

Witness Name: Luamanuvao Dame Winnie Laban

Statement No.: WITN0642001

Exhibits: N/A

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ROYAL COMMISSION OF INQUIRY INTO ABUSE IN CARE

WITNESS STATEMENT OF LUAMANUVAO DAME WINNIE LABAN

I, Luamanuvao Dame Winnie Laban, will say as follows: -

INTRODUCTION

1. Kia ora, Taloha ni, Malo e lelei, Fakaalofa lahi atu, Ni sa bula vinaka, Namaste, Kia Orana, la Orana, Gud de tru olgeta, Talofa lava and Warm Pacific Greetings.
2. I have been invited to make a statement to the Royal Commission of Inquiry into Abuse in Care from my perspective as Samoan-New Zealand woman.
3. Let me start with some personal background that is relevant to this Inquiry.
4. My parents emigrated from Samoa to New Zealand in 1954. I was born in Wellington in 1955. I started work as a Community Officer for the Department of Maori and Island Affairs in the late 1960s. I completed a Diploma of Social Work at Victoria University of Wellington in the early 1970s. I subsequently worked as a Probation Officer, Senior Social Worker (Employment), Community Development Worker, School Guidance Counsellor and Family Therapist in governmental and non-governmental agencies.

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5. My early work was primarily with Pacific Island and Maori communities and families. My later career was as a Senior Manager in the Public Service, then managing international development programmes throughout the island nations of the Pacific.
6. An important motivation for me entering Parliament in 1999 was witnessing the impact that unfair and discriminatory employment laws were having on Pacific Island factory workers in my community of Wainuiomata and beyond.
7. A highlight of my political career was moving the closure motion to replace the Employment Contracts Act with enlightened Employment Relations law based good-faith negotiations. Another highlight was working as Minister of Pacific Island Affairs to improve opportunities for Pacific Island families and communities throughout New Zealand and the Region. After nine years in government and two in opposition I was ready for a fresh challenge.
8. For the last decade I have been Assistant Vice Chancellor (Pasifika) at Victoria University of Wellington focused on increasing Pacific Island student enrolment and achievement, and promoting projects that advance Pacific peoples' education.
9. Education is the key. Education is the gateway to better qualifications, better jobs, the skills to establish and operate businesses, and higher incomes. Higher incomes mean better housing, improved health, and more security in old age. Education is the key that unlocks all this.
10. Good education can also assist children build, affirm, and strengthen their identity. We need to do all we can to encourage young people to participate in education throughout their lives.
11. Education institutions need to remove barriers to Pacific Island participation and put in place programmes and processes that enhance Pacific Island achievement. For example, at Victoria University of Wellington, in partnership with the Borrin Foundation, we have started a project that is focusing on the inequalities that Pacific people face in entering and achievement in the legal profession. We are researching why Pasifika are less than 3% of lawyers, few of

these are in law firms or the judiciary. We need to better understand the institutional barriers that Pasifika face and how we can promote Pasifika success.

12. During my career I have worked with Pacific Island children, families and communities as they negotiated a path through the Social Welfare, Justice and Education systems. Some of these children had been placed in State care.
13. Throughout my career I have focused on facilitating opportunities for young Pasifika to develop their cultural identity and establish their place of belonging in Aotearoa-New Zealand. It is my belief that when young people understand who they are and where they come from they are better able to safely navigate their way through the challenges they face in life and to achieve success.
14. Not all young people succeed. While many Pacific Island immigrant families found support in New Zealand in their church and cultural organisations and did well, others fell by the wayside. Some children became the victims of the circumstances of the poverty and hardship that poor, migrant families find themselves in. Unemployment, relationship breakdown and limited family support contribute to child neglect and has led to behavioural problems, offending and subsequent State intervention.
15. In this statement, I plan to provide a Pacific Island context to assist the Commission to understand why some Pacific Island children and vulnerable adults came into State care. I also aim to talk a little about how strengthening cultural identity and belonging can point a way forward.

Pacific Island Context

16. The Pacific is our context. New Zealand is a Pacific nation. The Pacific is our place of belonging. Whatever our origins, we have all travelled across the Pacific to arrive in this land. If we take a long-term view, all New Zealanders are immigrants. We are products of various diaspora. Some dispersals are recent, others are of greater antiquity.

