longer for a victim to decide to report it to the Police. The length of time since the incident occurred may impact on the strength of evidence presented during trial and therefore may also impact on jury decision making.</p>	<p>Privilege against self-incrimination – an accused has a right to silence and, as such, is not compelled to give evidence. As there is often no other evidence except the victim’s testimony, the credibility of the victim / witness is often the key focus of a trial.</p> <p>The right to a trial by jury – research has shown that ideas about gender roles, consenting behaviour and sexual violence can impact on jury decision making. This has important implications in a system that requires a high burden of proof, the accused has a right to silence and evidence may not be able to be corroborated because there are often no other witnesses.</p> <p>Legislative reform and common law develops slowly – common law can only develop within the parameters of the legislation that it works with and is based on historical decision making. Resistance to change may not allow the system to effectively respond to changes that take place in a more modern environment. Legislative reform of sexual violence laws has tended to take place in a piecemeal fashion, both here and overseas.</p>

43. Exploring these matters will throw light on what particular actions should be taken in the short term to improve the current system and where our focus should be directed in the future.

D. MINISTRY OF WOMEN’S AFFAIRS RESEARCH

44. The recent Ministry of Women’s Affairs (MWA) research project on effective interventions for adult victims of sexual violence identified the proportion and types of cases that do not proceed through the criminal justice system during the police investigation stage and the court process (see Appendix W)⁵³. The analysis was based on a sample of 1,955 police files coded as sexual violation of an adult victim/survivor. The research included all such offences recorded by New Zealand Police between July 2005 and December 2007, even if subsequent investigation determined that no offence had occurred (these were classified either as a ‘false complaint’ or ‘no offence disclosed’).

45. The major attrition points are shown in Figure 1 below. The most significant point of attrition is prior to reporting. Once complainants report, the next significant point of attrition is during the investigation stage. There tends to be less attrition during the court process, as only cases with reasonable prospects of conviction proceed to court. Depending on the baseline, the conviction rate for sexual violation was:

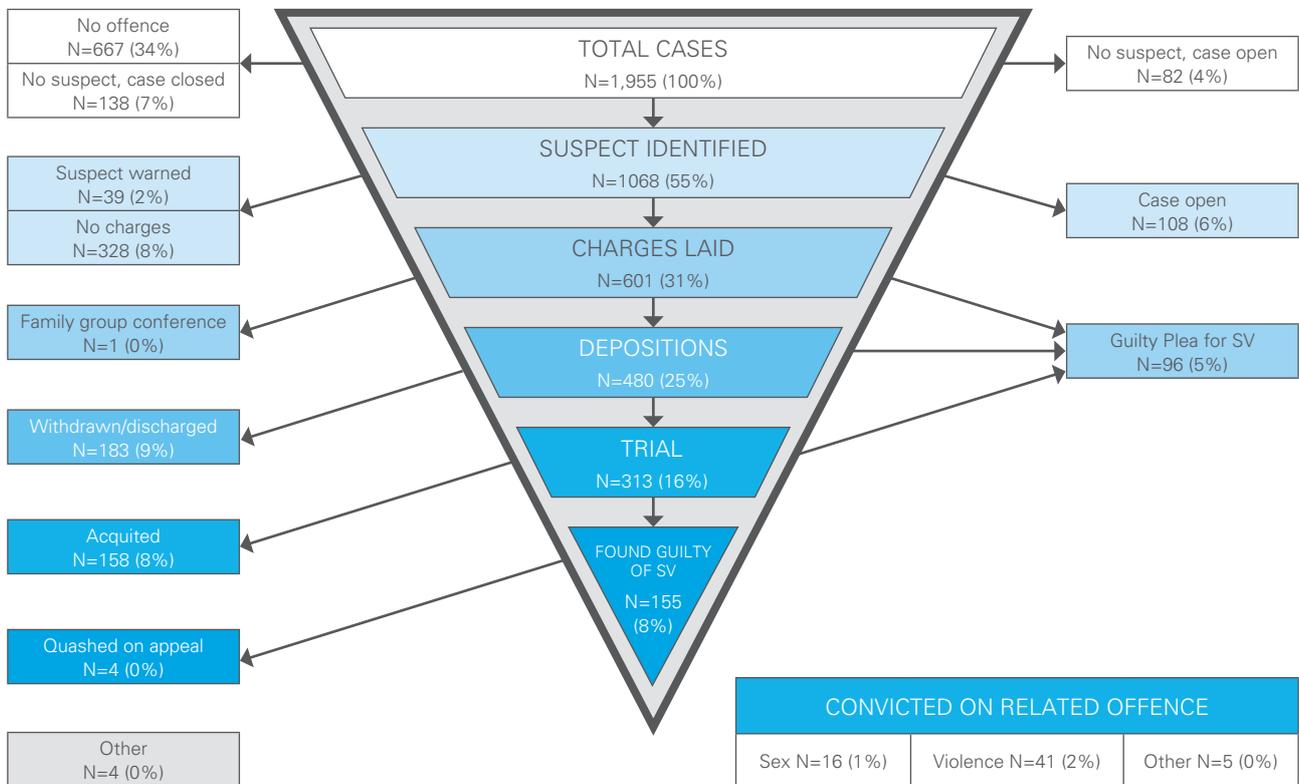
- 13 percent of all recorded cases
- 20 percent, if ‘no offence’ cases were excluded from the base
- 42 percent of cases in which charges were laid.

Once a case reached trial, it had an equal chance of resulting in conviction or acquittal.

52 Monroe et al, 2005.

53 Ministry of Women’s Affairs, 2009.

FIGURE 1: MAJOR ATTRITION POINTS FOR SEXUAL VIOLATION CASES⁵⁴



54 Ministry of Women's Affairs, 2009.

46. Ministry of Justice statistics show that the conviction rate for sexual violence offences is low compared with other crimes. For example, the conviction rate for all reported and prosecuted sexual offences from 2004 to 2006 was 46 percent, compared with 55 percent of all violent crime and 70 percent of total crime in the same period.⁵⁵
47. Earlier research shows that, once a suspect has been identified, often the case rests on establishing whether the complainant consented to have sex with the defendant. Lack of evidence regarding the issue of consent may be a key reason for a low conviction rate. Sexual violence trials often involve no witnesses, thus reducing the situation to the complainant's word against the defendant's word.⁵⁶ The complainant is often the main witness at trial. Research has shown that juries are reluctant to convict on the evidence of the complainant alone.⁵⁷
48. Some victims of sexual violence are less likely to progress through the justice system than others. The MWA research found there were certain factors that meant some victims of sexual violence were less likely to proceed through the system than others.
49. The attrition and conviction patterns for sexual violence offences are complex and cannot be represented here in their entirety, but, overall, cases that had characteristics known to be common in sexual violation offences were less likely to proceed or result in convictions – that is, those where the offender knew the victim, was her partner (in the case of older women), where alcohol or drugs were involved, and for victims in vulnerable population groups. By contrast, if prosecuted, cases that were less common (but more likely to resemble the stereotypical 'real rape'), were more likely to result in a conviction – that is, those involving strangers, force, or injury.
50. Tangata whenua are at a significantly increased risk of sexual assault across their lifetime.⁵⁸ Māori women experience sexual violence with a lifetime prevalence rate higher than that of non-Māori women.⁵⁹ In addition, Māori experience specific barriers to accessing and participating in the criminal justice system.⁶⁰ This may mean there is a high proportion of Māori who have been victims of sexual violence but are not being assisted by the criminal justice system. Broader structural change and alternative approaches to the criminal justice system may be the best way to assist these victims.
51. Taking into account the elements particular to the crime, the principles of justice that the system is founded on and the various parts of the system where cases do not proceed and the reasons why they might not, we have obtained a greater understanding about where efforts should be focused to improve the system. More can and should be done to hold offenders to account and improve victims' experiences of the system, to uphold their rights and give increased choice for seeking resolution. Such improvements may assist in moderating perceptions that the system is unfair for victims of sexual violence.
52. The MWA research has captured useful New Zealand-based information and views from victims and other participants (such as Police and Crown prosecutors) regarding experiences of the system, where improvements might be made in the current system and suggestions for broader change. The research will therefore play an important part in informing future legislative reform and policy development.

55 Statistics supplied by Ministry of Justice Research and Evaluation Unit, 2008.

56 Jordan, 2004

57 Temkin and Krahe, 2008; Taylor, 2007.

58 Fanslow, Robinson, Crengle et al, 2007.

59 Mayhew and Reilly, 2009.

60 Law Commission, 1999; Public Advisory Committee to the Legal Services Agency, 2007.

4.3 FUTURE ACTIONS

FURTHER LEGISLATIVE REFORM – TOAH-NNEST PROPOSALS

53. Several issues raised through the Taskforce working group and from submissions regarding legislative change were not considered or progressed. TOAH-NNEST recommends that these issues remain on the table for future consideration and has identified the following proposals for legislative change. These reforms could immediately redress some of the most significant challenges to effectiveness and responsiveness within current court procedure.
 54. TOAH-NNEST proposes an amendment to the Summary Proceedings Act 1957 to require the judge to give particular regard to the serious nature of the crime of sexual violence so that the High Court will more often than not be considered the appropriate court for the trial.
 55. TOAH-NNEST recommends specific attention be given to evidential procedures in sex crime trials and that all provisions relating to sexual cases be incorporated into a separate Part of the Evidence Act 2006.
 56. Consideration of the following changes to address the corresponding matters described below are also recommended for the Evidence Act 2006.
 - **Corroboration** – require the judge to direct the jury to the effect that no corroboration is necessary for the accused to be convicted in cases of sexual violence.
 - **Forensic evidence not necessary** – require the judge (unless the direction would be inappropriate in the circumstances of the particular case) to direct the jury that, because of the nature of sexual offending, it is not unusual for there to be no forensic evidence and that no such evidence is therefore necessary for the accused to be convicted.
 - **Evidence of recent complaint** – allow previous consistent statements to be admitted to support the complainant’s credibility in sexual cases.
 - **Delay in complaining** – require the judge to direct the jury, regardless of whether the issue is raised by defence counsel, that there can be good reasons for a delay in making or failing to make a complaint.
 - **Disclosure of defence** – a requirement that the accused in sexual violence cases disclose the grounds of the defence and names of any witnesses ahead of the trial.
- **Cross-examination of complainant by accused in person** – an *absolute* prohibition against an accused cross-examining in person the complainant in a sexual violence case.
 - **Victim’s evidence** – the judge be required to seek the views of the witness directly when considering a direction as to alternative ways of giving evidence in a sexual violence case.
 - **Victim’s privacy** – similarly, judges must be required to hear from victims as to their safety needs and privacy wishes when making an order under section 69 of the Evidence Act 2006.
 - **Victim’s rights** – judges should be empowered to direct counsel to treat witnesses in sexual violence cases in accordance with the rights afforded to them under the Victims’ Rights Act 2002 – that is, that victims be treated with courtesy and compassion, and that their dignity and privacy is respected.
 - **Support persons** – a provision to the effect that, in sexual violence cases, section 79(3) of the Evidence Act 2006 does not apply and the complainant is afforded an inalienable right to support during the trial process.
 - **Adverse inference from accused’s failure to give evidence** – there should be an obligation on the judge in sexual violence cases to direct the jury that an adverse inference against the accused may be drawn where the accused has not given evidence at the trial.
 - **Use of previous convictions** – empower the judge in sexual violence cases to allow reference to be made and evidence adduced as to the accused’s previous convictions for the same or similar offences in appropriate cases.
 - **Evidence as to veracity** – where the accused offers evidence about his (or her) veracity, or challenges the veracity of the complainant, it should be open to the prosecution, not only to call evidence as to the veracity of the accused, but also to offer evidence about the veracity of the complainant.
 - **Direction as to reasonable doubt** – an obligation should be placed on the judge in sexual violence cases to direct the jury that the standard of beyond reasonable doubt does not mean that no doubt can exist in their minds.

CONTINUING TO IMPROVE THE CRIMINAL JUSTICE RESPONSE – POLICE AND COURTS

IMPROVING RESPONSIVENESS TO VICTIMS OF SEXUAL VIOLENCE

57. TOAH-NNEST believes the criminal justice system procedure could be significantly improved by incorporating in it an ethos of responsiveness to the needs of victims of sexual violence. TOAH-NNEST intends to undertake a consultation process with its members to define the principles underlying a victim-responsive justice system in relation to sexual violence. This information should be incorporated into ongoing and future work to improve the responsiveness of the criminal justice system to victims of sexual violence. This information could also be incorporated in a project to map the impact of engagement with the criminal justice system on victims of sexual violence (refer to recommendation 61).
58. The needs of victims of sexual violence include those set out in the Victims' Rights Act 2002 – to be treated with courtesy and compassion, and with respect for their dignity and privacy. Additional needs for victims of sexual violence include the right to physical and psychological safety, the right to exercise control over their engagement with the criminal justice system, the right to heal without further harm from engagement with the criminal justice system, and the right to voice their experiences and needs throughout the process.
59. Some of the facets of criminal justice procedure that could be improved by incorporating an ethos of responsiveness include the following.
- Bail applications – emphasis should be given to the safety needs of victims when considering bail. This should include physical and psychological safety and may also require funding for alternative accommodation, timely information about bail outcomes and access to 24-hour specialist support. Victims should have an opportunity to be heard on their safety needs and concerns when decisions about bail are being made.
 - Court dates – enforcement of stable court dates should be a priority. Considerable psychological and practical disruption is caused by court dates being moved at short notice. This is particularly a concern in larger urban areas.
- Police and court facilities – facilities should be designed so as to provide safe and appropriate environments for victims. In Police stations this could include victim-specific facilities that ensure privacy, capacity for support people and separation from offender and public environments. In court buildings this could include safe parking, a separate entrance and waiting rooms, facilities and resources to accommodate victims' support people, including funding for support people.
 - Court preparation – all victims should have access to information and support services to prepare them for court trials. This would include information about how the court operates and how the trial is likely to proceed as well as psychological preparation for the events and outcomes that may occur throughout the trial process.
 - Trial debriefing – all victims should have access to a debriefing session with the prosecution at the completion of the trial. This should provide an opportunity for victims to ask questions that may help them understand the progress of the trial and its outcome. Victims should have a specialist support person present to assist with processing the psychological impact of the trial and its outcome.
 - Victim Impact Statements – both the content and process of writing victim impact reports can be psychologically significant for victims. For this reason, specialists, in working with the emotional impacts of being a victim of sexual violence, should be available to victims who request assistance in preparing their report. Assessments as to harm should not be made by criminal justice system personnel but by those appropriately trained to do so. Care should be taken to ensure the voice of a victim is incorporated into the report and the process of writing and delivering the report contributes to the healing process of the victim concerned.
60. These are just some of the improvements that became apparent to TOAH-NNEST through a process of identifying the impact of engagement with the criminal justice system on victims of sexual violence and considering the principles and needs underlying a responsive criminal justice system for victims of sexual violence.

61. TOAH-NNEST recommends that a project be undertaken to map the impact of engagement with the criminal justice system on victims of sexual violence. Procedural and systemic changes contributing to improved responsiveness for victims of sexual violence should be identified. This project should be undertaken in consultation with TOAH-NNEST and should be informed by:

- the TOAH-NNEST response to the Taskforce project 'Mapping the process for prevention and management of sexual violence in New Zealand'
- the body of research into effective interventions for adult victims of sexual violence recently released by the Ministry of Women's Affairs
- the submissions received in response to the discussion document Improvements to Sexual Violence Legislation in New Zealand
- TOAH-NNEST's consultation on defining the principles underlying a victim-responsive justice system in relation to sexual violence
- issues and briefing papers developed within the criminal justice working group.

62. TOAH-NNEST further recommends that the above project includes consideration of how the rights of victims of sexual violence engaging with the justice system can be consistently upheld and provide clarity about appropriate processes for enforcing those rights.

63. The following agencies should be invited to consider the material resulting from the above proposed project:

- New Zealand Police for its programme of work on policy and practice in relation to investigating complaints of sexual assault
- Ministry of Justice to inform its work on enhancing victim's rights
- the Law Commission in its inquiry into the appropriateness of the current adversarial trial process for sexual offences.

64. TOAH-NNEST also recommends that consultation processes be formalised between the New Zealand Police, Ministry of Justice and TOAH-NNEST. This would provide a formal channel for consultation on Police and courts policy and procedural changes that may impact on victims of sexual violence.

POLICE PROCESSES FOR RESPONDING TO SEXUAL VIOLENCE

65. TOAH-NNEST recommends that the national tripartite forum between the Police, crisis support services and medical response (represented by DSAC) be established by formal agreement between the parties.

SPECIALIST COURT SUPPORT

66. All victims have access to Court Services for Victims, however, a recent survey⁶¹ found that a higher portion of sexual violence victims (27 percent) wanted further assistance or advice than did other victims (this is compared with 19 percent of assault victims and 14 percent of threat victims⁶²).

67. Specialist support agencies are, in many cases, providing some of the additional assistance and emotional support that victims of sexual violence require throughout the court process. Most support services are not currently funded for the work, but provide the service in the knowledge that the court process can be the most harmful aspect of engaging in the criminal justice system for those victims who do so. Further, the process is often seriously deleterious to the psychological health and healing process of victims.

68. TOAH-NNEST considers that specialist sexual violence court support helps a victim to become familiar with the court process and to know what to expect regarding the process. This specialist support assists victims and their families to cope during what is often a difficult time in their journey to healing and recovery. The psychosocial support provided by specialist support agencies can also assist with managing and reducing the impacts on victims of engaging with the criminal justice system.

69. TOAH-NNEST considers that specialist knowledge and skills are necessary when supporting victims of sexual violence during trial-related and subsequent processes. That includes support up to and during the trial process, such as court preparation and support at pre-trial meetings and hearings, and support post-court, including, but not limited to, preparing Victim Impact Statements, explaining the sentence, supporting victims during and following parole hearings, and assistance for victims receiving notifications via the Victim Notification Register.

61 Mayhew and Reilly, 2007.

62 Ibid – the survey asked victims of crime whether there was any assistance or advice they would have liked but did not receive.

70. TOAH-NNEST recommends the establishment of a specialist court support role to assist victims of sexual violence progressing through the court process. This role would provide psychological support and assistance to victims by liaising with criminal justice personnel, assisting with preparation for court, support during the trial and support during post-court processes.
71. Further analysis should be completed to determine how this role could interact with, and enhance, criminal justice systems and processes. The proposed specialist support role would likely sit outside of the justice system because its purpose would be to provide for a single point of contact across government agencies, information about victim's rights and support through trial processes.
72. Moreover, TOAH-NNEST's view is that specialist support agencies should be funded to both provide this support throughout the court process and in an ongoing role as they often do currently.

SPECIALIST TRAINING FOR CRIMINAL JUSTICE PERSONNEL

73. TOAH-NNEST recommends that specialist training be developed in conjunction with TOAH-NNEST and provided to all justice system personnel interacting with victims of sexual violence.
74. Training should focus on the dynamics of sexual violence and the potential impacts of engagement with the criminal justice system on those victims. The rights provided to victims under the Victims' Rights Act 2002 and the principles of responsiveness should be explained with reference to victims of sexual violence.
75. This training should include information about Te Ao Māori and the particular needs of tangata whenua as victims of sexual violence. That training should be supplemented by a programme of work across the Police and courts to enhance and enable cultural competence in personnel.

REDUCING DELAYS IN THE COURT SYSTEM

76. TOAH-NNEST recommends that the impact of delays in court trial processes relating to crimes of sexual violence be brought to the attention of the Law Commission and referred for consideration under its current work programme on the Criminal Procedure (Simplification) project, or be considered within the inquiry identified below.

MOVING FORWARD WITH FUNDAMENTAL CHANGE AND ALTERNATIVE APPROACHES

77. There are now two distinct pathways for further work – fundamental change and alternative approaches. Two projects should therefore be undertaken to:
- consider fundamental changes to the current system, in addition to policy and procedural changes
 - explore alternatives to the current system for resolution.

FUNDAMENTAL CHANGE TO THE CURRENT SYSTEM

78. Work would draw on the outcome of the reference to the Law Commission⁶³ inquiry into whether the present adversarial trial process should be fundamentally modified or replaced with an alternative model, either for sexual offences or for a wider class of offences.
79. This project should be similarly focused on achieving an effective and responsive criminal justice system in relation to sexual offending and take account of the particular dynamics of sexual violence. The project would include consideration of the following.
- What tools of specialisation could be applied in sexual offence cases? For example, specialist personnel, specialist court environments, specialist processes and procedures including evidential? What are the risks and benefits associated with specialisation?
 - Whether aspects of inquisitorial approaches could be incorporated into the New Zealand legal system for sexual offence cases (in the first instance).
 - Whether other legal sanctions are appropriate for sexual violence offenders, including whether a range of crimes based on degree of intention and care may be suitable in the New Zealand context, and whether options for cases where there is evidence supporting probable cause, but which may not reach the criminal burden of proof, should be adopted.
80. Detailed terms of reference should be developed in consultation with TOAH-NNEST.

63 In its 2008 report, Disclosure to Court of Defendants' Previous Convictions, Similar Offending and Bad Character, the Law Commission recommended an inquiry into the issue of alternatives to the criminal justice system for sexual offences. The Commission recommended that the Taskforce be asked to define the issues and possible options that should be considered by that inquiry.

ALTERNATIVE APPROACHES

81. The second project proposed should explore alternative approaches to the resolution of sexual offending and improving outcomes for all victims. This broader project (that is, one not confined by the boundaries of the current justice system) will allow us to consider approaches that are more meaningful for victims of such an intimate, personal crime despite a victim's decision not to report and the offending not being recorded, recognised and treated as a crime.
82. Policy, procedural and fundamental changes may improve the current system and encourage more victims to report and stay in the system. However, it is not expected, nor would it be appropriate, to draw in all of the approximately 90 percent of victims who, for a variety of reasons, do not report and stay outside of the system.
83. The criminal justice system – even an effective and responsive one – can not meet the needs of all victims. Additional work is required to identify alternative approaches outside the system that should be explored and developed.
84. For Māori, there are great challenges between the criminal justice system and 'traditional' systems of social control and dispute resolution that existed prior to contact with non-Māori (see Appendix X for a discussion of Māori concepts of criminal justice).
85. The criminal justice system, the laws and processes imposed by that system must be modified to be more responsive and effective for Maori as victims (and offenders) of sexual violence. Ngā Kaitiaki Mauri supports immediate legislative and procedural improvements identified through the Taskforce work – increased effectiveness for all victims of sexual violence is also likely to enhance processes for Maori.
86. However, fundamental change is considered particularly important for Māori, along with the exploration of alternative models of justice and resolution. Consideration of Māori systems of social control and dispute resolution are considered crucial to support whānau ora.
87. For Maori, the exploration of alternative models comes from a realisation that in the wisdom of the past are the ideals that can be adapted to yield justice today. The call for alternative models and approaches is not about a simple yearning for the past. The consideration of alternative models and approaches has the potential to draw on the old with the new. Tikanga, that has been practised and handed down from tipuna (ancestors), must be given expression to and made relevant within the context of Aotearoa New Zealand today.
88. Te Puāwaitanga o Te Kāhano work will provide context and factors relevant to future development and delivery of services for Māori as well as a basis for resolution models.
89. This project should consider multiple components and pathways to resolution that encompass social and community-based processes. Victim-defined resolution could be developed, including methods of resolution particular to Māori. The project would draw on the work undertaken as part of Te Puāwaitanga o Te Kāhano in relation to developing alternative approaches to responding to the issue of sexual violence for Māori, and would consider justice and non-justice system methods and how these could be developed.
90. Questions for exploration should include the following.
 - What is justice (and the purpose of justice) for victims of sexual violence? What is the role of restoration, rehabilitation, retribution or punishment?
 - Who should be involved in an alternative resolution process?
 - Who administers justice in alternative approaches? (What is the role of the State?)
 - What systems are needed to ensure that both the interests of the victim (whānau) and the State are served in sanctioning sexual offending?
91. The provision of choices for sexual violence victims seeking resolution by developing alternative systems is fraught with unknowns. The nature and realities of sexual violence mean that alternative approaches could hold potentially significant benefits and should be explored.
92. TOAH-NNEST also recommends that the pilot project on restorative justice for victims of sexual violence should be reviewed and a plan for implementing this programme be developed, including resourcing of the programme.

4.4 RECOMMENDATIONS

AN ONGOING HOLISTIC AND SYSTEM-WIDE APPROACH, INCLUDING PARTNERSHIP WITH TOAH-NNEST

TOAH-NNEST RECOMMENDS THAT:

48. Consultation processes between the New Zealand Police, Ministry of Justice and TOAH-NNEST be formalised in order to provide a channel for consultation on Police and courts policy and procedural changes that may impact on victims of sexual violence.
49. The national tripartite forum between the New Zealand Police, crisis support services and medical response (represented by Doctors for Sexual Abuse Care) be established by formal agreement between the parties .

IMMEDIATE AND MEDIUM-TERM CRIMINAL JUSTICE ACTION

IMMEDIATE

THE TASKFORCE RECOMMENDS THAT:

50. Three legislative amendments be progressed as a matter of priority and that any legislative change is accompanied by appropriate awareness raising and public education. The legislative proposals are:
 - the inclusion of a positive definition of consent to sexual activity – at present we have a list of circumstances where consent is said not to exist (Crimes Act 1961)
 - the requirement that, when determining whether the accused had reasonable grounds to believe the complainant consented to sexual activity, the court must have regard to all the circumstances relevant to the case (this would include any steps the defendant may have taken to ascertain whether the complainant was consenting (Crimes Act 1961)
 - the extension of the 'rape shield' so that evidence about previous sexual experience between the complainant and the accused is also inadmissible without prior agreement of the judge (Evidence Act 2006).

