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Te Kāhui Tika Tangata
Human Rights Commission

Whakamanahia Te Tiriti,
Whakahaumarutia te Tangata

Honour the Treaty, Protect the person

Violence and abuse of tāngata whaikaha Māori in Aotearoa
New Zealand

Evidence and recommendations

December 2021

Te Kāhui Tika Tangata
Human Rights Commission



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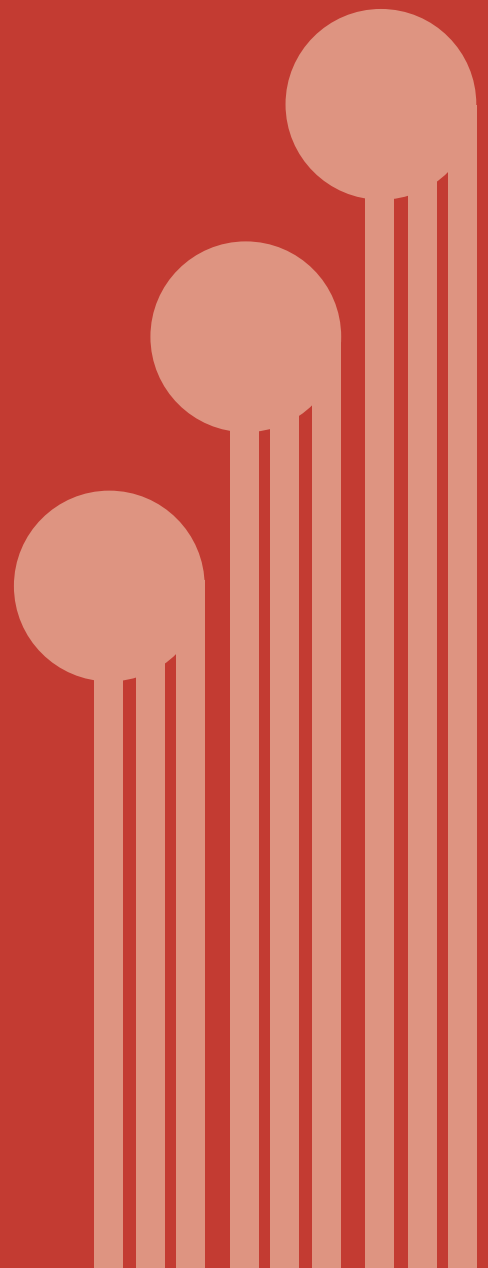
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Whakamahia te tūkinō kore ināianei, ā muri ake nei
Acting now for a violence and abuse free future

Human Rights Commission

December 2021

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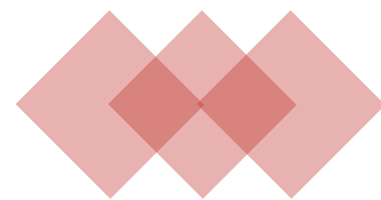


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Foreword

Tāngata whaikaha Māori have a right to be safe and to live well, but as this report shows, their Tiriti and human rights are being breached.

Speaking about crime statistics recently, the Deputy Secretary of Justice noted that, for our people, “just being Māori” means we are more likely to be victims of crime.¹ In this, and in many other areas – health, education, employment – we are faced with discrimination, structural barriers and systems that were, not only not designed for us, but often designed to assimilate and dispossess us. As a people, we have experienced the violence of colonisation – “an inherently abusive process”² that sought to rob us of our lands, resources and way of life. We continue to live with the impacts of that process, including discrimination and disproportionate experience of violence.

Our tāngata whaikaha Māori whānau face these obstacles and colonial mechanisms, as well as having to navigate multiple other barriers. The combination of these intersecting inequities places them at even higher risk of violence and abuse.

And yet too often, tāngata whaikaha Māori have been made invisible in government strategies, statistics, policies and plans. This lack of recognition has led to lack of action and this must change. In publishing this report, and its companion *Whakamahia te tūkino kore ināianeī, ā muri ake nei: Acting now for a violence and abuse free future*, the Human Rights Commission is calling for urgent action and transformational change, based on Te Tiriti o Waitangi and human rights standards.

To be successful in this kaupapa requires us to embrace a decolonised and critically conscious orientation. It requires government commitment to and action on its Tiriti obligations, including upholding genuine partnership, sharing decision making and resources, and proactively advancing equity. It requires acting with intensity and urgency.

While the legacy of colonisation has created a situation where ‘just being Māori’ means that our whānau – in particular tāngata whaikaha Māori – face greater risks, as tangata whenua we know that ‘just being Māori’ is also our greatest gift, and the source of our unique strength. As tangata whenua we have essential strengths derived from our tipuna, who laid the pathways for us; and a resilience borne from our experiences as a colonised peoples. Within our whānau, hapū and iwi, tāngata whaikaha Māori hold the expertise and experience to lead effective solutions and advance their aspirations.

This report calls on government to listen to tāngata whaikaha Māori, their whānau, hapū and iwi, support their leadership and tino rangatiratanga, and to enable and support collective, te ao Māori approaches.

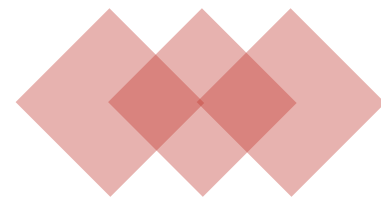
Te Tiriti o Waitangi and human rights documents such as the UN Declaration on the Rights of Indigenous Peoples, provide a strong platform and framework for addressing issues of violence, racism, ableism and inequity. Inherent in any strategies and policies targeted at preventing violence and abuse must be a commitment to the realisation of the rights guaranteed in Te Tiriti and Indigenous rights standards.

Restoring our traditional approaches, and reconnecting our people is critical. As tangata whenua, we all carry a spark of mana motuhake within us. When those individual sparks join together and become connected in kotahitanga, then we will see the truth of our potential in mana motuhake.



Tricia Keelan

Pou Ārahi | Deputy Chief Executive



Executive Summary

New Zealand has an obligation to take all available measures to identify, prevent and respond effectively to violence and abuse of disabled people and tāngata whaikaha Māori. Yet these groups are at particular risk and face entrenched barriers to their safety and wellbeing.

This report sits alongside its companion report, *Whakamahia te tūkino kore ināianei, ā muri ake nei: Acting now for a violence and abuse free future*. Together both set out an evidence base of the disproportionate burden of violence and abuse experienced by disabled people and tāngata whaikaha Māori and draw attention to this longstanding, and yet still largely hidden, issue. Both reports call for urgent and ongoing action to address barriers to safety for tāngata whaikaha, who like all people in Aotearoa have a right to be safe from violence and abuse. This report reflects a Te Tiriti o Waitangi-based approach, with a specific focus on issues for tāngata whaikaha Māori, their whānau and communities.

Tāngata whaikaha Māori

Tāngata whaikaha Māori have diverse identities and experiences, but as tangata whenua they share an inherent connection through whakapapa to whānau, hapū and iwi as well as to whenua, maunga, awa and taiao. Māori concepts and realities of disability are diverse, but have not been reflected in prevailing models, which frame disability within an individual, rather than collective context.

Tāngata whaikaha Māori are guaranteed rights under Te Tiriti and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), as well as other human rights instruments. The full array of these rights has not yet been realised in Aotearoa New Zealand, with tāngata whaikaha Māori facing multiple barriers and the cumulative effect of intersecting inequities.

Intersecting disadvantages amplify the risks of violence and abuse for tāngata whaikaha Māori

The disadvantages experienced by tāngata whaikaha Māori as Māori disabled persons is compounded by the structural and institutional disadvantage they face as tangata whenua. Despite a higher prevalence of disability, tāngata whaikaha Māori have higher proportions of unmet need and greater barriers to accessing support.³

While there is no research specifically about the abuse of tāngata whaikaha Māori, information extrapolated from government data collection, indicates that tāngata whaikaha Māori are more likely than non-disabled Māori to experience violent crime (8% vs 3%).⁴

Māori are more likely to be victims of crime, including by family members and tāngata whaikaha Māori are also more likely than their non-Māori or non-disabled peers to experience some of the other factors associated with higher rates of violence such as being sole parents or facing financial or psychological stress.⁵

Violence and abuse, accompanied by the effects of colonisation, racism, discrimination, intergenerational trauma, ableism and cultural disconnection, compound the disadvantage tāngata whaikaha Māori experience. Violence and abuse and the resulting impacts on tāngata whaikaha affect not only the individual but also their wider community and whānau, which has intergenerational impacts. While there is a significant absence of data on violence and abuse against tāngata whaikaha Māori, the available data leaves no doubt that this is a serious issue.

Tāngata whaikaha Māori are largely invisible in policy, planning and responses

Despite these high needs and unique risks, there are major gaps in data and lack of specific provision for tāngata whaikaha Māori in policies and services.

