

14 December 2009

Rgt Hon John Key
Prime Minister
Parliament Buildings
Wellington

Cc: Hon Jim Anderton; Hon Peter Dunne; Hon Phil Goff; Hon Rodney Hide; Hon Russel Norman; Hon Pita Sharples; Hon Metiria Turei; Hon Tariana Turia.

Dear Prime Minister,

Application of Temporary Special Measures: ACC Sensitive Claims clinical pathway

The National Council of Women of New Zealand (NCWNZ) and a growing number of supporting organisations are deeply concerned by the recently implemented ACC Sensitive claims clinical pathway. Your office and the offices of your Cabinet members have been sent several of our press releases relating to our concerns regarding the discriminatory impact the application of this pathway will and does cause. Correspondence has also been sent to the Minister of ACC and discussions with ACC have been undertaken.

We understand that the Massey Guidelines which were in part used as the basis for the design of this implementation tool had been subject to a gender impact statement. Unfortunately NCWNZ does not agree with ACC's belief that gender perspective captured by the Massey Guidelines sufficiently safeguards women, particularly as such safeguards would have been reliant on full implementation of the recommendations. It is further noted that the recommendations encouraged multiple diagnostic tools and approaches be used; the clinical pathway does not reflect this; a point which has been criticised by many professionals and academics.

NCWNZ and its supporters believe that the clinical pathway gives rise to, and will continue to do so for the duration of its application, indirect and direct discrimination. The United Nations Conventions which are particularly applicable at this time include, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention on the Elimination of All Forms of Racial Discrimination (CERD).

The application of an adult diagnostic tool when assessing children and adolescents also raises questions regarding whether the Rights of the Child are being met, the United Nations Convention on the Rights of the Child.

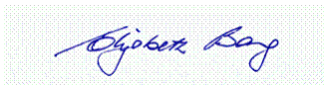
Our office is prepared to provide your office with more information if necessary, although noting that a lot of supporting facts are available from our website at <http://www.ncwnz.org.nz/acc-changes-to-sexual-abuse-counselling/> and from such professional bodies as the New Zealand Psychological Society, NZ College of Clinical Psychologists, NZ Association of Psychotherapists, Mental Health Foundation, NZ Association of Counsellors, Doctors for Sexual Abuse Care, and the Aotearoa New Zealand Association of Social Workers (ANZASW).

The National Council of Women of New Zealand (NCWNZ) requests that you implement Temporary Special Measures (TSM), an action permissible under articles 2 and 4 of CEDAW. TSM needs to be implemented as a matter of urgency, since all existing claimants will be transferred to the Clinical Pathway as of 10 January 2010.

The Temporary Special Measures requested are the immediate discontinuation of the clinical pathway and its immediate review by an independent body. The implementation of the previous sensitive claims process for application, which is still in place and staffed, coupled with the implementation of recommendations arising from the Taskforce for Action on Sexual Violence. Consideration should also be given to the Ministry of Women's Affairs Sexual Violence Research Project.

We welcome your support for redressing the discrimination experienced by women, women residing in rural areas, women of Maori, Pacific and various other ethnicities and children.

Yours sincerely,

A handwritten signature in blue ink, reading "Elizabeth Bang", is displayed within a rectangular area with a light grey grid background.

Elizabeth Bang
National President