

Submission to the Justice Committee:

Principles of the Treaty of Waitangi Bill

“ [What matters to me most:] the preservation of te reo Māori, and the progress that has been made in recent years, not undoing it, it being used and seen in as many places as possible, honouring te Tiriti o Waitangi in a range of decisions made over New Zealand.”

- Kōtiro Māori and Pākehā 12-17 years¹

As the independent advocate working for and with mokopuna², Mana Mokopuna – Children and Young People's Commission (Mana Mokopuna)³ **opposes the Principles of the Treaty of Waitangi Bill (the Bill) in its entirety.**

Introduction

1. **Mana Mokopuna acknowledges all mokopuna impacted by this Bill** — mokopuna Māori, mokopuna tauiwi, and their families and whānau, hapū, iwi and communities. We particularly acknowledge the significant impact this Bill has on whānau, hapū and iwi Māori. We are deeply concerned about the negative impacts the introduction of the Bill has already had on whānau Māori and their mokopuna.
2. **Mana Mokopuna recognises te Tiriti o Waitangi (te Tiriti) as a founding document of Aotearoa New Zealand and a critical part of our constitution.**⁴ In doing so, we recognise mokopuna Māori in Aotearoa New Zealand as tangata whenua, with fundamental and unique rights that come from whakapapa, mātauranga Māori, and tikanga Māori – rights which are re-affirmed in te Tiriti. The proposals in the Bill to define and prioritise principles over the specific provisions of te Tiriti (that is, the Articles) diminishes the Crown's enduring obligation to uphold te Tiriti in full. Prioritising Treaty principles over the provisions of Te Tiriti undermines the enduring commitments made by the Crown to mokopuna Māori, their whānau, hapu, and iwi and communities. These enduring commitments must not be undermined by this Bill, or in any way. Rather, they must be fully fulfilled and upheld.

¹ Mana Mokopuna, *What matters most?* Survey (2024). www.manamokopuna.org.nz/voices/. Demographic information following each quote reflects mokopuna choices regarding self-identification.

² We have adopted the term 'mokopuna' to describe all children and young people we advocate for. 'Mokopuna' brings together 'moko' (imprint or tattoo) and 'puna' (spring of water). Mokopuna describes that we are descendants, and or grandchildren, and how we need to think across generations for a better present and future. We acknowledge the special status held by mokopuna in their families, whānau, hapū and iwi and reflect that in all we do. Referring to children and young people we advocate for as mokopuna draws them closer to us and reminds us that who they are, and where they come from, matters for their identity, belonging and well-being at every stage of their lives.

³ Mana Mokopuna – Children and Young People's Commission is the independent Crown entity with the statutory responsibility to advocate for the rights, interests, participation and well-being of all children and young people (mokopuna) under 18 years old in Aotearoa New Zealand, including young persons aged over 18 but under 25 years if they are, or have been, in care or custody.

⁴ Alongside Te Tiriti, we acknowledge and recognise He Whakaputanga o te Rangatiratanga o Nu Tirenī, 1835 (known in English as the Declaration of Independence of the United Tribes of New Zealand) [Declaration of Independence](#)

3. **Mana Mokopuna unequivocally opposes the Bill** because of the detrimental impact it is having, and will have, on the rights, interests, wellbeing, and participation of mokopuna, especially mokopuna Māori. The Bill:
- a. **fails to recognise the status of mokopuna Māori as tangata whenua**, with rights guaranteed under te Tiriti, and under the United Nations Convention of the Rights of the Child (Children's Convention)⁵ and the United Nations Declaration on the Rights of Indigenous Peoples.⁶
 - b. **undermines the rights of all mokopuna** - mokopuna Māori rights, and mokopuna tauwi rights, today and into the future. It is mokopuna who will inherit and experience, for the longest time, the consequences of the decisions we make today. It is therefore critical that due consideration is given to views of mokopuna and the intergenerational impacts of this Bill on mokopuna and their rights, now and into the future.
 - c. **weakens the protection of Māori cultural identity affirmed by Te Tiriti**. Having a strong cultural identity – a sense of belonging and connectedness as enabled through whakapapa, tikanga, and other features specific to te ao Māori – is inextricable from the wellbeing of mokopuna Māori.⁷ The protection of cultural identity is enshrined within the provisions of te Tiriti, particularly Article 3.⁸
 - d. **runs contrary to what mokopuna have told all of us - that te Tiriti o Waitangi is important to them**. Mokopuna from all backgrounds have shared their views – directly with Mana Mokopuna, the public, and Government – about the importance of te Tiriti, the Treaty and te ao Māori as foundational to their wellbeing, and more broadly to

⁵ *United Nations Convention on the Rights of the Child (The Children's Convention)*. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

⁶ *United Nations Declaration on the Rights of Indigenous Peoples*. https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

