



# TE AO MĀRAMA KI TE MATAU-A-MĀUI

Undiluted Voices of Whānau – September 2023

***A space that enables  
whānau to move from  
“Te Ao Tara Aitu – the world  
of calamity,” to a  
space of “Ki Te Ara Matua –  
a pathway of clarity.”***

Te Ao Mārama is the opportunity to reimagine the delivery and structure of the Family and District Court – to uphold the principles of whānau wellbeing and inclusive of whānau decision making.

*Ngāti Kahungunu Iwi Inc.*



Ngāti Kahungunu Iwi  
INCORPORATED





***The District Court should  
be a place where all people  
can come to seek justice***

Te Ao Mārama is a judicially-led initiative that seeks to adopt a more enlightened approach to enhance fairness and access to justice for all people served by the District Court, including victims and their whānau.

By partnering with Iwi and engaging with communities, Te Ao Mārama will be designed to best serve each community's specific needs.

*Ministry of Justice*





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# FOREWORD

"Ehara tāku i te toa takitahi, engari he toa takitini."

Thank you to the many whānau who willingly came forward to share their story, their experiences of the judicial system.

It is only through their eyes can we truly understand the impact the court system has had on their life journey.

But also through their korero, consider what supports could enable them to determine a better path for themselves and their whānau whānui.

This is an important step for Ngāti Kahungunu Iwi in partnership with the Ministry of Justice and the Judiciary in the development and establishment of "Te Ao Mārama".

There are many aspects of today's world that converge on us that can change the direction of our lives which reverberate

throughout our life journey. But there are also intersections, where when given the knowledge and support, we can regain control and redirect our path for the better.

Our aspiration for Te Ao Mārama is to be a disruptor of the current path set within the Court system and to offer a response that supports whānau to redefine and redirect their path themselves.

"He kai kei aku ringa."

I know this is a lofty goal for Te Ao Mārama, but through one small pebble many ripples can form.

Chrissie Hape

Chief Executive, Ngāti Kahungunu Iwi Inc.





# ACKNOWLEDGEMENTS

## **Whānau**

To our whānau who shared experiences, hopes and aspirations – thank you for your time, courage and vision for the future.

To those whānau hurting, who were frustrated and angry at the system – know we were listening.

We will continue to move forward to realise Te Ao Mārama for the benefit of all mokopuna, tamariki and all future generations of Aotearoa.

## **Te Tumu Whakahaere o Te Wero**

To the kaimahi – thank you for providing unwavering support to whānau. We acknowledge your commitment to and protection of whānau.

## **Ministry of Justice**

To the Ministry of Justice court kaimahi who shared your experiences – thank you for talking to us about the responsibility you hold, and for your service to our communities.

## **Justice Sector and Community Services**

To the kaimahi who support whānau as they move through the justice system – we heard your frustrations and desire for change.



# MAI TE PŌ, KI TE AO MĀRAMA: OUR JOURNEY SO FAR

## May 2023

Co-planning hui with Ngāti Kahungunu Iwi Inc, Te Tumu Whakahaere o Te Wero and justice officials for the local co-creation of Te Ao Mārama.

## October 2023

*Mana ki te mana* hui with Chief Executive, Ngāti Kahungunu Iwi Inc and the Chief Executive & Deputy Chief Executive Māori, Ministry of Justice.

## August & October 2022

*Mana ki te Mana* hui with Ngāti Kahungunu Iwi Inc, Minister of Justice, Chief District Court Judge together with local judiciary and senior justice officials. Rangatira confirmed their commitment to partnering to grow Te Ao Mārama in Te Matau a Māui.

## September 2023

A series of wānanga and uiui (interviews) were held in Heretaunga (Hastings), Ahuriri (Napier) and online to gather whānau stories, experiences and aspirations.

## May 2024

‘Undiluted Voices of Whānau’ confirmed and shared back to whānau.

Approach and timeframes for design phase confirmed.





# OUR APPROACH TO WHĀNAU ENGAGEMENT

Ngāti Kahungunu Iwi Inc and the Ministry of Justice invited whānau to share their lived experiences of the family, youth and criminal divisions of the District Court in Heretaunga (Hastings) and Ahuriri (Napier).

Throughout September 2023 more than 100 whānau shared their stories through small in-person and online uiui (interviews), whānau focus groups, and open evenings in the Napier District Court and Hastings District Court.

Their kōrero were gathered through live scribing, note-taking and self-recorded methods.

## Whānau voice

We connected with more than 100 whānau who shared 1,000+ stories and experiences.

We acknowledge all kōrero shared are taonga and are held by Ngāti Kahungunu Iwi Inc as kaitiaki.

