



Chief Victims Advisor
to Government

Research Report

Kaupapa Māori

Resolution

Pathways

Awa Associates

August 2022

CONTENTS

| | |
|--|----|
| ACKNOWLEDGEMENTS | 3 |
| GLOSSARY | 4 |
| EXECUTIVE SUMMARY | 7 |
| INTRODUCTION | 10 |
| Background | 11 |
| Objectives | 14 |
| Methodology | 15 |
| Ethical Considerations | 17 |
| LITERATURE REVIEW | 18 |
| Te Ao Māori: The Māori Worldview | 19 |
| Understanding trauma and well-being | 24 |
| Transitioning from traditional to contemporary | 25 |
| Māori participation in the justice system | 26 |
| Restorative Justice | 28 |
| Kaupapa Māori restorative and alternative resolution pathways | 31 |
| CASE STUDIES | 41 |
| Case Study 1 – Whaingaroa | 42 |
| Case Study 2 - Te Waipounamu | 46 |
| Case Study 3 - Supporting victims and their whānau through Whānau Ora .. | 48 |
| Summary | 51 |
| MEASURING WHAT MATTERS FOR MĀORI | 52 |
| Māori Measures of Success | 52 |
| Key Kaupapa Māori Outcome Areas | 54 |
| CONCLUSION | 57 |
| FUTURE DIRECTIONS FOR GOVERNMENT | 60 |
| REFERENCES | 62 |

ACKNOWLEDGEMENTS

The research team (Hector Kaiwai, Miromiro Kelly, Kirimatao Paipa, Kym Hamilton and Miriama Cribb) would like to acknowledge and thank all those who took time out of their incredibly busy schedules to contribute to and support this project, particularly those who made time to be interviewed.

Special thanks to the following individuals:

- Dr Kim McGregor, Chief Victims Advisor
- Victoria Boston
- Sarah Tapper

Your guidance, wisdom, patience, and support to get this piece of work 'over the line' was invaluable!

Thank you also to the entire research team, it has been an absolute honour and pleasure to work with you all!

Aroha nui ki a koutou!

GLOSSARY

| | |
|---------------------|---|
| aarita or pangia | touch |
| akoako | consultation, respecting others' views |
| aroha | love for self and care and compassion for others |
| āta | growing respectful relationships |
| atua | gods, supernatural beings, demons, spirits |
| awa | river(s) |
| ea | resolved, appear, avenged, restoring balance |
| hakari | breaking bread, feast |
| hapū | sub-tribe |
| hara | offence, transgressions |
| hē | wrong, wrongdoing |
| hohou rongo | negotiating peace, redress, conflict resolution |
| hongī | pressing noses |
| hui | meeting |
| hui whakatika | correctional meetings |
| iwi | tribe, tribal |
| ka awatea | dawning of a new era, new start |
| kai | food |
| kaiārahi | Whānau Ora navigators |
| kaioraora | songs of abuse, songs protecting the mauri |
| kaitahi | eating together, sharing food |
| kaitiaki | guardians |
| kaitiakitanga | guardianship, responsibility for the environment |
| kanohi ki te kanohi | face to face |
| karakia | incantation, prayer |
| kawa | customs, values |
| kāwai tīpuna | ancestral descent |
| kaupapa | Agenda based on the costs and benefits of forgiveness, principle of collective philosophy |
| kaupapa Māori | Māori strategy, theme, philosophy, approach, topic, institution, agenda, or principles |
| kotahitanga | unity |
| kūare | ignorant, unaware |
| mamae | pain |
| mana | prestige, authority, underpinned by rules of precedent |
| manaakitanga | hospitality, kindness, care, respect |
| mana ōrite | power sharing |
| manuwhiri | guests, visitors |
| marae | traditional meeting place, village |
| mātauranga (Māori) | (Māori) knowledge, increase whānau knowledge |
| Maui | demigod |
| maunga | mountain |
| mauri | life force, essence |
| mihi | acknowledgement, tribute |
| moana | lake(s) |
| mokopuna | grandchildren |
| munakore | non-confidentiality |
| murū | ritual compensation |
| ngākau | emotional core of a person |

| | |
|-------------------|---|
| (-whaka) noa | state we operate our daily lives, unrestricted |
| ōranga | holistic and well-being |
| Pākehā | New Zealander of European descent |
| Papatuanuku | Earth mother |
| patu ngākau | strike or assault to heart or source of emotions |
| pēhitanga | oppression |
| pepeha | formulaic tribal expressions |
| pono | acting with integrity and consistency |
| poroporoaki | farewell, take leave |
| pouritanga | darkness, state of deep sadness |
| pukenga | expertise |
| pūkengatanga | teaching, preserving and passing on expert skills and knowledge |
| rangatahi | youth, young person-people |
| rangatira | chief, high rank |
| rangatiratanga | chieftainship, to exercise authority, autonomy, self-determining |
| Ranginui | Sky father |
| rohe | region, area |
| Rongo | God of peace |
| rongo | commitment to restore relationships |
| rongoa | traditional Māori medicine |
| roto | lake(s) |
| rūnanga | tribal board |
| take | source, origin |
| take ahikā | land right by occupation |
| take raupatu | land right obtained by conquest |
| take tupuna | ancestral land right |
| take-utu-ea | issue that requires resolution |
| tamariki | children |
| tāne | men |
| tangata tiriti | people of the Treaty (non-Māori) |
| tangata whenua | Indigenous people(s) |
| tangi | cry, release, mourn |
| taonga | goods, prized possessions |
| taonga tuku iho | principle of cultural aspiration |
| tapu | essence of sanctity, cultural protection, sacredness, set apartness |
| Tauīwi | New Zealand European, European |
| taute | tend to, ponder, consider |
| Tawhirimatea | God of the wind |
| te ao Māori | the Māori worldview |
| te ao mārama | the light, world of light |
| te reo (Māori) | Māori language |
| te taha hinengaro | the psychological aspect |
| te taha tinana | the physical aspect |
| te taha wairua | the spiritual aspect |
| te taha whānau | the family aspect |
| tika | correct or doing the right thing |
| tikanga (Māori) | rule, plan, method, custom, habit, anything normal or usual, reason, meaning, authority, control, |

| | |
|----------------------|---|
| | correct or right, Māori customary values and practices |
| tinorangatiratanga | self-determination |
| tohunga | expert, skilled person, specialist, healer |
| tūpuna | ancestors |
| ūkaipōtanga | knowing your roots |
| utu | exchange, compensation, recompense |
| wāhine | women |
| waiata | singing, song |
| wairua(tanga) | spirit, spirituality |
| wānanga | transmit knowledge, exchange, tribal forum |
| whaikōrero patapātai | enquiry stage |
| whakahoki mauri | recompense, restore balance |
| whakahuihui tangata | calling the meeting |
| whakamā | ashen, feelings of shame |
| whakapapa | genealogical ties, interconnectedness between people, places and events over time |
| whakariterite | make preparations, arrange |
| whakatakotoranga | conflict resolution |
| whakataukī | tribal proverbs |
| whakataunga | determination |
| whakawātea | to clear, be free, remove |
| whakawhanaungatanga | process of establishing relationships |
| whānau | family(ies) |
| Whānau Ora | key cross-government work programme |
| whanaungatanga | relationships |
| whānau pani | grieving family |
| whare tipuna/tupuna | meeting or sacred house |
| whenua | land |

EXECUTIVE SUMMARY

This study was commissioned by the Chief Victims Advisor to provide an analysis of current, past, and potential kaupapa Māori (Māori strategy, theme, philosophy, approach, topic, institution, agenda, or principles) procedures for delivering alternative resolution options for Māori who are victims of crime. Māori are currently overrepresented as victims and as offenders. The Chief Victims Advisor 2019 report *Te Tangi o te Manawanui: Recommendations for Reform*, as part of the Hāpaitia te Oranga Tangata reform programme also highlighted a critical need for services that can better accommodate the needs of Māori who are victims of crime. This includes more targeted investment in promising kaupapa Māori restorative and alternative resolution pathways to better understand and improve existing alternative pathways for Māori.

Kaupapa Māori-based responses and approaches have been recognised to fill the present gap in culturally appropriate support systems and alternatives for Māori. Research conducted over the last twenty years has also demonstrated "the necessity and efficacy" of kaupapa Māori approaches (Were et al., 2019) to areas such as whānau (family) and intimate-partner violence, and the significant role kaupapa and tikanga (rule, plan, method, custom, habit, anything normal or usual, reason, meaning, authority, control, correct or right, Māori customary values and practices) informed approaches and initiatives can play in reducing over-representation of Māori as victims.

As iterated throughout this report, kaupapa Māori is a way of doing and thinking that is based on Māori values, beliefs, and traditions. A kaupapa Māori approach to service delivery is also strength-based, holistic, whānau-centred, and aspirational. This means that solutions are based on and tailored to the unique needs of the individual and their whānau, and seeks to build on their inherent individual and collective strengths and mana (authority, power, prestige). In terms of the victim, a kaupapa Māori approach ensures that they are empowered to make decisions about their own healing and wellbeing, in a way that is 'victim-led'. Kaupapa Māori services also place a strong emphasis on the importance of community and whānau support in the healing process. They acknowledge the impact that crime has not only on the individual, but also on their wider family/whānau, hapū (subtribe), iwi (tribe), and indeed the entire community. This ensures that solutions are embedded in a community context and are more likely to contribute to positive long-term and sustainable intergenerational change.

This research explores relevant Indigenous, and where appropriate, non-Indigenous peer-reviewed research, evaluations, grey literature and government publications from Aotearoa and international jurisdictions on alternative resolution pathways. This research also provides several examples of community initiatives delivering kaupapa and tikanga Māori based services and supports for Māori victims.

Future Directions for Government

1. Deliberately partner with iwi, hapū, whānau, and Māori communities to design and deliver kaupapa Māori responses to crime, including community-based initiatives for restorative justice, and alternative kaupapa Māori processes that will benefit victims, as well as offenders.
2. Adequately fund organisations supporting kaupapa Māori approaches, for example, the Whānau Ora commissioning agencies, the Māori Health Authority and iwi providers so that they can increase their capacity.
3. Increase investment in kaupapa Māori workforce development to enable this approach to be more embedded in the justice sector and their responses.
4. Recognise local tohunga (expert, skilled person, specialist, healer) and pukenga (expertise) as essential in the justice sector including better funding and utilising these resources.
5. Increase accessibility of support services for Māori who are victims by:
 - a. Increasing cultural capability among mainstream support services
 - b. Establishing a properly resourced kaupapa Māori service for Māori victims of crime
 - c. Providing a one-stop-shop for Māori (and potentially all) who are victims of crime, from which they can access the services they need.
6. Promote Māori data sovereignty by supporting Māori to shape how and what data is collected on Māori victimisation as well as on kaupapa Māori services for Māori who are victims of crime, to better understand the impact these have on improving outcomes for Māori.
7. Adopt kaupapa Māori and Whānau Ora principles and tikanga in the development of policy and practice, programme delivery, and research related to the victimisation of Māori as well as non-Māori.
8. Establish a kaupapa Māori restoration and healing expert panel(s) to provide guidance and monitor kaupapa Māori restorative justice investment, initiatives, processes, and practices, including programme design, development, implementation, and delivery, both regionally and nationally.

Key findings from the literature review showed that kaupapa Māori restorative and resolution pathways can be traced back to Māori creation stories, are located in Māori oral histories, traditional stories, and tribal narratives and are imbedded in tikanga Māori; a law of the land which continued to serve the needs of tangata whenua and was extended and integrated into everyday life. Kaupapa Māori restorative and resolution pathways are values-based which do not always easily fit within the existing framework and work better outside of a New Zealand law system. This is not to say that kaupapa Māori solutions cannot be applied.

However, incorporating Māori knowledge must inevitably combine traditional concepts within a contemporary context.

A step in the positive direction came in the form of conferences; both family group and community conferences, however, they also came with a lot of criticism. Much of the literature had difficulty in separating the discussion between victim and offender, with many calling for more ways to engage victims in the process. This dichotomy is further complicated by varying definitions in both the term restorative justice and what qualifies some practice, procedure, or perspective as restorative justice. To support the successful implementation of any kaupapa Māori model or practice, competent staff and the inclusion of Māori values, tikanga and practices in the workplace and delivery of services is paramount. It is important for staff to be culturally competent and the environment must be accommodating of any kaupapa or tikanga Māori too.

The case studies provide some compelling evidence of the efficacy of kaupapa Māori approaches in supporting whānau who have experienced abuse and violence. The findings from this research also point to the need for increased investment in workforce development, data collection and research, and kaupapa Māori services if we are to see real change and improved outcomes for whānau. Practitioners identified that there was a need for wraparound, holistic support for whānau who have been victims of crime, and based on their experience and expertise, this has been shown to be the most effective path. Kaupapa Māori practitioners are essential to this process as they are known in their communities, and have the technical and cultural knowledge, understanding, and experience to work with whānau to co-develop solutions that are meaningful and relevant. Kaupapa Māori practitioners also stated that the justice workforce and providers require cultural knowledge and applied tikanga expertise and that this type of knowledge and skills should be seen as essential for anyone working in the justice sector.

In conclusion, based on the findings of this report, kaupapa Māori approaches provide a culturally safe and responsive way to address Māori crime and victimisation, and an opportunity for Māori to redress ongoing systemic failures and inequities. Kaupapa Māori processes and practices are grounded in te ao Māori (the Māori worldview), tikanga, and whakapapa (genealogy). They are strengths-based, whānau and community-led, and offer a way forward that is culturally grounded and responsive to the needs of Māori victims and their whānau. When led by an experienced practitioner, kaupapa Māori resolution pathways offer a space for unpacking historical trauma, and a way for whānau to connect with their whakapapa, values, and tikanga in a safe and healing environment.

INTRODUCTION

Attention to Māori who have been victims of crime is essential since Māori are over-represented as offenders generally and are more likely to be the victims of serious offenses. According to the New Zealand Ministry of Justice's latest report, *Highly Victimised People*, Māori make up 26 percent of the most highly victimised people, almost twice as high as their proportion of the New Zealand adult population. Calls for better cultural support and the need for more Māori practitioners well-versed in tikanga Māori and values are frequently mentioned by research focusing on the experiences of Māori victims and their interactions with the legal system. In 2019 the Chief Victims Advisor published her report *Te Tangi o te Manawanui: Recommendations for Reform* as part of the Hāpaitia te Oranga Tangata reform programme which also highlighted the need to invest in promising kaupapa Māori restorative and alternative resolution pathways, to better understand and improve existing alternative pathways for Māori.

Kaupapa Māori based responses and approaches have been recognised as a means to fill the present gap in culturally appropriate support and alternatives for Māori (Te Puni Kōkiri, 2010). As highlighted throughout this report, kaupapa Māori approaches can vary depending on the group or community delivering them, can be restorative, transformative (reparative) and/or supportive (supporting), and/or may integrate both formal processes like courts, tribunals, family group conference, therapeutic court, and justice, and tikanga Māori based practices like hohou rongo (i.e., the process of negotiating peace; the expression of peace and form of redress; resolving conflict). These various examples also demonstrate that there is no one way to achieve redress and justice for Māori victims and their whānau. Even the use of the term 'victim' has been highlighted by Māori academics and several commentators as highly 'problematic' as the term emphasises individual experience while kaupapa Māori is distinct in that it aims to build healthy relationships between victim/whānau. This holistic approach may also appear to distract from the needs of the victim; however, an experienced kaupapa Māori practitioner can help victims to understand their individual experiences within the context of whānau and encourage the entire whānau to discuss how best to move forward in a way that is agreed upon by all parties involved. The approach also ensures that the 'forgotten' victims, particularly tamariki (children), are given a voice in the process.

This study begins by discussing the current state of the New Zealand criminal justice system before providing some historical context to help put kaupapa Māori based resolution pathways into a larger context. The literature review then focuses on important principles and concepts of Māori-based resolution pathways, including traditional "tikanga Māori" methods of redress and healing, the consequences of colonisation and intergenerational trauma, Māori participation in the justice sector and restorative justice procedures, and kaupapa Māori-informed models of resolution and intervention. Several kaupapa Māori best practice models that promote whānau engagement, motivate change, and allow for safety, transformation, and healing are also presented. The final two sections explore several measurement tools and frameworks for measuring Māori well-being and how they might be applied within the criminal justice system. It concludes by offering a summary of the findings, as well as recommendations for future research and areas for improvement and development.

Background

Kaupapa Māori providers and specialist Māori practitioners have long argued that policies (Cram et al., 2003; Kruger et al., 2004; Pihama, 1993) are mismatched to the needs and aspirations of Māori. At present, the most common resolution pathway for victims in Aotearoa New Zealand remains criminal prosecution. Aotearoa New Zealand is also the only country that makes it mandatory to consider restorative justice as part of the sentencing process. The voice of the victim is normally only included as part of the court's sentencing process and in preparing a reparation agreement. Furthermore, any admissions from the offender during the restorative justice process generally do not arise because he or she has already been convicted. However, victim specialists have worried that this kind of restorative justice isn't a genuine alternative to the conventional system because it is not victim-led and risks creating a way for offenders to bypass the criminal justice process and the criminal sanctions that come with it.

Community referrals to restorative processes, by contrast to court referrals, arise where the harm caused is being resolved between the parties outside of the criminal justice system and will not probably lead to criminal prosecution. Support agencies or the parties themselves typically make community referrals. A community referral might be made because the victim does not wish to engage with the criminal justice system or to see the offender prosecuted (including because the offender is part of the victim's family). Community referrals have a greater focus on 'victim and family outcomes' – healing the victim, addressing treatment and safety concerns, and restoring family relationships. Community referrals carried out by experienced practitioners can broaden the range of available outcomes, enhance the victim's sense of justice, and can better address other underlying problems (such as mental health conditions and restoring family and whānau connections). Other alternative processes include (but are not limited to): police diversion to Te Pae Oranga panels; the therapeutic court approach; Family Group Conferences in the youth justice system; and restorative justice conferences in the District Court. Again, most of these approaches are offender-focused and not victim-led.

While some of these measures go some way towards meeting the needs of Māori who are victims of crime, several studies have highlighted the inadequacies of the system in effectively addressing Māori offending or victimisation. In analysing the position of Māori in the criminal justice system, Moana Jackson (1987, 1988) in his landmark report *Māori and the Criminal Justice System: He Whaipāanga Hou, A New Perspective* argued that institutional racism pervaded the New Zealand criminal justice system and that a te āo Māori based parallel system would be required to provide justice for Māori. Further studies would also go on to support Jackson's report findings. For example, a 1998 Te Puni Kōkiri/Ministry of Justice study revealed that Māori felt that responses of the criminal justice system were not effectively and appropriately addressing social harm (which included developing culturally appropriate programmes), and in fact, were contributing to the drivers of re-offending and victimisation. Recent research has also revealed that Māori feel a strong sense of disengagement from the system. "They [Māori] see it [the system] as one that has been imposed on them and not one, they would have signed up to when their rangatira signed Te Tiriti o Waitangi in 1840" (Te Uepū Hāpai i te Ora, 2019a, p.13).

In response, the last 20 years have seen the emergence of grassroots kaupapa Māori based supports and services in communities across the country. The key elements of kaupapa Māori-based services and supports are as follows:

- draw on concepts, values, and beliefs that are meaningful for Māori
- ground approaches in Māori language, culture, and worldviews
- employ cultural imperatives such as whakapapa, tikanga, wairua (spirit, spirituality), tapu (essence of sanctity, cultural protection, sacredness, set apartness), mauri (life force, essence), and mana (prestige, authority, underpinned by rules of precedent).

Another key feature of kaupapa Māori based services and supports is the use of "multi-level approaches that acknowledge the importance of whānau, hapū, and iwi, as well as working with individuals". Kaupapa Māori providers, therefore, view perpetrators as part of the whānau, and the whānau-centred approach they provide includes support for perpetrators. This contrasts with conventional, mainstream services which tend to provide support for victims only (Dobbs & Eruera, 2014). At one level, the development of kaupapa Māori based supports and services has played a vital role in improving outcomes for Māori, however, it should be stated that this does not remove the onus from mainstream providers to deliver services that are equally as effective for Māori. Mainstream providers continue to deliver most services to Māori and play a significant role in ensuring Māori have access to appropriate, timely, and effective primary care services. Furthermore, while Māori, like other cultures, are dynamic and varied in terms of their experiences, histories, identities, and relationships, it should not be assumed that a kaupapa Māori approach or program is the 'best fit' simply because someone identifies as Māori (Best Practice Journal, 2008).

Above and beyond the case studies presented in a proceeding section of this report, the research team had an opportunity to speak to a former kaupapa Māori advocate/practitioner for Ka Awatea, and two individuals working with the Tū Pono: Te Mana Kaha o te Whānau initiative. This helped to further shape up and frame this report.

The former kaupapa Māori practitioner was involved with Ka Awatea which was a whānau-centred, and whānau-driven initiative that focused on eliminating violence, improving the lives of women and children, and supporting women to achieve their dreams and aspirations (i.e., moemoea). The name came from Paraire Huata, who heard about the initiative and its work, and bestowed the name 'Ka Awatea' which is a term that signifies the 'dawning of a new era' and a 'new start'.