⁷ "Ethnicity is an evidence-based marker of need (and targeting services is good medical practice)" (2024). *The New Zealand Medical Journal*. <https://nzmj.org.nz/journal/vol-137-no-1603/ethnicity-is-an-evidence-based-marker-of-need-and-targeting-services-is-good-medical-practice>; Wi-Kaitaia, M., Ruwhiu, L., Eruera, M. *Development of the mana-enhancing paradigm for practice* (2021). Oranga Tamariki, <https://www.orangatamariki.govt.nz/assets/Uploads/About-us/Research/Latest-research/Te-Toka-Tumoana/Development-of-the-Mana-enhancing-Paradigm-for-Practice.pdf>; Te Huia, Awanui. "Perspectives towards Māori identity by Māori heritage language learners." *New Zealand Journal of Psychology*, vol. 44, no. 3 (2015). www.psychology.org.nz/journal-archive/Perspectives-towards-M%C4%81ori-identity-by-M%C4%81ori-heritage-language-learners.pdf; Oranga Tamariki. *Culture, belonging and identity* (2024). practice.orangatamariki.govt.nz/our-work/care/caring-for-tamariki-in-care/culture-belonging-and-identity/; Litmus. *The qualitative research report to inform the Well Child Tamariki Ora review on whānau Māori moemoeā for their pēpi/tamariki health and wellbeing* (2021). <https://www.health.govt.nz/system/files/2021-07/qualitative-research-report-inform-wcto-review-whanau-maori-moemoea-their-pepitamariki-health-wellbeing.pdf>; Ministry of Social Development. *Poipoiā te kākano kia puawai: Family structure, change and the wellbeing of tamariki Māori* (2020). <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/research/family-structure-change-and-the-wellbeing-of-tamariki-maori/family-structure-family-change-and-the-wellbeing-of-tamariki-maori.pdf>; Reweti, A. (2022). "Securing cultural identity for whānau well-being: a qualitative study of a whānau-led initiative". *AlterNative: An International Journal of Indigenous Peoples*, 18(3), 375-382. <https://doi.org/10.1177/11771801221118623>; *Te tuakiritanga, te reo me te Ahurea: Identity, language, and culture* (2024). <https://tewhariki.tahurangi.education.govt.nz/identity-language-and-culture/5637163397.p>; Ministry of Social Development. *Cultural identity: The social report – Te pūrongo oranga tangata* (2016). <https://socialreport.msd.govt.nz/cultural-identity.html>.

⁸ He Kupu. *Living The Treaty of Waitangi through a bicultural pedagogy in early childhood* (2017). <https://www.hekupu.ac.nz/article/living-treaty-waitangi-through-bicultural-pedagogy-early-childhood>; *He tirohanga o kawa ki te Tiriti o Waitangi: Principles of the treaty as expressed by the courts and the Waitangi Tribunal* (2001). <http://www.tpk.govt.nz/documents/download/179/tpk-treatyprinciples-2001-en.pdf>.

Aotearoa New Zealand.⁹ Mokopuna have been clear, that they want Te Tiriti to be fulfilled and upheld, not diminished and undermined. Throughout this submission, we amplify the voices of mokopuna. We call on the Justice Committee to listen carefully and seriously to the voices of mokopuna Māori on this Bill, to inform decision-making on this Bill.

4. Given the statutory mandate of Mana Mokopuna, this submission is focussed on the implications of the Bill for mokopuna, specifically:
 - a. the impact of the Bill on the rights of mokopuna in Aotearoa New Zealand
 - b. the taonga of cultural identity for mokopuna
 - c. mokopuna participation in national constitutional conversations
 - d. the potential intergenerational impact of the Bill.

See paragraph 27 on page 11 of this submission for specific recommendations.

Upholding the rights of mokopuna

“ Living the hard life, the struggle, and you can't change it because you Māori.”
- Mokopuna Māori¹⁰

5. Mokopuna Māori, along with all mokopuna in Aotearoa New Zealand, have rights under both the United Nations Convention on the Rights of the Child (the Children's Convention) and te Tiriti o Waitangi (both te reo Māori and English texts). Mokopuna Māori have rights as tangata whenua, as indigenous peoples and as children.¹¹
6. The rights of mokopuna, as with all human rights, are universal, indivisible and interdependent. A children's rights approach is holistic. For example, applying children's