17. Pacific people have been coming to this land for a thousand years. The people who became the *tangata whenua* of Aotearoa-New Zealand set sail from Pacific Islands and headed south to settle in this land.
18. There is a tendency to view Pacific Islanders as recent immigrants, speaking English as their second language. This is not an accurate picture.
19. At the last census (2018), Pacific Peoples constituted 8.1% of NZ's total population. 381,642 individuals up from 295,941 (7.4%) from the 2013 census.
 - 60% of Pacific Peoples living in New Zealand are NZ-born.
 - 20% of Pacific Peoples are in the age bracket 15 – 24 years.
 - 60% of Pacific Peoples are under 30 years of age.
 - Pacific Peoples are the major ethnic group in New Zealand with the highest population of children (0-14) at 35.79%.
 - Projections for 2026 show that Pacific Peoples will be just under 10% of New Zealand's population (1 in 10 people), and the Pacific youth population will be 14.4% of NZ's total youth population.
20. In summary: Most Pacific people living in New Zealand were born here, are young, and English is their first language. The Pacific Island population is fast-growing. Whilst many Pacific Island people are doing very well in New Zealand; our health, education, housing, employment, youth offending, and socio-economic status are the poorest in New Zealand. Consequently, many Pacific people grow up in material poverty. And our young people often become casualties.
21. It is my belief that families and communities can provide children with support, a sense of belonging and a cultural identity to help them navigate the often-turbulent path of growth and development.

Cultural Identity

22. Each of our Pacific Island communities have similar cultural values. While our people have moved and mingled, as people of the Pacific we have retained a particular set of cultural and spiritual values that have been passed down by our ancestors through our families and our communities to this generation.
23. Let me illustrate.
24. As a Samoan, I know my culture, the *fa'asamoa*, is based on families and extended families, *aiga*, *aigapotopoto*. Our community in turn is based on the Samoan values of *alofa*, *fa'aaloalo* and *agaga*. Love, respect, reciprocity, and spirituality. These values are demonstrated through *tautua* - service. Service to family, service to church, service to community, service to our nation.
25. At the heart of the *fa'asamoa* is land and titles. Where we come from and who we are. Our place of belonging and our identity. *Gafa*, genealogy, ancestry.
26. Families and communities are the bearers and transmitters of cultural and spiritual values.
27. The loss of cultural identity, in a rapidly globalising world, is a challenge many people are facing here today in Aotearoa-New Zealand. Many of the children who have ended up in State care are the products of families that have struggled to adapt and fit into New Zealand society and have lost their sense of belonging.
28. One of the traps for immigrants is to establish themselves into tight, insular communities and limit their contacts with other groups. The good intention is to hold on to and not dilute their cultural values. The unfortunate consequence is cultural ghettos, exclusion, lack of trust, and children rejecting the values that their parents are attempting to preserve.
29. The challenge for the next generation of Pacific Island New Zealanders is to retain their language and identity, maintain their familial and community connections here and in the Islands, remain outward looking, and keep alive the dreams of their parents and grandparents.

The Way Forward

30. It is clear that there have been major failings of State interventions in the care of children and young people. The process has been evolutionary. The Industrial Schools of the 19th century (see for example the story of life in Burnham Industrial School as told by John A. Lee in his books: *Children of the Poor* and *Runaway*) gave way to the Social Welfare institutions of the 20th century (eg: Kohitere, Hokio, Epuni, Owairaka, Holdsworth and other Boys' Home and their girls' equivalents: Kingslea, Stanmore Road, Strathmore, Arbor House etc.) and eventually led to deinstitutionalisation in the early 21st century driven by an awareness of the rights of children and the training and professionalisation of staff (eg: House Masters and Mistresses becoming Residential Social Workers).
31. In the 19th century mental health institutions (asylums) were sited in rural locations, away from the gaze and sensitivities of 'normal' society. The same model was used for 'homes' of 'juvenile delinquents' (Kimberly Hospital and Kohitere were both located in rural Levin). These institutions housed and 'treated' children and young people far from their families and communities.
32. Greater understanding of the roles of families and communities in supporting their young people was one of the drivers of the closure of these facilities and the increase of community-based support programmes for young people (and mental health programmes).
33. The evidence is clear that institutions housing children and young people, isolated from their families and communities and staffed by 'non-professionals', led to questionable practices and abuse. These are 'structural' and 'historic' matters compounded by the criminal actions of some individuals.
34. It is important that we acknowledge the failing of the past, bring to account those who have abused the trust that they were given, and provide opportunities for healing for those who suffered. Furthermore, State agencies must learn from past failures and develop modern, enlightened, and culturally appropriate programmes and processes that support the development of children and young people.

