

Executive Summary

State care has been used as a colonising tool to sever mokopuna Māori from their whakapapa and to undermine Māori culture and the sovereignty of tangata whenua in Aotearoa.

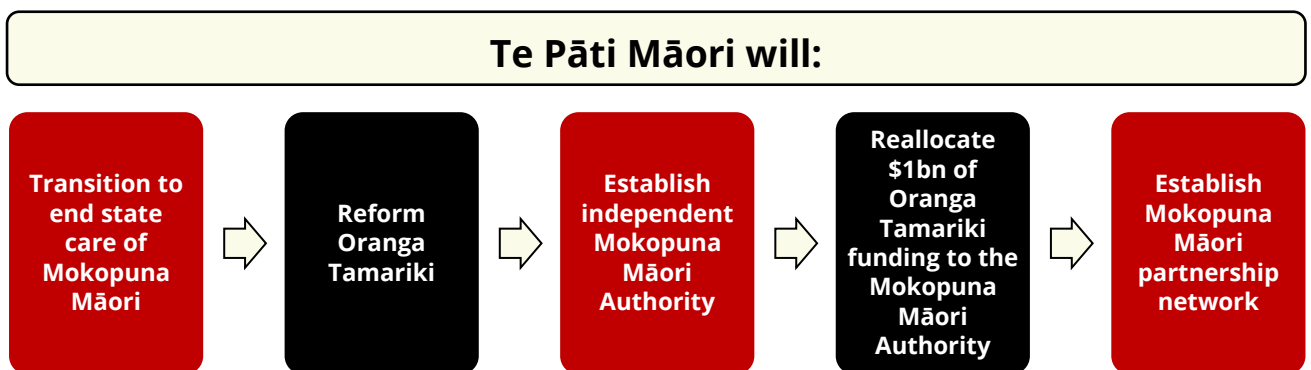
The culture and standard practice of these institutions, which is to steal our mokopuna, subject them to abuse and disregard their whakapapa.

Residential facilities were criminal training grounds, teens were recruited into gangs from care homes, and foster children forced to steal to survive.

Studies have shown that one in three children placed in residential care by the state ended up in prison later in life.¹

Under Te Tiriti o Waitangi, the Crown has no legal right to remove mokopuna from their whānau, hapū and iwi and put them in state care.

The right to care for, love, and grow mokopuna Māori must be reclaimed for whānau Māori to see significant change in the health and wellbeing of mokopuna Māori.



¹ <https://www.rnz.co.nz/news/national/473436/from-taonga-to-chattels-path-from-state-care-to-prison-revealed-in-new-figures#:~:text=The%20researchers%2C%20Synergia%2C%20sifted%20through,in%20prison%20later%20in%20life.>

Context

Oranga Tamariki has continuously failed to provide proper care for mokopuna Māori in Aotearoa.

Over the years, numerous reports and reviews have concluded that institutional and structural racism across several government agencies created the historical and current overrepresentation of mokopuna Māori in state care.² Recent statistics show that mokopuna Māori make up nearly 70% of children taken into state care.³

It has been estimated that up to 250,000 children, young people and vulnerable adults were abused in state and faith-based care between 1950 and 2019.

Mokopuna Māori are also disproportionately represented among those who have experienced abuse while in state care. According to a recent report by Oranga Tamariki, over 80% of children abused in state care are mokopuna Māori.⁴

In 2021, the Waitangi Tribunal found that the Crown’s removal of mokopuna Māori into state care to be a profound and ongoing breach of Te Tiriti o Waitangi.⁵

Oranga Tamariki claims to have instigated changes to better care for mokopuna Māori. However, piecemeal changes such as incorporating kupu Māori into the Oranga Tamariki Act 1989 fails to embody the substance of tikanga Māori and does not give way for Māori to take care of their own tamariki and mokopuna. It also fails to address the fact that Oranga Tamariki is a colonial institution founded on Pākehā values, and the institutional and structural racism that informs its policies and practices to this day.

How many more chances do we give a Crown agency purporting to have the oranga of our tamariki and mokopuna at the heart of its work, but which continues to breach Te Tiriti o Waitangi in removing our tamariki and mokopuna from their whānau? The answer? *None.*

² <https://www.abuseincare.org.nz/our-progress/library/v/306/haha-uri-haha-tea-maori-involvement-in-state-care-1950-1999>.

³ <https://www.manamokopuna.org.nz/documents/202/20200116-OCC-StatisticalSnapshot.pdf>.