⁹ Mana Mokopuna. *What matters most?* (2024); Mana Mokopuna. *Ki te kore te kaikiri ki roto o Aotearoa, kātahi te wāhi pai rawa atu: "Without racism Aotearoa would be better" Mokopuna share their experiences of racism and solutions to end it* (2024). <https://www.manamokopuna.org.nz/publications/reports/without-racism-aotearoa-would-be-better-mokopuna-share-their-experiences-of-racism-and-solutions-to-end-it/>; Mana Mokopuna. *What makes a good life? Children and young people's views on wellbeing* (2019). [What-makes-a-good-life-report-OCC-OT-2019-WEB2 \(3\).pdf](#); Ngāti Whakaue. *Stop the Treaty Principles Bill - TOITŪ TE TIRITI!!* Ngāti Whakaue rangatahi-led ActionStation petition (2024). <https://our.actionstation.org.nz/petitions/kati-stop-the-introduction-of-the-treaty-principles-bill/>; Motion, Samantha. *Treaty Principles Bill: Rotorua youth drive huge petition against Bill during Hikoī*. NZ Herald (21 Nov. 2024). www.nzherald.co.nz/rotorua-daily-post/news/treaty-principles-bill-rotorua-youth-drive-huge-petition-against-bill-during-hikoī/GO4LZ355MNC75F2E7OJEGZRMXE/; Mcdowell, Layla Bailey. *People of the Hikoī, and why they marched*. Radio New Zealand (21 Nov. 2024). www.rnz.co.nz/news/te-manu-korihī/534426/in-photos-people-of-the-hikoī-and-why-they-marched; Powell, Ian. *Haka, Hikoī and the Empowerment of the Kōhanga Generation*. NZ Herald (18 Dec. 2024). www.nzherald.co.nz/kahu/haka-hikoī-and-the-empowerment-of-the-kohanga-generation/G436COQ7EZWPNICTKYW6JRXY/; Oranga Tamariki. *Culture, belonging and identity* (2024); Ministry for Social Development. *Cultural identity: The social report – Te pūrongo oranga tangata* (2016).

¹⁰ Mana Mokopuna. *Ki te kore te kaikiri ki roto o Aotearoa, kātahi te wāhi pai rawa atu: "Without racism Aotearoa would be better"* (2024).

¹¹ *The rights of tamariki Māori in Aotearoa New Zealand. Thematic Report to the United Nations Committee on the Rights of the Child*. Te Puna Rangahau o te Wai Ariki - Aotearoa New Zealand Centre for Indigenous Peoples and the Law - University of Auckland (2022).

rights to the development of laws, policies and practices allows mokopuna needs to be met in ways that respect their identity and agency.¹²

7. Under the Children's Convention, the rights of mokopuna to culture, language, identity and family relationships are protected.¹³ There are four key principles that guide the application and implementation of children's rights under the Children's Convention. These are also substantive rights that every mokopuna is entitled to. All mokopuna - as a population, as groups of mokopuna and as individuals – have the right to:
 - a. non-discrimination – to have their rights respected without discrimination of any kind¹⁴
 - b. have their best interests be the primary consideration in all actions and decisions that affect them¹⁵
 - c. life, and maximum survival and development¹⁶
 - d. to be heard in decision-making that affects them.¹⁷

Taking a children's rights approach, guided by these principles, enables the Government to fulfil its duties under the Children's Convention, to ensure the full participation and inclusion of mokopuna without discrimination, meeting their needs while respecting their unique individuality and dignity.¹⁸

8. In its recent Concluding Observations on the 6th periodic review of New Zealand under the Children's Convention, the United Nations Committee on the Rights of the Child (the UN Children's Committee) echoes decades of evidence and advocacy emphasising the Crown's particular responsibility to uphold and safeguard the rights and wellbeing of mokopuna Māori.¹⁹ This Bill, if it was to pass into law, will undermine further the rights and wellbeing of mokopuna Māori, meaning the Government will be shifting further away, rather than closer to, implementing its fundamental obligations to mokopuna Māori, under both the Children's Convention and Te Tiriti.
9. We reinforce the urgency of the recommendations of the UN Children's Committee, which has noted the compounding impact of the failures of successive governments to respect, protect and fulfil the rights of mokopuna Māori, who, contrary to their rights, continue to face disproportionate discrimination, violence, poverty, separation from their whānau, disconnection from their whakapapa and whenua, and overrepresentation in State care and

¹² The Children's Convention protects children's civil rights and freedoms, and their economic, social and cultural rights.

¹³ Children's Convention, specifically Articles 7 and 8 (the right of the child to protect and preserve their identity and family ties), Article 9 (the right to live with parents and have contact with family) and Articles 30 and 31 (the right of the child to enjoy and practice their own culture, religion and language and related activities)

¹⁴ Children's Convention, Article 2.

¹⁵ Children's Convention, Article 3.

¹⁶ Children's Convention, Article 6.

¹⁷ Children's Convention, Article 12.

¹⁸ Children's Convention, Articles 1 & 2, 7 & 8, 12.

¹⁹ UN Committee on the Rights of the Child. *Concluding Observations on the Sixth Periodic Report of New Zealand* See paragraphs 4, 15-16, 40 (28 Feb. 2023). CRC/C/NZL/CO/6.

youth justice – as well as experiencing disproportionate harm in these systems.²⁰ Progressing this Bill any further would mean the Government is choosing to further undermine the rights of mokopuna Māori.

10. There are two areas of children's rights that are particularly compromised by the Bill, especially for mokopuna Māori: the rights of mokopuna Māori to their cultural identity; and their right to participate in their own lives and in matters that are important to them. The following sections of this submission discuss these issues and why the Bill unacceptably compromises these rights for mokopuna Māori.

Protect the taonga of cultural identity for mokopuna Māori

“ Whaanau and whakapapa. Knowing where you come from builds confidence.”