Māori with lived experience of disability are made 'invisible' by Crown organisations. Where Crown organisations do show responsiveness to Māori, generally this does not include Māori with lived experience of disability. Where Crown organisations show responsiveness to people with lived experience of disability, this does not usually include Māori. In turn, this leads to a sense of Crown inaction when it comes to the health and well-being interests of Māori with lived experience of disability.⁶

Colonisation, racism and discrimination have significant impacts

Although the experiences of tāngata whaikaha Māori are diverse, issues of violence against Māori sit within the broader context of colonisation. Violence within whānau has been described as the 'manifestation of the powerlessness and dispossession of colonisation'.⁷ This dispossession has undermined the ability of Māori to exercise rangatiratanga authority and make decisions in accordance with tikanga and te ao Māori. The disconnection of Māori from their whānau and whakapapa as a result of colonisation has had long-lasting effects.

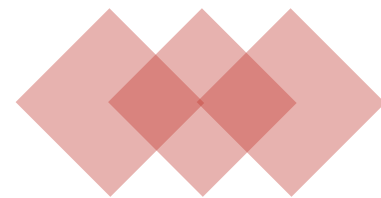
To prevent violence and abuse against tāngata whaikaha Māori, government must recognise the compounding disadvantage, and address broader issues of colonisation, racism, intergenerational trauma and cultural disconnection.

A Tiriti-based approach is needed

Inherent in any strategies and policies targeted at preventing violence and abuse must be a commitment to the realisation of the rights guaranteed in Te Tiriti and Indigenous rights standards.

A Tiriti-based approach is required – an approach that ensures tāngata whaikaha Māori, their whānau, hapū and iwi are resourced and supported to develop and implement their own responses to violence and abuse. Such an approach should include that: tāngata whaikaha Māori are part of decision-making; tāngata whaikaha Māori as part of whānau, hapū and iwi would be enabled and supported to exercise rangatiratanga and self-determination to lead solutions; and equity for tāngata whaikaha Māori would be at the heart of any response.

In its *Hauora* report the Waitangi Tribunal recognised that where there are severe and persistent inequities, the Government's Tiriti obligations are heightened.⁸ The deeper the need, the more urgent and substantial a targeted response should be. The cumulative disadvantage and discrimination, marginalisation, and inequities tāngata whaikaha experience leaves no doubt that the obligations on Government to take action and give these issues particular priority and urgency, are heightened.



Recommendations

Recognising the seriousness of the issues faced by tāngata whaikaha Māori, this report asks Government to implement the following recommendations:

- a. Value Indigenous worldviews ensuring programme design, implementation and evaluation are informed by Tikanga and Te Ao Māori;
- b. Prioritise tino rangatiratanga, self-determination and autonomous decision-making made by tāngata whaikaha Māori as part of whānau, hapū and iwi;
- c. Move from an individual focus to a focus on whānau, hapū, iwi and communities;
- d. Ensure solutions reflect the aspirations and elevate the voice of tāngata whaikaha Māori;
- e. Enforce parallel responses that simultaneously address context and specific forms of violence;
- f. Partner with whānau, hapū, iwi and communities to emphasise primary prevention of violence;

- g. Allocate appropriate resourcing including capacity building of whānau, hapū and iwi and Kaupapa Māori approaches;
- h. Realise the promises of Te Tiriti and rights for tāngata whaikaha Māori under UNDRIP and the UN Convention on the Rights of Persons with Disabilities (UNCPRD).

This report aims to bring a Tiriti-based approach to the rights of tāngata whaikaha Māori, and the plethora of inequities they face. These have thus far been made largely invisible, including through lack of data, research and inclusion, leading to inaction. Whilst violence and abuse are solvable, the deep-rooted causes of these actions are much larger. Colonialism, institutional racism, discrimination, and ableism must be reduced to improve the health and well-being of not only tāngata whaikaha Māori, but all people of Aotearoa New Zealand.

1. Who are Tāngata whaikaha Māori?

Disabled Māori are tangata whenua, and members of whānau, hapū and iwi. They have families, partners, children and are sons, daughters, nieces and nephews. The vast majority live in the community. They are diverse. Around 176,000 Māori have a disability, 32% of the Māori population.⁹ While many have experienced separation from whānau, hapū, iwi and culture – sometimes through removal or institutionalisation – as tangata whenua they share an inherent connection through whakapapa to whānau, hapū and iwi as well as to whenua, maunga, awa and taiao. In this context, many tāngata whaikaha Māori identify as Māori first, defining themselves through whakapapa.

Diverse identities

Tāngata whaikaha Māori identify in diverse ways, including as Māori, disabled and as part of wider collectives. The *New Zealand Disability Strategy 2016 to 2026* states that most Māori with disability identify as Māori first.¹⁰ This emphasises the importance of Māori defined terminologies that reflect their cultural identity, language, values, whakapapa and connection to land.

A shared identity as Māori affirms one's indigeneity and "place in the world", confirming an individual's connection, status and rights as tangata whenua. Joseph Te Rito explained that whakapapa has had a major part to play in the resilience of Māori and their ability to spring back up.¹¹ "As tangata whenua we are people of the land – who have grown out of the land, Papatūānuku, our Earth Mother. Having knowledge of whakapapa helps ground us to the earth. We have a sense of belonging here, a sense of purpose, a raison d'être which extends beyond the sense of merely existing on this planet."¹²

Not all tāngata whaikaha Māori are strongly connected to their whānau, hapū and iwi. Many have had their lands, culture and rangatiratanga taken away through the effects of colonisation

and have lost connection to their genealogical whakapapa. For some tāngata whaikaha Māori this has been replaced with kaupapa based whānau, and disability whakapapa.

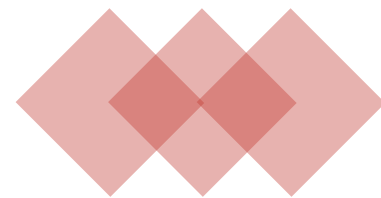
A key contributor to this disconnect has been successive government policy framed on Western societal thinking of putting disabled people in their own "special" category. Government must initiate change through policy and proactive support to reconnect tāngata whaikaha Māori with their whānau and whakapapa, promoting the influence of whānau and communities within this policy change.

The term "disability" itself is contentious in that Māori "do not easily relate to that term or even the concept behind it."¹³ Kaiwai and Allport's Waitangi Tribunal report (Wai 2575) found that some of this contention is linked to early European colonisation and settlement where concepts were introduced that framed disability as a "curse" or "abnormal".¹⁴

In historical whānau, hapū and iwi whakapapa, there are references made about people with different abilities.¹⁵ Disability is not mentioned because this thinking was not part of Māori ethos, as disability is a colonial construct. Having a 'disability' did not make you any less or more to your peers.¹⁶

In contrast to Tauīwi concepts of disability, Māori perceptions of disabilities focus on the strengths and abilities tāngata whaikaha Māori possessed, rather than viewing disabilities as a hindrance.¹⁷ As Tikao et al. highlighted:

"In general it appears that Māori in the ancient world who had impairment were people with god-like power and god-like status. They were known for the talents that they possessed, not for what they didn't have. As time progressed, this notion appeared to change..."¹⁸



Terminology

While this report has adopted the term “tāngata whaikaha Māori”, it is important to recognise that contemporary Māori concepts of disability are diverse. Hickey emphasised that terminologies “can also differ region to region, iwi to iwi, hapū to hapū, and whānau to whānau, and as such [Māori should] be allowed to describe or define impairment for themselves as they see fit”.¹⁹

Tāngata whaikaha Māori

The term ‘tāngata whaikaha’ is used to describe people with disabilities.²⁰ Tāngata whaikaha Māori is used to specifically describe Māori with disabilities.²¹ Whaikaha means to have strength, to have ability, and to be enabled. It is a strength-based term, inclusive of all disabilities. Maaka Tibble states:

“Tāngata whaikaha means people who are determined to do well, or is certainly a goal that they reach for. It fits nicely with the goals and aims of people with disabilities who are determined in some way to do well and create opportunities for themselves as opposed to being labelled, as in the past”.²²

Whānau hauā

Whānau hauā is an “umbrella” term for Māori with disabilities, reflective of te ao Māori perspectives and collective orientation.²³ This term emphasises that the disabled individual is firmly located within the collective, as part of a wider whānau, and views “disability as a collective endeavour of both the individual and the whānau as a whole”.²⁴

Māori with lived experience of disability

The term “Māori with lived experience of disability” recognises that “tāngata whenua are a collective encompassing many diverse and autonomous nations with varying cosmogonies, genealogies, histories, lived realities and experiences. The term ‘Māori’ is therefore considered a construct used to describe the Indigenous peoples of Aotearoa/New Zealand.”²⁵

Hautupua

Hautupua means “remarkable”.²⁶ The concept of Māori with disability as “remarkable” contributes to their reclamation as gifted and vital members of their iwi. This term is appropriate to a Te Ao Māori informed understanding of disability.

