

Shirley Smith Address¹
19 August 2015

Introduction

It is for me a great privilege to be invited to deliver the Shirley Smith Address today. For those of us who followed Shirley Smith in the legal profession, she is an icon. Today women are found in all areas of the legal profession; in academic life, as partners in firms big and small, in commercial and family law, in corporate positions and in Community Advisory roles. Shirley's career touched on a number of these areas, but she is remembered mostly for her feisty spirit, and her commitment to those who most needed legal representation, but were poorly placed to pay for it. She remains a model of the true professional – a lawyer who uses her skills and experience to benefit both those at the margins, and those who can afford to meet her fees.

I thank the Wellington branch of the NZLS Women-in-Law Committee for this invitation. In honour of Shirley Smith and her focus on disempowered people in her legal work, I want to talk this evening about the real costs of GBV. But first some context.

Many of you will have heard presentations on Gender-based violence from more eminent and knowledgeable speakers than I. Nonetheless it is a topic that for both personal and professional reasons, has long been of interest to me. As you know I have been a lawyer and a judge for most of my adult life, and Gender-based violence has been an integral part of my professional life.

¹ Silvia Cartwright

The issue of GBV is also personal for me as it will be for many in the audience today. I recognize that I am probably seen as a woman who comes from a privileged background. That is true if you count a secure, happy childhood in a loving and supportive family, but not true if measured in terms of the relative poverty of my family or if you think I escaped being the target of GBV against me as a child and young woman.

My experience of GBV at age 18 was known to my fellow students at University and to interested readers of the court news in the local newspaper. No-one ever mentioned it to me, unless you count a comment made in a lecture at the law faculty where I was studying as I walked to my seat. “Well, look at how short she wears her skirts – she asked for it”

Many years later and just after I had finished my term as Governor-General of New Zealand, I came to Parliament to launch a book on women’s issues. I conducted a completely unscientific experiment. Not one person remarked on my black eye or the cut above it. I did not explain that, dreaming as I walked the dogs a few days earlier, I had tripped and injured myself. By the number of embarrassed and furtive glances at me, I feel sure that my long-suffering husband Peter was blamed. But no one asked “are you alright? Can I help in any way?” In this completely half-baked research, I confirmed that people in a privileged position may well be blind to GBV. Perhaps also, those whom I met that night bore out my long-held belief that GBV is still treated as a private issue and that many people think it happens only in the lower socio-economic areas of society. It

does not. It is pervasive and it rears its head in every part of this and other communities world-wide.

A few decades ago family- or gender-based violence was considered a private issue with no impact on public life. Rarely did the police intervene in a physical conflict within a family, and the criminalization of such violence was rare. Gradually Western nations became aware that GBV including family violence, had a broader impact than that simply on the family or woman concerned and with that dawning realization came many research reports, and a strong lobby for an international response, starting with a definition of what is meant by these terms.

At its most fundamental such violence in many countries is of course proscribed by the law – any assault that occurs should, technically be the subject of investigation, arrest and punishment following any conviction. In New Zealand during the 1970's I was always perplexed by the willingness of the police to arrest those found to be using violence on total strangers but their reluctance to do so if the act occurred within a family. Social rules meant that a woman who was raped, for example, was so shamed by the act that she would not disclose what had happened to her. If she did, then society would lay at least part of the blame on her for the manner in which she dressed, or for “failing to do her matrimonial duty” as one New Zealand lawyer described forced sexual intercourse against my female client by his client, her husband. I would love to be able to say today that such opinions have now been consigned to the past and that like the dinosaur they live only in history books, but attitudes remain difficult to shift and in many parts of the

world violence within the family remains acceptable and is a terrible consequence of being born female

International instruments

As the true impact of GBV began to be better understood, the United Nations and Regional groups such as the African Union and the European Union began to formulate principles against which societies could measure the true cost of violence and its consequences, and develop policies that might begin to reduce its incidence.

It would take a week to define and describe to flurry of activity that began in earnest in the 1970's and continues today. Two conclusions have been reached: Violence against women is a crime. It is also a breach of their human rights as women. I would also add: GBV is a cost to the whole community not merely to the network of family, friends and work associates surrounding the victims.

