

Youth Justice: Fair and Supportive Systems for Mokopuna

Our position:

Every mokopuna in Aotearoa New Zealand has the right to a youth justice system that is fair, supportive, treats them with respect, and as part of their community. We see all mokopuna first and foremost as mokopuna, and as important members of their whānau, hapū, iwi and communities. We recognise the innate potential of mokopuna who have offended to flourish and contribute positively to society, when provided with effective holistic support that wraps around both them and their whānau. We believe in a system that respects the needs of mokopuna and their whānau, acknowledges the underlying drivers of offending, and integrates culturally responsive and rehabilitative approaches, and that this can be achieved while preserving public safety.

The current state

We have a long way to go in Aotearoa New Zealand. The United Nations Committee on the Rights of the Child has clearly condemned the state of youth justice in Aotearoa New Zealand, highlighting the need for urgent systemic reforms.

Significant opportunities exist to improve the youth justice system in Aotearoa New Zealand. But we must also recognise and address the underlying drivers of offending.

We know that mokopuna who interact with the youth justice system face complex challenges, including poverty, racism and discrimination, trauma, violence exposure, abuse and/or neglect, whānau with insecure employment, whānau with mental health, alcohol and substance addiction challenges, dislocation from education, loneliness and a lack of belonging, being unhoused, and unmet mental health needs.

Many mokopuna who interact with the justice system come from backgrounds where they face significant challenges (like those mentioned above) that increase their likelihood of coming into the justice system. By addressing these root causes, we can create a more holistic approach to youth justice that not only focuses on youth justice symptoms, but also takes action on the fundamental contributing factors.

In addition to these socio-economic factors, cultural disconnection, and historical trauma, including the ongoing impact of colonisation, have a large influence on the

current state of youth justice in Aotearoa New Zealand, particularly for mokopuna Māori. This has resulted in a loss of cultural identity for many mokopuna Māori. Addressing these systemic inequities, honouring Te Tiriti o Waitangi and treasuring our cultural identity will help us to create a better Aotearoa New Zealand for all mokopuna.

The ongoing impact of colonisation has also led to systemic inequities, cultural disconnection and historical trauma for Realm peoples and Pacific Peoples. Cultural connectedness is weaker in multi-ethnic Pacific peoples and Pacific peoples whose heritage is from Pacific nations where there is a constitutional agreement with New Zealand (i.e., Cook Islands Māori, Niueans and Tokelauans).

Addressing the underlying drivers of youth offending requires a collaborative effort, including whānau, hapū, iwi, Government, social services, education, healthcare, and the wider community. Recognising and addressing the root causes of offending is essential to a fair and supportive youth justice system in Aotearoa New Zealand.

What is a fair and supportive youth justice system?

A fair and supportive youth justice system in Aotearoa New Zealand upholds children's rights while preserving public safety, and:

- Supports mokopuna to live their best lives by giving them the opportunity to recognise, utilise and build on their strengths.
- Sees mokopuna as part of their whānau, hapū, iwi, ensuring that youth justice responses are holistic, wrapping prevention and response support around mokopuna and their whānau.
- Integrates the culture in which mokopuna feel most connected to and weaves this into their experience in the youth justice system.
- Focuses on community-led initiatives recognising the importance of mokopuna as a part of communities.
- Prioritises holistic rehabilitation for mokopuna and what they need for their integration back into the community.

A strengths-based youth justice system

A strengths-based youth justice system emphasises recognising and nurturing the inherent strengths and potential of mokopuna, rather than solely focusing on past mistakes. It does not punish mokopuna, but instead helps them to reflect on and take responsibility for their actions, gives them the message that they are a valuable

member of society whose potential we believe in, and seeks to strengthen them to be able to find a better pathway forward.

By shifting the focus from punitive approaches to empowerment, the system aims to foster a sense of self-worth and responsibility, encouraging mokopuna to envision and work towards the future they want. Emphasising cultural reconnection, skills development, mentorship, and positive reinforcement plays a crucial role in this process, helping mokopuna to build their lives on a foundation of their strengths.

