



Women's International League for Peace and Freedom

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WILPF Aotearoa Section, PO Box 2054, Wellington 6140

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Submission: Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill

The Women's International League for Peace and Freedom (WILPF) is a peace and disarmament organisation which has been working for social justice and a non-violent society since its establishment in The Hague in April 1915.

WILPF Aotearoa Section is strongly opposed to this Bill. In particular, we are opposed to the introduction of a military-style academy programme to be delivered in an Oranga Tamariki section 364 youth justice residence, the extension of the use of force to third party providers and the use of seclusion, a practice that is tantamount to torture.

The alleged purpose of this Bill is to reduce youth offending by holding young people who offend to account for their actions. Yet the evidence is clear that incarceration is an ineffective strategy for steering youth away from delinquent behaviour, and that high rates of youth incarceration do not improve public safety. (see Richard Mendel, 'Why Youth Incarceration Fails: An updated review of the evidence'

<https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/>) It is a punitive approach that neither takes account of the young person's circumstances growing up nor seeks to address the conditions that gives rise to offending.

Research shows that children's experience of maltreatment and trauma, very often in the context of poverty, have substantial effects on their development. These experiences lead to a poor understanding of and capacity to manage emotions, low self-value, problems forming healthy relationships, and hypervigilance to perceived threats.

Young people affected by this Bill are not carefully considering the consequences of their actions. Young people in general are more likely to be impulsive than adults, and most are still developing the skills to understand consequences from their actions that adults take for granted.

The threat of more severe consequences rarely features in the decision-making process of those engaged in such behaviour. The evidence is clear: in the different forms tried to date, military-style academy programmes do not reduce reoffending because the threat of punishment and punishment is a poor method of changing behaviour.

The drivers of crime are well understood. They include things like poverty and inequality; alienation; harms from drug and alcohol dependence or misuse; barriers to participation in communities, the workforce or education; inadequate and precarious accommodation; and poor access to healthcare, particularly mental health services. The most effective way to reduce offending is to address the drivers of that offending beginning with the situations that produce youth offending.

As drafted, the Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill will not reduce the harm that leads to youth offending or the harm caused by the affected young people. Offending does not occur in a vacuum, so there is a strong need for programmes which provide support not only for the young person but also for their whānau and their community. There is also a need for such programmes to be able to provide successful transitions for rangatahi back into the community after their attendance.

WILPF is also concerned about the extension of the use of force to third party providers and the use of seclusion. If the Bill is passed into law without amendment, then provisions on the use of force must focus on improving monitoring to ensure it is only ever a last resort and that staff training concentrates on prevention and de-escalation. Seclusion is tantamount to torture and must be banned outright.

Just a few weeks ago the government formally apologised to survivors of abuse in state care and yet this Bill is designed in such a way that it ignores the Abuse in Care: Royal Commission of Inquiry's findings and recommendations. The country would be better served if the government focused instead on the success of programmes such as Te Kooti Rangatahi which consider the background and circumstances of the young person and include a rehabilitative component. Currently they are only available for rangatahi Māori. Instead of military-style academies, why not focus on what does work and extend the programme to all rangatahi?

WILPF recommends that this Bill is rejected in full.