

Justice Policy

Vision

The law benefits everyone equitably and supports all New Zealanders to live their best lives safely.

Values and Principles

Decisions relating to the justice system must uphold the following values and principles:

- *Honour Te Tiriti o Waitangi*: Tikanga Māori should be recognised as the first laws of Aotearoa New Zealand, and tikanga-based practice should be prioritised for dispute resolution.
- *Ecological Wisdom*: Justice is not limited to the legal system, and holistic approaches that prevent and address the abuse and destruction of the natural world and the inequities associated with it are also needed.
- *Social Responsibility*: Everyone is entitled to justice, to a fair hearing, and to be treated with respect in the justice system. Everyone should be given a reasonable chance to atone for past wrongs and to reintegrate into society. The focus of our justice system should support all victims, be based on tikanga Māori and restorative justice.
- *Appropriate Decision-Making*: The rule of law and judicial independence are fundamental values that should be protected; justice should follow transparent and fair processes, and the right to justice must be equitably protected in all its forms.
- *Non-Violence*: Criminal cases should be resolved compassionately in ways that preserve the interests of the public, victims, and the accused. Restorative justice, reducing reoffending, rehabilitation, and support for victims should be prioritised over punitive or aggressive approaches.
- *International Obligations*: International public law obligations should be fairly and openly honoured; and the State must not undermine international peace.

Summary

The Green Party will achieve a just and civil society through improving access to justice, supporting restorative and tikanga Māori-led justice, supporting victims, focusing our efforts towards supporting and rehabilitating people who come into the justice system, and providing early social interventions that help them avoid violence, conflict and abuse.

Strategic Priorities

The Green Party's strategic goals include:

“As a Party we strive to create a more connected, compassionate and equal Aotearoa, free from structural biases that discriminate against groups and individuals.”

Actions in this policy that will help achieve this include:

- Ensure that everyone before the justice system, at any stage of the process, regardless of gender, race, origin or financial status, is treated equally, accorded due process, and without any limitation on their right to justice. (1.5)
- Enable Māori groups, community organisations, and community class actions to be eligible for legal aid funding and enact legislation to facilitate group action. (1.14)
- Promote the use of restorative justice both in the justice system and the community, and restore and resource a more community-led approach. (2.13)
- Address institutional racism and eliminate discrimination in the justice system. (2.19).
- Take a preventative approach to addressing the over-representation of Māori and Pasifika young people in the youth justice system, including by addressing child poverty. (2.28)
- Promptly investigate and, if found, stop any abuse of the rule of law happening in Aotearoa New Zealand, regardless of the influence or importance of the perpetrators. (6.6)

Connected Policies

Our aim is to improve a whole-of-system response to crime. The legal system alone cannot eliminate this problem and a preventative approach is needed (see also our [Health](#), [Drug Law Reform](#), [Education](#), [Household Livelihoods](#), [Housing and Sustainable Communities](#), and [Global Affairs](#) policies). See also our [Women’s](#), [Kaupapa Māori](#), [Tagata Moana](#), [Rainbow](#), [Disability](#) and [Youth](#) Policies.

Policy Positions

1. Access to Justice

Issues

A major barrier to seeking justice is its cost, and high fees mean some people cannot access their rights. This is not in the public interest. Community Law Centres are available to help with some matters, but are not adequately resourced, and legal aid is limited. In particular, legal aid funding policy violates international rights in criminal procedure, by limiting the right to choose one’s own counsel and the right to have adequate funding, time and facilities to prepare a defence.

Actions

- 1.1. Work with the education and public sectors to increase civics education with specific attention to the core values of our legal system, such as democracy, equity and the rule of law, and its foundation in Te Tiriti o Waitangi.
- 1.2. Ensure transparency remains a cornerstone of our justice system and is only limited to the extent necessary to protect the privacy and safety interests of victims and accused or to preserve the interests of justice.

- 1.3. Provide comprehensive and accessible legal information, through the internet, libraries and other community agencies.
- 1.4. Advocate for the use of plain language in court procedures to ensure they are accessible and understandable to participants.
- 1.5. Ensure that everyone before the justice system, at any stage of the process, regardless of gender, race, origin or financial status, is treated equally, accorded due process, and without any limitation on their right to justice.
- 1.6. Provide more outreach justice service provision to smaller and more isolated communities.
- 1.7. Increase funding for the Community Law Centre network to ensure increased geographical and specialist coverage.
- 1.8. Resource Community Law Centres so they can better meet clients' needs, restore their mandate to act in individual cases; and undertake more justice sector advocacy.
- 1.9. Remove court fees to ensure everyone has a reasonable opportunity to access justice.
- 1.10. Fund the courts' needs at each stage of the process, to fulfil the Government's/Executive's constitutional obligations.
- 1.11. Review the level of legal aid in criminal matters to ensure it is adequate, meets international standards of access to justice and procedural rights.
- 1.12. Restore the right to counsel of choice for category one and two offences.
- 1.13. End the obligation of those to whom legal aid is granted in criminal cases, to repay the grant.
- 1.14. Enable Māori groups, community organisations, and community class actions to be eligible for legal aid funding and enact legislation to facilitate group action.
- 1.15. Explore mechanisms to level the playing field between those using legal aid and well-resourced civil litigants, including through expanding the power of judges to strike out frivolous or resource-intensive roadblocks and to presumptively grant additional costs for legal aid to a privately-represented party.
- 1.16. Widen the use of online court systems to provide a service for civil disputes, from early stages of providing information on rights and obligations to assisting in resolution and making a determination.