The practitioner said that they often worked with couples who wanted to stay together. The practitioner went on to say that women in these situations were usually 'going back and forth and 'in and out' of the relationship which may have been an indication that she wasn't ready or did not want to leave the relationship. Children were also usually involved, along with state agencies such as the Police and Oranga Tamariki (Ministry of Children). The practitioner continues that, first and foremost, the safety of the victim and her children is the priority before any thoughts of reconciliation, and that if reconciliation was on the table, the process could only go ahead if the victim agreed! Again, it was important that the needs

of the victim are met first, and that she is given the time and space to make her own decisions about what she wanted for herself and her children. The practitioner further mentions that the response should not be hinged on whether the victim wants the relationship or not? Instead, it should be based on the violence, and in dealing with the violence that took place, that created a risky, harmful situation for her and her tamariki.

If the process got to a stage where reconciliation was being discussed, then an assessment was conducted by the practitioner, either individually or as a couple with the consent of the victim. Couples 'staying together' in situations where violence had occurred posed a number of risks and challenges, including the potential for further violence and /or abuse, and the likelihood of continued emotional and psychological damage to the woman and/or children. In addition, state involvement could sometimes galvanise couples, especially if there were threats of having their children taken away. However again, the focus was always on the needs and aspirations of the victim, and whether she wanted to stay in the relationship or not.

Through the assessment process, the practitioner was able to work with the victim (and partner if appropriate) to wānanga (discuss) the pathway forward. This usually involves identifying their goals, dreams, and aspirations (either individually or collectively). Focusing on the positive helped to keep the attention on strengths rather than weaknesses, that is, rather than focussing on 'what is wrong with you?' the emphasis instead was on 'what is right with you, and how can we work together to move forward?' Once the goals and aspirations were identified, the practitioner then worked with the victim (or couple) to map a pathway to each goal and aspiration. This included identifying the resources and services that were required to achieve these goals and working with the victim and/or couple to access these.

If the partner was included in the process (with the consent of the victim), the practitioner worked with him to ensure that he was 'on board' with the process and committed to change. The couple was also provided with ongoing support to help them through this process. This sometimes included individual counselling, as well as support with practical things such as budgeting or parenting. The practitioner also continued to monitor the progress toward the couple's goals and aspirations. In situations where there may be a 'lack of commitment' from the partner, the practitioner would work with him to identify and eliminate any 'barriers to change'. If the partner continued to show a 'lack of commitment', then the practitioner would work with the victim and partner to revisit their plan and identify other options, such as leaving the relationship or going through the court process. Again, the practitioner emphasised that they were not there to tell the victim (or couple) 'what to do', but rather to facilitate this pathway.

Tū Pono: Te Mana Kaha o te Whānau (Tū Pono) was the second example provided to the research team. Tū Pono is an initiative focused on enabling a stronger Māori response to family violence, by asserting the whānau voice as fundamental to reducing and eliminating harm. It looks to create an ecosystem of safety and support for whānau, by providing integrated whānau-centred services that are safe and accessible. Tū Pono also looks to mobilise communities to attain sovereignty over their wellbeing, lives, and whakapapa, and to make their own decisions and design their own solutions. Collaboration is also key to the Tū Pono

strategy, which involves working with a range of partners to build capacity, and create systemic change, as well as leveraging tauwiwi (non-Māori, mainstream) resources as needed to achieve its goals. Tū Pono also recognises that a skilled and competent workforce is integral to the success of their kaupapa and works to develop this through training and education. Lastly, Tū Pono recognises that investment in primary prevention is crucial to effecting long-term change and works to promote this within communities.

Two individuals who were involved with Tū Pono spoke of their experiences of working with the kaupapa. The first individual worked at the operational and strategic level and described how Tū Pono worked to build relationships with a range of partners, including iwi, health services, and the police, as well as tauwiwi (non-Māori, mainstream) agencies. They also described how Tū Pono worked at multiple levels, including direct service provision, community education and awareness-raising, as well as policy and systems advocacy. The second individual worked mainly with whānau and communities to help them design their own solutions to family violence. Similar to Ka Awatea, this included working with whānau to identify their goals and aspirations, and then mapping a pathway to these. This process also involved identifying the resources and services that would be required to support the whānau in achieving these goals.

Both individuals spoke of the dire need for further investment in kaupapa Māori based and sector-specific qualifications as well as workforce development training, and that this should be led by Māori. They also identified a need for more funding to be available for kaupapa Māori initiatives, as well as the devolution of funding and resources to Māori communities and organisations so they can design and deliver their own services.

Tū Pono and Ka Awatea are just two examples of kaupapa Māori initiatives that are working to address family violence in Aotearoa New Zealand. Further examples are provided both in the literature review and case study sections.

Objectives

The overall objectives of the research include the following:

1. Stocktake and critical analysis of existing, past, and potential kaupapa Māori processes that provide alternative resolution pathways for victims
2. Stocktake and critical analysis of existing Tauwiwi (New Zealand European, European) Aotearoa models of victim-led alternative resolution pathways
3. International environmental scan and review of international literature
4. Stocktake and critical analysis of existing international models of victim-led alternative resolution pathways

Methodology

Kaupapa Māori was used to support the design and mana of this research, and the methods applied within it. In brief, kaupapa Māori is a framework or methodology for thinking about and undertaking research by Māori, with Māori, for the benefit of Māori (Bishop, 1998; Smith 1999). It is a way of understanding and explaining how we know what we know, and it affirms the right of Māori to be Māori (Pihama et al., 2002). The research team comprised members who were all of Māori descent with lived experience of kaupapa Māori practices, extensive experience working in the criminal justice sector and in conducting kaupapa Māori research, and are members of the wider kaupapa Māori research community within Aotearoa New Zealand.

While kaupapa Māori is based on several principles, the following were of relevance to this research:

- **Whānau: The Principle of Extended Family Structure.** The principle of whānau sits at the core of kaupapa Māori. It acknowledges the relationships that Māori have to one another and to the world around them. Whānau, and the process of whakawhanaungatanga (establishing relationships) are key elements of Māori society and culture. This principle acknowledges the responsibility and obligations of the evaluator to nurture these relationships and the intrinsic connection between the researcher, those researched, and the investigation itself.
- **Whakapapa: The Principle of Whakapapa.** Whakapapa is often translated as being 'genealogy', but also encapsulates the way in which Māori view the world. It is a way of thinking, of learning and storing, and debating knowledge. In terms of kaupapa Māori, whakapapa is integral as it allows for the positioning and contextualising relationships between people, communities, participants, landscape, and the universe.
- **Āta: The Principle of Growing Respectful Relationships.** The principle of āta, was developed by Pohatu (2005) primarily as a transformative approach within the area of social services. The principle of āta relates specifically to the building and nurturing of relationships. It acts as a guide to the understanding of relationships and well-being when engaging with Māori.
- **Kaupapa: The Principle of Collective Philosophy.** The 'kaupapa' refers to the collective vision, aspiration, and purpose of Māori communities. Larger than the topic of the research alone, the kaupapa refers to the aspirations of the community. The research topic or intervention systems, therefore, are an incremental and vital contribution to the overall 'kaupapa'.
- **Taonga Tuku Iho: The Principle of Cultural Aspiration.** This principle asserts the centrality and legitimacy of te reo Māori (Māori language), tikanga and mātauranga Māori (Māori knowledge). Within a kaupapa Māori paradigm, these Māori ways of knowing, doing, and understanding the world are considered valid in their own right. In acknowledging their validity and relevance, it also allows spiritual and cultural awareness and other considerations to be taken into account.

- Tikanga Māori: The Principle of Tikanga Māori. Tikanga Māori refers to customary practices, ethics, cultural behaviours, considerations, and obligations. Tikanga Māori is important to enable us to appropriately navigate and operate within a Māori context and make judgments and decisions within this space.
- Rangatiratanga: The Principle of Rangatiratanga. Rangatiratanga is related to the notion of autonomy. It is relevant in the evaluation process in terms of allowing Māori to shape their own research processes.

Methods: Literature Review

In line with the research objectives, a literature review was conducted to identify and critically evaluate any existing, past, or proposed alternative kaupapa Māori processes, Indigenous peer-reviewed research, iwi, hapū initiatives for restorative justice and appropriate tikanga law that meet the justice, identity, language and or cultural needs of Māori victims inside or outside the existing criminal justice processes. Because there is limited literature that responds directly to the unique needs and aspirations of Māori victims inside or outside the criminal justice system, this review employed a holistic approach to gathering literature. This included looking outside the justice sector to also include health, social services, and sometimes education for evidence of kaupapa Māori restorative justice practices and or processes. The review also gathered offender-focused literature and looked for specific mention of victims and or kaupapa Māori processes. Finally, because in te ao Māori all things have their own genealogical constructs (Mahuika, 2019), providing a succinct summary of key Māori concepts, events and sometimes histories resulted in the need to provide expansive context and background information.

Methods: Case Study Interviews

One-on-one, semi-structured, open, and in-depth interviews were conducted that aimed to discover the participants' own framework of meanings based upon their professional and life experiences (Walsh-Tapiata, 2003). The semi-structured nature and sequencing of the questions allowed participants to discuss topics that they felt were relevant and important to them—there were no right or wrong answers—and this method enabled participants to maintain a high level of control over the flow of conversation (Hollis-English, 2012).

The interview schedule was informed by both the literature review and the sector knowledge within the research team. The interview questions focused on what was working in terms of the provision of kaupapa Māori resolution pathways, what was not working so well, and areas for improvement. This included questions around the use of Indigenous knowledge, practices, and processes in healing trauma, the restoration of relationships and mana, and their influence on outcomes.

A variety of Māori individuals and organisations that were running some form of restorative justice or related kaupapa Māori initiatives were approached to

participate in the research. These included Māori providers of restorative justice services, iwi/hapū justice mechanisms, and Māori advocates and experts working in the criminal justice sector and in different regions around the country. Participants mentioned that they were mainly working with wāhine Māori who were victims of domestic and sexual violence. There were also some participants working with Māori offenders and families/whānau of offenders. Interview questions were mainly focussed on the design and delivery of the kaupapa Māori services and initiatives that participants were involved with. Kaupapa Māori principles that underpinned their work and how they were applied in practice were also discussed. In total, 14 case study participants were interviewed across the three case studies.

Ethical Considerations

With the permission of participants, interviews were digitally recorded. Participants were given an orientation to the purpose of the research project at the beginning of each interview which provided them with information about why they had been approached to participate in this research, including what was involved in taking part, and that their contribution would be anonymous. Participants were also reminded that they were under no obligation to take part or could withdraw from participation. All interviews were transcribed verbatim, and then analysed.

All the information the researchers collected was stored securely on a password-protected computer. The information from this project was also stored in an anonymised format with any digital recording being deleted at the finish of the project, and consent forms being kept for a period of five years before being destroyed.

The research did not involve collecting data directly from respondents or analysing existing data, so ethical issues relating to primary and secondary data collection did not apply.

LITERATURE REVIEW

This literature review identifies and critically evaluates any existing, past, or proposed alternative kaupapa Māori processes, Indigenous peer-reviewed research, iwi, hapū initiatives for restorative justice and appropriate tikanga law that meet the justice, identity, language, and or cultural needs of Māori victims inside or outside the existing criminal justice processes. Because there was limited literature on the specific topic of kaupapa Māori restorative justice and alternative resolution pathways, this review employed a holistic approach to gathering literature. This included looking outside the justice sector to also include health, social services, and sometimes education for evidence of kaupapa Māori restorative justice practices and or processes. The review also gathered offender-focused literature and looked for specific mention of victims and or kaupapa Māori processes. Finally, because in te ao Māori all things have their own genealogical constructs (Mahuika, 2019), providing a succinct summary of key Māori concepts, events and sometimes histories resulted in the need to provide expansive context and background information.

For this reason, it is important to acknowledge that this review is perhaps better described as an integrative literature review, which is a method for research that reviews, critiques, and synthesises representative literature on a topic in an integrated way to develop new perspectives on the topic (Torraco, 2005), without predetermining the content and outcome of the literature. One of the key limitations of this review is that it does not review known kaupapa Māori restorative and alternative resolution pathways that exist, for example, anti-violence, rehabilitation and social service provider programmes. This is not to say they do not exist, but little to no literature existed on its content and or a review of its practices and processes.

Te Ao Māori: The Māori Worldview

Tikanga Māori and the law

Tikanga is the first law of the land, a law that did and continues to serve the needs of tangata whenua (Indigenous people) (Mikaere, 2011). The origins of these laws emerged from and can be traced as far back as our creation stories and accounts of Māori cosmology. The principles of justice, restoration, and the act of restoring and creating a sense of balance are exemplified through the separation of Ranginui (Sky Father) and Papatuanuku (Earth Mother), to alleviate pēhitanga (oppression) and through Maui (demigod) bringing balance into the world by slowing down the sun (Tinirau & Smith, 2019). Traditional stories of restoring balance can also be found in books such as 'The Lore of the Whare Wānanga' (Whatahoro, 2011), or tribal accounts of rituals, ceremonies (Best, 1926), and rules of engagement pertaining to war and peace-making (Best, 1926; Gallagher, 2008). In his essay on reconciliation in Te Urewera, a former national park in the Bay of Plenty, Webster (2019) characterises the history of confrontations and reconciliations between different tribes as a result of colonisation. Accounts of the principles and origins of justice and restoration are also exemplified through Māori theology (Tate, 2010). Ultimately, tikanga Māori was inseparable from spirituality, which facilitated a high level of social control and discipline within Māori society (Pere, 1997).

While the purpose of this literature review is not to provide a definitive explanation of tikanga, it is necessary to explore its underpinnings, which are not exhaustive. Simply put, tikanga can be defined as rule, plan, method, custom, habit, anything normal or usual, reason, meaning, authority, control, correct or right (Williams, 2001), or as defined in legislation as Māori customary values and practices (Mead, 2003). Under the highest level of tikanga, there are a number of core values that underpin the totality of tikanga Māori, such as whanaungatanga (relationships), mana, tapu, manaakitanga (hospitality, kindness), and utu (exchange, compensation, recompense) (Gallagher, 2008). Therefore, while tikanga has adapted over time to meet the contexts and needs of the time, they remained true to the foundational concepts or core values, which have withstood the test of time (Mikaere, 2011). Tikanga extended to all parts of Māori society including political, social, moral, spiritual, and economic matters (Gallagher, 2008). However, post-1840, after the signing of the Treaty of Waitangi, tikanga was eclipsed by the introduction of British law and settler policies, resulting in the suppression of tikanga (Gallagher, 2008). As a result, tikanga Māori was seen as mere custom to be accommodated by Crown law as and when it was convenient (Mikaere, 2011), despite a Māori system of law already existing which was fully integrated into everyday life (Brittain & Tuffin, 2017).

In 2001, the Ministry of Justice (2001) published *He Hīnātore ki Te Ao Māori: A glimpse into the Māori world*, which provided Māori perspectives on justice and attempted to identify cultural values and beliefs in relation to Māori practices and tikanga. The report covered Māori values (most of which are covered further in this review). What is most notable is that the report acknowledges that the Māori system of law was based on values that adhered to principles rather than rules and that most of the case studies reported were traditional or existed outside of a New Zealand law system. That same year, the Law Commission (2001) published

a study paper on Māori customs and values in New Zealand law. The paper identified that the closest word in te reo Māori that comes close to law or custom is tikanga and that today, the ability of Māori to exercise customary law has been restricted by the loss of resources, lack of recognition by the court, and persistent and prolonged promotion of individualism and assimilation. Ultimately, grafting specific tikanga and placing them in a justice system where non-Māori still uphold authority, defeats the purpose of making justice processes responsive to Māori needs (Gordon, 2019).

Māori concepts of redress

Evolving from te ao Māori and tikanga Māori, are Māori concepts of redress or customary Māori conceptualisations of law and justice. Again, this is not an exhaustive list but nonetheless forms a foundation in which to understand kaupapa Māori forms of justice, restoration, and resolution. While it is not ideal to compartmentalise these concepts, this review does so for clarity's sake. It must be understood that the concepts are very much interrelated, and the review does not attempt to compare or critique these concepts against Western legal concepts. For further readings on this, see for example Ahu et al. (2011). The concepts are listed here in a way that could follow a process of transgression, impact, recompense, resolution, and ongoing health and well-being.

Tapu

"Acts of bad behaviour are today no longer controlled by tikanga Māori alone. They are now almost totally matters for the law of the land" (Mead, 2003, p. 36). Hohepa and Williams (1996) define tapu as the essence of sanctity, cultural protection, sacredness, and set apartness. The common modern usage of tapu is in the 'sacred sense' but is less aligned with religious or 'moral' connotations nowadays. According to Mead (2003), the most important spiritual attribute is one's personal tapu, which pervades all other attributes of the self and must be safe, not under threat or likely to be threatened. Personal tapu was subject to damage and attack. Remedies included appealing to divine intervention through tohunga reciting karakia (incantation, prayer) to neutralise the damage done, restoring as much personal tapu to the person seeking help but to those effected as well. However, this is just the spiritual part, "it will also be necessary to restore balance within the hapū or whānau" (Mead, 2003, p. 47).

Mana

Together with tapu, every individual is also born with an increment of mana (Mead, 2003). "Mana is always a social quality that requires other people to recognise one's achievements and accord respect" (Mead, 2003, p. 51). Therefore, mana is central to the relationships between individuals and collective groups. Generally accepted to convey meaning associated with notions of prestige, authority, control, influence, power, force, effectual (Williams, 2001), mana is also underpinned by the rules of precedent which are embedded in Māori kinship social structures. Such as when a spiritual transgression or breach of tapu occurred, it also affected the mana of a person, their hapū, and or iwi (Brittain & Tuffin, 2017). Patterson (2009) emphasises that personal and or tribal mana can be increased through the mechanism of utu. Where mana is threatened, steps can be taken in defence of mana. Similarly, the same can be said where an opportunity arises to

increase mana. While Patterson (2009) discusses mana and utu in relation to rangatira (chief, high rank) and tribal mana, the same holds true for individuals, whānau and hapū, dependent on the circumstances (Mead, 2003).

Patu ngākau

More serious breaches of a person's tapu can be explained through the notion of patu ngākau. These were often traumatic events, which might be translated as a strike or an assault to the heart or the source of the emotions (Tinirau & Smith, 2019). Although often psychological, the event occurring within the victim was generally attributed to some form of abuse toward the victim and was perceived as an assault to the ngākau, the emotional core of a person, and the location for memories. What is provided by Tinirau and Smith (2019) are the writings of Dr. Takirangi Smith and were part of an international research programme He Kokonga Whare – Māori intergenerational trauma and healing (Te Atawhai o Te Ao, 2020). As such, this has resulted in a wave of traditional responses to trauma and healing. These responses have been focused on the restoration of balance in which "the process of restoration comes about through a transformation or series of transformations over time" (Tinirau & Smith, 2019, p. 36). For example, the memory of the patu ngākau was kept alive through song until the balance could be restored, either through a similar retaliatory act carried out by the victim or victim's relatives against the perpetrator, or some other form of redress (for example, hohou rongō) to restore the mana of the victim.

Hara

Hara has various meanings, one associated with the term offence, which is located in the context of trauma, crime and punishment (Tinirau & Smith, 2019). This form of hara or offence can be traced back to breaking tapu or as simple as an individual committing hara by not carrying out the appropriate rituals before engaging in a particular task (Tinirau & Smith, 2019). Hara can also mean transgressions, with a focus on righting any wrongdoing whereby the attributes of the self are all in a steady-state and the forces of good and evil are in balance (Mead, 2003). Penehira (2019) discussed hē (wrong, wrongdoing) or hara in the context of a framework of well-being which acknowledges that wrongdoing is a state that we will all be in from time to time and that we must take new knowledge and understanding from those mistakes.

Utu

The mediation of social control by rank, tapu and spiritual beliefs was supplemented by the principle of utu (Walker, 1990). According to Walker (1990), the meaning of utu is multidimensional from the simple exchange of payment or equivalence to the most serious of circumstances when utu is sought for compensation for an injury or on a collective scale, as revenge against other hapū or iwi for past defeats or incursions on territory. For example, warfare would be arranged from a desire to regain mana and or exact utu, a pragmatic event that varied in scale and velocity (Gallagher, 2008). Thus, utu can have implications for both the individual and the collective, dependent on the nature and severity of the transgression. Utu also speaks to reciprocity, the expectation of balanced relationships, justice, and the righting of wrongs (Hook et al., 2007; Patterson, 2009). According to Hēnare, as cited in Hook et al. (2007), the righting of a wrong

or to restore the mana of the victim as well as the offender, the parties would agree on an appropriate exchange to achieve reconciliation.

