

Te Ara Takatū

Report from a wānanga on a tikanga Māori based approach to redress
for Māori abused in state or faith-based care

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The name of the report, Te Ara Takatū or The Pathway Free of Harm, is taken from the following Karakia Unuhia:

Unuhia unuhia, unuhia te urutapu nui a Tane.
Kia wātea, kia māmā, te wairua, te ngākau, te tinana i Te Ara Takatū.
Koia rā e Rongo Whakairia ki runga kia wātea.
Ae rā kua wātea.

The organisation of the wānanga on which this report is based was led by Dr Claire Charters, Director of Auckland Faculty of Law's Te Puna Rangahau o te Puna Waiariki | Aotearoa Centre for Indigenous Peoples and the Law, and Dr Fleur Te Aho with Claire Mason and Mary-Anne Smith. The wānanga was hosted with funding from Ngā Pae o te Māramatanga and with the support of the Faculty of Law, University of Auckland.

The report on the wānanga was compiled by Dr Fleur Te Aho, Eden McCarthy and Kahukiwi Piripi.

Contents

Executive Summary	4
Background to the Wānanga	6
Reframing from Redress to Restoration of Mana	7
Premature to Speak about “Redress”	7
Concerns with Current Process and Responses	8
Ongoing Role of Colonisation and Racism	11
The Nature of the Harm	12
The Impacts of the Harm	14
Lessons from Overseas	15
Ways Forward	16
Emerging Ideas on the Restoration of Mana	19
Closing Reflections	21
Key Recommendations	22

Executive Summary

This report summarises the core themes of the kōrero shared at a wānanga at the University of Auckland in Tāmaki Makaurau on 28 and 29 June 2021. The wānanga was held to discuss a tikanga Māori based approach to redress for Māori abused in state or faith-based care in order to inform the mahi of the Royal Commission of Inquiry into historical abuse in state care and in the care of faith-based institutions (the Royal Commission).

The wānanga participants:

1. Called for the reframing of the discussion from a “redress scheme” for Māori abused in state or faith-based care to the “restoration of the mana” of ngā mōrehu/Māori survivors, their whānau, hapū, iwi and/or hāpori.¹
2. Identified that it was premature to speak about redress (or the restoration of mana) as the Royal Commission’s truth gathering process has not been appropriate, culturally relevant, fostered mōrehu safety or empowered mōrehu and their whānau. Instead, the current process has retraumatised many mōrehu.
3. Recognised that it was not possible to understand the nature of the harms suffered by mōrehu and their whānau, and their impacts, without acknowledging the ongoing role of colonisation and racism in Aotearoa New Zealand.
4. Acknowledged that the harm experienced by ngā mōrehu Māori and their whānau is profound, multigenerational, and has been experienced both at the individual and collective level. One of the most devastating harms experienced is the cumulative alienation from their Māori identity, culture, and communities.
5. Recognised that many of the experiences of mōrehu and their whānau here in Aotearoa mirror those of our Indigenous whanaunga in Canada and Australia.
6. As a way forward, called for the honouring of te Tiriti o Waitangi through:
 - a. a reset within the Royal Commission such that it is survivor/mōrehu-led and the stories and whakaaro of Māori survivors and their whānau are gathered in a tika, Kaupapa Māori and trauma informed way out in local communities. If the Royal Commission will not do this, then Māori will do this mahi ourselves.
 - b. establishment of a ngā mōrehu Māori-led and focused independent Māori taskforce to develop a separate “redress scheme” for Māori. Or, as we have framed it, to develop a tikanga Māori based approach to the restoration of the mana of ngā mōrehu Māori, their whānau, hapū, iwi and/or hāpori. If the Royal

¹ We use the terms “ngā mōrehu” and “Māori survivors” jointly or interchangeably in this report. We acknowledge that not all who have experienced abuse in care choose to describe themselves using these terms.

Commission or the state will not establish and fund an independent taskforce,
Māori will establish the taskforce.

7. Offered some emerging ideas on what the restoration of the mana of ngā mōrehu/Māori survivors, their whānau, hapū, iwi and/or hapori should look like.

Background to the Wānanga

Purpose of the wānanga

On 28-29 June 2021 Auckland Law School's Te Puna Rangahau o te Puna Waiariki | Aotearoa Centre for Indigenous Peoples and the Law (the Centre), with funding from Ngā Pae o te Māramatanga, convened a small wānanga of ngā mōrehu Māori abused in care and Māori with professional expertise in areas connected to understanding and responding to that abuse, at the University of Auckland in Tāmaki Makaurau to discuss a tikanga Māori based approach to redress for Māori abused in state or faith-based care.

The wānanga was held to try to conceptualise, from a Te Ao Māori perspective, the nature of the abuse suffered by ngā mōrehu Māori, its impact on those mōrehu, their whānau, hapū, iwi and/or hāpori, and appropriate redress approaches and options, conscious of concerns regarding the Royal Commission's engagement with Māori survivors and their whānau to date. The hope was that the kōrero from the wānanga would influence the mahi of the Royal Commission, which was seeking submissions from the public on redress for those abused in care at the time.

The wānanga was independent from the Royal Commission's inquiry, although members of the Royal Commission attended the wānanga.

This report summarises the core themes of the kōrero shared at the wānanga and has been prepared to formally submit to the Royal Commission's record of inquiry.