2. Criminal Law

Issues

Aotearoa New Zealand has one of the highest rates of imprisonment and reoffending in the developed world with many politicians taking the approach of 'tough on crime, tough on the causes of crime' without consideration of the underlying precursors of offending that include poverty, alcohol and other drug addictions, and systemic racism. Furthermore, highly visible crimes such as violence and traffic offences are more likely to incur charges than white-collar crimes that are financially motivated and committed by individuals, businesses and professionals.

Colonisation and systemic oppression are key contributors to Māori overrepresentation in Justice statistics, both as offenders and victims. The Justice system - including both Police and Courts

- has not met the needs of Maori communities or whānau. Focus on support for victims and offenders, and rehabilitation, should centre hapū, iwi, and Māori-led solutions.

Teenagers and children who begin interacting with the justice system at a young age, often never leave. Alongside social change, we need to reform the youth justice system, so that the prison pipeline for juvenile prisoners (especially young Māori) is broken.

Actions

- 2.1. Establish a Crown Prosecution Service, independent from the investigatory process, to be responsible for deciding which charges to lay and carrying out all prosecutions.
- 2.2. Review the current trial management procedures to ensure full prosecution disclosure, improve sanctions for non-disclosure, improve case preparation, and reduce delays and trial adjournments.
- 2.3. Properly fund and resource the courts system in order to reduce average waiting times for trial after being charged , including expanding the number of district courts and related staff.
- 2.4. Ensure jury participation is adequately funded so that jury members are positively inclined to represent their local communities.
- 2.5. Review the cost recovery rules for court cases, to:
 - 2.5.1. Broaden the range of situations in which cost recovery is available; and
 - 2.5.2. Reflect actual costs by bringing the level of payment into line with those payable in civil cases.
- 2.6. Investigate the recodification of criminal offences currently spread across a number of Acts, into one Act, and in particular to assess whether the criminal code is becoming too complex in its categorisation of criminal activity.
- 2.7. Take a precautionary approach towards the creation of any new mandatory minimum sentencing legislation.
- 2.8. Undertake a review to provide the public with confidence that the justice system complies with the International Covenant on Civil and Political Rights and the human rights legislation of Aotearoa New Zealand.
- 2.9. Increase the range of sentencing options available to judges in criminal court cases.
- 2.10. Maintain the onus of proof and the standard of proof of “beyond reasonable doubt”.
- 2.11. Reform the process to compensate wrongfully convicted persons and make it independent of political actors.
- 2.12. Strengthen positive interaction between the police and communities by building the funding, capacity and capability of community liaison roles.

A. Restorative Justice

- 2.13. Promote the use of restorative justice both in the justice system and the community, and restore and resource a more community-led approach.
- 2.14. Establish a longer-term, and therefore more predictable, funding model for the provision of restorative justice services.

- 2.15. Evaluate why some restorative justice agreements are not enacted, and address the issues to give them more certainty.
- 2.16. Ensure that restorative justice policies and approaches remain relevant by facilitating dialogue between government, community organisations, hapū and other affected stakeholders, and documenting any improvements for wider uptake.

B. Māori Justice

- 2.17. Take a preventative approach to addressing the disproportionately high rates of Māori prisoners, including through social policy.
- 2.18. Support and resource wānanga to share kaupapa Māori approaches to justice.
- 2.19. Address institutional racism and eliminate discrimination in the justice system.
- 2.20. Ensure Māori-led rehabilitation programmes and te reo and tikanga Māori programmes are available and actively encouraged throughout the corrections system.
- 2.21. Facilitate hapū and iwi collaboration in prison and youth justice centre management.
- 2.22. Fund the development of Māori focus units in all prisons and youth justice centres.
- 2.23. Require frontline Department of Corrections employees to undergo training to ensure they are responsive to the cultural needs of inmates, including understanding of tikanga Māori and Te Tiriti o Waitangi.
- 2.24. Support the expansion of Rangatahi Courts and the establishment of other marae based criminal justice courts.