Muru

Closely associated with utu, is muru, the concept of ritual compensation (Mead, 2003) or the implementation of the concept of utu. No longer practised today, muru was a well-known response to certain offences, which were regarded as providing sufficient cause to invoke it. Mead (2003) provides various examples of muru in his writings, one is the tikanga of muru, which was an important means of social control. One of its consequences was to circulate wealth and move valuable taonga (goods, prized possessions) among relatives or whereby the offended party took property belonging to the offender or kin group of the offender. Similarly, Gallagher (2008) describes muru as plundering gifts or interests in land, which could be given or received to regain mana and utu.

Take, take-utu-ea

Hohepa and Williams (1996) refer to take as the source, origin or beginning of something, as well as the reason, the cause, and the matter under discussion. When converted into legal parlance, take referred to evidential information to a host of other terms, for example: take tupuna (ancestral land right), take raupatu (land right obtained by conquest), take ahikā (land right by occupation), to refer to ancestral, confiscation, permanence, and power empowerment. If an action is incorrect this gives ground for alleging a breach of tikanga, therefore the breach becomes the take (Mead, 2003). A breach, however, involves parties who are aligned with the wrongdoer and with the wronged group. Both parties must agree that there is a take before a resolution can be contemplated. Once a take is agreed upon, there is often an appropriate utu. The reason for doing so is to reach a resolution satisfying all parties so that the matter is resolved. This is the desired outcome, the state of ea. The threesome concept of take-utu-ea comprises an analytical template for examining behavioural issues but each term on its own is a principle of tikanga Māori (Mead, 2003). While the topic of this review is victims-based, it is important to note the concept of whakamā. Whakamā means to ashen or become pale or white and it is associated with emotions and feelings of shame (Tinirau & Smith, 2019), usually because of wrongdoing.

Ea, noa and whakahoki mauri

As noted earlier by Mead (2003), ea is when a resolution has been satisfied or resolved. Ea also means to appear, or reappear, be avenged, repaid, or requited (Williams, 2001). It is important to note that while ea is a state of being, it cannot stand alone, as it exists as the outcome of an action or process, hence at times the word 'whaka' is put before it to turn the word ea into an action (Williams, 2001). Mead (2003) confirms that utu is a response to a take and that once the take is admitted, the aim is to reach a state of ea, which might be translated as restoring balance. By doing so, it also maintains relationships, whereby the outcome is compensatory or the restoration of a breach of tikanga, to indicate the closing of the cycle which began with utu. Noa is the state in which we operate our daily lives and is typically associated with tapu (Penehira, 2019). However, Mead (2003) states that it is not helpful to think of noa as the opposite of tapu which is typically the context ascribed to noa, but rather noa provides the basis

from which we can enter into other ways of being (Penehira, 2019). Closely associated with noa and ea is whakahoki mauri, which focuses on recompense usually obtained through some form of reciprocal response, or utu, in order to restore peace and balance to the community (Brittain & Tuffin, 2017; Workman, 2014). Ea, noa, and whakahoki mauri have a common theme of balance running through them. Balance is upheld via whakapapa, to ourselves and everything in the natural world by ensuring the preservation of equilibrium and maintaining a state of balance (Mikaere, 2011).

Hohou rongo and Te Tatau Pounamu

Hohou rongo can mean the process of negotiating peace (Mead, 2003) the expression of peace and form of redress (Tinirau & Smith, 2019), or resolving conflict (Florencio et al., 2021). Hohou rongo also has connotations to the god Rongo, who during the separation of Ranginui and Papatuanuku, sought refuge from the fury and anger of Tawhirimatea (God of the wind), by burying himself in the ground where through the darkness of that space, he was able to find peace and healing (Tinirau & Smith, 2019). Hohou rongo is also referred to the interior of a whare tupuna (meeting or sacred house), which is sometimes referred to as Te Whare o Rongo, the domain of peace (Tinirau & Smith, 2019). In a study of Indigenous perspectives on forgiveness, Rata et al. (2008) found that the concept of forgiveness can be organised according to three themes: rongo (commitment to restore relationships), whakapapa (interconnectedness between people, places, and events over time), and kaupapa (agenda based on the costs and benefits of forgiveness). Traditional Māori society was often known more for its propensity to wage war and engage in battles of revenge than for peace agreements (Mead, 2003). However, there are many examples of peace agreements that involved diplomacy, negotiations, ratifications, and confirmations, many stories of which belong to different tribes and sub-tribes throughout Aotearoa.

The importance of process

While the review so far has highlighted some key critical Māori concepts of redress and customary Māori conceptualisations of law and justice, it is important to note that the process and context is just as important. Tinirau and Smith (2019) discuss healing as a process and look at ways Māori people transition trauma and stress. They provide the example of mihi (acknowledgement, tribute), and poroporoaki (farewell, take leave) or the movement of the whānau pani (grieving family) from pouritanga or darkness and a state of deep sadness, to te ao mārama, the light. Tinirau and Smith (2019) argue that the treatment or healing processes for trauma victims from pouritanga involve similar processes that were incremental and included mihi and poroporoaki. "With the initial patu ngākau or trauma-inducing event, the immediate community response is the protection of the victim or victims. The immediate shielding, protection, and relocation of the victim or victims to the healing darkness of a protected ancestral space had various names" (Tinirau & Smith, 2019, p. 37).

In her thesis on conflict resolution, Kingi (2016) discusses Māori theories of resolving conflict from a Māori perspective developed by Hakiāha, including processes and their purposes that were put in place to resolve conflict. These consisted of whakawhanaungatanga, akoako (consultation), munakore (non-confidentiality), aarita or pangia (touch) such as the practice of hongī (pressing

noses), waiata (sharing feelings through singing) and whakatakotoranga (conflict resolution). Decision-making played a major role in conflict resolution whereby the perpetrator had no input into the final outcome of the resolution. While slightly out of the scope for this review, it might be timely to note that waiata and perhaps art forms including performing arts are both outlets for trauma and avenues of well-being. Kaioraora have been labelled as songs of abuse, but when broken down, the term meant that they were instead songs that protected the mauri of an individual or group when an individual or group had been insulted or attacked with a patu ngākau and the victim was at risk of becoming psychologically affected with pouritanga (Tinirau & Smith, 2019). Finally, it is important to conclude this section by suggesting that the concepts listed here are not homogenous across Māori people and that each tribe and sub-tribe will have their specific concepts and processes, for example, the Pehipehi, or the true percept—traditional Māori ethics, principles, and codes of behaviour—found throughout the tribes of Tainui.

Understanding trauma and well-being

As the review has highlighted so far, tikanga Māori was the system of law that extended to all parts of Māori society which was integrated into everyday life. Specific Māori conceptualisations of law, justice and redress have been discussed. The need to now understand Māori trauma and well-being is to illustrate that many kaupapa Māori solutions cannot bypass the need to consider the impact of past experiences. For that reason, understanding the historical experiences of marginalised people when looking for solutions to health and well-being is necessary (Tinirau & Smith, 2019; Te Kotahi Research Institute, 2020; Wirihana & Smith, 2019), not only to explain past experiences but to restore one's mauri and or loss of mana (Tinirau & Smith, 2019). It also addresses the urgency to stop any further trauma occurring, both historically and contemporarily, for healing to begin (Te Kotahi Research Institute, 2020). The term whakapapa is not necessarily a Māori concept of redress but is necessary to know if one wants to understand both the relationship between trauma and well-being and justice and restoration. Whakapapa has many meanings, with its simplest meaning genealogies, or lists of names that show an order of descent from an eponymous ancestor (Carter, 2005). Whakapapa is closely related to pepeha—formulaic tribal expressions—which indicate a deep sense of belonging to places of origin (Carter, 2005). Further to whakapapa and pepeha (formulaic tribal expressions) are whakataukī (tribal proverbs), which capture the knowledge of the ancestors about their world and describes how that knowledge can be aligned to the world we live in now (Mohi, 2020). Therefore, the structure of Māori epistemology (Mahuika, 2019), ensures balance to each other and all things because of its genealogical ties (Mikaere, 2011). In the context of this literature review, whakapapa is best described by Waretini-Karena (2019):

"You take a stone, you drop it into a pond, it ripples, you are looking at intergenerational ripples...Don't judge a person in isolation to their history. All issues and behaviours have a whakapapa, they came from somewhere for some reason, these things didn't just manifest out of the land. Everything has a whakapapa"

Therefore, the concept of whakapapa provides the intellectual framework within which Māori think about the world as a combination of spiritual and physical

phenomena. If all things have whakapapa, it is also possible that trauma has whakapapa too. The term 'whakapapa trauma' has further been used to focus on the layering of negative post-colonial experiences that affect the safety and cohesion of traditional kin structures within Te Ao Māori and occur when the original source of the trauma is transmitted (Kaiwai et al., 2020).

Transitioning from traditional to contemporary

Through understanding the whakapapa of trauma, well-being or strategies of health can be better understood (Te Kotahi Research Institute, 2020; Tinirau & Smith, 2019; Wirihana & Smith, 2019). This is not to say that all kaupapa Māori frameworks are developed this way, but many acknowledge the role trauma plays in understanding and framing well-being and the cultural context that health and well-being sit within. Contemporary Māori knowledge, which acknowledges that culture is dynamic and evolving, must inevitably combine traditional concepts and understandings within a contemporary context (Cherrington, 2009). For example, theoretical discourse in the world of Māori social workers enables one to grow and develop their practice, leaning on ancestral knowledge and valuing the skills that are gained through understanding tikanga in a contemporary context (Hollis-English, 2015). Māori efforts to end family violence go beyond the cessation of abuse. Māori advocates want to see a Māori cultural revival and a restoration of whakapapa to Māori identity (Haldane, 2009).

The influence of kaupapa Māori and Māori approaches to restorative justice in Aotearoa New Zealand is a key factor for its international success (Verma, 2019; Ward et al., 2006). New Zealand academic commentators have frequently looked to Māori customary law as a source of modern restorative justice theory and practice, so it is important to canvas the concepts and principles of the traditional Māori justice system (Mousourakis, 2015). However, although families and victims had a recognised role in the resolution of disputes in traditional Māori society, their part in the new system is not necessarily identical (Tauri & Morris, 1997). As such, tikanga Māori adopts a view of justice that does not easily fit within the existing framework whereby individuals possess certain natural or moral rights (Vielle, 2011). Similar views are shared by Hau (2018), in his thesis on the extent principles of kaupapa Māori are reflected in the current practices of mediators in New Zealand. He argues that statutory limitations including rules, regulations, and organisational policy can have a significant impact on the ability of Māori to introduce kaupapa Māori principles into the practice of dispute resolution and need to be removed so that appropriate outcomes for Māori can become the norm as opposed to the exception. Ultimately, Māori are often asked to consider what must they do to get ahead, without considering how the environment itself must change to provide maximum uplift to Māori (Hook et al., 2007).

Māori participation in the justice system

The final section of this part of the review provides a synopsis of key literature that discusses Māori participation in the justice system and if and how this has impacted the relationship between kaupapa Māori and restorative justice. Māori people in general have disproportionately worse outcomes across a wide range of health and social issues (Borell et al., 2020). The issues of over-representation and disproportional rates of Māori within the criminal justice system are complex (McIntosh & Workman, 2017). A different approach to viewing and addressing the problem of Māori offending and imprisonment came in the work of Moana Jackson's He Whaipāanga Hou (Jackson, 1987; 1988). Regarding restorative justice, Jackson provides some key comparatives between a proposed Māori system and the Pākehā (New Zealander of European descent) courts. Under Pākehā notions of criminal jurisprudence, the objectives are to establish fault or guilt and then to punish. A Māori system would endeavour to seek a realignment of those goals to ensure restitution and compensation rather than retribution. While it appears Jackson's writings focus on the offender, implicit in the process of mediation is a concern for the victim and their families. While the redress and restitution available would be defined according to each offence, the agreed victim and their whānau would have the right to contribute to its determination in any particular case (Jackson, 1988). The following year, Jackson (1989) published an article further discussing a new Māori criminal justice system. He argued that:

"...the cultural definition of a Māori system is based on the belief that one law for all means, not one common procedure for all, but one resultant justice for all. There are different ways to achieve justice, and no one process is superior to another" (Jackson, 1989, p. 37).

Jackson goes on to justify the need for a separate justice system by arguing that Māori had their own systems and processes for dealing with justice, which were based in a cultural context synonymous with collective social responsibility. Similar to the definitions of tikanga provided earlier, "to Māori, justice is a way of life, not simply a response to crime" (Vieille, 2011, p. 209). Despite Jackson's early writings being published over thirty years ago, the same arguments are still being made today. 'Inaia Tonu Nei', a name shared by a kaupapa, a hui (meeting), a report and now also a group of individuals, was born out of Māori resistance to the lack of Māori voice at the Crown's Criminal Justice Summit back in August 2018 (Ministry of Justice, 2019b). The summit was the flagship event of the government's Hāpaitia te Oranga Tangata – Safe and Effective Justice programme which was established to help in setting and communicating the new direction for the New Zealand criminal justice system. After numerous hui and being empowered by the theme *Ināia Tonu Nei – we lead, you follow*, a strong call to establish a mana ōrite (power sharing) model of partnership with the Crown was made to look at constitutional reform and begin decolonising the justice system. Many recommendations are offered, including constitutional reform, enacting recommendations in previous reports such as He Whaipāanga Hou and Pūao Te Atatu, abolishing prisons and disestablishing Oranga Tamariki, reviewing all legislation relating to the justice and state sectors to ensure it reflects Te Tiriti o Waitangi, developing regionally based advocacy units, investing in kaupapa Māori legal units within each Community Law Centre and increasing the pool and use of lay advocates.

The calls for changes to the justice system are located within both a national and international context. In 1840, the Treaty of Waitangi, the founding document of New Zealand (Orange, 2015), was signed in good faith between the British Crown and Māori rangatira (Hayward & Wheen, 2004). Much of the contention over the treaty is how the Crown has used it to further their interests and to validate certain assumed rights (Orange, 2015). In 1975, the Treaty of Waitangi Act was passed, establishing the Waitangi Tribunal whose role is to investigate Crown breaches of the treaty which resulted in prejudicial treatment and loss for Māori (Waitangi Tribunal, 2020). Crown breaches against the principles of the Treaty of Waitangi have resulted in over 2,500 claims to be lodged with the Waitangi Tribunal from Māori seeking amongst other things, recognition and restoration of language and culture, equitable access to government resources and of upholding and recognising Māori sovereignty (Mutu, 2018). "The Treaty of Waitangi Act 1975 and the Waitangi Tribunal are arguably both among the strongest bulwarks of protection of Māori interests in the New Zealand legal system" (Fernando, 2018, p. 70).

In addition to the treaty, despite the United Nations Declaration on the Rights of Indigenous People not being perfect, the individual and collective political, economic, social, cultural & human rights of Indigenous people are now recognised in a universal document (Katene & Taonui, 2018). Despite these methods of supposed protection, it is not clear whether historical claims made under the Treaty of Waitangi are an example of reconciliation between Māori and the Crown or are sources of new divisions through the impact of new policy and new law developments (Ward, 1993). Regarding restorative justice, the watershed came when the 1988 *Puao-Te-Ata-Tu [Daybreak Report]* was released (Puao Te Ata Tu, 1988), calling for a more culturally responsive system (Fernando, 2018). In response to Puao-Te-Ata-Tu, the Child, Young Persons and Their Families Act 1989 (CYPF Act) was introduced. Section 7(2)(c)(ii) of the CYPF Act required that any policy implemented needed to consider Māori values and culture, which led to the introduction of the Family Group Conference as an expression of Māori processes (Fernando, 2018) and Māori aspects of social and kin-based functioning, problem resolution and models of 'restorative justice' (Love, 2000).

Both Puao-Te-Ata-Tu and He Whaipaanga Hou were reports that gave voice to Māori perspectives, critiques, and aspirations as they related to social policy, justice and child and family well-being (Love, 2000). Within the context of the Treaty of Waitangi and the United Nations Declaration on the Rights of Indigenous People, not only was it necessary to recognise Māori perspectives for Māori within the justice system, but the basic strategy of restorative justice is about transferring the power from the state into local communities to take responsibility for restoration (Liu, 2007). This is more to do with the right to self-determination and tino rangatiratanga (Webb, 2017) and the impetus for Māori to be decision-makers in matters that affect them and the rights and control over resources to make that happen (Toki, 2014). Furthermore, although there is evidence of robust cultural identity in rehabilitative and restorative justice programmes, this is tempered by the knowledge that funding for such initiatives come at the prison end of social experience rather than being seen as vital at other more positive junctures, such as in our schooling systems (McIntosh, 2005).

Restorative Justice

Te Ao Māori and restorative justice

Several scholars attribute the success of restorative justice in New Zealand to Māori concepts (Schmid, 2001), Māori traditions of justice (Braithwaite, 2000), and the Māori view of the purpose of justice, which is healing for all (Braithwaite, 1999; Takagi & Shank, 2004). Māori critiques of the Western justice system led to the restorative justice reforms of the 90s which had a strong empirical foundation (Braithwaite, 1999). Its paradigm—traditional in its philosophy, yet revolutionary in its effects—replaced a retributive way of restoring justice (Consedine, 1995). Ironically, after the signing of the Treaty of Waitangi when the Māori restorative praxis was abolished, justice policies are once again operating from the same philosophy that was once thriving (Consedine, 1995). Despite this, restorative justice approaches alone, will not be enough to reduce the disparities for Māori within the justice system (Fernando, 2018). And although the inclusion of Māori concepts and practices are a step in the right direction, such inclusion of Māori culture is fraught with normative and operational challenges, such as further colonisation, disrespect to traditional Māori culture and ineffectiveness for participants (Fernando, 2018). There is also the danger of tokenism by attempting to indigenise the process (Tauri, 2011), while misappropriating traditional concepts, due to the need for successive governments to be seen doing something constructive (Tauri, 2014). The commitment by the state to a culturally appropriate and empowering process is clearly limited and there must be a parallel process of resourcing and healing in Māori communities (Love, 2000).

Wider application of restorative justice

In New Zealand, restorative practices are currently used across a wide range of contexts and for a wide variety of purposes (Verma, 2019). Restorative justice is heavily practiced in New Zealand schools (Wearmouth et al., 2007) in the form of hui whakatika or correctional meetings (Bateman & Berryman, 2008) and conferencing (Drewery, 2004; Drewery & Winslade, 2005). Research by Chilton (2004) found that hui whakatika were more likely for minor offences, where the participants were younger, and the victims less closely related to the offender. Within school settings, restorative justice practices are extremely effective (Drewery, 2004; Wearmouth et al., 2007), they reduce crime rates (Wearmouth et al., 2007) and prevent recidivism (Lewis, 2009), but also require considerable forethought and prior planning, negotiation, and deliberation (Wearmouth et al., 2007). Restorative justice in schools is exercised through a community of practice lens (Wearmouth & Berryman, 2012), with three elements that underpin its philosophy. These are safety and freedom from harm and the threat of harm, accountability to take responsibility to heal relationships from the harm and competency to learn from wrongdoing and how to act differently in the future (Macfarlane et al., 2007). Restorative justice is also active in our communities (Mitchell, 2018), in the public sector and New Zealand also has professional communities that specialise in restorative practice (Verma, 2019). One of the principles of best practice in restorative justice is being flexible and responsive (PACT Limited, 2020). The facilitation of restorative justice by effective practitioners is the focus of a thesis by Murray (2012), who argues that facilitators need to be aware of their role and effectiveness in restorative justice. The call for

Māori justice practitioners to develop their own standard for enhancing the delivery of restorative justice initiatives to Māori offenders, victims, families, and communities, was also made by Tauri (2009). What is also important, are the values and the importance of identifying Indigenous Māori values that influence and link practice to the professional values alongside participant-centric outcomes (Marriott, 2019).

While the focus of this literature review is not on restorative justice and sexual or family violence, some key points were found within the literature. Webb and Jones (2008) found that the cultural and spiritual consequences for Māori men who commit sexual abuse are consequentially worse than they are for non-Māori men. For the victims, there is no simple answer to restoring their mana and tapu, and it depends on the victim and their whānau (Eketone, 2012). It is too simplistic to assume that this can be healed through karakia (Eketone, 2012) and that ongoing whānau support is seen as central to restoring the mana and well-being of young Māori and their whānau (Woodley & Davis, 2013). However, intra-familial abuse appears to result in the worst outcomes for victims, both in the short and long term (Woodley et al., 2013). The report prepared by Woodley et al. (2013), was part of a wider project that aimed to identify the needs of young people affected by sexual abuse or assault. Regarding service delivery, they found that young people are not just interested in traditional counselling or medical-based services, but asked for services that include mentoring, face-to-face counselling, and group counselling, as well as different channels to engage young people, such as face-to-face, phone, online messaging, and texting. They would also like services to include a range of styles, such as activities, rather than just talk-based counselling (Woodley et al., 2013). In the family violence space, Hennessy et al. (2016) believe that restorative justice processes can be effective and safe interventions for addressing family violence provided key participants are willing, thoroughly prepared and supported, they trust the facilitators and experts in family violence are enlisted throughout the process. Amid their complex lives and trauma, whānau are important vehicles for change, but they need culturally informed help and support and approaches tailored to their unique histories and requirements (Wilson, 2016).