- Kōtiro Māori, 15 years old²¹

“ My culture means everything! It's my background, my heritage and basically my heart!”

- Mokopuna Māori²²

11. Protecting and upholding the taonga of cultural identity for mokopuna is not only consistent with their rights; evidence – including rangahau Māori – shows that it supports mokopuna Māori oranga (wellbeing). National and international evidence shows that cultural identity, ethnicity, and ancestry are major markers of both wellbeing and deprivation; a child's connection to their identity, culture, and sense of belonging is essential for their overall wellbeing.²³ Having a strong cultural identity strengthens mokopuna social, emotional and cognitive outcomes. Cultural connectedness is important in early development and correlates with better mental health.²⁴ Conversely, research also indicates that disruptions

²⁰ UN Committee on the Rights of the Child. *Concluding Observations* (2023).

²¹ Mana Mokopuna. *What makes a good life? Children and young people's views on wellbeing* (2019).

²² Mana Mokopuna. “You need to get in early as soon as you see people struggling”: *Understanding the life course journey* (2024). <https://www.manamokopuna.org.nz/publications/reports/you-need-to-get-in-early-as-soon-as-you-see-people-struggling-understanding-the-life-course-journey/>; Ministry of Social Development & Mana Mokopuna. *Summary report of engagements with children and young people to inform the strategy review* (Nov. 2024). <https://www.msd.govt.nz/documents/about-msd-and-our-work/child-youth-wellbeing/strategy-and-plan/summary-of-engagement-refresh-of-the-child-and-youth-wellbeing-strategy.pdf>

²³ For example, see: The New Zealand Medical Journal (2024). *Ethnicity is an evidence-based marker of need (and targeting services is good medical practice)*; Wi-Kaitaia, Ruwhiu, and Eruera (2021). *Development of the mana-enhancing paradigm for practice*; Te Huia (2024). “Perspectives towards Māori identity by Māori heritage language learners”; Oranga Tamariki (2024). *Culture, belonging and identity*; Litmus (2021). *Report to inform the Well Child Tamariki Ora review on whānau Māori moemoeā*; Ministry of Social Development (2020). *Poipoia te kākano kia puawai: Family structure, change and the wellbeing of tamariki Māori*; Reweti (2022). *Securing cultural identity for whānau well-being*; Ministry of Education (2024). *Te tuakiritanga, te reo me te Ahurea: Identity, language, and culture*; Ministry of Social Development (2016). *Cultural identity: The social report*.

²⁴ Williams AD, Clark TC, Lewycka S. *The associations between cultural identity and mental health outcomes for indigenous Māori youth in New Zealand*. *Frontiers in Public Health* (Nov. 2018) doi: 10.3389/fpubh.2018.00319; Neumann, D., Yao, E., Fenaughty, J., Liang, R., Kingi, T.K., Taufa, S., Atatoa Carr, P., Paine, S.J. *Now We Are 12: Ethnic and Gender Identity. Snapshot 1. Auckland: Growing Up in New Zealand*. *Growing Up in New Zealand* (2023). www.growingup.co.nz/growing-up-reports. *The Pacific Identity and Wellbeing Scale – Comparisons across Pacific groups*; *New Zealand Journal of Psychology* (March 2015). <https://www.psychology.org.nz/journal-archive/Article-6.pdf>

in identity formation and developmental processes during childhood can have lasting effects on mental health, self-esteem, and social integration.²⁵

12. Through our OPCAT monitoring role and our wider advocacy work we have witnessed first-hand the practical and very real difference made for mokopuna Māori when they receive services which are by Māori, for Māori.²⁶ Similarly, Oranga Tamariki's Te Toka Tūmoana Framework reinforces that tamariki Māori thrive when connected to their whānau, whakapapa, and culture, which are integral to their wellbeing and identity.²⁷ Evaluations of kura kaupapa Māori and kōhanga reo consistently note the value accorded to te reo Māori, tikanga Māori, and factors innate to te ao Māori such as manaakitanga and whanaungatanga, and the positive impacts on mokopuna as a result.²⁸ Mokopuna who attend kōhanga reo regularly exhibit strong language skills, cultural knowledge, and emotional wellbeing, benefiting not only individual development but also contributing to the revitalisation of te reo Māori and the intergenerational transmission of Māori culture.²⁹ Recent NZQA advice to the Minister of Education highlighted that students at kura kaupapa Māori attempt more NCEA credits and are more likely to get merit and excellence endorsements than those at comparable mainstream schools.³⁰
13. This Bill – alongside other proposed legislative changes currently before Parliament which are inconsistent with children's rights such as the proposed repeal of Section 7AA of the Oranga Tamariki Act, the Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill, and the reintroduction of the Three Strikes Law - has potential to cause far-reaching harm to mokopuna and their identity, disrupting their development and resulting in long-term consequences that further exacerbate existing inequities, with likely disproportionate impact on mokopuna Māori. We strongly caution against these approaches. They are inconsistent with a children's rights approach and the rights of mokopuna Māori.