IN ADDITION, TOAH-NNEST RECOMMENDS:

51. That the additional legislative reforms are investigated and implemented as a matter of priority.

- The Summary Proceedings Act 1957 is amended to require the judge to give particular regard to the serious nature of the crime of sexual violence so that the High Court will, more often than not, be considered the appropriate court for the trial.
- Specific attention is given to evidential procedures in sex crime trials and that all provisions relating to sexual violence cases be incorporated into a separate Part of the Evidence Act 2006. Consideration of the following changes to address the corresponding matters described below is also recommended for the Evidence Act 2006.
 - a. Corroboration – require the judge to direct the jury to the effect that no corroboration is necessary for the accused to be convicted in cases of sexual violence.
 - b. Forensic evidence not necessary – require the judge (unless the direction would be inappropriate in the circumstances of the particular case) to direct the jury that, because of the nature of sexual offending, it is not unusual for there to be no forensic evidence and that no such evidence is therefore necessary for the accused to be convicted.
 - c. Evidence of recent complaint – allow previous consistent statements to be admitted to support the complainant’s credibility in sexual cases.
 - d. Delay in complaining – require the judge to direct the jury, regardless of whether the issue is raised by defence counsel, that there can be good reasons for a delay in making or failing to make a complaint.
 - e. Disclosure of defence – a requirement that the accused in sexual violence cases disclose the grounds of the defence and the names of any witnesses ahead of the trial.
 - f. Cross-examination of complainant by accused in person – an absolute prohibition against an accused cross-examining in person the complainant in a sexual violence case.
 - g. Victim’s evidence – the judge be required to seek the views of the witness directly when considering a direction as to alternative ways of giving evidence in a sexual violence case.
 - h. Victim’s privacy – judges must be required to hear from victims as to their safety needs and privacy wishes when making an order under section 69 of the Evidence Act 2006.
 - i. Victim’s rights – judges should be empowered to direct counsel to treat witnesses in sexual violence cases in accordance with the rights afforded to them under the Victims’ Rights Act 2002 – that is, that victims be treated with courtesy and compassion, and that their dignity and privacy is respected.
 - j. Support persons – a provision to the effect that, in sexual violence cases, section 79(3) of the Evidence Act 2006 does not apply, and the complainant is afforded an inalienable right to support during the trial process.
 - k. Adverse inference from accused’s failure to give evidence – there should be an obligation on the judge in sexual violence cases to direct the jury that an adverse inference against the accused may be drawn where the accused has not given evidence at the trial.
 - l. Use of previous convictions – empower the judge in sexual violence cases to allow reference to be made and evidence adduced as to the accused’s previous convictions for the same or similar offences in appropriate cases.
 - m. Evidence as to veracity – where the accused offers evidence about his (or her) veracity, or challenges the veracity of the complainant, it should be open to the prosecution, not only to call evidence as to the veracity of the accused, but also to offer evidence about the veracity of the complainant.
 - n. Direction as to reasonable doubt – an obligation should be placed on the judge in sexual violence cases to direct the jury that the standard of beyond reasonable doubt does not mean no doubt can exist in their minds.

TOAH-NNEST FURTHER RECOMMENDS THAT:

52. Further work be undertaken to improve criminal justice procedures and responsiveness for victims in the following areas:

- bail applications
- court dates
- Police and court facilities
- court preparation and support
- trial debriefing for victims of sexual violence
- the content and process for preparing Victim Impact Statements.

53. A project is undertaken to:

- map the impact of engagement with the criminal justice system on victims of sexual violence
- identify procedural and systemic changes contributing to improved responsiveness for victims of sexual violence
- consider of how the rights of victims of engaging with the justice system can be consistently upheld; and
- provide clarity about appropriate processes for enforcing those rights.

This project should be undertaken in consultation with TOAH-NNEST and be informed by:

- the TOAH-NNEST response to the Taskforce project 'Mapping the process for prevention and management of sexual violence in New Zealand'
- the body of research recently released by the Ministry of Women's Affairs *Strong and Safe Communities – Effective Interventions for Adult Victims/Survivors of Sexual Violence*
- the submissions received in response to the discussion document *Improvements to Sexual Violence Legislation in New Zealand*
- the TOAH-NNEST consultation defining the principles underlying a victim-responsive justice system in relation to sexual violence
- issues and briefing papers developed within the criminal justice working group.

54. The following agencies should be invited to consider the material resulting from the above proposed project:

- New Zealand Police for its programme of work on policy and practice in relation to investigating complaints of sexual assault
- Ministry of Justice to inform its work on enhancing victim's rights
- the Law Commission in its inquiry into options for fundamental change to the current criminal justice system process for sexual violence cases.

MEDIUM TERM

THE TASKFORCE RECOMMENDS THAT:

55. The Law Commission undertake an inquiry into options for fundamental change to the current criminal justice system for sexual violence cases.

56. Work on alternative pathways alongside and outside of the current criminal justice system be explored. The project would draw on the work undertaken as part of Te Puāwaitanga o Te Kāhano in relation to developing alternative approaches to responding to the issue of sexual violence for Māori, and consider justice and non-justice system methods and how these could be developed.

IN ADDITION, TOAH-NNEST RECOMMENDS THAT:

57. Work on restorative justice for victims of sexual violence be reviewed and that a plan for implementing this programme be developed, including resourcing of the programme.

5. CONCLUSION: Future Directions and Approaches

*Ehara taku toa i Te toa taki tahi
engari he toa taki tini taku toa.*

My strength is not of mine alone but that of the multitude.

This is a collective effort not that of an individual.

He korero tono kia mahi ngātahi, kia whakapakari i a tātou anō, inā he maha ngā ringaringa ka ngāwari haere Te mahi.

5.1 CONTEXT: FUTURE DIRECTIONS AND APPROACHES

This chapter outlines future directions, drawing on the work of the Taskforce for Action on Sexual Violence over the last two years. Whereas the previous chapters of this report have focused on what must be done to continue the work of the Taskforce across priority areas of action, this chapter recommends how this work can be done.

Partnership, leadership and funding are the essential elements of the future framework.

A key learning of the Taskforce has been its active development of a partnership across government and community representatives. This partnership approach is set out first, because it explains the success of the Taskforce and because its continuation is integral to the way forward. In particular, distinct responses are required to meet the needs of tangata whenua. The time for a patchwork of responses has gone; a coordinated, well-led and embedded response is required to address this complex social issue.

The Taskforce has supported the development of a national network (TOAH-NNEST) during its lifetime, and it is this network that now calls for ongoing resources. The meaning of a partnership approach and its implications for ongoing leadership from the perspectives of the Ngā Kaitiaki Mauri and Tauwiwi caucuses of TOAH-NNEST are then set out. Funding the community sector in a holistic and integrated manner is vital to effective specialist responses for both victims/survivors and perpetrators of sexual violence. In this, TOAH-NNEST calls for an innovative and new approach to funding.

These concluding remarks reflect the themes present in the report's recommendations, where effective funding and a coordinated response that includes both immediate and longer-term actions, including sharing information and evidence, provide the four components of the way forward.

5.2 CONTINUING THE PARTNERSHIP APPROACH

1. Over the past two years, the Taskforce approach has included four key elements:
 - a partnership between government and TOAH-NNEST
 - recognising and supporting the partnership within TOAH-NNEST – a Treaty of Waitangi-based organisation
 - acknowledging that distinct approaches are required to address sexual violence for tangata whenua – and be led by tangata whenua
 - leadership and commitment.
2. The approach has been successful because:
 - government agencies have fully engaged with the sector as experts in the field and in delivering frontline services as well as increasing awareness and focus on sexual violence issues across all agencies involved
 - the sector has fully engaged with government to learn about government processes and develop solutions within them
 - trust and confidence between government and the community sector has improved remarkably
 - government involvement and commitment has come from the highest levels; chief executives across government have sat on the Taskforce and ensured the progress of key initiatives within their agencies
 - an information and evidence base for action has been built – and needs to keep building.
3. The partnership approach taken by the Taskforce recognises the considerable subject matter expertise and knowledge of the sector. TOAH-NNEST has been involved at every level of the Taskforce's work.
4. An important role of the Government on the Taskforce has been to support the sector to build an evidence base and to facilitate the views of the sector through inter-agency working groups. Although much has been achieved over the last two years, the work has just begun. Early momentum will be lost unless there is continued commitment and leadership.
5. Sustained effort and focus for implementing change is still required. Progress towards the overall Taskforce vision of freedom from sexual violence will be stifled unless government policies, programmes, services and funding work better together through partnership and funding. TOAH-NNEST (Ngā Kaitiaki Mauri and Tauīwi) must also play an ongoing and central role. National and international experience shows that a coordinated and long-term commitment by government and community agencies is required to successfully address the complex social issue of sexual violence.
6. Changes on the ground to programmes and services must be delivered. This will take sustained leadership and coordination across peoples, systems and sectors.

5.3 THE WAY FORWARD

7. TOAH-NNEST's recommendation to the Government is that rangatiratanga (leadership and partnership) and kaitiakitanga (guardianship of funds) are prioritised to ensure the implementation of the actions recommended in this report and to firmly embed sexual violence work across government agencies. TOAH-NNEST considers these two factors are key for the future and for ending sexual violence in Aotearoa New Zealand.
8. The recommendations are the same for Ngā Kaitiaki Mauri and Tauwiwi – but the distinction must be made in how the pathways to ending sexual violence are developed and who will develop them. For Ngā Kaitiaki Mauri, future relationships need to be based on Te Tiriti o Waitangi as reflected in the approach of TOAH-NNEST, with two 'houses' acknowledging and understanding distinct approaches to working together. Ngā Kaitiaki Mauri also considers that tangata whenua and government relationships must be strengthened to reflect Te Tiriti o Waitangi.
9. The Tauwiwi Caucus also recognises and supports distinct approaches to working together. One size does not fit all, because many of the views and values inherent in sexual violence are socially and structurally entrenched. Approaches must be designed for different peoples and communities. Work has started on understanding the needs of male victims and Pacific communities but more work needs to be done. Further work must be started in order to understand the needs of particular communities, including other ethnic groups, migrants, people with disabilities, gay, lesbian, bisexual, transgender and intersex people.

5.4 RANGATIRATANGA (PARTNERSHIP AND LEADERSHIP)

NGĀ KAITIAKI MAURI PERSPECTIVE

10. Te Tiriti o Waitangi confirms that tangata whenua have the autonomy to determine their own destiny. Rangatiratanga, as an expression of one of the kaupapa of Te Ohaakii a Hine, acknowledges leadership as the expression of attributes of a rangatira (leader), including humility, leadership by example, generosity, altruism, diplomacy and knowledge of benefit to the people.
11. What is required to move forward is that people, groups and government acknowledge and commit to the involvement of tangata whenua in developing and delivering solutions by Māori for Māori. The importance of rangatiratanga is that tangata whenua knowledge systems are acknowledged as being integral to developing approaches to addressing sexual violence. Marae, hapū and iwi development is central to the development of rangatiratanga within this sector for tangata whenua.
12. Tangata whenua structures of leadership require engagement that is inclusive of whānau, hapū and iwi particularly where there is a need to respond to sexual violence within a Māori community.

TAUIWI PERSPECTIVE

13. The Tauwiwi Caucus considers that strong leadership is essential and must be across government as well as the community sector. Leadership must include the community sector and provide for both tauwiwi and Māori representation. A lead agency for sexual violence services, programmes and funding should also be identified. Without strong leadership, achievements to date will be stifled because government agencies are likely to return to their pre-taskforce position of working in isolation from each other and the sector.

CROSS-SECTOR

14. Cross-sector means across government and with the community sector. This approach recognises that families and whānau, communities, the economy and government play different, but ideally complementary, roles in helping people to achieve good quality of life and wellbeing⁶⁴ and that while institutions are inter-dependent, they are most effective when acting together towards common outcomes.

15. The agencies currently represented on the Taskforce should continue to play a part in ongoing implementation. They include the following.

Ministry of Justice
Ministry of Women's Affairs
New Zealand Police
Accident Compensation Corporation
Department of Corrections
Ministry of Pacific Island Affairs
Ministry of Health
Te Puni Kōkiri
Ministry of Social Development
Ministry of Education

16. The experience of the Taskforce shows that leadership and partnership between government and community have been crucial to the way in which the Taskforce has worked over the past two years. This approach has also worked successfully overseas.⁶⁵

A LEAD GOVERNMENT AGENCY – OVERARCHING COORDINATION AND MONITORING

17. The Tauwiwi Caucus considers that naming a lead agency is a second critical component to continue an effective cross-sector approach. TOAH-NNEST considers that uncertainty about roles and responsibilities by government agencies has resulted (in part) in under-funding, working in a continual 'crisis' funding mode from year to year and lack of services in the community.
18. To date, the Ministry of Justice has led the Taskforce with the Ministry of Women's Affairs. In the medium-to-long term, the Government will need to consider where leadership is best placed.

PROGRESS MUST BE TRACKED

19. A long-term approach to sexual violence is crucial. Progress towards implementing these recommendations must be tracked to ensure action is targeted to where it is most effective.
20. Investment is required *now* to have an impact over the long term even though the outcomes of some of the actions taken at present may not be seen for several years.

64 Ministry of Social Development, 2008.

65 For example, the New South Wales Criminal Justice Sexual Offences Taskforce and the United Kingdom approach, which included the establishment of a 'Cross-Government Stakeholder Advisory Group' and a high level of community consultation on work aimed at addressing sexual violence and violence against women.

5.5 RECOMMENDATIONS

A CONTINUED HOLISTIC AND SYSTEM-WIDE APPROACH, INCLUDING PARTNERSHIP WITH TOAH-NNEST

TOAH-NNEST RECOMMENDS THAT:

58. The Taskforce for Action on Sexual Violence, as it is currently arranged, continues for a minimum period of four years with revised terms of reference that give effect to a Māori world view.
59. A lead agency for sexual violence policy is identified to lead work across government and with TOAH-NNEST.
60. TOAH-NNEST be funded as the national network of specialist sexual violence experts to continue its involvement in sexual violence work.
61. Te Puni Kōkiri continues to work with tangata whenua in the sector as well as with whānau, hapū and iwi so that it is able to respond in a meaningful way to issues facing Māori affected by sexual violence.
62. All government agencies that have a role in sexual violence-related services and programmes support Te Puāwaitanga o Te Kākano and any further research that comes out of this work.

IMMEDIATE AND MEDIUM-TERM ACTION

IMMEDIATE

THE TASKFORCE RECOMMENDS THAT:

63. Te Puāwaitanga o Te Kākano being led by Te Puni Kōkiri is completed in consultation with TOAH-NNEST NKM caucus.

TOAH-NNEST RECOMMENDS THAT:

64. Resources are made available to bring together the respective findings of Tiaki Tinana: the stocktake of kaupapa and tikanga tangata whenua services, and Te Puāwaitanga o Te Kākano.

MEDIUM TERM

TOAH-NNEST RECOMMENDS THAT:

65. Te Ohaakii a Hine be developed and resourced as a culturally appropriate approach to working with whānau who have been impacted by sexual violence.

BUILDING EVIDENCE AND SHARING INFORMATION

THE TASKFORCE RECOMMENDS:

66. Information, prepared as part of the Taskforce work programme, is made publicly available.
67. Monitoring is undertaken of progress on the report's recommendations to ensure that action is targeted to where it is most effective.

IN ADDITION, TOAH-NNEST RECOMMENDS THAT:

68. Further and specific research be undertaken to examine the needs of disabled persons, ethnic groups, refugee and ethnic migrants, gay, lesbian, bisexual, transgender and intersex people.

5.6 KAITIAKITANGA (GUARDIANSHIP⁶⁶)

NGĀ KAITIAKI MAURI PERSPECTIVE

21. As one of the kaupapa of Te Ohaakii a Hine, kaitiakitanga is described in the following way:

*The physical kaitiaki system is based on whakapapa, lineage, and inherited nurtured responsibility... and direction of tribal elders ... kaitiaki stems from long tribal associations ... only tangata whenua can be kaitiaki, can identify kaitiaki, can determine the form and structure of kaitiaki.*⁶⁷

22. Kaitiakitanga involves ensuring the wellbeing of an individual, group and/or taonga. Kaitiakitanga is closely aligned to rangatiratanga and is enacted through tikanga Māori and determined by kaupapa Māori.
23. Two concepts that complement kaitiakitanga are tautoko, which is the act of providing support both verbally and physically to the completion of a kaupapa. It requires action through the application of appropriate tikanga. The second being awhinatanga, which is the act of providing assistance to a group or individuals.

WHY FUNDING IS NECESSARY

24. Funding is necessary to give assistance and support to the achievement of wellbeing that tangata whenua have identified as 'toi ora'. Tangata whenua require funding that appropriately supports tangata whenua approaches to responding to sexual violence, which are different to those of tauiwi.
25. Of paramount importance is the need for funding to be directed toward developing kaupapa and tikanga Māori initiatives and appropriate resources to grow the capability and capacity of Māori communities, whānau, hapū and iwi. Funding would support whānau ora and toi ora.
26. Marae are central meeting points for tangata whenua and are where expressions of kaitiakitanga and rangatiratanga are found. All whānau, hapū and iwi should be able to access and enjoy marae.
27. Resourcing tangata whenua to ensure that appropriate conversations are raised within environs, such as marae, is crucial.

TAUIWI PERSPECTIVE

28. Funding must be made available to support: the community sector, the development of the national network, and programmes and services. The allocation of funding should also support a holistic and integrated response to the needs of individuals, their whānau and the community.
29. Funding could be made available to support:
- the participation of the community sector in ongoing leadership arrangements
 - the development of the national network
 - programmes and services.

A NEW FUNDING APPROACH

30. TOAH-NNEST considers that the need for an adequate funding increase and a modified funding approach is the single most important element for preventing and better responding to sexual violence.
31. TOAH-NNEST recommends developing a modified funding approach to provide a holistic and integrated funding pool dedicated specifically to addressing sexual violence and drawn from relevant agencies' budgets.
32. TOAH-NNEST also recommends that government funding processes support collaboration and cooperation in local communities, not competition. The literature acknowledges that competition for resources between service providers can create a culture of self-preservation and suspicion that undermines characteristics of relationships that are important for effective collaboration.⁶⁸ Characteristics include mutual interest and a high degree of trust.
33. Current funding approaches, evidenced through stocktakes, show that funding for the sexual violence sector, programmes and services, has generally been short term and project based. Thus the expansion or development of successful initiatives have been inhibited.

66 In this context kaitiakitanga is intended as an expression of guardianship of funds

67 Minhinnick, 1989.

68 National Council to Reduce Violence against Women and their Children, 2009b.

34. From TOAH-NNEST's perspective, the current funding approach is complex and creates significant implications for organisations to manage. In summary, those implications are:
- Managing multiple funding sources means high application and compliance costs and a need for complex accounting systems.
 - Each year, organisations must put together a jigsaw of funds – and meet multiple requirements, such as funding per client, or funding for wages with a separate grant for programme costs. The result is an inability to plan for the future and significant wastage through investing in training staff, who then move on because of funds running out. This results in the need to invest in training replacement staff, if the organisation is fortunate enough to gain another contract at a later date.
 - Organisations having to rely heavily on local and national Trust applications, community grants and fundraising.
 - Funding levels are inadequate, leading to some services no longer being provided (eg, prevention programmes not being delivered because of a focus on provision of crisis or recovery services).
35. The current funding approach also impacts on the ways in which services are configured and the types of service that can be delivered. For example, prevention services being sidelined because of inadequate resources available to meet the demand for victim support services.
36. Holistic and integrated funding would support social investment by providing multi-year funding to build capacity and capability of the sector. Another benefit could/would be to improve collaboration between services and programmes rather than promote competitiveness between different providers.
37. Finally, holistic and integrated funding could/would improve effectiveness for the delivery of services and programmes such as those provided from a Māori world view. Services and programmes delivered from within a Māori world view are more likely to be able to respond to the broad needs of individuals and their whānau by promoting whānau-ora and whānau-led responses.

5.7 RECOMMENDATIONS

RECOMMENDATIONS: KAITIAKITANGA – GUARDIANSHIP OF FUNDS

TOAH-NNEST RECOMMENDS THAT:

69. An ongoing commitment is made to the partnership between the Government and community through the provision of adequate funding.
 70. This funding relationship acknowledges the two 'houses' of TOAH-NNEST – the Tauwiwi and Ngā Kaitiaki Mauri caucuses and the Treaty of Waitangi-based partnership structure of TOAH-NNEST.
 71. Innovative models of funding are considered to ensure a coordinated, collaborative and sustainable response and to provide a holistic and integrated funding pool dedicated specifically to addressing sexual violence and drawn from relevant agencies' budgets.
38. There are no quick-fix solutions. Making headway on the problem of sexual violence requires innovative, comprehensive solutions that can be modified in light of experience and on-the-ground feedback.⁶⁹
 39. As work progresses over the short-to-medium term, efforts to coordinate planning, delivery, monitoring and evaluation are likely to remain fragile unless continued leadership and commitment is secured at high levels and across all agencies.

⁶⁹ Australian Public Service Commission, 2007.

POSTSCRIPT

I was a victim of a crime that changed my life and that of my family. I was a victim of a system that nearly destroyed my life and that of my family. Today I stand proudly as a Survivor alongside those who seek to ensure all victims/survivors are not denied their right to a life free from the darkness that sexual violence casts on a person's being.

As Survivor Advocate, I have had the privilege of meeting survivors from right across Aotearoa New Zealand. I have heard too many stories that show there are not enough services with 'specialist' personnel within Aotearoa New Zealand to fill the needs of so many. There is not enough funding and resources to fill the gap required for specialist services. We need education and prevention programmes that help to dispel the typical 'rape myths' that hinder victims/survivors from speaking out and help our youth to realise that there are ways of keeping themselves and their friends safe in unsafe environments.

As someone who has been through the judicial system seven times in the last 15 years, I know the failings of our system but I am also hearing very loudly and very clearly from other victims/survivors that our court system does not give justice to victims of sexual violence. Survivors have told me that it is a system that unfairly supports the rights of offenders. Many survivors have complained to me that they experienced only intimidation, re-victimisation and re-traumatisation. Victims/survivors see the need for an overhaul within the court system that includes specialist court support, legal support and reviews of our laws pertaining to rape victims. The courtroom should be about balance, fairness and seeking the truth. Not about trying to discredit a person because of the amount of alcohol consumed, the type of clothing worn or because s/he walked home alone.

It is the wish of many, many victims/survivors of sexual violence that the Government of today take up the recommendations in the report on:

- preventing sexual violence so that women, children and men have a chance to be free of it
- ensuring that there are well-resourced services for those who are raped and sexually abused in Aotearoa New Zealand
- ensuring that offenders have sufficient treatment services available to give us any chance of ending this violence.

Education programmes, prevention programmes, adequate resourcing and funding right across the sexual violence intervention sector is paramount to ensure that we achieve these goals together. Sexual violence takes away the mana and self-worth of a person. This can and does last a lifetime. The Taskforce for Action on Sexual Violence has afforded a foundation for the sexual violence sector. What is required now is to make this a 'solid' foundation which can and must be achieved by all parties working to eliminate sexual violence from Aotearoa New Zealand.

Louise Nicholas
Survivor Advocate

July 2009

APPENDICES

APPENDIX A: TASKFORCE FOR ACTION ON SEXUAL VIOLENCE TERMS OF REFERENCE 2007

PURPOSE

The Government has directed that a Taskforce for Action on Sexual Violence be established. The Taskforce will lead and coordinate interagency action to prevent and respond to sexual violence. The Taskforce will support the Sexual Violence Ministerial Group, which will provide leadership and highlight the Government's commitment to addressing this critical social issue.

The establishment of the Ministerial Group and the Taskforce for Action on Sexual Violence provides an opportunity to build on the work of the Sexual Violence Project Team (SVPT), activity already undertaken through the *Safer Communities Action Plan to Reduce Community Violence and Sexual Violence* and to complement the work of the Taskforce for Action on Violence within Families.

ROLE

The Taskforce will focus on sexual violence towards adults. Some areas of the Taskforce's work may require change to systems and structures that relate to, or impact upon, children and adolescents.

The six key priority areas of the Taskforce are:

1. prevention strategies and services incorporating attitudinal change and education
2. early intervention and crisis response to acute and chronic sexual abuse and assault
3. recovery and support services for those who have experienced sexual violence
4. treatment and management of offenders that reduces re-offending and increases community safety
5. the effectiveness of the criminal justice system responses to sexual offending (including reporting, investigation, legislation, evidential procedures, prosecution and conviction)
6. the responsiveness of the justice system to victims and improving outcomes for victims.

The Taskforce will build on the work already undertaken by government and the community in the sexual violence area and will:

- identify policy, legislative and service gaps and opportunities for alignment
- identify and prioritise actions to strengthen government and non-government initiatives to respond to and prevent sexual violence
- ensure that key actions are coordinated across the government and non-government sectors
- provide advice to Ministers on the direction of future investments to improve prevention and responses to sexual violence (Budget 2009/10 and 2010/11).

MINISTERIAL GROUP

- Minister of Justice
- Minister of Women's Affairs
- Minister of Police
- Minister for ACC
- Minister for Māori Affairs

TASKFORCE MEMBERSHIP AND CHAIR

Membership is proposed to comprise:

- Secretary for Justice (Chair)
- Chief Executive Ministry of Women's Affairs (Deputy Chair)
- Commissioner of Police
- Director-General of Health
- Chief Executive Ministry of Education
- Chief Executive Ministry of Social Development
- Chief Executive Accident Compensation Corporation
- Chief Executive Te Puni Kōkiri
- Chief Executive Department of Corrections
- Chief Executive Ministry of Pacific Island Affairs
- Four representatives from the sexual violence NGO sector.

Members will be those identified above or a designated alternative with authority to commit their organisation/group to implementing the decisions made. The Ministerial Group recognises National Network: Ending Sexual Violence Together (NNEST) as the body providing non-governmental organisation (NGO) representation on the Taskforce.

CONFLICT OF INTEREST

Taskforce members should perform their functions honestly, impartially and in good faith. Members should also avoid situations that might compromise their integrity or otherwise lead to conflicts of interest. Proper observation of these principles will protect the Taskforce and its members and will ensure it retains public confidence. If members become aware of a potential conflict of interest they will advise the Chair and withdraw from part or all of the meeting. The fact that a member has withdrawn will be recorded.

GUIDING PRINCIPLES

The following principles will guide the Taskforce in its work.

- Collaboration and partnership approach – the membership will work collaboratively and the views of all members will be respected.
- Open communication – in line with the Official Information Act 1982, information will be treated as public unless decided by the Taskforce or the Chair.
- Consensus decision making – the Taskforce will make decisions by consensus within a reasonable period of time as defined by the Chair.
- Genuine consultation – reasonable timeframes for members to consult with the organisations they represent will be agreed by the Taskforce.

TIRITI O WAITANGI

Alongside these principles and the six key priorities we also acknowledge the necessity of considering indigenous issues and solutions. Our work will therefore be guided by working in a spirit of partnership with Māori, fostering protection of Māori taonga and encouraging and nurturing participation for all who live here, as is implicit in the Treaty of Waitangi.

SUPPORTING STRUCTURES

The Taskforce will draw on experts, as and when appropriate, to provide advice. Advice is likely to be drawn from the NGO sector as well as the legal, medical, mental health and research communities. Actions arising from the work of the Taskforce are expected to address the specific needs of diverse groups. NGOs will also be involved in designing and developing options for the Taskforce's consideration.

