

# Submission to the Justice Committee: Gangs Legislation Amendment Bill

## Introducing Mana Mokopuna – Children and Young People’s Commission

Mana Mokopuna – Children and Young People’s Commission (Mana Mokopuna) is an Independent Crown Entity with the statutory responsibility to advocate for the rights, interests, participation and well-being of all children and young people (mokopuna) under 18 years old in Aotearoa New Zealand, and young people aged over 18 but under 25 years old if they are, or have been, in care or custody.

We advocate for and with mokopuna within the context of their families, whānau, hapū, iwi and communities based on evidence including direct mokopuna experiences and views, the United Nations Convention on the Rights of the Child (the Children’s Convention), Te Tiriti o Waitangi and other international human rights instruments.

Our primary governing legislation is the Children and Young People’s Commission Act 2022, which sets out our mandate and functions, including (among other things) developing and publishing submissions on issues through a child and young person-centred lens, and raising awareness and understanding of children’s rights and the UN Convention on the Rights of the Child and advocating for the advancement of the application of this international convention to which New Zealand is a State Party. Under our Act, the Commission has particular duties relating to the rights of mokopuna Māori within the context of their whānau, hapū, and iwi and to give effect to Te Tiriti o Waitangi The Treaty of Waitangi.



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## Executive Summary

### Mana Mokopuna – Children and Young People’s Commission:

1. Welcomes the opportunity to submit on the Gangs Legislation Amendment Bill (the Bill). In this submission, we bring forward a children’s rights-centred approach, and **our concerns that the Bill has not been adequately informed by consideration of the impacts it will have on mokopuna.**<sup>1</sup>
2. Is concerned about the discriminatory impact the Bill may have on some mokopuna. **We urge the Committee to consider the potential for differential impacts on groups of mokopuna, including mokopuna Māori,** who are experiencing situations of vulnerability, for example due to low incomes, inadequate housing and lack of access to education.<sup>2</sup>

<sup>1</sup> At Mana Mokopuna we have adopted the term ‘mokopuna’ to describe all children and young people we advocate for. ‘Mokopuna’ brings together ‘moko’ (imprint or tattoo) and ‘puna’ (spring of water). Mokopuna describes that we are descendants, and or grandchildren, and how we need to think across generations for a better present and future. We acknowledge the special status held by mokopuna in their families, whānau, hapū and iwi and reflect that in all we do. Referring to children and young people we advocate for as mokopuna draws them closer to us and reminds us that who they are, and where they come from, matters for their identity, belonging and well-being at every stage of their lives.

<sup>2</sup> Our mandate under the Children and Young People’s Commission Act 2022 asserts certain principles when performing or exercising its functions, duties, or powers under the Act. Under s 5(e), the Commission must give priority to the children and young people who are disadvantaged, and the issues affecting them. We refer to this group of mokopuna throughout the submission as those in “situations of vulnerability” in alignment with the Children’s Convention.

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3. Submits that the evidence does not support suppression as an effective means of addressing gang-related offending.<sup>3</sup> **We submit that evidence-based, early intervention responses to gang-related offending will be the effective means of addressing the harms identified in this Bill.**
  4. Acknowledges the people who are affected by the offending that has given rise to the Bill, and those, including mokopuna, who are fearful of gang-related offending. We also acknowledge mokopuna, their whānau and communities who are part of gangs. **It is imperative that we see Government investment in effective, evidence-based solutions to addressing gang-related offending, including addressing the underlying causes of that offending, such as poverty.**
  5. **Notes with concern the Attorney-General’s Section 7 Bill of Rights Act report**, which highlights the Bill’s inconsistency with the rights to freedom of expression, association and peaceful assembly.<sup>4</sup>

## Recommendations

6. **We recommend** the rights, interests, well-being and participation of mokopuna are a primary consideration of the Justice Committee (the Committee) in assessing the Bill.
7. **Given our concerns regarding the likely impact of the Bill on mokopuna rights, including on the rights of mokopuna Māori and care-experienced mokopuna, we recommend that:**
  - a. the Crimes Act 1961 (the Act) is not amended to:
    - establish an offence of displaying gang insignia in public places;
    - include powers to issue dispersal notices and non-consorting orders;
    - establish an offence of breaching non-consorting orders; and
  - b. The Sentencing Act 2002 is not amended to establish gang membership as an aggravating factor at sentencing.