Despite the continued challenges experienced by Māori in the justice system, Indigenous justice processes have significantly shaped restorative justice (van Ness, 2005). This is because dramatically different beliefs about justice produce dramatically different methods for achieving justice (Hand et al., 2012). Hand et al. (2012) elaborates on this argument and in their article provide a comparison between Ojibway/Cree cultures and Euro-Canadian understandings of restorative justice. Foundational beliefs are compared with the doctrine of original sanctity and doctrine of original sin; right thinking and right living are contrasted with avoiding wrong behaviours and conservation; withdrawal versus direct face-to-face confrontations; expecting excellence versus praise and reward or punishment; restoring harmony and promoting healing versus ending problem behaviour; and discouraging repetition and healing victims and offenders versus punishing and isolating the offender. A similar comparison is also done by Tauri (2011) who compares Māori and European views of justice. For example, collective versus individual criminal responsibility, public (Marae (traditional meeting place, village)) versus private (courtroom) places for processing justice, reintegration and restoration versus deterrence and retribution and importantly the state versus the victim as the key player in the system (Tauri, 2011). Other examples include

sentencing circles which began in Canada in the 90s, while American peacemaking in criminology drew inspiration from native American traditions (Cunneen, 2008). A recent article published by Chen (2021) discussed restorative justice in Indian Country and looked at wellness courts and how tribal governments are using Indigenous sovereignty to build community-based justice systems. Ultimately, it focuses on support and trust rather than punishment.

Limitations of restorative justice

Restorative justice is about balancing the need for offender rehabilitation, the rights of victims to protection and duty to protect the public (Grierson, 2015). In its broadest sense, restorative justice also aims to strengthen the scope of society by putting more power in the hands of its citizens (Liu, 2007). Therefore, restorative justice means restoring victims, restoring offenders, and restoring communities (Braithwaite, 2000). In an interview with Gabrielle Maxwell, she argues that the success of New Zealand's revolutionary restorative approach was including principles, as opposed to just processes in legislation and enabling people to solve their problems with one another as the primary goal (Dzur, 2017). Restorative justice, as it is understood in the context of the definitions just provided, has also been widely critiqued (Takagi & Shank, 2004). One of the key limitations of restorative justice is its role with homicide as well as achieving community consensus on punishment (Liu, 2007). Challenges have also been made to the notion of restorative justice, specifically with its definition and what qualifies some practice, procedure, or perspective as restorative justice (Daly, 2002; Marshall, 2014). There is no single accepted definition of restorative justice, mostly because restorative justice is both a new and old concept—one with modern articulation and ancient philosophies and processes of conflict resolution (van Ness, 2005). The difficulty in defining restorative justice is because "it encompasses a variety of practices at different stages of the criminal process, including *diversion* from court prosecution, actions taken *in parallel* with court decisions and meetings between victims and offenders *at any stage* of the criminal process" (Daly, 2002, p. 57).

The arguments made about what constitutes restorative justice is supported by a notable dichotomy throughout the literature, in which although restorative justice is partly about assisting victims through empowerment and making amends (Mousourakis, 2015), much of the literature is centred on offender rehabilitation and reconviction (see Bonta et al., 2002; Kingi, 2016; Maxwell & Morris, 2002; Mousourakis, 2015; Murray, 2012; Toki, 2014; T. Ward et al., 2006). And although victims are a prime focus in restorative justice, this does not mean offenders are ignored (Murray, 2012), as often offenders are also victims themselves (Toki, 2014). Furthermore, the criminal justice definition of victim was seen as problematic, as the term emphasises individual experience, rather than looking at both the transgressed and transgressor and the related harm and impacts between them (Webb, 2017). The term is also problematic dependent on the nature of the crime, for example, victims of sexual violence are referred to as survivors (Eketone, 2012; Woodley et al., 2013). As such, the Turuki Turuki Report, also suggests replacing offenders with "people who harm" and victims with "people who have been harmed" to avoid defining people based on their experience of offending (Te Uepū Hāpai i te Ora, 2019b, p. 10).

Kaupapa Māori restorative and alternative resolution pathways

What is kaupapa Māori?

Before understanding kaupapa Māori restorative and alternative resolution pathways, it is necessary to grasp a basic understanding of kaupapa Māori. Kaupapa Māori is a broad term literally meaning Māori strategy, theme, philosophy, approach, topic, institution, agenda, or principles (Moorfield, 2003; Ryan, 2012). Kaupapa Māori is related to being Māori, connected to Māori philosophy and principles, and is concerned with the struggle for autonomy over Māori cultural well-being (Smith, 1997), while incorporating contemporary resistance strategies in the drive toward rangatiratanga (Henry & Pene, 2001). Kaupapa Māori gives full recognition to Māori cultural values and systems, challenges dominant discourse, ensures Māori maintain conceptual, methodological control, determine the assumptions, values, key ideas and priorities, and is a philosophy that guides Māori research (Walker et al., 2006). Kaupapa Māori is then applied to different sectors and institutions in various ways, both in theory and in practice. For example: Te Whare Tapa Whā in psychology practice and clinical assessments (Pitama et al., 2007, 2014); the development of kaupapa Māori frameworks for Whānau Ora policies and strategies (Kara et al., 2011) and imprisonment (Workman, 2019); and kaupapa Māori approaches in youth offending (Oranga Tamariki Evidence Centre, 2019). The report prepared by the Oranga Tamariki Evidence Centre (2019), is a comprehensive review of 22 kaupapa Māori approaches and four approaches adapted to include te ao Māori in areas related to youth offending. The kaupapa Māori approaches are holistic, strengths-based, and aimed at improving people's overall well-being.

Another considerable review of the literature on Māori models of health, was completed by Wilson et al. (2021), who looked to understand what was needed to inform a Māori centred relational model of care. The models reviewed include the hui process, Kapakapa Manawa Framework, Meihana Model, Te Hā o Whānau, Te Kapunga Putohe, Te Punga Oranga, Te Whare Tapa Wha, Te Wheke, and Te Whetu. All models encompassed whanaungatanga, whakawhanaungatanga, and aspects of socio-political influences such as colonisation, migration, racism, and marginalisation (Wilson et al., 2021). A similar review of kaupapa Māori frameworks was examined within mental health therapy and in addition to the models named so far, the authors included Ngā Pou Mana, a model that places emphasis on the external environment and the significance of oral tradition (Wratten-Stone, 2016). Te Whare Tapa Whā has been noted as one of the most prominent Māori models of health looking at physical, spiritual, mental and familial health, followed by Te Wheke, a model developed by Rose Pere using the figure of an octopus to represent total wellness (Kara et al., 2011; Wilson et al., 2021; Wratten-Stone, 2016). Te Pae Mahutonga, also developed by Mason Durie is considered a well-known model of Māori health promotion which brings together elements of modern health promotion and represents four key tasks of health promotion; cultural identity, physical environment, healthy lifestyle, and participation in society (Kara et al., 2011; Ministry of Health, 2017).

While the purpose of this literature review is not to review and analyse every kaupapa Māori model or framework, many are included here to illustrate the breadth and scope of how kaupapa Māori models exist and are practised within

the health system. More importantly, it illustrates the extent to which they could be applied in the restorative justice space, particularly if healing and a holistic approach to restorative justice is the goal. The Māori models of health and well-being demonstrate the importance of understanding the differences in worldview and cultural orientation (Wilson et al., 2021), and the need to design culturally appropriate models for health care (Kara et al., 2011). This is confirmed by Wratten-Stone (2016), who concluded that “a consistent theme in the current literature is the importance of recognising alternative models of health in improving service delivery for Indigenous populations” (p. 5). In addition to culturally appropriate models and improving service delivery, is the need for competent staff and providers. Cultural competency describes the ability for an individual to relate to and work with cultures different from their own. However, the term has been re-invented through a dominant lens, to what was originally known as cultural safety first articulated through the work of Irihapeti Ramsden (Papps & Ramsden, 1996), where the focus became more about staff training than it did in highlighting and working to the differences of Māori clients and patients.

In kaupapa Māori services, the inclusion of whānau is standard practice (Cherrington, 2009). Cherrington (2009) provides an example of training that assists practitioners in a range of sectors to work more effectively with whānau. Te Kawa o te Marae is a model of practice based on rituals and protocols that occur on the marae, which promotes whānau engagement, motivates change and allows for safety, transformation, and healing. Although mostly offender-based focused, Te Pae Oranga: the Iwi Justice Panels—an alternative to the court system does provide space for victims to participate and give their voice if they wish and has strong evidence of incorporating tikanga Māori principles (Croxford, 2016). Iwi justice panels reflect tikanga Māori through community ownership and collective responsibility, regaining Māori autonomy over Māori affairs and through the involvement of skilled, respected Māori people within the community (Croxford, 2016). They are also underpinned by kaupapa Māori worldviews, and at the minimum include mihi, karakia, kai (food) and whanaungatanga (Walton et al., 2020). A tikanga-based, kaupapa Māori model of practice inspired by traditional Māori narratives and dispute resolution methodologies was developed by Matenga and Mita (2020) – see figure 1. It develops a unique pathway for connecting people using Māori beliefs, principles, values, and practices that derive from traditional knowledge. The model comprises five distinct pathways, as seen in the following diagram, based on key characteristics of atua Māori (gods, supernatural beings).

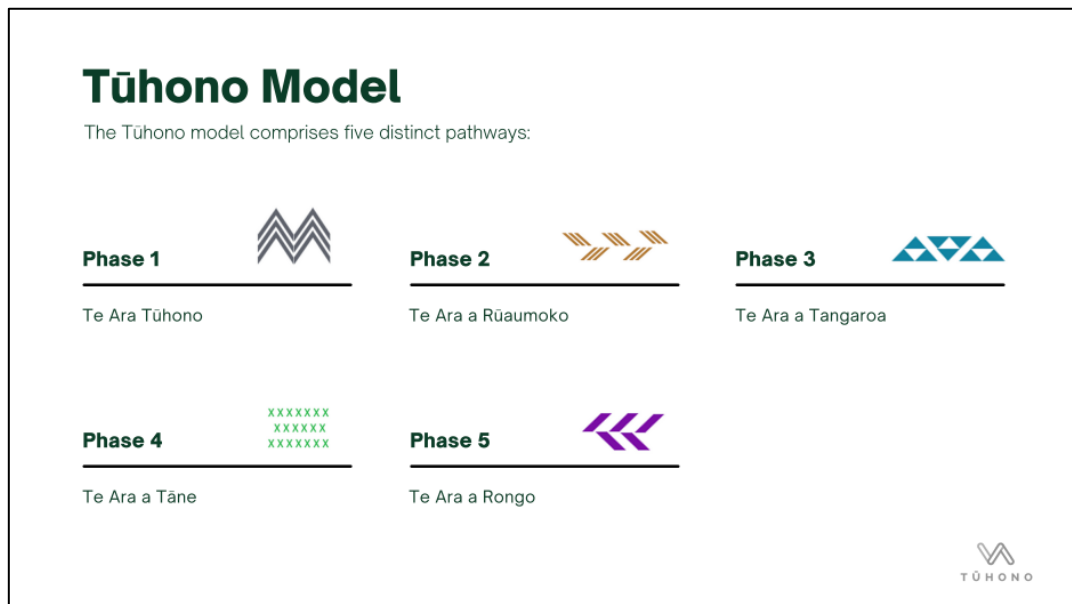


Image 1: Tūhono Model of Practice: A practical guide (Matenga & Mita, 2020)

Community Conference

The principal model of restorative justice used in New Zealand is the restorative justice conference, either in the form of a Family Group Conference (FGC) or a community conference (McElrea, 2007). The literature included here focus on community conference and have been considered the closest we have in Aotearoa to an alternative resolution pathway for victims. Smith and Cram (1997) evaluated the first three community panel adult diversion programmes in Timaru (Project Turnaround), West Auckland (Te Whānau Āwhina), and Rotorua (Rotorua Accountability Programme – RCAP). Although completed in 1997, it provides valuable insight. Without going into too much detail of the evaluation, key considerations will be highlighted here that acknowledge either any reflections or mention of tikanga and or kaupapa Māori strategies and or specific mention of victims. Te Whānau Āwhina promoted tikanga Māori, particularly through meetings. Facilitators at Te Whānau Āwhina also possessed strong capability in carrying tikanga Māori practices, and the community in which Te Whānau Āwhina was located, was very kaupapa Māori oriented.

Regarding victims, Smith and Cram (1997) found that overall, victim's views of community diversion reaffirmed their beliefs in the fairness and honesty of the diversion system and reiterated that the needs of victims have to be taken into account throughout the process. Victim participation in community diversion is based on complex motives, some of which are about acting socially responsible, being able to voice feelings and confront offenders, and being able to participate in a responsive and efficient system. Across all three projects, when victims did attend meetings, they were reported by the community co-ordinators and panel members to have contributed constructively to the discussions and the planning of the offender's options. For the Waitakere Te Whānau Āwhina project and the Rotorua Accountability Project there were serious difficulties in gaining access to victims and in having victim participation at the panel meetings. Non-participation is also likely to be based on complex motives but may also be related to contributing factors determined by the scale and context of the community. When victims participated, they were also expected in a quite subtle way to conform to

the view that their participation in the community diversion was for their own good. At a very basic level, the victims were expected to fill in forms and were sent notices of meetings asking them 'to report' to a suitable venue at a given time. The forms, while well-intentioned, were visually unfriendly and authoritative.

Some ten years later, Pita Sharples presents his evaluation of Te Whānau Āwhina and walks you through the full process of the restoration pathway highlighting the tikanga and its underlying intent for those that the process is intended for (Ngā Pae o Te Māramatanga, 2008). The process of engagement of all parties addresses the needs of the victim to be safe, supported, and to have voice in addressing the offence. A few of the key Māori conceptualisations will be outlined here. *Whakahuihui tāngata* or calling the meeting is not only the formal greeting to the participants but also the process of the tangata whenua welcoming the manuwhiri (guests, visitors). In this way, the process innately recognises the rangatiratanga and the mana of the individual regardless of where you sit as offender, whānau, victim, or panel member. The process awards equality to all who are present. *Karakia* is recited at the beginning of the hui, acknowledging the issue at hand and addressing the imbalance caused by the offence. Sharples describes this as the beginning of restoration. *Whaikōrero patapātai* or the enquiry is the stage where the panel who have been called upon to address the offence give speeches and then begin their enquiry. The concept of *manaakitanga* is applied here. Sharples states that "*questions posed in manaakitanga recognize the vulnerability and hurt of the victim, the guilt and the shame of the offender, while also respecting the involvement of the whānau and the other groups present*" (Ngā Pae o Te Māramatanga, 2008, p. 49). It is the time of *emotional commitment* where emotions can be *unashamedly* expressed by all and in this way, healing is occurring. *Whakataunga* or the determination is the point when the panel would retire to discuss the case. *Whanaungatanga* is the key concept here, the gathering of all those that have been affected, and that are part of the healing process as whānau united by the kaupapa. If the offender does not admit their guilt, then the matter would be referred back to the criminal justice system. This has never happened for Te Whānau Āwhina, and they began in the 1970s. A programme of rehabilitation would be formulated for the offender designed to fit the offence and the determination would be ratified by the court. Restitution would be prescribed applying the notion of *utu* or retribution or payment. Support systems would be put around both the offender and the victim, sourced from the marae should they have no support themselves. Support systems for both offender and victim were deemed essential and due to the process and fulfilment of the process *kotahitanga* or unity is gained. Importantly, our kaupapa, our philosophy, our ideas, our programmes are not only good for ourselves, but they bring kaupapa Māori to the modern world and they are good for the whole world. "*Through the expressions of remorse by the offender, the subsequent apology and the programme of rehabilitation and restitution, the group is bound to a unified commitment for healing for all present*" (Ngā Pae o Te Māramatanga, 2008, p. 49). The last part in this process is breaking bread or feasting together—*hakari*. It is a time of *whakanoa*, to move from a formal space to an informal space, to allow a settling downtime and a chance to debrief and connect as part of the reconciliation process. This part of the process was highlighted as being extremely important. The process followed by Te Whānau Āwhina takes into consideration the victim's needs of procedural justice—voice, support, acknowledgement, accountability, responsibility, compensation, apology, respect and outcome.

Two other community-managed restorative justice programmes were evaluated in 2005 and have been included in this review to consider if and whether any aspects of kaupapa Māori were applied. The first is the Wanganui Community-Managed restorative justice programme (Paulin et al., 2005a). Although participants that were interviewed included Māori and Māori community members as interested parties, nothing in the evaluation was referenced to specific kaupapa Māori resolution and or restorative pathways. However, when referring to repairing of harm to victims of crime, the majority of plans between victims and offenders appeared to include restorative elements, such as an apology or reparation. Levels of victim satisfaction were also recorded, as too was the programme against the spirit of the Ministry of Justices' eight principles of best practice. Limitations were also found, such as restorative plans not being completed or no follow-up with victims to being invited to meetings. Stakeholders did emphasise the need for the programme to maintain a victim focus, with one expressing the view that the programme would be more effective if the victim was given priority.

The second evaluation was the Rotorua Second Chance Community-Managed Restorative Justice Programme (Paulin et al., 2005b). One of the objectives for this evaluation was to evaluate the programme's contribution to the development of best practice principles for community-managed restorative justice programmes utilising tikanga-based practice. The programme is tikanga-based and the approach they use is similar to the Māori concept of whānau hui. The whānau hui included the concept of akoako or respecting each other's views, feeling and concerns. The programme providers are also guided by tikanga Māori practices, and the programme has strong connections to local iwi Te Arawa. It is unclear though, how else the programme incorporated tikanga-based processes beyond what is mentioned here. This is not to say they do not exist, but perhaps they were not evaluated and recorded in such a way, as the evaluation is quantitative-based and is still offender-reconviction focused. The evaluation did find that restorative justice processes must be appropriate and responsive to the culture of participants—both offender and victim.

The role that community organisations have played in facilitating conflict resolution and restorative justice is often overlooked and many of these organisations have spiritual or religious affiliations (Verma, 2019). An example of this is the 'Māori model of restorative justice', developed by the Salvation Army Social Policy Unit (Salvation Army Policy Unit, 2019). In their briefing, they conceptualise their understanding of Māori concepts, processes and understanding of restorative justice into a Māori model of restorative justice (see image 2). At the core of the model, they understand the basic principles that shape Māori knowledge around offending on three dynamics: vertically, Māori understand themselves in relation to kawai tīpuna or ancestral descent; horizontally, Māori belong to kin groups with individual and collective responsibility; and individually, each individual has an obligation as kaitiaki (guardians) to uphold their own as well as the mana of their kin group and externally, that of others. Although the report focuses on restorative justice, nothing is specific to the voice and or needs of victims, but rather restorative justice as illustrated in the context of offending (Salvation Army Policy Unit, 2019).

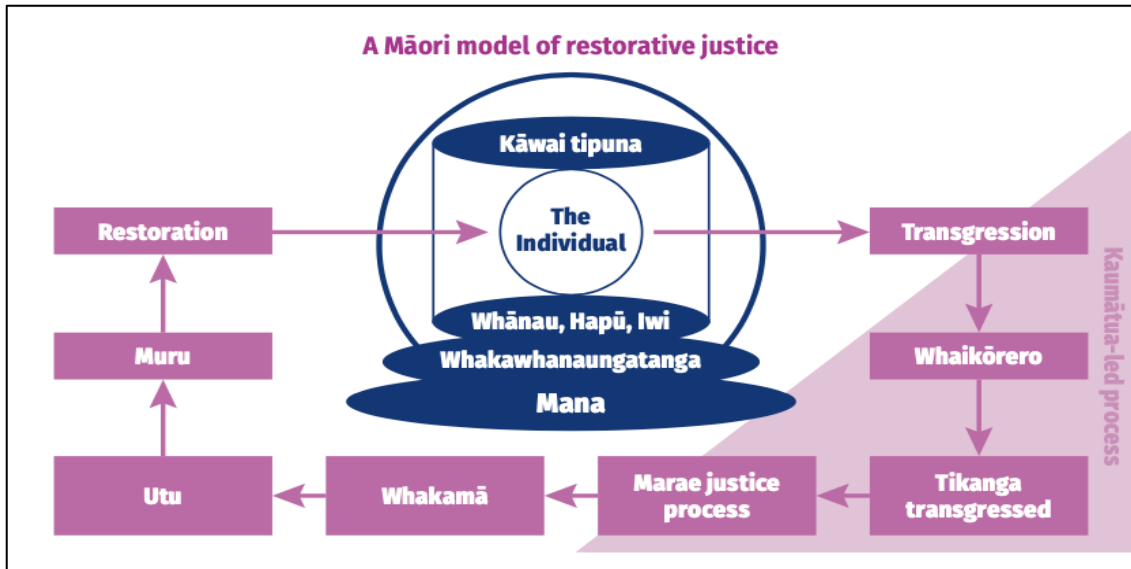


Image 2: Reconsidering the Aotearoa New Zealand criminal justice policy model report 2019 (Salvation Army Policy Unit, 2019)

Family Group Conference (FGC)

The FGC model has been acknowledged as one of the best-known restorative conferencing schemes (Marshall, 2014; O'Mahony & Doak, 2009). Authors such as Webb (2017) have recorded positive contributions of FGC, particularly with its incorporation of traditional Māori justice practices and healing-focused outcomes. Others such as Tauri (1998) have critiqued such methods as initiatives there simply to co-opt aspects of Māori justice practices and philosophies, to a practice largely administered by officials rather than community members in non-Māori venues. That same year, Morris and Maxwell (1998) completed a case study on FGC and recorded both positive and negative findings. Their research showed when victims were involved in conferencing, many found it a positive process, with FGC being helpful, positive, and rewarding and victims often felt better because of participating. It also provided them with a voice and meet with offenders to gauge an understanding of their offence. Morris and Maxwell (1998) also noted victims who did not wish to meet the offender, with a quarter of responders saying they felt worse because of attending FGCs. This was mostly due to the victim feeling the young person and or their family were not remorseful. Where dissatisfaction with FGC was recorded, these were due to poor practice, such as not being invited, unsuitable time, inadequate notice, promised arrangements falling through and not being informed of the eventual outcome. A more recent review of FGC was completed by Moyle and Tauri (2016), who present empirical research on FGCs and the mystifications of restorative justice. They argue that FGCs are culturally inappropriate and disempowering because of its enforcement-based approach as opposed to it being a strengths-based approach. It encloses Indigenous culture and participants within a Eurocentric, formulaic and standardised process and should instead be owned by the communities within which it is practiced.