The Taskforce will also draw on the knowledge and experience of the SVPT. The SVPT consists of senior officials from relevant government agencies. This group will manage and coordinate interagency action across all government agencies that are involved in preventing and responding to sexual violence. The SVPT will support the Taskforce through the provision of information, analysis and advice as directed in an agreed work programme.

The Taskforce and SVPT will be supported by a dedicated secretariat, to be based within the Ministry of Justice. The Taskforce may decide to staff the Secretariat with representatives from agencies whose chief executives are involved in the Taskforce, including NNEST representatives.

MEETINGS

The Taskforce will meet quarterly. The Taskforce will report to the Ministerial Group Ministers through the Chair and the Deputy Chair. The Chair and the Deputy Chair of the Taskforce will meet with the Ministerial Group Ministers bi-annually.

The Taskforce will determine and run its own procedure for meetings. The membership may wish to open and/or close with a karakia, blessing or affirmation.

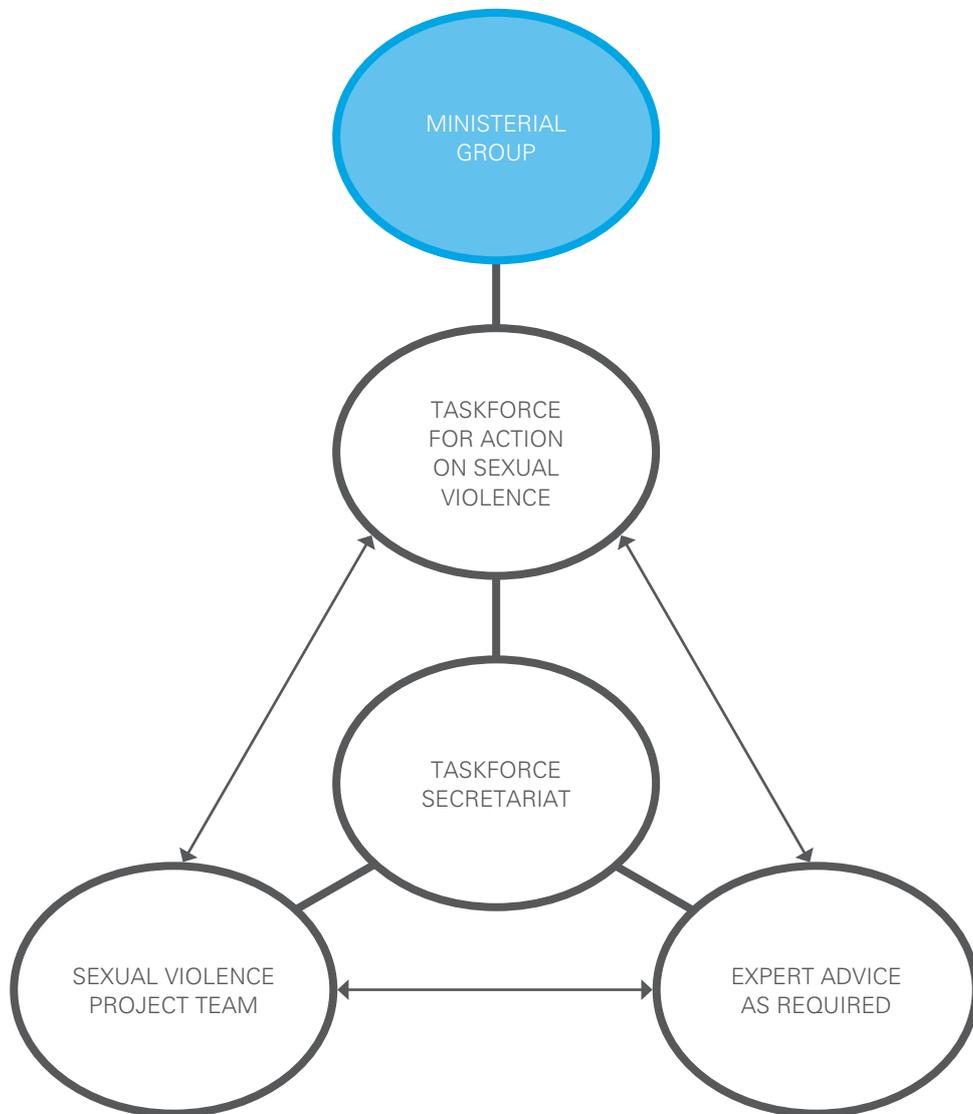
TERM

The Taskforce will operate from July 2007 to 31 July 2009. The Taskforce will provide an interim report to Cabinet by 31 July 2008 and a final report by 31 July 2009 which will include comprehensive advice on progress made, future working arrangements and priority areas for further work.

OFFICIAL INFORMATION ACT 1982

Requests for information held by the Taskforce are governed by the Official Information Act 1982. All requests for information will be treated as if the Taskforce is part of the Ministry of Justice. The Ministry of Justice will process requests for information directed to the Taskforce in accordance with normal procedures, and will advise the Taskforce of information to be released under the requirements of the Act.

PROPOSED SUPPORTING STRUCTURES FOR MINISTERIAL GROUP AND TASKFORCE



APPENDIX B: PARTNERSHIP BETWEEN GOVERNMENT AND TOAH-NNEST

The Taskforce was developed on a partnership basis between government and TOAH-NNEST. The partnership approach recognises the considerable subject matter expertise and knowledge of the sector alongside the knowledge and resources of government.

TOAH-NNEST have been involved at every level of the Taskforce; from leadership and work programme design, through to working with officials to develop an information and evidence base and find solutions.

The Taskforce terms of reference acknowledge guiding principles of collaboration, partnership and consensus decision-making for its work. The approach adopted for the life of the Taskforce has been that government agencies, in good-faith, would reflect the views of the sector in all advice provided to the Taskforce and Ministers. The partnership operated in the Taskforce working groups when developing the recommendations to Government. In this way, although government agencies may not necessarily have a mandate on particular issues, Ministers as ultimate decision-makers would be aware of broader views and could take them into consideration when making decisions. The community sector has recognised that once that advice, including the community sector views, had been provided, officials would then return to the usual processes for policy decision making within government.

The approach for this Taskforce report and government response reflects the partnership approach that has been adopted by the Taskforce over the last two years. Accordingly, both Taskforce and TOAH-NNEST recommendations are included.

Some government funding and resourcing of TOAH-NNEST has been made available so that the sector could participate on the Taskforce itself and in working groups with government officials. Funding to support the development of the TOAH-NNEST network was also made available for the network to set up its infrastructure and to enable the ongoing participation of the community sector. This support was vital given the fledgling state of the network at the start of the Taskforce.

Partnership with the sector has recognised and supported a Te Tiriti o Waitangi/Treaty of Waitangi based partnership between the Tauwi caucus and Ngā Kaitiaki Mauri (NKM) of TOAH-NNEST. The significance of this partnership approach is that distinct Māori approaches and solutions are being provided for as part of Taskforce work.

The open and responsive approach of the Taskforce enabled the recognition of TOAH-NNEST as a Treaty based organisation. A fuller description of the Treaty based relationship is set out below. Understanding of this relationship is crucial as it sets the context for the chapters in the Report.

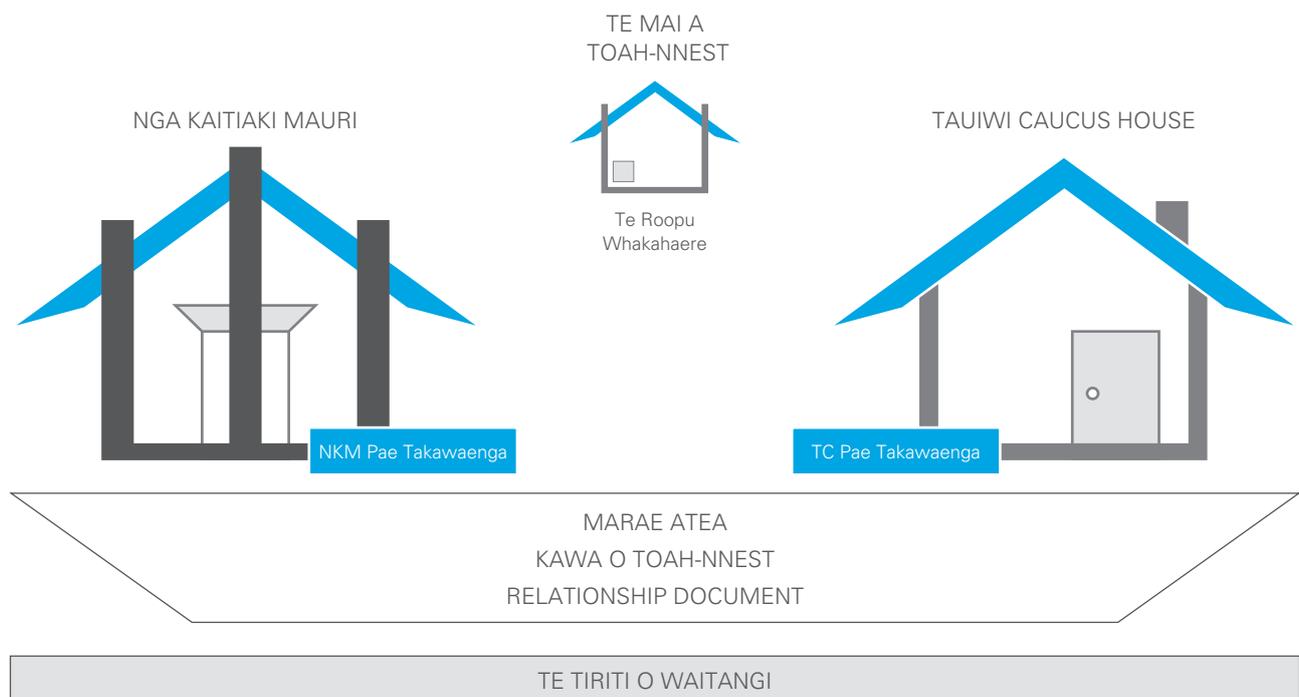
APPENDIX C: TOAH-NNEST STRUCTURE, HISTORY AND DEVELOPMENT

TOAH-NNEST STRUCTURE

Recognition and implementation of Te Tiriti o Waitangi has been instrumental in the development of Te Ohaakii a Hine – National Network Ending Sexual Violence Together (TOAH-NNEST). The history and development of TOAH-NNEST spans generations and presents itself today in the form of a Tiriti Based Relationship Structure.

The Network consists of two 'houses' designed to reflect the relationship envisioned in Te Tiriti o Waitangi. One 'house' is therefore known as the tikanga Māori House or Ngā Kaitiaki Mauri a Te Ohaakii a Hine – National Network Ending Sexual Violence Together and the other as Te Ohaakii a Hine – National Network Ending Sexual Violence Together – Taiuiwi Caucus Incorporated.

TE OHAAKII A HINE – NATIONAL NETWORK ENDING SEXUAL VIOLENCE TOGETHER: RELATIONSHIP STRUCTURE



This relationship would not have been possible without a combined commitment to, and understanding from, TOAH-NNEST of the intent of Te Tiriti o Waitangi. To solidify the combined understanding of the Network, TOAH-NNEST drew on community expertise to assist in the development of its Relationship structure. Based on these consultations a *Te Tiriti Based Relationship Agreement* was developed and agreed to. The *Agreement* outlines the way in which Tangata whenua and Taiuiwi can come together safely to achieve the common goal of a community free of sexual violence.

Through the *Agreement*, TOAH-NNEST has provided a framework and the space to protect and develop both tangata whenua and Taiuiwi approaches to achieving its overarching goal. Whilst the journey to TOAH-NNEST for tangata whenua and Taiuiwi maybe different, each recognises:

- That all peoples deserve to live in a society free of sexual violence
- That the pathway to/of healing is informed by a person's world view; and
- Te Tiriti o Waitangi is the founding document for all relationships between tangata whenua and other cultures that have chosen to make Aotearoa their home.

TE KAWA O TE OHAAKII A HINE – NATIONAL NETWORK ENDING SEXUAL VIOLENCE TOGETHER (RELATIONSHIP DOCUMENT)

- Provides an opportunity for tangata whenua and Taiuiwi to develop a sense of trust that we are working towards a common goal to eliminate sexual violence within our community.
- Provides an opportunity for Ngā Kaitiaki Mauri and Taiuiwi Caucus to develop ongoing relationships.
- Provides an opportunity to approach the issue of sexual violence at a National level.

NGA KAITIAKI MAURI

- Holds the philosophy/values and shared understandings for their members.
- Provides membership to Te Mai a TOAH-NNEST.
- Elects members onto TOAH-NNEST pae takawaenga.
- Responds to issues relating to TOAH-NNEST through pae takawaenga.

TAUIWI CAUCUS

- Holds the philosophy/values and shared understandings for their members.
- Provides membership to Te Mai a TOAH-NNEST.
- Elects members onto TOAH-NNEST executive.
- Responds to issues relating to TOAH-NNEST through executive.

TE MAI A TOAH-NNEST

- Provides for a separate forum to discuss funding issues.
- Provides for a vehicle by which TOAH-NNEST can attract and receive funding.

TIRITI BASED RELATIONSHIP AGREEMENT OF TOAH-NNEST

1. We affirm that our relationship will be based upon the following:
 - a. A shared agreement that Te Tiriti o Waitangi is the founding document for relationships between tangata whenua within Aotearoa and Taiuiwi (The Treaty Relationship).
 - b. A shared agreement that the members of both 'Houses' are entitled to be guided by the values and practises which derive from their respective world views,
 - c. A shared belief that together those values and practises can be positively used to eliminate sexual violence within our communities.
2. Together we understand that the Treaty Relationship:
 - d. Involves whānau, hapū and iwi who have whakapapa to a shared Māori ancestry and Taiuiwi who are all those people of other cultures who have chosen to make this land their home,
 - e. Means mutual respect and a willingness to use our collective wisdom and power to build a stable relationship,
 - f. Requires equitable and adequate access to resources and decision making so that both 'houses' may properly participate in the elimination of sexual violence within our communities.
3. Together we agree to work within the Treaty Relationship to achieve the following collective aims:
 1. To promote social, political and institutional change so that all people can live free of sexual violence and its effects,
 2. To promote the right of Māori to receive and deliver services which work with the entire whānau to address the adverse effects of sexual violence,
 3. To provide and promote for capacity building of kaupapa Māori services, response to sexual violence,
 4. To work with the diverse range of groups and communities to identify appropriate responses and solutions to dealing with the issues of sexual violence,
 5. To promote capacity building of services for all cultures affected by sexual violence,
 6. To promote the right of children and young people to have their family and community involved in addressing the adverse effects of sexual violence,
 7. To publicly advocate against all forms of sexual violence and to give voice to the needs of those who are harmed by sexual violence,

8. To raise the political and social profile of sexual violence as a significant social problem,
9. To expand and disseminate knowledge and understandings about why sexual violence happens, the effects it has, and effective responses and preventative actions,
10. To increase our knowledge and information about the nature and needs of the sexual violence response sector so that we may attract and develop additional resources,
11. To work against the divisive effects of the competitive environment in which the sexual violence response sector is currently invited to operate in,
12. To increase the resources, especially monetary, available to the sexual violence response sector, through the sharing of information, lobbying at a national level, and inter-agency co-operation,
13. To foster cooperation, communication and accountability, both within the sector, and between the sector and other agents,
14. To advance education in the community around the issues of Sexual Violence by sharing information within and between agents in the sexual violence response sector.

THE DEVELOPMENT OF A TREATY-BASED SPECIALIST SEXUAL VIOLENCE INTERVENTION SECTOR'S WORKING RELATIONSHIP WITH GOVERNMENT ON THE TASKFORCE FOR ACTION ON SEXUAL VIOLENCE.

TOAH-NNEST PERSPECTIVE

The history of the development of Te Ohaakii o Hine – National Network Ending Sexual Violence Together (TOAH-NNEST) and its calls on the government for the Taskforce for Action on Sexual Violence cannot be understood without some knowledge and appreciation of the long struggle that preceded it.

Most services in this sector have been run over the last three to four decades largely based on the personal commitment (rather than adequate funding) and often to the personal cost of from most of the personnel who work within it.

BACKGROUND TO THE DEVELOPMENT OF THE RAPE CRISIS MOVEMENT

The history of the sexual violence intervention and prevention sector spans many decades but most notably emerged as a focused response in Aotearoa/New Zealand during the Women's Movement in the 1970s with the formation of the National Rape Crisis Collective and Te Kākano. These groups were made up largely of Māori and non-Māori women volunteers who set out to provide not only a 24/7 crisis and ongoing counselling support to growing numbers of women⁷⁰ disclosing rape and child sexual abuse, but also to develop prevention education programmes able to be delivered in schools and communities, and to train other health professionals outside of the sector about how to respond sensitively to disclosures of sexual abuse. This essential public health service has never been fully funded by successive governments over the last almost 40 years.

At its peak in the mid-1980s Te Kākano had developed more than 10 agencies around the country and the National Rape Crisis Collective had developed a national office and over 20 agencies. In the mid-1980s other agencies such as HELP agencies had also begun to be developed in Auckland, South Auckland, Wellington and Tauranga. These agencies were similar to Rape Crisis agencies however they differed in that some also worked with male survivors and employed workers rather than used volunteers.

⁷⁰ The awareness of males experiencing sexual violation really only began as a focus in Aotearoa New Zealand in the 1990s.

DEVELOPMENT OF A SPECIALIST MEDICAL RESPONSE

In the early 1990s the 24/7 roster of doctors that was the catalyst for the emergence of the largest agency in the country the Auckland Sexual Abuse Help Foundation, went on to develop into a national training organisation Doctors for Sexual Abuse Care (DSAC). Similar to other agencies providing services in support of survivors of sexual violence over more than 20 years this agency has also been run largely based on the commitment (rather than adequate funding) of a core group of doctors who have been the backbone of this outstandingly integral and professional organisation.

STRUGGLES TO PROVIDE SPECIALIST SERVICES

Throughout the history of this sector, at least until the 1990s when a small percentage of males became involved in this work, these specialist sexual violence response groups had been mainly made up of women who have not only continually struggled for funding to keep their agencies open but also coped with the relentless physical and emotional demands of this work often causing burn-out and high staff turnovers. They also had to deal with frequent backlashes from anti-feminist groups and at times suffered personal insults, threats and intimidation.

Progress in involving government as a partner with these groups to address this highly prevalent and harmful largely male perpetrated violence has been patchy over the last three to four decades.

SPECIALIST SUPPORT FOR MALE SURVIVORS

As the sexual abuse of males began to be acknowledged in the 1990s, the only specialist male survivor support agency Male Sexual Abuse Survivors Trust that has continued until today began in Christchurch.

DEVELOPMENT OF COMMUNITY OFFENDER TREATMENT SERVICES

In the late 1980s community based programmes were begun in Auckland Wellington and Christchurch to provide services to adults who had sexually offended. This was encouraged by victim/survivor organisations such as the Help Sexual Abuse Agencies. The programmes later developed into the three current offender treatment services SAFE in Auckland, WellStop in Wellington, and STOP in Christchurch. The programmes initially focused on treating adults who sexually offended against children. Later in the 1990s programmes for youth and more recently children have developed and regional branch services established by each of the programmes. Specialist services for adults who sexually assault other adults have yet to be developed.

DEPLETION OF THE SECTOR

By 2004 agency numbers in both Te Kāhono and Rape Crisis agency numbers had halved and the national Rape Crisis office had closed. All of the specialist sexual violence support groups for survivors continued to struggle for recognition and funding.

BEGINNINGS OF TOAH-NNEST

In response to the ongoing depletion within the sector and lack of leadership from government, early in 2005 a call went out from Auckland Sexual Abuse Help Foundation to all in the sexual violence intervention sector to meet 12 May 2005 at the 2nd National Stopping Sexual Violence Conference in Taranaki to discuss forming the development of a Treaty-based national network. From this meeting⁷¹ an initial Steering Group of representatives was nominated to begin to develop the National Network Ending Sexual Violence Together (NNEST).

From the beginning, the vision for the NNEST was to be a Treaty-based network that was inclusive of all who worked in the sexual violence intervention sector including not only those agencies that worked with survivors of rape and sexual abuse but also those who worked with Male Survivors, those who worked with Offenders, those who work in Prevention, as well as Doctors for Sexual Abuse Care and specialist individual therapists and academics.

Due to a lack of resources, particularly for agencies working with survivors of sexual violence, most of the agencies involved in forming the NNEST were still struggling to keep their agencies open and therefore attempting to form a national network became an extra burden on top of already these physically and emotionally depleted specialist personnel. There was also the practical obstacle of lack of funds for the Steering Group representatives to be able to travel to meet or even to teleconference.

The Steering Group was able to gain some funds⁷² to hold its Inaugural NNEST National Hui on 12 May 2006. Approximately 80 individuals and organisations attended this hui and a wider Māori caucus, Ngā Kaitiaki Mauri (NKM) was formalised.

71 First meeting Taranaki 12 May 2005; agencies represented: Auckland Sexual Abuse Help, Rape Crisis Auckland, Counselling Services Centre (Auckland), Wellington Help, Wellington Rape Crisis, Ngati Maniapoto Marae Pact Trust, Hawera Rape Crisis Family Counselling Services, Manawatu Rape and Sexual Abuse Centre, Dunedin Rape Crisis, START, Relationship Services (Whangamata), Linda Beckett (researcher).

72 The Crime Prevention Unit, SCAP, provided \$7,000 for the hui in recognition of the value of a national network that provided one voice from the sexual violence intervention sector for the Government to work with.

Early on in the discussions with NNEST, tangata whenua identified the need for a Māori Caucus. In early 2008 NKM developed 'Te Ohaakii a Hine' which provides a set of guiding principles for NKM to grow with. Te Ohaakii a Hine was subsequently adopted into the name of the Network, which then became known as TOAH-NNEST, thereby recognising the relationship between Māori and Tauīwi and the different world views held by both bodies.

NGĀ KAITIAKI MAURI O TE OHAAKII A HINE – NATIONAL NETWORK ENDING SEXUAL VIOLENCE TOGETHER

Ngā Kaitiaki Mauri o Te Ohaakii a Hine – National Network Ending Sexual Violence Together are whānau, hapū, iwi and organisation representatives of Māori who are dedicated to uphold the vision, 'Kua Ea Te Ohaakii a Hine' and mission statement, 'Restoration and Maintenance of Mana Within Whānau'. Through a Te Tiriti Based relationship they have agreed to work with Tauīwi to have a society free of sexual violence.

The focus for tangata whenua working within this emerging network as Ngā Kaitiaki Mauri is to ensure that the seed planted by Te Kākano o Te Whānau is further cultivated. The TOAH-NNEST network seeks to include people who work in prevention, offender treatment, victim and survivor, crisis, intervention, long term recovery and care for all ages from a kaupapa and tikanga Māori approach towards sexual violence. Therefore providing a unique approach to addressing the issue of sexual violence, which is viewed as complementary to achieving Whānau Ora.

BACKGROUND OF NGĀ KAITIAKI MAURI TE KĀKANO O TE WHĀNAU

Te Kākano o Te Whānau set the platform for tangata whenua working within the field of sexual violence, especially Māori women, to be elevated. Through their initiatives Te Kākano o Te Whānau:

- raised the profile of sexual violence, specifically Rape, Incest and Sexual Abuse within local Māori communities,
- provided an avenue for Māori to develop their identity at a national level outside of current Tauīwi structures,
- established a vehicle to receive Government funding to develop Māori specific training and education resources,
- provided information about non-government funding sources,
- strove to effect change in law intended to benefit women who are victims of rape, incest, sexual abuse and related violence.⁷³

73 Neho et al, 1989.

NGĀ KAITIAKI MAURI

For just over a decade the sector was left fragmented and isolated with no formal support and strategy to develop and train in this specialist area. More recently opportunities have been presented which has provided space for those remaining in the sector to mobilise in the form of a national network.

In 2006, a past member of Te Kākano o Te Whānau, Tu Wahine Trust was approached by the Tauīwi representatives of the National Network Ending Sexual Violence Together (NNEST). NNEST sought conversations and engagement with tangata whenua to develop a National Network which acknowledged and recognised Te Tiriti o Waitangi as one of its founding documents. This formed the basis for all ongoing relationships between tangata whenua and Tauīwi.

NGĀ KAITIAKI MAURI O TE OHAAKII A HINE

In order to comprehend the significance of 'Te Ohaakii a Hine' a brief overview of the pūrākau is given as follows.⁷⁴ Tane one of the Atua (spiritual essence of life or godlike entity) went in search for a female counterpart. None other than the female essence of the mother earth was created at this time. A female form was eventually created within the female essence of the earth by Tane and his fellow Atua. Once form was given the breath of life was passed between Tane and Hine Ahuone which invigorated life.

Tane and Hine Ahuone procreated and had children. The name of one of those children was Hine-Titama. After time Tane and Hine-Titama developed an intimate relationship. Hine-Titama was unaware of the position that Tane held as her father and one day asked him who her father was. Tane told Hine-Titama to ask the pou of the whare.⁷⁵

When Hine-Titama went to the pou she realised that Tane was her father. This caused her great distress and she ran away to the realms of the night. Tane followed her in the hope that he could bring her back. Hine looked back and replied to Tane through karanga. Her karanga to Tane before she made the transition to Hine-nui-i-te-po (the guardian of death) was to tell Tane that he was to look after their children (descendants) in life and she would be there to welcome them in death.

The karanga and pūrākau from which it has been derived is encapsulated in the phrase, 'Te Ohaakii a Hine'. Within the karanga that Hine imparted at that time are clear guidelines to both herself and Tane which prescribe a style of living for themselves and their descendants.

74 NKM recognises that there are iwi variations to the pūrākau and as they develop the interpretation will grow.

75 Traditionally, whare are recognised as being repositories of knowledge and often that knowledge is whakapapa.

There are many great deeds that Tane accomplished as a result of 'Te Ohaakii a Hine'. Which ensured that their descendants were well looked after in life and in death. The acknowledgement of 'Te Ohaakii a Hine' is instrumental as it refers to the culmination of actions eventuating in the transition of Hine-Titama to Hine-nui-i-te-po. It also sets directives for perpetrators of sexual violence and abuse as well as the community responsibility in ensuring re-balancing is sought.

NGA KAUPAPA A NGA KAITIAKI MAURI O TE OHAAKII A HINE

The following Kaupapa have arisen from the pūrākau within which Te Ohaakii a Hine was developed. They have been prioritised in accordance with the interpretation of the pūrākau itself and have relevant statements below to explain where and when in the pūrākau they sit.