One of the core principles of a strengths-based youth justice system is that approaches are tailored to each mokopuna. Every mokopuna is different – the system should recognise this and meet the specific needs and strengths of the individual mokopuna it is interacting with. This has a preventative effect, to reduce future offending, and should include educational and occupational training aligned with their interests, cultural support tailored to their own heritage, mental health and wellbeing support to address underlying issues, and recreational activities that build social skills and resilience. In a supportive environment that values their strengths, mokopuna are more likely to engage positively, reducing recidivism and promoting long-term personal development.

A strengths-based youth justice system actively engages whānau, hapū, iwi, schools, and the local community to create a network of support around mokopuna. This collaborative effort ensures that mokopuna are not isolated from their community but are instead integrated into it, fostering a sense of belonging and purpose.

Ultimately, a strengths-based youth justice system is about addressing harm and fostering healing, providing mokopuna with a pathway to a good life. It acknowledges their potential and invests in them; offering them the tools and support they need to thrive. By focusing on strengths rather than weaknesses, this approach not only benefits the mokopuna but also contributes to safer, more cohesive communities. When mokopuna are treasured and given the chance to build on their strengths, they can live positive, fulfilled lives.

A culturally appropriate youth justice system

We know that mokopuna Māori continue to be overrepresented in the youth justice system. We recognise that achieving equity for mokopuna Māori is inseparable from honouring Te Tiriti o Waitangi. To realise this vision of equity, we advocate for the integration of kaupapa Māori approaches within the youth justice system, encompassing Te Ao Māori and mātauranga Māori concepts.

A preventative, protective approach to youth justice in this regard means creating a youth justice system that integrates and respects the culture the mokopuna feels most connected to, and weaves this into their experience. Recognising Māori cultural values, tikanga, and a Te Ao Māori view is essential for the holistic development and rehabilitation of mokopuna Māori. By embedding mātauranga Māori concepts throughout the fabric of the justice process, the system itself ensures that interventions are culturally relevant and supportive of mokopuna identity and heritage. This approach helps to create an environment where mokopuna feel understood, respected, and empowered.

A culturally appropriate system needs to respect tikanga Māori in all aspects of the justice process. From the initial interactions with law enforcement to court proceedings and rehabilitation programmes, tikanga provides a framework that emphasises respect, responsibility, and restoration. Tikanga practices not only reinforce cultural identity but also promote healing and reconciliation, fostering a sense of community and belonging.

Involving whānau, hapū, and iwi is a critical component of a culturally integrated youth justice system. This recognises the pivotal role that whānau and community play in the lives of mokopuna and encourages their participation throughout the justice process. By weaving Te Ao Māori and mātauranga Māori throughout the youth justice system, we create a pathway that not only addresses the offending behaviour but also strengthens cultural identity and fosters a sense of pride and resilience among mokopuna Māori and their whānau.

Community first

Mokopuna do not live in a vacuum, they live as part of a whānau, part of a community, part of Aotearoa New Zealand as a whole. The youth justice system should recognise this.

A youth justice system that focuses on community-led initiatives recognises the integral role of mokopuna within their communities and the necessity of collective healing. This approach does not just focus on individual offending but recognises the reflection of broader community issues that require holistic, trauma-informed solutions. By involving the community in the justice process, it ensures that both the mokopuna and the community can heal and grow together. This allows the system to access the support of local knowledge, resources, and relationships to address the root causes of offending, fostering a supportive environment that nurtures positive change alongside accountability for actions.

Community-led initiatives are fundamental to a youth justice system that recognises mokopuna as a part of their communities and focuses on restoration. Solutions focused on restoration bring together mokopuna, their victims, and the wider community. The focus on restoration supports mokopuna to understand the impact of their actions, make amends, and rebuild trust within their communities. This allows open dialogue, empathy, and the development of mutual understanding, allowing for genuine reconciliation and rebalancing of relationships. The community should play an active role in designing and implementing these approaches, ensuring that they are culturally appropriate and effective in addressing local needs and values.