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<sup>3</sup> Jarrod Gilbert (2022) “Making Gang Laws in a Panic: Lessons from the 1990s and beyond” : [Making-Gang-Laws-in-a-Panic.pdf](#) ([lawfoundation.org.nz](#)); The Office of the Prime Minister’s Chief Science Advisor (2023) “Towards an understanding of Aotearoa New Zealand’s adult gang environment, a report from the Prime Minister’s Chief Science Advisor” : [REPORT: Toward an understanding of Aotearoa New Zealand’s adult gang environment - Full report - June 2023 - Office of the Prime Minister’s Chief Science Advisor](#) ([dpmc.govt.nz](#))

<sup>4</sup> Attorney-General (2024) “Report of the Attorney-General under the New Zealand Bill of Rights Act 1990 on the Gangs Legislation Amendment Bill”: [Memo to \(justice.govt.nz\)](#)

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## Introduction

8. Mana Mokopuna – Children and Young People’s Commission (Mana Mokopuna) is an Independent Crown Entity with the statutory responsibility to advocate for the rights, interests, participation and well-being of all children and young people (mokopuna) under 18 years old in Aotearoa New Zealand, and young peoples aged over 18 but under 25 years old if they are, or have been, in care or custody. Our responsibility includes increasing awareness and comprehension of children's rights under the UN Convention on the Rights of the Child (the Children’s Convention) advocating for the Government’s implementation of the Children's Convention, and monitoring the application of the Convention by departments and other instruments of the Crown. Mana Mokopuna has specific duties in relation to the rights of mokopuna Māori and under Te Tiriti o Waitangi The Treaty of Waitangi.
9. Mana Mokopuna must have regard to the following matters when carrying out our functions and duties:
  - a. The mokopuna within (without limitation) the context of their family, whānau, hapū, iwi and community;
  - b. The diversity of mokopuna in all its forms;
  - c. The need for high aspirations for the well-being of all children and young people, including responsive structures that support them;
  - d. To give priority to ensuring the rights and interests of mokopuna in situations of vulnerability are safeguarded and upheld; and
  - e. The need to hear from, and be informed by, mokopuna.<sup>5</sup>
10. Given the Government’s obligations as duty-bearer under the Children’s Convention and the clear link between this Bill and children’s rights, it is our expectation that the Committee will ensure the rights, interests, well-being and participation of mokopuna, particularly the groups of mokopuna identified below at [17], are primary considerations when assessing this Bill.
11. This submission:
  - a. Assesses the potential direct and indirect impacts of the proposed suppression approach on mokopuna rights, including on different groups of mokopuna such as mokopuna Māori and care-experienced mokopuna;
  - b. Provides the Committee with information on relevant children's rights and well-being impacts, including grounded in the direct experiences and voices of mokopuna who are growing up in the context of gangs; and
  - c. Identifies the need for more information and a deeper understanding of the impacts (direct and indirect) of the proposed legislation on mokopuna and different groups of mokopuna, including up-to-date information on their views and experiences.

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<sup>5</sup> The Children and Young People’s Commission Act 2022, s 5: [Children and Young People’s Commission Act 2022 No 44, Public Act – New Zealand Legislation](#)

## We support evidence-based, early intervention approaches to addressing gang-related offending, including prevention efforts with mokopuna

12. The Regulatory Impact Statement (RIS) on the Bill prepared by the Ministry of Justice (the Ministry) states “there is no evidence to suggest that a suppression approach will work to reduce long-term offending behaviours by gangs, or eliminate gangs altogether”.<sup>6</sup> The RIS further states that the overall approach of this Bill risks further entrenching gang related offending.<sup>7</sup>