## Insights

Insights presented in this document were learned through thematic analysis of stories and experiences shared.

We grouped them into 15 insights, supported by the undiluted voices of whānau.

## Opportunities

Whānau aspirations have been grouped into 11 opportunities.

In the next phase, these opportunities will be tested with whānau and kaimahi and developed through a co-design process.



# UNDILUTED VOICES OF WHĀNAU

## Reading this document

The purpose of this document is to elevate whānau voice as an anchor for realising Te Ao Mārama within Te Matau-a-Māui through the reimagining of the District Court system.

Whānau in this context includes of those who have experienced the family, youth and criminal divisions of the District Court and those whānau and communities around them.

This document shares quotes and experiences that describe the impact of intergenerational trauma of the justice system; exposure to racism within the District Court and wider justice system; and a strong call from whānau for transformative change to enable whānau ora.

Our intention is to honour the authentic voices of whānau through the sharing of direct quotes. These are heavy and powerful! Take time and care when reading.





# Undiluted Voices of Whānau

Fifteen Insights

# Whānau want whānau ora

*“It would be good if the court made time and were willing to get to the root cause of why a person is presenting in front of the court to address the cause, not the result.”*

Whānau want to break the cycle of trauma and protect future generations – whānau ora.



# VOICES OF WHĀNAU

## Utilising concepts and frameworks from te ao Māori

- “Pinepine Te Kura shares... ways of keeping whānau safe.”
- “Utu – whānau to be included in decision making by truly having the opportunity to speak (have a voice). Opportunity for victims to speak to the defendant to tell them how they have truly impacted their life (should they want to do this). Victim impact statements are very western. Need te ao Māori process for this to take place safely.”

## Shifting from intergenerational trauma to intergenerational wellbeing

- “Court is not about wellbeing.”
- “We are the third generation within our whānau to have intimate experience with Oranga Tamariki and Youth Justice”
- “Help to break the cycle from generational trauma.”
- “Our whānau must be in this system until a new system exists. There are generations of law behind this.”

## Prevention

- “The court should be focused on prevention.”
- “Preparation makes the job easy. So, concentrate here, on prevention.”

## Restoration

- [of the open evening court wānanga] “This is about healing and restoration. He wāhi tapu. And you feel hope and connection to tīpuna. I feel safe and comfortable despite the weight of the matter at hand.”
- “I was on a spiritual journey; nothing was wrong with me. But the circumstances were so serious and dark. I needed to get back to my roots, to the awa, to the barn.”

## Lean into and amplify what already works

- “I was one of the first to go through Te Kooti Rangatahi. They helped me understand myself, I felt at home, we felt safe.”

# Everyone wants safety, but for many whānau, court is culturally unsafe

*“The Court emphasises physical safety, with no regard to cultural safety”*

Everybody has a shared need for safety - cultural, physical, environmental, wairua, and whānau safety. Without safety, court cannot be spaces of healing and restoration. The court is currently culturally unsafe without tikanga, creating further anxiety and trauma.



# VOICES OF WHĀNAU

## Whakapapa is not recognised in the court

- “The system severed our whakapapa.”
- “There is a risk that the system will sever the child's tether to their whakapapa.”
- “We need spaces to connect to whakapapa, tradition (our tradition), whānau and culture.”

## Tikanga is not recognised in the court

- “The psychologist told him that the use of tikanga Māori in the court was ‘irrelevant’.”
- “The current system is not conducive to tikanga outcomes.”
- “I'm tired of our tikanga and way of being of having to fit into a box.”
- “Reimagine [court] timings from a Māori perspective.”
- “Māori continue to be put into parts of the system that are not safe.”
- “You can't have whakapapa without tikanga.”
- “Utu – whānau to be included in decision-making by truly having the opportunity to speak (have a voice). Opportunity for victims to speak to the defendant to tell them how they have truly impacted their life (should they want to do this). Victim impact statements are very western. Need te ao Māori process for this to take place safely.”

## No space for whakawhanaungatanga in the court

- “People freeze up in the dock. I want to awhi them – it's all right.”
- [There is a need for] “Whakawhanaungatanga at te waharoa – we are challenged, searched, identified, but that is not reciprocated. This is a colonised waharoa. The kupu on the walls aren't practiced.”
- “People feel like rubbish unless they can stand with tikanga, pepeha, karakia – but there is no room.”
- “Whānau are separated and not allowed to kōrero. Parents sit here, whānau sit there. Who is this system set up for? The justice system? ‘Oh, fuck this’, I said. ‘You're in contempt!’, the judge said. But this is my aunt and uncle! I can't even go and sit with them.”

