

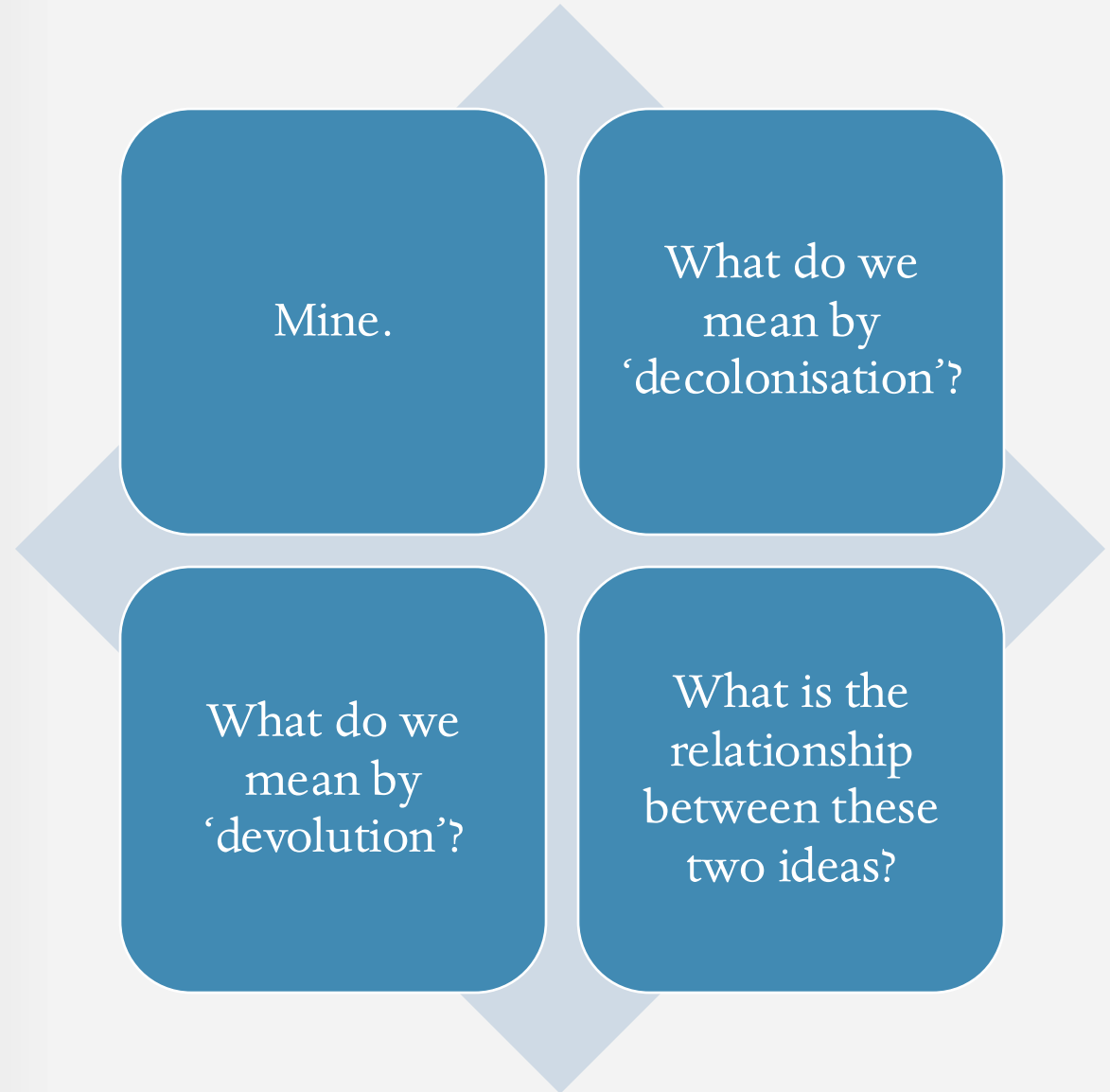


Decolonising Child Protection

Beyond the rhetoric

Ian Hyslop – 03 / 10 / 2023

Power and positioning



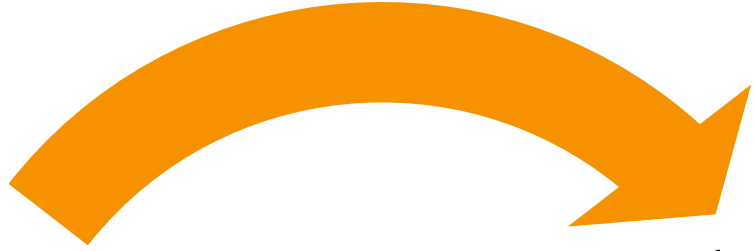
Problem definition

How we understand 'colonisation' is inevitably connected with how we propose to go about 'decolonisation':

- Colonisation as cultural oppression
- Colonisation as political and economic oppression



* seems to me to be reflected in the current internal OT practice shift.