Whānau

Whānau is commonly used to describe Māori living with disabilities.²⁷ While often translated as “family”, the term “whānau” differs from the Western construction of the nuclear family. It is much wider and more complex. Metge described whānau as being made up of either whakapapa-based whānau, which are based on genealogical connections, and kaupapa-based whānau, which are connected to “fulfil a common purpose or goal”.²⁸

Tāngata whaikaha Māori have diverse identities and experiences, but as tangata whenua they share an inherent connection through whakapapa to whānau, hapū and iwi as well as to whenua, maunga, awa and taiao. Māori concepts and realities of disability are diverse, but have not been reflected in prevailing models, which frame disability within an individual, rather than collective context.

Prevalence of disability amongst Māori

The 2013 New Zealand Disability Survey statistics recorded that:

- Māori have higher rates of disability. After adjusting for “differences in ethnic population age profiles”, 32% of the Māori population were identified as disabled, compared to 24% of the total New Zealand population.²⁹
- More Māori children are disabled (15%) than non-Māori children (9%) and the median age of disabled Māori is 40 years, compared to European at 57 years and Asian people at 45 years.³⁰

Statistics from the 2013 survey also recorded that higher rates of disability among Māori link to poorer socio-economic outcomes.³¹ Key issues include low income, poor housing quality and discrimination. Māori have higher rates of moderate impairments, which relate to environmental factors such as ill health, poor housing, or injury from hazardous occupations.

Low rates of educational achievement, employment, and the corresponding low income create disadvantage and poverty that result in lower standards of living for disabled people, poorer health outcomes,³² and risk factors for violence.³³ The NZCVS (Cycle 1 2018 and Cycle 2 2019) demonstrates the vulnerability of disabled people, and Māori, who experience higher than average rates of victimisation.³⁴

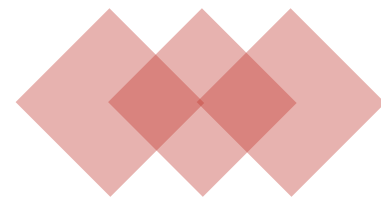
In 2014, the United Nations Committee on the Rights of Persons with Disabilities (UNCRPD) released its Concluding Observations on its review of New Zealand which noted:³⁵

- Māori disabled children have difficulty in accessing government services, including health and education services;
- Māori disabled find it more difficult to access information in their own language;
- Māori people have the poorest health outcomes in New Zealand;
- The prevalence of disability is higher in the Māori population as a result of poverty and disadvantage;
- The employment levels in New Zealand for Māori disabled are still low.

The Abuse in Care Royal Commission (2020) reports that:

a disproportionate number of Māori have also been in both disability and mental health facilities... Māori have higher proportions of disability compared with others in all age groups. Māori have also been consistently overrepresented in admissions to psychiatric institutions since the 1970s. Reports in the 1990s show Māori were not only more likely to be receiving mental health care, but also more likely to be in secure care and subject to compulsory treatment orders.³⁶

Māori have the highest prevalence of mental illness and addiction of any group in Aotearoa.³⁷ Māori make up 34% of Mental Health and Addiction service users,³⁸ are almost twice as likely as non-Māori to experience mental distress³⁹ and have higher rates of suicide.⁴⁰



2. Te Tiriti and Indigenous rights

Te Tiriti o Waitangi

Te Tiriti is Aotearoa New Zealand's founding and first rights-based document between the British Crown and Rangatira Māori.⁴¹ Te Tiriti reaffirms the pre-existing rights and rangatiratanga of Tangata Whenua and the status of Tikanga Māori as supreme law in Aotearoa.⁴²

Te Tiriti establishes a continual and ongoing relationship between Tangata Whenua and the Crown. It affirms the status of whānau, hapū and iwi as tangata whenua and recognises their pre-existing rangatiratanga. It envisages a sharing of power and authority and a partnership of equals. Te Tiriti requires government to work in partnership, and share decision-making, with its Tiriti partners, and to respect and support the rangatiratanga authority of tangata whenua.

While Te Tiriti establishes this relationship, the two parties have distinct identities. Tiriti partnership must permit a sharing of power that does not require one party to be subsumed by the other. A Tiriti-based approach assists in determining what framework should be used to maintain the ongoing relationship between Māori and Crown.⁴³

Articles 1 and 2 of Te Tiriti provide for coexisting systems of governance: the guaranteed continuation of iwi and hapū rangatiratanga and introduction of Crown kāwanatanga as a new and limited form of authority. Article 3 promises Māori equal enjoyment of citizenship rights, placing obligations on the Crown to ensure equity for Māori alongside other New Zealanders. But the Crown's commitment to Māori under Te Tiriti goes much further than a promise of equitable treatment. It requires putting right the wrongs committed and damage inflicted, honouring the pre-existing Te Tiriti and indigenous human rights of tangata whenua, and reconciliation.

Tāngata whaikaha Māori have rights guaranteed under Te Tiriti. However, the different views of Māori and the Crown about the meaning of Te Tiriti/the Treaty make the realisation of these rights difficult. While the Treaty principles are widely used by government and its agencies it is important to recognise that they are principles generated by the Crown. This report will primarily refer to the preamble and articles of Te Tiriti, summarised below, rather than Treaty principles.

Preamble – He Kupu Whakatahi

The preamble outlines the purpose and intent of Te Tiriti to maintain and strengthen relationships between tangata whenua and the Crown. It sets the tone of the articles that follow and provides an understanding of the aims of the parties. The preamble “envisages relationships of care and protection as well as autonomy and self-determination for hapū and limited authority for the Crown, which are directly relevant and important to guiding relations between Māori and the Crown now”.⁴⁴ Defining and maintaining the “right relationship” is critical.⁴⁵

Article 1 – Kāwanatanga

Article 1 of Te Tiriti provided the Crown with kāwanatanga (governorship) over British settlers. Although subsequently, the English version of Article 1, purporting to cede ‘all the rights and powers of sovereignty’ has been the basis of government assertion of sovereignty, the Waitangi Tribunal has affirmed that this was not the intention of Māori signatories.

The rangatira consented to the treaty on the basis that they and the Governor were to be equals, though they were to have different roles and different spheres of influence. The detail of how this relationship would work in practice, especially where the Māori and European populations intermingled, remained to be negotiated over time on a case-by-case basis.⁴⁶

Article 1 encompasses the Crown's obligations and responsibilities to govern and protect all New Zealanders. It requires the Crown to work in an authentic and mutually respectful partnership with tangata whenua, and shared decision-making that affirms the kāwanatanga of government and rangatiratanga of whānau, hapū, iwi. This includes Tikanga and Mātauranga Māori.

Article 2 – Tino rangatiratanga:

Article 2 affirmed Māori absolute authority, or rangatiratanga over lands, settlements, and taonga. Matike Mai Aotearoa defines rangatiratanga in the contemporary context as 'the right for Māori to make decisions for Māori.'⁴⁷ Upholding tino rangatiratanga requires a high degree of autonomy, and ensuring the mana of tangata whenua is respected, protected and upheld through inclusion, participation and authentic partnership.

Article 3 – Ōritetanga:

Article 3 guarantees Māori the rights and privileges of British subjects. The Crown must commit to addressing disparities and ensuring tāngata whaikaha Māori can participate as equals in society without discrimination. This requires active protection of tangata whaikaha Māori interests, ensuring unjust and unfair treatment is eliminated and striving for equity.

Tāngata whaikaha Māori are citizens and are guaranteed the same rights as all peoples of Aotearoa New Zealand under Article 3. However, tāngata whaikaha Māori as individuals, are less safe. Article 3 requires the Crown to work towards tāngata whaikaha Māori enjoying the same levels of protection and well-being as Tauwi.