## Kahungunutanga is a source of safety for whānau

- “Before this, justice was by hapū, with mana maintained, collective, rangatira and ariki, with tikanga and kawa determined by huihui, tapu, noa, whakapapa, and whenua / ahi kā. It could be ousting, exclusive, a hiding. How our tīpuna lived was dictated by the environments and seasons. It is different now.”
- “Pinepine Te Kura shares.... ways of keeping whānau safe.”
- [Understand and acknowledge] “the story of the whakapapa of these places.” [Court sites]
- “Allow for use of karakia, waiata, haka – creates a wāhi tapu.”
- “Making the place safe is a matter of cultural safety too. Karakia, specific to my place. Pou tikanga. Kaumatua.”
- “I was kicked out of Court because I sang a waiata of support. Why?”

# Arriving, experiencing, and leaving court is traumatising for many whānau - understanding or navigating court is difficult

*“It is a system that keeps whānau broken.”*

The circumstances that lead people to court, and their interactions entering, waiting, and being in the court, are always traumatising. Some people arrive in a state of fight or flight and of calamity – decreasing their ability to understand processes, defence, prosecution, decisions, or outcomes.



# VOICES OF WHĀNAU

## Whānau often arrive traumatised and are re-traumatised at the District Court

- “Court is a playground of lost souls.”
- “Everybody is angry, and nobody has answers.”
- “These photos [of holding cells] give me anxiety. They trigger me. Is this the place where my babies were? Is this the green mile? Is this before you are executed? It is traumatic.”
- “We see the system that traumatised them more.”
- “The system re-traumatises our whānau.”

## Whānau need wraparound support throughout the court process

- “People who work for and in the courts need to be trained in trauma-informed practice. Imagine if lawyers, court staff, service providers all practiced with a trauma informed lens.”
- “Lack of support from people who work within the system [to serve the public]. Processes within the system serve the system and not whānau. Family Group Conferences aren't to support whānau. FGC is to support the system.”

# For many whānau, the court, and the courthouse represents and repeats harmful narratives about Māori.

*"Courthouses are colonised."*

For many whānau, the courthouse is a representation of the ongoing hurt caused by the justice system, maintaining harmful and divisive narratives.

# VOICES OF WHĀNAU

## The court does not recognise tangata whenua

- “Mana whenua were not consulted when the Napier District Court was built. We protested. We didn't want our taonga in their system. We took them off the wall. It is a Crown building – but don't we have a partnership? We are tangata whenua.”
- “I was with my son in court – a JP was running the court. I asked if I could speak. The JP said I have no rights to speak. My son was told he does not have a voice in the court. I asked where my mana whenua rights are? JP – I am the authority. I told him, you're a visitor on this whenua – you remember that.”

## Māori must work within a pākeha system

- “Why do I have to have tension between being Māori (practising manaaki and whanaungatanga) and doing my job (managing conflicts with whānau or seeing people as applicants or respondents).”

## The law of the coloniser is recognised, Māori law/lore is not

- “I'm tired of our tikanga and way of being having to fit into a box”
- “[Māori] Lore was happening before law.”
- “Kawa changes tikanga, so lore and law can work together.”



# Court treats everybody like a criminal – especially Māori

*“You’re considered a risk even before you enter.”*

The court environment and processes treat everyone as a criminal regardless of who you are or what you are there for (Family Court and Māori Land Court inclusive). This is the case in every stage of court – from arriving at court and going through security, to the reception, to the waiting area. This further reinforces damaging and systematically-ingrained racial stereotypes.

# VOICES OF WHĀNAU

## It starts at the front door

- “People feel judgement from the moment you step through the door and meet security.”
- “I want to walk in positively, but the staff treat you as a risk. Staff treat everyone like they are the highest risk people.”
- “The first time you walk through the door you are labelled.”

## Whānau are treated like criminals

- “The victim is treated like an offender until the offender is proven guilty. It's hard to know what I could change.”
- [I am] “treated like a criminal in the Family Court even when [I am] showing no aggression.”
- “I tick all the boxes and I am still being treated like crap.”
- “Their son had a negative relationship with the system from a young age as he saw how the rest of his whānau was treated, the trauma they had experienced and how they viewed the system.”
- “The courtroom is a continuum between rubbish in the dock and power up high. Everybody has their back to us – the height of rudeness and cultural incompetence. The judge is the master and you're the n\*\*\*\*. There is no korowai here – it is like a cattle yard.”