13. We support the findings outlined in the Prime Minister’s Chief Science Advisor’s report (2023)<sup>8</sup>, which notes:

*“A stronger focus on prevention and early intervention will slow the flow of young people into gangs and alleviate pressure on multiple systems (justice, health, corrections) in the long-term. Beyond targeted programmes, prevention can include poverty reduction, opportunities provision, access to healthcare, etc.”<sup>9</sup>*

14. As the Committee has already heard from us in our submission on the Ram Raid Offending and Related Measures Amendment Bill,<sup>10</sup> we support human rights-based, early intervention, evidence-based prevention and response approaches to offending. We advocate for a collective effort across Parliament towards alternative strategies, in particular, strategies aimed at tackling the root causes of offending, while safeguarding the rights, interests, and well-being of mokopuna, encompassing their families, whānau, hapū, iwi, and communities.

15. We strongly encourage the Committee to give consideration to the experiences and views of mokopuna in relation to this kaupapa – specifically, those of mokopuna who have or are growing up in the context of gangs in Aotearoa New Zealand. Throughout this submission, we bring forward a range of mokopuna experiences and voices that relate to this kaupapa, which have been gathered through previous engagements with mokopuna undertaken by our Commission (and its predecessor organisation). However, we also encourage the Committee to directly seek further views of mokopuna in relation to this Bill, to better understand its practical, lived impact on their lives.

16. In a report published by the former Office of the Children’s Commissioner entitled *This is how I see it: Children, young people and young adults’ views and experiences of poverty*<sup>11</sup>, children, young people and young adults conducted an in-depth examination of the impacts of poverty in Aotearoa. We share this powerful image and direct quote from an anonymous mokopuna who shared their experience directly relating to gangs and their family:



*“I DON’T HAVE A CHOICE – IF I LEAVE THE GANG, I LEAVE MY FAMILY.”*

<sup>6</sup> The Ministry of Justice (2024) “Regulatory Impact Statement: Responding to Gang Harms”: [Regulatory Impact Statement: Responding to Gang Harms - 14 February 2024 - Ministry of Justice \(treasury.govt.nz\)](#)

<sup>7</sup> The Ministry of Justice (2024) “Regulatory Impact Statement: Responding to Gang Harms”.

<sup>8</sup> The Office of the Prime Minister’s Chief Science Advisor (2023) “Towards an understanding of Aotearoa New Zealand’s adult gang environment, a report from the Prime Minister’s Chief Science Advisor” .

<sup>9</sup> [Ibid.](#)

<sup>10</sup> Mana Mokopuna – Children and Young People’s Commission (2023) “Submission on the Ram Raid Offending and Related Measures Amendment Bill”: [Ram Raid Offending and Related Measures Amendment Bill | Mana Mokopuna](#)

<sup>11</sup> The Office of the Children’s Commissioner (2010) “This is how I see it: Children, young people and young adults’ views and experiences of poverty, a report produced by the Office of the Children’s Commissioner”: [PhotoVoice-Artwork.pdf \(manamokopuna.org.nz\)](#)

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## Mana Mokopuna is concerned that the rights, interests and well-being of mokopuna will be negatively impacted by the Bill

“[The teacher] didn’t even ask me why I was angry, she didn’t want to understand my story, that even if they [the gang] do stupid things that’s my family, my history.”

