



NCIWR's submission on the Principles of the Treaty of Waitangi Bill

The National Collective of Independent Women's Refuges Ngā Whare Whakaruruhau o Aotearoa (NCIWR) is the largest family violence organisation in Aotearoa. We are a non-governmental organisation and have delivered services to women, children, families, and whānau affected by family violence for over 50 years. We represent both victims of family violence, specifically wāhine and tamariki who are the primary groups subjected to and impacted by family violence, and our 41 affiliated Women's Refuges who provide support and advocacy for our clients.

NCIWR are committed to upholding our obligations under te Tiriti o Waitangi.

- **NCIWR strongly and adamantly opposes the Principles of the Treaty of Waitangi Bill.**
- **NCIWR recommends that the bill be abandoned immediately.**
- **NCIWR recommends that the Government commit to rectifying the harm the bill has caused.**

Ongoing colonisation:

Colonisation - "The action or process of settling among and establishing control over the indigenous people of an area."¹

- Negotiating and bargaining with the sovereign rights of Māori is colonisation.
- Removing tino rangatiratanga and with it the distinct legal status of Māori as the indigenous people of Aotearoa is colonisation.
- Not consulting with tangata whenua, as one of the two partners in the Treaty, is colonisation.

The Government has, in supporting the bill thus far, communicated a lack of intention by the Crown to uphold New Zealand's framework of governance, positioning itself as an unwilling, inequitable, and unjust treaty partner. This positioning is dangerous, offensive, divisive, and unnecessary, and represents a threat to the fabric of New Zealand's democracy.

Colonisation and family violence:

Colonisation, ongoing colonial violence, and gender inequality (which is also a byproduct of colonisation) are evidenced as being key drivers of family violence in Aotearoa. Colonisation is not just historic, it is ongoing: it is embedded into, and fostered by, the institutions, systems, and social fabric of Aotearoa.²

¹ Oxford University Press. (2024, September). Colonisation. In Oxford English dictionary. Retrieved Date November 28, 2024.

² Pihama, L., Smith, L.T., Simmonds, S., Raumati, N., Smith, C.W., Cassidy, B., Te Nana, R. & Sio, B. (2023). *He Waka Eke Noa: Māori Cultural Frameworks for Violence Prevention and Intervention*. Taranaki: Tū Tama Wahine o Taranaki



Māori are principally and disproportionately harmed by colonisation in Aotearoa. When whole groups are treated as lesser, our society puts members of those groups at high risk of mistreatment by others. While anyone can experience and be victimised by family violence, it has the most severe and long-lasting impacts on those whose social and structural power is already undermined by systemic inequalities that position certain groups as less worthy, less included, and less protected, for example wāhine and tamariki Māori.³

It is therefore a primary driver of family violence, including violence against partners and children. In addition, the impacts of this victimisation are also unequally distributed, as wāhine and tamariki Māori can often be entrapped and harmed by both family violence and ongoing state violence. Each of these forms of violence then reinforce the harms of the other.⁴

Opposition to specific provisions in the Bill

We are opposed to the bill as it seeks to remove tino rangatiratanga and with it the distinct legal status of Māori as the indigenous people of Aotearoa.

The proposed principles do not resemble the articles of The Treaty of Waitangi and therefore do not reflect a credible interpretation of them. The bill does not just restate the original principles of the Treaty, it distorts them and replaces them with a fraudulent and lesser imitation. The corresponding Crown obligations as a Treaty partner would then become correspondingly lesser, enabling their acceptance of procedural equality rather than substantive or realised equality. This does not align with the intention of the Treaty. If the Bill is given credence and passed into law, the Crown would be failing to uphold its fundamental obligations as a Treaty partner.

Impact on Women's Refuge and victims of family violence:

Victims of family violence already face immense challenges associated with access to safe and responsive justice outcomes. Our intimate partner homicide statistics and child abuse death statistics attest to these challenges and the already-tenuous access to safety that is on offer to those whose lives are at the greatest risk.

What safety is possible is largely determined by the responsiveness and equity texturing the institutional and organisational climate in which victims seek help. At present, wāhine Māori and tamariki Māori are particularly under-served and ineffectively served by law enforcement, justice, and health systems. They are therefore more likely to be killed in circumstances that are wholly preventable.

The proposed changes set out in this Bill will amplify these inequities and, by extension, this risk to Māori women and children, leading to further family violence victimisation and health consequences that are both amplified and prolonged. Given that family violence is the leading cause of disease burden for women of reproductive age, the associated costs to the State are immense. The personal costs to victims are, of course, even greater.

³ Hoeata, C., Nikora, L. W., & Li, W. (2011). Māori women and intimate partner violence: Some sociocultural influences. *MAI Review*, 3, 1-12. <https://researchcommons.waikato.ac.nz/handle/10289/6041>

⁴ Pihama, L., Cameron, N., & Te Nana, R. (2019). *Historical Trauma and whānau violence, Issues Paper 15*. New Zealand Family Violence Clearinghouse. <https://nzfvc.org.nz/issues-paper15-historical-trauma>

Wilson, D. (2023). *Violence within whānau and mahi tūkino – A litany of sound revisited*. Te Pūkotahitanga – Tangata Whenua Advisory Group for the Minister of the Prevention of Family Violence and Sexual Violence: Wellington, New Zealand.



Our workforce is familiar with and enmeshed within these conditions of inequality and the injustice that it creates. Witnessing it with regularity takes a toll; even more so when opportunities for Government to change these conditions are instead used to further embed inequities and exacerbate the risk, harm, and hardship that our clients will be subjected to. Every preventable death of a wāhine or tamaiti Māori illustrates the impacts of governmental disregard (such as that illustrated by this bill) further and represents an unquantifiable and unacceptable loss.

The bill is divisive. Aside from the disillusionment it brings, it is also causing organisations like ours to deploy our (limited and valuable) time and resources to oppose it – which is imperative in order to best uphold the wellbeing, mana, dignity, and human rights of our clients and our staff. We will continue to stand against policy that undermines the rights of Māori, violates the essence of the Treaty, and fuels the conditions that give rise to New Zealand's horrific rates of violence against women and children.

Where to from here:

We recommend that the bill be **abandoned immediately**.

The very introduction of this bill undermines years of progress and decades of effort to address the many Crown breaches of the Treaty. The act of introducing it has already cost the nation tremendously. We recommend that effort be made to immediately rectify the harm caused by the introduction of this bill, and that these efforts specifically show the potential of this Government to govern in a way that serves everyone, including (and particularly) tangata whenua. The right to govern, established by the Treaty, is predicated on this.

NCIWR values:

The core values of NCIWR include:

- **Tikanga:** Doing things according to our values and cornerstones.
- **Tapu:** The practice of individual and collective protection.
- **Mana:** Upholding empowerment and growth of our people, individually and collectively.