Restorative justice, youth, and violence

It is important for this literature review to identify any evidence or illustration of kaupapa Māori initiatives and or concepts, even if outside the scope of alternative restorative justice pathways. In an international context, there is very much a move towards strong advocacy and application of restorative justice for children (Office of the special representative of the secretary-general on violence against children, 2016). In Aotearoa, and in addition to the youth FGC models are Rangatahi Courts, which operate in the same way as the Youth Court but are held on a marae and incorporating te reo and tikanga Māori (Grierson, 2015). Kaipuke Consultants (2012) completed an evaluation of Rangatahi Courts with lots of evidence of the application, merit, and at times, pitfalls of tikanga. However, because no victims were interviewed, there was little information on the process and impact on victims, with the discussion on victims often spoken about as part of the process for offenders. Waititi (2012), however, in his thesis on marae-based youth courts, the focus on victims is much obvious and acknowledged here, however it is still in light of the process of the offender. For example, the results of the thesis showed that when the victim does not appear at the Rangatahi Court hearing, this impedes the restoration of mana for them and the feelings of remorse and accountability for the offender. Waititi (2012) argues that more effort is needed to find more ways to engage victims in the process. The thesis also examines key Māori concepts involved in dispute resolution and how they apply to different situations within the Rangatahi Courts process, such as mana, tapu, utu, the process of take-utu-ea, whakamā and muru. Waititi (2012) concludes that kaupapa Māori and restorative justice are not one in the same but do complement each other in their purposes and that kaupapa Māori principles are very applicable today because these concepts function on a different philosophical base than that of the standard court system.

Evidence of kaupapa Māori in the domestic and family violence and violence prevention space was also evident throughout the literature, particularly in the way one thinks about restorative justice. In their evaluation of programmes for Māori adult protected persons, Cram et al. (2003) evaluate two programmes within Aotearoa to assess whether the programmes promote the protection of those persons from domestic violence. What is most interesting in their evaluation are the key principles used to benchmark the programme. The first two refer to te reo and tikanga and the second assesses whether kaupapa Māori solutions are exercised. The third refers to individual and collective healing with the objective of restoring balance. Evidence is also provided by Florencio et al. (2021), who conduct a qualitative study of a culturally adapted violence prevention programme in a forensic mental health service. They make mention of the effectiveness of hohou rongo, the facilitation of intentional discussion, and listening to the impact of the tension on others. In a different study on family violence, which focused on the possibility of victims being coerced or controlled to participate in restorative justice with the perpetrator, Paulin et al. (2021) identified several potential risk factors for victims. These included: a lack of information and or poor-quality information about the victim and the offender (for example, no summary of facts, no criminal history details) in many of the referrals from the court to restorative justice providers; the use of risk assessment forms for family violence cases by restorative justice practitioners that may not be fit for purpose; a fee structure that incentivises restorative justice practitioners to press the victim to proceed with the restorative justice process; and a lack of relevant professional training and development opportunities for restorative justice practitioners.

Victim Specific Reports and Evaluations

As illustrated in the name, *Te Tangi o Te Manawanui* was published carrying the voice and tears of Māori and Tauīwi victims of crime, as they spoke about the lack of safety, fairness, and justice they experience in New Zealand's current criminal justice system (Chief Victims Advisor to Government, 2019). In short, it called for a system that combines the strengths of the retributive system (ensuring due process for accused and protecting victims from predatory behaviour) with the strengths of a restorative system (putting the moral and therapeutic needs of the harmed parties at the centre). It also called for a shift in focus from punishment to healing, as well as the establishment of an independent body specifically set up for victims. This report builds on past advocacy of rights for victims, in the form of the Victims' Rights Act 2002 (McElrea, 2007) and the development of restorative justice policy to ensure that restorative justice programmes under the Sentencing Act 2002 and Victims' Rights Act 2002 are meeting required standards (Law Commission, 2004). Furthermore, it builds on previous reports published including:

1. Meeting the needs of Māori victims of crime (1999)
2. New Zealand National Survey of Crime Victims (2001)
3. NZ crime and safety survey (2014)
4. Victim satisfaction survey (2018)
5. Public survey of attitudes toward the justice system (2019)

The following year after the release of *Te Tangi o Te Manawanui*, another important research report from the perspectives of victims was released in 'Victims Voices: The Justice Needs and Experiences of New Zealand Serious Crime Victims'. Finally, a seventh report has been included in this review on international best court support models for victim-survivors of sexual violence. Below are the key findings of all seven reports.

Meeting the needs of Māori victims of crime (1999)

Of the reports listed here, the report on meeting the needs of Māori victims of crime is perhaps the only dedicated report that had a specific focus on Māori victimisation (Cram et al., 1999). A significant review, interviewing 70 Māori victims of crime, aimed to provide a broad picture of the context in which crimes against Māori are committed, as well as provide the finer details of individuals' experiences and their needs. A critique of the definition of victim and crime was provided along with the need to consider the historical background of Māori and the tikanga within which Māori operate. The report called for a system that was more responsive, non-judgemental, and for those involved to receive training to be Māori-friendly and culturally appropriate. The four recommendations include: that mainstream support services be encouraged to become more accessible; that a kaupapa Māori service for Māori victims of crime be established; that a kaupapa Māori service be resourced as a one-stop-shop for Māori 'victims' of crime; and that Māori process of resolution be resourced.

New Zealand national survey of crime victims (2001)

Although this survey is not specific to Māori, this survey is a comprehensive survey exploring the experience of crime victimisation of around 5000 randomly selected New Zealanders aged fifteen or over (Morris et al., 2003). The difficulty with

surveys such as these is the fact that they are quantitative, so the results do not always provide the context to key messages. For example, as a result, the report appears reactive in the sense there is a big emphasis on understanding what services were received or not received by victims. These are also highlighted in the data collected, such as the contact victims have with support agencies, what if any advice was sought from friends, family, or neighbours and what might be some of the policy implications?

New Zealand crime and safety survey (2014)

This survey reports on crime and victims' experiences and needs, particularly how much crime, the nature, and who experiences crime? (Ministry of Justice, 2015). Of relevance to victim needs and what they would have liked but did not get, include practical help, information and advice, as well as personal emotional support. While none of the report focuses on victim led restorative justice, the survey did attempt to understand victims' experiences of crime, the emotional and physical effects of crime, what support or services victims accessed (if any), and what kinds of services and support they needed after experiencing a crime.

Victim satisfaction survey (2018)

This survey is built on the survey conducted in 2011 and attempted to measure victim satisfaction with the restorative justice conferences as well as the overall experience of the restorative justice process (Gravitas Research and Strategy Ltd, 2018). Having good facilitators and being able to have their say, were the two top aspects of positive experiences within the justice system. 53% reported that nothing was poor or needed improvement in terms of negative experiences.

Public survey of attitudes toward the justice system (2019)

Another survey, perhaps slightly different from the previous, looks at the public attitudes toward the justice system (Ministry of Justice, 2019a). It does call for shifting the paradigm to victims and their interests being the centre of the criminal justice system. Many respondents agree that Māori should take the lead on solutions to criminal justice issues for Māori. An overwhelming majority of respondents also agree that less serious offences should be dealt with in communities instead of through the formal justice system

Victims' Voices: The justice needs and experiences of New Zealand serious crime victims research report (2020)

A more comprehensive report presents the findings of research on the justice experiences and needs of 32 victims of serious crime in New Zealand (Hargrave, 2020). The findings include, that victim voices are often unheard, the current justice system is failing to deliver justice to victims and is eroding their faith in it, victims face barriers of fear, exclusion, and unfairness to participation and finding justice in the system and that victims' needs are not consistently met in the justice system. In short, the three overarching themes as barriers to justice include fear, exclusion, and unfairness. The experience of victims in this study was that through a lack of genuine concern for the victim and their needs, the justice system exacerbated the loss of power and control central to their victimisation, leaving them disempowered and further from healing. Given that fear was a key barrier

to justice in this study, this highlights the courage and risk involved for victims who journey through the justice system. The enormity of this courage is underscored by the fact that victims are already in a marginalised position because of their victimisation. Unfortunately, evidence suggests that the current system exacerbates their marginalised status, and at times re-victimises them, through barriers of fear, exclusion, and unfairness. It is no surprise, therefore, that victims named support as their most important justice need. This research bolsters the growing recognition that there are benefits to both victims and society if victims' needs can be met not only by supportive individuals but within the justice system itself. It is argued that this requires a commitment to developing a justice system that is founded on victim-centric principles.

International best court support models for victims-survivors of sexual violence (2020)

Although completed on an international scale, this literature review suggests recommendations for and by victims in addition to ones already made (Ministry of Social Development, 2020). These include victim-survivor-centred, integrated programmes, such as one-stop-shops and wrap-around services. Collaboration and communication between medical and legal services, police, counsellors, advocates, and other support services can help better support victims-survivors throughout the justice process and ensure victims-survivors get access to the services and support they need. Because both these recommendations require resource-intensive support, attention would be targeted to funding. Victims-survivors feel more confident to participate in and cope with the challenging nature of the criminal justice system when they have ongoing access to a qualified and or specially trained sexual violence advisor or advocate, who can provide personalised and holistic support and advice throughout. It is important that service providers receive specialist training to respond effectively to the diverse and complex needs of victim-survivors of sexual violence. This includes the needs of Indigenous people, ethnic communities (migrants and refugees), people with disabilities, people with mental health issues, and the lesbian, gay, bisexual, transgender, queer or questioning (LGBTQ) community.

CASE STUDIES

The following case studies are examples of how kaupapa Māori approaches and pathways can be used to support whānau and victims of crime. Each case study shows how a kaupapa Māori based approach can ensure the voices of all victims are heard, particularly the voices of tamariki who are often the forgotten victims, and that the whole whānau can co-design their own solutions, which increases whānau buy-in and collective ownership of the change process. While kaupapa Māori approaches are holistic, such as working with the whole whānau, there was agreement amongst participants that there was insufficient support and services for victims, in general, and even less kaupapa Māori based supports. For example, the case studies highlighted the need for more culturally appropriate and safe wrap-around services for victims and their whānau, investment in kaupapa Māori services and skilled practitioners and kaupapa Māori research. Improving the collection of data (e.g., ethnicity data by providers) was also seen as essential in order to understand, measure, and make changes that will have a real impact on victims.

A total of 14 participants were interviewed. No names have been used to protect the identity of case study participants.

Case Study 1 – Whaingaroa

This case study draws on the expertise and experience of six participants working in the Whaingaroa (Raglan) area. All participants were Māori. One of the participants works in Women's Refuge, two were Māori Providers, and one other worked in social services. All four interviewees are experts in the field of restorative justice and working with Māori whānau having expertise in applying tikanga to their working scenarios. The other two interviewees are tikanga Māori and language experts. Both have spent their adulthood teaching and contributing to the survival of te reo Māori and cultural knowledge/well-being. Hence, a total of six participants were interviewed as part of this case study.

Themes

Co-Creating Solutions

Kei tai te kino kei uta te whiu. (Whatever we do as individuals has an effect on people we love).

Overall, participants believed that kaupapa Māori based initiatives are beneficial for both victims and perpetrators, as well as the whānau, and the community at large. They also believed that tikanga Māori provides a strong, best practice framework in which to deliver services. As stated in a previous section, kaupapa and tikanga-based initiatives and approaches support a culturally grounded, holistic, whānau-centric response that prioritises whanaungatanga and healing between all parties through the restoration of balance and mana. This also means that kaupapa Māori-based efforts are inherently preventative and or early intervention and reintegration focussed "by design" because it requires the whole whānau to be involved and is focused on future generations. Participants mentioned that this holistic focus is also vital, as more often than not, the wider whānau can be forgotten victims in this process and also require support to help get their lives back in balance.

Two of those interviewed had a particular preference for a balanced, whānau-centred, strength-based approach that empowers and supports the victim, as well as requiring accountability and ownership from the perpetrator (i.e., dual accountability). It was the experience of these participants that dual accountability and the co-creation of plans which include the whole whānau resulted in greater buy-in. When children are involved, their voices also need to be included in the approach to whānau restoration. Participants also mentioned that the victim, perpetrators, and whānau they interacted with were often culturally disenfranchised and needed support to understand how to heal their trauma and regain their life balance. With tikanga and te ao Māori guiding their approach, and with the needs and wishes of the victim at the heart of the process, whānau were encouraged to work collectively to ensure:

- appropriate supports were in place for the victim including tamariki, mokopuna (grandchildren) that may be involved;
- a process for healing the mamae (pain) caused by the actions of the perpetrator is in place, and;
- the restoration of mana and balance for victims, perpetrators, and whānau as a whole.

Setting kawa (customs, values) for the process and clear expectations are imperative. Whānau involvement in the process was identified as necessary to help collectively navigate the appropriate steps to restoration. Various tikanga can also be applied and adapted depending on the situation. This can include whakawātea (to clear, be free, remove); whakariterite (make preparations, arrange); taute (tend to, ponder, consider); acknowledging the mana of all present; the power of kanohi ki te kanohi (face to face); the cleansing power of tangi (cry, release, mourn); and the weight of whakamā (i.e., ashen, feelings of shame). The practice of kaitahi acknowledges the healing power of eating together and the end of the proceedings. Hohou rongo (i.e., the process of negotiating peace; the expression of peace and form of redress; resolving conflict) can also be applied and adapted in accordance with the situation, although this process is best suited to the marae. Also key to this process is that the perpetrator is held accountable within the context of te ao Māori including reacquainting the perpetrator with their cultural and whānau responsibilities.

Breaking the cycle of intergenerational trauma – Early intervention is key!

Tamaiti ako ana i te kainga, tū ana ki te marae tau ana. (A child taught at home will stand on the marae with dignity.)

All of the participants agreed that early intervention was critical in reducing future harm, and that it should begin with tamariki and mokopuna. Prioritising the needs of tamariki, mokopuna makes sense from a te ao Māori worldview. Traditionally, Māori children were cherished by their hapū because they would be the tribe's future. At birth, they were dedicated to a god. Tamariki were also raised by their extended family, not just their parents.

According to participants, tikanga Māori and te reo play a particularly important role in promoting healing and helping tamariki, mokopuna to thrive. However, the process of colonisation has resulted in the damage and loss of Māori cultural knowledge and practice and impacted the ability for the wisdom contained in this knowledge to be passed on to tamariki, mokopuna. Hence, participants stressed the importance of restoring cultural knowledge in early childhood or young adulthood, which creates a positive foundation before things like petty crime escalate. Participants also said this would help counter the barrage of negative messages and victimisation of Māori children being funnelled into the justice system and break the cycle of intergenerational trauma. Having these positive foundations in place also ensures that tamariki, mokopuna, and whānau are not further damaged by exposure through court proceedings or victimisation within justice processes, allowing them to grow into healthy adulthood. Furthermore, participants stated that when historical trauma is present, a greater amount of time needs to be invested to help tamariki and whānau to heal. Participants also considered the incorporation and inclusion of te ao Māori in the educational system to be critical in the restoration of cultural knowledge and practices at an early age.

Challenges and barriers to delivering kaupapa Māori supports and services

He rei ngā niho, he paraoa ngā kauae. (A whale's tooth in a whale's jaw – One must have the right resources for great enterprises.)

While all participants mentioned that they worked with the whole whānau (rather than just the victim or perpetrator), all agreed that more efforts needed to be made beyond the current justice systems' focus on the perpetrator. This included the need for dedicated victim support services within a kaupapa Māori framework and an increase in the availability of kaupapa Māori healing programmes, as well as more kaupapa Māori counselling and advocacy services. Participants also highlighted victimisation of whānau through their participation in the system, and how this can result in a further breakdown of relationships and exacerbate trauma. For example, one participant spoke of the (re)victimisation of wāhine Māori which usually includes the threat of tamariki being uplifted into state care. The fear of losing their children is so great that many wāhine will return to abusive partners or refuse to participate in justice processes, further entrenching them in a cycle of abuse.

There are many challenges that kaupapa Māori informed organisations and practitioners face when working with victims of sexual and family violence. Historically, agencies have generally prescribed the approach which whānau and perpetrators often do not buy into. As well, traditional Māori models have been ignored or underemphasised, with agencies forcing their own systemic models onto Māori whānau and providers instead. Moreover, kaupapa Māori is holistic and focussed on long-term sustainable change, which means that agency practices and funding must be recreated in a way that recognises this way of working. Currently, providers are restricted due to contracts and time constraints. Contract outputs do not consider or acknowledge the time trauma requires to be healed. 'Big hurt' and historical trauma can equate to a slow process and 'small incremental steps' to healing. Long-term, life-long planning and assistance are also required to recover and heal from trauma.

Improving kaupapa Māori knowledge and practice in the justice sector

Kaupapa Māori organisations and practitioners are specialists in their respective fields. However, their skill sets are not often recognised or valued in the justice sector. All participants stated that the justice workforce and providers require cultural knowledge and applied tikanga expertise and that this type of knowledge and skills are seen as important. Participants also emphasised that guidance in the process of making amends and understanding the hurt that was inflicted, and associated legal ramifications, needs to be facilitated by appropriately trained/knowledgeable experts. Hence, improving the justice sector for Māori requires both increased investment in improving the sectors kaupapa Māori knowledge and practice, as well as increased funding for Māori experts and or the opportunity to develop them.

One participant also stated that it was not enough to give a service and its programmes a Māori name or Māori logo. Instead, kaupapa Māori needs to be embedded into the culture, policy, and practice of all organisations. As well, kaupapa Māori should be seen as a preferred approach, not an alternative option. Participants also mentioned that a deeper look at the systems, policies, and application of tikanga by mainstream providers was also required. Participants offered several ways in which services for Māori victims could be improved including through the development of kaupapa Māori based and sector-specific qualifications and workforce development training, and the development of kaupapa Māori based service delivery standards.

Māori need the opportunity along with funding to develop this area to be fully effective.

Case Study 2 - Te Waipounamu

This case study was conducted with participants working in Te Waipounamu (South Island of New Zealand).

In total, four participants were interviewed; two restorative justice facilitators (one who also heads a rangatahi (youth, young person-people) trust), a restorative justice coordinator and Rūnanga (tribal board) member, and a Rongoa (traditional Māori medicine) healer and rūnanga member. Two were wāhine (women) and two were tāne (men). Two had whakapapa to the rohe (region, area), the other two had whakapapa to Waikato Tainui and Taranaki. All those interviewed were Māori and had worked in this area between two to twelve years and were based in Waitaha. All of those interviewed were involved in significant work with community/Māori providers and organisations.

Those interviewed believed that most offences could benefit from restorative justice and tikanga in this process, depending on the wishes of those involved. At present, a number of factors prevent this from occurring to a greater degree, the current requirements of 'restorative justice' which is fairly prescribed, the limited Māori workforce, training, and development to provide this approach. Māori customary concepts and practice, including tapu, noa, whakawātea, kūare (ignorant, unaware) and whakamā and a focus on restoring balance, was seen as important to the well-being of all parties to an offence and their broader families and communities. Those interviewed perceived the 'justice system' as difficult to influence with regard to cultural knowledge and practice.

Themes

Services and support for whānau

Those interviewed felt that there was insufficient support and services for 'victims' and, rangatahi supports, cultural healing opportunities and 'offender' services and supports to reduce recidivism were common themes. It was felt that targeted whānau and Māori services and providers should be a priority for increased justice investment, potentially from the 'proceeds of crime'.

The nature of healing supports for whānau was discussed by two of the participants who called for rongoa Māori to have a place alongside counselling and other clinical services to support addiction and mental health issues for victims and offenders. The importance of Section 27 cultural reports was seen as significant to providing context and understanding of the circumstances that often lead to crime and an important cultural addition to offsetting colonising justice processes, that could be more widely incorporated.