²⁵ Smith, J., et al. *The Impact of Identity Disruption on Child Development: A Longitudinal Study*. Journal of Child Psychology, 42(1), 102-115 (2020).

²⁶ Many examples exist throughout different rōhe, including, for example, Māhuru iwi-based remand home in Te Tai Tokerau; Te Puna Reo o Manga Tangaroa full immersion te reo Māori ECE in Te Tai Tokerau; Mā Te Huruhuru's He Pā Piringa kaupapa Māori youth transitional housing in Tāmaki Makaurau.

²⁷ Oranga Tamariki. *Working with Māori: Te Toka Tūmoana*. <https://practice.orangatamariki.govt.nz/practice-approach/working-with-maori-te-toka-tumoana/>.

²⁸ See, for example, Education Review Office. *Te Kura Huanui: The Treasures of Successful Pathways* (2021), [Te Kura Huanui: The treasures of successful pathways](https://www.educationcounts.govt.nz/publications/maori/maori-medium-education/te-piko-o-te-mahuri-the-key-attributes-of-successful-kura-kaupapa-maori) | Education Review Office.

²⁹ Tākao, Nuki, et al. *Te Piko o te Māhuri: The key attributes of successful Kura Kaupapa Māori*. Education Counts, Ministry of Education (2010). <https://www.educationcounts.govt.nz/publications/maori/maori-medium-education/te-piko-o-te-mahuri-the-key-attributes-of-successful-kura-kaupapa-maori>; Education Review Office (ERO). *Āhuru Mōwai, Evaluation Report for Te Kōhanga Reo*. "Te Kōhanga Reo, 29 Nov. 2021. https://evidence.ero.govt.nz/media/2rfjx4/f_7780-ero_tkr-report-english_3b-final.pdf

³⁰ See: [Kaupapa Māori students more likely to get NCEA merit and excellence endorsements](https://www.rnz.co.nz/news/te-ao-maori/481281/kaupapa-maori-students-more-likely-to-get-ncea-merit-and-excellence-endorsements) | RNZ News (October 2024).

Mokopuna participation in this national conversation

“ For my voice and others to be heard we need people like you to listen and take in the things we say not just in one ear and out the other. Not making promises you know you can't keep, but being honest with us.”

- Rangatahi Māori³¹

“ We need to be included in conversations with adults, instead of being told we're too young.”

- Mokopuna Māori³²

14. Te Tiriti is a treaty between two parties. The Government's unilateral decision to bring this Bill to Parliament, without consultation with iwi, hapū, whānau and mokopuna Māori, demonstrates a failure to uphold the Crown-Māori relationship established under Te Tiriti. The rights of mokopuna Māori to be consulted and have their views given weight during Government decision-making processes are protected under the Children's Convention³³ and Article Two of Te Tiriti, which centres around the guaranteed rights of Māori – including mokopuna Māori – to participation, self-determination and rangatiratanga in decisions that affect them and taonga.³⁴ The failure to actively facilitate mokopuna participation in consultation on this kaupapa, a kaupapa which has significant, far-reaching implications for their present and future, disregards the rights of mokopuna to participate and have their voices heard and seriously considered in decisions that affect them.
15. Our view is that the Government has not sufficiently considered what the Bill means for every New Zealander, especially the mokopuna of our country. Any national constitutional conversation must be grounded in the provisions of the articles of Te Tiriti and include child and youth-friendly mechanisms, so that mokopuna can play an integral part in this conversation through sharing their views and having these seriously considered.
16. Further, we remind the Justice Committee of its duty, under Article 12 of the Children's Convention, to listen to the voices of mokopuna when considering any legislation and

³¹ Mana Mokopuna. *What makes a good life? Children and young people's views on wellbeing* (2019)

³² Mana Mokopuna. *What makes a good life? Children and young people's views on wellbeing* (2019)

³³ Article 12 of the Children's Convention states that: "1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child, and 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law." <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

³⁴ The Cabinet Office Circular for all Government, 'Te Tiriti o Waitangi / Treaty of Waitangi Guidance' states, "Māori were guaranteed rangatiratanga by the Treaty. This promise holds true today. It is the duty of the Crown to respect the right of Māori to control decisions in relation to their lands and the things of value to them. These rights are exercised within the context of the Crown's right to govern. The Crown has, at times in New Zealand history, ignored or denied the right of Māori to control their affairs. Not all such efforts have been based on ignorance of the Treaty – in many cases the government relied on its right to make decisions affecting Māori that it considered would be in their best interests, but without respecting the right of Māori to be involved in those decisions." From New Zealand Government. *Providing for the Treaty of Waitangi in legislation and supporting policy design: Questions for policy-makers* [https://www.dpmc.govt.nz/CO19\(5\) Treaty of Waitangi Guidance for Agencies.pdf](https://www.dpmc.govt.nz/CO19(5) Treaty of Waitangi Guidance for Agencies.pdf) and Te Arawhiti: <https://www.tearawhiti.govt.nz/assets/Tools-and-Resources/Providing-for-the-Treaty-of-Waitangi-in-legislation.pdf>

legislative changes that affect mokopuna, such as those proposed in the Bill. This duty to listen requires the Committee to actively facilitate the participation of mokopuna in its own processes, to listen to mokopuna, and to take their views and submissions seriously.³⁵