## Court is dehumanising

- “I don't exist, I don't matter, like a ghost.”
- “I'm not a dog. Treat me like a person.”
- “TV with everyone's names on it. Dehumanising.”
- “Pākehā police and lawyers and Māori names on the list and in the waiting room.”
- “I was in the holding cells. I got my period. They gave me no period products. I was treated like an animal – so I started acting like an animal. I couldn't see anything else to do other than rub my arse on the walls to paint them red.” [paraphrased]
- “My underwire bra set off the security checks. I had to stand aside to be scanned by the wand. The treatment by the staff was so dehumanising.”
- “Want people to be treated like they're human – not treated like they're a piece of paper.”
- [of the dark corridor] “it is chilling. Horrible. It undoes Te Whare Tapa Whā. Not healthy. This is psychologically dangerous. It puts darkness and hopelessness and suicide in people's minds. People are already battling for their lives. It is deliberate, designed to dehumanise. It predetermines jail. Your mana is taken from you. It is disgusting endangering people's mental health – like an asylum.”



# Court is intergenerational

*“Trauma from the system is passed down through generations.”*

Court is the intergenerational pathway for many Māori whānau as a result of the ongoing impacts of colonisation. Children who have grown up in the court environment have watched their whānau interact with the system.

# VOICES OF WHĀNAU

## Court impacts the whole whānau, for generations

- “Our families serve the sentence too.”
- “All of our lives we have been through the court watching our dad go in and out of jail.”
- “We are the third generation within our whānau to have intimate experience with Oranga Tamariki and Youth Justice.”
- “Whānau are left with trauma. There are many layers of trauma that whānau experience: 1. Intergenerational trauma, 2. Trauma of mokopuna being removed, 3 Trauma of navigating the system. There are many other layers.”

## Going to court has become normalised for many whānau

- “I was raised in these rooms.”
- “It is normalised – we are expected to be here.”
- “De-normalise? No babies allowed, don't let them see it.”
- “I'm really angry - I see them bring their babies in like it's normal. It's not normal.”
- “Sadly, this can be a place for socialising and catching up with people you know. It's the same faces going in and out of that place.”

# Every interaction with the people and processes of the court has the potential for justice and injustice

*“Whānau should feel welcomed and empowered.”*

Every interaction matters. Each person's attitude and behaviour towards a person interacting with the court has the potential to create justice or injustice.

# VOICES OF WHĀNAU

## Whānau want to be treated fairly

- “You could put me in a dog kennel, I don’t care, it’s how I’m treated that matters.” [paraphrased]
- “The financial burden to be there to support our mokopuna. Who wants to tell their babies we can’t afford legal representation to continue to fight for your return. This is another way of losing whānau voice to the system.... In some instances, this will leave whānau representing themselves. This can be quite difficult as whānau need to learn the process while under duress and learn a new language.”
- “Receive a card that tells you a day to turn up, arrive at nine o'clock, and sorry, we may not be able to see you today.”
- “The perpetrator was allowed to flood the court with supporters. It was borderline intimidation. I asked security to play their role, but my family was not respected. Two sets of rules – one for the defender, one for the complainant.”
- “When you bring a charge, you have to disclose all – the defendant does not. They played games.”
- “Surely it should be an even playing field – but it's not a fair deal.”



## Whānau want to be acknowledged by people working in the system

- “People who care use my name.”
- “We're not objects, we are human.”
- “Some people in the system are friendly – but others are not.”
- “It's not about the building, it's about the people behind the doors.”
- “It's how they approach me. They treat me like a non-person.”
- “Having me and my whānau helping the judge make a decision makes me feel heard. I am a person, not a stereotype. Being heard makes me want to try to have a say. And I have something to say.  
Sometimes that is correcting the incorrect.”

## The system does not acknowledge progress made by whānau

- “They dig out historic issues to refuse to look at progress made by whānau. This is a practice that continues to oppress whānau.”
- “It is crucial to stop us losing our tamariki. Our voice, our achievements, are ignored. Those people who have a duty of care within the system operate from a deficit lens.”
- “Once people in authority form a suspicion, you're fucked. So, you can't have an honest kōrero because of the power imbalance. If you're a single mum, you're fucked with OT.”
- “Trying to justify yourself and show you're changing (training, counselling, psychotherapist, cultural report) – but it's never enough – and they've already made a plan in the other room. What I bring to the table isn't good enough.”

# All whānau experience racism

*“The first time you walk through the door you are labelled.”*

All whānau we spoke with experienced racism at some stage during their interaction with the court.

# VOICES OF WHĀNAU

## Māori experience inequitable advice, support and outcomes

- “In my experience some lawyers do not provide options to whānau.”
- “Double standards for Māori vs Pākehā.”
- “I was in court and witnessed a Māori and Pākehā present for similar charges. The Māori person was remanded in custody and the Pākehā was allowed to walk with no consequence.”
- “[I am] racially profiled in the court process.”
- “One of my whānau – the lawyer only gave him the option of pleading guilty.”
- “In jail I was allowed my bangle as a Sikh religious symbol. But my taonga was taken from me. I want my taonga so I can be connected to my culture first, before my religious symbol. If Indian Sikhs can wear kirpan, why can't Māori patu or taiaha?”
- “Every person needs to be acknowledged and every culture needs to be respected.”