In the twentieth century, the first internationally adopted human rights instruments including the Universal Declaration of Human Rights, the ICCPR and ICESCR, did not single out women's human rights. By the 1970's this gap was acknowledged to be a fundamental reason for the blindness towards the many forms of discrimination suffered by women. It also illustrated that women's participation in influential spheres of public life, national and international, was urgently needed if issues that affected them were to be part of the public discourse. Eventually in 1979, after years of lobbying by women, the Convention on the Elimination of All Forms of Discrimination Against Women

(CEDAW) was adopted. The Convention is a comprehensive charter for women's human rights and is widely ratified. However, even with the full participation of women in its preparation, the topic of VAW was not mentioned in its text.

In 1992, after considering reports of States parties to the Convention for more than ten years, the Committee of CEDAW could see a clear pattern of violence affecting women's rights to life, to bodily integrity, to human dignity, to equality in the family, health and to protection at times of armed conflict. A General Recommendation was issued, reminding States parties of the definition of discrimination against women in article 1 of the Convention and reading into this definition to include gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately..." From that point, the Committee required States parties to the Convention to include in their periodic reports, information on the incidence of GBV and the policy implemented to reduce it.

Contemporaneously, after wide consultation, the UN General Assembly developed a definition of VAW which has been the fundamental characterization since 1993, expanded at the Fourth World Conference on Women in 1995, and on later occasions. It stated that:

the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering

to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.²

Furthermore, it can be said to include but not be limited to:

Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.³

The scope of this definition reveals the complexity of the issue. The multiple ways in which violence can be experienced by women, and the many contexts in which it occurs, means that its costs and consequences are pervasive

Interestingly, however, apart from the specific reference to dowry-related violence, financial abuse was excluded from the definition. I can recall thinking personally at that time that this was a step too far and referring to such abuse might lessen the focus on the

² *Declaration on the Elimination of Violence against Women*, UN Doc A/RES/48/104, 20 December 1993

³ *Fourth World Conference on Women Platform for Action*, Strategic Objective D.2, No. 129(F a), 1995.

extreme forms of violence we in the women's movement were trying to reduce. So it is encouraging indeed to see that in 2013 in NZ, the definition of violence in the Domestic Violence Act was amended to include such forms of abuse.

During my two terms on the Committee of CEDAW from the early 1990s, I became particularly interested in the manner in which states parties developed and implemented their policies concerning women. Most states that had ratified CEDAW had appropriate legislation in place. It was glaringly obvious however, that with a few exceptions, the states parties thought that was enough and did very little to ensure that legislation and policy had a positive impact. So countries with model policy for preventing VAW saw no change in the statistical rates of violence. Far too often the traditions surrounding family life were not disturbed.

If a man chose to beat his wife in the name of religion or as an exercise of his physical power, then the state did not intervene. Mentioning that there was a high incidence of sexual violence against the women and children in the family was often taboo, and many countries denied that there was any problem at all. The NGOs providing shadow reports for the Committee would demonstrate just how deaf and blind a government could be.

At that stage in the development of policies to minimize GBV, the CEDAW experts were sure that if VAW was criminalized, if the police arrested for it and the courts treated it in the same way as violence between strangers, then the rates would decrease. The Committee became intent on examining policies that had "the intent or effect" of

discriminating against women – now known as direct or indirect discrimination.

Requiring State's parties to implement policies that gave effect to their legislation and to explain what was being done to reduce the incidence of GBV in their communities became the Committee's routine practice.

The United Nations then began the process for the development of a complaints mechanism for women who considered that their States had breached their rights under the Convention. There have since been a number of complaints and at least one Inquiry conducted under the Optional Protocol where the CEDAW Committee is concerned with a State's lack of action or reaction to egregious and widespread violence against its women⁴.