The consideration of increased traditional knowledge, cultural restoration practices, and alternative resolution models to restore mana, balance and to redress harm and hurt was seen as having significant contributions to make to the well-being of individuals, whānau and communities.

Te Pae Oranga (TPO), Restorative Justice (RJ) and Alternative Resolution

The practice and comprehensive nature of support for TPO and community panels were seen as a gold standard in comparison to the restorative justice operating and resourcing model as it currently operates. The way TPO provides wraparound innovative services and solutions to prevent youth crime (drivers licences etc) was seen as positive, along with the ability for a panel member to represent the 'community at large' when a crime had an indeterminate 'victim'.

Effective pre-conferencing practice included the ability to provide flexibility in terms of lead in, organising times (often after hours and weekends to suit both the victim and offender) planning, informing, and preparing whānau for the conference and taking as long as was needed to ensure safety and integrity of the participants and the process. Participants spoke of the need to provide people with information broadly about the justice system/processes. Key positive elements of the restorative processes included a focus on 'safety'. Informants spoke of planning to ensure physical, spiritual, and cultural and inter-cultural safety of all parties. Two participants gave examples of shared restorative and cultural leadership providing positive outcomes for both parties and an approach that enabled 'whare tauwi' and 'whare tipuna' resolution for the hara. They also spoke about providing confirmation of the conferencing without necessarily providing a report on the RJ conference, if this was an outcome that both parties agreed on. This is often the case if 'victims' do not wish the conference to impact sentencing.

Workforce capability and capacity

Those interviewed said there is a relative dearth of Māori providers, Māori facilitators, and cultural competency in the field of restorative justice, particularly in Te Waipounamu. Māori workforce and provider information, from the Ministry of Justice, is not available. The Ministry do not require the collection of ethnicity data from providers, nor do they have a working definition of Māori or kaupapa Māori provider of services.

Participants also recommended that more work be done with agencies, lawyers, businesses, and other organisations to offer restorative justice as an early intervention and to increase general and specific awareness, understanding, and perceptions of the services and practice. Providers/facilitators recognise that this is privately funded and is currently ineligible for government funding meaning that those seeking the service may have financial barriers.

Data and research

There are opportunities to look across restoration/mediation justice processes and services, and alternative resolution models including the Matariki Courts and TPO to strengthen and improve existing models that will help restore relationships, mana, and positive outcomes for individuals, families, and communities. Improving the collection of data and level and nature of investment in Māori workforce, rongoa services and providers would enable the growth of services and support for victims, offenders, rangatahi, whānau supporting the revitalisation of traditional knowledge and practice and ora or well-being.

Case Study 3 - Supporting victims and their whānau through Whānau Ora

This case study was conducted with Kaiārahi (Whānau Ora navigators) who work in the Whānau Ora space with victims, whānau, and the community.

A total of four Kaiārahi were interviewed working in the regions of Te Tai Tokerau, Waikato-Maniapoto, Te Tai Rāwhiti, and Te Tai Hauāuru.

The Kaiārahi worked with whānau who had experienced a range of crime types, including family violence, sexual violence, and serious assault. They acted as advocates for whānau, supporting them to navigate complex systems and to access the resources they needed. The Kaiārahi drew on their knowledge of tikanga Māori, kaupapa Māori practice, and Māori worldviews to find solutions for whānau.

When working with victims and their whānau, the Kaiārahi saw their role as supporting the victim to identify what they needed to make things right and to help them to access the resources they needed to make that happen. The Kaiārahi also recognised that often the victim was not the only one affected by crime and that it was important to support the family/whānau as a whole. In all cases, the Kaiārahi sought to empower the victim to take back control of their lives, make decisions that were best for them, their tamariki and whānau, and find their own solutions, as an individual and as part of a collective.

Kaupapa Māori practice was seen as essential in order to do this work in a culturally safe, effective and sustainable way.

Themes

Whānau Aspirations

Kaiārahi worked with victims and their whānau to establish safe, loving environments free of violence for themselves and their tamariki.

A key component of the Whānau Ora approach is Whānau Ora planning which enables whānau to identify their own aspirations and work towards them. Through the planning process, Kaiārahi can support victims to set realistic, achievable goals and work through the challenges that they face. For example, one participant described how they supported a woman who had been in an abusive relationship for many years and had 3 tamariki. The Kaiārahi helped the woman to develop a safety plan and to access the resources she needed to keep herself and her children safe. They also worked with her to identify her aspirations for herself and her children. The Kaiārahi supported the woman to enrol in a programme to gain her driver's licence. They also helped her to access counselling for herself and her children. In many cases, Kaiārahi were told by victims that they had been the only person who had ever asked them what they wanted for their lives and what they needed to be safe, healthy, and happy. Kaiārahi also emphasised that change did not happen overnight, particularly for whānau who have experienced intergenerational trauma, violence, and abuse. These types of experiences often left whānau with deep psychological and emotional wounds, as well as unwilling to trust. Hence, significant time, effort, patience, understanding, and "emotional

labour" from both Kaiārahi and whānau was required to build up mutual trust and positive relationships.

Once trust has been established, Kaiārahi were then in a position to support whānau in their journeys towards their aspirations, including being 'sensitised' to the specific needs of the victim. A number of Kaiārahi mentioned this part of the journey normally involved working with victims to restore their sense of mana by helping them to access tikanga and kaupapa Māori supports, for example, wānanga (transmit knowledge, exchange, tribal forum), marae visits, and connecting them to their whakapapa and whenua (land).

Comprehensive and holistic support

Kaiārahi said that they worked with whānau who have been perpetrators of violence, as well as those who have been victims. Wraparound, holistic support was seen to be the most effective path to change for whānau who had been impacted by violence and abuse. Moreover, Kaiārahi spoke about violence and trauma being one of a myriad of issues that whānau presented with, and that whānau often required a range of services in order to address all of their needs. In this respect, Kaiārahi acted as a link between whānau and services and were able to support the whole whānau in accessing the services they needed.

Kaiārahi were able to work with the police, Victim Support, agencies, lawyers, businesses, and other agencies to help get victims the support they needed. In other cases, the Kaiārahi were able to work with victims and their whānau to access community-based solutions that met their needs, such as traditional Māori healing and marae-based wānanga resolution processes. Wānanga often involved restoring whānau connections and rebuilding whānau structures. Some Kaiārahi also said they worked with whānau directly to offer techniques and strategies to de-escalate conflict and encourage positive communication in the home. More broadly, kaiārahi also mentioned connecting victims and whānau to mental health support, drug and alcohol counselling, housing and financial assistance, and education and employment programmes.

Healing the trauma

Many of the Kaiārahi spoke about the impacts of violence and abuse on the hearts, bodies, minds, and spirit of the whānau they worked with. Kaiārahi also spoke about how a lot of whānau they worked with were carrying past traumas that had never been addressed.

Accordingly, Kaiārahi emphasised the importance of addressing the underlying trauma that victims and their whānau experience as a result of violence and abuse. Kaiārahi viewed this as a vital step in preventing future violence and breaking the cycle of intergenerational trauma. Kaiārahi also emphasised that the healing process was often long and difficult but needed to be addressed for whānau to be able to heal.

Along with past trauma, the Kaiārahi also worked with whānau to address the trauma they were currently experiencing. One Kaiārahi spoke of the deep trauma caused to whānau who had or were in the process of having their tamariki uplifted. In these cases, Kaiārahi supported whānau by helping them to more effectively

care for and protect their tamariki. For example, navigating and supporting whānau to complete counselling and parenting programmes was seen as essential as Courts often looked favourably on parents who had completed such programmes, thereby increasing their chances of getting unsupervised access. Kaiārahi also supported whānau with paperwork, interpreting court documents, and even attended Family Group Conferences with whānau, either as an advocate or moral support. Another Kaiārahi also spoke about supporting one mum (and her three tamariki) who was in an abusive relationship, by advocating for her to have a voice in the justice system and helping her to understand the process and rights (including those of her tamariki).

Workforce Development

Kaiārahi spoke of the high level of commitment, patience, perseverance, and emotional investment from Kaiārahi and whānau required to support victims and their whānau in their journey of healing. The diversity and complexity of whānau needs also means that Kaiārahi can become overstretched, which can potentially lead to burnout. On top of this, the extra demands of COVID-19 lockdowns from both work and family have placed Kaiārahi under a lot of pressure due to the increased demand for their services.

In light of this, it is vital that the workforce development for Kaiārahi include both professional development and pastoral care. This includes ensuring that Kaiārahi have access to appropriate training and upskilling, as well as regular supervision and debriefing. Kaiārahi also need opportunities to share their experiences with each other, in order to reflect on their practice, as well as to build solidarity and support.

Summary

In summary, the case studies have shown that wraparound, holistic support is seen by Māori experts and practitioners as the most effective path for whānau who have been victims of abuse and violence. This way of working also ensures that the often forgotten victims—like tamariki—are given early intervention support to help break the cycle of violence, abuse, and trauma. Qualified and experienced kaupapa Māori practitioners are essential to this process, as they are known in their communities, and have the technical and cultural knowledge, understanding, and experience to work with whānau to co-develop solutions that are meaningful and relevant.

Kaupapa Māori practitioners also stated that the justice workforce and providers require cultural knowledge and applied tikanga expertise and that this type of knowledge and skills should be seen as essential for anyone working in the justice sector. Participants also said there is a relative dearth of Māori providers, Māori facilitators, and cultural competency in the field of restorative justice. Significant investment in workforce development was therefore seen as essential for enabling this kind of work to take place and building kaupapa Māori capability and capacity. Kaupapa Māori approaches need practitioners who are well-trained in working with whānau and who have a good understanding of the history and context of violence. Participants also mentioned there are opportunities to look across restoration/mediation justice processes and services, and alternative resolution models including the Matariki Courts and Te Pae Oranga to strengthen and improve existing models that will help restore relationships, mana, and positive outcomes for individuals, families, and communities.

Kaiārahi were able to support whānau in accessing a range of services that met their needs and also helped to address the underlying trauma that victims and their whānau experience. Again, this type of support was seen as vital in helping whānau to heal, move on from their experiences of violence and abuse, break the cycle of intergenerational trauma, and create long-term sustainable change.

Improving the collection of data and increased investment in kaupapa Māori research were also seen as essential in order to understand, measure, and make changes that will have a real impact on victims. As well, the Ministry do not require the collection of ethnic data from providers, nor do they have a working definition of Māori or kaupapa Māori provider of services. However, this information would further contribute to building a more comprehensive understanding of the factors that would lead to the effective provision of kaupapa Māori services and better outcomes for whānau, and from the perspective of government, what needs to be done to ensure that these services are effectively resourced.

MEASURING WHAT MATTERS FOR MĀORI

Factors and frameworks for understanding and measuring Māori well-being can be found both in academic discourse over the last 30 years and in the tribal knowledge and histories of Māori. Yet state entities have struggled to effectively implement or measure Māori outcomes successfully. Within the existing alternative resolution pathways provided by restorative justice in Aotearoa, there has been limited evaluation of outcomes or measurement of success to date.

Certainly, one of the most prominent models for understanding and measuring Māori well-being is Te Whare Tapa Whā (four cornerstones of health), developed by internationally renowned Māori academic Emeritus Professor Sir Mason Durie in the early 1980s. In brief, the model is based on the four pillars of the whare, that is, Te Taha Tinana (the physical aspect), Te Taha Wairua (the spiritual aspect), Te Taha Whānau (the family aspect), and Te Taha Hinengaro (the psychological aspect). Durie goes on to say that the development of outcomes and measures for Māori well-being need to be cognisant of the following:

- is culturally grounded and strength-based
- recognises the significance and centrality of relationships, people, and connections to Māori and Māori well-being
- is holistic in its understanding and approach to Māori well-being and,
- reinforces the importance of all aspects of health and well-being as being 'in balance'

These core elements of Te Whare Tapa Whā (i.e., culturally grounded, holistic, balance) would also underpin the development of later Māori well-being measurement tools and frameworks, including the Whānau Rangatiratanga Measurement Framework (Baker, 2016), the Māori Potential Framework, the Whānau Development Outcomes Matrix (Karauria, 2005), Te Kupenga, the 2013 survey of Māori well-being by New Zealand Statistics, and two Māori mental well-being assessment tools, Hua Oranga and the Meihana Model.

Another critical point made by Durie (Durie, Kingi and Graham 2012, p.11) is that an agency's ability to engage successfully with Māori is essential and that engagement must be "meaningful and viewed as an opportunity to better understand the needs of Māori and to ensure that outcomes for Māori are fully maximised". That is, successful outcome achievement is very much dependent on the quality of the service being delivered, and in particular, the capability of services to engage with whānau effectively. They also emphasise that "consumer satisfaction measures [are] based on the simple premise that consumer needs and preferences should be met. To improve access to, and use of public services, Māori preferences, choices, and decisions must be fully considered". Williams (2000) and Kawharu (2001) suggest at the very least, any discussion about outcomes and government effectiveness for Māori should allow Māori to participate in the decision about what kind of measure is used Humpage (2002, p.193).

Māori Measures of Success

Kingi (2003) has emphasised the need for indicators and measures that are important or relevant to Māori receiving services, and outcomes derived from a Māori worldview.

Kaupapa Māori responses (including Whānau Ora and whānau-centred service delivery) has shown increasing promise in being highly responsive to Māori needs, overcoming obstacles to whānau engagement, providing for victim safety in the context of whānau, as defined by the victim, and achieving positive outcomes (Wehipeihana, 2019). This is achieved first by victims identifying who their whānau is, and then being supported to identify their goals and make their own decisions on how those goals might be achieved. Whānau-centred practitioners are also highly skilled and trained in ways that ensure the individual and collective needs and aspirations of whānau are met (Wehipeihana, 2019).

Whānau Ora puts whānau and families in control of the services they need to build on their strengths and achieve their aspirations. It uses a kaupapa Māori approach in an integrated way to improve the well-being of whānau as a group, addressing the individual needs within the context of whānau or families and their culture.

The Whānau Ora Outcomes Framework was developed by world-renowned Indigenous scholar Emeritus Professor Sir Mason Durie and informed by an independent panel of New Zealand and international experts in consultations with government, academic, and non-governmental stakeholders. Using this framework to inform the programme logic for this pilot brought with it a number of benefits including:

- A standard vocabulary and agenda, which provide a common understanding of progress and a better appreciation of the full range of outcomes that whānau desire
- The ability to compare approaches across Whānau Ora services by identifying the inter-linkages between activities and outcomes, and a more robust evidence base for service and policy development
- Greater flexibility in service delivery, more collaboration and better alignment of activity to outcomes, which in turn results in more efficient resource allocation
- Better outcomes for whānau

As part of a Formative Evaluation report conducted by Hikitia and Associates for Te Puni Kokiri (Were et al., 2019), connectedness, trust and engagement, empowerment and motivation increased awareness, knowledge and skills and active participation in courses were identified as key Whānau Ora outcomes in the whānau violence space. These translate to community connectedness, enhanced relationships and increased kaitiakitanga (guardianship) over kaupapa Māori values. For example, proactivity, kotahitanga, manaakitanga (care and respect), kaitiakitanga and kai.

Other key outcomes areas identified in the literature are as follows:

- increased access to and engagement with services and support to strengthen whānau functioning
- establishing, restoring, or maintaining whānau links and relationships
- improved whānau well-being through increased health, safety or improved functioning as evidenced through kaupapa Māori values
- internal providers change to deliver outcomes.

As well, although not specifically framed as outcome areas, the following were identified as important transformative concepts/ideas and expected behavioural

outcomes from a kaupapa Māori programme addressing whānau (as opposed to family) violence (Wehipeihana, 2019):

- Kaitiakitanga - Guardianship, the responsibility to look after and care for in accordance with tikanga Māori often in relation to natural and physical resources.
- Kotahitanga - Unity or solidarity is demonstrated through the achievement of harmony and moving as one.
- Manaakitanga - Hospitality, hosting and an ethic of caring for others. Demonstrated through the expression of aroha, sharing of food, generosity and mutual respect.
- Pūkengatanga - Teaching, preserving and passing on expert skills and knowledge.
- Rangatiratanga - The right for people to make decisions about their lives, be self-determining. Also, the attributes of leadership including humility, diplomacy, the sharing of knowledge and weaving the people together.
- Te reo Māori The Māori language
- Wairuatanga - Spirituality; the belief that there is a spiritual existence alongside the physical. It is often expressed through the intimate connection of people to their maunga (mountain), awa/moana/roto (rivers/seas/lakes), marae, tūpuna (ancestors) and atua.
- Whakapapa - Genealogy, family tree, kinship and connections
- Whanaungatanga Relationship, kinship, sense of family or familial-like connection; developed through shared experiences and working together. It provides people with a sense of belonging and includes rights and obligations, that strengthen members and the group.
- Ūkaipōtanga - Speaks of knowing where your roots are and being loyal to them. Recognising who you are and where you belong.
- Kaupapa Māori programmes are designed to guide behaviour about: what is tika (correct or doing the right thing); pono (acting with integrity and consistency); and aroha (love for self and care and compassion for others). Kaupapa Māori programmes reconnect participants to tikanga Māori, affirming their cultural identity as Māori, and elevate the contemporary relevance of tikanga as a cultural compass to guide their engagement with whānau and the wider world.

Key Kaupapa Māori Outcome Areas

Key outcome areas identified in the literature review and case studies - and at the core of kaupapa Māori resolution pathways - are manaakitanga, whanaungatanga, rangatiratanga, ōranga (holistic health and well-being). Other key areas based on the aforementioned Māori models and outcome frameworks include mātauranga (increased whānau knowledge) and pūkengatanga.

As a holistic approach, it is also important to understand that outcomes are also seen as interdependent and interconnected. For example, kaitiakitanga cannot be realised in effective ways without whanaungatanga and rangatiratanga. Participants in kaupapa Māori programmes often report a strengthened sense of identity, connection to community, and belonging. This increased sense of well-being then has flow-on effects for kaitiakitanga, rangatiratanga, and whanaungatanga. Whanaungatanga – that is developing and maintaining responsive and trusting relationships with whānau - gives expression to

manaakitanga through mana-enhancing ways of working and caring and respectful relationships. They promote whānau rangatiratanga by encouraging and supporting whānau to be self-determining, set their own goals, and make their own decisions. Experienced kaupapa Māori practitioners reconnect whānau to tikanga, affirming their cultural identity as Māori and mana and create a safe, familiar and welcoming environment.

The following table provides a synopsis of these key outcome areas and provides some initial thinking about how these measures might be applied in the justice sector. Outcomes can also occur at an individual and collective level which also requires some consideration of the trajectory of the victim's journey, and the trajectory of outcomes that might occur along that journey. For example, the early stages of the journey may be more focused on the victim's immediate, individual needs, for example implementing a safety plan, rebuilding their self-esteem and confidence, and providing them with information about their rights and available services. As the victim progresses along their journey, and once some of these individual needs have been met, there may be more focus on building up a whānau support network and the overall health and wellbeing of the whānau. Consequently, the measures below are not meant to be prescriptive but rather provide a starting point for thinking about kaupapa Māori outcomes and how they might be applied and measured within the justice sector.

| Kaupapa Māori Outcome Domains | Potential Indicators and Measures |
|---|---|
| Mātauranga (Whānau Knowledge) | <ul style="list-style-type: none"> ● Victims are informed about the criminal justice system and processes ● Victims have increased knowledge of their rights and responsibilities when navigating court systems and processes ● Victims are aware of available services and supports in their local area and community ● Victims know how to access kaupapa Māori resolution support ● Victims know how to implement a safety plan ● Victims are knowledgeable in kaupapa Māori resolution pathways |
| Pūkengatanga (Whānau Capability and Skills) | <ul style="list-style-type: none"> ● Victims and their whānau are better able to manage anxiety and stress ● Victims and their whānau are able to resolve disputes in a kaupapa Māori way |
| Whanaungatanga (Whānau social and cultural capital) | <ul style="list-style-type: none"> ● Victims and their whānau have positive relationships with others ● Victims and their whānau are more socially and culturally connected ● Victims and their whānau feel a greater sense of belonging and community ● Victims and their whānau are proud of their culture and identity |

| | |
|---|---|
| Wairuatanga (Whānau are spiritually connected) | <ul style="list-style-type: none"> • Victims and their whānau feel more connected to their ancestral whenua, awa, moana, maunga and tūpuna |
| Rangatiratanga (Whānau leaders and champions) | <ul style="list-style-type: none"> • Victims and their whānau are leaders and champions in their community • Victims and their whānau are more self-managing (and require less supports and services) |
| Ōranga (Whānau health and well-being) | <ul style="list-style-type: none"> • Victims and their whānau feel their trauma and pain has been healed • Victims and their whānau feel balance has been restored in their lives • Victims and their whānau experience holistic health and well-being |
| Manaakitanga (Caring and safe whānau) | <ul style="list-style-type: none"> • Whānau live in safe (i.e., physically, emotionally, psychologically and spiritually), violence free homes • Whānau are able to care for each other in mana-enhancing ways |
| Kaitiakitanga (Whānau Guardianship) | <ul style="list-style-type: none"> • Whānau are the guardians of tikanga and mātauranga Māori so that it can be shared with future generations • Whānau are able to care for their environment and resources and keep their community safe |

CONCLUSION

Kaupapa Māori based restorative and resolution processes and practices provide an opportunity for Māori to reconnect with their whakapapa, values, and tikanga in a safe and healing environment. These processes and practices can be traced back to the creation stories, tribal histories, and tikanga Māori. Tikanga Māori incorporates Māori values and principles, which are drawn from mātauranga Māori or Māori knowledge. Therefore, kaupapa Māori is a values-based approach since tikanga adheres to principles rather than rules.