(Mokopuna Māori)<sup>12</sup>

17. Mana Mokopuna notes the right of all mokopuna to non-discrimination.<sup>13</sup> Mana Mokopuna draws the Committee’s attention to the following groups of mokopuna who we believe are likely to be particularly affected by this Bill:
- Mokopuna who belong to gang whānau;
  - Children (under 18) who are gang-associated;
  - Care-experienced young people (including those over 18 but under 25) who are gang-associated;
  - Mokopuna with a parent (or whānau member) in prison.
18. Data about these groups are scarce. However, we draw the Committee’s attention to the following evidence:
- A report from the Ministry of Social Development (MSD) found that over half of the gang members receiving MSD support had dependent children, a total of 7,075 children.<sup>14</sup>
  - A Parliamentary Library Research and Information Paper reports that then-Minister of Police did not collect data on figures for youth gang membership.<sup>15</sup>
  - Data from Pillars shows 17,000 mokopuna have a parent in prison, and that these mokopuna are 9.5 times more likely to go on to experience imprisonment themselves.<sup>16</sup> As identified by the Ministry of Justice, mokopuna with a parent in prison face an increased risk of being taken into State care, which is also associated with an increased risk of gang membership.<sup>17</sup>
  - There is a strong correlation between state care and increased risk of gang membership.<sup>18</sup> The Waitangi Tribunal has noted that 80%-90% of members of Black Power and Mongrel Mob gangs are care-experienced,<sup>19</sup> and further notes that the

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<sup>12</sup> The Office of the Children’s Commissioner (2018) “Tama-te-rā Ariki: voices of tamariki and rangatahi Māori”: [Child and Youth Voices: Tama-te-rā Ariki | Mana Mokopuna](#)

<sup>13</sup> The United Nations Convention on the Rights of the Child, Article 2.

<sup>14</sup> Ministry of Social Development (2016) “Adult gang members and their children’s contact with Ministry of Social Development service lines”: [gang-members-contact-with-the-msd-service-lines-for-publication-march-2016.docx \(live.com\)](#)

<sup>15</sup> Parliament Service (2019) “Parliamentary Library Research and Information Research Paper: Youth Gangs in New Zealand”: ([youth-gangs-in-new-zealand.pdf \(www.parliament.nz\)](#))

<sup>16</sup> Pillars (2023) “Pillars Ka Pou Whakahou Annual Report 2022-2023”: [Annual Report | Pillars Ka Pou Whaka](#)

<sup>17</sup> The Ministry of Justice (2024) “Regulatory Impact Statement: Responding to Gang Harms”, at para 85.

<sup>18</sup> Ibid; Max Rashbrooke and Angie Wilkinson (2019) “Cracks in the Dam: the social and economic forces behind the placement of children into care – a report for the Royal Commission on Inquiry into Historical Abuse in State Care and in the care of Faith-Based Institutions”: [Abuse in Care Royal Commission of Inquiry \(2023\) Cracks in the Dam](#)

<sup>19</sup> The Ministry of Justice (2024) “Regulatory Impact Statement: Responding to Gang Harms”.

evidence before it indicates “gang members, as well as the adult and youth prison populations, are largely a subset of the care and protection populace”.<sup>20</sup>

19. The issues for mokopuna underpinning this Bill are complex and interrelated. Evidence shows that the vast majority of people who offend (not specific to gang members) have experienced adverse childhood experiences.<sup>21</sup> Data also shows that gang members are disproportionately from socio-economically deprived communities.<sup>22</sup> In the engagement with mokopuna to inform the report *What Makes a Good Life?*, some young people shared their experiences and views of the negative elements of gangs but how at the end of the day, their brothers and sisters in the gang were family. One boy told us that his brother is a gang member and although there are bad things about the gang, he’s still his brother and he loves him. For some young people, gangs connect them to adults that have their back and support them. As one young person put it, their reality was such that:

“having contacts in the gang means you have back up. Because you have people on your side.”

(Mokopuna)<sup>23</sup>

20. We share the concerns outlined in the RIS that the approach of this Bill risks compounding the very factors that give rise to the offending it seeks to address.<sup>24</sup> We urge the Committee to ensure the Bill is based on quality evidence regarding the impacts of this Bill, including the views and experiences of mokopuna who would be directly and indirectly affected by it.

## We are concerned the Bill risks discriminating against mokopuna Māori

21. Our assessment is that the proposed changes will impact some groups of children more than others, including mokopuna Māori and care-experienced mokopuna (noting that mokopuna Māori are also overrepresented in care, as well as neurodiverse and disabled mokopuna).<sup>25</sup> Care must be taken to avoid discriminating against these groups of children.