NGĀ KAITIAKI MAURI GUIDING KAUPAPA	
MĀTAURANGA MĀORI – MĀORI KNOWLEDGE	Is a principle or value which arises to acknowledge the genre of knowledge that has been utilised in order to provide a distinctly Māori World View or Āaronga Māori.
WAIRUATANGA – SPIRITUALITY	Is the spiritual development of humanity and refers to the realm in which this pūrākau finds its origin. The pūrākau refers to the spiritual development of humanity through the actions of the Atua in creating the first human essence.
HAUORATANGA – WELLBEING	Refers to the passing of breath between Tane and Hine Ahuone and the emergence of the human essence into form, whereby human life was conceived.
WHĀNAUNGATANGA – KINSHIP TIES	Refers to the relationships between Tane and Hine Ahuone and Tane and Hine Titama. There is an emphasis on the importance to know the connections of those of whom you interact with.
PŪKENGATANGA – KNOWLEDGE DEVELOPMENT AND RETENTION	Refers to the transmission of knowledge from Tane to Hine Titama around her parenthood. When Tane referred Hine to the pou he became the pukenga in the relationship or the knowledgeable one. Once Hine understood the relationship between herself and Tane her pukengatanga developed.
MANAAKITANGA – HOSPITALITY OR GENEROSITY	Refers to the implications of the roles which Tane and Hine took. The role of Tane was to be the kaimanaaki of their descendants in life and Hine took the role of being the kaimanaaki in death.
RANGATIRATANGA – LEADERSHIP	This value refers to the concept that once each person was clear about their position of kaimanaaki they both took responsibility for actions and consequences which had placed them there.
ŪKAIPŌTANGA – PLACE OF SUSTENANCE	This value emerges from the sense that both Tane and Hine had to acknowledge where their place of sustenance was in order for them to heal.
KAITIAKITANGA – GUARDIANSHIP	The value of kaitiakitanga emerges from the concept that the descendants of Tane was appointed the kaitiaki mauri or the guardian of the life force within all things.

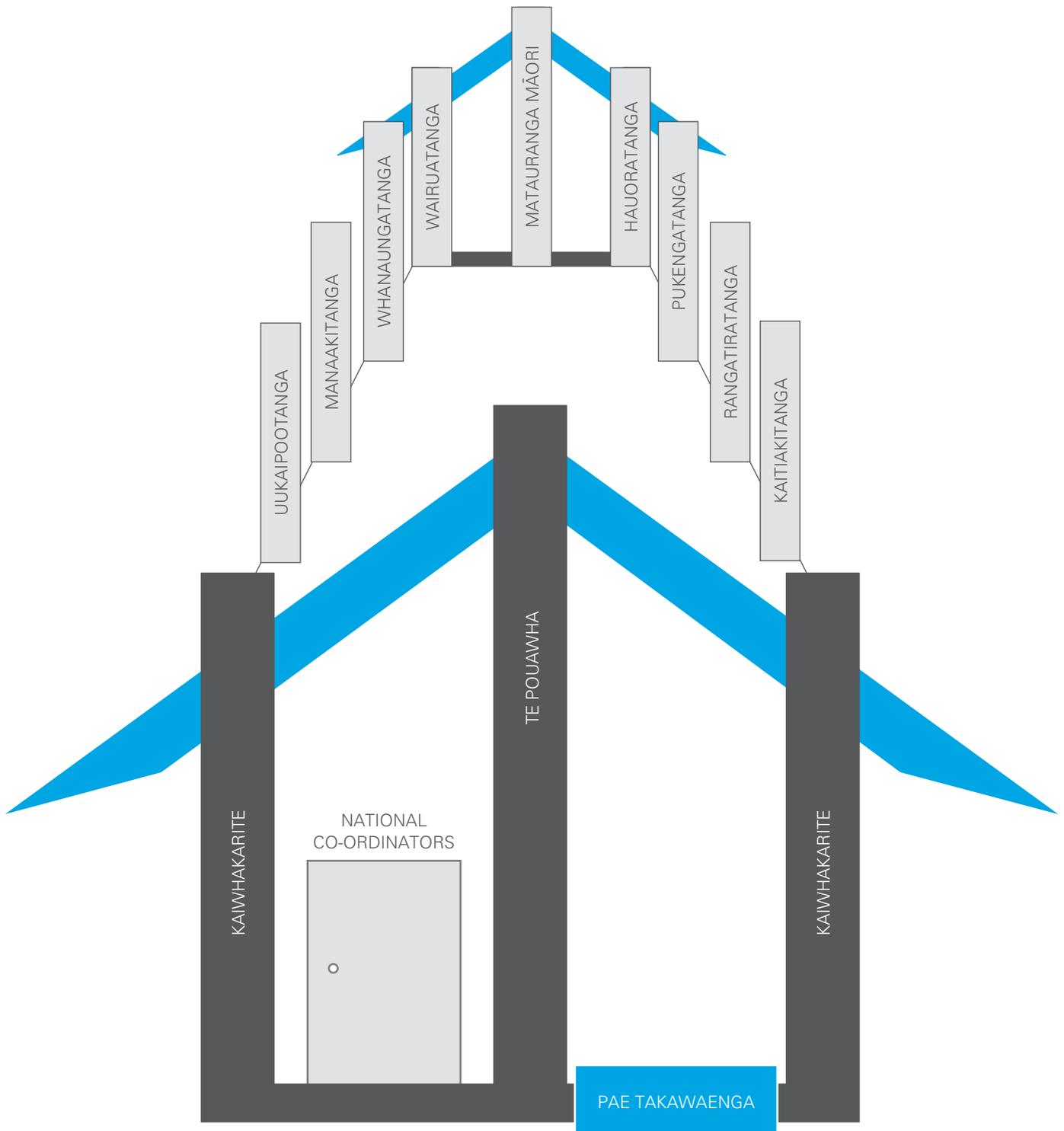
DEVELOPING THE POTENTIAL TOWARDS A STATE OF TOI ORA

As NKM has grown and cultivated the seed of Te Kākano o Te Whānau through Te Ohaakii a Hine they have identified the versatility of what they have nurtured into being. Te Ohaakii a Hine has the potential to provide an informed approach to all areas associated with Sexual Violence Prevention, Service Delivery and Intervention.

It is anticipated that the potential of Te Ohaakii a Hine will be further realised through the completion of Te Puāwaitanga o Te Kākano.⁷⁶ The objective is to utilise Te Ohaakii a Hine to support whānau ora and therefore the continuum of wellbeing expressed as Toi Ora.

⁷⁶ A background paper to assist in identifying the needs of Māori and services required in prevention, crisis support, and recovery and support services.

TE WHARE O NGA KAITIAKI MAURI O TE OHAAKII A HINE



APPENDIX D: TASKFORCE FOR ACTION ON SEXUAL VIOLENCE WORK PROGRAMME AND RESOURCES

INITIATIVE	DESCRIPTION	RESOURCES
<p>1.1 CO-LEAD AGENCIES: MPIA, TPK</p> <p>Partner Agencies: MSD, TOAH-NNEST, Justice, MWA, Education, ACC, Health</p>	<p>RAISING CONVERSATIONS AROUND SEXUAL VIOLENCE – COMPLETED</p> <p>This work area focuses on raising awareness of rape and sexual abuse in our communities and on deconstructing the social conditions, attitudes and beliefs that support sexual violence. The initiative will lay the foundations for conversations about healthy and respectful sexual relating as part of preventing sexual violence.</p> <p>Input to 1.5</p>	<p>Scoping Report: “Sexual Violence and Pacific Communities Scoping Report”</p> <p>Literature Review: “Sexual Violence: Raising the Conversations – A Literature Review”</p> <p>Case Study: “Creating the Conversation: Te Whakamārama I Te Kaupapa – Tiaki Tinana Report”</p>
<p>1.2 LEAD AGENCY: EDUCATION</p> <p>Partner Agencies: MSD, Health, TPK, TOAH-NNEST, ACC</p>	<p>PREVENTION AND EDUCATION PROGRAMME STOCKTAKE – COMPLETED</p> <p>A stocktake of national, regional and community-based prevention and education programmes about sexual violence previously and currently offered in New Zealand. This stocktake will provide an analysis of the nature of and gaps in programme provision.</p> <p>Input to 1.5</p>	<p>Stocktake: “Prevention and Education Programmes aimed at Preventing Sexual Violence in New Zealand” – June 2008</p>
<p>1.3 LEAD AGENCY: SECRETARIAT</p> <p>Partner Agency: ACC, Education, TOAH-NNEST</p>	<p>WHAT WORKS IN PREVENTION AND EDUCATION – COMPLETED</p> <p>A collation of what we know about what works in prevention and education programmes internationally and within New Zealand/Aotearoa.</p> <p>Input to 1.5</p>	<p>Literature review: “What works in prevention and education” – July 2008</p>
<p>1.5 LEAD AGENCY: HEALTH</p> <p>Partner Agencies: TPK; MPIA; MSD, TOAH-NNEST, Justice, MWA, Education, ACC</p>	<p>PREVENTION OF SEXUAL VIOLENCE STRATEGY – ONGOING</p> <p>The development of a Sexual Violence Prevention Strategy to guide future actions to be taken by government and the community. The Strategy will focus on primary prevention activities that aim to prevent sexual violence from occurring. Actions are likely to be targeted at community, regional and national levels across a range of sectors.</p>	<p>Sexual Violence Prevention Plan (Draft under way)</p>

INITIATIVE	DESCRIPTION	RESOURCES
2.1 LEAD AGENCY: MSD Partner Agencies: Health, TOAH-NNEST, Police, TPK, MWA, ACC	NATIONAL EARLY INTERVENTION AND CRISIS SUPPORT SERVICE SPECIFICATION DEVELOPMENT The development of national service specifications for early intervention and crisis support and response services will be undertaken in conjunction with TOAH-NNEST.	Guidelines for Effective Practice (near completion)
2.2 CO-LEAD AGENCIES: MSD, TPK Partner Agencies: Health, TOAH-NNEST, Police, MWA, ACC	STOCKTAKE OF EARLY INTERVENTION AND EXISTING CRISIS SUPPORT SERVICES – COMPLETED A stocktake of existing crisis services. As well as mapping existing services, this stocktake will include the identification of areas and population groups not currently serviced by specialist sexual assault early intervention and crisis support services.	Stocktake: Taiwi responses to sexual violence: Mainstream crisis support and recovery, and support services and Pacific services
2.3 LEAD AGENCY: MSD Partner Agencies: Health, TOAH-NNEST, ACC, TPK, Police	IMPLEMENTATION MODEL FOR EARLY INTERVENTION AND CRISIS SUPPORT SERVICES An implementation model for early intervention and crisis support services that facilitates a tripartite response; is based on a victim-centred approach; and develops the infrastructure to support the partnership of community-driven, embedded services and government agencies.	
2.4 LEAD AGENCY: MSD Partner Agencies: Health, TOAH-NNEST, TPK, Police, ACC	EARLY INTERVENTION AND CRISIS SUPPORT SERVICES FUNDING PROPOSAL Development of a funding proposal for the delivery of effective, appropriate and sustainable early intervention and crisis support services (Budget 2010).	
3.1 LEAD AGENCY: ACC Partner Agencies: TOAH-NNEST; Health	ACC SERVICE IMPROVEMENT PROJECT Joint ACC/Community sector service improvement project looking firstly at service delivery and secondly at legislative options.	Working Group Report
3.2 CO-LEAD AGENCIES: MSD, TPK Partner Agencies: Health, TOAH-NNEST, Police, MWA, ACC	RECOVERY AND SUPPORT SERVICES STOCKTAKE – COMPLETED Region-by-region mapping of recovery and support services to discover adequacy of existing geographic coverage. This stocktake will include the investigation of service provision for different populations, including Māori, Pacific, male and female victims, and of patterns of service demise.	Stocktake: “National Stocktake of Kaupapa and Tikangā Māori Services in Crisis, Intervention, Long Term Recovery and Care for Sexual Violence”

INITIATIVE	DESCRIPTION	RESOURCES
3.3 LEAD AGENCY: TOAH-NNEST	COST AS A BARRIER TO VICTIMS – ONGOING <p>The collation of evidence on the extent to which cost is a barrier to victims accessing services and to proceeding through the criminal justice system. This paper will explore possible policy options on how to minimise these barriers.</p>	TOAH-NNEST report from AUT survey
3.4 LEAD AGENCY: TBC Partner Agencies (TBC): TOAH-NNEST, ACC, TPK, Health, MSD	SERVICE DELIVERY AND CAPABILITY FOR LONG-TERM RECOVERY SERVICES IMPLEMENTATION AND FUNDING – DEFERRED <p>Develop an implementation and funding model to assist service delivery, ensure coverage of costs relating to long term recovery of clients as well as strengthen organisational capacity and capability to support survivors of sexual violence (Budget 2010).</p>	
4.1 LEAD AGENCY: CORRECTIONS Partner Agencies: Justice, TOAH-NNEST	COMMUNITY-BASED TREATMENT PROGRAMME FOR OFFENDERS OF SEXUAL VIOLENCE <p>The development of a model for a community-based treatment programme for perpetrators of sexual violence against adults. This model will address cultural differences and include offenders released from prison, sentenced to community-based sentences and non-mandated offenders. The model will be piloted in several communities.</p>	Programme: Community-based treatment programme for non-mandated perpetrators and offenders of sexual violence against adults. Fact sheet on programme for public information.
5.1 LEAD AGENCY: JUSTICE Partner Agencies: Police, TOAH-NNEST, MWA, Corrections	SEXUAL VIOLENCE LEGISLATIVE PROPOSALS – COMPLETED <p>The examination of current legislation and associated policy and practice relating to the investigation, prosecution (including evidential procedures) and conviction of sexual crimes against adults.</p>	Discussion Document: “Improvements to Sexual Violence Legislation in New Zealand”. Summary of Submissions
5.2 LEAD AGENCY: JUSTICE Partner Agencies: MWA, TOAH-NNEST, Police, Corrections	BEST PRACTICE VICTIM-CENTRED MODEL (CURRENT CRIMINAL JUSTICE SYSTEM) – ONGOING <p>The identification of possible changes to current processes, services and environmental structures in order to develop a best practice model for a victim-centred criminal justice system which will improve the management of sexual violence cases through the court system and improve support of victims choosing to go through the process.</p>	
6.1 LEAD AGENCY: JUSTICE Partner Agencies: MWA, TOAH-NNEST, Police, Corrections, TPK	ALTERNATIVE APPROACHES TO THE CURRENT CRIMINAL JUSTICE SYSTEM – ONGOING <p>The consideration of alternative processes or pathways that can facilitate victim defined resolution of sexual offending and its impact on victims in order to provide effective resolution and recovery for victims and increased offender accountability and rehabilitation potential</p>	Background paper: “How adversarial and inquisitorial justice systems treat sexual violence and possible measures which the criminal justice system in New Zealand could draw on for victims of sexual violence.”

SV TASKFORCE: SUPPORTING PROJECTS

PROJECT	DESCRIPTION	RESOURCES
<p>LEAD AGENCY: MWA Partner Agencies: Justice, Police</p>	<p>EFFECTIVE INTERVENTIONS FOR ADULT VICTIMS OF SEXUAL VIOLENCE: ATTRITION RESEARCH PROJECT – COMPLETED</p> <p>A two-year research project to identify:</p> <ul style="list-style-type: none"> ■ New Zealand’s sexual violence conviction rate; ■ the points at which, and reasons why, different groups of victims opt in and out of the criminal justice system; ■ the basis for victims’ decisions about accessing non-criminal justice services such as counselling or other support; ■ the points at which government and non-government intervention and support is most effective; ■ ways to improve the likelihood of victims making formal complaints, where appropriate, and persisting through the criminal justice process; and ■ options to improve service delivery within the criminal justice system. <p>Links to Initiatives: 2.1, 2.3, 2.4,2.5, 3.3, 5.1, 5.2, and 6.1</p>	<p>Responding to sexual violence: Environmental scan of New Zealand agencies</p> <p>Responding to sexual violence: Attrition in the New Zealand criminal justice system</p> <p>Responding to sexual violence: A review of literature on good practice</p> <p>Responding to sexual violence: Pathways to recovery</p> <p>Restoring Soul: Effective Interventions for adult victim/survivors of sexual violence</p>
<p>LEAD AGENCY: TPK Partner Agencies (TBC): TOAH NNEST, Justice, MSD, Corrections, Health</p>	<p>TE PUĀWAITANGA O TE KĀKANO</p> <p>Background paper to assist in identifying the needs of Māori and services required in prevention, crisis support, and recovery and support services. This work will support the work programme of the Taskforce, particularly terms of reference 1, 2, 3, and 4.</p>	<p>Summary report (underway)</p>
<p>LEAD AGENCY: MPIA Partner Agencies (TBC): TOAH NNEST, Justice, MSD, MWA, Health, TPK</p>	<p>PACIFIC PATHWAYS FOR SEXUAL VIOLENCE PREVENTION</p> <p>Research report(s) outlining effective pathways for sexual violence prevention amongst Pacific people in New Zealand. It will analyse the ways traditional practices and strategies may impact on preventative measures in a New Zealand Pacific context. This will involve an analysis of the extent to which such practices may or may not be practical, feasible or well-supported in a society that is materially and culturally different to Pacific nations of origin.</p>	<p>Pacific Pathways Project Report (November)</p>
<p>LEAD AGENCY: POLICE Partner Agencies: Justice, TOAH-NNEST, MSD, ACC, Corrections, Health</p>	<p>SV PROCESS MAP – COMPLETED</p> <p>To describe the current sexual violence process end-to-end. A high-level map of the current process from prevent prevention through to resolution (including ongoing recovery and treatment), both within, and outside of, the criminal justice system.</p> <p>Input to Initiatives: 1.2; 2.1; 2.2; 2.3; 3.2; 5.2 and 6.1</p>	<p>Process Map and Supporting Documentation for the Prevention and Management Of Sexual Violence</p>

PROJECT	DESCRIPTION	RESOURCES
<p>LEAD AGENCY: SECRETARIAT</p>	<p>COLLATION OF INFORMATION ON DIFFERENT CULTURAL AND NEED PERSPECTIVES – COMPLETED</p> <p>The collation of information from different cultural and need perspectives to inform the work programme and identify key sexual violence issues and themes for minority and high risk communities.</p> <p>Input to initiatives across work programme</p>	<p>Background information paper</p>
<p>LEAD AGENCY: JUSTICE Partner Agencies: MWA, TOAH-NNEST, TPK, MSD, Police</p>	<p>VISION AND OUTCOMES FRAMEWORK – COMPLETED</p> <p>The development of an overarching vision statement for the Taskforce and a framework outlining key indicators from which to measure progress towards agreed outcomes.</p> <p>Input to initiatives across work programme</p>	<p>Vision and Outcomes Framework</p>
<p>LEAD AGENCY: JUSTICE Partner Agencies: Health, Police, ACC, MWA, Corrections, TOAH-NNEST</p>	<p>UNDERSTANDING THE RELATIONSHIP BETWEEN ALCOHOL AND DRUGS AND SEXUAL OFFENDING (FORMERLY 1.4) – COMPLETED</p> <p>A literature review to increase understanding about the potential relationship between alcohol and drug consumption and sexual violence. The paper will include some analysis of sentencing notes and how alcohol and drug related sexual offences are reported in the New Zealand media.</p> <p>Input to initiatives across work programme</p>	<p>Literature review: “A Review of the Associations between Drugs (including Alcohol) and Sexual Violence”</p>

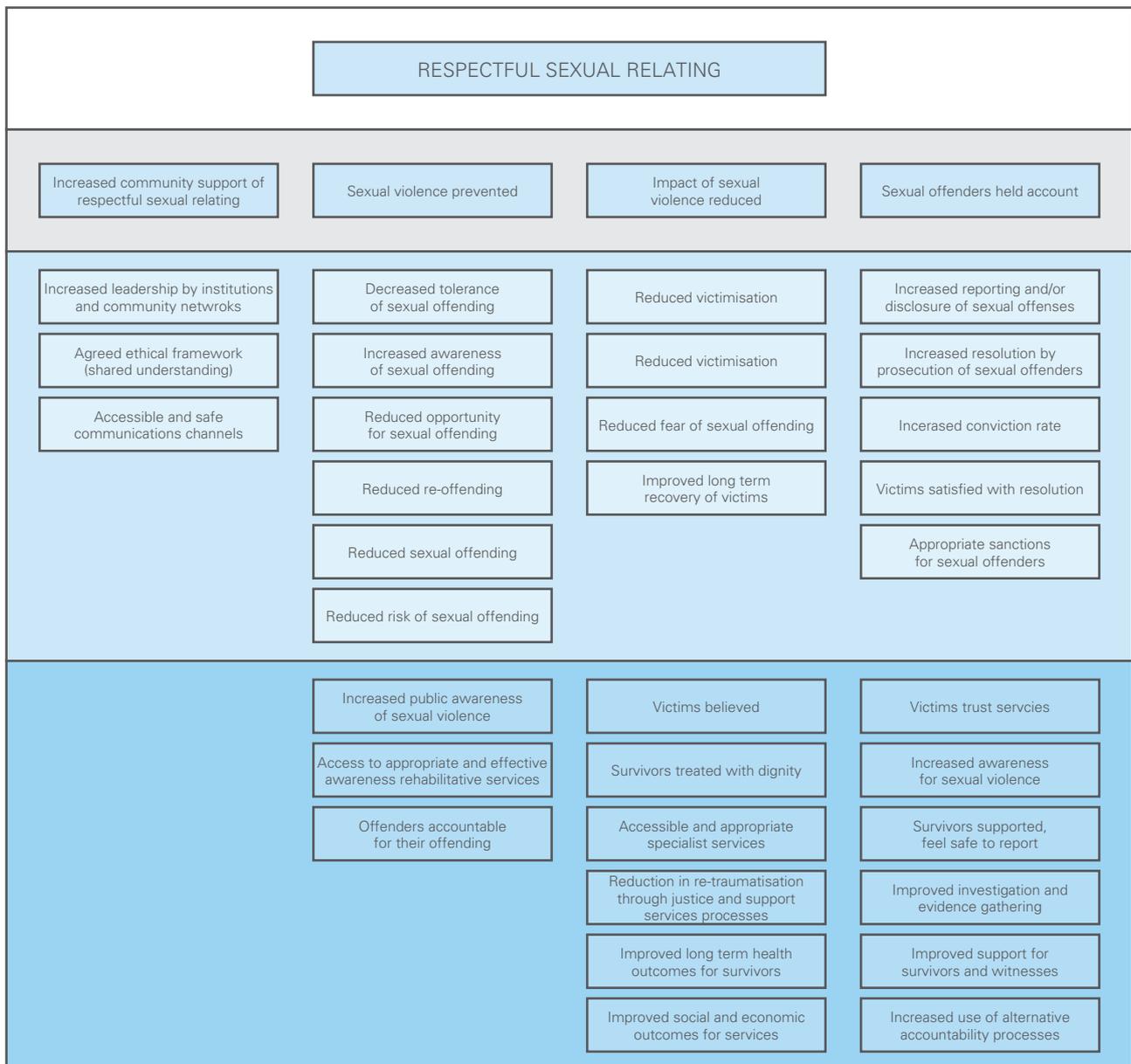
APPENDIX E: VISION AND OUTCOMES FRAMEWORK

VISION STATEMENT:

FREEDOM FROM SEXUAL VIOLENCE

MOVING FORWARD TO STOP SEXUAL OFFENDING AND SUPPORTING SURVIVORS TO HEAL

OUTCOMES HIERARCHY:



DEFINITION OF ULTIMATE OUTCOME:

<p>RESPECTFUL SEXUAL RELATIONSHIPS</p>	<p>A society in which people understand, develop, experience, and engage in respectful sexual relationships. The concept of healthy and respectful sexual relationships applies to people relating to those known to them both personally and intimately and the wider public. Individuals need to have the freedom to make sexual choices and to choose to address sexual violence through various avenues.</p> <p>The achievement of such an outcome anticipates a society that is aware of healthy and respectful sexual relationships, where there is no tolerance of sexual violence.</p>
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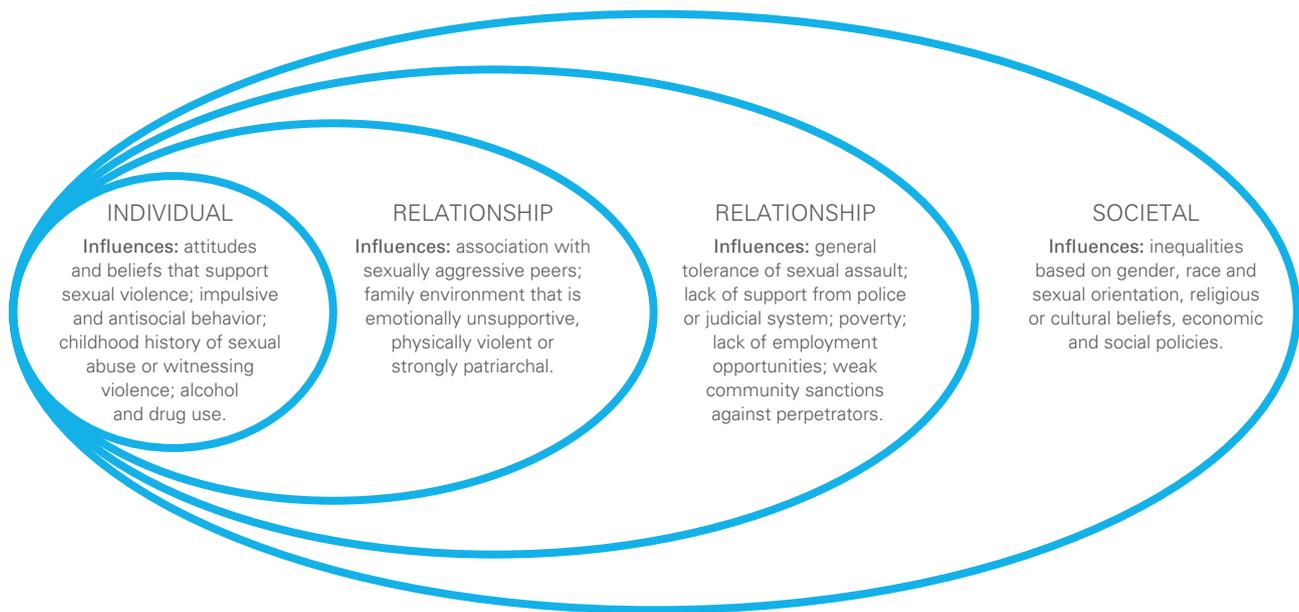
DEFINITION FOR CONTRIBUTING OUTCOMES:

<p>INCREASED COMMUNITY SUPPORT FOR RESPECTFUL SEXUAL RELATING</p>	<p>Increased support of respectful sexual relating will be achieved when leaders of community networks/institutions support and promote respectful sexual behaviour by:</p> <ul style="list-style-type: none"> ■ creating a shared understanding of what respectful sexual behaviour is ■ providing access to safe environments to talk about sexual behaviour ■ promoting and modelling consistent positive messages ■ supporting victims and perpetrators of sexual violence and their families/whānau. <p>This outcome aims to decrease the tolerance for sexual violence through clarification of roles and responsibilities of government and non-government agencies as they work together to lead community action.</p>
<p>SEXUAL VIOLENCE PREVENTED</p>	<p>Preventing sexual violence through raising awareness, eliminating tolerance of sexual violence and reducing the opportunity for sexual offending to occur. The achievement of this outcome is also dependent on access to appropriate and adequate information and education about sexual offending for all communities, and rehabilitative services to reduce sexual re-offending.</p>
<p>IMPACT OF SEXUAL VIOLENCE REDUCED</p>	<p>Reducing victimisation through improving early support and long term recovery for survivors will contribute to reducing the impact of sexual offending. The achievement of this outcome also relies on reducing fear of sexual offending for survivors and the community as fear has an impact on the quality of life.</p>
<p>SEXUAL OFFENDERS HELD TO ACCOUNT</p>	<p>Sexual violence perpetrators are held accountable for their offending. Interventions are viewed by survivors and communities as appropriate</p> <p>Offenders can be held to account through increased reporting of sexual offending, and the prosecution and conviction of sexual offenders. For victims to feel that offenders have been held to account, they need to be satisfied with the way the case was resolved. This outcome also depends on a sexual offender's compliance with an appropriate sanction.</p> <p>Not all sexual offenders are known to the justice sector, therefore this outcome also applies to those sexual perpetrators unknown to the criminal justice sector through the availability of appropriate alternative accountability processes, such as restorative including marae based justice and availability of effective treatment for non-mandated offences.</p>

APPENDIX F: PREVENTION MODELS

Taskforce work in the area of prevention has been guided by the 'Ecological Model'⁷⁷ and 'Public Health Model of Prevention'.⁷⁸ The Ecological Model has assisted with identifying the factors that can contribute sexual violence at the societal, community, relationship and individual levels.

