Victims should be front and centre in the response to men using violence

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It is clear that if we are to stop family violence, then those using violence against family members need to stop. If we are to "prevent its occurrence and intervene earlier to reduce its duration and effects," then we need to engage more effectively with those using violence. For this reason the Sixth Report of the New Zealand Family Violence Death Review Committee ("FVDRC"), *Men who use violence: Ngatane ka whakarekereke* (HQSC, Wellington, 2020) ("Sixth Report") is to be welcomed.

The report is timely because data from around the world indicates that because of covid-19 during lockdown there has been a dramatic rise in pleas for help from women and children confined at home with men who are abusing them. In other words, the incidence and harm of family violence has never been of greater concern.

There is much to applaud in the Sixth Report. For example, it addresses the need to develop higher expectations of men as parents, to see their use of violence as a parenting decision, and to train professionals to work effectively with men using violence, including developing a better understanding of how children are used to control and intimidate women (Sixth Report, at 17, 37). It also identifies the role that schools can play in identifying and responding to children who are experiencing violence and trauma, particularly in providing spaces of safety for those children (Sixth Report, at 17).

Importantly the Sixth Report highlights the limited support that is currently available to those men using violence who want to change their patterns of behaviour – stopping violence programmes offer interventions that are limited in time, not accessible to all and do not provide wrap around, integrated and ongoing support (Sixth Report, at 18, 55-6, 73-4). The FVDRC suggests that programmes need to be part of a broader community approach to stopping violence, supplemented by improvements in mental health and other services, and informed by Indigenous and cultural world views, as well as feedback from current and former partners. The report also flags the possibility of models of care involving long term support for men with high and complex needs who "remain at a concerning level of risk of ongoing harm to family."

More generally the Sixth Report discusses the need for equitable health, education and social services, the need for social care and protective responses to be based on indigenous world views and cultural values, the need for trauma informed and community based responses, the value of Kaupapa Māori services, the structural harm that indifferent or discriminatory agency responses have on Māori (Sixth Report, at 25), including the enduring impact of colonisation, intergenerational trauma and profound structural inequity in this space (Sixth Report, at 64).

Despite the many strengths of the report, however, I am concerned that it tackles only part of what is required to address men's use of violence against their female partners and children.

In the first page of the executive summary it is stated that "Most of the men in our data set had actively looked for support from a variety of services to address health and social issues

that were evident in their path towards using violence" (Sixth Report, at 16). On the third it is stated that "Most men included in this report had looked for help through many channels. Thresholds for service delivery often prevented them from receiving the help they needed at the time they were seeking it" (Sixth Report, at 18).

Whilst men using violence may have sought help in their lives for issues that they experienced, and some may have sought help for their use of violence, many of the men in the in-depth death reviews on which the work of the FVDRC is based who come into contact with services because of their use of violence were not voluntarily seeking help for this – often they were mandated to attend programmes because of the harmful impact of their behaviour on others or they were facing potentially serious consequences because of their behaviour and were attempting to mitigate those. In some instances, because agencies working with men were not connected into a broader family violence safety response, they were under the impression that the men they were working with were taking responsibility for their behaviour – when in fact, they were continuing to use violence. Other agencies also unwittingly colluded with men in minimising and excusing their violence and insisting the victim take partial responsibility for what happened. Clearly men do seek and are mandated to seek help for violence, as well as other issues in their lives, but, as stated by Chung et al:

> "A recurring theme both in the research and in practitioners' accounts about DFV perpetrators is that perpetrators often deny and minimise their use of violence and coercion and do not take responsibility for their actions. Even if their use of violence is actually acknowledged, the victim is often blamed for causing the violence." (Donna Chung et al, *Prioritising women's safety in Australian perpetrator interventions: The purpose and practices of partner contact*, ANROWS, April 2020, at 18)

In the FVDRC death reviews some men using violence had voluntarily sought help for issues other than their use of violence. There were instances where agencies responded to these men who were suicidal or depressed or had addiction issues as though they were vulnerable (which they were), but tragically failed to understand that they were also very dangerous.

The focus of the Sixth Report on restoration and rehabilitation in response to men's help seeking provides little guidance to assist us to improve our responses to men who are using and are not currently committed to stopping using violence.

Responding to family violence takes place in the complex space, which is where, as the FVDRC points out in its last three reports, simple ideas and "one size fits all" solutions are ineffective and potentially dangerous. If we are to address men's use of violence we must do many things at the same time – respectfully engage with men using violence so that they are "connected and in sight" whether or not they are committed to behaviour change, hold them in places where proper holistic help and culturally responsive support is available to them should they choose to address their harmful behaviours, develop ways to contain their abusive behaviours so that we can keep child and adult victims safe, and escalate the consequences for the continued use of violence. In other words, as well as supporting men who genuinely want help, we must also incentivise men to stop using violence and, most importantly of all, take responsibility for keeping victims safe whether or not those using violence against them are committed to behaviour change. The No to Violence Male Family Violence Prevention Association in Victoria, for example, are clear that we cannot force men using violence to be accountable and that:

> "Genuine accountability requires the operationalisation of what accountability means for that specific perpetrator, based on what those affected by his violence need to see change about his specific patterns of coercive control". (No to Violence Male Family Violence Prevention Association submission to the Royal Commission into Family Violence Victoria, Strengthening Perpetrator Accountability Within the Victorian Family Violence Service, June 2015, at 14).