Recommendation 1 calls for an overarching 'policy objective' aimed at aggressively removing the imposition of dominant cultural norms:

- *To attack all forms of cultural racism in New Zealand that result in the values and lifestyle of the dominant group being regarded as superior to those of other groups, especially Māori, by: (a) Providing leadership and programmes which help develop a society in which the values of all groups are of central importance to its enhancement; and (b) Incorporating the values, cultures and beliefs of the Māori people in all practice developed for the future of New Zealand. (PtAT, p.9)*



Puao te Ata Tu

PtAT: Recommendation 2



To attack and eliminate deprivation and alienation by: (a) Allocating an equitable share of resources. (b) Sharing power and authority over the use of resources. (c) Ensuring legislation which recognises social, cultural and economic values of all cultural groups and especially Māori people. (d) Developing strategies and initiatives which harness the potential of all its people, and especially Māori people, to advance.



* This recommendation raises wider and more complex questions?



Eliminating deprivation and alienation? Allocating an equitable share of resources? 'Sharing' power and authority? : How might such things be done?

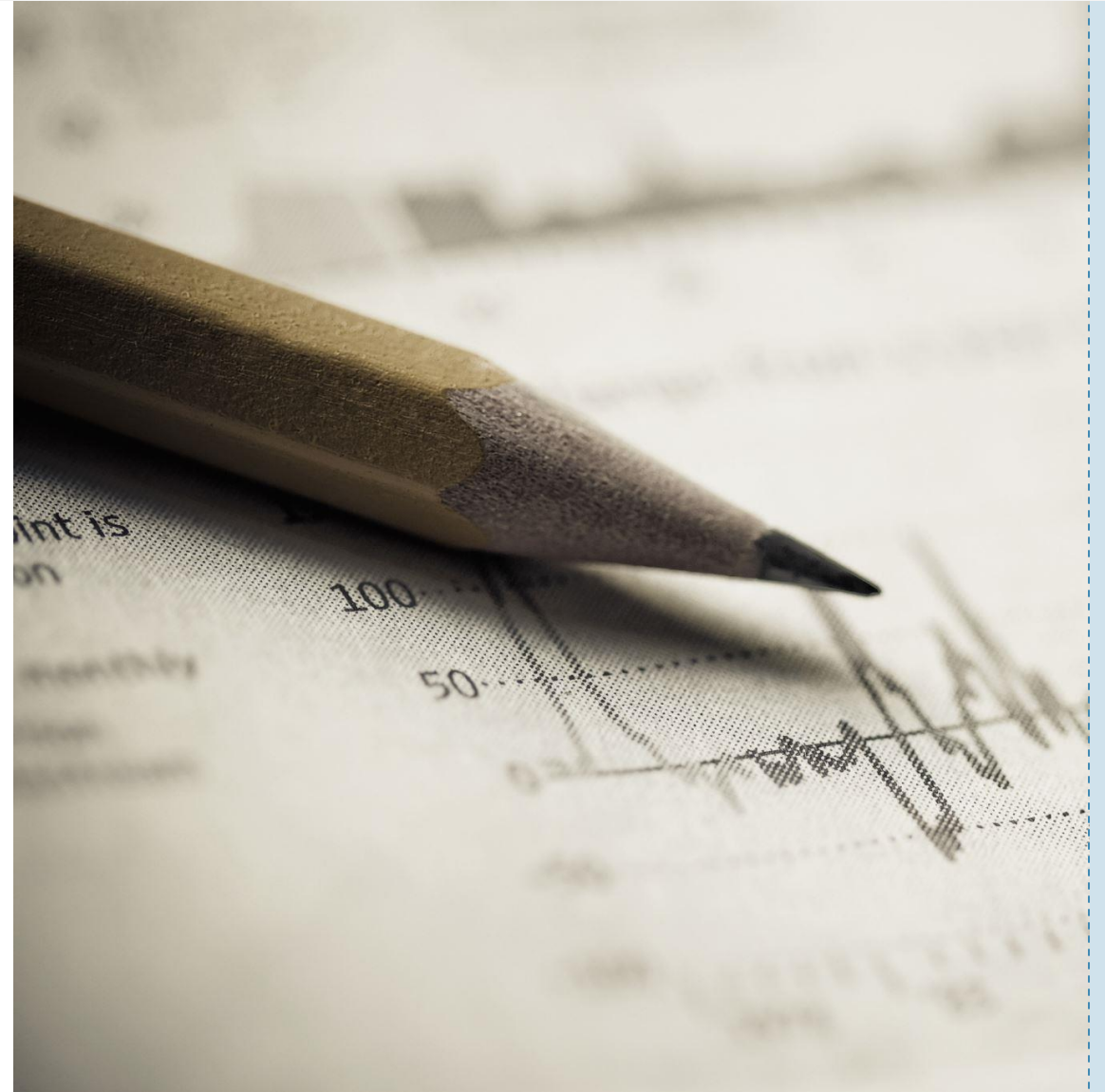
Transformational change?