## Whānau feel like the system is working against them

- “Justice system is set up for us to fail.”
- “It is hard. The trauma I've been through all my life. I know I'm a good mum. But the justice system is weighted against us. Is that institutional racism?”
- “As a Māori lawyer we had to learn to be Māori and a lawyer. Overall, the system is working against us.”
- “How information is held within the system is usually based on someone else's opinion. This is the opposite to whakawhanaungatanga – whānau lose our voice again.”

## Te reo, tikanga and Te Ao Māori are not acknowledged in the court

- “I was kicked out of court because I sang a waiata of support. Why?”
- “Court staff do not understand te ao Māori. This works against Māori.”
- “I was with my son in court – a JP was running the court. I asked if I could speak. The JP said I have no rights to speak. My son was told he does not have a voice in the court. I asked where my mana whenua rights are? JP - I am the authority. I told him, you’re a visitor on this whenua – you remember that.”
- “Why do I have to have tension between being Māori (practising manaaki and whanaungatanga) and doing my job (managing conflicts with whānau or seeing people as applicants or respondents).”
- “My cousin (who holds a PhD) completed a cultural report for her son but was told because of their relationship her report was not acceptable. Who better to complete a report than a person who understands the history, whakapapa and the person?”
- “Psych reports completed by a stranger have higher standing in the court over a cultural report.”

## Whānau are calling for change

- “Dismantling is required for real change. How was it 2020 that we gained our first Māori supreme court judge?! Who could hold the bench accountable to tikanga until then? This waka can bring change.”
- “Do the courts get culturally audited? Once Te Ao Mārama is rolled out this should happen to ensure it's actually happening.”
- “Te Tiriti training for all.”
- “Police, Justice, and the Bar all need Māori leadership and scrutiny.”



# Environment shapes culture, and court spaces shape intimidating and dehumanising behaviour

*“The court space was intentionally designed to disempower whānau.”*

The courthouse architecture further reinforces the imbalance of power. Whānau compared the court process and space to a train station, butchery or an asylum. Parts of the process and spaces are cold, sterile, transitional, and transactional. Those attributes create disconnection, agitation, inhumanity, and intimidation amongst people who interact with the court.

# VOICES OF WHĀNAU

## Court spaces are dehumanising and intimidating

- “Looks like a bus stop – my future [is] determined.”
- “It is chilling. Horrible. It undoes Te Whare Tapa Whā. Not healthy. This is psychologically dangerous. It puts darkness and hopelessness and suicide in people's minds. People are already battling for their lives. It is deliberate, designed to dehumanise. It predetermines jail. Your mana is taken from you. It is disgusting endangering people's mental health – like an asylum.”
- “Like a station to me, you come in, go out, come in, go out.”
- “It smells. I can't pinpoint the smell – it just stinks. It smells like the butcher.”
- “What I see when I stand outside and in the court space, I can't get out, jail, caged and closed.”
- “TV with everyone's names on it. Dehumanising.”
- “Reminds me of jail. The entrance, the security area, reception and waiting area feels like prison. It feels like whānau future is predetermined – look at this space.”
- Of the waiting room: “there is no security. It feels like a train station. You don't know who is sitting behind you. People coming to support you are intimidated – there are high-risk people here in high-stress situations. And your name is displayed on the wall. But you need supporters – that can make all the difference in a judgment.”

## Court room layout reinforces power imbalance

- “I was very intimidated by the wig and the gown – someone looking down on us.”
- “Throne! The judge sits on a throne. They are the authority. How do whānau have a chance when they have no voice and [are] not seen as equal.”
- “The courtroom is a continuum between rubbish in the dock and power up high. Everybody has their back to us – the height of rudeness and cultural incompetence. The judge is the master and you're the n\*\*\*\*. There is no korowai here – it is like a cattle yard.”
- “The courtroom is an intimidating place.”
- “I understand and respect the judge – but could we all be at the same level? Like this kōrero we are having right now? Higher always wins, big kids always beat the small kids. I've turned up not respecting because of this set up. If we're at the same level, we have respect.” [draws a picture showing a u-shaped table with the judge at the head, their supporters near them, and supporters near me]

## Whānau want healing spaces

- “Can we get rid of the dock? No barriers, a chill hui around a table? Togetherness?”
- “In the marae system, the truth comes out. You can bring your whānau, speak your language, have kaumatua help to judge – like rangatahi courts.”
- “Whānau feel space that allows awhi and whakanoa.”
- “Take Family Court back to the marae or have it as an option.”