Service systems can only place restraints around violent and controlling behaviours and scaffold and support men who are using such behaviours on a journey towards accountability.

The vulnerability and needs of those men who use violence and also suffer from trauma are well highlighted in the Sixth Report. The danger that they pose to those around them less so. It is impossible for me to forget the violence used by these men against their female partners in the death reviews – it was brutal, degrading, often involved premeditation or planning, and was ultimately deadly. In the FVDRC's Fifth Report Data (HQSC, Wellington, 2017, at 12) it is noted that 48 of the 92 intimate partner violence deaths documented involved the use of violence far in excess of what would have killed the victim (44 of these deaths involved killings by male predominant aggressors). Similarly, some of the children who were harmed by their mother's boyfriends or step-fathers had experienced injuries similar to those which would have been sustained in a serious car accident. Some of the men using violence were known to agencies because of their long histories of harming multiple women. There were female primary victims who had had their fundamental human rights transgressed for many years – for example, women who were children when their "relationship" with the male predominant aggressor commenced and who had never consented to being in it. Talking about this behaviour is not to dehumanise the man who uses it. It is simply to be truthful about what is at stake here – these are not minor transgressions.

Family violence work requires that we hold both victims and the people using violence in our purview, *and* that we keep front and centre the safety of those who are most at risk of harm. Victims have to be front and centre in our work both because they are the ones who will suffer the greatest consequences if we do not get it right and because they are the ones who have paid the price for the knowledge that we have. In other words, we have learned about the lives of men using violence in the death reviews because of the suffering that they have inflicted on victims, and, in the context of the death reviews, in most instances victims have paid the ultimate price for what we know (see Vikki Reynolds, "Resisting and transforming rape culture: An activist stance for therapeutic work with men who have used violence" (2014) *The No To Violence Journal*, at 29-49).

The Sixth Report mentions victim safety throughout but it feels absent as an overall animating principle. In fact, on page 78 a "partial road map of a system response to prevent men's use of violence" is set out, but victim safety is hardly mentioned - one stage in the map envisions "stopping violence programmes effectively evaluated and delivered alongside additional support programmes for partners and children." In the five underlying principles, the safety of women receives no mention at all. The safety of children is mentioned in order to clarify that children's safety and wellbeing "are inherently linked with the safety and wellbeing of the whānau and family." Responding to the needs of men, however, is one of the five principles because "responding to needs when they are help seeking may enhance the likelihood of help seeking in the future."

By way of contrast, it is widely acknowledged by those with expertise in this area that victim safety must be built into the responses developed for those using violence because, if it is not, there is always the risk that the work that we do will be unwittingly dangerous and/or ineffective. For example, Te Kupenga Whakaoti Mahi Patunga/The NZ National Network of Stopping Violence Services, therefore has victim safety as the first principle in the "Perpetrator Narrative" (see https://nnfvs.org.nz/about/). Donna Chung et al comment that practitioners, delivering stopping violence programmes:

> "have a responsibility not only to identify and monitor how each man's participation in the program might result in adverse outcomes for victims/survivors, but to hold the safety of women and children at the centre of all their work with men (Donna Chung et al, *Prioritising women's safety in Australian perpetrator interventions: The purpose and practices of partner contact*, ANROWS, April 2020, at 25).

Having parallel programmes directed at providing safety and support for women must be an essential part of this process – it is not "additional". Donna Chung et al comment that Partner contact means that:

> "women and children often isolated from service systems (Vlais, 2014a) can be offered appropriate and safe support. MBCP partner contact can increase accountability to women and children by both perpetrators and practitioners, and can offer a key source of data to triangulate practitioners' perceptions and perpetrators' self-reports of their violence, abuse and risk. Additionally, to some extent, it can mitigate the risk of collusion between facilitators and perpetrators as the partner's information and experiences are part of a facilitator's assessment, meaning that the facilitator is not solely reliant on their own observations of the perpetrator during MBCP attendance or on the perpetrator's self-report." (Donna Chung et al, *Prioritising women's safety in Australian perpetrator interventions: The purpose and practices of partner contact*, ANROWS, April 2020, at 8)

Although trauma may be part of the histories of many men who use violence, many men and women who experience trauma *do not* use violence against their partners and children. The death reviews evidence that many of the female victims also had been abused as children, as adolescents and by multiple male partners. Concerningly, these women had repeatedly experienced negative and unsafe responses from professionals, services and systems to their attempts to seek safety from their partner's lethal violence.

When men who use violence have themselves experienced abuse and neglect in childhood and structural violence over their lifetimes, practitioners need to acknowledge these experiences whilst holding them responsible for their use of violence (i.e. 'what is it like to take responsibility for hurting/oppressing others when you have been hurt/oppressed yourself?' 'What is it like to take responsibility for hurting/oppressing others when no one is taking responsibility for how you have been hurt/oppressed?') (Tod Augusta-Scott, "Challenging essentialist anti-oppressive discourse: Uniting against racism and sexism", in Catrina Brown and Tod Augusta-Scott, (eds.), *Narrative Therapy: Making Meaning, Making Lives*, California, Sage Publications, 2007).

