

To the Justice Committee,

About us

Aviva is a family and sexual violence charity established over 50 years ago. Our vision is a violence-free Aotearoa. Until then, we work to support people to overcome its effects and make families and communities safer. We work with people of all ages, genders and experiences of violence.

Our position

Aviva supports the Crimes Legislation (Stalking and Harassment) Amendment Bill.

Clauses 1-3: We support this change to the Crimes Act. The correlation between Family/Sexual Violence and stalking behaviours is well documented. Further research conducted in the US finds that stalking behaviour in the context of intimate partner violence, triples the threat of homicide. Thus, recognising the seriousness of stalking could be instrumental in preventing this outcome.

Clause 4: We support the proposed list of stalking types and, in particular, the inclusion of *third-party individual(s)* – as a child paramountcy organisation, we believe that limiting a person's opportunity to use Tamariki as "messengers" in post separation abuse will increase child safety. We further support Police being able to issue a warning following a single incident, as this may prevent escalation of behaviour.

Our recommendations for amending Clause 4:

- We recommend that the definition of stalking be expanded beyond immediate family, to include stalking of third parties to the intended target. I.e:
 - extended family
 - friends
 - colleagues
 - support networks – including kaimahi at places such as Aviva
- We recommend that Aotearoa amend the definition of stalking to only require two acts without a timeframe, as this aligns with International Standards.
- We recommend a sub-clause be added that Police gain the informed consent of Person B before they issue a warning to person A

Clauses 5 & 6: We support amendments to the Arms Act, prohibiting convicted stalkers from possessing a firearm.

Our recommendation for amending Clauses 5 & 6:

- Often the justice process can take months, or years. Therefore, we recommend this clause be expanded to also include those charged with stalking.

Clauses 7 to 27: We support these clauses. In particular, Clauses 10 and 11. We wholeheartedly support stalking be included as a form of psychological violence under Family Violence law.

Our recommendation for amending clause 25:

- Perpetrators' release from prison has long been recognised as a time of high risk for stalking victims (and victims of other forms of violence). We therefore recommend that sentencing include mandatory rehabilitation for those convicted of stalking.

Finally, we would like to offer an additional recommendation for consideration please:

- That the Bill include the Victims' Rights Act 2002, enabling complainants to have special court process/trial rights including permanent name suppression and the right to give evidence in a closed court. This is important where the defendant has also harmed the victim in other ways – in particular with sexual violence. We would recommend that in such circumstances (where an offender has sexually harmed a victim and then also stalked and harassed as defined under this Bill, then the Victims' Rights Act will automatically apply.)

In summary

The amendments offered in the Crimes Legislation (Stalking and Harassment) Amendment Bill align well with Aviva's kaupapa to eradicate violence. Our agreement for the amendments echoes others within our sector and is strongly influenced by our engagement in this sector over the last 50+ years. We support the definitions laid out and, in particular, the recognition that stalking can also involve third parties.

However, we recommend expanding the definition of stalking further, to include third parties beyond immediate whānau, and strengthening the definition by aligning the number of acts and timeframe with international standards.

Furthermore, we highlight the importance of legislation which places victims' consent and physical and psychological safety at the centre. We therefore believe those charged with stalking/harassment be prohibited from firearms possession, and that this Bill be amended to include Victims' Rights Act.