TABLE 1: THE ECOLOGICAL MODEL



The **Public Health Model of Prevention** outlines three kinds of prevention activity. Primary prevention is about stopping the problem before it ever occurs. Secondary prevention refers to immediate responses after sexual violence has occurred to deal with the short-term consequences of violence. Tertiary prevention seeks to minimise the harm resulting from sexual violence in the long-term (for example, sex offender treatment interventions). There are times when these interventions overlap. For example, a counselling intervention at a secondary level may reduce the possibility of a victim of sexual violence becoming re-victimised.

The prevention chapter and corresponding recommendations focus on **primary prevention** at each level within the Ecological Model. Primary prevention involves the promotion of healthy community norms based on respect, safety, equality and healthy relationships and sexuality.⁷⁹ **Children and adolescents** have therefore been included within scope for this area of Taskforce work. Child sexual abuse is defined as:

... the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared, or else that violates the laws or social taboos of society. Children can be sexually abused by both adults and other children who are – by virtue of their age or stage of development – in a position of responsibility, trust or power over the victim.⁸⁰

77 Centres for Disease Control and Prevention, 2004.

78 Ibid; McMahon, 2000.

79 Davis et al, 2006.

80 World Health Organization, 1999, p 15.

APPENDIX G: TOAH-NNEST PERSPECTIVES ON PREVENTION

TANGATA WHENUA PERSPECTIVE ON PREVENTION

Te Ohaakii a Hine has been developed by Ngā Kaitiaki Mauri to provide accessible pathways to culturally appropriate knowledge that places whānau at its core. Such knowledge informs behaviours to enrich the social structures that tangata whenua acknowledge as being fundamentally important.

In this way, Te Ohaakii a Hine provides the essential basis for the development and implementation of culturally appropriate strategies to prevent child and adult sexual abuse for Māori.

Te Ohaakii a Hine recognises the inter-connectedness of Aronga Māori with kaupapa and tikanga Māori through the implementation and development of matauranga Māori, wairuatanga, hauoratanga, whānaungatanga, pūkengatanga, manaakiitanga, rangatiratanga, ūkaipōtanga and kaitiakitanga.

Aronga Māori holds that there is a continuum of wellbeing, 'Toi Ora' informed by inter-generational behaviours and value systems. Toi Ora is a broad concept which can mean different things to different people. In general, it is the state of optimum wellbeing which is influenced by whānau ora. Toi Ora acknowledges the horizontal and perpendicular advantages of whānau ora and relationships between past, present and future to any experience of wellbeing.

The heart of any sexual violence prevention strategy for tangata whenua must therefore focus on the wellbeing of whānau; whānau ora. As a principal source of strength, support, security and identity, whānau play a central role in the wellbeing of tangata whenua as individuals and as members of their whānau, hapū and iwi.

Like Toi Ora, whānau ora is a broad concept that can mean different things for different people. Whānau ora is generally thought of as a state in which the cultural, spiritual, social and economic wellbeing of tangata whenua, as well as their relationships with others, interact to optimise their overall wellbeing according to their own preferences and norms.

Te Ohaakii a Hine acknowledges that the re-alignment to a whānau sense of wairua, mauri, mana, tapu and noa is fundamental to achieving Toi Ora. Te Ohaakii a Hine is a pathway to expressing Toi Ora through the development of whānau ora and provides the basis for cultivating Toi Ora as a continuum of wellbeing.

As a collective concept and one based in wholistic⁸¹ ideas of health, Te Ohaakii a Hine challenges individualistic solutions and is a pathway to whānau ora as it involves facilitating whānau, hapū and iwi connectedness and healing.

Te Ohaakii a Hine recognises that tangata whenua have equal rights to access and enjoyment of the wider determinants of health (education; spirituality; cultural identity; housing; justice; welfare; employment; and lifestyle) as elements of whānau wellbeing. New Zealand statistics suggest that Māori are over represented as victims of sexual violence.⁸²

A tangata whenua 'ecological' model involves acknowledging that an individual is an active contributor to an interdependent social structure, comprising of whānau, hapū and iwi. The model is helpful in understanding the extenuating issues associated with the development of culturally appropriate prevention plans and strategies.

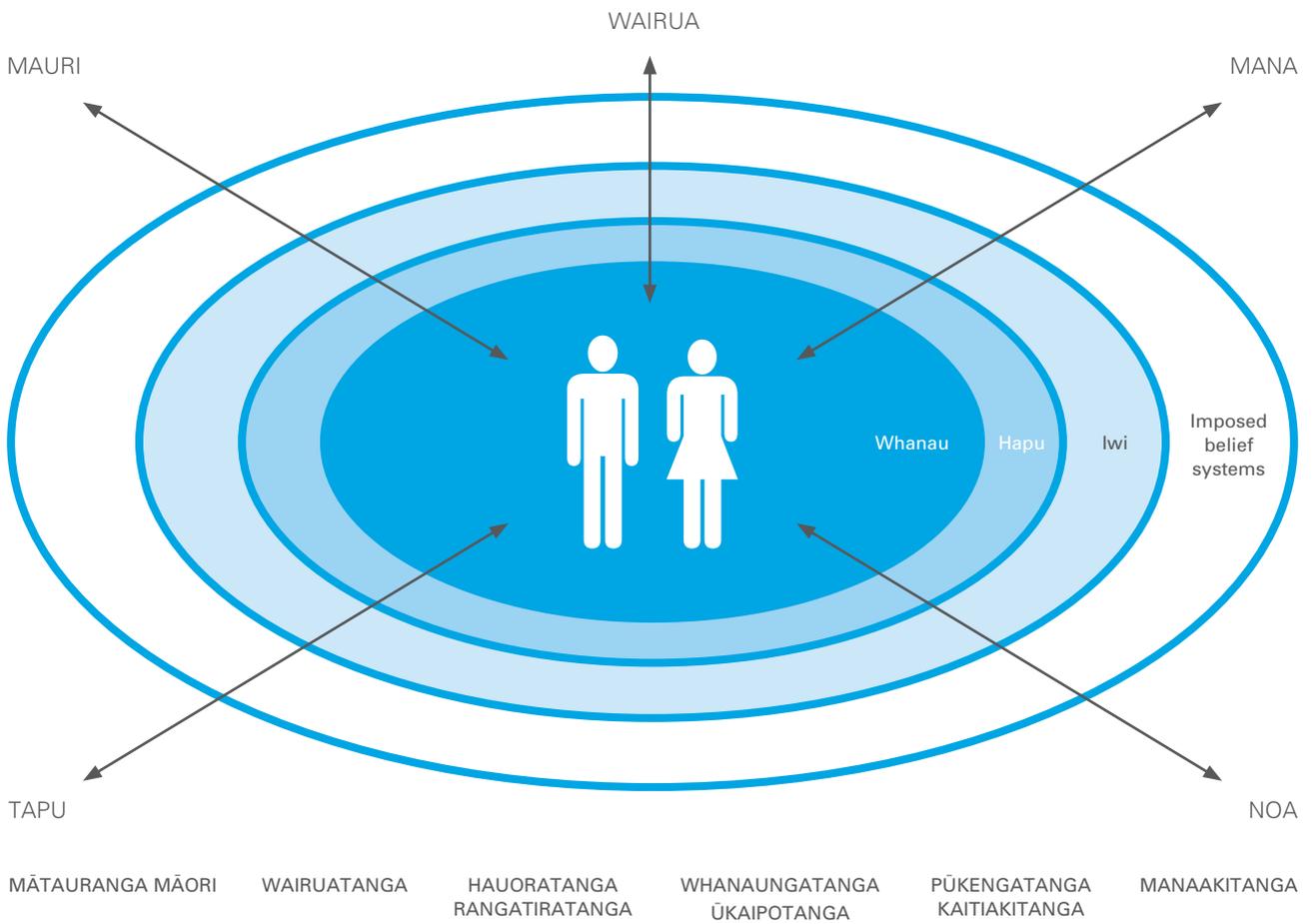
Each layer of the interdependent social structure comprising whānau, hapū and iwi has a role and influences the experience of wellbeing as a whole. Imposing upon the natural development of tangata whenua social structures are imposed belief systems. These inadvertently influence the quality of wellbeing that a whānau and their members may experience.

Expression of whānau ora is dependent on the capacity of whānau, hapū and iwi access to culturally appropriate knowledge. This is often impacted by introduced belief systems which can conflict with the continuum of Toi Ora.

81 Holism presupposes that the whole is in some way greater than the sum of its parts; wholism does not. Wholism implies that there is no single doctrine of care that is better than any other and that no one practitioner or type of practitioner has a monopoly of wisdom.

82 Fanslow et al, 2007.

TE OHAAKII A HINE MODEL:



TAUIWI PERSPECTIVE ON PREVENTION

Given that approximately one in three to five⁸³ girls and one in seven⁸⁴ to 20⁸⁵ boys experience child sexual abuse and the high prevalence of adult sexual violence in Aotearoa/ New Zealand, thousands of children, families and community are already dealing with child sexual abuse and rape, but this is often in secret or done in shame-based ways.

A high degree of specialisation is required to deliver education on such an emotionally charged, often taboo and shameful topic. Rape and sexual violence prevention initiatives were begun in the 1970s by Rape Crisis and Te Kākano to raise awareness within all sectors of society about the high prevalence of child and adult sexual abuse and rape, as well to identify risk situations and behaviours to avoid and to prevent sexual abuse and rape from occurring. In the 1980s, other groups including the Police joined in this initiative.

Prevention initiatives have mostly been aimed at educating potential victims about how to identify risk situations and avoid them but have not been aimed at educating potential perpetrators how to seek help to stop their behaviour before it begins. There has also been an absence of skill-based training to support young people to establish positive respectful behaviours.

Initiatives have been limited to a simple approach and have not had support from a whole community. Developing a sexual violence free culture in any community requires interventions at a number of levels. For example, providing prevention programmes at a student level is not enough. The culture of a school will only be altered when parents, caregivers, teachers, school personnel such as social workers and guidance counsellors are provided with training and ongoing support to assist them to support a sexual violence free culture.

Sexual violence prevention education has typically been carried out by women with only a few males involved. The absence of males in this field has had implications for audience engagement. Males often do not listen if a female is delivering the prevention message. Co-gender presentations are preferable. Specialist sexual violence prevention educators from diverse ethnic backgrounds are also required to ensure audiences are receptive to the prevention messages.

Rape Crisis groups and other specialist sexual violence intervention agencies have made significant efforts in the area of prevention over almost the last 40 years. However, the prevention of sexual violence has been largely stifled due to a lack of overarching government leadership or sustained investment in the area.

Over time, many agencies have reduced their prevention activity or have stopped delivering sexual violence prevention altogether as funding arrangements have focused on the delivery of services aimed at crisis and longer term support for victims. The result is that few schools and communities have ever been reached.

The lack of dedicated investment in sexual violence prevention has led not only to insufficient development, delivery and evaluation of programmes, but has significantly limited agencies' capacity to retain and sustain the required workforce of specialist trained educators.

A commitment to prevention by government needs to ensure a sustained investment in the prevention of sexual violence in this country. Without such a commitment and the leadership to support it, this violence will continue.

83 Fanslow and Robinson, 2004.

84 Fleming et al, 2007.

85 Mayhew and Reilly, 2007.

APPENDIX H: LITERATURE REVIEW – RAISING THE CONVERSATIONS – EXECUTIVE SUMMARY⁸⁶

This literature review is intended to contribute to efforts to raise awareness and conversations around sexual violence. It is focused on men's sexual violence against adolescent and adult women.

RISK FACTORS

Adopting an ecological model, we examine factors contributing to sexual violence at societal, community, relational and individual levels.

At the **societal** level, we argue that prevention requires challenging what various authors have termed the "rape culture": that is, a culture in which male dominance and female subservience are seen as the natural state of affairs. Men are assumed to be driven by strong sexual urges and to be the initiators of sexual activity. Women, on the other hand, are seen as being passive. For boys, achieving intercourse may be regarded as an important marker of becoming a "real" man. Being a "stud" is likely to be valued. For girls, social esteem may require, on the one hand, that they be sexually attractive. But on the other hand, the expression of sexual desire may earn them the label of "slut". Through such mechanisms, a rape culture constructs sex as something which men "get" and women may "give" – but not too easily. It is a culture in which "no" may quite literally not mean "no". It is a culture in which women who cross imagined lines of chaste conduct are constructed as "asking for it". It is a culture in which certain rape myths act to condone men's sexual violence and to blame women for their victimisation. At a societal level, prevention requires addressing the power inequalities between men and women, including economic inequality.

For women of colour, the power relations of gender intersect with the power relations of racism. Taking a stand against sexual violence may be seen as disloyalty to one's race or cultural group. For Māori and Pacific women, gender power relations cannot be fully understood without factoring in colonisation. Colonisation introduced a patriarchal ideology, redefined the roles of women, and undermined certain cultural practices which were protective against rape. Prevention requires challenging imposed ideologies and revitalising protective cultural practices.

Through the transmission of norms, **community** level-factors shape members' beliefs and behaviour. Increasingly, norms are transmitted by the media, which often portray sexual violence in a way sympathetic to the perpetrator, and/or blaming of the victim. The increased availability of violent pornography via the internet is a risk factor, at least for some men. While sexual violence occurs across diverse communities, prevention requires understanding culture-specific protective factors which might be strengthened. It is important to recognise the influence of external pressures on communities such as racism, poverty and immigration.

At the **relational** level, the key risk factor for sexual violence for women is (historical) childhood neglect, abuse and the witnessing of family violence. Similarly, experiencing family dysfunction, including abuse and neglect, are risk factors for sexual violence perpetration by men. Among men, the peer group can be important in perpetuating rape supportive beliefs. Interventions targeting relevant peer groups may be a promising strategy.

At the **individual** level, men who hold rape-supportive beliefs are more likely to commit sexual violence than other men. Most rapists have committed or attempted a sexual assault before. For women, the single most important risk-factor is their partner or another man known to them, particularly partners who are physically violent. In contrast, the stranger rapist is relatively uncommon. Women who have been a victim of a sexual assault have an increased risk of further assault. Women with disabilities face a greatly elevated risk. Prevention efforts must pay particular attention to this group.

86 Robertson and Oulton, 2008 .

APPENDIX I: CREATING THE CONVERSATION 'TE WHAKAMĀRAMA I TE KAUPAPA': TIAKI TINANA REPORT⁸⁷

EXECUTIVE SUMMARY

The primary aim of the Tiaki Tinana project has been to raise awareness of sexual violence within Māori communities, and create a dialogue among community leaders as well as within whānau, hapū and iwi about practical, everyday ways of incorporating sexual violence prevention strategies.

The central message of Tiaki Tinana is that prevention of sexual abuse in all communities is achievable. Awareness and the adoption of simple prevention strategies can result in the minimisation of harm and the prevention of sexual abuse and sexual offending against children and young people.

The Tiaki Tinana project addresses the need for a preventative effort specifically designed by Māori clinical and cultural professionals for use within Māori communities. Tiaki Tinana utilises knowledge and experience from the fields of rape prevention education, survivor services, sexual offender treatment and Māori clinical practice. Māori clinical practice refers to the application of both Māori cultural and clinical knowledge within the sexual violence sector.

TIAKI TINANA:

- Uses Māori clinical specialists who are able to work with victims/survivors, perpetrators and their whānau to deliver a sexual violence prevention programme using an integrated kaupapa Māori approach.
- Focuses on minimising harm, supports intervention strategies and seeks positive outcomes within Māori communities.
- Delivers health promotion and sexual prevention education that reinforces whānau ora, with the intent to improve Māori health and wellbeing.

Through the formation of Tiaki Tinana, Rape Prevention Education is addressing the specific need for Kaupapa Māori initiatives surrounding the issue of sexual violence and sexual offending within the community. The strength of such initiatives is that they positively address important health issues, using a combination of clinical/professional knowledge, key Māori cultural values and elements of the Māori world view.

THIS REPORT BY TIAKI TINANA 'CREATING THE CONVERSATION' OUTLINES:

- The need for a sexual violence prevention programme delivered from a Kaupapa Māori framework
- An overview of the content and framework of the Tiaki Tinana programme
- The rationale that forms the basis of this programme.

The high rates of child and adult sexual abuse experienced by Māori highlight the need for a sexual violence prevention programme developed specifically by Māori clinical specialists who work in this field. Key educators must not only be Māori but also must have extensive clinical experience, thereby providing a uniquely Māori clinical lens.

The topic of sexual violence is sensitive in most communities. To enable Māori to feel relatively safe and comfortable enough to listen to the messages within the Tiaki

Tinana programme requires a Kaupapa Māori framework. It is essential that those who deliver this programme are relatively fluent in Te Reo and able to facilitate Māori cultural practices and protocols such as whakawhānauanga.

Using a unique integrated kaupapa Māori approach, and down-to-earth practical information and examples, Tiaki Tinana's sexual violence prevention strategies help to create a safe community environment and increase whānau wellbeing. These strategies also have the potential to enhance individual, collective and intergenerational knowledge and empowerment.

Ultimately, by disseminating prevention knowledge throughout whānau, hapū and Iwi communities, it is hoped that the incidence of sexual abuse and offending behaviour will decrease, allowing for greater health and wellbeing for all.

Tiaki Tinana has grown through strong community involvement at all stages of development. This has fostered empowerment, ownership of the prevention knowledge and the resulting positive community change.

As a case study, this report provides detailed information on how Tiaki Tinana has provided effective prevention education within Māori communities, and why this material has, reportedly, been of value to its recipients.

⁸⁷ Rape Prevention Education, 2008.

As a programme, Tiaki Tinana has been successful due to it addressing issues such as:

- **THE NEED FOR A KAUPAPA MĀORI FRAMEWORK TO DELIVER SEXUAL VIOLENCE PREVENTION EDUCATION**

Without a Kaupapa Māori approach the key messages in the education programme would not hold the mana required to support this important and sensitive Kaupapa.

Whakawhānaungatanga is vital at the beginning of each Tiaki Tinana presentation.

To deliver sensitive and potentially emotive material it is important to communicate a sense of safety and belonging. Sensitivity to emotional responses is an important aspect of Tiaki Tinana's values. Manaaki the process of holding difficult emotions (such as whakamā) with respect is part of the Māori world view used to process sensitive information.

- **TRANSLATING COMPLEX CLINICAL INFORMATION INTO EVERYDAY LANGUAGE**

The prevention information and strategies of Tiaki Tinana are formed by clinical experience and a strong base of academic and clinical research on sexual abuse, sexual offending and sexual violence prevention. Tiaki Tinana translates and adapts the findings of this research into everyday language and practice which can be understood by everyone and applied to everyday whānau experiences and actions.

- **PREVENTION OPPORTUNITIES IN EVERYDAY WHĀNAU ENVIRONMENTS**

A primary aim of the programme is to heighten awareness about sexual violence prevention opportunities that are able to be applied in everyday environments. Presenters engage their audience of whānau and hapū by validating and adding to the knowledge the audience already has. Everyday practical opportunities to incorporate prevention strategies are discussed (for example child care practices) in ways that allow whānau and hapū to increase whānau safety and wellbeing.

- **HOW OFFENDING BEHAVIOUR CAN DEVELOP**

The initiative to offend is not something that occurs overnight – it's a continuum of behaviour. People do not wake up one day with the motive to sexually offend. Much of the behaviour arises out of situations that present opportunities to offend sexually – often as a young person. If this behaviour goes unchecked and unchallenged then it allows the possibility for re-offending to occur in the future. Given that opportunistic offending is more common than predatory offending, it is important to be aware of situations and environments where the opportunity to offend exists. Opportunistic offending may become entrenched if this behaviour goes unchecked.

- **THE TARGETING AND TAILORING OF MESSAGES TO ACHIEVE MAXIMUM EFFECT**

Given that most offending begins in teenage years, disseminating prevention education amongst young people is likely to reduce the overall incidence of sexual abuse. Targeting this age group and caregivers of this age group is a priority.

- **HIGHLY EMOTIVE RESPONSES TO CHILD SEX OFFENDERS**

Participants are encouraged to reflect that as society continues to hold highly emotive, violent and destructive constructs about dealing with sexual offenders, it is *less likely* that offenders (both young and old) who are committing these types of offences will seek help and access treatment that addresses their abusive behaviours.

SOME OF THE FINDINGS FROM THE TIAKI TINANA PILOT PROGRAMME:

- Tiaki Tinana has been warmly welcomed into all Māori communities it has engaged with. This is likely to be because it has had a strong focus on whānau participation and engagement within Māori communities.
- To deliver this programme, Māori clinical specialists need a korowai of support and a robust understanding of Māori values and their applications in the specific fields of sexual violence prevention education, offender treatment and the supporting of survivors.
- As the conversation about sexual violence increases within Māori communities so will the need for offender and survivor treatment.
- There are very few services that provide for the needs of Māori survivors of sexual violence and very limited access to information on sexual violence. There is a particularly urgent need for these services and resources in rural communities.

Tiaki Tinana provides an exciting model of engagement with Māori, preventing sexual violence and abuse in Māori communities. 'Creating the Conversations' has been significant in raising awareness and highlights further possibilities for ongoing development and accessibility to services, resources and education.

APPENDIX J: KEY FINDINGS FROM THE SEXUAL VIOLENCE AND PACIFIC COMMUNITIES SCOPING REPORT

The following key points summarise the findings which are detailed in the body of the report.

1. SERVICE PROVISION AND DELIVERY FOR PACIFIC CLIENTS

- There were few Pacific-specific services available for victims of sexual violence throughout Aotearoa New Zealand and one Pacific service available for perpetrators.
- There was no single model of service provision and many providers used mainstream programmes which they had adapted. A working model, which seems to be effective for Pacific perpetrators, is a Pacific approach looking at the integration of three facets – ‘Clinical’, ‘Cultural’ and ‘Spiritual’.
- The interviewed providers noted that Pacific provision and delivery worked best for Pacific clients because they provided an ethnic-specific, holistic and family-based approach[es] which ‘encompassed’ Pacific values and spirituality. Interviewed Pacific providers perceived strengths in their capacity to communicate with to clients in their first languages, facilitating a safe environment and engendering trusting relationships.
- The key informants interviewed described their critical roles as facilitators, support workers and intermediaries for diverse Pacific communities. They are often utilised as key resources for linking Pacific clients with appropriate or nominated service providers. Pacific providers also acted as link[s] between Pacific clients and mainstream providers; and inversely, for mainstream providers who needed to link with Pacific providers or client’s Pacific families.
- There was limited awareness of other approaches, paradigms or models addressing sexual violence amongst Pacific communities. Developing evidence about effective service models and programmes for Pacific communities is an area that needs further investigation.

- Monitoring and evaluating existing sexual violence programmes amongst Pacific peoples is critical for further informing and directing programme development and resourcing.
 - Accurate record keeping of the numbers of victims and perpetrators presenting to Pacific and mainstream is inconsistent at best, and non-existent at worst. Systematic monitoring of referrals, cases, characteristics and outcomes for Pacific clients who present would be a start in providing an evidence base for Pacific services and in identifying the scale of the problem.
 - A systemic review of the effectiveness and quality of the current service provision and delivery would further inform needs, issues and gaps important to the development of appropriate policies.
- ### 2. PUBLIC HEALTH AND PREVENTION
- An increased number of prioritised research studies and statistical evidence is required featuring effective sexual violence prevention and health promotion amongst Pacific communities.
 - The importance of public health strategies in combating sexual violence and related ill-behaviours needs to be explored in greater depth with Pacific stakeholders, especially given the predicted increased needs of the younger Pacific population.
 - To assist in the development and delivery of prevention programmes there is a need to develop and evaluate Pacific ethnic-specific resources; for example, resources using Pacific languages, images, concepts, values and traditions.
 - Schools, churches and the Pacific media are key locations for education about the prevention of sexual violence and promotion of a ‘sexual violence free’ environment.
 - Strategising for raising conversations amongst Pacific communities is imperative; and key people (Pacific leaders, church ministers, elders, key stakeholders and Pacific providers) must be included.