Wānanga participants

Those participating in the wānanga included Māori survivor experts, whānau members of mōrehu, those working in community organisations to support survivors, current and former social workers, lawyers who represent Māori survivors, those involved in Waitangi Tribunal claims regarding existing state redress processes and Oranga Tamariki practices, a clinical psychologist, those with lived experience of incarceration, a former policy advisor and academics from various disciplines, including Indigenous Studies, Indigenous justice and criminology. A number of the participants wore more than one of these "hats". One Māori survivor currently in prison contributed their reflections, in confidence, following the wānanga. We were also joined by expert Indigenous whanaunga from Australia and Canada via Zoom to hear about their experiences of abuse in care inquiries and redress schemes: Chief Wilton Littlechild, Commissioner, Truth and Reconciliation Commission of Canada; Ry Moran, Associate University Librarian – Reconciliation, The University of Victoria Libraries, and founding director of the National Centre for Truth and Reconciliation at the University of Manitoba in Canada; and Fiona Cornforth, CEO of the Healing Foundation, Australia.

Commissioners Dr Anaru Erueti and Julia Steenson from the Royal Commission joined the discussions on the first day of the wānanga, with members of the Royal Commission's investigations team attending both days.

Reframing from Redress to Restoration of Mana

Rather than speaking about a tikanga Māori based approach to *redress* for Māori abused in state or faith-based care and their whānau, hapū and iwi, the conversation should be reframed as one concerning what is necessary to *restore the mana* of Māori taken and abused in state or faith-based care and their whānau, hapū, iwi and/or hapori. The “restoration of mana” reflects the greater breadth and depth of individual and collective healing required than the more narrow and Eurocentric term “redress”. The mahi must be Māori survivor/mōrehu-led, with the survivors and their whānau placed at the centre. Māori survivors are the ones who will determine what restoration of their mana means, how it is to happen and what is involved to assist in holding the space for that to occur. Attention must also be given to what is necessary to restore the mana of hapū, iwi and/or hapori of those taken and abused in care. We include hapori in recognition of the fact that some mōrehu/survivors will not identify with hapū and iwi.

Premature to Speak about “Redress”

It is premature for the Royal Commission to consider the “redress” to be provided to Māori or, as we have reframed it, the restoration of the mana of Māori taken and abused in state or faith-based care and their whānau, as well as their hapū and iwi and/or hapori.

The process that the Royal Commission has followed to gather the truth regarding the nature and impact of the harms suffered by mōrehu and their whānau, hapū, iwi and/or hapori has not been culturally relevant for Māori or trauma-informed. The process needs to be one that empowers Māori survivors and their whānau, assisting them to feel safer in the sharing of their stories, heard and validated. At present, the process has been one that is culturally relevant and empowering for the state. Māori understandings of patu ngākau/trauma-informed care must be used.

The process that has been followed to date will not enable the Royal Commission to reach tika conclusions on the “redress” or restoration of mana necessary for Māori survivors and their whānau, hapū, iwi and/or hapori. The process has not been survivor-led, let alone Māori survivor-led. The Royal Commission needs to hear loud and clear that survivors, including ngā mōrehu Māori must lead every aspect of the pathway forward and should be front and centre in every discussion, roundtable and consultation, as well as in consultative roles within the Royal Commission. Large numbers of Māori survivors are disengaged from the Royal Commission process. They face institutional impediments in accessing their records. Many say the process lacks trauma-informed support and care, including from a Te Ao Māori perspective. Consequently, their experiences are humiliating and re-traumatising. The whānau of Māori survivors have also not played a prominent role in the Royal Commission process. Most of the wānanga participants felt that the healing journey cannot begin when only half the story has been heard, while others were concerned about further time and resources being wasted. We expand on these and other concerns with the current process and responses below.

Concerns with Current Process and Responses

Royal Commission process is not culturally relevant for Māori

The Royal Commission process is not culturally relevant, safe and mana enhancing for Māori survivors/mōrehu and their whānau:

- It is framed and operates within state law rather than tikanga or an adequate balance between the two.
- The process does not reflect the guarantees made in te Tiriti o Waitangi.
- Te Ao Māori perspectives are not appropriately valued, respected or applied.
- The process is state focused, not whānau focused.
- There is a lack of appropriate manaaki for Māori survivors/mōrehu and their whānau. For example, there is an absence of care and support, no adequate kai is provided for survivors/mōrehu and their whānau at public hearings. The costs of kai, drink and parking near the hearing space provide significant access barriers for survivors/mōrehu and their whānau to engage with the process. The Royal Commission should foster the participation of survivors/mōrehu and their whānau most harmed by the process, including those with limited economic resources.
- Culturally appropriate support is not always available. For example, we heard reports of Māori survivors/mōrehu asking for a Māori investigator, but being sent a non-Māori investigator without understanding of tikanga.
- The public hearing process has not been strong at eliciting Māori concerns, including claims based on te Tiriti o Waitangi.
- Most of the wānanga participants felt that the Royal Commission is not visible enough on marae and in the community. This means that the Royal Commission needs to go out to Māori survivors/mōrehu rather than the other way around in order to ensure Māori survivors/mōrehu can have the security of “home”, wherever home may be for them, and so they can be more readily supported by their whānau and other support networks. Wānanga should be a normal part of the Royal Commission’s mahi. These need to be held in the regions too, not just in urban centres. One wānanga participant felt that such a process would result in more time and resources being wasted and that, instead, the Royal Commission simply needed to listen to survivors/mōrehu better.
- The lack of Māori representation present in the Royal Commission’s consultation with survivors is concerning. While Māori make up a significant portion of survivors/mōrehu, their voices have not been amplified.
- For those engaging with the Royal Commission, its “face” is predominantly Pākehā and institutional.
- The process falls short of a “by Māori for Māori” process that is led by, and centres, Māori survivors/mōrehu.