17. To inform its consideration of this Bill, and mokopuna participation in its processes, we specifically draw the Justice Committee's attention to two recent mokopuna voices reports published by Mana Mokopuna:

- *'Ki te kore te kaikiri ki roto o Aotearoa, kātahi te wāhi pai rawa atu: "Without racism Aotearoa would be better": Mokopuna share their experiences of racism and solutions to end it*³⁶; and
- *"A place to talk peacefully" - what helps and what gets in the way: Mokopuna voices on healing from family violence and sexual violence in Aotearoa New Zealand*".³⁷

These reports illustrate – through the direct lived experience of mokopuna, in their own words – the profound impacts of racism, discrimination, and the need for healing from family violence. These are critical issues that threaten mokopuna identity and rights, reflecting the enduring legacy of colonisation in Aotearoa New Zealand and ongoing failure of the Crown to fully uphold its duties and obligations under the articles of te Tiriti. These mokopuna voices reports also challenge the common misconception that issues such as this Bill are too complex or sensitive for mokopuna to understand, or that mokopuna are not interested.

18. We note that despite there having been no consultation involving whānau and mokopuna Māori prior to the Bill being introduced to Parliament, and no child and youth-friendly consultation mechanisms or processes facilitated by Government in relation to the Bill, that mokopuna Māori and mokopuna tauwiwi have been sharing their views on the Bill, and involved in leading and supporting participation in relation to the Bill. For example, over *Whiria*, a group of Ngāti Whakaue rangatahi, have led a petition against the Bill, which over 200,000 people have signed, including over 72,000 rangatahi.³⁸

19. More widely, there are many are inspiring examples of mokopuna participating in, and in many instances, leading national conversations on issues that are of importance to them and all New Zealanders. From covering child-friendly news reports with Ministers and Members of Parliament,³⁹ to educating others through platforms like TikTok,⁴⁰ organising

³⁵ For further discussion on children's participation rights and Government see [Getting It Right: Are We Listening? | Mana Mokopuna](#)

³⁶ Mana Mokopuna (2024). *Ki te kore te kaikiri ki roto o Aotearoa, kātahi te wāhi pai rawa atu: "Without racism Aotearoa would be better"*

³⁷ Mana Mokopuna (2024). *A place to talk peacefully: Mokopuna voices on healing from family violence and sexual violence in Aotearoa*. (2024).

³⁸ Ngāti Whakaue. *Stop the Treaty Principles Bill - TOITŪ TE TIRITI!!* Ngāti Whakaue rangatahi-led ActionStation petition (2024); Motion, Samantha. *Treaty Principles Bill: Rotorua youth drive huge petition against Bill during Hikoī*. NZ Herald (21 Nov. 2024). www.nzherald.co.nz/rotorua-daily-post/news/treaty-principles-bill-rotorua-youth-drive-huge-petition-against-bill-during-hikoī/GO4LZ355MNC75F2E7OJEGZRMXE/; [Stop the Treaty Principles Bill – our biggest petition...](#)

³⁹ Kea Kids News. "David Seymour and Debbie Ngarewa-Packer Kids-Plain the Treaty Principles Bill." keakids.news/david-seymour-and-debbie-ngarewa-packer-kids-plain-the-treaty-principles-bill.

⁴⁰ Mcdowell, Layla Bailey. "Māori Lawyer Goes Viral for Educating People on Treaty Principles Bill." RNZ, 29 Nov. 2024, www.rnz.co.nz/news/te-manu-korihī/535244/maori-lawyer-goes-viral-for-educating-people-on-treaty-principles-bill.

and leading multiple national climate actions,⁴¹ protests against rape culture and sexism involving thousands of students,⁴² and leading the largest peaceful protest in Aotearoa New Zealand's history,⁴³ mokopuna have consistently demonstrated their capability and willingness to participate and demonstrate active leadership and foresight on matters of national significance.

Making decisions that are good for mokopuna now and for future generations

“ Listen to the voices of the young people and seriously consider what they are saying. We're becoming adults and we are the future.”

- *Mokopuna*⁴⁴

“ We, too, are concerned about what goes on in our world, especially our country. What happens now WILL affect our future.”