It should be acknowledged that "equity" does not necessarily mean treating everyone the same. In its *Hauora* Report the Waitangi Tribunal stated that achieving equitable results, "may require additional resources, proportionate to address inequities that exist."⁴⁸

Equity also links to the principle of active protection which requires the Crown to commit to reducing inequalities, regardless of the cause of disparity. Despite possessing these rights,

tāngata whaikaha Māori continue to experience difficulties in accessing adequate services and supports to assist them in their daily lives. Where there are persistent inequities, the Waitangi Tribunal has found that the Crown's Tiriti obligations are heightened.⁴⁹

Oral clause – Wairuatanga

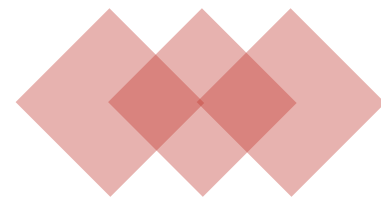
Although not part of the written Tiriti text, at the first Tiriti signing at Waitangi in 1840 discussions focused on wairuatanga (spiritual practices and well-being) as a part of a broader commitment to religious freedom. Under international law and Tikanga, both oral and written assurances given when signing a treaty are important.⁵⁰ Wairuatanga is an essential expression of rangatiratanga. It is recognised as a defining characteristic of good health.⁵¹

United Nations Declaration on the Rights of Indigenous Peoples

For Te Tiriti to provide a robust mechanism for protecting tāngata whaikaha Māori from violence and abuse, consideration must be given to how other international protection mechanisms, such as UNDRIP⁵² can support the guarantees of Te Tiriti.

Affirmed by Aotearoa New Zealand in 2010, the Declaration complements New Zealand's constitutional obligations under Te Tiriti. UNDRIP specifically focuses on the rights of Indigenous peoples and recognises the importance of allowing human rights space to reflect diversity. Importantly, the Declaration was drafted with the participation of Indigenous peoples, alongside States, and reflects Indigenous peoples' struggle for recognition of their rights to lands, territories and resource, and to their culture, identity and way of life.

The Declaration has a focus on self-determination and the social, cultural, political, environmental and intergenerational well-being of Indigenous peoples. It has a deep synergy with Te Tiriti, providing for similar rights that Māori are guaranteed under Te Tiriti. It provides for a recognition that human rights as they relate to Indigenous peoples are best recognised and understood as collective, rather than individual rights.



While the Declaration covers similar substantive matters to Te Tiriti, it also elaborates on the articles of Te Tiriti which are much briefer than the rights in the Declaration. It provides elaboration as to what the international standards are and how those rights apply to Indigenous peoples.

The Declaration echoes and reinforces the promises of Te Tiriti, including by affirming that Indigenous peoples have the right to have their treaties with states honoured and enforced (article 37). The synergy between Te Tiriti and the Declaration is important. The rights and guarantees in both the Declaration and Te Tiriti are relevant to tāngata whaikaha Māori as Indigenous peoples.

Self-determination and tino rangatiratanga

At the core of the Declaration is the right of Indigenous peoples to self-determination. Articles 3, 4 and 5 guarantee Indigenous peoples the right to self-determination, including their economic, social, and cultural development, and the right to self-government, including the right to maintain and strengthen their own governing institutions.

While all rights in the Declaration are equally important, the right to self-determination is “a central right for Indigenous Peoples from which all other rights flow”.⁵³ Realisation of the right to self-determination is viewed as essential in order for Indigenous Peoples to enjoy all their collective and individual human rights.⁵⁴ Implicit in the right to self-determination is that its meaning and how it is exercised is to be determined by Indigenous peoples themselves.

Self-determination as a right guaranteed by the Declaration, and tino rangatiratanga guaranteed by Article 2 of Te Tiriti, are closely linked and reinforcing. While self-determination is a human rights concept, tino rangatiratanga is sourced in Tikanga. A series of Waitangi Tribunal Reports have found that tino rangatiratanga guaranteed Māori autonomy and self-government.⁵⁵

Self-determination can lead to better outcomes for Indigenous peoples. International studies have found that Indigenous self-governance

can improve educational achievement and employment levels,⁵⁶ and can promote economic development outcomes.⁵⁷ In a 2018 report, the UN Special Rapporteur on the Rights of Indigenous Peoples concluded:⁵⁸

Indigenous governance systems have often proven to be better than external actors in providing services to and ensuring the wellbeing and rights of Indigenous peoples. Furthermore, they contribute to conflict reduction, climate adaptation, conservation and protection of nature, culturally appropriate social services, economic progress and many other positive outcomes.

The right to self-determination and tino rangatiratanga emphasises that tāngata whaikaha Māori, their whānau, hapū and iwi, must have the right to make their own decisions and control their lives, as well as to participate in government decision-making that affects them.

Key articles of UNDRIP

In addition to articles 3, 4 and 5 affirming self-determination, articles of the Declaration that have particular relevance to the prevention of violence and abuse of tāngata whaikaha Māori are summarised below.

Article 7 protects rights to life, physical and mental integrity, liberty and security of person. This article also guarantees the collective right of Indigenous peoples to live in freedom, peace and security as distinct peoples, free from any act of violence, including forced removal of children from the group.

Article 9 states that Indigenous peoples have the right to belong to an Indigenous community or nation, in accordance with the traditions and customs of their community or nation concerned. This article also prohibits discrimination of any kind that may arise from the exercise of this right. These articles are relevant to upholding the rights of tāngata whaikaha Māori to live in safety, free from discrimination and racism, and within whānau, hapū, iwi. It requires the culture, worldviews, and traditions of tāngata whaikaha Māori to be protected.

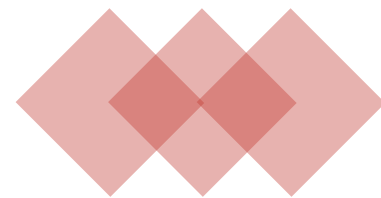
The right of Indigenous peoples to participate in decision-making is highlighted in over 20 articles of the Declaration.⁵⁹ These require States to consult and cooperate with Indigenous peoples; and to take measures in conjunction with them.⁶⁰ Articles 18 and 19 in particular affirm the right of Indigenous peoples to participate in decision making in matters affecting their rights, and require States to consult and cooperate in good faith with Indigenous peoples, through their own representative institutions, to obtain their free, prior and informed consent before adopting legislative or administrative measures that may affect them.⁶¹

Article 21 sets out the right of Indigenous peoples, without discrimination, to improvement of their economic and social conditions including education, employment, housing, health, and social security. Article 21.2 requires States to take effective measures, and where appropriate, special measures to ensure continuing improvement of their economic and social conditions. This article calls for particular attention to the rights and special needs of Indigenous people with disabilities. Article 23 affirms Indigenous peoples' rights to be actively involved in developing and determining economic and social programmes through their own institutions.

In the context of protection of *tāngata whaikaha* Māori against violence and abuse, the UNDRIP recognises the wider social context which creates poor socio-economic outcomes for *tāngata whaikaha* Māori must be addressed, and affirms the importance of Indigenous self-determination, participation and leadership in that process.

Article 22 pays particular attention to the rights and special needs of those most vulnerable in the community, including Indigenous elders, women, youth, children, and persons with disabilities. This article requires states to take measures, in conjunction with Indigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination. Article 22 recognises the intersectional risks in addressing violence.

Article 24 of the UNDRIP protects Indigenous peoples' traditional health practices and affirms their right to the highest attainable standard of physical and mental health. Other key articles include: article 37, which affirms Indigenous peoples' rights to recognition and enforcement of treaties; article 38, which requires States to implement the UNDRIP's provisions in consultation and cooperation with Indigenous peoples; and article 39, which obliges States to provide financial assistance to Indigenous peoples to enable them to enjoy their rights. Article 40 provides for a right to effective remedies for all breaches of Indigenous peoples' individual and collective rights. Article 43 recognises that the rights laid out in the UNDRIP are minimum standards.



3. Tāngata whaikaha Māori rights have been breached

Issues tāngata whaikaha Māori experience

Tāngata whaikaha Māori have rights to equity guaranteed under Article 3 of Te Tiriti. Despite these rights, tāngata whaikaha Māori experience high levels of marginalisation, poverty, discrimination, and a loss of voice and agency. Compared with Māori generally, tāngata whaikaha Māori experience significant inequities across many socioeconomic indicators. These inequities are enforced and maintained by the continued effects of colonisation that resulted in the dispossession of Māori land, power, and resources as well as disconnection from culture, whānau, hapū and iwi. As was discussed in a statement by Kapō Māori Aotearoa:

“We have become marginalized and divorced from our kin through successive government policies which over time have been characterised by the charitable, managerial, dependency, cultural and social imperatives of other cultures and their ways. The effects of such imperialist actions are substantiated in research that evidences the dislocation and separation of Maori disabled persons, as a result of being institutionalised over the years, from their whānau, hapū and Iwi”.⁶²

The cumulative effect of being Māori and living with disability, means tāngata whaikaha Māori are represented in two of the most vulnerable and mistreated groups in society. The effects of violence are compounded by exposure to systems, processes, and services predicated and maintained through coloniality and racism, that dismiss Māori agency.⁶³

Tāngata whaikaha Māori suffer from inequitable access to health and disability services.⁶⁴ This is in part, a consequence of the Crown’s approach to health and disability structures which are predicated on colonial

ideals. Since 1840, the prevalence of colonial structures and ways of thinking has prevented tāngata whaikaha Māori from participating in policy and legislative developments.⁶⁵ The spaces in which they can participate are largely Pākehā centric, and conflict with Te Ao Māori approaches to health, protection, and well-being. Favouring Western models rather than Te Ao Māori approaches to health and well-being creates inequitable outcomes for Māori and constrains self-determination. As King discussed:

“Māori with lived experience of disability have been impacted even further due to the intersection of Māori experience of disability with colonisation, coloniality and racism. These impacts are compounded by culturally unsafe models of health imposed upon Māori, in addition to Māori experiences of institutional racism, and explicit and implicit bias within health and disability services. As a population group, the persistent, significant, and pervasive inequities impacting on Māori with lived experience of disability, demonstrate that they have experienced, and continue to experience, the disproportionate impact of the Crown’s actions and inactions”.⁶⁶

Multiple systemic and structural barriers impede the ability of tāngata whaikaha Māori to participate in decisions that affect them. The significant inequities tāngata whaikaha Māori face have been maintained through the ongoing effects of colonisation and decades of Crown-centric policy, that place Tauīwi needs before the needs of Māori. As a result, tāngata whaikaha Māori lack resources, meaningful participation capabilities, and effective monitoring mechanisms to respond to continuing inequities.