The UN had become seriously concerned with the impact of human rights violations against women, vividly illustrated by reports tabled of violence against us. As a result, a number of influential international human-rights based conferences focused on the issue of VAW, and the Rome Statute establishing the International Criminal Court⁵ included in article 7 (1) (g) that rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity comprised part of the Court's jurisdiction over Crimes Against Humanity;

⁴ See for example: Inquiry CEDAW/C/2005/OP.8 Mexico; CEDAW/C/39/D/5/2005 Sahide Goekce (deceased) v Austria; FatmaYildirim (deceased) v Austria; AT v Hungary 2/2005; ASF v UK 10/2005

⁵ A/CONF.183/9

Extensive UN-based research has been conducted⁶ and states that have ratified the six major human rights instruments must now report to the relevant treaty bodies on the incidence of VAW in their countries and on the strategies they have implemented to eliminate it. Major structural changes have been made within the UN itself and the focus of attention increasingly is on the impact that violations of women's human rights including violence against them have on them personally, on their families and communities, the cost of health care and to the economy generally, and of the absence of women from the labour force when such violence occurs.

The increasing focus on GBV has also led to a re-evaluation of jurisprudence around human rights in domestic jurisdictions. Many countries have been examining more carefully whether they comply with their obligations under international law, assumed when they ratified one or more of the key UN HR instruments. Legislation, policy and court decisions have all shown that better information is now available that can assist individual states to contain the risk of GBV and its impact on the domestic economy as well as enforcing women's right to live free of harm inflicted on them through state-sanctioned violence.

Conflict-related GBV

Another fast-developing area where the United Nations has recently placed significant emphasis is the whole issue of conflict-related GBV and in particular sexual violence in times of conflict. Since the advent of the international criminal tribunals, seminal

⁶ Secretary-General's study on violence against women: 61st Session of the General Assembly: Advancement of Women A/61/122/Add.1

judgements have emerged from the courts considering the conflicts in Rwanda, Sierre Leone and the former Yugoslavia. For the first time a theory and legal analysis of the harm suffered by women during any type of armed conflict is being articulated.

In its GA reportⁱ published in 2012, the United Nations defines Conflict-related sexual violence as:

“incidents or patterns ... of sexual violence, ... rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity against women, men or children ... occur[ring] in conflict or post-conflict settings or other situations of concern (e.g. political strife). They also have a direct or indirect nexus with the conflict or political strife itself, that is, a temporal, geographical and/or causal link. In addition to the international character of the suspected crimes (which can, depending on the circumstances, constitute war crimes, crimes against humanity, acts of genocide or other gross violations of human rights), the link with conflict may be evident in the profile and motivations of the perpetrator(s), the profile of the victim(s), the climate of impunity/State collapse, cross-border dimensions and/or the fact that they violate the terms of a ceasefire agreement”.

Since then, reports to the SG have demonstrated that GBV *post-conflict* tends to be almost as prevalent as during conflict, with ongoing efforts to curb and to provide redress to victims as well as access to health and justice services remaining critical. Two

examples will suffice: in Liberia 12 years after the end of the civil war, GBV remains a major issue with widespread rape of minors, a particular concern. In Bosnia and Herzegovina, 20 years after the formal end of the conflict in that region, there remain significant legacy issues such as redress and access to justice that are hindering women's recovery from the extensive sexual offending against them.

There are political and diplomatic costs as well if the ongoing controversy concerning Korean "comfort women" used by Japan in the second world war is any guide, there will be an impact for at least two generations. For these countries the costs are not just immediate and potentially quantifiable; they may very well endure as political and economic issues for a very long time. As an aside, the term "Comfort women" can only have been coined by men. The few surviving, now elderly women would probably define their experience somewhat differently.

A feature of all these developments – the international instruments, the research and reporting and the support of the victims –has been the skill, experience and expertise contributed over many decades primarily by women – lawyers, diplomats, women working in influential NGO's and in the UN itself. All have been driven by the need to reduce the terrible burden on women in particular of GBV. We have all been sustained by the hope that the incidence and prevalence of violence will gradually reduce.