Ngā mōrehu voices not at forefront

Survivors’ voices, including those of ngā mōrehu Māori, are not being adequately heard or actioned in the Royal Commission process:

- Survivors/mōrehu are absent from leadership and management positions within the Royal Commission. Survivors/mōrehu should have leadership and management positions within the Royal Commission guiding the policy, operations and spending of resources within the Royal Commission.
- Survivors/mōrehu, including Māori survivors/mōrehu, do not have an adequate space to share their experiences and truth within the Royal Commission process.
- Some survivors/mōrehu have been interviewed in locations that are substandard or close to where the survivor/mōrehu was abused.
- A high number of survivors/mōrehu do not feel that their truths and demands are being heard or actioned. For example, participants questioned what the Royal Commission is doing to listen and respond to negative survivor/mōrehu experiences of their engagement with the Royal Commission. They also questioned how and where that feedback is changing the way the Royal Commission engages with survivors/mōrehu. Frustration was expressed that concerns like those detailed in this report could have been avoided if survivors/mōrehu were listened to from the beginning.
- There is a strong perception amongst survivors/mōrehu that private sessions with the commissioners is a way of cherry-picking survivors/mōrehu for public hearings to see if they are good enough to take the stand.
- There are concerns that the Survivor Advisory Group of Experts (SAGE) has not played the role it was intended to play in the work of the Royal Commission and that its establishment caused division amongst survivors. As one mōrehu participant reflected “no organisation or person should have the power to talk on behalf of another unless given their permission. Kei hea te tikanga?”
- Some survivors/mōrehu feel as though they are being used as numbers just to “tick the boxes” in the Royal Commission process, with financial benefit flowing to others, but not to survivors/mōrehu and their whānau as a result.
- In the current process, many survivors – especially Māori survivors/mōrehu – will not share their stories. Some will take their stories to their grave. There needs to be spaces for those who are voiceless and who feel intimidated by the current process to be brought in. The role of whānau and other supports, such as kaiāwhina, will be central to this. State records of time spent in care will also play an important role.
- These shortcomings mean that while it is estimated that over 200,000 survivors/mōrehu were abused, the majority of whom are Māori, to date the Royal Commission has heard from only 700. This falls well below the number of survivors who presented to similar inquiries in Australia and Canada.

Ngā mōrehu put “on trial” and retraumatised

The current Royal Commission process can cause survivors/mōrehu to be retraumatised and to feel as though they are on trial:

- For some survivors/mōrehu the experience of sharing their stories in public hearings has made them feel as though they have to “prove” the abuse and harm they have experienced, as though they are on trial in a court. For example, every survivor/mōrehu who shares their story in a public hearing is asked to swear or affirm that they will tell the

truth, as occurs in the courts. It is the state and faith-based institutions, and not survivors/mōrehu, who should be on trial.

- Some survivors/mōrehu feel disbelieved when they share their stories. We cannot start from a place where doubt is placed on survivors/mōrehu. If healing is to begin, a legalistic and adversarial space is not the way for survivors/mōrehu and their whānau to share their mamea.
- We have heard of instances of survivors/mōrehu being asked to water down the language used to describe the abuse they experienced in their statements in public hearings.
- The current process can cause survivors/mōrehu to be retraumatised and therefore itself can be understood as a form of abuse. Re-living and re-telling their experiences of abuse is not only retraumatising, but also dangerous for survivors/mōrehu and their whānau, who have to pick up the pieces after the hearing. Survivors and their whānau require appropriate ongoing support.

Difficulties accessing records

When survivors/mōrehu attempt to access files or information surrounding their experience of care, this is often met by restrictions, redactions and refusals. Full access to this information is an important part of the healing process. The provision of redacted records where, for example, abusers' names are redacted is humiliating for survivors.

We are also concerned that when ngā mōrehu have requested release of their files the physical files have been sent to an office of Work and Income, rather than to the chosen address of ngā mōrehu (purportedly for fear that the files will be misplaced). This is humiliating for ngā mōrehu, who have been disrespectfully treated when collecting their files from Work and Income and who have had their files misplaced by Work and Income. The practice of using Work and Income offices as a postal address for ngā mōrehu files must cease immediately.

Lack of ongoing support services for ngā mōrehu and their whānau

A major criticism of the process is the lack of ongoing support services available to survivors/mōrehu and their whānau. Survivors/mōrehu have faced barriers when seeking counselling and felt limited in the support provided. Changes are needed within organisations such as ACC.

Insufficient engagement with gang community

We have heard estimates that somewhere between 50-80% of the membership of the Black Power and Mongrel Mob are survivors/mōrehu of state or faith-based care. Most participants emphasised that engagement with the gang community is essential to ensure survivors voices are heard, while another simply emphasised that *all* survivors should be engaged with.

