

Family violence meet for key stakeholders



Recognition of the role the country has to eliminate family violence is coming to fruition in a workshop dedicated to helping the Cook Islands judiciary and stakeholders come to a better understanding of how to tackle family violence and youth justice issues.

The three day workshop being held at the University of the South Pacific in Tutakimoa from today will cover aspects of a new Cook Islands Family Law Bill that is hoped to be tabled with Parliament this year, and there will be discussion about the processes the Cook Islands judiciary and stakeholders can take when dealing with domestic violence cases. Youth offending will also be addressed including discussing the idea of a Pasifika Youth Court; a court that has been established in New Zealand for youth offenders.

It is brought to the Cook Islands as part of the Pacific Judicial Development Programme funded by NZAID and administered by the Federal Court of Australia.

Judge Peter Boshier, a former New Zealand Principal Family Court judge and current New Zealand Law Commissioner, will be chairing the workshop along with Chief Justice Thomas Weston.

Police attitudes need to change



Attitude changes in our police force and legislation review were some of the major issues being presented on the first day of the Family Violence and Youth Justice Workshop on Monday.

Attending the opening of the workshop were Deputy Prime Minister Teariki Heather and New Zealand High Commissioner Joanna Kempfers who emphasised the need to act to bring an end to domestic violence and find solutions for youth offending.

"Family violence and youth offending are two, often inter-related challenges that unfortunately New Zealanders and Cook Islanders are all too familiar with... left alone, they begin to tear at the very fabric of society," said Kempfers.

Some changes to act upon included the attitudes officers in the police force have towards domestic violence, even being participants in it. Results from a survey presented by Pacific Prevention of Domestic Violence Programme (PPDVP) programme manager Cam Ronald, testing Cook Islands police attitudes towards domestic violence, showed that attitudes towards domestic violence among Cook Islands police officers is just as compelling as in the community, with a high number of police not sure about how to deal with domestic violence or admitting they have used violence against their partners or children.

According to Ronald, PPDVP works with police to help strengthen police capability when dealing with domestic violence cases, and help the police realise that violent crime is police business.

"We are here to help the Cook Islands police do their job," he said.

In a presentation by Crown Law solicitors Cheryl King and Martha Henry, mention was made about a review of current legislation that does not recognise domestic violence in marriage as a criminal offence. The review is currently underway and will be consistent with a new Family Law bill that is hoped to be tabled before parliament this year.

The workshop will run until Wednesday, with the new family law bill and a comparison between the new bill and old legislation being discussed today. Youth justice issues and solutions, including the Pasifika Court for youth offenders, will be discussed on Wednesday. On Thursday a closed door mini court room scenario for participants to practice new solutions will be held.

- Merita Wi-Kaitaia



New Zealand High Commissioner Joanna Kempfers delivers her opening speech at a workshop focusing on solutions to family violence and youth justice. 14021008

Family law bill on parliament's list



Precedent-setting legislation that can provide better protection for families in domestic violence situations is hoped to be tabled for the mid-year parliament sitting this year.

A draft Family Law Bill was the subject of fervent discussion on the second day of the Family Violence and Youth Justice workshop on Tuesday. In a presentation to key stakeholders attending the workshop Crown Law counsel Catherine Evans said the bill, monitored by Ministry of Internal Affairs and Crown Law, is intended to be tabled in June.

"It needs a little tidying up, but we are working towards that goal," she said.

Her presentation focused on part seven of the bill, which looks to reduce and prevent domestic violence. Sections of that part each deal with ensuring the safety of people in domestic violence situations, authorising high ranking police to make police safety orders and ensuring the enforcement of those orders, and recognising that domestic violence in all its forms is unacceptable.

To help with this, Evans said definitions were incorporated into the bill that widen the scope for what will be considered domestic violence and a domestic relationship. Emotional, economical, psychological and verbal abuse, amongst others, will be included, while the definition of a domestic relationship will range from married and de facto couples to domestic workers and flatmates.

"There will be many of us here who know we were hit, our parents fought with each other and we hit our children, what's really important is that we understand that it's not acceptable," she said.

"That's the environment that some of our people have grown up in... those are the things we want to change for the future."

- Merita Wi-Kaitaia

<http://www.cookislandsnews.com/2014/February/Wed19/other.htm#1402130710>



Crown Law counsel Catherine Evans giving a presentation on a section of the proposed Family Law Bill that deals with domestic violence.

Joint effort cuts youth offending



When it comes to youth offending, the police have

been making headway more than the public know.

Only a small percentage of youth, especially children under 16, end up in the courts. A police presentation at the Family Violence and Youth Justice workshop on Wednesday, revealed that the majority of youth are supported and steered from the courts and back into their communities.



Senior Sergeant Rebecca Hosking-Ellis explains police policy and practice in helping at risk youth.

Facilitated by Senior Sergeant Kevin Kneebone of the New Zealand Police and presented by Senior Sergeant Rebecca Hosking-Ellis, the presentation informed workshop participants on police policy and practice in relation to youth justice, and how it has been working.

