

United Nations Convention on the Elimination of All Forms of Discrimination Against Women

**A Shadow Report Prepared by
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Introduction:

This is a shadow report to contribute to the eight periodic review of Aotearoa / New Zealand and its obligations under CEDAW. Unfortunately, many of the issues highlighted in the last review remain unchanged for Māori woman. Although the New Zealand Government may have implemented strategies to implement the CEDAW committee's previous recommendations, these strategies have failed to alleviate discrimination against Māori women in the justice system and the disproportionate incarceration rates remain the same.

Article 1: Disproportionate increases in incarceration of women and disproportionate incarceration of Māori women:

According to the New Zealand Department of Corrections¹, the female prison population is rapidly increasing at a rate disproportionate to the rate of incarceration for males. The female prison population has increased rapidly while the male prison population increasing at a relatively slower rate. Over the five-year period between 2012 and 2017 the female prison population increased by 56% (from 500 to 800 women). In the year of 2016/2017 alone, the female prison population increased by 19% (from 672 to 800 women).

Since the last CEDAW review, there have been attempts to address the issue of disproportionate incarceration of Māori, both male and female. Despite this, Māori incarceration rates remain unchanged². Māori make up 16% of the population in Aotearoa / New Zealand; however, Māori women make up approximately 63% of the prison population². This suggests that strategies that the government has implemented to reduce the disproportionate incarceration rates of Māori have been unsuccessful.

Recommendations:

- 1) Increase opportunities to be bailed, sentenced, or paroled to **treatment programmes outside of prison**³.
- 2) **Commit to modified therapeutic communities as a viable alternative to prison**³.
- 3) Develop **modified therapeutic communities outside of prison** and community-based continuing care / after care services³. Ensure that in the development of innovative services **outside of prison**, that they are informed by and in consultation with: 1) service users 2) key Māori stakeholders 3) experts in the field 4) academic experts (Kaupapa Māori⁴ researchers where possible).
- 4) Increase funding for effective and reputable services to reflect the increase in demand on services that work with women and their families.

¹ <https://www.stuff.co.nz/national/politics/101882714/huge-rise-in-female-prison-population-a-problem--corrections-boss>

²

http://www.corrections.govt.nz/news/latest_news/2017/waitangi_tribunal_report_on_Māori_reoffending/fact_sheet_-_statistics_for_mori_offenders.html

³ Scott, D., & Gosling, H. (2016). Before prison, instead of prison, better than prison: Therapeutic communities as an abolitionist real utopia?. *International Journal for Crime, Justice and Social Democracy*, 5(1): 52-66. DOI:10.5204/ijcjsd.v5i1.282.

⁴ Smith, L. T. (2012). *Decolonizing methodologies: Research and indigenous peoples*. London: Zed Books

- 5) Increase the duration of funding rounds from short cycle periods (e.g., 12 months) to longer cycles for reputable NGO services that have a significant history of reliably producing quality outcomes to ensure that 1) More time and resources are available to increase outcomes instead of being tied up in labor and time intensive administrative and reporting tasks 2) services can plan more than 12 months ahead and continue to enhance the quality of their service and outcomes.
- 6) Increase funding from governmental funding agencies (Ministry of Health, Department of Corrections) to the NGO sector.

Article 2: Discrimination at various levels of the criminal justice system:

According to a New Zealand Department of Corrections report⁵, Māori are discriminated at all levels of the criminal justice process, from apprehension and sentencing through to parole and probation resulting in increased incarceration rates.

Recommendations:

- 7) Investigate whether Māori women specifically are being discriminated against in the criminal justice system.
- 8) Develop accountability and monitoring measures to detect points at which discrimination may be occurring against Māori women. For example, monitor how individual judges or district courts are processing Māori criminal justice cases.
- 9) Increase awareness within the criminal justice sector in relation to systematic discrimination.
- 10) Develop methods for ensuring that authorities (e.g., judges, lawyers, police, prison case managers, parole boards) are capable of operating in an ethical and non-discriminatory manner in matters that relate to Māori.

Article 3: Methamphetamine and other substance-abuse among Māori women:

According to the Amphetamine Use 2015/2016 survey conducted by the New Zealand Ministry of Health⁶, 1.1% of adults used amphetamines in the past year in Aotearoa / New Zealand. In relation to Māori respondents, 2.9% reported having used amphetamines in the past year. During this literature review, we were unable to find a gender specific analysis of the data that relates specifically to amphetamine use among Māori women; however, the data suggest that Māori in general are more susceptible to illicit substance abuse than any other ethnic population in Aotearoa / New Zealand.

According to New Zealand Department of Corrections reports⁷, 49% of female prisoners had used methamphetamine during their lifetime and females were more likely than men to have used methamphetamine in the past 12 months (67% vs 57% respectively).

⁵ http://www.corrections.govt.nz/__data/assets/pdf_file/0004/672574/Over-representation-of-Māori-in-the-criminal-justice-system.pdf

⁶ <https://www.health.govt.nz/system/files/documents/publications/amphetamine-use-2015-16-nzhs-dec16.pdf>

⁷

http://www.corrections.govt.nz/resources/research_and_statistics/journal/volume_5_issue_2_november_2017/methamphetamine_use_disorders_among_new_zealand_prisoners.html

Recommendations:

- 11) Increase opportunities to participate in **community-based** treatment programmes **outside of prison**.
- 12) Consider criminal justice reform. Specifically, review sentencing options for individuals with significant histories of addiction and co-existing mental health disorders with consideration of **community-based** treatment as a viable alternative to imprisonment.
- 13) Develop more culturally appropriate services that are inclusive of children and emphasize the importance of whānau (family) to cater for the needs of Māori women and ensure that services are specifically tailored to the needs of woman as opposed to gender generalized models.

Article 4: Lack of research and innovation in the area of rehabilitation of Māori women:

The disproportionate incarceration rates of Māori women remain unchanged since the recommendations from the last report. This demonstrates a need for innovative thinking and commitment to addressing the incarceration issue.

Recommendations:

- 14) **Set behavioural health research as an area of priority**. Specifically, allocate funds to research alternative approaches to addressing offending and addiction among Māori.
- 15) Increase funding opportunities for independent researchers (as opposed to researchers from government agencies) to **increase the capacity in the field of behavioural health intervention**.
- 16) Conduct an international review of literature on effective criminal justice, correctional law reform and other social development policies that have resulted in reductions in drug related harm, reductions in offending, incarceration and reincarceration rates with the aim of considering **how similar strategies can benefit Aotearoa / New Zealand**.
- 17) Consider establishing an international research collaboration effort between **independent indigenous research** experts from international indigenous communities that have similar issues in relation to incarceration and addiction among indigenous peoples with the aim of promoting self-determination and improved health and wellbeing among indigenous peoples.