Testimony of those abused while in the youth justice system not heard

It is a significant oversight that the Royal Commission does not hear the testimony of those young people, up to 20 years old, who experienced abuse while in the care of the youth justice system, such as in Borstal and Corrective Training (as opposed to other forms of “state care”). The abuse experienced by young people in Borstal and Corrective Training had profound effects on their adult lives. (It is accepted that the Royal Commission does not focus on abuse experienced by adults within the adult prison system).

Insufficient attention to abuse of Māori by Māori while in care

Most participants felt that there has been insufficient attention given to the abuse of Māori survivors/mōrehu at the hands of other Māori, including so called kaumātua, while in state and faith-based care. Others felt that investigation into these instances of abuse should be by Māori only but were clear that those perpetrators should be exposed and brought to justice.

Existing state redress processes are not mana enhancing

Existing state redress processes are not mana enhancing. They do not follow a tika process. Māori are not coming forward to use those processes as they are not Māori friendly and ngā mōrehu Māori do not want to degrade themselves by going through them for a small amount of money, when money is not what many survivors seek.

Tamariki are still being taken and still suffering harm

Oranga Tamariki is still uplifting Māori tamariki, and a number of those tamariki are being harmed.

Ongoing Role of Colonisation and Racism

It is not possible to understand the nature and impact of the harms suffered by ngā mōrehu Māori and their whānau without acknowledging the ongoing role of colonisation and racism in Aotearoa New Zealand. Those forces help to explain why, collectively, we are in this position. The taking of tamariki from their whānau and their experiences while in care are deeply connected to colonial policies and racist ideology. In the words of one participant “the state knew that they could not change the mindset of Māori, so they went after our most vulnerable tāonga, our tamariki.”

For example, the whakapapa of Māori experiences of state care can be traced back to the impact of assimilationist policies and colonial frameworks developed in the British House of Commons Select Committee on Aborigines, which was established in England in 1837, and which were applied throughout the Commonwealth. Its ripple effects were seen, for example, in the Native Schools Act 1867, which assumed the superiority of European culture and was geared at assimilating Māori tamariki into Pākehā society. In doing so, it carried with it the idea that it was necessary to separate Māori tamariki from their culture - from Te Ao Māori and tikanga Māori - and their language. That mentality has carried its way forward into the state care system. These formal policies of cultural assimilation, including the suppressing of

te reo Māori and tikanga, caused significant cultural alienation. The schooling system's goal, to teach Māori boys to become labourers and Māori girls to be household help, reinforced the alienation and humiliation of whānau Māori and their children. With whānau Māori, Māori parents and their communities being seen as communistic, evil and dirty.

Colonisation also brought different parenting and “care” practices to Aotearoa. Violence towards children is not a traditional part of Māori culture. But Victorian concepts of childrearing, embodied in proverbs and scripture such as proverbs 13:24 “spare the rod and spoil the child”, were sanctioned in schools and care facilities. Further, the dramatic urban shift in the Māori population, and its pressures, contributed to the breakdown of whānau support systems and social structures.

We note that at the beginning of the 1900s, the rate of Māori suicide and incarceration was lower for Māori than Pākehā. But that by the 1900s Māori were impoverished as whānau lived on increasingly small pockets of ever more marginalised lands. As well as impoverishing Māori by undermining the Māori economy, the taking of Māori land undermined Māori leadership, hapū and whānau structures. The movement of Māori into urban centres after World War 2 to escape that impoverishment led to increased experiences of racism and alienation. This set in place an undercurrent that within two generations would see Māori incarceration and suicide surpass that of Pākehā in the 1980s/1990s. At every point the Crown's response to the problems caused by its racist, colonial and assimilationist policies was to direct more of those policies towards Māori, with state care being one key destructive mechanism upon Māori tamariki and their whānau.

The Nature of the Harm

The harm experienced by Māori survivors/mōrehu and their whānau is profound, multigenerational, and has been experienced both at the individual and collective level. In fact, the word “harm” does not come close to capturing the true nature of the violence experienced. Nor does the word “harm” appropriately capture Māori understandings of mamae ngākau. Those understandings must be at the forefront.

Māori survivors/mōrehu described their mana as having been trampled on and disrespected. The abuse and degradation Māori survivors/mōrehu suffered included being separated from whānau and stripped of their cultural identity, rape and sexual abuse, physical abuse, racial abuse, emotional abuse, including being told as tamariki that they had been abandoned: that “no one wanted us, our whānau were useless”, and neglect, including their education ending when they went into care. For some whānau, whānau members were taken into care and never seen again, including because those whānau members died while in care and were not returned home.

We briefly expand on the cultural, cumulative and intergenerational dimensions of the harms experienced by Māori survivors/mōrehu and their whānau, as well as the deaths of those while in care who were not returned home, below.

Cultural alienation as an act of violence

One of the most devastating and violent harms experienced by ngā mōrehu Māori taken into care has been their disconnection from their cultural identity: their whānau, whakapapa, mātauranga, reo and whenua. Cultural alienation takes an immense toll on one's wairua. One participant quoted the words of Marcus Garvey: "A people without knowledge of their past history, origin and culture is like a tree without roots", not grounded. This disconnection harms the whānau, mātauranga, reo and whenua too. It is a breach of the guarantees made in te Tiriti o Waitangi.

This violence does not end when the time in care ends. Many ngā mōrehu Māori have been unable to reconnect, or rebuild relationships, with whānau members or to reconnect with their cultural identity. In this way, many whānau remain torn apart.