Inevitably this groundswell of attention to the issue of GBV has a political impact locally as well as on agencies such as the UNDP, ADB and the World Bank in formulation of

policy. While such bodies are not formed with the sole purpose of ensuring the human rights of those they serve, it is a necessary component of their work, particularly in the area of development. Often policy is guided and developed to improve economic performance; a corollary is to ensure that individual states receive advice and assistance in how to reduce unnecessary expenditure. If measured, the economic cost of GBV is one area where significant efficiencies can be achieved, and if effective policy to reduce incidence is implemented, the lives of many citizens will be improved.

Economic cost of GBV

Recently there has been an increased focus on the cost of GBV. This is a topic I would like to discuss briefly today. Please bear with me. I am not an economist but I would like to share with you some of the (probably creative) results of my reading on this topic. At the outset, may I say that in many countries, largely excluding NZ, GBV is a term that encompasses violence against men as well as women. As such violence (such as trafficking or forced work) is not a feature of male life, except the occasional foreign workers' issue in NZ, I will focus primarily on the economic cost of violence against women.

First I would like to reinforce how important it is to estimate the economic cost of such violence. Study after study shows that the cost is shared personally by the victim and her whanau and by the state, meaning the community – or you and me. Secondly such economic studies emphasise that GBV is not a niche topic, one to be confined to women's groups and of limited relevance to the wider community.

Economic studies in other social areas thought at first sight to have effects limited to the individuals involved, have had interesting outcomes as communities become aware of the cold hard costs of failing to contain and treat properly dependence on smoking or alcohol, avoidable road traffic accidents, and obesity. Recognising that there is a broader public harm even if indirect, has driven policy to reduce the impact of these perceived harms. If relegated to a private harm then the broader community and the state has no commitment to reducing the direct and indirect costs of premature death, legal, health and education costs. The same applies to GBV – it is a whole-of-community issue, with benefits if reduced and increasing costs if it is not.

Many economic studies focus on intimate partner violence – sexual and physical – between partners, children and other family members. The focus of GBV is however broader and its real costs are important to capture and to understand; GBV may include physical violence such as rape or other sexual assault perpetrated by a stranger. It can include threats or harassment from work associates, the stalking of a woman, trafficking in women, forced service including prostitution, and in some countries, pre-birth sex selection, or murder whether classed as honour killings or the disposal of an unwanted girl baby. Each culture tends to have its own forms of violence against women, but it is a feature of every society and the reasons given of cultural practice, lack of education or necessity cannot excuse it and do not mitigate its physical or economic impact.

Violence within the family will inevitably include expenses incurred or foregone for health care, consumption costs, or lost education and working hours for the rest of the family, including children and the extended family.

If the violence is perpetrated by a stranger or a non-family member such as a fellow employee, the economic costs affect the whole community, sometimes leading to generalized fear of violence, and increased pressure on policing, with flow-on costs for the justice sector generally.

In assessing the economic costs of GBV, its incidence and prevalence is sometimes discussed. These terms have occasionally been confused or used interchangeably.⁷

Incidence measures lifetime costs associated with violence in a given year, based on the number of new cases of violence in that year. That is, it includes the costs of domestic violence occurring in that year for the first time.

Prevalence measures the costs associated with violence in a specific year, based on the number of women experiencing violence in that year. That is, it includes the costs of all violence occurring in that year.ⁱⁱ

Even where the terms are used loosely however, incidence and prevalence in relation to GBV give a sense of the extent and the degree to which the issue continues to be problematic

⁷ see p16 Laing and Bobic (Australian literature review paper)

In a literature survey of the economic costs of violence against women published in 2005 by Canadian experts in anticipation of an in-depth study by the SG,⁸ certain definitions were established, many of which are useful in clarifying the terminology and providing a common basis for measuring the economic impact of GBV.

Direct tangible costs

are actual expenses paid, representing real money spent. Examples are taxi fares to a hospital and salaries for staff in a shelter. These costs can be estimated through measuring the goods and services consumed and multiplying by their unit cost.

Indirect tangible costs

have monetary value in the economy, but are measured as a loss of potential. Examples are lower earnings and profits resulting from reduced productivity. These indirect costs are also measurable, although they involve estimating lost opportunity costs rather than actual expenditures. Lost personal income, for example, can be estimated by measuring lost time at work and multiplying by an appropriate wage rate.