The history and impacts of colonisation

While there is a significant absence of data and research on violence and abuse against tāngata whaikaha Māori, the available data demonstrates that it is a serious issue for Aotearoa New Zealand. Although the experiences of tāngata whaikaha Māori are diverse, issues of violence against Māori all sit within the broader context of colonisation. Government must fully understand and acknowledge these ongoing effects to comprehensively address the issues tāngata whaikaha Māori face in contemporary Aotearoa New Zealand.

Colonisation created a devastating pattern that led to a loss of political power, cultural understanding and autonomy for Māori that continues today. The arrival of Pākehā settlers resulted in the systematic dispossession of Māori from their land. Colonial structures and policies created significant disparities between Māori and Pākehā, with Māori being forced to abandon their traditional ways of living in favour of colonial practices. This led to processes and institutions that remain systemically biased. The impacts of colonisation must be acknowledged as a historic, intergenerational and contemporary political determinant of health.⁶⁷

Colonial attitudes have for decades attacked the collectivist nature of Māori society. Since the signing of Te Tiriti in 1840, a primary objective of Crown policy was to destroy the traditional collectivist nature of Māori society.⁶⁸ As a result, it has been extremely difficult for Māori to sustain traditional tribal responsibility for their people. Māori are subsumed by colonial structures, services, and Western ways of thinking which reinforce and maintain social and cultural deprivation.⁶⁹ Furthermore, Western practices conflict with a Mātauranga Māori view, which as Carne et al. described:

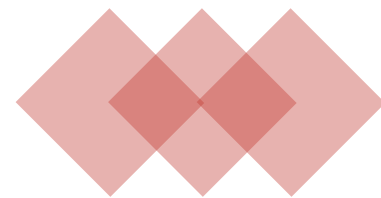
“Sees individuals as intrinsically entwined within a web of connections, referred to as whakapapa. Ultimately, it is these connections that enable wellbeing to emerge. For Māori it is therefore critical to understand these connections and the outcomes that result from them. When the

web of connections is strong, it nourishes individuals. When the web is weak, or torn apart, the individual suffers”.⁷⁰

Violence against Māori must be recognised within the context of colonisation in Aotearoa. Violence within whānau has been described as the ‘manifestation of the powerlessness and dispossession of colonisation.’⁷¹ The disconnection of Māori from their whānau and whakapapa as a result of colonisation has had long-lasting effects. Despite historical evidence that before colonisation there was an absence of violence within whānau, Māori are now highly exposed to it.⁷² The absence of family violence in traditional Māori society can be linked to a reliance on whānau, hapū and Iwi having collective obligations and responsibilities for the care and protection of their people.⁷³ Since 1840, colonial structures have broken down these traditional societal practices, by diminishing the strength of the whānau, hapū, and Iwi.⁷⁴ This has resulted in the inability of Māori to exercise rangatiratanga authority and make decisions in accordance with Tikanga and Te Ao Māori.

Pūao-te-Ata-tū remains a significant report for understanding the continued failures of national institutions to account for the needs of Māori. The report looked seriously for the first time at problems of institutional racism, recognising it as the most insidious and destructive form of racism. It found that institutional racism existed in all state institutions and that government policy was largely monocultural, rooted in Western values, systems, and viewpoints.⁷⁵

The cultural and social injustice that stemmed from colonisation and the subordination of Tikanga values affects the operation of all institutions in Aotearoa New Zealand. Institutional racism is not defined by the actions of individuals discriminating against others. Rather, the policies, structures, and underlying values of institutions are discriminatory. Māori can participate providing they subjugate their own values and systems, to those of the dominant culture.⁷⁶ Institutions built on colonial foundations have produced approaches to the prevention of violence and abuse of Māori that are not Te Ao Māori and Tikanga appropriate. This has caused intergenerational damage for those who have lost whānau and



whakapapa connection and have no choice but to participate in practices that are discriminatory against Māori.

Institutional racism creates imbalances in the distribution of resources, differential access to material resources and services, social legitimisation, and other structural inequities that disadvantage Māori, while advantaging others.⁷⁷ The disadvantaging of Māori in institutional structures constitutes one of the biggest challenges to upholding Te Tiriti. Māori do not have any significant autonomy in the system, and therefore, Government does not uphold tino rangatiratanga as guaranteed by Article 2 of Te Tiriti.

The disadvantages experienced by tāngata whaikaha Māori as Māori disabled persons is compounded by the structural and institutional disadvantage they face as tangata whenua. To prevent violence and abuse against tāngata whaikaha Māori and Māori generally, government and duty-bearers must recognise the compounding disadvantage, and address broader issues of colonisation, racism, intergenerational trauma and cultural disconnection in all state institutions.

The intersecting nature of indigeneity and disability

The concept of intersectionality helps to explain the compounding nature of how multiple identities and inequities impact people's lived experience.⁷⁸ Identities associated with gender, race, socio-economic status, class, disability and the effects of oppression and colonisation intersect as multiple forms of oppression. In the context of violence against tāngata whaikaha Māori, the concept of intersectionality aids understanding of how intersecting sources of discrimination, power and privilege increase the risk and severity of violence and abuse tāngata whaikaha Māori experience.

In Aotearoa New Zealand colonisation and the structural inequities it created led to the oppression of tāngata whaikaha Māori and Māori generally. Colonisation placed Pākehā in a position of power, superiority, and dominance over Māori. The privileging of Pākehā and

resulting racism against Māori causes and allows violence against tāngata whaikaha Māori to prevail.

The intersection of multiple inequities tāngata whaikaha Māori experience (including colonisation, disability, racism, and poverty) can increase the risks of violence and abuse. Although the inequities tāngata whaikaha Māori face are diverse, all sit within the broader context of colonisation. Tāngata whaikaha Māori have lived experiences and challenges that non-Indigenous persons do not, compounded by the intersecting effects of colonisation and systemic racism. Hickey and Wilson highlight that:

“Indigenous people have additional and diverse historical and contemporary impacts of disablement arising from colonisation, societal discourses about racism, subjugation and dysfunction that are in themselves disabling”.⁷⁹

The intersection of indigeneity and disability leads to even further significant inequities for tāngata whaikaha Māori.⁸⁰ King discussed that:

These [inequities] are an expression of the impacts that further occur for Māori with lived experience of disability secondary to colonisation, coloniality, racism and further discrimination and marginalisation from the intersection of indigeneity with disability.⁸¹

The wider inequalities tāngata whaikaha experience in terms of income, education, and housing, have their roots in colonisation and have an impact in terms of violence. Risk factors of violence include lower median annual income, and protective factors include education.⁸² Both are areas where tāngata whaikaha are particularly disadvantaged.⁸³

Despite these multiple layers of disadvantage and heightened risks, there are major gaps in data and lack of specific provision for tāngata whaikaha Māori in policies and services.

Māori with lived experience of disability are made ‘invisible’ by Crown organisations. Where Crown organisations do show responsiveness to Māori, generally this does

not include Māori with lived experience of disability. Where Crown organisations show responsiveness to people with lived experience of disability, this does not usually include Māori. In turn, this leads to a sense of Crown inaction when it comes to the health and well-being interests of Māori with lived experience of disability.⁸⁴

Recognising the intersection of identities and experiences is crucial to ensuring responses are diverse and meet the needs of every individual. Violence and abuse tāngata whaikaha Māori face cannot be looked at from a traditional model of harm against disabled people, or harm against Indigenous people. It is both. A one-size-fits-all model fails to acknowledge and respond to the intersecting nature of indigeneity and disability.

