

Submission to the Justice Committee: Evidence (Giving Evidence of Family Violence) Amendment Bill

As the independent advocate working for and with mokopuna¹ (children and young people), Mana Mokopuna – Children and Young People's Commission² makes the following submission on the Evidence (Giving Evidence of Family Violence) Amendment Bill (the Bill).

Introduction

1. Family violence is a significant children's rights issue in Aotearoa New Zealand. In its 2023 Concluding Observations on Aotearoa New Zealand, the United Nations Committee on the Rights of the Child (UN Committee) identified violence against children as a priority issue needing urgent attention.³
2. While acknowledging that much more preventative and response action focusing specifically on children, rangatahi and families and whānau is urgently needed, Mana Mokopuna commends the Government for taking steps to strengthen protections for mokopuna involved in family violence cases, particularly in legal and court settings.
3. Mana Mokopuna supports the intent and provisions of the Bill. Creating a presumption that alternative ways of giving evidence will be used in the Family Court should help to uphold and strengthen the rights and well-being of mokopuna by:
 - Expanding protections for mokopuna harmed by family violence and involved in court proceedings as witnesses or participants.
 - Acknowledging the impact of trauma and the potential for re-traumatisation in the justice process.
 - Creating opportunities for mokopuna to meaningfully participate in Family Court proceedings in ways that matter to them and that work in ways that suit them.
4. Mana Mokopuna emphasises the importance of ensuring that disabled mokopuna and mokopuna with foetal alcohol spectrum disorder, neurodiversities and/or specific communication needs should be supported to give evidence ways that works best for them, and to have access to funded support to overcome communication barriers.

¹ 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.

² Mana Mokopuna – Children and young people's Commission is the 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, including young persons aged over 18 but under 25 years if they are, or have been, in care or custody.

³ Committee on the Rights of the Child, Concluding Observations on the sixth periodic report of New Zealand, CRC/C/NZL/CO/6, paras 4 and 24.

5. Mana Mokopuna advocates for mokopuna participation and voices to be central in shaping policies and practices aimed at addressing family violence. Our submission on this Bill therefore primarily focuses on bringing to the Select Committee's attention the mokopuna perspectives shared in our recently published mokopuna voices report, entitled *A Place to Talk Peacefully: Mokopuna Voices on Healing from Family Violence and Sexual Violence*.⁴ These perspectives about what helps and what is a barrier to mokopuna participation in matters that affect them, specifically in the context of healing from family violence and sexual violence, are directly relevant to the Bill.
6. This submission highlights:
 - The voices of mokopuna who have experienced family violence and/or sexual violence
 - The importance of embedding mokopuna participation and voices in decision-making processes.
 - The relevant recommendations of the United Nations Committee on the Rights of the Child.

This Bill should help mokopuna to experience their rights

7. All mokopuna have the right to be safe from harm and to thrive in environments that protect their dignity, development, and well-being. Mana Mokopuna supports the amendments in the Bill as a critical step in protecting mokopuna from further harm. Family violence and its intersection with the justice system can perpetuate cycles of trauma, particularly when mokopuna are required or decide to participate in Court proceedings. The amendments made by this Bill acknowledge this reality by:
 - Creating safer environments for mokopuna to give evidence.
 - Reducing the potential for re-traumatisation through trauma-informed practices.
 - Ensuring mokopuna voices are heard and respected in ways that affirm their agency.
8. By creating a presumption in favour of using alternative ways of giving evidence in Family Court processes, the Bill will help to reduce harm and support trauma-informed participation by mokopuna in those processes, recognising the unique rights and needs of children and young people affected by family violence. These changes align with the United Nations Convention on the Rights of the Child (Children's Convention), which guarantees the right of children to be free from violence⁵ and to participate in decisions that affect them.⁶
9. We encourage the Committee and government to build on this foundation by enhancing mokopuna participation across the court system, particularly in areas that significantly impact their wellbeing (for example, the criminal court).