I would like to expand a little on the notion of opportunity costs – a term beloved of economists in a number of fields of commercial endeavour. However when applied to the intensely personal costs of GBV it has a useful role to play.

⁸UN survey The Economic Costs of Violence Against Women: An Evaluation of the Literature. Expert brief compiled in preparation for the Secretary-General's in depth study on all forms of violence against women by: Tanis Day, PhD, Katherine McKenna, PhD Audra Bowlus, PhD. The University of Western Ontario, 2005

Opportunity costs may be the 'costs of opportunities which the [woman] has lost as a result of being in or leaving the violent relationship'. In the domestic environment these may be loss of employment promotion opportunities and quality of life. A woman whose former partner stalks her or constantly harasses her at work may well find that her employers become less patient as the abuse continues and dismiss her for failing to meet work targets or assign her to a lesser role in the company. She may be unable to continue her studies or need to move closer to her wider family depriving her of benefits of employment. In the wider context of stranger-perpetrated or conflict-related violence the lost opportunity costs will be even more significant. In some societies a girl who has been trafficked or raped will find herself a pariah, unable to return to the family or her community and resume her former life. Lost opportunities have economic costs for both the woman concerned and for the community which loses the full value of her work.

Returning to the formal definitions developed in the Canadian literature review:

Direct intangible costs

result directly from the violent act but have no monetary value. Examples are pain and suffering, or the emotional loss caused by the violent death of a loved one. These costs may be approximated by quality or value of life measures, although there is some debate as to whether or not it is appropriate to include these costs when measuring the economic costs of violence against women.

Indirect intangible costs

result indirectly from the violence, and have no monetary value. Examples are the negative psychological effects on children who witness violence which cannot be quantified, but which can persist throughout their lives, which inevitably, will be detrimentally affected by their childhood experiences.

The authors of the Canadian study emphasised that all studies of the economic cost of GBV must be treated with caution stating:

“In examining the literature on the costs of violence against women it is crucial to remember that the numbers indicate only what can be measured... Even though the estimates are conservative, results from various countries indicate that the measurable national costs of violence against women are in the billions of dollars annually.

The current status of violence against women is not a neutral situation. Economies currently pay a very significant toll for the violence that exists. Thus, violence affects everyone through undermining national well-being. Bringing attention to this high cost of violence is intended to encourage anti-violence initiatives. When the rates of violence are reduced, these resources are freed up to be used in productive economic growth.”

According to an earlier Australian literature review conducted in 2002⁹ much of the research into the area of family violence suggested that the social and psychological costs grouped under the category of indirect costs in fact represent the highest proportion of

⁹Laing and Bobic (Australian literature paper)

this costs category, and some studies argue that these indirect costs are often significantly higher than the direct costs to support services communities and governments. If ongoing research bears out these conclusions, then estimating such costs is important as their impacts are wide-reaching and will endure long after the immediate threat has ended.

While this Australian literature survey was on the cost of domestic violence, I suggest that direct and indirect costs apply whether the violence is listed under the broad category of GBV, including during times of armed or political conflict, or whether it is confined to the narrower category of domestic or family violence.

The New Zealand experience

We are all well aware that the reasons for GBV are very complex. In NZ reasons include mental health issues, poverty, and use of drugs and alcohol

As I have intimated however, there are many forms of domestic or family violence. In NZ, one which has significant economic costs and which is becoming of more concern as the population ages is that commonly called “elder abuse”. This may be one area where the term “GBV” is apposite – both women and men may well be affected. But we simply do not know. As with other forms of domestic or family violence, lack of consistent collection and reporting of data inhibits the understanding of elder abuse, either physical or financial.