In its *Hauora* report the Tribunal recognised that where there are severe and persistent inequities, the Government's Tiriti obligations are heightened.⁸⁵ The deeper the need, the more urgent and substantial a targeted response should be. The cumulative disadvantage and discrimination, marginalisation, and inequities tāngata whaikaha experience leave no doubt that the obligations on Government to take action and give these issues particular priority and urgency, are heightened.

The intergenerational impacts of violence against tangata whaikaha

The impact of violence and abuse against tāngata whaikaha Māori has ongoing, intergenerational impacts. Violence and abuse, accompanied by experiences of colonisation, racism, discrimination, ableism and other socio-economic issues, compound disadvantage for tāngata whaikaha Māori. The *Te Hau Tangata* strategy recognises that unresolved trauma impacts successive generations. The strategy notes:

“Exposure to, and experience of violence has long-term and complex effects. This compounds with all other forms of trauma which, if left unaddressed, can have far reaching impacts on people’s wellbeing”.⁸⁶

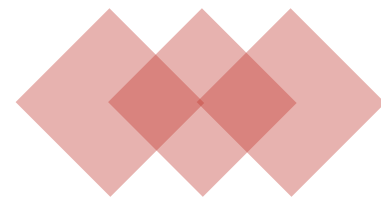
Colonisation should be understood as a contributor to the intergenerational transmission of trauma.⁸⁷ The trauma of colonisation continues to impact successive generations of Māori who experience disproportionate rates of violence, alongside racism, discrimination and other negative effects. Tāngata whaikaha Māori feel trauma in distinct ways linked to these experiences. As was noted by the Family Death Violence Review Committee:

“The historical and ongoing impact of colonisation, which includes unchecked privilege, and how colonisation contributes to chronic and complex trauma for both individuals and communities ... are central reasons why Māori and non-Māori experience violence across generations”.⁸⁸

Colonisation and the dislocation that accompanied it, caused many tāngata whaikaha Māori to become disconnected from their whānau. This disconnect occurred for several reasons including institutionalisation, abuse and violence, drug and alcohol abuse, adoption, and removal by Oranga Tamariki. This displacement was abusive, and today continues to contribute to the possibility of abuse.⁸⁹

Not only is it alarming that rates of violence are higher for tāngata whaikaha Māori, but the flow-on effects for generations of Māori are immeasurable. Exposure to violence leads to feelings of helplessness, intergenerational trauma, loss of identity, and fear. Violence creates intergenerational risks that children who witness or experience violence will go on to become involved in violence in adulthood.⁹⁰

Because of the collective nature of Māori society, not only is the harm inflicted on tangata whaikaha Māori individuals problematic, but the wider whānau of that individual is also affected. Tāngata whaikaha Māori are often best supported by their whānau, notwithstanding that lack of government support and services often means these responsibilities and duties must fall on whānau. It is therefore imperative that whānau receive and have access to support as well.



4. Recommendations

Addressing violence and abuse against tāngata whaikaha not only involves addressing violence itself, but also the policies, values, and beliefs that maintain the prevalence of violence. Prevention strategies require Government to uphold its obligations to Te Tiriti and Indigenous rights, both individual and collective. We invite government to:

- a. Value Indigenous worldviews ensuring programme design, implementation and evaluation are informed by Tikanga and Te Ao Māori
- b. Prioritise tino rangatiratanga, self-determination and autonomous decision-making made by tāngata whaikaha Māori as part of whānau, hapū and iwi
- c. Move from an individual focus to a focus on whānau, hapū, iwi and communities
- d. Ensure solutions reflect the aspirations and elevate the voice of tāngata whaikaha Māori
- e. Enforce parallel responses to simultaneously address context and specific forms of violence
- f. Partner with whānau, hapū, iwi and communities to emphasise primary prevention of violence
- g. Allocate appropriate resourcing including capacity building of whānau, hapū and iwi and Kaupapa Māori approaches
- h. Realise the promises of Te Tiriti and rights for tāngata whaikaha Māori under UNDRIP and UNCRPD.

Value Indigenous worldviews ensuring programme design, implementation and evaluation are informed by Tikanga and Te Ao Māori

Te Ao Maori values, knowledge systems and collective support structures offer considerable strengths, and kaupapa Māori exemplars highlight the effectiveness and potential of tangata whenua led initiatives.⁹¹ Recognition and respect for Tikanga and Te Ao Māori (Māori worldviews) values is necessary in all solutions for preventing violence against tāngata whaikaha Māori. Generally, Tikanga can be described as a means of social control.⁹²

It reflects the “right” way of behaving in the Māori world. Te Ao Māori and Tikanga values and principles must be incorporated into programme design, implementation and evaluation in a way that will honour Te Tiriti and allow these views to develop unhindered by an overarching framework of colonial dominance.

Recognising the importance of wairuatanga, duty-bearers must actively protect Māori beliefs and values by ensuring inclusion, recognition and respect for Te Ao Māori in all policies and decisions. Government must commit to providing Te Ao Māori appropriate services for tāngata whaikaha Māori who experience violence and abuse, and provide for them to be Māori led, designed, implemented, and evaluated. The Interim Te Rōpū Strategy, *Te Hau Tangata* calls for a Plan and Strategy with Tikanga-based approaches to preventing violence, and definitions of violence that align with Te Ao Māori worldviews.⁹³

The broader problem that can be extracted from Government’s approach to preventing violence and abuse against tāngata whaikaha Māori is the failure to prioritise Te Ao Māori. Many health services ‘continue to deliver culturally inappropriate services and tend to neglect the worldviews of Indigenous people, offering a service based on the dominant biomedical model.’⁹⁴ Reliance on Western ways of thinking restricts the effect services can have for tāngata whaikaha Māori, constituting a failure to honour Te Tiriti.

It is important to avoid co-opting Māori values and processes when designing services. Historically, the Crown has incorporated carefully selected aspects of Tikanga into its service frameworks. In doing so, the Crown places Tauīwi values and processes in a position of superiority over Tikanga Māori. Specifically selecting aspects of Tikanga that sit neatly within the Crown’s pre-existing structures subordinates Māori values and perspectives. The continuous omission of Te Tiriti in policy and strategic statements, whether deliberate or not, allows for the continuation of Crown policy that centres Western values and concepts at the forefront of the discussion.

Rather than moulding Māori concepts to fit a Western framework, decision-makers should embrace institutional reform that allows tāngata whaikaha Māori, as part of iwi, hapū and whānau, to enforce ideas of what Tikanga and Te Ao Māori in policy should be. Perceptions of inclusivity and responsiveness in policy are invalidated when there is seen to be a continued application of colonial frameworks and Western ways of thinking. In particular when evaluating programmes, which has a material impact on funding. There must be a complete exploration and welcoming of Māori influence and Tikanga within programme design, implementation and evaluation. This is necessary to displace Crown assumptions of superiority and give effect to Te Tiriti.

Prioritise tino rangatiratanga, self-determination and autonomous decision-making by tāngata whaikaha Māori as part of whānau, hapū and iwi

A Tiriti-based approach to preventing violence and abuse against tāngata whaikaha Māori requires the prioritisation of tino rangatiratanga, self-determination and autonomous decision making by tāngata whaikaha Māori, as part of whānau, hapū and iwi. Tangata whenua are self-determining people whose rights are affirmed by the guarantee of tino rangatiratanga in He Whakaputanga and Article 2 of Te Tiriti, and in international instruments such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

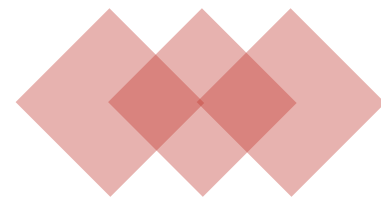
Tino rangatiratanga as guaranteed by Article 2 affirms absolute Māori authority to determine their own affairs. It requires a greater devolution of power to tāngata whaikaha Māori, their whānau, hapū and iwi to address issues of violence and abuse. Government and duty bearers must commit to upholding the promises of tino rangatiratanga, so that tāngata whaikaha Māori can gain the necessary control and influence to determine decisions about issues that directly affect them. Upholding the guarantee of tino rangatiratanga under Te Tiriti is imperative for the Crown to have true partnership with Māori. This must involve a process driven by Tikanga Māori principles.

Article 3 of UNDRIP states that 'Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.' Being Māori comes with the right to determine and make decisions as a people.

As well as being a fundamental right under international instruments and Te Tiriti, self-determination and tino rangatiratanga is necessary to meet the needs of and improve outcomes for tāngata whaikaha Māori. Mainstream services have proved incapable of meeting these needs, as evidenced by ongoing disparities. Conversely, international research has found that Indigenous self-determination can improve educational, employment, and economic outcomes.⁹⁵ Transferring power and resources to tāngata whaikaha Māori, their whānau, hapū, iwi and relevant providers is crucial so that they can develop authentic Kaupapa Māori social services that meet the needs of their people.