- *Mokopuna*⁴⁵

20. While the Bill has significant implications for all mokopuna in Aotearoa New Zealand, it is the rights, interests, and wellbeing of mokopuna Māori that it compromises the most. We call upon the Justice Committee to consider the long-term impacts of this Bill on mokopuna Māori today and future generations of mokopuna Māori.⁴⁶
21. Population growth for mokopuna Māori is expected to be higher than in the total population over coming years. 27% of children in Aotearoa (0-14 years of age) are currently mokopuna Māori, however, official population projections show that by 2043 33% of children are

⁴¹ The School Strike 4 Climate New Zealand (SS4CNZ) movement has so far organised and led over 200 events between 2019 and 2024. See <https://collections.tepapa.govt.nz/topic/11129>; <https://www.facebook.com/@schoolstrike4climatenz/>; and Ball, James. “Students hit the streets at climate strikes across the country.” 1News, 5 Apr. 2024. www.1news.co.nz/2024/04/05/students-hit-the-streets-at-climate-strikes-across-the-country/

⁴² News, RNZ. “We will not put up with rape culture any longer.” RNZ, 13 Mar. 2017, www.rnz.co.nz/news/national/326507/%27we-will-not-put-up-with-rape-culture-any-longer%27; “Protest at Parliament against Rape Culture in Schools.” Stuff, 13 Mar. 2017, www.stuff.co.nz/national/education/90374283/protest-at-parliament-against-rape-culture-in-schools.

⁴³ Toitū Te Tiriti – Toitu Te Tiriti, ‘Ruru, Karanama. “Hikoi Leader “Excited and Equally Nervous” ahead of March for Treaty of Waitangi.” 11 November 2024. www.stuff.co.nz/te-ao-maori/360481678/hikoi-leader-excited-and-equally-nervous-ahead-march-treaty-waitangi.

⁴⁴ Mana Mokopuna. *You need to get in early, as soon as you see people struggling: Understanding the lifecourse journey* (2024), [You need to get in early - voices report | Mana Mokopuna](#)

⁴⁵ Mana Mokopuna. *You need to get in early, as soon as you see people struggling: Understanding the lifecourse journey* (2024), [You need to get in early - voices report | Mana Mokopuna](#)

⁴⁶ We draw to the Justice Committee’s attention the fact that New Zealand in 2024 adopted the UN Declaration on Future Generations, which is available from page 90 of this document: [Pact for the Future, Global Digital Compact and Declaration on Future Generations](#) (New Zealand Government statement relating to the Declaration is here: [United Nations General Assembly: Strengthening of the United Nations system - Item 123: Summit of the Future | New Zealand Ministry of Foreign Affairs and Trade](#)). We note the relevance of this Declaration and New Zealand’s commitment to it, and particularly draw the Committee’s attention to commitment 16: “Recognize, respect, promote and protect the rights of Indigenous Peoples, their territories, lands and ecosystems, while safeguarding their traditions, spiritual beliefs and ancestral knowledge, strengthen their distinct political, legal, economic social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State; and ensure their right to participation in decision-making in matters which would affect their rights, as determined by law and in accordance with international human rights obligations.”

projected to be mokopuna Māori (the total Māori population is projected to grow from 17% of Aotearoa New Zealand's population to 21% over the same period).⁴⁷ Yet, while they are a growing proportion of the population, mokopuna Māori and their whānau continue to experience some of the highest disparities across the population in relation to material hardship, food insecurity, hospitalisation rates, and other areas critical to wellbeing.⁴⁸

22. The Bill undermines the potential for both te Tiriti partners, including mokopuna, to work together to build an inclusive and equitable public understanding of te Tiriti that recognises the unique role of tangata whenua in shaping Aotearoa New Zealand's future. This requires policies and practices that promote inclusive governance, facilitate mokopuna participation in all decisions affecting them, and foster unity among diverse cultural groups, such as continuing to integrate te Tiriti provisions and the promotion of te reo Māori across the public sector and within the education system.⁴⁹
23. In line with the recommendations of the UN Children's Committee,⁵⁰ Mana Mokopuna advocates for continued investment in policies that: reduce inequities; are Māori-led solutions that see mokopuna Māori as taonga within the context of their whānau, hapu, and iwi; are firmly grounded in te ao Māori; which support the strengthening of whānau and support mokopuna participation; and which are proven to achieve positive outcomes for whānau Māori and their mokopuna as determined by Māori.

Conclusion and recommendations

24. The Bill does not contribute to a positive future for our country's mokopuna. By 2043, one in three mokopuna are projected to whakapapa Māori.⁵¹ The Crown has enduring obligations and duties to address the needs and uphold the rights of mokopuna Māori and future generations.
25. The Bill must not proceed. Te Tiriti has two parties and cannot be changed unilaterally. Instead, we advocate for the current and successive governments to actively fulfil and uphold the Crown's duties and obligations to Māori under the provisions of te Tiriti, nurturing the unique relationship the Crown has with Māori, for the benefit of the equitable, holistic wellbeing of whānau Māori and their mokopuna.
26. Our submission has focussed on the rights, interests, and wellbeing of mokopuna. We refer the Committee to the submission made by Te Kāhui Tika Tangata Human Rights Commission

⁴⁷ Statistics New Zealand. *One in three children projected to be Māori* (2022). www.stats.govt.nz/news/one-in-three-children-projected-to-be-maori/; Statistics New Zealand.