**“Assumptions about Māori being involved in gang life.”**

(Mokopuna Māori, aged 14-18, Te Moana a Toi)

*Without racism Aotearoa would be better. March 2024. [Mana Mokopuna – Children and Young People’s Commission]*

**“At our school people find mocking Māori culture to be a joke. ‘Māoris go to prison’, or ‘Māoris do drugs.’”**

(Rangatahi Māori from Auckland)

*What makes a good life? February 2019. [The Office of the Children’s Commissioner and Oranga Tamariki]*

**“Stereotypes of being Māori – crackheads, drug dealers, crime, black power, domestic violence, hood rats, window washers, pohara, hori, gangs, alcoholic parents.”**

(Rangatahi Māori from Auckland)

*What makes a good life? February 2019. [The Office of the Children’s Commissioner and Oranga Tamariki]*

<sup>20</sup> The Waitangi Tribunal (2021) “Wai 2915 He Pāharakeke, He Rito Whakakīkinga Whāruarua: Oranga Tamariki Urgent Inquiry”, at p 185: [He Pāharakeke, he Rito Whakakīkinga Whāruarua \(justice.govt.nz\)](#)

<sup>21</sup> The Office of the Prime Minister’s Chief Science Advisor (2023) “Towards an understanding of Aotearoa New Zealand’s adult gang environment, a report from the Prime Minister’s Chief Science Advisor”.

<sup>22</sup> The Ministry of Justice (2024) “Regulatory Impact Statement: Responding to Gang Harms”.

<sup>23</sup> The Office of the Children’s Commissioner and Oranga Tamariki (2019) “What makes a good life? Children and Young People’s views on wellbeing” at p 41: [What Makes a Good Life?](#)

<sup>24</sup> The Ministry of Justice (2024) “Regulatory Impact Statement: Responding to Gang Harms”.

<sup>25</sup> 75% of identified gang members are Māori: The Ministry of Justice (2024) “Regulatory Impact Statement: Responding to Gang Harms”; Oranga Tamariki (2023) “Disparities and disproportionality experienced by tamariki Māori 2023”: [Disparities and disproportionality experienced by tamariki Māori | Oranga Tamariki — Ministry for Children](#); Max Rashbrooke and Angie Wilkinson (2019) “Cracks in the Dam: the social and economic forces behind the placement of children into care – a report for the Royal Commission on Inquiry into Historical Abuse in State Care and in the care of Faith-Based Institutions”.

22. The direct quotes above from mokopuna underscore that, despite the disproportionate representation of Māori in gang affiliations, it is important to distinctly separate Māori identity from gang involvement (or any other types of criminal behavior or vulnerable conditions). This distinction is crucial as mokopuna have expressed that conflating the two perpetuates the racism they encounter in their day-to-day lives.
23. We strongly urge the Committee to consider the potential of this Bill to discriminate against mokopuna Māori, both directly and indirectly, given the impacts the Bill would have on their whānau, hapū and iwi. Being Māori means living and existing in a historical and contemporary context which is founded on colonisation and where racism is a lived, daily experience for many mokopuna Māori, particularly with regard to the criminal justice system and the State care system.<sup>26</sup> This has created conditions where whānau Māori are structurally marginalised with significant implications for the rights, interests and well-being of mokopuna Māori.<sup>27</sup> Māori overrepresentation in rates of gang membership also reflects this historical and contemporary context, with knock-on effects for mokopuna. We further discuss the rights of mokopuna Māori in the following section.