To combat violence against tāngata whaikaha Māori, solutions should be grounded in self-determination/tino rangatiratanga. The starting point must be enforcing policies and practices that allow tāngata whaikaha Māori, their whānau, hapū and iwi to have direct involvement in programme design, implementation and evaluation. This will restore power to tāngata whaikaha Māori and their communities to determine how issues that affect them should be dealt with. Since tāngata whaikaha Māori are over-represented in negative violence, health and socio-economic statistics, their involvement in solutions, planning and service delivery must increase exponentially.

Participation and inclusion of tāngata whaikaha Māori at all levels of decision making is necessary to advancing their rights and abilities to lead, innovate, and define their desired outcomes. As violence is a significant issue tāngata whaikaha Māori continue to face, they must have agency, control and a voice within the institutions that seek to remedy these inequities.



The primary barrier to the realisation of tino rangatiratanga is systemic. Crown institutions are reluctant to relinquish power, and do not recognise existing powers that reside outside the state or Crown structure. Government should draw on initiatives such as Matike Mai Aotearoa, which provide guidance for designing a process to achieve constitutional transformation.⁹⁶

Move from an individual focus to a focus on whānau, hapū, iwi and communities

Improving whānau connection in solutions to violence and abuse is integral to improving the overall well-being of tāngata whaikaha Māori. The issues tāngata whaikaha Māori face affect not only the individual but also their wider whānau, hapū, iwi and communities. Moko Mead has described whānau as the concept “which underpins the whole social system.”⁹⁷ Inherent in Māori culture is the idea of the centrality of relationships, underpinned by the Tikanga principle of whanaungatanga. This includes ideas of collective responsibility. For Māori, relationships are at the centre of all decision-making. A Te Ao Māori approach to preventing violence and abuse requires strengthening collective relationships and creating solutions that can provide for this.

Strategies to prevent violence and abuse against tāngata whaikaha Māori must not focus solely on the individual, but also the individual's relationships with their whānau, hapū and iwi. There is an inherent incompatibility between Western worldviews where people are viewed as individuals with distinct issues, and a Te Ao Māori view, which emphasises whānau and collectivist responses to harm. While individual issues still need to be solved, they are part of a bigger picture, which is the degradation of whānau and Tikanga values within the system. Focusing on strengthening whānau links back to the bigger picture of the transformational change that is necessary to prevent violence and abuse in the long term. Government practices with an individualistic focus that do not align with a Māori worldview are less effective at reducing harm for Māori.

The absence of violence within whānau prior to colonisation can be partially attributed to the traditional collectivist nature of Māori society where responsibilities and obligations for care and protection fell on the whole whānau, not just the individual.⁹⁸ The intergenerational trauma of colonisation continues to affect tāngata whaikaha Māori and whānau. Between 1840 and the 1990s Crown policies attacked the collectivist nature of Māori society, causing immeasurable damage as tāngata whaikaha Māori became disconnected from their whānau, hapū, iwi and cultural practices. Restoring and strengthening whānau, hapū and iwi links is thus crucial to deliver solutions for tāngata whaikaha Māori affected by violence.

Aotearoa New Zealand's institutions are based on colonial, mono-cultural structures that fail to properly incorporate whānau values. Tāngata whaikaha Māori and the issues they face are viewed in isolation, as service delivery is orientated towards the individual in response to a discrete issue.⁹⁹ This is a detrimental Western assumption that leaves little room to recognise whānau, hapū iwi, and communities that are central to Māori well-being. Solutions to preventing violence and abuse must change to recognise the wider kin group and communities as having a critical support role for tāngata whaikaha Māori.

Institutional racism within state institutions will never change while they continue to operate on colonial assumptions and values. Supporting tāngata whaikaha Māori and whānau according to Te Ao Māori will never work in an environment that does not understand their worldview. Institutions should be restructured to incorporate the guarantees of tino rangatiratanga and Tikanga values such as whanaungatanga. Empowering whānau within state institutions and policies will contribute to improving violence and abuse outcomes for tāngata whaikaha Māori.

Ensure solutions reflect the aspirations and elevate the voice of tāngata whaikaha Māori

Tāngata whaikaha Māori who are affected by violence and abuse have many of the same needs as others in the same situation, but also specific needs related to the intersecting nature of being Māori and living with disabilities. Solutions to preventing violence against tāngata whaikaha Māori must recognise the diverse effects violence has on that specific group, and responses must be tailored according to the aspirations, needs, and rangatiratanga of tāngata whaikaha Māori regarding support and accessibility to services, facilities and information. Solutions should be inclusive of whānau, hapū and iwi.

Violence prevention and response policy and practice should be designed using a “twin track” approach. One track must ensure universal services are accessible to disabled people, and the other must provide specialist, tailored services to meet their specific needs. Both of these ‘twin tracks’ must be grounded in Te Tiriti and meet the needs of tāngata whaikaha Māori.

Solutions to preventing violence and abuse against tāngata whaikaha Māori must not be premised on Crown objectives but must reflect the aspirations of tāngata whaikaha, their whānau, hapū, and iwi. Upholding ōritetanga (equity) under article 3 of Te Tiriti requires tāngata whaikaha Māori, their whānau and communities to be able to participate as equals in society, free from racism and discrimination. Government and duty-bearers must strive for equity. As long as socio-economic disparities exist for tāngata whaikaha Māori, Te Tiriti will not be upheld. Pathways and solutions towards equity must be addressed through tāngata whaikaha Māori-defined policy intent.

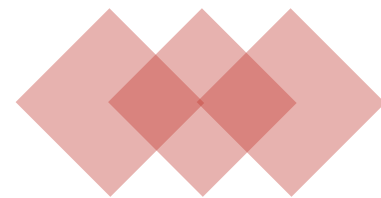
Where Government and other duty-bearers issue strategic statements indicating a commitment to reducing violence and abuse for Māori, they should reference tāngata whaikaha Māori as one of the groups most affected. Policies and practices must recognise the significant barriers that exist to preventing violence for tāngata whaikaha Māori, their whānau, hapū, iwi and communities to and develop solutions that meet these specific

needs. Solutions should be accessible for tāngata whaikaha Māori and their communities, and staff implementing programmes and services must be trained and understand their self-defined needs and aspirations. Policies and practices must not impede tāngata whaikaha Māori, their whānau and communities from gaining access to support.

A Tikanga Māori approach to preventing violence and abuse means working with communities to address social and structural factors that enable violence. This requires integrating Te Ao Māori worldviews into preventing violence. A greater level of consultation with tāngata whaikaha Māori, their whānau, hapū and iwi is required for solutions to reflect their aspirations. Upholding tino rangatiratanga as guaranteed by Article 2 of Te Tiriti involves meeting the needs of tāngata whaikaha Māori, and engaging with tāngata whaikaha Māori about decisions that affect them.

To respond appropriately to the disparities tāngata whaikaha Māori face, Government and other duty bearers must draw upon the insights and lived experiences of tāngata whaikaha Māori affected by violence, and their whānau, hapū and iwi. Moving towards equity will require duty-bearers allowing Māori to self-define their needs and aspirations. As was found by Kaiwai and Allport:¹⁰⁰

‘Many of the interviewees who talked about ‘needs’ also spoke about problematic definitions of how need is defined by services and systems, and that real system analysis and recognition of ‘need’ requires a new conversation that transcends imposed ‘tick-boxes’... We should be moving more to a strength-based opportunity for conversation, where you have open ended conversation and whānau will be asked ‘How are you coping? Is there anything you need?’. Reframing conversations about need means looking also at aspirations and goals of Whānau Hauā (*tāngata whaikaha*), and going beyond struggling to receive the basics. Even for interviewees who struggled everyday with the system around ‘the basics’ it was seen as important to talk about aspirational needs.’



Needs and aspirations must be defined within a Te Ao Māori framework, so tāngata whaikaha Māori can have access to services run according to Māori values. This will enable tāngata whaikaha Māori and whānau to have rangatiratanga over their lives, which should be a core aspiration recognised in all solutions.

Ensure parallel responses to simultaneously address context and violence against tāngata whaikaha Māori

Recognising that tāngata whaikaha Māori face diverse and intersecting inequalities and barriers to full realisation of their rights, a twin track approach is recommended to both the prevention of violence and the response to it. Specific strategies must be implemented in response to the needs and aspirations of tāngata whaikaha Māori and their whānau, as well as parallel responses across government eliminating barriers to participation and decreasing the structural drivers of violence and abuse. Government and duty-bearers must acknowledge and address the systemic, social and cultural factors that enable violence to occur in Aotearoa New Zealand, and devise solutions to address these issues in parallel to implementing solutions that meet the individual needs of tāngata whaikaha Māori and whānau.