⁴ <https://www.abuseincare.org.nz/our-progress/reports/interim-report-volume-one/part-three/#:~:text=The%20report%20showed%20M%20C4%81ori%20make,those%20previously%20taken%20into%20Ocare>.

⁵ <https://www.newsroom.co.nz/removal-of-maori-children-breached-treaty-tribunal>.

Oranga Tamariki simply cannot be changed from within. In 2021, the Waitangi Tribunal concluded that “reform of Oranga Tamariki, no matter how well designed, will ultimately fail another generation of children (Māori and non-Māori).”⁶

Solutions

1. Transition plan to end state care of mokopuna Māori

Radical transformation is required - a by Māori for Māori, according to Māori solution – in the form of an independent Mokopuna Māori Authority.

However, we recognise that transitioning from a state care model to an indigenous care model will take some time. We will therefore develop a transition plan to shift power, funding, and workforce from Oranga Tamariki to the Mokopuna Māori Authority within a three-year timeframe.

The transition plan will be overseen by the inaugural board of the Mokopuna Māori Authority and the Minister.

Reform of Oranga Tamariki

We will also reform Oranga Tamariki policy and make immediate changes to guarantee tamariki wellbeing in the following ways:

End the practice of uplifting tamariki immediately after birth and uplifting mokopuna without whānau, hapū, iwi consent

Close youth care and protection residences

Review the Child Protection Protocol

Require training on de-escalation and the use of force

Proper investment in early intervention including expanding Ngā Tini Whetū

⁶ https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_171027305/He%20Paharakeke%20W.pdf. See P154.

2. Independent Mokopuna Māori Authority

Te Pāti Māori will introduce enabling legislation to partially repeal the Oranga Tamariki Act and create a Mokopuna Māori Act, which will set out the functions and powers of the independent Mokopuna Māori Authority.

The Authority will be funded by the state and its function will be to the changes necessary to eliminate the state care of mokopuna, tamariki and rangatahi Māori. It will realise tino rangatiratanga as provided for in Te Tiriti o Waitangi and will give effect to the Waitangi Tribunal’s recommendation that an independent “Māori Transition Authority” be established.⁷

Function

The function of the authority will be to assert and protect rights promised in He Whakaputanga and Te Tiriti o Waitangi and honour the whakapapa-based rights and obligations of whānau, hapu, and iwi.

It will be the primary national agency charged with ensuring the care and protection of mokopuna and tamariki Māori.

It will prioritise whakapapa and whanaungatanga, because whānau know what is best for their own mokopuna, and privilege te reo, tikanga, and kawa Māori to enable and empower mokopuna and their whānau to flourish and thrive as Māori.

The authority will not be constrained by the legislative and policy settings for Oranga Tamariki. It should be free to examine and support the adoption of policies and service delivery options outside of care and protection parameters so that where possible, the stresses on whānau that bring them into contact with the system are reduced or removed altogether.⁸

The authority should not be constrained by national approaches but rather may respond to local communities’ circumstances in locally appropriate ways.⁹

⁷ https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_171027305/He%20Paharakeke%20W.pdf.

⁸ https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_171027305/He%20Paharakeke%20W.pdf. See P186.

⁹ https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_171027305/He%20Paharakeke%20W.pdf. See P186.

Whānau Ora as the leading example of the by Māori, for Māori, according to Māori approach and practice, is one example of such a response.

Funding

As 70% of kids in state care are Māori, 70% of Oranga Tamariki’s approximate \$1.5 billion annual funding must be reallocated to the Mokopuna Māori Authority. This works out to be approximately \$1 billion per annum.¹⁰

Partnership network

The independent Mokopuna Māori Authority will be required to establish a partnership network across hapū, iwi and other Māori organisations to ensure mokopuna Māori remain connected to their whakapapa.

This policy recognises that tamariki and mokopuna Māori in state care face the sharpest end of separation from their whakapapa, and so reconnecting them with their whakapapa through hapū and iwi-based approaches is essential in promoting their wellbeing.

It recognises the importance of partnering with Māori organisations, including urban Māori organisations, on the ground which are already well-connected with whānau, as well as the importance of partnering with survivors of state care.

The solution lies with Māori and this policy therefore empowers Māori organisations to investigate and assist in finding whakapapa appropriate care and protection arrangements for mokopuna Māori.

We must implement our own tikanga as to care and protection and uphold tino rangatiratanga for all Māori organisations, whānau, iwi, and hapū, who all have a deeply vested interest in the prosperity of mokopuna Māori.

¹⁰ <https://budget.govt.nz/budget/pdfs/estimates/v9/est23-v9-oratam.pdf>