35. One such programme and process that has promise is Restorative Justice.
36. Restorative justice has been used for Māori in the criminal justice system and has much in common with Pacific values of community and family responsibility.
37. For example, the Samoan concept and practice of *ifoga* is based on the premise that offenders and their families take responsibility for the actions of the offender and seek to redress the wrong directly with the victim and the victim's family.
38. The generosity of spirit and humanity of Pacific people can deal with horrific events and lead to reconciliation and healing.
39. *Fa'aaloalo* and reciprocity are key aspects of the success of restorative justice programmes.
40. But I believe that there is a more profound aspect of Pacific cultural practice to it which many academics and writers have yet understand fully.
41. And that is the concept of *'fa'a lelei le va'*.
42. An English translation would be something like: *'to make good the gap or the distance between yourself and others around you'*.
43. This ancient Samoan concept is common to all Pacific peoples. It is about one's physical, emotional, and spiritual space and relationship to all those around you.
44. If one offends then, one has broken these ties and transgressed upon another's space. This is the fundamental ethos of *ifoga* or restoration. To make good that relationship, that space between people.
45. I am pleased to hear there is a real interest from Pacific communities to be a part of these restorative justice processes as practical ways to support Pacific communities to help reduce offending, victimisation, and imprisonment.
46. The issues identified by Pacific peoples who have participated to date are complex and difficult. They include:
 - the challenge of modern New Zealand life to traditional Pacific family and cultural structures;

- how to address serious violence in Pacific communities and families;
- recognising and dealing with sexual abuse;
- attitudes to alcohol; and
- gambling and financial education.

47. Some underlying principles have been identified including:

- greater community responsibility for reporting and responding to offending and designing solutions;
- more Pacific role models and leadership from within Pacific communities;
- supporting the positive role that can be played by Pacific churches;
- more Pacific providers to treat Pacific offenders and to support victims;
- increased cultural awareness among mainstream providers; and
- a greater commitment to establish connections between government agencies, communities, providers, and offenders.

48. The Royal Commission of Inquiry into Abuse in Care has an important role in identifying historic abuse, and abusers, determining the facts and assessing appropriate redress. It is my view that the Inquiry should not stop there. It should point the way forward to practical ways, such as restorative justice, to support Pacific communities to help reduce offending, victimisation, and imprisonment. The success of this Inquiry will be measured on how well we have listened to the people who have suffered and how justly they are treated.

49. Throughout my career I have been strongly motivated by social justice. As a young woman I witnessed the impacts of the Dawn Raids on Pacific Island communities. The fears and traumas of that time continue to echo, in ways that are very similar to the witness statements to this Inquiry, and it encouraging to see that this government will shortly make a public apology and offer some form of reparation.

50. The Regional Seasonal Employment Scheme has provided many opportunities for Pacific people to work with dignity in New Zealand and their earnings have made a significant contributions to the development of their communities back in the islands. Expanding this programme is one way that the New Zealand government can repair its relationship with the Pacific.

51. I was deeply troubled when I found out that some Pacific Island children ended up in State care as a result of their parents being deported during the Dawn Raids. I understand that some of these children suffered from abuse in care. I trust that this inquiry will investigate those cases and provide opportunities for restorative justice.
52. In conclusion. We can learn from history. We can learn from our past mistakes. We can right the wrongs. And, together, we can heal and build a better world for all our children.
53. Thank you for the opportunity to contribute to The Royal Commission of Inquiry into Abuse in Care.
54. A copy of my written consent to use my statement is **annexed** to this statement.

Statement of Truth

This statement is true to the best of my knowledge and belief and was made by me knowing that it may be used as evidence by the Royal Commission of Inquiry into Abuse in Care.

Signed:

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Dated:

5 July 2021.

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Annexure A
Consent to use my statement

I, **Luamanuvao Dame Winnie Laban**, confirm that by submitting my signed witness statement to the Royal Commission of Inquiry into Abuse in Care, I consent to its use in the following ways:

- reference and/or inclusion in any interim and/or final report;
- disclosure to those granted leave to appear, designated as core participants and where instructed, their legal representatives via the Inquiry's database or by any other means as directed by the Inquiry;
- presentation as evidence before the Inquiry, including at a public hearing;
- informing further investigation by the Inquiry;
- publication on the Inquiry website.

I also confirm that I have been advised of the option to seek anonymity and that if granted my identity may nevertheless be disclosed to a person or organisation, including any instructed legal representatives, who is the subject of criticism in my witness statement in order that they are afforded a fair opportunity to respond to the criticism.

Please tick one of the two following boxes:

if you are seeking anonymity

or

if you are happy for your identity to be known

Signed: _____

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Date: _____

5 July 2021