For some mōrehu who were abused by other Māori while in care it has caused them to completely disown their Māori identity.

The violence continues with current Oranga Tamariki practices where tamariki are uplifted and placed into care outside of their whānau, as highlighted by the Waitangi Tribunal's recent findings in its Wai 2915 inquiry, which some participants were involved with.

Cumulative individual harm

The individual harm experienced by survivors is cumulative and, as we have noted, profound. There is general awareness of the impacts of Post-Traumatic Stress Disorder (PTSD), for example, as the result of living through natural disasters or in the case of returned service men and women. In many instances, the effects of those experiences last several years, if not decades, over the lifetime of those individuals. However, in many instances the core traumatic experiences they faced lasted weeks, months or, in the case of those serving during wartime, a few years.

In the case of those abused in state or faith-based care, many of the survivors/mōrehu were taken from their families as young children and then abused, tortured, humiliated and alienated from their culture right up until they were 18 years of age. So, for example, a survivor/mōrehu taken at 5 years old and abused until they were 18 years old suffered immediate trauma for 13 years or so. In other words, for many survivors/mōrehu their core traumatic experiences lasted more than a decade.

Given what is known about the experiences of PTSD by veteran adults, we can imagine how traumatising abuse in care was for children, especially for those children who experienced it over such a long span of time. Very many of those young people then went through the Borstal and Corrective Training system, with the trauma they had suffered extending well into their adult life.

Intergenerational trauma

The mamae of the cultural disconnection and other forms of violence experienced by ngā mōrehu Māori has travelled through generations. It has ripple effects not only for ngā mōrehu but their whānau, including their tamariki, hapū, iwi, hapori and the broader community.

It is felt at the collective level. The collective nature of this brutalisation is rarely recognised. Ngā mōrehu described being unable to heal because, for example, their siblings, who are also survivors, remain in pain.

Deaths in care

In some cases, whānau members were taken and died while in care and were not returned home for tangi to take place. We are aware that there are bodies of those taken into care buried in unmarked graves at Tokanui, for example. There are people who can identify these sites.

The Impacts of the Harm

The impacts of the harm have been far-reaching. Ngā mōrehu Māori described spending their life inhabiting their body “in perpetual grief mode” and how the grief of being disconnected never leaves. Ngā mōrehu also described how the trauma of their experiences commonly caused them to experience self-hatred and the inability to feel loved or to express love to others. This has had a ripple effect in their lives and in the lives of their whānau. Some have not been able, or felt worthy, to pursue intimate relationships.

We see the ongoing effects of these harms and the trauma they have caused in statistics on Māori physical and mental health (including tamariki and mokopuna of ngā mōrehu manifesting trauma related health issues); high rates of self-harm and mate whakamomori or suicide; high levels of drug and alcohol addiction; the overrepresentation of Māori in negative socio-economic statistics, including regarding educational achievement and employment; negative family violence statistics and the rates at which tamariki continue to be taken into state care (in some survivors’ whānau three generations of tamariki have been taken into care); and the gross overrepresentation of Māori in the criminal justice system, including in rates of incarceration.

Ngā mōrehu Māori described how difficult it was to break these cycles and learned patterns of abuse. But celebrated their resilience and examples, including within their own whānau, of these cycles being broken. For some survivors they were able to begin their journey of reconnection to Te Ao Māori while in prison, for example, or to pursue their education as adults.

One mōrehu quoted a tongi or saying of Tāwhiao, the second Māori king, that spoke to this resilience. It describes rebuilding his whare using more humble, lesser known, trees:

*Māku anō e hanga tōku nei whare.
Ko te tāhuhu he hīnau ko ngā pou pou he māhoe, patatē.
I will rebuild my house, the ridge will be Hīnau, the posts, Māhoe and Pātētē*

This tongi of Tāwhiao has an interesting history. After 20 years in exile as a result of the Waikato invasion in 1863, the Waikato people came back to their confiscated lands only to find their sacred sites desecrated. The Waikato people knew King Tāwhiao to be a visionary man, so in despair reached out to him seeking guidance. In a vision he saw a revolutionary means for rebuilding a whare. Wharenuī are usually built from a rangatira tree such as Totara or Kauri. However, Hīnau, Māhoe and Patatē are wiry trees commonly found in the forest. The difference between the rangatira tree and the common tree, is that the common tree due to its wiry and flexible nature is more resilient when pressure is applied. It is capable of being interpreted as suggesting that the Māori world will be rebuilt by the power of the common people, who are more resilient, flexible, pliable and adaptable.

Lessons from Overseas

Our Indigenous whanaunga from Australia and Canada generously shared their experiences of abuse in care inquiries and redress schemes via Zoom at the wānanga. Many of the experiences of ngā mōrehu Māori and their whānau here in Aotearoa mirror those of our Indigenous whanaunga in Canada and Australia. Legislation such as the Aborigines Acts, which paved the way for the Stolen Generations in Australia, and the Indian Acts, which led to the establishment of residential schools in Canada and the USA where thousands of Indigenous children have gone missing, coincided with legislation in Aotearoa New Zealand that contributed to the taking of Māori tamariki into care, including the Neglected and Criminal Children Act 1867 and the Native Schools Act 1867. These Acts were created by the British House of Commons Select Committee on Aborigines as justification for the removal of Indigenous children across the Commonwealth.