## The Bill must ensure the rights of mokopuna are upheld

24. It is crucial to recognise that each statistic represents an individual child or young person, each with their own distinct circumstances, life story, and perspective. The choices made by the Justice Committee in relation to this Bill have the potential to significantly impact mokopuna lives, both now and in the future. The implications of the amendments suggested in this Bill require careful consideration and should not be taken lightly.
25. We note that Oranga Tamariki was consulted by the Ministry of Justice in developing the RIS, and that Oranga Tamariki drew the Ministry's attention to children and young people (aged under 18) who may be gang members or prospects, or have whānau in gangs.<sup>28</sup> However, the Ministry considered the most likely impacts on children and young people to be indirect effects through potential imprisonment of whānau and did not consider the issue of the direct impacts on mokopuna further.
26. Children's rights are universal, indivisible and interdependent. This means that the rights of mokopuna must be considered holistically. The rights of mokopuna Māori, guaranteed by Te Tiriti and The Treaty, are fundamental and must be realised to disrupt the cycles of harm imposed upon whānau Māori. The United Nations Convention on the Rights of the Child (the Children's Convention) sets out our international obligations which the State of New Zealand must uphold. All mokopuna in Aotearoa have the right to (amongst others):
  - a. Non-discrimination – all rights apply to every mokopuna, without discrimination; every mokopuna has rights, regardless of whether they or their whānau are gang affiliated (Article 2).
  - b. Best interests – the best interests of the mokopuna should be the primary consideration in all actions concerning them, including responses to gang related offending (Article 3).

<sup>26</sup> Waitangi Tribunal (2017) "Wai 2540 Tū Mai Te Rangī! Report on the Crown and Disproportionate Reoffending Rates": [Tū Mai te Rangī! Report on the Crown and Disproportionate Reoffending Rates \(justice.govt.nz\)](#); Hāpaitia te Oranga Tangata Safe and Effective Justice Advisory Group (2019) "He Waka Roimata": [He Waka Roimata Report.pdf \(justice.govt.nz\)](#); Department of Corrections, Ministry of Justice, Oranga Tamariki, Crown Law and Serious Fraud Office (2022) "Justice Sector Long Term Insights Briefing – Long Term Insights on Imprisonment 1960-2050": [\\*14.02.2023-LTIB\\_Report\\_extended\\_final\\_v5\\_Web.pdf \(justice.govt.nz\)](#).

<sup>27</sup> Department of Corrections, Ministry of Justice, Oranga Tamariki, Crown Law and Serious Fraud Office (2022) "Justice Sector Long Term Insights Briefing – Long Term Insights on Imprisonment 1960-2050".

<sup>28</sup> The Ministry of Justice (2024) "Regulatory Impact Statement: Responding to Gang Harms", at para 89.

- c. Participation – the right of mokopuna to have a say, be listened to and be respected as active participants in their own lives and the things that are important to them (Article 12).
  - d. Be guided by their parents, whānau and communities (Article 5).
  - e. Know their identity, and be cared for by their parents and whānau (Articles 7-9).
  - f. Be raised by their parents (Article 18).
  - g. If taken into state care, to be looked after safely by people who respect the child’s culture (Article 20).
  - h. A standard of living adequate for their physical, mental, spiritual, moral and social development, including financial support from the State for those who need it (Articles 26-27).
  - i. If accused of breaking the law, the right to legal help and fair treatment, and solutions to help rehabilitate and reintegrate them with prison a last resort (Article 40).<sup>29</sup>
27. Mokopuna Māori, in the context of their whānau, hapū, and iwi have the right to rite tahi (equitable outcomes) under Article Three of Te Tiriti o Waitangi, and equality under the Treaty of Waitangi. We are concerned about the potential disproportionate impact of the Bill upon mokopuna Māori in the context of their whānau, hapū and iwi, and that it will not practically uphold the right to equal treatment.
28. Māori also have the right to active protection under Article Two of Te Tiriti o Waitangi. This issue was explored in depth by the Waitangi Tribunal in the context of the Oranga Tamariki system, where it stated:<sup>30</sup>
- “Active protection means recognising that Māori parents struggling in poverty have an equal right as citizens to meet their children’s needs as do the better-off in society. Active protection means recognising that the vast majority of whānau in contact with Oranga Tamariki are not out to harm their tamariki, but they may have ongoing needs that place stress on the whānau. These include factors such as poverty, poor housing, poor mental health, substance abuse, intimate partner violence, or children with high needs. Growing inequality and the disparities in child protection, education, justice, and health that result are not the inevitable outcomes of individual choice. They are substantially the outcomes of legislation, policy, and economic settings about which a society has choices. Active protection requires substantive changes designed to address these structural conditions.*
- Active protection does not mean intervening forcefully in the lives of whānau only when the cumulative effect of stress meets the threshold for State rescue of a child or children. Active protection certainly does not mean intervening forcefully in the lives of whānau in ways that are arbitrary or inconsistent, or the result of poor practice, or reflect institutional or personal racism.”*
29. For mokopuna connected to gang whānau, numerous of their rights are jeopardised due to the heightened probability of their parents and family members facing conviction and incarceration for offences stipulated in the Bill. The increased risk of the mokopuna of prisoners being taken into State care may have significant implications on their right to be raised, cared for and guided by their parents and family. There is potential for the suppression approach of this Bill and marginalisation of gangs to negatively impact the right of these mokopuna to identity.