Preventing violence and abuse will require addressing the broader socio-economic context for tāngata whaikaha Māori, specifically the continued and intergenerational impacts of colonisation, institutional racism and discrimination. The absence of thinking about this context as a structural driver of violence and abuse will inhibit the effectiveness of any changes.

Parallel responses must address the impact of multiple, intersecting inequities that impact on tāngata whaikaha Māori. Policy prevention and response should shift focus from fixing people to eliminating the social and cultural drivers that enable violence to occur. An historical, trauma-informed approach aligns with traditional Māori practice, where rather than focusing on the harm, focus was on what caused the harm. This moves analysis (and therefore judgement) away

from viewing issues as distinct, and towards understanding the context and history that maintained and supported those issues.

Preventing violence and abuse requires shifting attitudes and practices that tolerate, justify or excuse violence. Inherent in any response must be a commitment to addressing the systemic, structural and social drivers of violence. Violence cannot be addressed in isolation. It is deeply embedded in colonisation and the barriers that remain in institutions as a result of colonisation. Addressing these issues requires duty-bearers to engage in an authentic partnership with Māori and commit to decolonising services and addressing institutional racism. There must be a mutual understanding of the complex relationship between colonisation, racism, intergenerational trauma and violence – both in the past and at present.

Partner with whānau, hapū, iwi and communities to emphasise primary prevention of violence

To eliminate violence, respectful collaboration between duty-bearers, whānau, hapū, iwi and communities is required. Article 1 of Te Tiriti requires the Crown to work in a genuine and mutually respectful partnership with tangata whenua at all levels of decision-making. Government must partner with those best equipped to support tāngata whaikaha Māori affected by violence.

Resources, leadership, and decision-making powers should be transferred from agencies to whānau, hapū, iwi and communities to achieve transformational change. Community leadership is essential for prevention efforts, as they ensure strategies are tailored to local needs and strengths.

Tailoring solutions to ensure whānau and communities are supported, safe, and resourced is vital to transforming tāngata whaikaha Māori and whānau affected by violence. Top-down, one size fits all initiatives have not been successful. Government must work alongside whānau and communities to create appropriate solutions for the system to work effectively.

Tāngata whaikaha Māori, their whānau, hapū and iwi must be brought to the table and represented when making decisions on disability policy. Institutions and policies must focus on the voices of tāngata whaikaha Māori, as active members of, and supported by their whānau, hapū and iwi. The current system needs to shift from being crisis-driven to focusing on collective and wellbeing. This will require longer-term support for tāngata whaikaha Māori, whānau and communities accessing services.

Government must understand why tāngata whaikaha Māori have reduced access to participation, and work to break these barriers down. Services and supports need to be flexible and Te Ao Māori appropriate in the way that they are funded and implemented, to meet the diverse needs of tāngata whaikaha Māori who suffer from intersecting forms of disadvantage.

Allocate appropriate resourcing including capacity building of whānau, hapū, iwi and communities and Kaupapa Māori approaches

Tāngata whaikaha Māori must be resourced and supported to develop and implement their own responses to violence and abuse, situated within the context of colonisation and intergenerational trauma. Transferring resources and decision-making powers from Government to Māori is vital to addressing the issues tāngata whaikaha Māori face. Government agencies should provide tāngata whaikaha Māori, whānau, hapū and iwi and communities with more responsibility for the allocation and monitoring of resources. Solutions must involve a great level of consultation with Māori, and an empowerment of tino rangatiratanga so tāngata whaikaha Māori have autonomy to decide what systems, services, and supports work best for them.

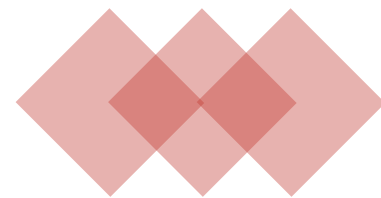
To meet the aspirations of tāngata whaikaha Māori and their whānau and communities, increasing knowledge and data collection is required. The absence of data on violence against tāngata whaikaha Māori affects Government's ability to fund, plan, and design services that meet the needs of tāngata whaikaha Māori and their whānau and

communities. Without appropriate data being collected, policy and funding will continue to be distributed without proper understanding of the issues tāngata whaikaha Māori face. Monitoring mechanisms must be improved to strengthen knowledge of data about violence and abuse on tāngata whaikaha Māori. Accountability mechanisms to evaluate the effectiveness of any changes must also be established.

Government should support/increase funding of Kaupapa Māori and whānau centred approaches. These are based on the idea of focusing on the wider whānau structure, supporting and strengthening whānau to collectively improve well-being. Whānau centred initiatives recognise the collective strength and capability of whānau to achieve better outcomes for their people. There must be an increase in culturally responsive Kaupapa Māori services and supports, in place of mainstream services that are incompatible with a Te Ao Māori worldview.

To establish a power-sharing constitutional structure that recognises the rangatiratanga of tāngata whaikaha Māori, government must allocate time, resources, and capacity building for tāngata whaikaha Māori, and capability building for the Crown. There has been an attempt with the Whānau Ora initiative to establish Māori specific and whānau centred approaches to health and social service delivery. Iwi and other Māori organisations are also innovating and adopting tribal and Mātauranga Māori informed ways of delivering health care.¹⁰¹ There is opportunity for government to increase resources and support for these initiatives.

Increasing funding for Kaupapa Māori services will promote Te Ao Māori appropriate services for tāngata whaikaha Māori, whānau and communities to engage with, increasing their ability to proudly participate in Te Ao Māori. To sufficiently support Kaupapa Māori services, Crown agencies must understand what these services are, and invest in building up a strong workforce within them.



Realise the promises of Te Tiriti and rights for tāngata whaikaha Māori under UNDRIP and UNCRPD

Government has an obligation to realise the promises of Te Tiriti, and the full array of rights for tāngata whaikaha Māori under UNDRIP and the UNCRPD. The realisation of these rights is necessary to improve well-being outcomes and prevent violence and abuse for tāngata whaikaha Māori in the long term.

Realising the rights to ōritetanga under Article 3 of Te Tiriti, Article 2 of UNDRIP, and Article 8 and 19 of the UNCRPD requires tāngata whaikaha Māori to be supported to participate fully and equally in society. They must have the ability to live ordinary lives like others at similar stages of life, free from discrimination. Tāngata whaikaha Māori must be regarded as citizens with opportunities for learning, employment, housing, and social participation.

To uphold the rights of self-determination (Articles 3, 4, 5 UNDRIP) and tino rangatiratanga (Article 2 Te Tiriti), tāngata whaikaha Māori must have access to the services they wish to access, based on good information that is also accessible to them. Tāngata whaikaha Māori, their whānau, hapū and iwi must be part of decision making on disability policy and supported to determine and lead solutions.

Tāngata whaikaha Māori must be supported to participate fully in Te Ao Māori. This will uphold wairuatanga guaranteed by the oral clause of Te Tiriti, Articles 9, 11, and 13 of UNDRIP, and Article 30 of the UNCRPD. Tāngata whaikaha Māori currently find it more difficult to access information in their own language. Government must promote use of Te Reo Māori, and improve accessibility to disability services and information that is in their own language. Tāngata whaikaha Māori should be supported to access cultural knowledge, engage in knowledge creation, and transfer that knowledge amongst themselves. Reconnecting tāngata whaikaha Māori with their whānau and whakapapa is also imperative to improving outcomes and supporting tāngata whaikaha Māori to confidently participate in Te Ao Māori.

Overall, the UNDRIP provides a framework for upholding Te Tiriti and addressing the multiple, entrenched inequities faced by tāngata whaikaha Māori. However, there are significant gaps between the rights and obligations affirmed in the declaration and Te Tiriti and their implementation and enjoyment in practice. This is particularly the case in relation to rangatiratanga and self-determination, and in the array of inequities Māori experience, including in relation to violence.

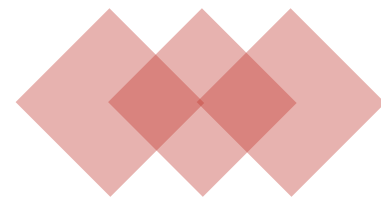
Work towards a national action plan for the declaration was affirmed by the government in 2020 and presents an opportunity to develop a coordinated approach to the UNDRIP's implementation. The voice of tāngata whaikaha Māori is critical to developing an inclusive and effective action plan.

He Puapua (2019), the report of the Working Group tasked with advising on the possible content and process of a national action plan noted:

The rights and interests of tāngata whaikaha Māori (disabled), wāhine Māori (women), kaumātua (the elderly), rangatahi (youth), tamariki Māori (children), and takatāpui (LGBTIQ+) communities must also be front and centre of both a Declaration plan and engagement.¹⁰²

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