⁴ ["A place to talk peacefully: Mokopuna voices on healing from family violence and sexual violence in Aotearoa | Mana Mokopuna"](#)

⁵ Article 19

⁶ Article 12

10. Building on this foundation further could, for example, include ensuring that mokopuna can independently and safely raise concerns or ask questions about court proceedings and legal matters that they do not understand. Children and young people often find it challenging to navigate the court system, given that it is an adult-oriented system, and for example when they experience conflicts with their lawyers or struggle to access and comprehend necessary documentation and information. This concern has been long-standing, as evidenced by the stories shared by survivors during the Royal Commission of Inquiry into Abuse in Care, which highlighted systemic failures in providing adequate support and advocacy for children⁷.
11. These challenges underscore the urgent need for broader protections and tailored support mechanisms to ensure mokopuna feel heard, respected, and safe in all court settings. Strengthening their participation not only upholds their fundamental rights, but also fosters a more inclusive and child-centred approach to justice, consistent with a children's rights approach.

Amplifying mokopuna voices from *A Place to Talk Peacefully: Mokopuna Voices on Healing from Family Violence and Sexual Violence*

12. Our recently published mokopuna voices report, *A Place to Talk Peacefully: Mokopuna Voices on Healing from Family Violence and Sexual Violence*, underscores the importance of listening to mokopuna. Mokopuna with lived experience of family violence and/or sexual violence shared that access to safe, peaceful spaces to speak openly about their experiences was transformative in their healing journey. Further key insights include the critical role of loving, supportive relationships within whānau and communities; and the need for services that are responsive to the unique needs of mokopuna, particularly mokopuna Māori, who often experience compounded disadvantage.
13. We advocate for these direct mokopuna perspectives to inform the implementation of the Bill to ensure the changes truly serve mokopuna and their whānau and uphold mokopuna rights as far as possible. Below, we have included some excerpts from *A place to talk peacefully*. These mokopuna calls to action are directly relevant to the wider kaupapa of this Bill, and we urge action to implement their solutions. We amplify these voices to the Select Committee as you consider this Bill.

The importance of being listened to and believed

"She would sit there and listen, 'cos that's all I wanted was someone to listen to how I feel, and she did that." – Mokopuna

Mokopuna emphasised the critical role of being genuinely listened to and believed in their healing journeys. Effective communication went beyond speaking and listening; it required meaningful action based on what was shared. Trust was fostered when mokopuna felt their voices were respected and valued, especially during disclosures about violence or trauma. Acknowledgment of their experiences helped them navigate their feelings and reinforced that

⁷ Whanaketia – Through pain and trauma, from darkness to light | Abuse in Care - Royal Commission of Inquiry

the harm they endured was not their fault. Acknowledgment of their experiences helped them navigate their feelings and reinforced that the harm they endured was not their fault.

“...You’ll be surprised how many people just downplay your feelings.” - Mokopuna

The lack of listening and belief in what mokopuna were disclosing to some of the professionals who they sought help from had deeply harmful consequences, discouraging mokopuna from seeking further help. Many described having their experiences dismissed, overlooked or misunderstood, leading to mistrust in support systems. When mokopuna were not believed—particularly after disclosing serious violence or abuse—the trauma was compounded, leaving them feeling isolated and unsupported.

Being made to retell the story

“There was this one person who [...] kept asking me [...] questions and I’m like, don’t you already know them?” - Mokopuna

Retelling traumatic stories repeatedly to different support workers was described by mokopuna as re-traumatising and unnecessary. Mokopuna expressed frustration and exhaustion from revisiting their traumatic experiences, especially when their information was already documented. This repetitive process not only hindered healing, but also made seeking support feel counterproductive.

Having a voice

“Every tamariki has a voice. Ka pai.” - Mokopuna

Mokopuna valued being active participants in their healing journeys. They appreciated when support workers empowered them to set their own goals and respected their autonomy. Connecting to Te Ao Māori and Te Reo Māori further affirmed their voices and identity, offering a sense of grounding and belonging. Despite challenges, many mokopuna highlighted the importance of resilience and persistence in finding the right help.

Stigma

“In most Islander households kids are too afraid to speak because... they might tell you you’re being too weak or you’re not being a man.” - Mokopuna

Stigma was a significant barrier for mokopuna seeking support, exacerbated by cultural norms, gender stereotypes, and societal expectations. This stigma created internal fears and hesitations, making it difficult for mokopuna to express their needs or share their experiences, particularly within marginalised groups or those navigating multiple intersecting identities.