<sup>29</sup> United Nations [Convention on the Rights of the Child](#) | OHCHR

<sup>30</sup> The Waitangi Tribunal (2021) “Wai 2915 He Pāharakeke, He Rito Whakakīkinga Whāruarua: Oranga Tamariki Urgent Inquiry”, at p 21.

30. The impacts of the Bill on mokopuna who are directly gang-affiliated are unclear, as they have not been considered in the development of the Bill.<sup>31</sup> Nonetheless, the punitive measures aimed at adult gang members may inadvertently prompt a shift towards more punitive responses to gang-affiliated mokopuna. This is despite Article 40 of the Children's Convention, which expressly states that mokopuna who offend are entitled to treatment that fosters their sense of dignity and worth. The evidence also highlights that early intervention measures are the most effective means of addressing gang-related offending.<sup>32</sup>
31. Given the significant overlap between individuals who have experienced State care and those who are gang members, alongside the general correlation between State care and gang membership, it is possible to foresee the adverse effects this Bill will have on young adults aged over 18 but under 25 who are care-experienced. These mokopuna are already at increased risk of experiencing imprisonment,<sup>33</sup> and the risk is that these odds will only become steeper if this Bill is to be passed into law in its current form.

## In summary

32. Mana Mokopuna recommends that the rights, interests, well-being and participation of mokopuna are primary considerations of the Committee in relation to this Bill. We strongly advocate for the Committee to prioritise evidence-based,<sup>34</sup> early intervention approaches to preventing and addressing gang-related offending, including prevention efforts focused on mokopuna, and by addressing root causes of offending, such as poverty.
33. All mokopuna have the right to have a meaningful say in decisions that will impact their daily lives and their futures. We remain concerned that at present, the Bill has not been adequately informed by the views, experiences and voices of mokopuna, particularly those in situations of vulnerability as discussed in this submission.



WHAT'S OUT THERE FOR US?  
THREE YOUTHS

(PhotoVoice Artwork by an Anonymous Mokopuna sharing their experiences of poverty and economic hardship.)<sup>35</sup>

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<sup>31</sup> As noted at para 89 of the RIS, this issue was not considered.

<sup>32</sup> The Office of the Prime Minister's Chief Science Advisor (2023) "Towards an understanding of Aotearoa New Zealand's adult gang environment, a report from the Prime Minister's Chief Science Advisor".

<sup>33</sup> Oranga Tamariki (2021) "Youth Justice Pathways: an examination of wellbeing indicators and outcomes for young people involved with youth justice": [Part-1-Youth-justice-pathways-wellbeing-indicators-and-outcomes-for-young-people-with-youth-justice.pdf \(orangatamariki.govt.nz\)](#)

<sup>34</sup> Professor Ian Lambie, Dr Jerome Reil, Judge Andrew Becroft and Dr Ruth Allen (2022) "How we fail children who offend and what to do about it: 'A breakdown across the whole system' – Research and recommendations": <https://www.borrinfoundation.nz/report-how-we-fail-children/>

<sup>35</sup> Office of the Children's Commissioner (2010) "This is how I see it: Children, young people and young adults' views and experiences of poverty, a report produced by the Office of the Children's Commissioner": [PhotoVoice-Artwork.pdf \(manamokopuna.org.nz\)](#)