Ultimately, a community-led youth justice system fosters a sense of collective responsibility and ownership over the wellbeing of its mokopuna and seeks to prevent youth offending in the first place, through building communities that are inclusive of, safe for, and responsive to their mokopuna. It recognises that the health of the community and rehabilitation are deeply interconnected. By focusing on community-driven solutions, we can address the immediate needs of mokopuna and strengthen community bonds and resilience. When communities come together to support mokopuna, they create an environment where mokopuna and the community can thrive.

Rehabilitation and integration

We advocate for a youth justice system that prioritises the safe and sustainable rehabilitation and reintegration of mokopuna into their whānau, hapū, iwi and community. This approach emphasises cultural connection, education, skill-building, and equipping mokopuna with the tools needed for a positive future. Rehabilitation should address the specific needs of each mokopuna, providing opportunities to recognise their inherent strengths, and to learn, grow, and develop. By providing meaningful services and support to mokopuna and preparing them for their transition out of the youth justice system, we ensure they have access to essential resources like mental health and wellbeing support, housing, education, and employment opportunities.

A rehabilitation-focused youth justice system emphasises holistic development and reintegration. Individualised plans should be created to reflect the unique circumstances of the mokopuna, including underlying issues such as trauma or mental health and wellbeing challenges. By providing tailored support, the system can help mokopuna overcome these barriers and develop healthier coping mechanisms. This approach allows mokopuna to recognise harm, heal, and grow, laying a strong foundation for their future.

Key to this rehabilitation-focused system is the provision of wraparound services that support mokopuna during their transition out of the youth justice system. When mokopuna are able to safely reintegrate into the care of their whānau, this wraparound support should be encompassing of them, too. Access to mental health care, stable housing, education, and employment opportunities is crucial for their successful reintegration into the community. These services offer a safety net that helps mokopuna navigate the challenges of re-entry, providing the stability and support they need to thrive and build a better life for themselves.

Ultimately, a youth justice system that prioritises rehabilitation recognises the interconnection between the wellbeing of mokopuna and their role in their community. By investing in their cultural connection, education, skill development, and holistic support, the system empowers mokopuna to transform their lives. This approach benefits not only mokopuna but also strengthens the community, creating a cycle of positive change and fostering a more inclusive and supportive society.

Why does a fair and supportive youth justice system matter for mokopuna?

A fair and supportive youth justice system is crucial for mokopuna because it recognises their potential for growth and change. We need to give mokopuna the opportunity to learn from their mistakes and with the right support, develop in a way so they can live their best lives.

Another significant reason a fair and supportive youth justice system matters is its emphasis on holistic development, particularly for mokopuna who come from challenging backgrounds through no fault of their own. These young people often face complex needs, such as trauma, unsafe and unhealthy whānau relationships, a lack of belonging, mental health challenges, and lack of education, that contribute to their offending behaviour. As a society, we have the opportunity, and a collective responsibility, to support these mokopuna by addressing the underlying issues they face. By providing access to mental health and wellbeing services, educational support, and life skills training, a fair and supportive system can help break the cycle of offending. This collective effort ensures that mokopuna can build a strong foundation for their future, promoting long-term personal and social well-being.

A supportive youth justice system ensures that mokopuna are treated with dignity and respect, while being held accountable for their offending. This is particularly important in fostering a sense of justice and fairness, which is essential for their rehabilitation. When mokopuna feel that they are being treated fairly, seen holistically as mokopuna, and their voices are heard, they are more likely to engage positively with the justice process and take responsibility for their actions. This sense

of fairness and respect can also help to repair their relationship with the community, making reintegration smoother and more successful in the long-term.

How do we know when our youth justice system is fair and supportive?

We will know our youth justice system is effective when it is grounded in prevention and early intervention, and:

- The system sees mokopuna as mokopuna, holding them accountable for their offending while strengthening them for a more positive future, preventing future offending.
- Mokopuna experiencing the youth justice system have their needs met, including access to cultural connection, education and skills training that prepare them for successful futures.
- Mokopuna are given opportunities that rebuild trust and hope where communities are actively engaged, and mokopuna are active participants in the decisions that affect them.
- Mokopuna receive comprehensive support and services that best facilitate their move out of the youth justice system and sustainable reintegration into their whānau and communities.
- Historical and lived experience of trauma evidence is honoured and acted on.
- Fair, proportional, evidence-based solutions and appropriate settings and interventions are ensured.
- Kaupapa Māori approaches and te ao Māori concepts are seamlessly incorporated into all aspects.
- Mokopuna experience no form of discrimination due to their cultural background and identity in any interaction with people delivering and leading any part of our justice systems.
- There is a focus on community-led, holistic and evidence-based prevention and early intervention solutions.