It is not possible to capture the depth and richness of the insights our Indigenous whanaunga from Australia and Canada offered here. Instead, we simply highlight some of our core learnings from that kōrero, which included that:

- Truth and reconciliation are a long journey, if they are to enable healing. Whatever abuse in care inquiries and redress schemes are established, they are the beginning not the end for survivors and their whānau. In Canada, years after the end of their Truth and Reconciliation Commission, they are still relatively early in their overall understanding of the truth of what happened in residential schools. The recent discovery of mass unmarked graves on the sites of former residential schools there bears witness to this. The truth uncovered through these processes should be part of school curricula.
- Until the mahi is done we cannot begin to know the truth. The scale and scope of the harm and atrocity that was uncovered during the time of the Canadian commission far surpassed the level of knowledge present at the time settlement was started. Once the stories are gathered, they must then be taken and shaped into what reconciliation means, what it looks like for us here.

- The process for truth telling and “redress” here in Aotearoa must be culturally relevant and driven by Te Ao Māori values and perspectives from its heart. A single generic redress scheme for all abused in care, Māori and non-Māori, will not provide this. These values must be embedded from the start. In Australia, the national scheme responding to sexual abuse in care was not based on Indigenous values or perspectives and led to numerous criticisms regarding its ability to provide for Indigenous survivors.
- Survivors/mōrehu need to be centred, and to have control to make their own choices. The whānau of survivors/mōrehu must be heard, alongside survivors. They have also experienced harm.
- It is important to ensure high levels of consent from participants throughout the inquiry process.
- Attention must be paid to the stories and experiences of those who were taken into care and never returned home, including those who died while in care, and to the whānau who were left behind.
- Support for Indigenous survivor/mōrehu communities and their whānau needs to be delivered in a culturally grounded, trauma aware and healing informed way. This is very hard to deliver in the face of systemic racism and the trauma colonisation, including where structures are set up without Indigenous peoples in mind. Unless the trauma is addressed there is a significant risk survivors/mōrehu will not be given an opportunity to heal.
- Survivors/mōrehu should not have to prove their experience. It is dangerous to rely on written records as the sole arbiter of truth. Written records are extremely patchy, very hard fought for and difficult to obtain. Even where states may technically comply with their obligations to produce records, they can still fall well short of their ethical obligations to share records in an orientation of openness and transparency.
- For many survivors being taken into care was a cultural assault: an assault on our languages, and on our communities. While some survivors/mōrehu have begun their individual healing journeys, many Indigenous communities are still reeling. Healing is needed not only for individuals and whānau, but it is also needed for communities.
- Networks of champions can be built to promote messages of strength and empowerment within our communities.
- Money is only one small element of the “redress” required. Some survivors have rejected financial compensation as “blood money”. “Redress” or the restoration of mana must respond to cultural disconnection. For some, “redress” requires return of their language. The importance of the role of reconnection to culture and language in healing cannot be emphasised enough. Survivors who have passed away must also be recognised.

Ways Forward

A reset within the Royal Commission

A reset (although some of us struggled with this language) is necessary within the Royal Commission. The Royal Commission needs to embrace Māori-centred processes and make available lived experience positions, including for ngā mōrehu Māori, at every level of the

operation of the Royal Commission. The participants called for the Māori commissioners on the Royal Commission to advocate for these changes from within.

The Royal Commission needs to gather the stories and whakaaro of ngā mōrehu Māori and their whānau in a tika way that is culturally relevant for Māori, safe and that empowers ngā mōrehu and their whānau. Māori understandings of patu ngākau/trauma-informed care must be used. Ngā mōrehu Māori must lead and be at the forefront, but whānau, hapū, iwi and/or hapori are integral to the process in recognition of the collective and intergenerational dimensions of the harms experienced. Values such as aroha, manaaki and atawhai should guide the process. The process should be a kaupapa Māori, tikanga-based and te Tiriti o Waitangi-centred approach.

This would involve the Royal Commission engaging members of the local community to visit marae and other community spaces, to kōrero with ngā mōrehu Māori and their whānau, hapū, iwi and/or hapori. Opportunities for sharing stories and whakaaro should be flexible, depending on survivor preferences and need. There should be wāhine spaces and tāne spaces to kōrero, as well as spaces for all to come together, if survivors wish. Those with strong established connections with ngā mōrehu Māori communities and their whānau should be brought in to help gather the stories and whakaaro of ngā mōrehu and their whānau. This could include, for example, survivor groups and survivor support services already established in the region, as well as hapū. Care is needed in who is brought in, as it was identified that some Māori service providers have been part of the harm. The focus would be on engaging with ngā mōrehu Māori and their whānau, hapū, iwi and/or hapori at the local level, through Māori with local on the ground knowledge of those communities. It would help increase the level of engagement of ngā mōrehu Māori communities and their whānau, hapū, iwi and/or hapori with the mahi that the Royal Commission is undertaking. In turn, it would mean better informed understandings of the harms experienced by ngā mōrehu and their whānau, hapū, iwi and/or hapori as a result of being taken into care and a better understanding of the tikanga-informed responses necessary to help heal those harms.

This process needs to happen before a view can be provided on what a tikanga-informed response to those harms should be.

