



TEU

TERTIARY EDUCATION UNION
TE HAUTŪ KAHURANGI

Sexual Violence Legislation Amendment Bill

Submission of Te Hautū Kahurangi | Tertiary Education Union

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About Te Hautū Kahurangi

Submission of Te Hautū Kahurangi | Tertiary Education Union

Te Hautū Kahurangi | Tertiary Education Union (TEU) represents nearly 10,000 general/allied/professional and academic staff from across New Zealand's tertiary education sector working in ITPs, universities, wānanga, REAPs, and private training establishments.

Women make up more than half of our membership.

As the professional association for these staff working in the tertiary education sector we have a strong, active commitment to social justice and equity issues both for our members and for society as a whole.

Achieving gender equality and the empowerment of women aligns with our values and goals. Eliminating violence against women, in all its manifestations is critical to women's empowerment.

Te Hautū Kahurangi actively acknowledges Te Tiriti o Waitangi as the foundation for the relationship between Māori and the Crown. This mean we actively seek to advance and support issues affecting Māori. Māori are hugely over-represented and impacted negatively throughout our justice system.

One of our guiding whāinga is *Awhi ātu, Awhi mai*: We take actions that seek to improve the lives of the most vulnerable. Women who have experienced sexual harm and who are seeking redress are amongst the most vulnerable.

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Introduction:

- 1.1 Te Hautū Kahurangi strongly supports the intent of this Bill including reducing the re-traumatisation of victims of sexual violence; improving the justice system's response to victims of sexual violence and improving victim's experience of the court processes.
- 1.2 We believe the changes are both necessary and well due.
- 1.3 We are reminded of court trials including recent ones, where victims' detailed sexual histories have been displayed in the media in what has appeared to many of our members, to be both unnecessary and irrelevant.
- 1.4 Increasing the protections for those few sexual violence victims who manage to make it to the Court stage is an important component in our nation's overall improvement of our dire sexual violence statistics.
- 1.5 TEU wishes to add its support to the Submission of the Wellington Sexual Abuse HELP Foundation.

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Key points:

- 2.1 We support the changes that restrict eliciting evidence of a victim's sexual experiences, sex life and reputation and protecting victims from invasive, irrelevant questioning on these matters.
- 2.2 We consider that exploring and providing for alternative ways to provide evidence (video recordings etc) fits with the time – the Courts should be able to make effective use of modern, alternative technologies. There are plenty of mechanisms available to ensure the integrity of such technology.
- 2.3 The provisions that require consideration of appropriate safe facilities for victims, such as a safe waiting space away from the general public are also to be commended.
- 2.4 The provision that requires a judge to address misconceptions relating to sexual cases is an extremely important section in these changes. We are only too aware of the common myth existing in our society that says that certain items of clothing are an invitation to sexual violence. Such misconceptions and myths necessarily affect the way jurors perceive a case. Such myths must be identified and challenged to ensure justice. Requiring this of the judge is a very positive change.
- 2.5 TEU also supports the provision that would permit the Court to be cleared for the hearing of a victim impact statement. Sometimes there is information that it is simply not necessary for a wide audience.
- 2.6 The Court processes and environment do not readily accommodate te reo Māori me ngā tikanga Māori nor reflect commitments to Te Tiriti o Waitangi; this compounds trauma for Māori victims of sexual violence. TEU supports recommendations made by other submitters that:

Relevant justice personnel should be required to undertake specialist training in Te Tiriti o Waitangi, and te ao Māori;

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Pro-active policies should be implemented to ensure Māori staff are employed at all levels of the criminal justice system;

Options should be made available for victims to have their case heard on marae where te reo Māori me ngā tikanga provide both familiarity and safety;

Early opportunities for whanau to hui and kōrero should be a priority for resolution;

Appropriate spaces that permit whānau to gather and kōrero should be provided as a matter of course.

2.7 TEU recommends that the changes proposed also include consideration of any particular needs of Pasifika and other ethnicities.

Conclusion

As stated in the introduction, we believe these changes are a positive move for our nation and they should be made without delay.

Thank you for considering our Submission.

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