According to Hosking-Ellis, head of the Police Community Relations Division, the police and the community wanted to help children and young people before they get to the courts and saw that a policy of community diversion initiated in 2011 kept children on the right track, even seeing a decrease in youth crime.

"These kids are back at school and a lot of them have found jobs," she said, "This is something not everybody knew, we knew about it and saw we must apply it."

Part of the policy was the result of community police training in 2011 by Sergeant Kneebone and Sergeant Nga Utanga, a Cook Islander working for the New Zealand police, who helped design and develop diversion processes for at risk youth in the Cook Islands.

The crux of that policy involved co-operation between police, community agencies and youth justice stakeholders to meet regularly, visit and work with at risk youth, and allow families who are ready and willing to take responsibility.

Constable Matapo Makara gave an example of his work alongside Reverend Ngara Aratangi of the CICC church in the Nikao area, knocking door to door and talking with families of once-troubled youth, and found that within the three years they have been doing so there have been no offences committed in Nikao by those youth.

Senior Sergeant Paraia Vainerere also spoke of the New Zealand Army/Cook Islands Police co-operative Blue Light Youth Leadership programme held in November last year, where 27 of the initial 32 young men who went through the intensive boot camp are either in full employment or back at school.

A buzzing atmosphere surrounded the presentation, with commendations for police, a few good ideas and stories being discussed by participants.

"I think what the police are doing with their community unit is outstanding," said Justice of the Peace John Kenning, "I am supposed to be the judge for the children's court, and I didn't know."

Youth court to get major shake-up



Dealing with young offenders in a

uniquely Cook Islands way may be a reality with a new type of youth court being planned by our judiciary.

The Pasifika Youth Court, a Samoan fono-based youth court that embraces the family and community being a part of the youth judicial process in a uniquely Pacific way, was introduced to

stakeholders at the Family Violence and Youth Justice Workshop on Wednesday. The court acts as a last resort, for youth who have admitted to their crime. It can be adapted to the customs of the country it is in and is made up of the community the youth belongs to. Its concept is to re-connect youth to their cultural roots and reduce reoffending.

A mock "courtroom" scenario was set up, facilitated by Justice of the Peace John Kenning, with pareu-clad tables arranged in a circle facing each other and a woven mat on the floor.

"The situation now is that [youth] are isolated. In this court everyone sits on the same level... Nobody is ignored," explained Kenning to the wide-eyed and enthusiastic workshop participants.

According to Kenning the court can be implemented under the current Prevention of Juvenile Crimes Act 1968 and can be held at a meeting house in the youth's village or vaka.

The court is opened with a prayer, and begins with pa metua addressing the youth. A judge who has overseen the youth's process from their first appearance in court to a pre-court family conference presides over the court. Pa metua, community agency representatives, the court registrar, a youth advocate and/or lay advocate, the young offender, parents or guardians of the youth and anyone else from their family make up the rest of the circle.

"The most important thing is that it is all about the youth," said workshop speaker senior sergeant Kevin Kneebone of the New Zealand police, "the fact that they can sit as part of a circuit, and feel supported, takes the pressure off."

Issues arose around finding lawyers who may be asked to represent the youth and family pro bono and the financial costs for holding the court, which will be raised through the planning stages. A proposal for a Cook Islands version was asked to be drafted by justices of the peace for overview at a closed courtroom activity on Thursday.

"Pasifika court and Te Kooti Rangatahi (New Zealand Maaori Youth court) have totally changed the face of the youth judicial process, we would like to be able to bring the community to that process," said Kenning.



Workshop participants observe a mock scenario based on the Pasifika Youth Court model

- Merita Wi-Kaitaia

http://www.cookislandsnews.com/court_report.htm

New police obligations to come with bill



Current police practice in domestic violence investigation will have to change when a new draft Family Law Bill is passed by parliament.

The new legislation contains provisions that will give the police power to order an offender to leave their home or the home of the victim for a maximum period of five days, providing a “cooling down” period. Another provision will also make it easier for victims of domestic violence to apply for a protection order through the courts in emergencies.

Discussions on current police work and proposed action police can take when dealing with domestic violence cases were held on Tuesday at the Family Violence and Youth Justice workshop.

According to proposed provisions, orders police can make against offenders, called Police Safety Orders, must be issued within two hours by a commissioned police officer. A maximum timeframe of five days allows for the victim to apply for a protection order or find safety.

Using a police information management system called Seamless, there will be a new obligation on the police to make sure that protection orders and police safety orders are issued quickly and will appear on a person’s record, ensuring that if a breach is made or another domestic violence situation arises at the same residence, the police will be well informed.

“It will ensure the police have all the information at hand when they go to deal with a domestic violence situation,” said Pacific Prevention of Domestic Violence Programme (PPDVP) programme manager Cam Ronald in his presentation about the provision.

Issues such as the practicality of the two hour time limit of police orders and its application to the Pa Enua, where there are no high ranking police officers, were raised. The time limits may ensure court and police efficiency, according to Ronald.

“It puts a lot of emphasis then to keep the wheels moving along,” he said.

- Merita Wi-Kaitaia