A by Māori for Maori parallel process

If the Royal Commission will not do this, then Māori will do this mahi ourselves, independent of the Royal Commission. We will gather the stories and whakaaro and produce our own report on the harms suffered by ngā mōrehu Māori and their whānau, hapū, iwi and/or hapori as well as on appropriate ways to restore their mana. We understand the New Zealand Collective of Abused in State Care Charitable Trust, a collective of survivors, is committed to carry out similar mahi for survivors/mōrehu abused in state care.

Some participants favoured initiating a “by Māori for Māori” process now, rather than waiting to see if any “reset” by the Royal Commission is sufficient, as an expression of our tino rangatiratanga and mana motuhake.

Establishment of an independent ngā mōrehu Māori-led and focused Māori taskforce on “redress”

There was support for the establishment of a ngā mōrehu Māori-led and focused independent Māori taskforce on “redress” or, as we have reframed it, the restoration of mana for ngā mōrehu Māori and their whānau, hapū, iwi and/or hapori. An interim name for the taskforce could be: Ngā Mōrehu – The National Māori Survivor Taskforce – Abuse in State and Faith-Based Care. An independent taskforce reflects wānanga participants support for a separate “redress scheme” for Māori, in recognition of the guarantees made in te Tiriti o Waitangi and the rights affirmed in the United Nations Declaration on the Rights of Indigenous Peoples. It also reflects the particular nature of the collective, intergenerational harms experienced by Māori and their whānau, hapū, iwi and/or hapori, which cannot be understood divorced from the ongoing impacts of colonisation and racism. The “scheme” for Māori should cover harms or abuse in both state and faith-based care.

It was envisaged that the taskforce could develop a Tiriti framework to give shape to a separate “redress scheme” for Māori. It would need to reflect the guarantee of rangatiratanga in te Tiriti, the Māori-Crown partnership, the impacts of colonisation and racism on Māori survivors and their whānau, hapū, iwi and/or hapori and the collective and intergenerational dimensions of the harms experienced.

The taskforce should be established immediately, rather than waiting until the end of the Royal Commission process. Some of the wānanga participants were willing to sit on the taskforce as an interim measure, until a formal appointment process could occur, in order to maintain the momentum built at the wānanga. The interim members could design an appointment process for permanent members to the taskforce and terms of reference for the taskforce.

It must be independent. The taskforce should be funded by the Royal Commission or the state, but this funding must not affect the independence of the taskforce and its ability to be a critical voice.

If the Royal Commission or the state will not establish and fund an independent taskforce, Māori will establish the taskforce ourselves. A Māori established and funded taskforce on “redress” could be combined with a by Māori, for Māori tika process of gathering the stories and whakaaro of Māori survivors and their whānau.

Again, we acknowledge the important continuing mahi of the New Zealand Collective of Abused in State Care Charitable Trust in this space.

Emerging Ideas on the Restoration of Mana

While conscious that a full view of the steps needed to restore the mana of ngā mōrehu Māori, their whānau, hapū, iwi and/or hapori would only emerge through the processes outlined above, and that the process must be ngā mōrehu Māori-led, participants offered some emerging ideas on what it should include.

Addressing structural barriers, including a national plan of action against racism

There is a need for system-wide change, from the constitutional level down to the local level, to address the structural barriers (including the ongoing role of colonisation and racism) that compound the trauma experienced by ngā mōrehu Māori and their whānau, hapū, iwi and/or hapori.

We are disappointed that the first two recommendations in *Puao-Te-Ata-Tu* (1988), regarding addressing all forms of cultural racism, deprivation and alienation experienced by Māori, have not been implemented and that those issues still persist today. Those barriers must be addressed in order to restore the mana of survivors, their whānau, hapū, iwi and/or hapori.

As part of these efforts, a national plan of action against racism must be developed and implemented. Addressing racism is a core dimension of responding to the harms and structural barriers experienced by ngā mōrehu Māori, their whānau, hapū, iwi and/or hapori and helping to ensure that future generations do not have the same experiences.

Apology

Most participants felt that ngā mōrehu Māori and their whānau, hapū, iwi and/or hapori should receive an apology recognising that the abuse and harms happened. But one mōrehu-participant identified that for a number of mōrehu an apology is worthless. As another participant reflected, “should we forgive those who have not asked to be forgiven? The institutions who have done the harm are not asking to be forgiven.”

Not one more tamariki being taken into care

For many ngā mōrehu Māori and their whānau, their core wish is that future generations do not experience what they did. We know that it is still happening today. Our own communities and whānau should be supported to keep tamariki in our care. This must include changing the way we respond to whānau members who have, at-home, harmed their own tamariki and rangatahi. A wholistic approach to whānau recovery and healing that is attentive to the collective needs of whānau is required, one that is not simply focused on funnelling whānau perpetrators into the criminal justice system. Whānau must be supported and given space to wānanga their own solutions. Māori survivors of abuse in those whānau must be supported in what they want to see happen to their whānau members who have done the harming.

Monetary compensation

It is not possible to financially compensate for the trauma and the mamae that ngā mōrehu Māori and their whānau, hapū, iwi and/or hapori live with. But monetary compensation should be provided. Its importance was emphasised by ngā mōrehu Māori. It needs to be manifestly just, as assessed by survivors/mōrehu and their whānau not the state. Monetary compensation should deliver equitable outcomes for ngā mōrehu Māori and their whānau, in recognition of the guarantees made in te Tiriti o Waitangi, the intergenerational dimensions of the harms experienced and the ongoing impacts of colonisation and racism, which have seen Māori disenfranchised from their social, cultural and economic assets. There should be a legacy component for the whānau of survivors who have passed away.