C. Youth Justice

- 2.25. Raise the age of criminal responsibility to at least 14 years of age.
- 2.26. Ensure young people in detention are always held separately from adults, and ensure detention is a last resort in the treatment of young people, for the shortest periods of time and in the best conditions possible to support wellbeing and avoid reoffending.
- 2.27. Improve the effectiveness of Family Group Conferences (FGCs) by:
 - 2.27.1. Increasing funding for training of convenors.
 - 2.27.2. Ensuring that victims are provided with adequate information about FGCs in order to encourage a higher proportion to attend.
 - 2.27.3. Increasing resources for FGC to ensure agreed outcomes are achieved.
- 2.28. Take a preventative approach to addressing the over-representation of Māori and Pasifika young people in the youth justice system, including by addressing child poverty (see our [Children's Policy](#)).
- 2.29. Re-focus youth detention and sentencing to encourage and support young offenders to reintegrate into their communities.

D. Justice for Victims

- 2.30. Prioritise reform of the justice system to balance the rights and needs of victims with those of offenders within a framework based on restorative justice and tikanga Māori framework.
- 2.31. Provide victims with effective support systems, including counselling services.

- 2.32. Fully resource agencies that provide counselling, support, safe houses and/or refuge for women and children in violent relationships, and other victims of violence.
- 2.33. Establish a victim's advocate paralegal role to provide support and explanation through justice proceedings.
- 2.34. Improve enforcement of trespass, no contact and non-violence orders, such as through tailored interventions based on a needs analysis of the victim's circumstances.
- 2.35. Improve fairness in the application of restitution policies, such as offering a choice of restitution to victims and offenders.

E. Prisons

- 2.36. Ensure the state always owns and operates New Zealand's correctional facilities, in order to best discharge its moral duties to persons detained within them. Oppose the privatisation of prisons and profit-making through prisons.
- 2.37. Ensure that the basic human need of inmates to sustain or re-establish family, whānau and community links is supported throughout their sentence.
- 2.38. Increase access to education and cultural programmes within prisons, including by minimising relocation of prisoners.
- 2.39. Increase access within prisons to screening for health, disability, mental health and addictions; and effective alcohol and other drug rehabilitation, trauma- and violence-informed mental health programmes, and non-violence programmes.
- 2.40. Increase forensic psychiatric assessment and services to adequately meet the treatment needs of those who should not be imprisoned due to under-recognised and un- or under-treated mental health conditions.
- 2.41. Make better use of the Mental Health Act to inform continued care for offenders upon release from prison, including coordination with community mental health services, and strict release requirements for supervision and/or care facilities where appropriate.
- 2.42. Mandate and resource the Department of Corrections and relevant community social services to work together to provide sustainable, long term housing and employment for those being released from prison who need help in these areas.
- 2.43. Undertake a major review of prisons to ensure there are:
 - 2.43.1. Adequate facilities, including taking into account overseas best practice for the design and management of prisons for women;
 - 2.43.2. Adequate provision for rehabilitation and skill development programmes for women in prisons;
 - 2.43.3. Adequate visitation rights for mothers and children, and that these rights cannot be removed as a form of punishment; and
 - 2.43.4. Sufficient 'family houses' for pregnant women and mothers to ensure good bonding with infants and continuing attachment with young children.
- 2.44. Ensure all prisoners have full voting rights (see our [Democracy and Constitutional Transformation](#) Policy)
- 2.45. Develop habilitation centres based on future-thinking best practice.

F. Gun Control

- 2.46. Maintain restrictions to private ownership of fully functional centre-fire semi-automatic rifles.
- 2.47. Maintain restrictions to the ownership of magazines of a capacity greater than 7 rounds.
- 2.48. Maintain a low fee, centralised gun registration system and database.
- 2.49. Review the vetting procedure in the firearms acquisition certificate, to ensure it is in line with best practice.
- 2.50. Maintain a predominantly-unarmed police force and prevent police officers from carrying arms as a matter of course.

3. Gender-based Violence

Issues

Domestic violence and sexual violence are deeply gendered. Women make up the majority of victims of sexual and intimate partner violence in Aotearoa New Zealand. Sexual violence is a significant and long entrenched problem in New Zealand that targets vulnerable people, including young people, women, disabled people and the Rainbow community. There are very high rates of intimate partner violence, in particular. We need to break the cycle of violence that occurs amongst families and address their root causes, including poverty.

Pre-colonisation whanau and hapū structures largely protected tamariki and wahine Māori from these forms of violence, because of their very different gender roles and responsibilities to the collective, amongst other things. Colonisation has therefore been a key contributor to gender-based violence.