- Through this scoping project a number of thematic approaches were identified concerning the promotion and raising of conversations amongst Pacific communities:
 - A preference for talking and conversing about healthy relationships and processes for addressing violence, rather than subtly perpetuating violence through the connotated use of negative words such as ‘victims’ and ‘blame’.
 - The importance of respect when promoting health messages amongst Pacific communities.
 - The importance of partners and families/caregivers of Pacific clients affected by sexual violence; and the need to prioritise this conversation amongst Pacific communities.
 - Consciousness and awareness of pertinent Pacific group dynamics and how this should be applied through relevant programmes for Pacific clients and their families. For example, topics of a sexual nature should not be discussed amongst an audience of young NZ-born and mature Island-born or a mixed audience of males and females.
 - Separate fora are an effective means for Pacific community fono/discussions as they can provide a non-threatening and encouraging environment.

3. BARRIERS TO CONVERSATIONS ABOUT SEXUAL VIOLENCE

A number of barriers to having conversations about sexual violence were identified through both the literature review and the research and these included:

- Barriers to disclosure such as loyalty towards family, pressure from family and upholding the reputation of the family name.
- The need for secrecy and the stigma attached to disclosure.
- Reluctance about discussing sexuality, issues of sexuality and relevant cultural taboos.
- Reluctance about discussing ‘non-hetero’ sexual preferences, especially when maintaining confidences about gay/lesbian/fa’afafine family members.
- A lack of resources and funding.

APPENDIX K: PREVENTION AND EDUCATION PROGRAMMES AIMED AT PREVENTING SEXUAL VIOLENCE IN NEW ZEALAND: WHAT PROVIDERS TELL US – AN EXPLORATORY STOCKTAKE⁸⁸

DRAFT: KEY FINDINGS YET TO BE INCLUDED

On behalf of the Taskforce for Action on Sexual Violence, the Ministry of Education commissioned a stocktake of New Zealand prevention and education programmes that have a primary prevention focus and are therefore aimed at preventing sexual violence from occurring in the first place.

The specific objectives for the stocktake were to:

1. identify the providers of sexual violence prevention programmes;
2. describe the sexual violence prevention programmes on offer; and
3. understand the challenges and gaps in the provision of sexual violence prevention programmes in New Zealand.

The stocktake reflected what providers said about the types of sexual violence prevention activities and programmes they are delivering and their views on the challenges and gaps in undertaking sexual violence prevention work in New Zealand.

Organisations identified as possibly involved in sexual violence prevention work were selected and invited to participate in an online survey carried out by an independent researcher. The Ministry of Education consulted with the Taskforce project team to develop a sample list of 179 organisations that would be invited to take part in the stocktake. The types of organisations invited to participate included: community agencies working in the sexual violence sector; district and city councils; government agencies working in the social sector; and advocacy organisations for particular at risk groups (eg, disability, elderly, men, women, human rights, sex workers).

A total of 66 organisations took part in an online survey which ran for four weeks (mid-May to mid-June 2008).

Information was gathered on one-off or ad hoc activities that organisations undertake to capture the breadth of work by organisations that may or may not be providing specific programmes. For the purposes of the stocktake, a 'programme' was defined as a set of planned and coordinated activities undertaken to prevent sexual violence.

By virtue of being an exploratory survey, the stocktake may not reflect the views and experiences of *all* organisations engaged in sexual violence prevention activities or programmes. The limitations of the survey findings are as follows:

- The findings primarily reflect the views and experiences of some organisations within the sexual violence sector. Organisations that do not make a distinction between sexual violence prevention approaches, crisis intervention and recovery and support services were not included in this sample. This approach is likely to have excluded the views and experiences of Māori designed, developed and delivered services and those designed to meet the needs of other ethnic and cultural groups.
- Organisations working in the family violence sector were not included because, on consultation with a selected number of family violence providers, it was reported that issues related to sexual violence are referred to agencies within the sexual violence sector.
- The opt-in method of recruiting councils to take part in the survey yielded a low number of contact names and even fewer responses. The low response from councils means little remains known about any sexual violence prevention work they may undertake.
- Not all organisations that were approached took part, and the reasons why they did not take part are not known. They may have not responded to the survey invite because they do not do any prevention work and did not feel the stocktake was applicable for them or for another reason, such as work demands or limited staff available to complete the survey.

⁸⁸ Russell, 2008a.

APPENDIX L: SUMMARY OF LITERATURE REVIEW: WHAT WORKS IN SEXUAL VIOLENCE PREVENTION AND EDUCATION⁸⁹

AIM

The overall aim of this literature review is to report what is known (and what is not yet known) about what works in sexual violence prevention and education programmes.

BACKGROUND

It is generally accepted that no single factor can explain the cause of sexual violence. Rather, a combination of risk factors (those that increase the risk of violence) and protective factors (those that reduce the chances that violence will occur) largely determine whether or not sexual violence will be committed (Davis, 2006).

The ecological model (which offers a multidimensional view into the causes of sexual violence) is currently favoured. This model has four levels of risk/protective factors; individual (eg, personal beliefs that support sexual violence), Relationship (eg, violent family, delinquent peer group), Community (eg, employment opportunities) and Society (eg, things that occur on the macro level such as gender inequality) (Centres for Disease Control and Prevention, 2004).

More is known about the risk factors for sexual violence than the protective factors. However, the relative importance (or weighting) of risk factors is an area that requires more research. Some of the known risk factors for victimisation include; being young, female, disabled, elderly (females only), and economically disadvantaged (World Health Organization, 2007). Some known risk factors for perpetration include; being male, having emotional issues (eg, anger and hostility), being isolated, and having strict traditional gender beliefs (World Health Organization, 2007).

PREVENTION

There are three commonly referenced levels of intervention within prevention frameworks, these are primary prevention (which is about stopping the problem of sexual violence before it ever occurs), secondary prevention (the responses immediately after violence has occurred) and tertiary prevention (long-term responses after violence has occurred with a focus on harm-minimisation) (Neame, 2003; Urbis Key Young, 2004; Centres for Disease Control and Prevention, 2004). This report focuses on primary prevention.

PUBLIC HEALTH APPROACH TO PREVENTION

There are a number of approaches to primary prevention; in recent years the public health approach has been put forward as a particularly useful and appropriate framework for the prevention of sexual violence (given it has a population approach as opposed to an individual approach, it focuses on risk and protective factors, includes analysis of norms around gender and power, and is evidence based). The most commonly used public health approach is the ecological model of primary prevention, this has four steps:

- Problem definition
- Identification of risk and protective factors
- Development and evaluation of prevention strategies
- Widespread adoption of proven (or promising) prevention strategies.

⁸⁹ Russell, 2008b. References in this appendix may be found in the literature review.

SUCCESSFUL PRIMARY PREVENTION PROGRAMMES

Primary prevention programmes have been designed, implemented and delivered in numerous ways. Inadequate research and evaluation into the effectiveness of programmes means there is currently not a blueprint for success.

However, the following things are considered components of successful primary prevention programmes (based on 'what works' or what is seen to be promising for reducing violence (in general and sexual violence specifically) or its precursors)

The literature states successful programmes:

- Are based on an ecological model (public health approach) (Davies et al, 2003; Urbis Key Young, 2004)
- Include research and evaluation (Mulroney, 2003; Davies et al, 2003; Hassall and Hanna, 2007)
- Foster networks and partnerships (Davies et al, 2003; Hassall and Hanna, 2007)
- Have a community approach (Schwere, 2002, in Keel, 2005; Urbis Key Young, 2004; Lee et al, 2007)
- Are well resourced (Davies et al, 2003)
- Are tailored to their audience (MacIntyre and Carr, 1999, in Davies et al, 2003; Schwere, 2002 in Keel, 2005; Briggs and Hawkins, 1997; Webster-Stratton and Taylor, 2001, in Hassall and Hanna, 2007; Adair, 2006; Lee et al, 2007)
- Are equipped to deal with disclosure (Mulroney, 2003; Adair, 2006; Wolfe et al, 2006 in Hassall and Hanna, 2007)
- Promote healthy behaviours (Schwere, 2002, in Keel, 2005; Davies et al, 2003; Adair, 2006; Carmody, 2006)
- Challenge cultural norms (Carmody and Carrington, 2000; Foshee et al, 2005; Mulroney, 2003; Adair, 2006; Wolfe et al, 2006, in Hassall and Hanna, 2007)
- Are comprehensive (Adair, 2006; Wolfe et al, 2006, in Hassall and Hanna, 2007)
- Promote victim empathy not blaming (Adair, 2006)
- Include males as part of the solution (Carmody, 2006)
- May include some single sex sessions (Foubert and McEwan, 1998, in Urbis Key Young, 2004; Carmody and Willis, 2006, in Quadara, 2007).

Successful programmes for children/youth also:

- Have well-trained and qualified programme providers (Schewe, unpublished manuscript in McPhillips, 2002; Shonkoff and Phillips, 2000, in Hassall and Hanna, 2007; Carmody and Willis, 2006, in Quadara, 2007)
- Use peers (Urbis Key Young, 2004; Wolfe et al, 2006, in Hassall and Hanna, 2007)
- Have parental/caregiver involvement (MacIntyre and Carr, 1999, in Davies et al, 2003; Briggs and Hawkins, 1997; Wolfe et al, 2006 both in Hassall and Hanna, 2007)
- Have a 'whole school' approach (Briggs and Hawkins, 1997, in Hassall and Hanna, 2007)
- Have varied and interactive teaching methods (MacIntyre and Carr, 1999 in Davies et al, 2003; Casper, 1999 in Adair, 2006; Schwere, 2002 in Keel, 2005; Adair, 2006; Lee et al, 2007)
- Focus on skill building (Mulroney, 2003; Wolfe, et al, 2006 in Hassall and Hanna, 2007; Lee et al, 2007)
- Have reinforcement of programme content (Schwere, 2002, in Keel, 2005; Mulroney, 2003; Lee et al, 2007)
- Are well timed (Wolfe and Jaffe, 2003; Foshee et al, 2005; Wolfe et al, 2006 in Hassall and Hanna, 2007; Hassall and Hanna, 2007).

LIMITATIONS OF PROGRAMMES (IN GENERAL)

The following limitations associated with primary prevention programmes have been noted; lack of outcome information, content limitations (eg, not catering to diversity, not including information about healthy sexuality or negotiating consent or challenging traditional norms [Carmody, 2006]), and delivery limitations (including inadequate time to deliver programmes within schools).

GAPS RELATING TO RESEARCH AND EVALUATION

A number of authors note there are gaps relating to research and evaluation. These include:

- Lack of formal evaluation (Fanslow, 2000; Foshee, 2000 in Adair, 2006; Urbis Key Young, 2004; Adair, 2006; Carmody, 2006). Given that there is little empirical evidence on sexual violence prevention, it is hard to determine which programmes are effective (Adair, 2006).
- Limited resources (Urbis Key Young, 2004).
- Lack of information relating to risk and protective factors (CDC, 2004).
- Lack of long-term impact (or outcome) evaluation (Indermaur et al, 1998 in Mulroney, 2003 and Black, 2000) and lack of outcome measures of success (Mulroney, 2003).
- Lack of measurement concerning behavioural change (Cooper et al, 2000 in Mulroney, 2003)
- Lack of studies investigating 'sexual pressure' and its role in the sexual violence continuum (Kelly, 1987, in Powell, 2007)

It is challenging to undertake evaluations because of multiple factors associated with the perpetration of violence, the fact that programme effects are often difficult to tease out from other influences, and considerable time (eg, years) is required before being able to observe the outcomes of interest (Fanslow et al 2000). Other challenges to undertaking primary prevention research include:

- Small sample sizes (Carroll, 1992 and Tutty, 1992 both in Adair, 2006; CDC, 2004)
- Self-selection bias (CDC, 2004)
- Conceptual inconsistencies between programmes (Foshee et al, 2000 in Adair, 2005).
- Attrition rates (eg, participants drop out) (CDC, 2004).
- Difficulty in identifying appropriate and useful indicators of programme's success (Urbis Key Young, 2004) and the use of proxy measures to show success of programmes (eg, changes in attitudes) (Wolfe and Jaffe, 2003).
- Design issues (eg, no control group) (Brown et al, 1990, in Urbis Key Young, 2004).

CHALLENGES RELATING TO PRIMARY PREVENTION

In addition to the gaps and research challenges mentioned above there are also a number of challenges relating to the design and delivery of primary prevention programmes, for example:

- Much is unknown about what effective programmes look like
- Secondary and tertiary interventions often take precedence over primary prevention
- Sexual violence is an emotive, controversial and taboo subject.

AIMING FOR SUCCESS – SOME CONSIDERATIONS

There are a number of things to take into consideration when aiming for successful programmes, for example ensuring diversity is catered for (eg, programmes and content are relevant for different ethnic groups, people with disabilities, adolescents etc [Urbis Key Young, 2004]), the promotion of healthy alternative behaviours (Carmody, 2006), having provision for evaluation strategies from the beginning (Mulroney, 2003), and developing partnerships between providers and researchers (Grealy, 2005).

APPENDIX M: LITERATURE REVIEW ON DRUGS, ALCOHOL AND SEXUAL VIOLENCE: KEY FINDINGS

BACKGROUND

1. The paper provides an overview of known New Zealand and international literature regarding the link between alcohol, drugs and sexual violence.
2. Drug assisted sexual violence (DASV) is when a person engages in sexual activity with another person who is unable to give free consent to that sexual activity due to impairment as a result of voluntary or involuntary consumption of drugs (including alcohol).

KEY FINDINGS OF THE LITERATURE REVIEW

<ul style="list-style-type: none"> There is a strong association between alcohol and drug consumption and sexual violence. 	<ul style="list-style-type: none"> DASV is more likely than other sexual assaults to occur between people who do not know each other very well (eg, strangers, acquaintances, casual dates).
<ul style="list-style-type: none"> By far, the most commonly used drug to facilitate sexual assault is alcohol – A proportionally very small number of people are victims of what the media portrays as “drink spiking”. 	<ul style="list-style-type: none"> DASV cases, in addition to being underreported, have high attrition rates and low conviction rates relative to other crimes.
<ul style="list-style-type: none"> On average half of the rapes committed are estimated to be associated with alcohol use. 	<ul style="list-style-type: none"> Alcohol and drugs are a known risk factor for sexual violence but not a causal factor.
<ul style="list-style-type: none"> The link between alcohol and sexual violence/ aggression is likely to be mediated by factors such as pre-existing hostility towards women, and having rape supportive attitudes and beliefs (eg, that drinking alcohol is an indication of sexual availability). 	<ul style="list-style-type: none"> Typically a number of evidential issues arise in DASV cases. These include a lack of: <ul style="list-style-type: none"> – forensic evidence (either due to a delay in reporting) – data collection or no evidence found) – recall of events (due to cognitive impairment as a result of intoxication) and no witnesses.
<ul style="list-style-type: none"> Victims of DASV are nearly always women. 	<ul style="list-style-type: none"> The central issue in DASV trials is often consent due to a lack of forensic evidence in many cases.

IMPLICATIONS FOR THE WORK PROGRAMME – EXAMPLES

PREVENTION AND TREATMENT – TERMS OF REFERENCE 1

3. One role of primary prevention programmes is to challenge gender stereotypes and rape supportive myths. The literature review suggests there are a number of gender stereotypes/rape myths associated with DASV that need to be addressed. Examples include some male attitudes that drunk women represent an opportunity for sex and that intoxication is a justification for aggressive sexual behaviour.
4. Further work could determine the current service availability for victims to deal with any alcohol and substance addiction.

TREATMENT FOR OFFENDERS

5. People working with sex offenders need to be able to assess an offender's level of substance abuse. The literature review suggests that programmes with perpetrators should incorporate sessions on substance abuse, not as a way of excusing or justifying offenders' behaviour but rather as a way to improve the perpetrators potential for change and responsibility.

THE CRIMINAL JUSTICE SYSTEM

6. Improvements to systems of reporting, evidence collection and prosecution are noted in the literature review including suggestions on the regulation of alcohol availability, responsibilities of licensed premises and crime prevention through environmental design. The Ministry of Justice has a broader role in alcohol policy through crime prevention initiatives and in administering the Sale of Liquor Act 1989.

WORK IS MUCH BROADER THAN SEXUAL VIOLENCE

7. The literature review has found little information on the specific needs of Māori and Pacific peoples with regard to alcohol and drug addiction and sexual violence. While a reasonable amount of information exists about the patterns of alcohol consumption amongst Māori and Pacific populations, there is very little linking alcohol consumption/addiction to sexual violence. To that end, reducing general levels of alcohol consumption and changing drinking patterns is likely to have a positive effect on reducing sexual violence for Māori and Pacific peoples.
8. Such an approach applies to other population groups. The literature states that programmes which lower alcohol consumption and reduce aggressive male sexual behaviour are also likely to reduce the rate of DASV. Further, DASV needs to be considered in the wider public health context of reducing hazardous drinking to minimise alcohol-related harm.

APPENDIX N: TOAH-NNEST PERSPECTIVES ON CRISIS SERVICES

TANGATA WHENUA PERSPECTIVE ON CRISIS SERVICES

Specialised responses for victims/survivors of sexual violence in Aotearoa/New Zealand began in the 1970s. However, it was not until the establishment of Te Kākano o Te Whānau (Te Kākano) in 1984 that tangata whenua were formally recognised as having an independent approach to sexual violence within Aotearoa New Zealand. The objectives of Te Kākano were to:

- assist community organisations with government funding;
- build awareness of other funding sources, ethics and criteria; and
- develop and circulate education and training resources for communities on rape, incest and sexual abuse.

By 1989, Te Kākano had facilitated the distribution of government funding to 20 tangata whenua women's groups nationwide. However, in the early 1990s changes in government funding allocation resulted in a shift in focus from organisations and national strategies to individual counsellors and local communities. Ngā Kaitiaki Mauri of TOAH-NNEST report that within a year Te Kākano had been forced into recess and only five tangata whenua women's groups remained with the capacity and infrastructure to continue to provide services within their communities. Over time most of these groups were obliged to develop their service provision into other areas of support to ensure continuity of sexual violence services within their communities.

In 2006, a past member of Te Kākano was approached by Tauwiwi representatives of the recently formed National Network Ending Sexual Violence Together (NNEST) to develop a national network of specialist sexual violence service providers. The result of this engagement was the national collective of sexual violence organisations and providers; Te Ohaakii a Hine – National Network Ending Sexual Violence Together (TOAH-NNEST). TOAH-NNEST consists of two caucuses, Ngā Kaitiaki Mauri (NKM), and the Tauwiwi.

NGĀ KAITIAKI MAURI'S VISION IS:

Kua Ea Te Ohaakī a Hine

This vision guides members' practice of kaupapa and tikanga tangata whenua service provision and incorporates key areas and priority outcomes. Utilising holistic concepts of health, a key objective is the restoration of mana to individuals and their whānau. This recognises that sexual violence has a critical impact on whānau health and wellbeing (whānau ora) and without appropriate support people may be affected for the rest of their lives.

TAUIWI PERSPECTIVES ON CRISIS SERVICES

Sexual violence events are frequently traumatic and can have long-lasting effects. Victims/survivors of rape have one of the highest prevalence rates of post-traumatic stress disorder.⁹⁰ Early intervention is important, as difficulties arising from sexual violence can take a deteriorating course both psychologically and socially.

Some victims/survivors are unable to manage the impact of sexual violence without assistance. Provision of appropriate and effective support and counselling at the time the crisis occurs can help them develop the resources necessary for recovery. In addition, because medical and legal processes undertaken as a result of sexual violence have the potential to result in further traumatisation, support services provided during this time can significantly reduce risks to victims/survivors. Some victims/survivors wait many years before seeking support, and the nature of ongoing trauma requires longer-term recovery and support services to help ensure their needs are met.

Services for victims/survivors of sexual violence in New Zealand were initially established in the 1970s. These were grass roots responses by women's collectives, usually a Rape Crisis group, who provided immediate practical and emotional assistance for women who had been raped. During the 1980s, some Police districts recognised that the process women underwent as part of the police response to rape could cause further harm, so calls went to the community to establish services which could provide support and advocacy and trained female medical providers. These services were the HELP groups.

90 American Psychiatric Association, 2000.

Most of these services added longer-term recovery and support services, some developed bicultural services, and some also developed Pacific units. In addition a few Pacific services developed to respond to the specific needs of Pacific women and children experiencing sexual violence. Women are the focus of most services but some also address the needs of male victims/survivors. More recently a small number of services have emerged to provide services specifically for male victims/survivors.

Today, there are 30 'mainstream'⁹¹ specialised sexual violence services providing support for Tauīwi adult victims/survivors. Some of these include provision for tangata whenua and other ethnic groups. In addition, a small number of Pacific services support victims/survivors through more holistic service provision. There is also a range of other services which include support for victims/survivors of sexual violence, but these are not specialised agencies set up directly for this purpose.

Sexual violence services receive government funding through the Ministry of Social Development, District Health Boards, and the Accident Compensation Corporation, in addition to funding from non-government sources.

Tauīwi vision for services is that:

Communities are well-served by comprehensive specialised sexual assault services in order to provide for acute and ongoing needs of victims/survivors and those supporting them. Where possible, services are provided by culturally appropriate service providers. Where culturally appropriate service providers are not available, mainstream services are well connected to cultural communities to enable culturally safe services and referrals.

The Tauīwi vision is for nation-wide coverage of specialised sexual violence support services which are able to provide 24/7 early intervention following recent sexual assault and ongoing acute interventions when needed to maintain or assist in establishing emotional and psychological wellbeing of victims/survivors.

91 Mainstream services are based at least in part on New Zealand Euro-derived cultural or counter cultural models of abuse, recovery and service delivery, although they may also provide services from a kaupapa or tikanga tangata whenua perspective. In addition, they provide a backstop for those who either have no access to a culturally appropriate service, or those who choose not to use culturally appropriate services.

Critical components of Tauwiwi specialised early intervention and crisis support services are:

COMPONENT	EXPLANATION
24/7 TELEPHONE AND INTERNET COMMUNICATION SERVICE	to provide information, referral, support for victims and their networks, acute counselling interventions, consultations and liaison with police, doctors and other service providers 24/7 is essential as nights are when most rapes happen, the time when flashbacks, nightmares and disabling terror most often occur, and when victims/survivors are more likely to have privacy to talk on the phone
24/7 CALL-OUT SERVICE	for advocacy and support at police interview and at forensic, therapeutic and follow-up medical examinations
EMERGENCY FACE TO FACE SESSIONS	to assist clients with stabilisation, assessing and arranging safety, and decision-making; acute counselling interventions; support; referral; assistance with decision-making; arranging access to resources; provision for victims/survivors and their support networks
FOLLOW-UP SERVICE	to provide coordinated follow-up for periods determined by client needs
CASE TRACKING	by working alongside police, prosecution, courts, and corrections regarding progress of case; communicating with survivor; arranging other services client might need
COURT SERVICES	including court preparation, advocacy and liaison through court processes; court support (trial, verdict, sentencing, parole applications, release); Emotional Harm and Victim Impact Reports
INFORMATION BANK	including specialist library; pamphlets; Web information
RESOURCE BANK	to respond to acute practical need for clothing, transport, safety, money
SOCIAL WORK SUPPORT	to provide assistance with Work and Income, accommodation
INTEGRATION WITH RECOVERY AND SUPPORT SERVICES	
PREVENTION AND EDUCATION SERVICES	
ADVOCACY	to end sexual violence, and improve conditions for victims/survivors
OTHER SERVICES AS LOCALLY DETERMINED	

APPENDIX O: TOAH-NNEST PERSPECTIVES ON LONG-TERM RECOVERY

TANGATA WHENUA PERSPECTIVE ON LONG-TERM RECOVERY

Kaupapa and tikanga Māori services respond to sexual violation related crises as part of their core service provision alongside the other services they provide. They generally respond to a broad spectrum of community health needs which also involves supporting the recovery of individuals and whānau members who have been negatively impacted by the experience of sexual violation. These services recognise that sexual violence has a critical impact on whānau health and wellbeing and without appropriate support, people may be affected for the rest of their lives.

Whānau generally present to kaupapa and tikanga services with a variety of issues related to sexual violation. For example, many whānau require 'periodic crisis support' to help them cope with the effects of drug and alcohol use or they may need support to cope with mental health or relationship issues and/or domestic violence. However, the underlying issues are often obscured and are related to the experience of sexual violation which requires that kaupapa and tikanga Māori services must have the capacity to respond effectively. Typically, whānau who have experienced sexual violation access kaupapa services through inter-agency referrals or via self-referral.⁹² However, there are generally no clearly defined pathways for immediate crisis response.

Kaupapa and tikanga Māori services often provide 'periodic crisis support' through the form of long term support and ongoing recovery work with impacted whānau. However, many services reported the need to develop services capable of providing immediate crisis response support. Responding effectively to sexual violation related crises is not solely focused on the 'individual' but may involve all whānau members. Service provision may also require multiple kaimahi are involved in meeting the needs of affected whānau members.

The nature of kaupapa and tikanga Māori approaches suggest two definitions of support. Immediate crisis response may at times include call outs to support whānau through processes with police and/or being available to provide 24/7 support through a crisis line. Periodic crisis support acknowledges that whānau members may be affected by the impact of sexual violence throughout their lives. Therefore whānau members may often re-access support to deal with particular crises they are experiencing at any one time. A particular skill necessary for those providing support through kaupapa and tikanga Māori approaches is the ability to identify the underlying issues that whānau members are seeking to have addressed.

Without appropriate funding kaupapa and tikanga Māori services do not have the capacity to effectively respond to the broad needs of diverse whānau. For example, services indicated they lacked the workforce capacity to provide a variety of holistic services across a broad spectrum of age-related whānau needs.

Kaupapa and tikanga Māori services generally reported that they did not currently hold contracts to supply services specific to sexual violation recovery. Without specific targeted funding to strategically respond to the needs of whānau impacted by sexual violence, kaupapa and tikanga Māori services generally responded under the umbrella of other contracts (ie, Domestic Violence).

Currently, services struggle to fit into existing funding allocations and the quality of service provision is compromised through a lack of resourcing. Increased response and support funding is required to boost primary crisis response designed and delivered from a kaupapa and tikanga Māori perspective. Funding criteria which recognises the 'periodic crisis' whānau members may deal with throughout their lives will increase the capacity of kaimahi to deal with the current needs within communities.

In general, the gap which exists within existing services means that whānau members are more likely to be referred to Tauīwi services that are less likely to provide the necessary cultural support required by whānau. Māori kaimahi working within Tauīwi services expressed concern over having to interpret organisational structures for whānau which do not recognise tangata whenua and struggle to understand and recognise Te Tiriti o Waitangi.