# Whānau are expected to understand a system that can't be understood

*“What I hear: silence and language I don't understand.”*

Only those who are trained to work in the legal system understand and know the language of court. It becomes self-protecting for the privileged few.

The process and language of court is incomprehensible to whānau. This confusion causes further harm to whānau experiencing a fight or flight response and can contribute to the injustices experienced.



# VOICES OF WHĀNAU

## Many whānau don't understand the language used in court

- “They talk about you, but not to you, in a language you don't understand. What the fuck!? Is that what they just said?”
- “Talking in a language I don't understand. Imagine the reverse. Come stand on the pae and speak our language.”
- “The judge called me useless, stupid, dumb. My lawyer said don't read the transcript – it'll make you angry. I told the judge I'm not dumb, I just don't understand what you're saying.”
- “Judges need to humanise their kōrero.”
- “Judges and lawyers, you can't hear them in the courtrooms – it's inaccessible to most people.”
- “They don't have a clue what the judge is saying, or what the lawyer is saying. They sit there blank.”
- “Even the judge got something wrong in summing up and it forced a retrial – another six months of my life.” [paraphrased]

## Many whānau don't understand court processes

- “Whānau are expected to know the protocol and the rules, which might be counter-cultural or offensive, like "sorry, it's the judges turn to speak now.”
- “Who's the applicant? Who's the respondent? What am I applying for?”



## **Incomprehensible language and processes means that whānau often don't understand outcomes**

- “Do I get to see my kid on my own terms or not?”
- “Justice needs decoders to help whānau understand the system.”
- “Our whānau don't know what's going to happen in here.”
- “The unknown can crush you.”

## **Whānau need support to understand the system**

- “Time needs to be taken to explain what happens when your dad gets served with protection orders.”
- “We need whānau that are clued up and know what to do to beat the system.”
- “Accessible plain language, education, understanding your hearing and the decisions made – even what you asked for – is not easy.”

# Power imbalance

*“How do whānau have a chance when they have no voice and [are] not seen as equal?”*

The judge has all the power over the outcomes that result for whānau. The limited context a judge has, and the lack of whānau voice and the voices of those who support whānau, can lead to uninformed decisions. Many whānau are not given the right, in their own voice, to provide full information to the court. Whānau and communities know what is best for their people – their voice should be heard and respected during the court process and inform outcomes.

# VOICES OF WHĀNAU

## Whānau have no voice in court

- “I take the risk of contempt in speaking up to support tāne, wāhine, and for tikanga – especially when the court is just going through the motions. Not everyone has kaha.”
- “How information is held within the system is usually based on someone else's opinion. This is the opposite to whakawhanaungatanga – whānau lose our voice again. Why does everybody else have to stand up to speak, but not the judge?”
- “Trying to justify yourself and show you're changing (training, counselling, psychotherapist, cultural report) – but it's never enough – and they've already made a plan in the other room. What I bring to the table isn't good enough,”
- “They were afraid that their voice won't be believed as the system has a louder voice.”
- “Factor in tamariki voice.”

## Judges and the system hold all the power

- “Once people in authority form a suspicion, you're fucked. So, you can't have an honest kōrero because of the power imbalance. If you're a single mum, you're fucked with OT.”
- “Turn the focus around from the power imbalanced system - to the people.”
- “I feel it's a power trip. A power and control thing.”
- “Judges should not have all the power.”
- “It feels like the court process is all about making the judge happy.”



## Whānau and community want to help inform decision making

- “They don’t put positive things in reports to Judges. Judges are only able to make decisions based on the information supplied at the time.”
- “Decisions are made for whānau without consultation.”
- “Cultural reports are making a difference. They can take years off sentencing. They need to include details about supporters and supports. They are like a reference check, a korowai. To be understood though, the reader and writer need training about Tiriti, whānau, and awhina.”
- “There is a need for more cultural reports.”
- “Having me and my whānau helping the judge make a decision makes me feel heard. I am a person, not a stereotype. Being heard makes me want to try to have a say. And I have something to say. Sometimes that is correcting the incorrect.”
- “Utu – whānau to be included in decision making by truly having the opportunity to speak (have a voice). Opportunity for victims to speak to the defendant to tell them how they have truly impacted their life (should they want to do this). Victim impact statements are very western. Need Te Ao Māori process for this to take place safely.”
- “Judges need to trust that whānau are making the decisions that are right for their whānau.”
- “Whānau are the right people to care for whānau.”
- “My cousin (who holds a PhD) completed a cultural report for her son but was told because of their relationship her report was not acceptable. Who better to complete a report than a person who understands the history, whakapapa and the person?”