A study completed NZ in 2011¹⁰ found that “there is no single internationally accepted definition of elder abuse. New Zealand generally uses the definition adopted by the World Health Organisation:

*“A single or repeated act or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person”.*¹¹

I am limited tonight by the absence of clear data on the incidence of physical abuse against the elderly. Anecdotally however, those working in the field indicate that if a relationship has been volatile in the past then it will readily become or remain physically violent particularly if one partner is demented. Then there is the abuse by neglect – for example rough handling of the elderly by caregivers, absence of adequate care such as nutrition and hygiene and the combined physical and financial abuse by adult children who have the care of their parents. It is impossible to measure the incidence or prevalence of such abuse.

Generally speaking, we are more familiar with financial elder abuse, so within the definition of elder abuse in NZ, (FEA) is defined as the *“illegal or improper exploitation or use of funds or resources of the older person”*

Knowledge about FEA in this country relies mainly on service data published by Age Concern New Zealand, and, given that it has not been collated as the result of a formal research study, must therefore be treated with some caution.

¹⁰ **Financial abuse of older people in New Zealand**
Judith A Davey and Jayne McKendry
Institute of Policy Studies Working Paper 11/10
November 2011

¹¹ *ibid*

Age Concern's study demonstrates that the 19 Age Concern Elder Abuse and Neglect Prevention (EANP) Services receive up to 1500 referrals a year, of which 500-600 are confirmed as abuse by persons in a relationship of trust with the victim. FEA is the second most frequently reported form of abuse, with up to 50% of cases involving financial abuse, either as the main form, or occurring with another form of abuse. This has been a consistent trend since data collection began in 1997.

In analysing all forms of abuse reported in cases between 2004 and 2006 (944 cases)¹² however, it is clear that a significant proportion of the cases of financial abuse was closely associated with psychological, or physical or neglect¹³

Although my speech today focuses on physical and psychological GBV, I have no doubt that the closely intertwined relationship between physical and financial abuse in this limited study of the elderly, could also be representative of the broader experiences of inter-family GBV. In other words, money can often be the reason for arguments escalating to violence. There may well be differences as well. Instead of intimate partner violence as experienced in younger cohorts of the population, the elderly may experience physical violence and particularly financial abuse at the hands of other family members,

¹² Age Concern New Zealand
2007, p. 31:

¹³ where financial abuse was identified as the main form of abuse, over half of these cases (54%) also included psychological abuse
where psychological abuse was identified as the main form of abuse, 31% of these cases also included financial abuse
where physical abuse was identified as the main form of abuse, 22% also included financial abuse
where active neglect was identified as the main form of abuse, 11% also included financial abuse.

or even caregivers or strangers who note their vulnerability and inability to resist. So there are many reasons for treating the rising reporting of elder abuse seriously. These people may have suffered GBV for many years; but in their older age the abuse may become focused more on accessing their financial resources. The economic costs may well be primarily sustained personally, but there must be a broader cost to the community: for example health costs, or reduction of the personal financial contribution to care when the older person finally needs community or hospital-based care. It is obvious that if a person's personal financial resources are being used by someone else, then they are less able to be financially independent.

In The Peoples' Report¹⁴ published last year and more commonly known as the Glenn Report, the issue of the connections between financial abuse and violence or control was noted:

“Partners control finances in a variety of ways. They often had full responsibility for the everyday running of the home and paying rent, power, credit card debts, loans and the mortgage. Disturbingly, the Glenn Inquiry also heard from people whose partners would... involve them in benefit scams – making them claim a benefit and taking the money. This type of behaviour also extended to elderly parents as well. People also reported that abusive step-parents could ... control finances, such as taking over the family property and blocking any children's inheritance. Financial control often continues after separation, especially for those women who came from middle or upper class backgrounds. Not only did these women lose any access to “joint” money, they were faced with partners who had the social connections and means to make getting what

¹⁴ The People's Inquiry into Addressing Child Abuse and Domestic Violence 2014

they were entitled to difficult. The Glenn Inquiry heard that wrangling over matrimonial property and liable parent contributions for the support of children compounded the legal costs to secure parenting and protection orders. Partners also tied money up in family trusts or company directorships in order to declare minimal income to avoid child support obligations and matrimonial settlements.”

It is interesting to consider the cost of GBV in societies which have made some attempt to calculate them. As I have already indicated, many costs studies have focused only on violence within the family and have not gathered economic data for the cost of all GBV or the cost to the wider community.