However, colonisation would eventually erode these Indigenous practices, particularly after the signing of the Te Tiriti o Waitangi (Treaty of Waitangi) in 1840. The following half-century would see Māori sovereignty usurped by a policy of colonial hegemony that would be perpetuated by successive governments. As a result, Māori would find themselves in an oppressive, punitive, and racist system that would work to eradicate their cultural identity, traditions, histories, practices, and processes.

Fortunately, the last 30 years have seen a groundswell in community led kaupapa Māori based initiatives, with a resurgence tikanga and mātauranga Māori based resolution practices and processes. This same period has seen government-initiated reviews undertaken across criminal justice, family court, child protection, welfare, mental health and addictions, and health and disability that have stressed the continued failure of past and current state approaches to working with Māori communities. Recurring themes throughout these reviews included the continued inability of the government to meet the depth and breadth of complex whānau needs, structural inequity underpinned by institutional racism, lack of accountability to Māori, and a continued reliance and valuing of Western knowledge over Māori concepts and Māori models of practice (Boulton et al., 2018; Chief Victims Advisor to Government, 2019; Government Inquiry into Mental Health and Addiction, 2018). These issues are further exacerbated by system, service, and role fragmentation; sectoral competition; inadequate and siloed funding systems, and that uniquely Indigenous Māori solutions and models lack state commitment, and legislative and infrastructure support, as well as "remaining the focus of unremitting scrutiny". Furthermore, very little meaningful action has been taken to hold these systems to account for the poor outcomes they are producing for Māori.

These recurring themes and issues are also consistent with the findings of this report. Kaupapa Māori practitioners spoke candidly about their experiences in the justice sector. A common sentiment amongst them was that they felt their efforts were underappreciated, undervalued with limited opportunities for advancement and that there was a lack of strong kaupapa Māori voices in positions of influence and change. Underinvestment in kaupapa Māori based training was also seen as a contributing factor. Kaupapa Māori practitioners also spoke passionately about the need for further investment in 'by Māori for Māori solutions', and that Māori are best positioned to determine what works best for them. This is in contrast to the current situation where they felt solutions were imposed by agencies or professionals. Kaupapa Māori practitioners also wanted the ability and flexibility to work both separately and in partnership with mainstream organisations and agencies, as tangata whenua and tangata tiriti (people of the Treaty (non-Māori)),

as well as strongly advocating for the devolution of decision-making, funding, services, and resources to Māori in line with article two of Te Tiriti and Māori rights to tino rangatiratanga (self-determination), and obligations under the United Nations Declaration on the Rights of Indigenous. However, this does not remove the onus for mainstream providers to deliver services that are effective for Māori. They continue to provide the bulk of services to Māori and play an essential part in ensuring that Māori have access to appropriate, timely, and culturally competent and safe services and staff.

Case study participants said they were both highly reliant on kaupapa Māori research and kaupapa Māori data to inform future kaupapa Māori initiatives, and that there needed to be further investment in kaupapa Māori research and better access to available data to ensure kaupapa Māori approaches are part of the 'evidence base' and have a voice in mainstream kaupapa Māori research agendas. The need for kaupapa Māori research to be strategically planned, embedded into kaupapa Māori organisational operations and policy development processes was emphasised.

Another common theme was the notion that there is no one pathway to achieve redress and justice for Māori victims and their whānau. As previously stated, Māori are a diverse people with diverse histories, situations, experiences, histories, identities, goals, and aspirations. Unsurprising, kaupapa Māori approaches vary in response to these complexities and are open to adaption, including the incorporation and integration of mainstream services, supports, and practices where appropriate. This ensures whānau receive the right mix of services and supports to meet their holistic needs. Again, this is in contrast to a criminal justice system that was often described as inflexible, siloed, and slow to adapt. Furthermore, if resourced adequately, kaupapa Māori practitioners and services can play a key role in supporting mainstream organisations and agencies to improve their services for Māori.

In terms of outcomes, case study participants talked about kaupapa Māori approaches as a way to build resilience within whānau, increase whānau knowledge and awareness around available services, supports and entitlements, and how to navigate court processes and systems, improve whānau communication and conflict resolution skills, strengthen whānau and community relationships and connections and mana (e.g. strengthening whānau cultural identity, sense of self-worth, self-esteem), increase whānau capability to heal themselves, as well as cultivating the capacity of the whole whānau to heal each other. Kaupapa Māori intervention strategies were also seen as a way to transition victims into leadership roles, through their active participation in efforts aimed at preventing victimisation and harm.

To conclude, kaupapa Māori offers an opportunity to redress these ongoing systemic failures and inequities by providing a space for Māori to challenge the status quo, and to create and enact their own solutions based on their own world view. Kaupapa Māori resolution pathways is an approach that recognises the mana of all involved and kaupapa Māori processes and practices offer a way forward that is culturally grounded, strengths-based, and whānau and community-led. When led by an experienced practitioner, kaupapa Māori resolution pathways provide a

space for unpacking historical trauma, and a way for whānau to connect with their whakapapa, values, and tikanga in a safe and healing environment.

FUTURE DIRECTIONS FOR GOVERNMENT

Based on the findings of this report, there is a clear need for kaupapa Māori approaches in the justice sector, particularly when working with victims and their whānau.

Accordingly, the following recommendations have been framed in terms of how this important work can be supported better so that whānau can achieve better outcomes.

Future Directions for Government

1. Commissioning kaupapa Māori and Whānau Ora (cross-government work programme) outcomes to improve the well-being of people and their families. Crown deliberately partnering with iwi (tribe, tribal), hapū (sub-tribe), whānau, and Māori communities to design and deliver kaupapa Māori responses, community-based initiatives for restorative justice, and finally, alternative kaupapa Māori processes.
2. Collaborating with organisations such as the Whānau Ora commissioning agencies (i.e., the Whānau Ora Commissioning Agency (North Island), Te Pūtahitanga (South Island), Inaia Tonu Nei, Tū Pono, Te Rau Ora, the Māori Health Authority and iwi providers.
3. Increase the capacity of kaupapa Māori providers, practitioners, and researchers to support kaupapa Māori approaches and initiatives in the justice sector so they can continue to deliver effective services. Further investment in kaupapa Māori workforce development to enable this approach to be more embedded in the justice sector and their responses.
4. Recognise local tohunga (expert, skilled person, specialist, healer) and pukenga (expertise), kaupapa Māori practitioners and workforce as essential in the justice services sector. Tohunga and pukenga skills and knowledge are better funded, valued, recognised, and utilised. Increase the ability of victims, perpetrators, and communities to be involved, invested, and drive these justice processes.
5. Mainstream support services be encouraged to become more accessible; that a kaupapa Māori service for Māori victims of crime be established; that a kaupapa Māori service be resourced as a one-stop-shop for Māori 'victims' of crime; and that Māori process of resolution be resourced.
6. Māori data sovereignty to shape how data is and should be collected on kaupapa Māori approaches with Māori who are victims of crime, to understand the impact these have on improving outcomes for Māori.
7. Kaupapa Māori and Whānau Ora principles and tikanga to inform work, including policy and practice development, programme delivery, and research.
8. Establish a kaupapa Māori restoration and healing expert panel(s) to provide guidance and monitor kaupapa Māori restorative justice

investment, initiatives, processes, and practices, including programme design, development, implementation, and delivery, both regionally and nationally.

REFERENCES

- Ahu, T., Hoare, R., & Stephens, M. (2011). Utu: Finding a balance for the legal Maori dictionary. *Victoria University of Wellington Law Review*, 42(2), 201–219.
- Baker, K. (2016). *The Whānau Rangatiratanga Frameworks: Approaching whānau wellbeing from within Te Ao Māori*.
<https://doi.org/10.13140/RG.2.2.28459.44325>
- Bateman, S., & Berryman, M. (2008). He hui whakatika: Culturally responsive, self determining interventions for restoring harmony. *Kairaranga*, 9(1), 6–12.
- Best, E. (1926). Ritual formulae pertaining to war and peace making. *The Journal of the Polynesian Society*, 35(3(139)), 204–210.
- Best Practice Journal. (2008). Diverse realities of Māori. *Best Practice Journal*, 13, 4–6.
- Bishop, R. (1998). Freeing ourselves from neo-colonial domination in research: A Māori approach to creating knowledge. *International Journal of Qualitative Studies in Education*, 11(2), 199–219.
- Bonta, J., Wallace-Capretta, S., Rooney, J., & McAnoy, K. (2002). An outcome evaluation of a restorative justice alternative to incarceration. *Contemporary Justice Review*, 5(4), 319–338.
<https://doi.org/10.1080/10282580214772>
- Borell, B., Waru Rewiri, K. T., Barnes, H. M., & McCreanor, T. (2020). Beyond the veil: Kaupapa Māori gaze on the non-Māori subject. *Journal of Sociology*, 56(2), 197–212. <https://doi.org/10.1177/1440783319893503>
- Boulton, A., Cvitanovic, L., & Cropp, T. (2018). A Māori-informed approach to health social work. In M. Petrakis (Ed.), *Social Work Practice in Health: An introduction to contexts, theories and skills* (pp. 256–276). Allen and Unwin.
- Braithwaite, J. (1999). Restorative Justice: Assessing Optimistic and Pessimistic Accounts. *Crime and Justice*, 25, 1–127.
- Braithwaite, J. (2000). Repentance Rituals and Restorative Justice. *Journal of Political Philosophy*, 8(1), 115–131.
<https://doi.org/https://doi.org/10.1111/1467-9760.00095>
- Brittain, E., & Tuffin, K. (2017). Ko tehea te ara tika? A discourse analysis of Maori experience in the criminal justice system. *New Zealand Journal of Psychology*, 46(2), 99–107. <https://www.psychology.org.nz/journal-archive/Maori-interactions-with-criminal-justice-system.pdf>
- Carter, L. (2005). Naming to own: Place names as indicators of human interaction with the environment. *Alternative International Journal of Indigenous Scholarship*, 1(1), 6–25.
- Chen, M. (2021). Restorative justice in Indian Country.
https://www.dissentmagazine.org/online_articles/restorative-justice-in-indian-country
- Cherrington, L. (2009). *Te hohounga: Mai i te tirohanga Māori*. Ministry of Social Development. <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/research/conduct-problems-best-practice/te-hohounga-mai-i-te-tirohanga-maori.html>
- Chief Victims Advisor to Government. (2019). *Te tangi o te manawanui: Recommendations for reform*.
<https://chiefvictimsadvisor.justice.govt.nz/assets/Documents/Publications/Te-Tangi-Final-PDF.pdf>

- Consedine, J. (1995). *Restorative justice: Healing the effects of crime*. Ploughshares Publications.
- Cram, F., Pihama, L., Jenkins, K., & Karehana, M. (2003). Evaluation of programmes for Maori adult protected persons under the Domestic Violence Act 1995. *Australian Indigenous Law Reporter*, 8(1), 95-112.
- Cram, F., Pihama, L., & Karehana, M. (1999). *Meeting the needs of Māori victims of crime: A report to Te Puni Kōkiri and the Ministry of Justice*. The University of Auckland.
- Croxford, S. (2016). A theoretical analysis of Iwi justice panels. Where does the authority for these panels come from? <http://researcharchive.vuw.ac.nz/bitstream/handle/10063/5232/paper.pdf?sequence=1>
- Cunneen, C. (2008). *Reviving restorative justice traditions?* University of New South Wales Faculty of Law Research Series, New South Wales, Australia.
- Daly, K. (2002). Restorative justice: The real story. *Punishment & Society*, 4(1), 55-79. <https://doi.org/10.1177/14624740222228464>
- Dobbs, T., & Eruera, M. (2014). *Kaupapa Māori well-being framework: The basis for whānau violence prevention and intervention*. New Zealand Family Violence Clearinghouse, University of Auckland
- Drewery, W. (2004). Conferencing in schools: punishment, restorative justice, and the productive importance of the process of conversation. *Journal of Community & Applied Social Psychology*, 14(5), 332-344. <https://doi.org/https://doi.org/10.1002/casp.800>
- Drewery, W., & Winslade, J. (2005). Developing restorative practices in schools: Some reflections. *New Zealand Journal of Counselling*, 26(1), 16-32. <https://hdl.handle.net/10289/9571>
- Durie, M., Kingi, T. K., & Graham, M. (2012). *A framework for measuring Te Ao Māori perspectives of effectiveness*. Te Puni Kokiri. [file:///Users/user/Downloads/tpk-measureperformance-2013%20\(1\).pdf](file:///Users/user/Downloads/tpk-measureperformance-2013%20(1).pdf)
- Dzur, A. (2017). Conversations on restorative justice: a talk with Gabrielle Maxwell and Paul Howard. *Restorative Justice*, 5(3), 481-500. <https://doi.org/10.1080/20504721.2017.1393939>
- Eketone, A. (2012). Commentary: The potential for the use of karakia at the beginning of the restoration process. *MAI Journal*, 2(2), 150-157. <https://doi.org/http://hdl.handle.net/10523/6654>
- Fernando, I. (2018). Taniwha in the room: Eradicating disparities for Maori in criminal justice - is the legal system up for the challenge? *Canterbury Law Review*, 24, 61-90. <http://www.austlii.edu.au/nz/journals/CanterLawRw/2018/3.pdf>
- Florencio, F., Healee, D., Ratahi, T., Wiki, N., & McKenna, B. (2021). Tū Tahanga: A Qualitative Descriptive Study of a Culturally Adapted Violence Prevention Programme in a Forensic Mental Health Service. *International Journal of Forensic Mental Health*, 1-9. <https://doi.org/10.1080/14999013.2021.1953194>
- Gallagher, T. (2008). Tikanga Māori pre-1840. *Te Kāhui Kura Māori*, 0(1). <http://nzetc.victoria.ac.nz/tm/scholarly/tei-Bid001Kahu-t1-g1-t1.html>
- Gordon, G. (2019). Wedded to the state's requirements: Restorative and community justice processes in Aotearoa/New Zealand *New Zealand Sociology* 34(1), 27-50.
- Government inquiry into Mental Health and Addiction. (2018). *He Ara Oranga translates as Pathways to Wellness*. <https://mentalhealth.inquiry.govt.nz/inquiry-report/he-ara-oranga/>

- Gravitas Research and Strategy Ltd. (2018). *Ministry of Justice - Restorative justice survey: Victim satisfaction survey*.
- Grierson, E. (2015). *Restorative Justice: From adversarialism and blame to responsibility and reparation* Auckland.
https://www.researchgate.net/publication/304094608_Restorative_Justice_From_adversarialism_and_blame_to_responsibility_and_reparation
- Haldane, H. J. (2009). The provision of culturally specific care for victims of family violence in Aotearoa/New Zealand. *Global Public Health*, 4(5), 477-489. <https://doi.org/10.1080/17441690902930816>
- Hand, C. A., Hankes, J., & House, T. (2012). Restorative justice: the indigenous justice system. *Contemporary Justice Review*, 15(4), 449-467.
<https://doi.org/10.1080/10282580.2012.734576>
- Hargrave, P. (2020). *Victims' voices: the justice needs and experiences of New Zealand serious crime victims*. Victim Support (New Zealand).
https://victimsupport.org.nz/sites/default/files/2020-11/Vs-Victims-Voices-Research-Report-Aug-2019_WEB-PRINT.pdf
- Hau, T. R. O. T. O. (2018). *To what extent are principles of kaupapa Māori reflected in the current practices of Māori mediators in Aotearoa?* [Master of Business Studies, Massey University].
- Hayward, J., & Wheen, N. (2004). *The Waitangi Tribunal: Te Roopu Whakamana i te Tiriti o Waitangi*. Bridget Williams Books.
- Hazou, R. (2020). Enacting restorative justice: Shakespeare and tikanga Maori in 'Cellfish' (2017). *Australasian Drama Studies*(76), 211-240.
- Hennessy, J., Hinton, M., & Taurima, N. (2014). Restorative practice with family violence. In A. Hayden, L. Gelsthorpe, V. Kingi, & A. Morris (Eds.), *A restorative approach to family violence: Changing tack* (pp. 149-156). Ashgate Publishing Limited.
- Henry, E., & Pene, H. (2001). Kaupapa Maori: Locating Indigenous ontology, epistemology and methodology in the academy. *Organization*, 8(2), 234-242.
- Hohepa, P., & Williams, D. W. (1996). *The taking into account of te ao Maori in relation to reform of the law of succession*. Law Commission
- Hollis-English, A. (2015). Theories in Māori social work: Indigenous approaches to working with and for Indigenous people. *Aotearoa New Zealand Social Work*, 27(4), 5-15.
- Hollis-English, A. N. R. (2012). *Māori social workers: Experiences within social service organisations* [Doctor of Philosophy, University of Otago].
- Hook, G. R., Waaka, T., & Raumati, L. P. (2007). Mentoring Māori within a Pākehā framework *MAI Review*, 3.
<http://www.review.mai.ac.nz/mrindex/MR/article/download/70/70-183-1-PB.pdf>
- Humpage, L. (2002). *Closing the gaps? The politics of Māori affairs policy* [Doctor of Philosophy in Sociology, Massey University].
<https://mro.massey.ac.nz/handle/10179/2155>
- Jackson, M. (1987). *Maori and the criminal justice system: A new perspective, he whaipanga hou*. Department of Justice.
<https://www.ojp.gov/pdffiles1/Digitization/108675NCJRS.pdf>
- Jackson, M. (1988). *The Maori and the criminal justice system: a new perspective. He whaipanga hou: Part 2*. Department of Justice.
- Jackson, M. (1989). A Maori criminal justice system *Race, Gender, Class*, 9 & 10.
<https://trc.org.nz/sites/trc.org.nz/files/digital%20library/A%20Maori%20Criminal%20Justice%20System.pdf>

- Kaipuke Consultants. (2012). *Evaluation of the early outcomes of Ngā Kooti Rangatahi*. Ministry of Justice.
<https://www.justice.govt.nz/assets/Documents/Publications/Evaluation-of-Nga-Kooti-Rangatahi-FINAL-report-17-December-1.pdf>
- Kaiwai, H., Allport, T., Herd, R., Mane, J., Ford, K., Leahy, H., Varona, G., & Kipa, M. (2020). *Ko te wā whakawhiti, it's time for change: A Māori inquiry into Oranga Tamariki*. Whānau Ora Commissioning Agency.
- Kara, E., Gibbons, V., Kidd, J., Blundell, R., Turner, K., & Johnstone, W. (2011). Developing a Kaupapa Māori Framework for Whānau Ora. *AlterNative: An International Journal of Indigenous Peoples*, 7(2), 100-110.
<https://doi.org/10.1177/117718011100700203>
- Karauria, D. (2005). *Māori potential framework: Ngakai Puawai Conference*.
<http://www.police.govt.nz/events/2005/ngakia-kia-puawai/kaurauria-on-the-wayforward.pdf>
- Katene, S., & Taonui, R. (Eds.). (2018). *Conversations About Indigenous Rights: The UN Declaration on the Rights of Indigenous Peoples in Aotearoa New Zealand*. Massey University Press.
- Kawharu, M. (2001). Local Māori development and government policies. *Social Policy Journal of New Zealand* (16).
- Kingi, A. (2016). *(Dis-) Empowering offenders of Māori descent through restorative justice*. [Master of Arts in Conflict Resolution, Auckland University of Technology].
- Kingi, T. K. (2003). *Developing measures to monitor the impact of outcomes on a specified cultural group such as Māori* Second Annual Measuring, Monitoring and Managing Outcomes in Health, Auckland.
- Kruger, T., Pitman, M., Grennell, D., McDonald, T., Mariu, D., Pomare, A., Mita, T., Maihi, M., & Lawson-Te Aho, K. (2004). *Transforming whānau violence - A conceptual framework: An updated version of the report from the former Second Māori Taskforce on Whānau Violence*.
https://nzfvc.org.nz/sites/default/files/transforming_whanau_violence.pdf
- Law Commission. (2001). *Māori custom and values in New Zealand law*.
<https://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/NZLC%20SP9.pdf>
- Law Commission. (2004). *Delivering justice for all: A vision for New Zealand Courts and Tribunals*.
https://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/NZLC%20R85_0.pdf
- Lewis, S. (2009). *Improving school climate: Findings from schools implementing restorative practices*. International Institute for Restorative Practices Graduate School.
- Liu, J. H. (2007). Restorative and retributive justice: Te ao pō - te ao mārama (Worlds of dark and light). In G. Maxwell & J. H. Liu (Eds.), *Restorative justice and practices in New Zealand: Towards a restorative society* (pp. 29-33). Wipf and Stock Publishers.
- Love, C. (2000). Family group conferencing cultural origins, sharing, and appropriation: A Maori reflection. In G. Burford & J. Hudson (Eds.), *Family group conferencing: New directions in community-centered child and family practice*. Routledge.
- Macfarlane, A., Glynn, T., Cavanagh, T., & Bateman, S. (2007). Creating Culturally-Safe Schools for Māori Students. *The Australian Journal of Indigenous Education*, 36(1), 65-76.
<https://doi.org/10.1017/S1326011100004439>