Why does a fair and supportive youth justice system matter for Aotearoa?

A fair and supportive youth justice system benefits society by promoting long-term safety and stability. When mokopuna who interact with the justice system are treated with fairness and provided with the support they need, they are more likely to

reintegrate successfully into their communities and lead fulfilling lives. This reduces recidivism rates, leading to fewer crimes and a safer environment for all New Zealanders. By addressing the root causes of offending behaviour and equipping mokopuna and their whānau with the tools they need to thrive, a supportive justice system creates a foundation for sustainable community well-being and security.

Investing in a supportive youth justice system also has significant economic benefits for society. Rehabilitation and reintegration programs are often more cost-effective than punitive measures. By reducing the number of repeat offenders, society saves on the costs associated with the justice process, and the social and health services required to support victims. Additionally, when mokopuna are given the opportunity to gain education and skills, they are more likely to secure employment and contribute to the economy. This not only improves their personal economic prospects but also boosts overall productivity and growth for the community.

A fair youth justice system fosters social cohesion by promoting justice and equity. When the system is perceived as fair and just, it builds trust between the community and the institutions responsible for upholding the law. This trust is essential for effective law enforcement and community cooperation. By addressing the needs of all mokopuna, reflective of their background, the system promotes inclusivity and reduces social inequalities. This helps to break the cycle of disadvantage that often contributes to offending, creating a more equitable society.

A supportive youth justice and wider justice system also reinforces the value of redemption and the belief in the potential and inherent strengths of all people as taonga. It sends a powerful message that society is willing to invest in its mokopuna, regardless of their past mistakes, and believes in their abilities and inherent value. This approach not only benefits the individual mokopuna in the justice system, but also sets a positive example for others. By fostering a culture of support, understanding, and second chances, Aotearoa New Zealand can become more compassionate and resilient, paving the way for a brighter future for all.

GLOSSARY

The explanations below are provided to support readers of this position statement, they are not intended to be interpreted as definitions.

Aotearoa	Term in Māori often adopted as a name for New Zealand
Hapū	The kinship clan, clan, sub-tribe. To be pregnant, conceived in the womb
Iwi	Strength, bone and the extended kinship group, the tribe
Kaupapa	Matter for discussion
Kupu	To talk, to speak, word
Mātauranga Māori	Traditional Māori knowledge, Māori epistemology
Mokopuna	When we use the kupu 'mokopuna' in our work, we are referring to all children and young people in Aotearoa New Zealand
Resettled whānau / mokopuna	Whānau or mokopuna who have migrated and settled in Aotearoa, used in the context of refugees or immigrants.
Taonga	Treasured things
Te Ao Māori	The Māori worldview
Te Tiriti o Waitangi or Te Tiriti	The founding legal document of Aotearoa New Zealand, signed in 1840
Tikanga (or tikanga Māori)	Māori customs, traditions, and protocols
Whānau	<p>Whānau is often translated as 'family', but its meaning is more complex.</p> <p>It includes physical, emotional, and spiritual dimensions and is based on whakapapa. Whānau can be multi-layered, flexible, and dynamic. Whānau relationships include those with whāngai (foster children) and those who have passed on. There are roles and responsibilities for individuals and for the collective. The structure of whānau can vary from immediate family to much broader collectives. The most important features of whānau that distinguish it from family and other</p>

social groupings are whakapapa, spirituality, and the responsibility to marae and hapū.

Whānau is also used as a metaphor for close friends or associates, intended to be inclusive and build a sense of group unity. Whānau begins with the individual. The relationship between the individual and the whānau is subtle and complex. Individuals have rights of their own, but they exist because of the whānau and have responsibilities to the whānau.