Some thought that the two Māori commissioners on the Royal Commission should be empowered to oversee the payment of interim financial compensation to ngā mōrehu Māori and their whānau, now. Payments should not distinguish between those abused in state or faith-based care. It was suggested that a policy change be obtained that would see funds that would have otherwise been directed to ACC directed to a fund managed by the two Māori Commissioners for this purpose. There was a strong view that iwi leaders and tribal authorities should not manage the distribution of this compensation. Others emphasised that the two Māori commissioners must work alongside ngā mōrehu to oversee this mahi.

Reconnection to whānau, whakapapa, mātauranga, reo and whenua

Ngā mōrehu Māori and their whānau need to be supported to reconnect with their whānau, whakapapa, mātauranga, reo and whenua. Ngā mōrehu must lead this process.

Culturally relevant, trauma aware and healing informed support

Support for ngā mōrehu Māori and their whānau needs to be delivered in a culturally relevant, trauma aware and healing informed way. Māori understandings of patu ngākau/trauma-informed care must be used. Healing is a lifelong process. The healing process could take generations when we consider how many generations have been harmed.

Te Ao Māori healing practices should be made available, such as romiromi and purea. There are existing healing models within our communities that we can draw upon too, such as Dr Rawiri Waretini-Karena's He Kakano Ahau program for responding to Māori experiences of historical intergenerational trauma and Te Rākau O Te Ora, an aftercare model developed by the New Zealand Collective of Abused in State Care Charitable Trust.

Support should be ongoing and easy to access for survivors and their whānau. Ngā mōrehu Māori and their whānau should be able to access as many counselling sessions as they require, for example. All Māori survivors and their whānau should be able to access counselling through ACC.

Healing at a collective level is required. Actions should be taken to tautoko whānau and provide tools for healing at this level.

Ngā mōrehu Māori rangatiratanga over their records and whakapapa

Survivors should be provided with full records of what happened to them and their whānau. Ngā mōrehu Māori and their whānau should have their whakapapa returned to them. It should not be held, and weaponised, by state departments.

The practice of using Work and Income offices as a postal address when ngā mōrehu request release of their files must cease immediately. When ngā mōrehu request files they should be sent by registered mail to their chosen address.

Full information on those who died in care

Full information on those who died in care and were not returned to their whānau is required, including who they are and where they are buried.

Further truth sharing

There need to be further opportunities for survivors/mōrehu and their whānau, hapū, iwi and/or hapori to share their stories with the nation. We understand that the New Zealand Collective of Abused in State Care Charitable Trust have been working on such a process.

Closing Reflections

We close this report with a quote from one of the mōrehu whose profound reflections on the words he was left with at the close of the wānanga spoke to us all:

*“Assimilation, colonisation, separation, legislation, traumatisation.
Restoration, decolonisation, protection, reconciliation, conversation.
Reporting, trusting, forgiving, resourcing.
Swearing, healing, wellbeing, needing, addressing, imparting.
Aftercare, experts, relationships, remedy, policy, money, redress, poverty, champions.
Tino rangatiratanga, whakapapa, tikanga, tohu, whare tangata, aroha.”*

On reflection we all seem to be on the same page, although we have our own concepts and ideas around what things look like. The elephant in the room is resources. If we adopt the word tikanga, break it in two and turn it around, we get “Nga Tika/its correct”. As long as we do things correctly, we will get things corrected and restored.”

Key Recommendations

1. The discussion be reframed from one of a “redress scheme” for Māori abused in state or faith-based care to the restoration of the mana of ngā mōrehu Māori/survivors, their whānau, hapū, iwi and/or hapori.
2. There be a reset within the Royal Commission such that the stories and whakaaro of ngā mōrehu Māori/survivors and their whānau are gathered in a tika way that is culturally relevant, fosters mōrehu/survivor safety and empowers ngā mōrehu/survivors and their whānau. It must be ngā mōrehu Māori/survivor-led. This will involve engaging with ngā mōrehu/survivors and their whānau, hapū, iwi and/or hapori at the local level, including visiting marae and other community spaces. *If the Royal Commission will not do this, then Māori will do this mahi ourselves.*
3. A mōrehu Māori/survivor-led and focused independent Māori taskforce be established to develop a separate “redress scheme” for Māori. Or, as we have framed it, to develop a tikanga Māori based approach to the restoration of the mana of ngā mōrehu Māori/survivors, their whānau, hapū, iwi and/or hapori. *If the Royal Commission or the state will not establish and fund an independent taskforce, Māori will establish the taskforce ourselves.*
4. The restoration of the mana of ngā mōrehu Māori/survivors, their whānau, hapū, iwi and/or hapori should include: addressing structural barriers, including a national plan of action against racism; an apology; not one more tamariki being taken into care; monetary compensation; reconnection to whānau, whakapapa, mātauranga, reo and whenua for ngā mōrehu Māori/survivors and their whānau; ongoing support delivered in a culturally relevant, trauma aware and healing informed way; mōrehu Māori/survivor rangatiratanga over their records and whakapapa; full information being shared on those who died in care and who were not returned to their whānau; and further opportunities for truth sharing with the nation.