Can you fundamentally change policy and practice outcomes without changing the underlying structure of power and authority?

Several of the post-Hastings inquiries thought not.
(Fitzmaurice-Brown, 2023)

OCC Report/s:

- ***Our call, and the key recommendation in this report, is for a total transformation of the statutory care and protection system. By that I mean nothing short of a ‘by Māori, for Māori’ approach and a transfer of responsibility, resources and power from the state to appropriate Māori entities, as determined by Māori.***
- He Kuko o te Manawa – part 2, 2020, pg.6



Wai 2915 Report

This report found the practices of Oranga Tamariki to be a breach of te Tiriti obligations and more broadly (and perhaps more importantly) that:

'... indigenous people have a right to a particular way of life', which is protected by the promise of Te Tiriti o Waitangi; the Crown's failure to uphold this right is linked with 'hostility to the promise itself' (Wai 2915 , 2021: 12), in that 'efforts to assimilate Māori to the Pākehā way – is perhaps the most fundamental breach of te Tiriti / the Treaty and its principles'.

(Wai 2915 , 2021: xiii)

Honouring te Tiriti

How, then, might you redress a breach of commitment to Rangatiratanga?

- In relation to the state social work agency the Report recommended a **transition authority**:

‘...with a clear mandate to design and reform the care and protection system for tamariki Māori, coupled with authority to work in genuine partnership with the Crown to ensure a modified system is properly implemented.’

(Wai 2915, xiv)





Questions persist:

Can the present-day successor of the colonial state address problems rooted in the structure and function of that state? (*or more emotively, can the oppressor be the liberator / can the abuser become the saviour?)

Many would argue, no, and that failure to pick up on the recommendation of Wai 2915 is an opportunity lost (*at least for now)

A shifting settlement?

- Is there an appreciation of mātauranga Māori enough?
- Is there political will for more radical structural change beyond imagination in a liberal capitalist social, economic and political structure?

According to Toki (2017) Jackson has stated that:

- ***“ The redefinition and incorporation of basic Māori legal and philosophical concepts into the law is part of the continuing story of colonisation. Its implementation by government, its acceptance by judicial institutions, and its presentation as an enlightened recognition of Māori rights are merely further blows in that dreadful attack to which colonisation subjects the Indigenous soul.”***



A reminder that ...

- ♦ ... transformational change to child protection may lie outside of the boundaries set by, and possible within, the current state apparatus - and also that social and economic settings bleed into our current 'notify and investigate' child protection system. **Wai 2915 also recognised this need for a social-political analysis.**



A structural lens:

- ♦ When considering the duty of the Crown to actively protect Māori interests, this Waitangi Tribunal report accepts that racist outcomes have arisen from structural drivers, as well as factors internal to the OT system:
 - 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 whanau. 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.

(Wai 2915 , 2021: 20)

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- Wai 2915 (2021) 'Report of the Waitangi Tribunal – He Pāharakeke, He Rito Whakakīkanga Whāruarua'. Available at: https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_171027305/He%20Paharakeke%20W.pdf