⁹² Whānau access kaupapa and tikanga Māori services because kaimahi are known to them and they may have had prior experience of receiving services. In some cases, a services' good reputation encourages whānau to access support.

Funding for kaupapa and tikanga Māori organisational approaches to address the impact of sexual violence was seen as marginal. This was highlighted within the study where organisations and individuals identified that little or no funding was specifically allocated to address the impact of sexual violence in a way which is consistent with kaupapa and tikanga Māori directives.

The ACC framework focuses on mainstream models and does not meet the needs of tangata whenua. Specific issues for tangata whenua have been identified and opportunities to improve services for tangata whenua should be considered when implementing any of the other recommendations. A Māori specific focus would be the most desirable outcome and should be considered as a future development. Work is still being undertaken to support this approach and must be considered as part of future work.

TAUIWI PERSPECTIVE ON LONG-TERM RECOVERY

The stocktake of specialist services identified that specialist services provide holistic, wrap around services which are client focused and provide a specialist understanding of sexual violence, the context in which it occurs and its impact. The relationship between crisis intervention and ongoing support and recovery provides a seamless transition for clients accessing services. However, services are frequently under resourced and struggle to maintain professional and accessible services within, at times, critical funding constraints.

Issues highlighted through the stocktake raise the question of whether the ACC model of funding specific services for individual clients is the most appropriate way to fund the support and recovery needs of survivors of sexual violence. The current ACC funding model can result in barriers to accessing appropriate service for a significant proportion of client groups and additionally it excludes many providers, survivors, and models and aspects of recovery other than counselling.

Three main issues about ACC funding surfaced throughout stocktake discussions. These were:

- a. constraints on agencies in terms of funding clients and compliance costs
- b. constraints of the system on non-mainstream or Māori or ethnic-specific models of recovery
- c. constraints of the system on therapeutic practice

Many services reported the difficulties working within the constraints of the ACC funding framework. Ten out of 23 specialised services surveyed do not use ACC approved counsellors and while 13 do, two have only a quarter of the counsellors registered, and another two services reported half their staff are registered and half not. Some of the reasons for not having ACC approved counsellors arose out a belief that the ACC process was abusive of both counsellors and their clients and that it did not meet the recovery needs of their clients.

TOAH-NNEST considers that ACC funding model can at times actively undermine the holistic and client centred approach to service delivery which organisations in the sector favour. Treatment of sexual violence can be a complex issue requiring multiple levels of intervention and counselling is at times only part of a support and recovery service being offered to clients. Other needs that may be required include:

- Liaison and advocacy – coordination and networking between services
- Extra support/contact outside of session
- Support and/or counselling and/or education of family members
- Availability of crisis intervention
- Social work support.

While ACC may fund a small amount of liaison and one hour of telephone contact per client outside of the counselling session, services listed above are not otherwise covered by ACC funding yet they are in many instances an integral part of the client's recovery journey. Clients requiring these 'extra' aspects of service provision, either before or alongside counselling, are often referred to sexual assault services rather than private practitioners due to the capacity and availability of organisations to provide these extra services.

Experience of sexual violence also correlates with a number of other life difficulties. Whether these factors contributed to a client's vulnerability, arose as a result of the client's experience of sexual violence, or have nothing to do with the sexual violence becomes irrelevant when providing counselling or psychotherapy. Regardless of cause, these factors can compromise a client's capacity to engage in counselling or psychotherapy for the direct effects of the experience of sexual violence. Common themes that emerge in working with clients with complex difficulties are:

- Abuse and neglect in family of origin – results in attachment difficulties and poor parenting knowledge and skills. This can lead to involvement with MSD's service line Child, Youth and Family and children being taken into care.

- Abusive partners – ongoing Family Court involvement, access issues, physical ill-health, poor parenting, children with behavioural problems, involvement of Women’s Refuge, accommodation needs, financial issues.
- Drug and Alcohol use – addressing addictions, using other services, financial issues, physical health, prostitution, criminal activity, undesirable networks from which it is difficult to separate, blackmail.
- Emotional ill health can result in – mental health involvement without full understanding of the aetiological role of sexual abuse in the client’s presenting problems. Health professionals sometimes see a ‘narrow’ picture, resulting in clients being labelled, inappropriately medicated and misunderstood.

The effects of sexual violence can be significant and impact on many aspects of a client’s life. The multiple layers of trauma and impact can mean that at times progress can be slow and the client may appear not to be making progress when assessed using indicators of behavioural change.

APPENDIX P: NATIONAL STOCKTAKE OF KAUPAPA AND TIKANGA MĀORI SERVICES IN CRISIS, INTERVENTION, LONG-TERM RECOVERY AND CARE FOR SEXUAL VIOLENCE⁹³

EXECUTIVE SUMMARY

To support the work of the Taskforce for Action on Sexual Violence, Ngā Kaitiaki Mauri o Te Ohaakii a Hine were commissioned through Te Puni Kokiri to conduct a study into Kaupapa and Tikanga Māori service response for whānau impacted by sexual violence. This research is based on information collected by the sub-contractor Sienna Hamilton-Katene, within the months of November 2008 – February 2009 from interviews, focus groups and questionnaires with a range of Māori service providers, both past and current. In addition a case study of Tū Wāhine Trust was conducted to provide an exemplar of a successful Kaupapa and Tikanga Māori organisation.

The aim of the study was to provide a description of past and present service provision by kaupapa and tikanga Māori sexual violence crisis response and recovery service providers. In addition a vision statement for the sector was to be developed which was to be informed by the information gathered throughout the study. The vision statement agreed to by Māori community is, 'Rua Ea Te Ohākī ā Hine'. The vision provides a way forward for future service provision therefore the recommendations from this report directly assist Māori to achieve that vision.

The findings of the study revealed that the impact of sexual violence negatively affects the sense of 'mana' experienced by individuals and their whānau. Kaupapa and tikanga Māori service response involves activities which lead to the restoration of 'mana'. Service delivery that places the individual within the context of their whānau is viewed as the most effective approach to restoring 'mana'. The report acknowledges that kaupapa and tikanga Māori service provision is directly related to addressing levels of complexities associated with understanding cultural identity inclusive of inter-hapū dynamics.

As a result of the study three pathways of kaupapa and tikanga Māori service provision were identified. They are, Kaupapa and Tikanga Māori Services, Bi-cultural Services and Tangatawhenua Workers. Exploration into branches or sub-groups within each pathway revealed that Tangatawhenua Workers often overlapped into other pathways however, were also recognised as providing support in areas where standalone services were unavailable.

The study identified that 'crisis' described the level of assistance the individual and whānau seeking support required. Responding to crisis was defined in the following two ways within the report, 'Primary Crisis Response' and 'Periodic Crisis Response'. Primary crisis response was described through avenues of access, primarily centred on the concept of availability (ie, 24 / 7 access through crisis line). Periodic Crisis Response, acknowledges that whānau members can be affected by the impact of sexual violence throughout their lives and may seek assistance to deal with presenting issues such as drug and alcohol abuse, mental health issues, relationship and/or domestic violence.

Current funding allocations were seen as contributing to the continued obscurity of sexual violence, through combining sexual violence funds with or under the umbrella of other social issues such as domestic violence and/or mental health. In addition targeted funding and associated processes which develop specialist counsellors currently lack cultural components to ensure a full kaupapa and tikanga Māori service approach is available.

Workforce development is identified as an ongoing issue for Māori working in this sector. The study recognises that workforce capacity often struggles to meet the needs of the community. Services are under resourced and rely on the 'voluntary' workforce to assist in meeting those needs, however a large proportion are untrained and therefore unable to address the complex issues of those seeking support. As a result, it was identified that those skilled enough to provide the specialist service approaches required are often heavily relied on and consequently over extended to meet the high level of need.

93 Hamilton-Katene, 2009.

Client choice is often limited by the lack of accessibility to kaupapa and tikanga Māori service providers. In general, referral pathways currently direct individuals and their whānau to service providers who are culturally compromised or inappropriate. Lack of available resources to develop services compound the issue and has contributed to the significant shortage of kaupapa and tikanga Māori service providers within Aotearoa.

A key recommendation of this study concerns the lack of funding and resourcing of Kaupapa and Tikanga Māori services to support access pathways for whānau who have experienced sexual violation. Given the workforce development issues identified in this study further research is recommended to gain a deeper understanding of the workforce development needs in relation to responding effectively to Māori whānau who have been sexually violated.

In conclusion, robust relationships between government and community workers are required to ensure that sexual violence is identified as a real issue within Aotearoa. Recognising that sexual violence is a real social issue is the first step towards addressing its cause. Social attitudes towards sexual violence need to be changed and conversations raised to remove it from obscurity. Recognising and treating presenting issues only deals with the surface issues. Kaupapa and tikanga Māori service providers address the core issue of sexual violence and remove it from obscurity through the provision of culturally appropriate holistic service approaches. The wide range of services that kaupapa and tikanga Māori services provide enable individuals and their whānau with a variety of options and pathways towards healing.

APPENDIX Q: TAUWIWI RESPONSE TO SEXUAL VIOLENCE: MAINSTREAM CRISIS SUPPORT AND RECOVERY AND SUPPORT SERVICES AND PACIFIC SERVICES⁹⁴

SUMMARY

VISION

Communities are well-served by comprehensive specialist sexual assault services in order to provide for acute and ongoing needs of survivors and those supporting them. Where possible, services are provided by culturally appropriate service providers. Where culturally appropriate services are not available, mainstream services are well connected to cultural communities to enable culturally safe services and referrals.

THE PROJECT

This stocktake of Tauwiwi specialist sexual assault services was completed as part of the Taskforce for Action on Sexual Violence working groups addressing Terms of Reference 2 – Crisis Support and Early Intervention and 3 – Support and Recovery Services. Its primary purposes are to answer the questions “*who is doing what, where, when and for whom*” in terms of crisis support services? Further, *how are support and recovery services configured within organisations providing specialist sexual assault services?* These questions relate to services for adult survivors.

All *mainstream*¹ sexual assault services (n=30) for adults as were commonly known in the field in late 2008 were invited to participate and a total of 28 specialist services actively responded. In an associated project nine national, though primarily Auckland based, Pacific services used a fono meeting to discuss what Pacific people need in response to sexual violence.

A separate stocktake was undertaken on kaupapa Maori services by Ngā Kaitiaki Mauri in conjunction with Te Puni Kōkiri.

KEY FINDINGS

Across both the *mainstream*⁹⁵ service stocktake and the Pacific fono and stocktake a number of key themes have emerged. While there are some common themes and issues, the services bring different cultural contexts to the problem of sexual violence, including different models of recovery. In common is the desire to respond fully to the problem of sexual violence, but constraint from lack of resources to do so.

MAINSTREAM SERVICES

While there is wide support for provision of specialist sexual violence services, how these services are delivered differs across the country. The ability to provide a crisis service 24/7, and the model and structure of services differ between urban and other geographical areas and is most often determined by access to workers, resources, demand for service and the relationship between points of referral within the community. What is evident is that organisations aim where possible, to provide specialist, holistic, wrap around, and client-centred services.

A list of services recorded includes:

- Support during police interviews
- Support during medical forensic examinations
- Court preparation and/or support
- Telephone information/referral and crisis line
- Emergency face to face crisis counselling/support
- Ongoing counselling and support
- Social work
- Prevention education and community consultation.

Geographically, there are areas of the country without access to such services, but approximately 70% of the population (less for males) has access to 24/7 specialist crisis support services.

⁹⁴ Te Ohaakii a Hine: National Network Ending Sexual Violence Together – Tauwiwi Caucus, 2009.

⁹⁵ The word ‘mainstream’ appears in italics to denote the way that its use is problematic due to the hegemonic assumptions that such a word can imply.

Core crisis support services are defined as telephone crisis or support line, support at police interviews and forensic medical examinations, and face to face emergency sessions. Due to the nature of rape and its impacts, ideally these services would be available on a 24/7 basis. Thirteen of the 28 respondents reported providing the first two of these services 24/7, with one service also able to provide emergency sessions 24/7. Many organisations also reported that they see court support as a further key component of service but few services are able to provide this.

Perhaps reflecting funding and capacity issues many crisis services are not available on a 24/7 basis, in spite of nights and weekends being the time that much sexual assault occurs. Further the tripartite relationships between specialist services and the police, which are critical to the successful delivery of crisis services, are in some areas not working well (if at all) due to a break down or lack of development of relationship.

Services report a range of strategies and challenges meeting the needs of diverse client groups. In particular challenges and gaps were identified in the provision of appropriate services for male victims, children and families and young people. Most services are active in finding ways to serve Maori clients through referral to kaupapa Maori services, provision of bi-cultural services or staff training and supervision. Mainstream organisations appeared less confident in their strategies to meet the needs of Pacific peoples and those of other cultures. Clients with needs relating to non-ethnic cultures were generally not identified.

Government funding of crisis support services is primarily via MSD or its service line CYF, with services holding contracts instead with DHBs and one service having a contract with ACC for some of the work until the end of July 2009. Most services also rely on community funding, philanthropic trust funding and the use of unpaid staff.

Similarly Support and Recovery Services are funded primarily through MSD or its service line CYF, and/or ACC, along with the range of community funding options listed above and unpaid staff time. Of interest for support and recovery is the response of a significant number of services who actively choose not to access ACC funding for counselling due to barriers inherent in that ACC funding model for both service providers and the client.

From a service delivery perspective the ACC funding model is not a good match to the nature of the services required as it can at times actively undermine holistic service delivery.

Treatment of sexual violence can be a complex issue requiring multiple levels of intervention and counselling is, at times, only part of the support and recovery services clients need. Other needs may include liaison and advocacy; additional contact outside of session; support and/or counselling and/or education of family members; and, social work support.

Sustainable funding models for specialist services is a critical issue and while most groups have benefited from Pathway to Partnership funding, some either haven't, or reported that rather than improving their service capacity, it has allowed them to remain in a status quo position, often due to prior operating deficits. Funding to enable development of services and to ensure ongoing best practice is still elusive for most groups. Few services describe themselves as having adequate funding to do the work. Organisations manage this lack of funds through limiting hours of service provision, not paying for some hours of service provision, and/or paying low wages.

There were many community needs which organisations identified as not currently being met. These include Maori for Maori services; services for male survivors, children and their families and young people; court support; education and prevention; collaboration and networking and to reduce waiting lists and call outs missed due to insufficient staff.

While lack of funding was indicated as the predominant issue that services faced, including its impacts on service availability, recruitment, retention and training of staff, a number of other barriers and issues were also identified by some organisations including lack of profile in the community and lack of referral by police and other community agencies.

Barriers for survivors were identified as accessibility and awareness of the service; lack of transport; phone coverage and expense; the impact of societal attitudes on victims/survivors which can result in shame and prejudice leading to social isolation and little access to practical and emotional support.

When asked what people valued about their services, a group of similar values were reported. These included quality, independence, integration, accessibility, political, client focused, having good community relationships, providing local services, good work culture, and a dedication to supporting women and children no matter what. There is a strong determination to keep specialist sexual violence services available for those who need them.

Such commonality of problem identification, purpose and values suggests that in spite of different beginnings and varying paths, the group of organisations in this sector have much that is shared, enough to move forward with developing a vision for services that can bring comprehensive specialist service provision back to the people of Aotearoa/ New Zealand.

An output of the project was to develop a vision for the provision of crisis support services. The vision is:

Nation-wide coverage of specialist sexual violence support services which are able to provide 24/7 early intervention following recent sexual assault and ongoing acute interventions when needed to maintain or assist in establishing emotional and psychological well-being of survivors.

Such services would include: 24/7 telephone and internet communication service, 24/7 call-out service for advocacy and support, emergency sessions provided in day-time, follow-up services, case tracking, court services, information bank, resource bank, and social work support. These services would be integrated with recovery and support services, education and prevention services and advocacy, along with other services as locally determined. Services would need to develop capacity to work well with all populations, and would be supported by national infrastructures to do this, for example, through the provision of consultancy services. A consultation process would occur with communities currently without services in order to establish the optimum structure for establishment of such service in that community.

Key issues in the successful implementation of this vision would be the establishment of responsibility for the funding of such services, and ongoing development of the relationships involved in the tripartite response to sexual violence – crisis support services, police, and DSAC trained doctors.

While a similar vision was not developed for recovery and support services, this stocktake highlights the need for a review of the most appropriate model for service funding, as well as the levels of that funding.

PACIFIC SERVICES

In turning to past conversations between Pacific communities and government agencies that span over two decades, central questions from those discussion return through the participant voices in this document. These are, 'Who is defining the problems for Pacific people?' 'Who is defining the solutions for Pacific people?' 'Whose values and beliefs have primary place in the lives of Pacific people?'

The discussion from the Pacific fono covers the range of work areas which participants have identified as presenting barriers to effective service delivery. Enablers have been proposed as strengthening and taking on new ways of thinking and working forward in a way which has positive implications for Pacific survivors of sexual violence as well as families and perpetrators.

The discussions are not the final voice and ongoing dialogue needs to be continued with all providers and key stakeholders.

The key themes identified focused on:

- Models of Practice
- Assessments
- Responsibilities towards Victims
- Strengthening Pacific Provider Responsibilities
- Workforce Development
- Qualifications and Skills
- Funders.

Overarching themes arising in the discussion of enablers for ways forward was the need to recognise the ethnic-specific needs and responses within the Pacific communities. Participants highlighted the inappropriateness of the "one size fits all" approach which is common among funders and policy makers. A central theme was the importance of holistic services which places family wellbeing at the centre of practice. Further as with *mainstream* services, challenges include the critical issues of workforce capacity and capability, the lack of suitably qualified support workers and, most importantly culturally appropriate professionals.

The Pacific voices are not seeking exclusive domains for working. They continue to advocate for collaboration, partnership, and an inclusive place for the values, practices, and beliefs of ethnic specific groups within policy writing and funding allocation. For the group of participants who attended the fono, there is an awareness that respect for other ways of seeing and understanding the environments which Pacific and non-Pacific people share will keep the dialogue and discussions open and debates constructive.

Pacific families now live in extremely demanding times. There is no doubt that violence in all its forms will continue to impact on the lives of the most vulnerable in communities. The barriers and enablers within this report will form part of ongoing discussions and debate within the Pacific sexual violence sector. It will hopefully be a springboard to galvanising practical and innovative ways to creating violence free environments within Pacific families, communities and our society.

CONCLUSION

Though coming from very different cultural positions both *mainstream* and Pacific views come together in recognition of the current position of sexual violence service provision which though under-resourced, continues to provide much needed services for survivors of sexual violence and their families. A vision for the future is one which encompasses and embraces the rich diversity of our communities while addressing the shared problem of sexual violence. It is with this shared idea that the vision at the beginning of this summary was developed.

APPENDIX R: ACC SERVICE IMPROVEMENT PROJECT WORKING GROUP REPORT

EXECUTIVE SUMMARY

There is significant scope within the existing ACC framework and legislation to improve services for clients to enhance their rehabilitation, experience and outcomes. There are also opportunities to attract more counsellors to work with ACC clients by removing barriers and making it easier for them to work within the ACC system. Actions have also been identified to build the capability of ACC staff and reduce turnover.

There are specific opportunities to improve services for Māori clients and providers. The ACC framework focuses on mainstream models and does not meet the needs of Māori. While specific issues have been identified for Māori, Māori clients and providers will also benefit from implementing the other recommendations. When implementing changes, it will be critical to consider the needs of Māori.

Through the work of the taskforce, it has been identified that specialist services for survivors of sexual violence provide holistic, wrap around services which are client focused and provide a specialist understanding of sexual violence, the context in which it occurs and its impact. The relationship between crisis intervention and ongoing support and recovery provides a seamless transition for clients accessing services.

There is a question of whether the ACC model of funding individual counsellors to provide limited services to certain clients is the most appropriate way to fund the support and recovery needs of survivors of sexual violence. There is a tension between ACC's role as a prudent state insurer and providing holistic services for survivors of sexual violence.

ACC is part of the picture and in many respects New Zealand survivors are more fortunate than survivors in other countries by having access to ACC. Notwithstanding this, it also needs to be acknowledged that the ACC funding model is inadequate for a significant proportion of client groups and it excludes many providers, survivors, and models and aspects of recovery other than counselling. There are a number of people who are unable to access services through ACC, because they can not demonstrate a mental injury or are ineligible because violence occurred outside of New Zealand.

The full costs associated with sexual violence for those who are eligible for ACC services are not met by ACC. Community providers of services are frequently under resourced and struggle to maintain professional and accessible services within, at times, critical funding constraints.

The working group has identified 18 recommendations for change. These include a large number of operational improvements within the current legislation, potential options for legislative change within the ACC Scheme and options for the delivery of services outside ACC.

APPENDIX S: COMMUNITY-BASED TREATMENT PROGRAMME FOR OFFENDERS OF SEXUAL VIOLENCE – FACT SHEET

The Adult Sexual Assault programme is a treatment programme to be delivered in the community for perpetrators of sexual violence against adults.

WHAT IS IT?

The Adult Sexual Assault programme is designed to help perpetrators examine the causes of their 'at-risk' behaviour or offending and develop specific skills to prevent them reoccurring. The programme will be delivered by a service provider in the community.

WHY IS IT NEEDED?

No specific treatment programmes that address sexual violence against adults are available in the community. Many individuals are not held accountable for sexual offending, nor do they receive treatment to address their offending. Treatment services for perpetrators must be available to support victims of sexual violence who want the behaviour to stop without going through the criminal justice system.

WHO CAN PARTICIPATE?

People who have committed, or who are at risk of committing, sexual violence against an adult. Participants may include offenders who are managed on a community sentence or order, and non-mandated perpetrators who self-refer or are referred by others to the programme. Support people and family/whānau members will be encouraged to be involved whenever appropriate to improve programme effectiveness and community safety.

WHAT DOES IT INVOLVE?

The programme will be delivered over 32 weeks by two therapists to groups of eight to ten participants. Participants, their support people and family/whānau members will receive approximately 150 hours of intervention and support. Treatment will involve 28 group sessions of 2.5 hours, 7 individual sessions and 4 intensive day sessions. Three system review meetings will occur during the programme. A separate eight week group programme for support people and family/whānau members will also be offered. A victim education group of 8 hours will be included. Māori tikanga and processes and whakawhānaungātangā sessions will be included where possible.

HOW WILL IT WORK?

Participants will undergo an assessment process over six weeks. This will include a full risk assessment and baseline measures of attitudes and beliefs in relation to sex and violence. Following the assessment process, participants and their support networks will confirm treatment goals, roles and safety issues before treatment begins.

HOW WILL IT HAPPEN?

Referrals to the programme will be received from courts, the Department of Corrections and the community.

HOW WILL ITS EFFECTIVENESS BE MEASURED?

The programme will be evaluated using changes in risk levels, beliefs that support sexual violence as measured by standard assessments, and information from support people about observed behavioural changes.

APPENDIX T: IMPROVEMENTS TO SEXUAL VIOLENCE LEGISLATION IN NEW ZEALAND: ANALYSIS OF PUBLIC SUBMISSIONS

DISCUSSION DOCUMENT: IMPROVEMENTS TO SEXUAL VIOLENCE LEGISLATION IN NEW ZEALAND

In August 2008, the Ministry of Justice released the discussion document *Improvements to Sexual Violence Legislation in New Zealand*. The discussion paper sought public views on three proposed changes to the Crimes Act 1961 and the Evidence Act 2006:

- the inclusion of a positive definition of consent to sexual activity – at the moment we have a list of circumstances that do not amount to consent;
- the requirement that when determining whether the accused had reasonable grounds to believe the complainant consented to sexual activity the court must have regard to all the circumstances relevant to the case. This would include any steps the defendant may have taken to ascertain whether the complainant was consenting; and
- the extension of the ‘rape shield’ so that evidence about previous sexual experience between the complainant and the accused is also inadmissible without prior agreement of the judge.

The paper also sought views on alternative approaches to addressing sexual violence such as restorative justice and specialist prosecution units. Over 400 copies of the discussion document were provided to various individuals and organisations with an interest in sexual violence-related law and the criminal justice process. Seventy-six submissions were received.

There was majority support for the proposed amendments. Of the 65 submitters that provided views on the legislative changes, 44 support all three proposals, 11 support some of the proposals (or support at least one but gave no indication of support or opposition to the others), and 10 oppose all three.

The table below provides an overview of the type and views of submitters that responded to the discussion document:

OVERALL VIEWS OF SUBMITTERS ON BOTH LEGISLATIVE AMENDMENTS AND ALTERNATIVE APPROACHES					
Type of Submitter	Support legislative change	Support <i>some</i> legislative change	Oppose legislative change	Support exploring alternatives	Oppose exploring alternatives
General NGOs & advocacy groups (21)	17	1	0	21	0
Sexual violence NGOs (17)	14	2	0	16	0
Legal organisations* (7)	3	3	1	6	1
Crown entities** (2)	0	1	1	2	0
Survivors / Family (10)	5	0	1	9	1
Mental health practitioners (3)	2	0	0	3	0
Legal professionals (8)	1	1	5	4	3
Academics (5)	2	2	1	4	1
Private Individuals (3)	0	1	1	2	1
Total	44	11	10	67	7
<p>* <i>Legal organisations include Crown Law</i> ** <i>Crown Entities includes Human Rights Commission and Law Commission</i></p>					

AMENDMENT ONE: DEFINITION OF CONSENT

CURRENT SITUATION

An essential element of the crime of rape or unlawful sexual connection is that the accused does not have the person's consent, and did not believe on reasonable grounds that the person is consenting.

The Crown must therefore prove three elements beyond a reasonable doubt:

- that sexual connection took place; and
- that the complainant did not consent to the sexual connection in question; and
- that the accused did not believe on reasonable grounds that the complainant consented to the sexual connection.

The Crimes Act does not include a positive definition of consent. That is, the law does not set out what constitutes consent. Rather, the Act states that a person does not consent just because they do not protest or offer physical resistance. A non-exhaustive list of circumstances that do not amount to consent (sometimes referred to as a negative definition of consent) is provided in section 128A. The list includes if a person:

- is subject to force or fear of force;
- is affected by an intellectual, mental or physical condition or impairment such that they cannot consent or refuse to consent;
- allows sexual activity because they are mistaken about the identity of who the other person is or as to the nature and quality of the act; and
- is asleep or unconscious, or if the activity occurs while they are so affected by alcohol or some other drug that they cannot consent or refuse to consent to the activity.

Sexual assault law reform in jurisdictions such as Canada, the United Kingdom and Australia has included a positive definition of consent into legislation to provide guidance on the issue and to assist in the displacement of preconceptions about the notion of consent.