Actions

A. Sexual Violence

- 3.1. Ensure services are accessible to all and are able to develop capacity to meet specific needs.
- 3.2. Ensure the justice system is sensitive to the needs of all victims of sexual abuse of all types, including reducing adversarial cross-examination practices.
- 3.3. Prevent victims' prior sexual history being used in court as a means of victim blaming.
- 3.4. Fund research to ensure sexual violence interventions are based on the current best practice and meet the needs of marginalised groups.
- 3.5. Develop a coherent cross-ministry funding model and level of funding to meet sexual violence crisis and recovery support, rehabilitation and prevention.
- 3.6. Ensure all relevant policy is considered in the light of its potential impact on victims of violence (e.g. social policy, urban planning).

B. Family, Domestic and Intimate Partner Violence

- 3.7. Build an integrated response to all forms of family violence by bringing together departments, agencies and service providers working across and outside government.

- 3.8. Build a shared understanding of all forms of family violence across all sectors of the judicial system and reflect this understanding in legislation.
- 3.9. Develop common risk assessment and risk management frameworks between relevant government departments.
- 3.10. Develop complementary codes of practice to ensure consistent responses by individual agencies.
- 3.11. Centralise funding for services and evaluation to assess effectiveness.
- 3.12. Improve training to better recognise and respond to intimate partner violence across all professional disciplines where decisions may be made or advice given in cases involving family violence.
- 3.13. Develop a case management approach that prioritises the safety of victims of domestic violence.
- 3.14. Improve public understanding about root causes and risk factors of intimate partner violence and the co-occurrence of intimate partner violence and child abuse and neglect to inform better prevention.
- 3.15. Ensure all measures are in place to enable those who have experienced any form of family violence to successfully rebuild their lives.
- 3.16. Ensure high quality, more efficient and accessible services by incorporating the insights of those individuals, family and whānau who have experienced any form of family violence.
- 3.17. Increase investment in primary prevention programmes, including in schools where programmes will include non-violent conflict resolution for both boys and girls and examination of societal attitudes towards gender and sexuality.
- 3.18. Ensure legal protection orders are financially attainable and enforced fully.
- 3.19. Fully resource the implementation of the Family Violence Act 2018.

4. Community Safety

Issues

It is important to recognise that there are specific dynamics of violence and abuse, including hate crimes, that affect a wide range of marginalised and/or vulnerable New Zealanders in our communities, including people with disabilities, LGBTQI people, people of colour, migrants, and minority religious groups. There is a need to tailor responses to meet their needs.

Actions

- 4.1. Ensure in-depth understanding amongst service providers, statutory agencies and judiciary of the dynamics of violence, hate and abuse in different parts of the population.
- 4.2. Ensure that the data collected on these issues is acted on promptly, to enable appropriate intervention and prevention programmes to be available.
- 4.3. Treat violence, hate and abuse as a violation of human rights rather than, for example, an immigration issue.
- 4.4. Provide dedicated, appropriate services targeted at specific victim groups.

5. Family Law

Issues

Disputes coming from relationship breakdowns are tense, especially in contexts of family violence. Parties to family disputes often need independent specialist help to resolve their issues. The current dispute resolution process sometimes stops lawyers from helping, and infringes the rights of affected children. Furthermore, information-sharing rules prevent government agencies from acting together to solve problems. When the system does work, it can be expensive and difficult for people to access.

Actions

- 5.1. Remove procedural restrictions on using advice and representation from lawyers in family dispute resolution processes.
- 5.2. Provide accessible and appropriate counselling for people involved in family disputes to help them deal with their trauma, and improve longer-term justice outcomes.
- 5.3. Ensure that the United Nations Convention on the Rights of the Child are fully applied in the justice system, and that children's rights and interests are served through representation by their own lawyer, where required.

6. Independence in the Justice System

Issues

The courts' independence is a principle of major constitutional importance that must be protected from interference, including corruption and political maneuvering.

Actions

B. The International Rule of Law

- 6.1. Implement Aotearoa New Zealand's international law obligations in domestic law, to the greatest extent consistent with the Green Party Charter and Aotearoa New Zealand's unwritten constitution, including upholding international human rights agreements (see also our [Democracy and Constitutional Transformation](#) Policy).
- 6.2. Retain the primary jurisdiction and authority of our legal system in domestic issues while protecting the role of the International Criminal Court.

A. Judicial Appointments

- 6.3. Establish, by statute, a politically independent judicial appointments commission to recommend a single qualified candidate for any judicial or quasi-judicial occupancy as it arises and ensure that those who appear before the court in particular are represented by the judiciary they encounter.
- 6.4. Retain a right for the Attorney General to refuse a recommendation from the commission, but one limited to giving a lawful reason for doing so.

C. Abuse of the Rule of Law

- 6.5. Promptly investigate and, if found, stop any abuse of the rule of law happening in Aotearoa New Zealand, regardless of the influence or importance of the perpetrators.
- 6.6. Fully resource the Waitangi Tribunal and give it binding decision-making authority to ensure Tiriti breaches are addressed.
- 6.7. Oppose corruption and graft in Aotearoa New Zealand and other communities.