# The culture of the system creates dire consequences for whānau

*“My moko was placed into my care without me knowing. If I say something I become the enemy too”*

Not feeling heard creates injustices for people and whānau who must live with the intergenerational impacts.

# VOICES OF WHĀNAU

## Court impacts the whole whānau

- “Whanau are left with trauma. There are many layers of trauma that whānau experience. 1) intergenerational trauma, 2) trauma of mokopuna being removed, 3) trauma of navigating the system. There are many other layers.”
- [of being in court holding cells] “No one listens. No one helps. But they are watching. And I needed help. I needed a nurse. Imagine mama or nan hearing this mamae on the phone at home – it comes into the home.”
- “Deficit past is carried forward by those who are deemed professionals even if whānau have moved on in a positive way.”
- “The process has damaged my kids to the point that my daughter wants to take her life.”
- “There is so much trauma attached to parents when their kids are removed from their homes.”

## Whānau expressed deep concern for future generations

- “It is crucial to stop us losing our tamariki. Our voice, our achievements, are ignored. Those people who have a duty of care within the system operate from a deficit lens.”
- “Who looks after our tamariki, mokopuna who are in the system?”
- “No clarity or plan for mokopuna when removed from care.”
- “Whānau are fighting to ensure no more mokopuna enter into care”.

# For whānau ora to be realised, whānau need people who will listen

*“Court is just conflict with no listening.”*

Listening to a person’s experience of the circumstances that led them to court, without pre-judgement, and respecting their experiences, creates safety and healing. Safety and healing are prerequisites for justice.



# VOICES OF WHĀNAU

## Many whānau do not feel heard

- “It's everyone against me – no one is listening – and I'm the one with the trauma.”
- “Dignity... No one listens. No one helps.”
- “Kaiārahi are the bridge between humans and the law.”
- “The court listen to Oranga Tamariki and the lawyer for the child if we don't accept mediation.”
- “[Kaupapa Māori provider] see whānau daily, at their worst and best – but the court doesn't listen to us or give what we know any consideration.”
- “The best thing would be to let the people talk, not through lawyers, and for judges to listen without predetermination.”
- “Some lawyers are terrible. They speak down to you. They tell you to take who you are given. They pre-determine the outcomes or skew the information or make stuff up. They are uncontactable and make their own mind up – this is what is best for you. Terrible lawyers have already labelled and sentenced their clients before the trial begins.”
- “Trying to justify yourself and show you're changing (training, counselling, psychotherapist, cultural report) – but it's never enough – and they've already made a plan in the other room. What I bring to the table isn't good enough.”
- “They assume I can read.”

## When whānau are heard, they can participate

- “The power of someone being kind and human.”
- “The judge listened, reflected back what was said so my client could understand. He didn't rush – he took the time to understand my client.”
- “The system is PEOPLE! They can make changes if they wanted”.

# Some whānau are not ready to heal from the trauma they have experienced in the justice system

*“I have done everything. I can't heal. I'm angry. And you don't care.”*

Some whānau are not ready to process and heal from the trauma they have experienced in their life relating to the justice system – For many whānau the trauma and pain is too raw to confront. Everyone has a different journey towards healing. What works for or resonates with one person may not work for another.

# VOICES OF WHĀNAU

## Many of our whānau are traumatised

- “People forget that our whānau don’t always know the history of their trauma.”
- “I want my son back. I don't understand. Why is my family being broken up? Why did you take my middle son and leave my other children? I have done everything. I can't heal. I'm angry. And you don't care.”
- “The system re-traumatises our whānau.”
- “I was on a spiritual journey; nothing was wrong with me. But the circumstances were so serious and dark. I needed to get back to my roots, to the awa, to the barn.”
- “Help to break the cycle from generational trauma.”

## Some whānau are ready for change, others are not

- “For someone to change they have to be receptive and ready for the change”
- “Te Ao Mārama has opened up spaces to talk about things – but right now it's not comfortable.”
- “Support for mental health. People ask for help but are ignored!”
- “I am not ready yet babe. It has been 17 years, and my heart still feels like glass – like it will shatter into a million pieces.”
- “I didn't want to draw my whānau in, they had enough mamae already.”



# Support services are hard to access or not available

*“I had to access my own support.”*

People aren't aware of the support services that are available to them before, during, and after court, and when they do access their services, the help is limited due to restrictions on where they can assist.