Even without the full intangible costs emerging yet from countries which measure them in both developing and more developed countries, the data is quite simply, shocking. In NZ, in 2014 Suzanne Snively estimated the costs at between \$4 and \$7 billion¹⁵. The higher figure represents just over \$1500 for every person in NZ.

Minister of Justice Amy Adams has recently put the direct cost to government at 1.4b per annum¹⁶ “Most of this expenditure was on general services delivered to address the immediate impact of a violent incident. Only a small proportion is directed at specialist family violence and sexual violence services.” No accounting has been undertaken by government as yet to measure the full costs, direct, indirect and the ongoing economic issues.

¹⁵ibid

¹⁶ Compare with total NZ GDP = 231b pa

In a study published by Janet Fanselow and Elizabeth Robinson in the NZ Medical Journal in 2004,¹⁷ the burden of the costs on the health system showed that “the weight of th[e] evidence supports the view that lifetime experience of intimate partner violence is a major contributor to women’s ill-health, and may underpin a broad range of health outcomes. Furthermore, when combined with the information that approximately 40% of women with a life experience of IPV had presented to a health provider (usually a general practitioner) within the previous 4 weeks, the findings have considerable implications for health care delivery. This was against research findings that more than 30% of women in two major cities experienced violence – physical and/or sexual over their lifetimes. In the 12 months immediately prior to the report, nearly 6% of women had experienced such violence.”

The experience of like societies

Indicates that the costs of GBV are substantial.

In 2011, it was estimated that even after women have separated from an abusive partner, GBV still costs Canadians an estimated \$6.9 billion a year. Overall, the annual bill for violence amounts to a total of \$13,162 per woman, across health and non-health sectors, and within public and private domains. This estimate is limited to the woman’s use of health, legal and social services, and obviously excludes the broader ripples of economic

¹⁷Janet Fanselow and Elizabeth Robinson “Violence against women in New Zealand: prevalence and health consequences. (2004) 117 New Zealand MedJ 1206

impact to her of lost opportunities, restrictions on her life, and economic impact on those around her.

Violence against women and their children was estimated in 2013 to cost the Australian economy \$14.7 USD billion this year using current exchange rates. The cost of this violence is roughly 1% of Australia's GDP (approx 1.5 trillion) or \$6500 USD per for every man woman and child –. These costs include: Direct or tangible costs such as the provision of services, facilities and resources to women who experience violence. Indirect or intangible costs such as the pain, fear and suffering incurred by women and children who live their lives in violence were also assessed.

They include the cost of opportunities forgone as a consequence of an individual being in or leaving a violent relationship. ¹⁸The associated cost categories comprise: pain, suffering and premature mortality costs associated with the victims/survivors' experience of violence. This is the largest cost category comprising 48% of all costs. Health costs include public and private health system costs associated with treating the effects of violence against women, or 5% of all costs. Production-related costs, including the cost of being absent from work, and employer administrative costs (for example, employee replacement), represented 8% of all costs. Consumption-related costs, including replacing damaged property, defaulting on bad debts, and the costs of moving, representing 23% of all costs.

¹⁸ Cost of Violence in Australia 2012 KPMG Australian partnership

Second generation costs are the costs of children witnessing and living with violence, including child protection services and increased juvenile and adult crime. This cost category contains 2% of all costs. Administrative and other costs, including police, incarceration, court system costs, counselling, and violence prevention programs, accounts for 7% of all costs. As an aside, this category appears to replicate the direct costs mentioned by the Minister of Justice on which she put a total of NZD1.4b annually. If this is accurate, then the total cost of GBV to our country would significantly more. Transfer costs, which are the inefficiencies associated with the payment of government benefits contains 7% of all costs.