“It’s not uncool to talk about your feelings and your problems.” - Mokopuna

Mokopuna called on adults to dismantle stigma about help-seeking. They stressed the importance of fostering an environment where asking for help is normalised and encouraged, ensuring mokopuna feel safe, supported, and understood. By promoting open dialogue and acceptance, adults can play a pivotal role in breaking down barriers and facilitating healing.

UN Committee Concluding Observations 2023

14. In its most recent review of Aotearoa New Zealand, the United Nations Committee on the Rights of the Child (UN Committee) has drawn urgent attention to the need for Aotearoa New Zealand to address all forms of violence against children, including family violence, sexual violence, abuse and neglect.⁸
15. We draw the Select Committee's attention to two specific comments of the UN Committee (at paragraph 23 of the Concluding Observations) which are relevant to this Bill:

"The Committee remains seriously concerned about the persistent rates of abuse, neglect and violence against children, particularly domestic violence, noting the higher risk faced by Māori, Pasifika, and LGBTI children, and children with disabilities."

"It is further concerned about the limited access to child-friendly reporting channels, physical and psychological rehabilitation and health services, including mental health services, available to children who have suffered violence, trauma or abuse."
16. The UN Committee went on to recommend that New Zealand "facilitate access to child-friendly, multidisciplinary and multisectoral assistance and protection services for children who are victims of violence, including psychological support, to ensure their recovery and reintegration, and facilitate the means to seek remedies for the violation of their rights"⁹.
17. Mana Mokopuna advocates for stronger prevention of family harm given its devastating impacts on mokopuna and their rights, and equitable access for mokopuna and whānau to support for healing if harm occurs. Alongside this, we emphasise that the proposed reforms under the Bill need to be accompanied with further work to ensure all mokopuna grow up safe, free from all forms of violence and harm. This requires further steps to be taken to prevent such harm, including the implementation of the UN Committee's recommendations. Within work to prevent family harm, we advocate for a strong focus on meeting the needs of mokopuna and adults who data and evidence shows are at higher risk of experiencing family violence, such as disabled mokopuna and adults.¹⁰
18. Crucially, Article 39 of the Children's Convention guarantees the right to healing for all mokopuna who have experienced harm, and States Parties – including Aotearoa New Zealand – must take all appropriate measures to promote this healing in an environment which fosters the health, self-respect and dignity of the child. Making changes to Family Court processes to make them less stressful for mokopuna taking part in those processes is an important aspect of a children's-rights approach to justice for mokopuna victim/survivors of violence. Mana Mokopuna advocates for ongoing training for Judges and Court staff in trauma-informed practices, with specific attention to the experiences of mokopuna Māori and other groups who experience violence disproportionately, to support the Bill's changes.

⁸ UN Committee on the Rights of the Child (2023) Concluding Observations CRC/C/NZL/CO/6, paras 4, 23 and 24.

⁹ UN Committee on the Rights of the Child (2023) Concluding Observations CRC/C/NZL/CO/6, para 24(d).

¹⁰ See: <https://whiteribbon.org.nz/home/disabilities-and-violence-in-new-zealand/>

Conclusion and recommendations

19. Mana Mokopuna supports the Evidence (Giving Evidence of Family Violence) Amendment Bill and commends the Government for prioritising mokopuna safety and well-being in this way in family violence cases. Recognising the long-term impact of family violence on mokopuna, we emphasise the need for ongoing efforts to ensure their rights are upheld, their participation supported, their voices are heard and their needs are met.
20. We advocate for all mokopuna to grow up safe and well, and we are available to provide independent specialist mokopuna-focused advice relating to the Bill's implementation.

Mana Mokopuna supports the Bill and recommends the Committee:

- To support implementation of the Bill, recommend strengthen ongoing training for Judges and Court Staff and ensure that all court personnel are trained in trauma-informed and mokopuna rights-supporting practices, with specific attention to the experiences of mokopuna Māori and over represented groups.
- Recommends establishing mechanisms to gather and integrate mokopuna perspectives in the ongoing review and implementation of the Bill's provisions.
- Consider how Action Plan 2.0 under Te Aorerekura – National Strategy to Eliminate Family Violence and Sexual Violence intersects with the Bill, and provides opportunities for ensuring a stronger focus on prevention, healing, and support for mokopuna and their whānau.