THE DISCUSSION DOCUMENT /SUBMISSIONS

The discussion document proposed that the Crimes Act 1961 be amended to include a definition of consent to sexual activity to sit alongside the list of circumstances where consent is deemed as not being present.

No specific wording was proposed in the document, but submitters were asked to indicate, where they support a definition, whether it should contain the concepts of *freedom*, *choice*, and the *capacity* to make the choice to consent to sexual activity. Submitters were also asked to indicate their preference based on definitions used on comparable jurisdictions as below.

JURISDICTION	DEFINITION
UNITED KINGDOM <i>Sexual Offences Act 2003</i>	<i>"a person consents if he agrees by choice, and has the freedom and capacity to make that choice"</i>
SOUTH AUSTRALIA <i>Criminal Law Consolidation (Rape and Sexual Offences) Amendment Act 2008</i>	<i>"a person consents to sexual activity if the person freely and voluntarily agrees to the sexual activity"</i>
CANADA <i>Criminal Code</i>	<i>"the voluntary agreement of the complainant to engage in the sexual activity in question"</i>
NSW <i>Crimes Amendment (Consent-Sexual Assault Offences) Act 2007</i>	<i>"if the person freely and voluntarily agrees to the sexual intercourse"</i>
VICTORIA <i>Crimes Amendment (Rape) Act 2007</i>	<i>"free agreement"</i>

Sixty-one submitters responded to this issue: **50 support** a definition of what consent is; **nine are opposed**; and **two hold reservations** about whether the amendment would have the impact intended.

The majority of submitters that support the inclusion of a definition also support a definition containing the three concepts of 'freedom', 'choice', and 'capacity'. Strong arguments were made by 10 submitters who oppose the inclusion of the term 'capacity'.

AMENDMENT TWO: ADDING MORE GUIDANCE TO THE REASONABLE BELIEF TEST

CURRENT SITUATION

Whenever the defence claims the defendant had a reasonable belief that the complainant was consenting, the jury is required to assess whether there is evidence to support this assertion. The question for the jury to answer is “would a reasonable person in the shoes of the accused have believed the complainant was consenting in those circumstances?”

The legal burden of proof lies with the prosecution when the defence claims a reasonable belief in consent. To prove the charge, the prosecution must show beyond reasonable doubt that either the accused did not believe the complainant was consenting or that no reasonable person in the circumstances of the accused would believe that the complainant consented. The defence do not have to prove beyond a reasonable doubt that the belief in consent existed, but where they make this assertion they need to raise some evidence to support it (evidential burden).

The Crimes Act 1961 does not include any guidance on what matters the court should consider when determining whether or not a reasonable belief was formed by the defendant. The trial judge instructs the jury (on matters for consideration) according to the particular circumstances of the case.

THE DISCUSSION DOCUMENT/SUBMISSIONS

The discussion document sought views about adding more guidance in the Crimes Act 1961 for the reasonable belief test.

Fifty-two of the 61 submitters that provided a view on this issue **support change** in some form to the reasonable belief test. **Nine submitters oppose** any change.

The submitters preferred option is to amend the law to require that, when determining whether the accused had reasonable grounds to believe the complainant consented to sexual activity, the court must have regard to all the circumstances relevant to the case including any steps the accused may have taken to ascertain whether the complainant was consenting.

AMENDMENT THREE: EXTENDING THE RAPE SHIELD

CURRENT SITUATION

The Evidence Act 2006 protects complainants from certain questions and evidence about their sexual reputation and past sexual experience (the ‘rape shield’). Evidence about a complainant’s past sexual behaviour with anyone other than the accused must be highly relevant to be permitted.

Therefore:

- evidence of sexual experience between the complainant and any person other than the accused is excluded without prior agreement of the judge; and
- evidence of sexual experience between the complainant and the accused is allowed.

While there must be some foundation for putting this evidence before the jury, there is debate about the extent of evidence required in New Zealand.

New Zealand is one of the few countries where there is no initial barrier to evidence of the sexual history between the complainant and the accused being raised in open court before it can be subject to an objection. Other countries, such as the United Kingdom and Australia, take the approach of generally prohibiting such evidence and allowing it once the judge is satisfied of its relevance.

THE DISCUSSION DOCUMENT/SUBMISSIONS

The discussion document sought views on the proposal to amend the Evidence Act so that evidence about previous sexual experience between the complainant and any person, *including the accused*, is inadmissible without prior agreement of the judge.

Sixty-two submitters responded to this section. **Fifty support** the proposal, **11 oppose** it and **one holds reservations** about how the proposed change would impact on the issue, citing Counsel for the complainant as potentially being a better option.

APPENDIX U: SUMMARY OF SEXUAL VIOLENCE PROCESS MAP⁹⁶

1. In late 2007, with the support of Taskforce for Action on Sexual Violence members, the Police commissioned the development of an end-to-end map of the sexual violence process. The purpose of this exercise was to provide a common framework on which to base the development of the Taskforce's work programme, and enable the demonstration and communication of progress.
2. Specifically, the objectives were to:
 - describe the current process;
 - identify the points of contact between agencies and victims, offenders and their families throughout the process;
 - provide a framework over which additional information can be overlaid, eg, caseload volumes or funding allocations; and
 - provide basic information that other work programme initiatives can build on.
3. Given its wide scope, the sexual violence process map project sat as a general 'supporting project' rather than relating to a specific Term of Reference of the Taskforce. However, it has linkages to many of the Taskforce work programme initiatives and outcomes.
4. The map represents agencies' best understanding of how the current process *should* operate, for *most people, most of the time*. It includes decision-points and services from pre-event prevention (including as education and awareness raising) through to resolution (including ongoing recovery and treatment).
5. It includes the formal criminal justice system – from reporting, through Police investigation, to the Courts process and subsequent offender management. It also includes services relating to victims who do not report, such as support services and counselling, and medical response. The map encompasses services and interventions both for victims (including crisis response and ongoing support and advocacy) and for offenders (such as treatment programmes). It encompasses central government, local government, non-governmental and private sector stakeholders. It captures this by providing a "swim lane" view of the process.

SUMMARY OF OUTPUTS

6. The key output of this project is the map itself, which has been prepared using iGrafx software. Soft and hard copies of the final version have been provided to contributing agencies. Additional material prepared includes:
 - key to interpreting the map's symbols; and
 - accompanying notes (contributed by agencies), providing additional context/explanation of some steps.
7. The map includes a series of 'go to' points, indicating where particular processes have been mapped in more detail. These include:
 - Whanau/hapu/iwi process;
 - ACC process;
 - 'how victims of sexual violence receive court services';
 - Summary Courts process; and
 - Indictable Courts processes, including
 - Pre-depositions;
 - Depositions;
 - Call-over hearing;
 - Pre-trial hearing;
 - Trial;
 - Appellate Court; and
 - Sentencing.

OPPORTUNITIES IDENTIFIED

8. The high-level map that has been created provides agencies with an opportunity to use this as a basis for the development of more detailed maps for their own organisation. This will assist in the identification of issues and improvements to processes that will result in better outcomes for complainants.
9. A greater degree of clarity on the overall process can be undertaken by the collection of data on basic process activities. This will allow for metrics to be developed in order to understand and identify measurable inputs and subsequent outcomes.
10. Additional layers could be overlaid onto the existing map, and could be broken down into Quick Wins (eg, reduced form entry) as well as longer term process improvement initiatives.

⁹⁶ Prepared by Igniter: www.igniter.co.nz.

QUICK WINS

11. Metrics and performance measurement:

- Apply overall performance monitoring in readiness for change options;
- Statistics on frequency/proportion of victims and caseloads, including ethnic breakdown of victims;
- Criteria used by agencies at decision-making points;
- Documentation of Roles and responsibilities for process decision-makers;
- Performance information, such as standards, performance indicators, common errors, performance management and training.

OTHER OPPORTUNITIES

12. More extensive mapping of the kaupapa Māori process. It is noted that the background paper on the needs of and services for Māori prepared for the Taskforce will provide a significant contribution in this regard. The extent to which the material gathered would lend itself to process mapping is unclear at this stage.

- Ability to review and change the existing process;
- Increased process governance within respective jurisdictions;
- Enhanced reporting and communication lines identified from the map;
- Enhanced Role Descriptions and subsequent KPI measurements tailored to achieving increased process effectiveness;
- Process is only for adult victims. The suspect could be a youth offending against an adult and could be added to the wider SV considerations;
- Detailing the impact of the processes on the victim;
- Details such as forms, costs and funding;
- Current process mapped is only for the more serious offences (indictable). This could be an opportunity to prevent repeat or subsequent more violent crime in its early stages;
- Processes for impaired victims and modes of information gathering and subsequent measurement;
- Identification of specific decision makers within agencies;
- Wider impact on of the processes on the victim and support options.

APPENDIX V: ALTERNATIVE MODELS WITHIN THE CRIMINAL JUSTICE SYSTEM BACKGROUND PAPER⁹⁷

EXECUTIVE SUMMARY

This paper considers adversarial and inquisitorial justice systems; and the experience of victims of sexual violence in the courtroom. It also considers potential measures that the New Zealand criminal justice system could consider to respond better to victims of sexual violence.

The key findings from the literature are as detailed below.

- Legal commentators agree that the adversarial and inquisitorial legal systems generally reach the same results by different means
- Conviction rates for sexual violence are similar regardless of which legal system a jurisdiction operates under
- There is little evidence to suggest that an inquisitorial approach provides a less-traumatic experience for victims of sexual violence
- There are possible measures that consider the specific needs of victims of sexual violence (eg, legal representation for the victim, enhancements of the role of the prosecutor)
- Introduction of such measures may result in a reduction in secondary victimisation, encourage increased reporting, and increased conviction rates
- A victim-centred approach requires understanding and consideration of the unique needs of diverse populations.

There is no evidence that a move to an inquisitorial legal approach would contribute to reducing secondary victimisation, encourage increased reporting, or improve conviction rates. The literature does, however, provide a rationale for measures that could specifically be considered to better meet the needs of victims of sexual violence within our current legal system; and that those measures should recognise the unique personal nature of sexual violence. These measures include legal representation for victims, looking at the role of the prosecutor in relation to victims of sexual violence, and what lessons can be learned from the implementation of specialist measures in South Africa.

The paper does not comment on the suitability or applicability to the New Zealand criminal justice system. A key finding within the literature is the lack of discussion of diversity of victims and participants through the criminal justice processes, such as indigenous, ethnic, migrant, or disabled victims. A victim-centred approach requires understanding and consideration of the unique needs of diverse populations. This is particularly true for groups who may be over-represented within the system.

⁹⁷ Background paper prepared by the Ministry of Women's Affairs.

APPENDIX W: RESTORING SOUL: KEY FINDINGS FROM STRONG AND SAFE COMMUNITIES – EFFECTIVE INTERVENTIONS FOR ADULT VICTIMS/SURVIVORS OF SEXUAL VIOLENCE⁹⁸

RESTORING SOUL: KEY FINDINGS FROM STRONG AND SAFE COMMUNITIES – EFFECTIVE INTERVENTIONS FOR ADULT VICTIMS/SURVIVORS OF SEXUAL VIOLENCE

PURPOSE AND SCOPE OF THE REPORT

Restoring Soul: Key findings from Strong and Safe Communities – Effective Interventions for Adult Victims/Survivors of Sexual Violence is the summary report resulting from a two-year research project led by the Ministry of Women's Affairs, in partnership with the Ministry of Justice and New Zealand Police.

The report integrates the findings and identifies major themes that emerged from four inter-related research streams. It considers the implications from a research perspective. The focus is on 'what works' for adult survivors of sexual violence.

In the report:

- an 'adult' was defined as a person aged 16 years or older at the time of the assault
- 'sexual violence' refers to rape and unlawful sexual connection
- 'victim/survivor' is used interchangeably with 'victim' or 'survivor'
- 'offender' is used for consistency, to cover terms such as 'suspect', or 'defendant'.

OBJECTIVE AND SCOPE OF THE PROJECT

The objective of the project was to generate data that:

- identify ways of improving the safety and wellbeing of adult survivors of sexual violence
- provide a strong evidence base for policy and operational responses.

The research had a particular focus on groups with the highest prevalence of sexual victimisation, including New Zealand European, Māori and young women.

THE EVIDENCE BASE: FOUR INTER-RELATED RESEARCH STREAMS

Four complementary research streams, using quantitative and qualitative methods, were developed to answer the key questions guiding the research.

The pathways study provides in-depth information on the types of supports and interventions that helped survivors move from crisis towards recovery. It involved face-to-face interviews with 58 survivors and 17 self-complete questionnaires. The study focused on their experiences with informal support systems (eg, family, friends and whānau), formal support systems (eg, counselling, medical services, victim services), and the criminal justice system. It did not examine the clinical effectiveness of therapeutic interventions.

The environmental scan provides information on organisational and contextual factors that influenced system and agency responses to survivors. Tailored surveys were completed by 458 criminal justice personnel and community agencies that respond to survivors across New Zealand.

The attrition study is the first New Zealand study of its kind. It presents a statistical analysis of attrition and conviction rates, and factors associated with case outcomes, for 1,955 police files coded as sexual violation of an adult. It included all such offences recorded by New Zealand Police between July 2005 and December 2007. In this research 'attrition' refers to the proportion and types of cases that did not proceed through successive stages of the criminal justice system.

The literature review looks at New Zealand and international literature dealing with the types of services and principles of service delivery that are recognised by experts in the field as good practice for medical, mental health, criminal justice, and community support systems that deal with adult survivors of sexual violence. It provides a basis for assessing the applicability of different practices for the New Zealand context. However, there was little literature on the clinical effectiveness of therapeutic interventions.

⁹⁸ Ministry of Women's Affairs, 2009.

A SYSTEMS APPROACH TO SEXUAL VIOLENCE

The report takes a systems approach to sexual violence. This approach shows the need to keep the big picture in mind. To reduce the incidence and impact of sexual violence, the overall system must both prevent and respond to sexual violence. To have the greatest impact, responses must be comprehensive, coordinated, and span a number of spheres. The project focused on three systems that are most likely to respond to victims/survivors of sexual violence: informal support systems, the criminal justice system, and formal support systems, such as services to aid recovery.

INFORMAL SUPPORT SYSTEMS

The pathways study confirmed that informal support systems are potentially an important source of immediate and ongoing help following sexual violence. Survivors often needed validation, support, and help to decide what to do next. Some members of informal support systems were able to respond to the survivors' needs and helped them access formal help. Others were less equipped to deal with disclosures, even if they wanted to help. They often did not have information or knowledge to give survivors the help they needed. Some were themselves traumatised by exposure to survivors' distress. The findings raise a question about how well we understand the extent and implications of the impact of the disclosure on people close to the victim, and how to respond to it.

THE CRIMINAL JUSTICE SYSTEM

The findings of the attrition study are consistent with other international studies that have shown similar points and patterns of attrition, and similar factors associated with attrition. Only a small proportion of cases recorded by the police result in a conviction: those involving people who are most likely to be victimised are least likely to proceed through the criminal justice process or to end in a conviction.

FORMAL SUPPORT SYSTEMS

Access to high quality and culturally appropriate services is essential for meeting survivors' crisis and longer-term needs and for promoting recovery. Results from the environmental scan drew attention to the limitations of existing services in meeting the needs of diverse social and cultural groups. Service providers indicated that the following groups might experience the most difficulty in having their needs met: ethnic, migrant and refugee survivors, Pacific peoples, people with disabilities, Māori, men, sex workers.

KEY FINDINGS AND SUGGESTIONS FOR THE FUTURE

REPEAT SEXUAL VICTIMISATION

There is a group of survivors who are particularly vulnerable to sexual violence and who have high and complex needs. The pathways study showed a history of repeat sexual victimisation, often beginning at a young age. It was often associated with other forms of violent victimisation, and with the presence of other risk factors, such as disability or drug or alcohol use. Many of these survivors had prior social or intimate relationships with their attackers. In the attrition study, around 10 percent of victims had made previous allegations of sexual violence to police and around 30 percent had made previous allegations of physical violence. Given the extent of under-reporting of sexual violence, these statistics are likely to be underestimates.

IMPLICATIONS FOR THE CRIMINAL JUSTICE SYSTEM

Cases involving victims from these vulnerable groups, if reported to the police, are least likely to proceed through the criminal justice system and result in conviction.

Despite high attrition and low conviction rates, the criminal justice system remains an important avenue of redress for some victims. There is a need for fuller information on what motivates or enables survivors to report to police and what they hope to achieve from the criminal justice system. Related to that is the need to understand their understandings of 'justice' and how they can be helped to achieve it.

The attrition study has provided baseline data for New Zealand and a methodology that can be replicated. Repeating the study at systematic intervals could be used to note changes in the numbers and types of cases recorded by police, systematic differences in cases that proceed or do not proceed through the criminal justice process, and gauge trends in conviction rates.

IMPLICATIONS FOR THE FORMAL SUPPORT SYSTEM

The research results highlighted the value survivors placed on expert interventions in promoting recovery, particularly counselling and specialist sexual violence services. They also valued culturally appropriate and accessible services.

Early and ongoing intervention plays a substantial role in restoring survivors' wellbeing and promoting recovery. Early intervention could also, therefore, prevent repeat sexual victimisation, but there has been little attention internationally to designing and testing evidence-based programmes aimed at reducing repeat sexual victimisation.

The responses of a wide range of formal systems are crucial to ensuring the wellbeing of survivors. A range of services and settings could be critical points for intervening and responding to sexual violence, and potentially preventing repeat sexual victimisation. However, there is little information on whether survivors actually disclose the cause of their symptoms to health or social service providers, or whether health professionals are trained or experienced to discuss the possibility of sexual violation with them.

INFORMAL SUPPORT SYSTEMS

Informal social networks are often the first potential point for ensuring early and appropriate interventions through formal support systems and the criminal justice system. Survivors who disclose to a friend, family or whānau member, or someone else they know, cannot be guaranteed a supportive response. Rape myths and victim-blaming often underpin negative responses. People who want to help might not know how to respond, or where survivors could find help. Impacts such as division among social networks, or loved ones being traumatised through exposure to the survivor's distress, can add to survivors' suffering.

There are particular gaps in knowledge about outcomes for survivors who try, but are unable, to find appropriate help. We know that some survivors experience pressure from informal networks to keep the matter silent or put up with a partner's sexual violence. What we don't know enough about is the long-term impact on these survivors or the flow-on effects to their families, whānau and the wider society.

ACHIEVEMENTS OF THE PROJECT AND SUGGESTIONS FOR THE FUTURE

This project has engaged with a wide range of individuals and agencies from across New Zealand. It has delivered new, comprehensive and robust evidence to inform policy and operational responses for improving the safety and wellbeing of adult victims/survivors of sexual violence.

The findings from the four research streams have provided clarity around some issues, and have brought other questions and issues to the fore. In some respects, the project has only scratched the surface of knowledge gaps, partly because sexual violence has been under-researched in New Zealand for some decades.

One of the outstanding gaps is the lack of ethnic- and culturally-specific research in this area. We were fortunate to have some Māori input to the project. The research is largely silent about other groups of survivors: Pacific Island peoples, migrants and refugees, people with disabilities, men, sex workers, or gay, lesbian, bisexual, transgender and intersex people. It has gathered some information on these socio-cultural groups. As much as anything else, this information highlights what we don't know – but need to know – to build a sexual violence response system that could work for some of the most vulnerable people in society.

APPENDIX X: MĀORI CONCEPTS OF CRIMINAL JUSTICE

THE PAST

The Māori world view conceptualises how Māori see the world they live in. The spiritual and physical realms are not closed off from each other as in other contexts.⁹⁹

The structural framework of Māori society is based on whakapapa. Whakapapa links human beings to the natural and spiritual worlds, so that people are related to all aspects of the environment. These connections are strengthened by the principles of whānaungatanga.¹⁰⁰

For over a thousand years Māori had their own criminal justice system operating in Aotearoa. Broadly, the system of justice reflected values about responsibility to the wider community and an understanding that for society to function well all things physical and spiritual need to be in balance and harmony. This system was woven into the fabric of everyday life.¹⁰¹ Social and legal control within tikanga Māori was primarily achieved through the complementary principles of tapu and noa.¹⁰² Everyone was required to protect their own tapu and respect the tapu of others.

Mana was also a fundamental concept that governed the infrastructure of traditional Māori society. Mana and tapu are inherited from the kāwai tipuna and all natural resources within Te Ao Māori possess mana and tapu to varying degrees. The belief that all people had a tapu which was not to be abused by others was important. Tapu acted as a corrective and coherent power within Māori society, as a protective device, in the same way a legal system operates within a system of prohibitory controls.

Mana was inherited through a direct link to tipuna and the kāwai tipuna, and could also be acquired by an individual throughout the course of his or her life. Personal and collective mana was very important and Māori were careful to ensure that their behaviour and actions maintained their mana.

Unlike the common law system, there is no distinction in tikanga between civil and criminal law, or between crime and moral wrongfulness. Tikanga prescribes many activities as wrong and subject to punishment. Traditionally, actions that were unacceptable, known as hara, were well understood and methods were in place for dealing with offenders.

Those who committed hara or crimes were subject to the sanction of law. If there was a breach of tapu through commission of hara, which affected mana, utu was called for.¹⁰³ The dynamic was the same whether the offending was against a person or property.

Acts of bodily harm to another would be a failure to recognise one's responsibility to others, would damage that person's tapu, and threaten the order of the community. Property offences went against a person's responsibilities to others and the community, and again threatened the stability of the social order.

Murder was punishable by death. Rape was also an offence punishable by death. In the event of mitigating circumstances, utu or payment for the hara could take the form of muru or a plundering raid in which the offender was deprived of most of his possessions. In the case of theft, utu and muru applied. Undetected murders and thefts were subject to mākutu which was much feared. The aim of dispute resolution was to restore balance, and the mana of the parties involved. Law with penalties aimed at constraining potential offenders was developed to preserve harmony within and among individuals and their community.

The traditional Māori criminal justice system protected people against an arbitrary social order by providing social stability, order and security, as well as promoting communal responsibility. The Māori system of criminal justice persisted into the colonial period but has since been replaced with western values and systems of 'good government' and 'law and order'.

THE FUTURE

The criminal justice system, the laws and processes imposed by that system must be modified to be more responsive and effective for Māori as victims (and offenders) of sexual violence. Ngā Kaitiaki Mauri supports immediate legislative and procedural improvements identified through Taskforce work – greater effectiveness for all victims of sexual violence is also likely to enhance processes for Māori.

However, fundamental change is considered particularly important for Māori, along with the exploration of alternative models of justice and resolution. Consideration of Māori systems of social control and dispute resolution are considered crucial to support whānau ora.

99 Ministry of Justice, 2001.

100 Quince, 2007.

101 Ministry of Justice, 2001.

102 Quince, 2007.

103 Ibid.

For Māori, the exploration of alternative models comes from a realisation that in the wisdom of the past are the ideals which can be adapted to yield justice today. The call for alternative models and approaches is not about a simple yearning for the past. The consideration of alternative models and approaches has the potential to draw on the old with the new. Tikanga, that has been practised and handed down from tipuna, must be given expression to and made relevant within the context of Aotearoa New Zealand today. There are examples of relevant approaches that are already in place. For example, a form of Māori justice is restorative justice. Restorative justice is victim centred; it involves the community; and it is about offenders taking responsibility for what they have done.

Te Whanau Awhina was developed by the Māori community to address the situation of large numbers of Māori youth appearing before the courts. Developed by Māori for Māori four decades ago – and with processes and etiquette for delivery drawn from traditional customs used in dispute resolution – it still remains a Māori model, but now services all races and ethnic groups.¹⁰⁴

104 Sharples, 2007.

GLOSSARY OF TE REO MĀORI TERMS

AWHINATANGA	The practice of assisting or helping
HAPŪ	Grouping of several whānau with a common ancestor
HAUORATANGA	The body of knowledge and values associated with wellbeing
HINE-NUI-I-TE-PO	The caretaker of those who have passed on
HUI	A meeting performed in accordance with Māori world views
IWI	Grouping of several hapū with a common ancestor
KAIMAHI	Worker/helper/assistant
KAITIAKI	Guardian/carer
KAITIAKITANGA	The body of knowledge and values associated with caring for mauri
KARAKIA	Incantation of a spiritual nature
KAUPAPA MĀORI	Māori values and principles emerging from a Māori world view
KAUPAPA	Strategy/philosophy
KAWA	Protocols
KOTAHITANGA	Connecting people/unity
KUIA	Elderly female of a whānau
MAHI AROHA	Unpaid activity performed out of sympathy and caring for others in accordance with the principles of tikanga to maintain mana and rangatiratanga.
MANAAKITANGA	The body of knowledge and values associated with hospitality and integrity
MANA WHENUA	Acknowledged kaitiaki of a particular rohe
MARAE	Meeting house
MĀTAURANGA MĀORI	Corpus of knowledge developed to support and maintain the Māori world view
MAURI	Life force/essence/spirit
NGĀ KAITIAKI MAURI	Tikanga Māori House of Te Ohaakii a Hine – National Network Ending Sexual Violence Together
PUKENGATANGA	The body of knowledge and values associated with developing expertise
PŪRĀKAU	Creation philosophy told within a story version

RANGATIRA	Chief/leader
RANGATIRATANGA	The body of knowledge and values associated with communal leadership
ROHE	Area/territory
TANGATA WHENUA	Indigenous people of Aotearoa New Zealand
TAONGA	Treasures
TAPU	Sacred
TAUTOKO	Providing support both verbally and physically to the completion of a kaupapa
TAUIWI	All population groups in Aotearoa New Zealand other than tangata whenua
TE AO MĀORI	Māori conceptual world view
TE KĀKANO O TE WHĀNAU	A network of women Māori service providers
TE TIRITI O WAITANGI	Treaty of Waitangi
TIKANGA	Correct procedure/custom
TIKANGA MĀORI	Māori practices/policies that grow from kaupapa to support a Māori world view
TIPUNA	Ancestor
TŪ WĀHINE	A kaupapa Māori organisation based in Auckland
WAIRUATANGA	The body of knowledge and values associated with spirituality
WHAEA	Mother
WHAKAMĀ	The effect on and resulting behaviours of a whānau member from the transgression of their mana
WHAKAPAPA	The body of knowledge that explains kinship ties
WHĀNAUNGATANGA	The body of knowledge and values associated with kinship ties
WHĀNAU	A grouping of several nuclear families with a common ancestor
WHĀNAU ORA	Wellbeing of whānau
WHAKATAUKI	Proverb that encapsulates Māori values
WHAKAWHANAUNGATANGA	The art of looking after or caring for others
WHARE	House

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Kua ea te Okākī ā Hine