I have already referred to the issue of costing harms previously relegated to the private area of life, such as the health and other costs of smoking or alcohol dependence. So I found this small study very interesting. In the state of Victoria, Australia the top 8 risk factors contributing to the disease burden in women aged between 15 and 44 years of age were measured. Out of a possible total of 10, representing the greatest risk, physical inactivity was scored at approximately 1, blood pressure (presumably elevated) 1.5, tobacco use, high cholesterol and body weight all weighed in at about 2 each, alcohol; and illicit drug or alcohol dependence were each measured at around 4. By contrast intimate partner violence led the risk factors by a wide margin at approximately 8.25. I do not need to tell you that these figures are startling and if borne out in larger studies, of deep concern to any society.

The National Council's Plan for Australia to reduce VAW and against their children aims to reduce levels of such violence by 2021. For every woman whose experience of

violence can be prevented, it is estimated that costs savings of \$20,766 can be made across all affected groups in Australian society. If just 10% reduction in violence against Australian women was achieved, the estimate is that some \$1.6 billion in costs to victims, their families, friends, perpetrators employers, government and the community could be saved.

You may wonder why I have concentrated on the economic cost of GBV this evening. If we think back to the brief summary I set out at the beginning of this speech about the development of the norms and standards over the last few decades, you may get a clue. I have been involved at the periphery of a number of these developments. I too shared the optimism when international treaties were adopted and when the police and courts began to take such violence seriously. I too thought that the corollary would be a marked reduction. But that does not seem to have occurred.

Even when I thought I was accustomed to the level and seriousness of GBV, it is still truly deplorable to read Minister Amy Adam's summary that "last year alone, more than 100,000 incidents of abuse were reported to Police – that's around one every 5 minutes. Worse still, nearly half of all homicides and reported violent crimes are family-violence related. We have the highest reported rate of intimate partner violence in the developed world and the fifth highest reported rate of child abuse"

We are still wringing our hands over the incidence and prevalence of intimate partner violence which affects women and children most directly. Even today, while I applaud our Justice Minister's close interest in the topic, I am not convinced that restructuring the

police or court procedures, coordinating our response as a community will make sufficient difference. Nor am I convinced that increasing penalties or taking generally a more punitive approach will dent the terrible statistics. If in fact many of the perpetrators are first offenders so far as the courts are concerned, all we are doing is giving the perpetrator a criminal conviction, possibly intensifying his anger, perhaps costing him his job with financial consequences for his family and/or for the community. It is no surprise to me that many women do not want their violent partner to be arrested, tried and imprisoned. The social and financial costs are just too great for many. So the only approach that I can think of is to publicise the economic cost of GBV. If the human rights' approach and the criminalizing of such violence has not dented the statistics then perhaps the thought that it is costing us all cold hard cash might assist.

Where do these disparate figures leave us? First, it is clear that no matter how the economic costs of GBV are calculated, whether all forms of violence against women are measured and whether or not the indirect or more hidden costs are estimated, it is a major economic drag on any country. According to New Zealand economist Suzanne Snively, the full computation should include ongoing costs which she estimates to continue for about seven years (see Bosnia and Herzegovina) after the primary event or series of events. That makes sense to me. Rarely is an incident of GBV an isolated event, particularly if committed within the family. Frequently there are ongoing costs for enhanced security, new accommodation, replacement of clothing or increased medical or

counseling costs. The startling fact is that we are only just beginning to count the cost of this every day event.

Secondly, if measured at all, the costs have been underestimated for a very long time.

And the costs are likely to be significantly greater than those associated with other social harms such as tobacco or over-use of alcohol.

Thirdly, there is increasing emphasis world-wide on the costs of GBV. We can no longer ignore them or assume they are not a significant cost to society.

All studies emphasise that although the collation of statistics is improving, the need for more research to isolate the costs more accurately is vital. Even with the scanty information we have available, it is obvious that the costs of violence against women are enormous. Economic development is limited as long as violence against women exists.

All of the economic-costing literature notes that the whole of society pays for the costs of not addressing this pressing social concern. The sooner countries such as NZ introduce effective policies and programmes to end violence against women, the sooner they will begin to reduce the economic cost of that violence to their society and reap longer term benefits.

END

ⁱ A/66/657 S/2012/33

ⁱⁱ Cost of Violence against White Ribbon International Conference Sydney Australia 13th – 15th May 2013