⁴⁸ Ministry of Social Development. *Annual report on the child and youth wellbeing strategy and child poverty related indicators* (2024). <https://www.msd.govt.nz/documents/about-msd-and-our-work/child-youth-wellbeing/reports/child-and-youth-wellbeing-strategy-cpri-annual-report-july-2022-to-june-2023.pdf>

⁴⁹ Spoonley, P. (2020). The Politics of Te Tiriti: Addressing 'White Anxiety' in New Zealand's public sector. *Journal of New Zealand Studies*, 14(2). <https://www.nzstudies.org.nz>.

⁵⁰ UN Committee on the Rights of the Child. *Concluding Observations on the Sixth Periodic Report of New Zealand* See paragraphs 4, 15-16, 40 (28 Feb. 2023). CRC/C/NZL/CO/6.

⁵¹ Statistics New Zealand. *One in three children projected to be Māori* (2022). Statistics New Zealand. *Population projections: 2023 update* (2023).

on the Principles of the Treaty of Waitangi Bill for more detailed analysis of the domestic and international human rights implications of the Bill.⁵²

27. As the independent advocate for mokopuna, we recommend that:

- a. The Bill does not progress any further.
- b. The Government continues to recognise the status of mokopuna Māori as tangata whenua, with rights guaranteed under te Tiriti; under the Children's Convention; and under the United Nations Declaration on the Rights of Indigenous Peoples.
- c. The rights, interests, wellbeing, and participation of mokopuna, particularly mokopuna Māori, must be a primary consideration for the Justice Committee (the Committee) when assessing this Bill, and we call on the Committee to: pay close attention to the views of mokopuna on the Bill; specifically highlight these in its report back to Parliament; and consider the implications of the Bill on the rights and interests of future generations, and include this consideration in its report back to Parliament.
- d. The Government strengthens its focus on promoting and advancing the rights of mokopuna Māori within the context of their whānau, hapū, and iwi, and continues to acknowledge the historic and ongoing impacts of colonisation, as evidenced by well-documented persistent and pervasive systemic and structural discrimination, and personal experiences of racism and discrimination toward mokopuna Māori and their whānau.⁵³
- e. Continued investment in policies that: reduce inequities; are Māori-led solutions that see mokopuna Māori as taonga within the context of their whānau, hapu, and iwi; are firmly grounded in te ao Māori; which strengthen whānau and support mokopuna participation; and which are proven to achieve positive outcomes as determined by Māori.

⁵² Te Kāhui Tika Tangata Human Rights Commission. *Principles of the Treaty of Waitangi Bill Submission* (2024). <https://tikatangata.org.nz/cms/assets/Documents/Submissions/2024-25-Submissions/Human-Rights-Commission-Principles-of-the-Treaty-of-Waitangi-Bill-submission-8-November.pdf>

⁵³ The Māori Perspective Advisory Committee (1988), *Puao-Te-Ata-Tu (Day Break) The report of the Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare*; Research and reports produced by the Royal Commission of Inquiry into Abuse in Care. <https://www.abuseincare.org.nz/reports>; Dame Karen Poutasi and Aroturuki Tamariki (2022). *Ensuring strong and effective safety nets to prevent abuse of children – Joint Review into the Children's Sector: identification and response to suspected abuse*. <https://aroturuki.govt.nz/reports/poutasi-review>; Ministry of Social Development (2022). *The Independent Review of the Children's Sector: Identification and response to suspected abuse*. <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/information-releases/2022/independent-cross-agency-child-abuse-review.html>; Office of the Children's Commissioner (2020). *Review of what needs to change to enable pēpi Māori aged 0-3 months to remain in the care of their whānau in situations where Oranga Tamariki-Ministry for Children is notified of care and protection concerns*. Reports 1 and 2: *Te Kuku O Te Manawa - Ka puta te riri, ka momori te ngākau, ka heke ngā roimata mo tōku pēpi*; and *Te Kuku O Te Manawa - Moe ararā! Hauamanutia ngā moemoeā a ngā tūpuna mō te oranga ngā tamariki* <https://www.manamokopuna.org.nz/publications/reports/tktm-report-2/>; Reil, J., Lambie, I., Becroft, A., & Allen, R. (2022). *How we fail children who offend and what to do about it: 'A breakdown across the whole system'*. Brief summary of research. Updated recommendations. Auckland, NZ: The Michael and Suzanne Borrin Foundation, the New Zealand Law Foundation & the University of Auckland; Children and Young People's Commission Act 2022. <https://legislation.govt.nz/act/public/2022/0044/15.0/LMS733206.html>; Te Puna Rangahau o te Wai Ariki - Aotearoa New Zealand Centre for Indigenous Peoples and the Law - University of Auckland (2022). *The rights of tamariki Māori in Aotearoa New Zealand - Thematic report to the United Nations Committee on the Rights of the Child*.

- f. Existing legislation giving effect to Te Tiriti and the Treaty of Waitangi is not removed, amended, or misinterpreted as a result of this Bill.
- g. Any constitutional conversation must include a co-designed participation process by and for mokopuna to help lead and participate in the conversation in ways that are child and youth-friendly.