- Mahuika, N. (2019). A Brief History of Whakapapa: Māori Approaches to Genealogy. *Genealogy*, 3(2), 32. <https://www.mdpi.com/2313-5778/3/2/32>
- Marriott, W. F. (2019). The rise of participant-centric justice through restorative practice values. <http://www.asiapacificmediationforum.org/wp-content/uploads/2019/11/Wayne-Marriott-research-analysis-in-APA-V2.1.pdf>
- Marshall, C. (2014). Restoring what? The practice, promise and perils of restorative justice in New Zealand. *Policy Quarterly*, 10(2), 3-11. <https://doi.org/https://doi.org/10.26686/pq.v10i2.4491>
- Matenga, M., & Mita, W. P. (2020). *Tūhono Model of Practice: A practical guide*. https://fd0b304e-fff3-4c9d-9589-391e819e5251.filesusr.com/ugd/f4bc65_59439e91614248e7ae99908a41bfa1c5.pdf
- Maxwell, G., & Morris, A. (2002). Restorative justice and reconviction. *Contemporary Justice Review*, 5(2), 133-146. <https://doi.org/10.1080/10282580212702>
- McElrea, F. W. M. (2007). Restorative justice for adult offenders: Practice in New Zealand Today. In G. Maxwell & J. H. Liu (Eds.), *Restorative justice and practices in New Zealand: Towards a restorative society*. Wipf and Stock Publishers.
- McIntosh, T. (2005). Maori identities: Fixed, fluid, forced. In J. Liu, T. McCreanor, T. McIntosh, & T. Teaiwa (Eds.), *New Zealand identities: Departures and destinations*. Victoria University Press.
- McIntosh, T., & Workman, K. (2017). Māori and Prison. In A. Deckert & R. Sarre (Eds.), *The Palgrave Handbook of Australian and New Zealand Criminology, Crime and Justice* (pp. 725-736). Springer International Publishing
- Mead, H. M. (2003). *Tikanga Māori: Living by Māori values*. Huia Publishers.
- Mikaere, A. (2011). *Colonising myths - Māori realities: He rukuruku whakaaro*. Huia Publishers & Te Wānanga o Raukawa.
- Ministry of Health. (2017). *Māori health models - Te Pae Mahutonga*. Ministry of Health. https://www.health.govt.nz/system/files/documents/pages/maori_health_model_tepaemahutonga_0.pdf
- Ministry of Justice. (2001). He hīnātore ki te ao Māori: A glimpse into the Māori world. <https://www.justice.govt.nz/assets/Documents/Publications/he-hinatora-ki-te-ao-maori.pdf>
- Ministry of Justice. (2015). *New Zealand crime and safety survey: Main findings*. Ministry of Justice. <http://www.justice.govt.nz/assets/Documents/Publications/NZCASS-201602-Main-Findings-Report-Updated.pdf>
- Ministry of Justice. (2019a). 2019 public survey of attitudes toward the justice system <https://www.justice.govt.nz/assets/Documents/Publications/2019-survey-attitudes-justice-system.pdf>
- Ministry of Justice. (2019b). *Ināia tonu nei: Hui Māori report*. <https://www.justice.govt.nz/assets/Documents/Publications/d8s653-Inaia-Tonu-Nei-Hui-Maori-English-version.pdf>
- Ministry of Social Development. (2020). *Literature review on international best court support models for victim survivors of sexual violence*. <https://apo.org.au/node/310285>

- Mitchell, H. (2018). *Restorative practice in youth justice residences: A review of principles, practices and evidence*. Victoria University of Wellington.
https://www.wgtn.ac.nz/data/assets/pdf_file/0009/1864647/Youth-Justice-Residences.pdf
- Mohi, H. (2020). Whakataukī (Season 2, Episode 6). In M. Pihama, *Whakataukī*.
- Moorfield, J. C. (2003). *Māori Dictionary*
<https://maoridictionary.co.nz/search?idiom=&phrase=&proverb=&loan=&histLoanWords=&keywords=kaupapa+m%C4%81ori>
- Morris, A., & Maxwell, G. (1998). Restorative justice in New Zealand: Family group conferences as a case study. *Western Criminology Review*, 1(1), 1-13.
<https://www.westerncriminology.org/documents/WCR/v01n1/Morris/Morris.html>
- Morris, A., & Reilly, J. (2003). *New Zealand national survey of crime victims 2001*. Ministry of Justice.
https://www.cbg.co.nz/site/cbg/National_NZ_Survey_Crime-Victims.pdf
- Mousourakis, G. (2015). Restorative justice, Indigenous custom and justice reform in New Zealand. *South Pacific Studies*, 36(1), 1-31.
[http://cpi.kagoshima-u.ac.jp/publications/southpacificstudies/sps/sps36-1/South%20Pacific%20Studies%2036\(1\)%20pp1-31.pdf](http://cpi.kagoshima-u.ac.jp/publications/southpacificstudies/sps/sps36-1/South%20Pacific%20Studies%2036(1)%20pp1-31.pdf)
- Moyle, P., & Tauri, J. M. (2016). Māori, Family Group Conferencing and the Mystifications of Restorative Justice. *Victims & Offenders*, 11(1), 87-106.
<https://doi.org/10.1080/15564886.2015.1135496>
- Murray, W. (2012). *Restorative justice facilitation: an appreciative inquiry into effective practice for Aotearoa/New Zealand facilitators*. [Doctor of Philosophy, Auckland University of Technology].
<https://openrepository.aut.ac.nz/handle/10292/4683>
- Mutu, M. (2018). Behind the smoke and mirrors of the Treaty of Waitangi claims settlement process in New Zealand: no prospect for justice and reconciliation for Māori without constitutional transformation. *Journal of Global Ethics*, 14(2), 208-221.
- Ngā Pae o Te Māramatanga. (2008). Te tatau pounamu: The greenstone door traditional knowledge and gateways to balanced relationships. Traditional knowledge conference, Auckland, New Zealand.
- O'Mahony, D., & Doak, J. (2009). Restorative Justice and Criminal Justice: International Developments in Theory and Practice National Commission on Restorative Justice. *National Commission on Restorative Justice*.
- Office of the special representative of the secretary-general on violence against children. (2016). *Promoting restorative justice for children*. United Nations.
https://sustainabledevelopment.un.org/content/documents/2599Promoting_restorative_justice.pdf
- Oranga Tamariki Evidence Centre. (2019). *Kaupapa Māori approaches to youth offending: Environmental scan*.
<https://www.orangatamariki.govt.nz/about-us/research/our-research/kaupapa-maori-approaches-to-youth-offending/>
- Orange, C. (2015). *The Treaty of Waitangi*. Bridget Williams Books.
- PACT Limited. (2020). *Restorative justice: Facilitator induction training*.
<https://www.resolution.institute/documents/item/1774>
- Papps, E., & Ramsden, I. (1996). Cultural Safety in Nursing: the New Zealand Experience. *International Journal of Quality in Health Care*, 8(5), 491-497. <https://doi.org/10.1093/intqhc/8.5.491>

- Patterson, J. (2009). *Exploring Maori Values*. Dunmore Publishing Limited.
- Paulin, J., Kingi, V., & Lash, B. (2005a). *The Wanganui community-managed restorative justice programme: An evaluation*. Ministry of Justice.
<https://www.waitangitribunal.govt.nz/assets/Documents/Publications/The-Wanganui-Community-Managed-Restorative-Justice-Programme-An-Evaluation.pdf>
- Paulin, J., Kingi, V., Huirama, T., & Lash, B. (2005b). *The Rotorua second change community-managed restorative justice programme: An evaluation*.
<https://www.justice.govt.nz/assets/Documents/Publications/The-Rotorua-Second-Chance-Community-Managed-Restorative-Justice-Programme-An-Evaluation.pdf>
- Paulin, J., Paipa, K., & Carswell, S. (2021). *The use of restorative justice in family violence cases with a focus on the possibility of victims being coerced or controlled to participate by the persons who harmed them*. Research for the office of the Chief Victims Advisor.
<https://maorilandcourt.govt.nz/assets/Documents/Publications/CVA-research-report-into-use-of-restorative-justice-in-family-violence-cases.pdf>
- Penehira, M. (2019). Mana kaitiakitanga: Mouri moko! Mouri wahine! Mouri ora! In C. Smith & R. Tinirau (Eds.), *He rau murimuri aroha: Wāhine Māori insights into historical trauma and healing*. Te Atawhai o Te Ao
- Pere, R. (1997). *Te wheke: a celebration of infinite wisdom*. Ao Ako Global Learning.
- Pihama, L. (1993). *Tungia te ururua, kia tupu whakaritorito te tupu o te harakeke: A critical analysis of parents as first teachers* [Master of Arts in Education, University of Auckland].
- Pihama, L., Cram, F., & Walker, S. (2002). Creating methodological space: A literature review of Kaupapa Māori research. *Canadian Journal of Native Education* 26(1),30-43.
- Pitama, S., Huria, T., & Lacey, C. (2014). Improving Māori health through clinical assessment: Waikare o te Waka o Meihana. *The New Zealand Medical Journal*, 127(1393), 107-119.
- Pitama, S., Robertson, P., Cram, F., Gilles, M., Huria, T., & Dallas-Katoa, W. (2007). Meihana model: Clinical assessment framework. *New Zealand Journal of Psychology*, 36(3), 118-125.
- Pohatu, T. W. (2005). *Ata: Growing respectful relationships* (Unpublished manuscript). Te Wānanga o Aotearoa.
<http://www.rangahau.co.nz/assets/Pohatu/Pohatu%20T.pdf>
- Puao Te Ata Tu. (1988). *The Report of the Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare*.
- Rata, A., Liu, J., & Hanke, K. (2008). Te ara hohou rongo (the path to peace): Māori conceptualisations of inter-group forgiveness. *New Zealand Journal of Psychology*, 37(2).
https://www.researchgate.net/publication/52005514_Te_ara_hohou_rong_o_Maori_conceptualisations_of_intergroup_forgiveness/references
- Ryan, P. M. (1995). *The Raupō Dictionary of Modern Māori*. Reed Publishing.
- Salvation Army Social Policy Unit. (2019). *Reconsidering the Aotearoa New Zealand criminal justice policy model report 2019*.
<https://www.salvationarmy.org.nz/article/reconsidering-aotearoa-new-zealand-criminal-justice-policy-model>

- Schmid, D. (2001). *Restorative justice in New Zealand: A model for U.S. criminal justice*. Ian Axford (New Zealand) Fellowship in Public Policy.
https://www.fulbright.org.nz/wp-content/uploads/2011/12/axford2001_schmid.pdf
- Smith, G. (1997). *The development of kaupapa Māori: Theory and praxis (Unpublished Ph.D.)*. University of Auckland.
- Smith, L. (1999). *Decolonising methodologies research and indigenous people*. University of Otago Press.
- Smith, L., & Cram, F. (1997). *An evaluation of the community panel diversion pilot programme*. Auckland Uniservices Ltd.
- Takagi, P., & Shank, G. (2004). Critique of Restorative Justice. *Social Justice*, 31(3 (97)), 147-163.
- Tate, H. (2010). *Towards some foundations of a systematic Maori theology*. [Doctor of Philosophy University of Divinity].
<https://repository.divinity.edu.au/530/>
- Tauri, J. (1998). Family group conferencing: A case-study of the indigenisation of New Zealand's justice system. *Current Issues in Criminal Justice*, 10(2), 168-182.
<https://doi.org/https://doi.org/10.1080/10345329.1998.12036125>
- Tauri, J. (2009). An Indigenous perspective on the standardisation of restorative justice in New Zealand and Canada. *Indigenous Policy Journal*, 20(3), 1-24.
- Tauri, J. (2011). Indigenous perspectives. In R. Walters & T. Bradley (Eds.), *Introduction to Criminological Thought (Second Edition)*. Pearson.
- Tauri, J. (2014). An Indigenous commentary on the globalisation of restorative justice. *British Journal of Community Justice*, 12(2), 35-55.
https://ro.uow.edu.au/sspapers/3197?utm_source=ro.uow.edu.au%2Fsspapers%2F3197&utm_medium=PDF&utm_campaign=PDFCoverPages
- Tauri, J., & Morris, A. (1997). Re-forming Justice: The Potential of Maori Processes. *Australian & New Zealand Journal of Criminology*, 30(2), 149-167. <https://doi.org/10.1177/000486589703000203>
- Te Atawhai o Te Ao. (2020). *He kokonga whare: Māori intergenerational trauma and healing research programme*. <https://teatawhai.maori.nz/research-projects/he-kokonga-whare/>
- Te Kotahi Research Institute. (2020). *He Oranga Ngākau: Māori approaches to trauma informed care*.
- Te Puni Kōkiri. (2010). *Arotake Tūkinu Whānau: Literature review on family violence*. <https://www.tpk.govt.nz/documents/download/262/tpk-family-violence-literature-review.pdf>
- Te Uepū Hāpai i te Ora - Safe and effective justice advisory group. (2019a). *He waka roimata: Transforming our criminal justice system*
<https://www.justice.govt.nz/assets/Documents/Publications/he-waka-roimata.pdf>
- Te Uepū Hāpai i te Ora - Safe and effective justice advisory group. (2019b). *Turuki! Turuki! Transforming our criminal justice system*
<https://www.justice.govt.nz/assets/Documents/Publications/turuki-turuki.pdf>
- Tinirau, R., & Smith, C. (Eds.). (2019). *He ara uru ora: Traditional Māori understandings of trauma and well-being*. Te Atawhai o Te Ao.
- Toki, V. (2005). Will therapeutic jurisprudence provide a path forward for Maori? *Waikato Law Review*, 13, 169-189.

- Toki, V. (2014). The issues of the criminal justice system and of resources in Aotearoa/New Zealand. In W. Littlechild & E. Stamatopoulou (Eds.), *Indigenous Peoples' Access to Justice, Including Truth and Reconciliation Processes* (pp. 73-88). Institute for the Study of Human Rights, Columbia University. <https://hdl.handle.net/10289/9640>
- Torraco, R. J. (2005). Writing integrative literature reviews: Guidelines and examples. *Human Resource Development Review*, 4(3), 356-367.
- van Ness, D. W. (2005). An overview of restorative justice around the world. Eleventh United Nations Congress on Crime Prevention and Criminal Justice, Bangkok, Thailand.
- Verma, N. (2019). *A centre for restorative research and engagement*. Victoria University of Wellington. <http://www.communityresearch.org.nz/wp-content/uploads/formidable/8/Report-Centre-Restorative-Research-20190220-revised.pdf>
- Vieille, S. (2011). *Rethinking justice in transitional justice: An examination of the Māori conception and customary mechanism of justice*. [Doctor of Philosophy, The University of Western Ontario]. <https://ir.lib.uwo.ca/etd/340/>
- Waitangi Tribunal. (2020). *Claims process*. <https://waitangitribunal.govt.nz/claims-process/>
- Waititi, H. (2012). *Toitū te mana rangatahi: Marae-based youth courts negotiating pathways for rangatahi offending*. [Masters of Science in Psychology, Victoria University of Wellington]. <http://researcharchive.vuw.ac.nz/bitstream/handle/10063/2132/thesis.pdf?sequence=2>
- Walker, R. (1990). *Struggle without end*. Penguin
- Walker, S., Eketone, A., & Gibbs, A. (2006). An exploration of kaupapa Maori research, its principles, processes and applications. *International Journal of Social Research Methodology*, 9(4), 331-344.
- Walsh-Tapiata, W. (2003). The praxis of research-what can social services learn from the practice of research in an Iwi setting? *Social Work Review*, 15(3), 25-29.
- Walton, D., Martin, S., & Li, J. (2020). Iwi community justice panels reduce harm from re-offending. *Kōtuitui: New Zealand Journal of Social Sciences Online*, 15(1), 75-92. <https://doi.org/10.1080/1177083X.2019.1642921>
- Ward, A. (1993). Historical Claims under the treaty of Waitangi: Avenue of reconciliation or source of new divisions? *The Journal of Pacific History*, 28(2), 181-203. <https://doi.org/10.1080/00223349308572737>
- Ward, T., Day, A., & Casey, S. (2006). Offender rehabilitation down under. *Journal of Offender Rehabilitation*, 43(3), 73-83. https://doi.org/10.1300/J076v43n03_05
- Waretini-Karena, R. (2019). *Statement of Dr Rawiri Waretini Karena: Royal Commission of Inquiry into Abuse in Care hearing [Transcript]*. <https://www.abuseincare.org.nz/library/v/57/statement-of-dr-rawiri-waretini-karena>
- Wearmouth, J., & Berryman, M. (2012). Viewing restorative approaches to addressing challenging behaviour of minority ethnic students through a community of practice lens. *Cambridge Journal of Education*, 42(2), 253-268. <https://doi.org/10.1080/0305764X.2012.676626>
- Wearmouth, J., McKinney, R., & Glynn, T. (2007). Restorative justice in schools: a New Zealand example. *Educational Research*, 49(1), 37-49. <https://doi.org/10.1080/00131880701200740>

- Webb, M., & Jones, D. T. (2008). *Can the mana of Maori men who sexually abuse children be restored?* [Conference Contribution].
<https://hdl.handle.net/10289/1537>
- Webb, R. (2017). Māori Experiences of Colonisation and Māori Criminology. In A. Deckert & R. Sarre (Eds.), *The Palgrave Handbook of Australian and New Zealand Criminology, Crime and Justice* (pp. 683-696). Springer International Publishing. https://doi.org/10.1007/978-3-319-55747-2_45
- Webster, S. (2019). Ohaua te rangi and reconciliation in Te Urewera, 1913-1983. *The Journal of the Polynesian Society*, 128(2), 191-224.
<https://thepolynesiansociety.org/jps/index.php/JPS/article/view/412/318>
- Wehipeihana, N. (2019). *What's working for Māori? A Kaupapa Māori perspective on the responsiveness of the Integrated Safety Response pilot to Māori - Synthesis Evaluation Report* Joint Venture Business Unit.
<https://www.justice.govt.nz/assets/Documents/Publications/nOD858un-Kaupapa-Maori-Report.pdf>
- Were, L., Spee, K., Pipi, K., Robertson, N., Goodwin, D., & Moss, M. (2019). *Whānau-centred approaches to address family violence: Formative Evaluation Report*. Hikitia Associates. file:///Users/user/Downloads/tpk-whanau%20approach-2019.pdf
- Whatahoro, H. T. (2011). *The lore of the whare-wānanga - Volume 1: Te kauwae runga, or 'things celestial'*. Cambridge University Press.
- Williams, H. W. (2001). *Dictionary of the Maori language* (7th ed.). Legislation Direct.
- Williams, J. (2000). Building the constitution conference. In C. James (Ed.), *Building the constitution*. Institute of Policy Studies, Victoria University of Wellington.
- Wilson, D. (2016). Transforming the normalisation and intergenerational whānau (family) violence. *Journal of Indigenous Wellbeing*, 1(2), 32-43.
<http://manage.journalindigenouwellbeing.com/index.php/joiw/article/view/49>
- Wilson, D., Moloney, E., Parr, J. M., Aspinall, C., & Slark, J. (2021). Creating an Indigenous Māori-centred model of relational health: A literature review of Māori models of health. *Journal of Clinical Nursing*, 0(0), 1-17.
<https://doi.org/https://doi.org/10.1111/jocn.15859>
- Wirihana, R., & Smith, C. (2019). Historical trauma, healing and well-being in Māori communities. In C. Smith & R. Tinirau (Eds.), *He rau murimuri aroha: Wāhine Māori insights into historical trauma and healing* (pp. 3-16). Te Atawhai o Te Ao
- Woodley, A., Davis, R., & Metzger, N. (2013). *Breaking the silence but keeping secrets: What young people want to address sexual violence*. Tu Wahine Trust and HELP (Auckland Sexual Abuse HELP Foundation).
- Workman, K. (2014). The social integration of Maori prisoners. *Aotearoa New Zealand Social Work*, 26(1), 39-46.
- Workman, K. (2019). Whānau ora and imprisonment (Te Arotahi Paper Series, September 2019).
https://ebooks.auckland.ac.nz/tearotahi_sept_2019_no_3/
- Wratten-Stone, A. (2016). *Kaupapa Māori models of psychological therapy and mental health services: A literature review*. Te Whānau o Waipareira Trust. <https://www.waipareira.com/wp-content/uploads/2017/11/W8.Kaupapa-Maori-Models-of-Psychological-Therapy.pdf>



Chief Victims Advisor
to Government