Te Kupenga Whakaoti Mahi Patunga/The National Network of Stopping Violence Services, speaking from their 30 years of experience in delivering services to those who use violence,

are clear about the fact that there are never excuses for violent behaviour. Principles 4-6 of the "Perpetrator Narrative" are that:

4. Engaging in violent behaviour is ALWAYS a choice made by the perpetrator;
5. While there may be multiple explanations for the behaviour of perpetrators, ranging from the systemic (for example, the nature of a patriarchal system, the impacts of colonisation) to the personal (for example, early exposure to family violence, mental health and addictions), none of those explanations detract from the position that violent behaviour is a choice made by the perpetrator;
6. Explanations are useful to inform the type of supported interventions with the perpetrator which may be required to address and prevent violent behaviours but those explanations never excuse those behaviours (see https://nnfvs.org.nz/about/).

Men who use violence are responsible for their abusive behaviours, but they are not responsible for living within a broader collective culture of violence - structural and interpersonal (Vikki Reynolds, "Resisting and transforming rape culture: An activist stance for therapeutic work with men who have used violence" (2014) *The No To Violence Journal*, at 29-49). The Sixth Report is correct in stating that the use of the criminal justice system and, in particular, imprisonment cannot be seen as the only response to family violence (few would suggest that it is or should be). The report is also correct in highlighting the disproportionate and damaging use of imprisonment generally for Māori men.

However, the report does not discuss the disproportionate impact of colonisation on Māori women, who today bear a significant burden of the violent victimisation in Aotearoa New Zealand (H. Cavino, "Holding space: Centering mana wāhine ethics in historical trauma research" in C. Smith and R. Tinirau (eds), *He Rau Murimuri Aroha: Wāhine Māori insights into historical trauma and healing* (2019), at 58). The over incarceration of Māori men (and women, including female primary victims responding to family violence victimisation) runs parallel to a long history of State under-protection of Māori women and children. As the recent report by Denise Wilson et al highlights - for many Māori wāhine trying to keep themselves and their tamariki safe, the response of those services charged with helping them can be far worse than the violence that they experience from their male partners (*E Tu Wāhine, E Tu Whānau; Wāhine Māori keeping safe in unsafe relationships* (2019)).

Like everything else, we cannot afford to think simplistically about our family violence safety responses. The criminal justice system remains one site in which we can make people do things that they do not want to do – in other words, it is a site in which we can put boundaries around abusive behaviours and mandate people to undertake programmes or engage with services. There is a pressing need, however, to rethink the criminal justice response so that it is an effective part of the family violence safety response. This might mean reorientating the sentencing response away from retribution/punishment to victim safety, as well as ensuring it is only one part of a broader and effective multiagency response that wraps support around the family and whānau and provides for multiple complex needs (see FVDRC, *Fifth Report: January 2014 to December 2016*, HQSC Wellington, 2016, at 75-85). Victim safety is currently not an express consideration in the Sentencing Act 2002, let alone a mandatory or priority consideration. Furthermore, we could develop better sentencing options – for example, comprehensive restorative justice responses in which family violence offenders are properly supported over a period of time to develop victim empathy before being given the opportunity to make apology and restoration. It is important not to lose sight

of the fact that, as noted in the Sixth Report, the majority of men using violence are not Māori, and that responses to Māori tane and tauiwi men will need to be different.

Whilst Māori men may over-represented in the death reviews as predominant aggressors as the Sixth Report points out, they remain a minority of those men who use violence against their female partners. However, one could be forgiven for losing sight of this fact as one reads through the report. The concluding recommendations are to uphold Te Tiriti o Waitangi; decolonise services; address racism; and address structural inequity. Few would disagree with these as aspirations. Nonetheless, the violence of Pākehā men and the multiple forms of violence against Māori women slip from visibility. Sexism, despite the inherently gendered nature of the harm in issue, and its intersection with racism and oppression, is not on the agenda.

In Aotearoa New Zealand, in the shadow of Covid 19 we are confronted again by our failure to effectively respond to family violence. We urgently need to be developing intersectional ways of working, at all levels of the family violence safety system, which are publicly accountable to victims. Such approaches must hold the dignity, sanctity and safety of victims at the centre of our work with those using violence, while also maintaining the dignity and humanity of those using violence.

Present systemic opportunities to do this include:

1. Delivering men's stopping violence services with victim services within one organisational setting or within a formal partnership organisational setting.
2. Requiring men's stopping violence programmes to provide safe and supportive service responses to victims, irrespective of the man's attendance at the programme.
3. Re-orientating the criminal justice response towards victim safety, including integrating the safety of victims' into all criminal justice responses.
4. Developing an integrated justice strategy for men who use violence that is directed at upholding victims' safety. This would include developing sentencing options and alternatives to imprisonment which are safe (including culturally), just and effective for victims and for men using violence.