# VOICES OF WHĀNAU

## Whānau are not always connected with services that could support them

- “Whānau being held in custody [should be] given all options of bail and services.”
- “Everybody should have the choice of supporters from NGOs, community, Nannies. Lawyers should be able to refer for support.”
- “There are some good services out there.”
- “Family aren't allowed support unless they are directly involved.”
- “I try to tap into wraparound services. I use our own because they are there.”

## Service provider perspectives

- “[Kaupapa Māori provider] see whānau daily, at their worst and best – but the court doesn't listen to us or give what we know any consideration.”
- “I would love to support victims but I have to be careful because of name suppression.”
- “Support services are kept out of the information loop – which limits our ability to support whānau.”
- “The court doesn't listen to what support services say or what they write in the official reports.”
- “Support services are limited and those support services available are contracts-focused not whānau-need focused.”
- “Support services know so much that could help in court.”
- “Support services have concerns about the court process but they aren't listened to.”

## Whānau-centred support

- “Create a navigator role that understands the court space, has access to court resources, is funded by the court but sits in the community (i.e. not an employee of the court or Crown but a funded role/s that sits in community). The role’s priority would be to support the whānau with their needs in navigating the system and being with them through the journey. A phone line available for whānau to call when they need help with navigating the system. The people appointed to these roles would need to have an understanding and connection to the whenua and understand whakapapa within our rohe (or connected enough to know who to talk to). Help us with our rights. A ‘Kaupapa Māori – Whānau Advocate role.’ This person/s would ideally be widely connected in the community to support whānau to link with other support services they need. Their role would not be to serve the Crown or system – their role will be to serve whānau. They would also be recognised by the court and Crown as someone who holds a crucial role and is allowed to walk between Crown and community in the interests of whānau.”

# From the Undiluted Voices of Whānau

Eleven Opportunities



# Eliminate racism within the court system

All whānau shared they experienced racism within the court system. To truly provide a space where whānau are seen, heard and understood an action plan is required to address individual, interpersonal and institutional racism.

# Raise cultural capability and confidence of the people who work in the court

Understanding Kahungunutanga will raise cultural capability and confidence of those who work in the District Court in Napier and Hastings. An increase in cultural capability and confidence will improve practice to provide a better experience for whānau who navigate the court system.

# Tikanga to be given equitable standing in the court system

Whānau indicated tikanga is a natural process to ensure cultural, spiritual, physical and emotional safety that is lacking in the current court system which is traditional and steeped in colonial concepts.

Recognising tikanga will allow full and meaningful participation of all people.

# Access to trauma-informed practice and services

Whānau spoke of carrying intergenerational trauma while experiencing trauma from the court system. Court staff and people working in the court to be trained in trauma-informed practice to stop the cycle of trauma experienced by whānau in the court.

Whānau to have access to trauma informed community services at their time of need.



# Create a healing space for whānau to share their stories, experiences and aspirations

Whānau said sharing their story through Te Ao Mārama whānau engagement was the first time they've felt truly heard by those who want to enable change.

There is an opportunity for whānau who are willing to continue their journey of healing through sharing their stories. These stories would be of benefit to other whānau going through the system.

# Change the location of Family Court

Consider alternative locations for Family Court that are more familiar and approachable for whānau.

Holding Criminal, Family and Māori Land Court together in the same courthouse is not conducive of a safe and restorative environment.

# Humanise court spaces

Redesign aspects of the court environment to allow for a safer and calmer experience for whānau.

There are many opportunities to soften the current architecture and be intentional about how the physical layout can lead to positive outcomes for whānau.

# Promote culture change through positive initiatives

Te Ao Mārama is a judicially-led kaupapa, and the judge has a big impact on the court experience – they ultimately decide how their court is run. Initiatives set up to encourage court culture change in the direction of Te Ao Mārama would help whānau feel seen, heard and understood.



# Make support more accessible earlier

Support networks and services are instrumental in bringing about positive outcomes for whānau and improving the court experience.

Support needs to be available earlier to prevent situations worsening and eligibility criteria needs to be opened up to improve the accessibility of services for whānau.

# Further enable existing whānau-centred support services

Support services make a real difference to whānau experience, but the scope of their roles are limited. Existing support roles such as kaiārahi, Māori Wardens, and nannies need to be better supported, and enabled – giving them more agency and integrating them into the court processes so they can continue to help whānau.

# Introduce plain language

Legal jargon and long-winded language is common in the courtroom, making processes and outcomes difficult to follow and understand. Introduce plain language to ensure whānau can actively participate in conversations that affect them and they understand what the outcomes mean for them.

Develop resources written and spoken in plain language explaining the different stages of the court process and what outcomes mean to bring some clarity to the court experience.

# Te Ao Mārama ki Te Matau a Māui

Next Steps



# MAI TE PŌ, KI TE AO MĀRAMA: NEXT STEPS





