

Justice Policy

The Green Party envisages a justice system based on Te Tiriti o Waitangi, tikanga Māori and te ao Māori values. We will prioritise restorative justice, rehabilitation, and community responses to offending. We will focus on prevention, early intervention, and addressing underlying issues such as mental health and addiction. We will tackle bias, discrimination and inequalities in the justice system, while removing barriers to access to justice and strengthening accountability to ensure that it upholds everyone's rights.

Vision

The justice system heals and protects people and communities equitably.

Values and Principles

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

- *Honour Te Tiriti o Waitangi:* Tikanga Māori is the first law of Aotearoa. The justice system should uphold tino rangatiratanga and ensure equity for Māori.
- *Ecological Wisdom:* Environmental justice is an integral part of justice. The legal system should protect nature now and in the future.
- *Social Responsibility:* Everyone is entitled to equitable access to justice, to a fair hearing, and to be treated with respect in the justice system. Everyone deserves an opportunity to atone for past wrongs and to reintegrate into society.
- *Appropriate Decision-Making:* The rule of law and judicial independence are fundamental to achieving justice. Transparency is necessary to ensure that justice is both done and seen to be done.
- *Non-Violence:* The justice system should engage all participants with compassion, ensure support is available, and seek to be transformative and restorative rather than punitive.
- *International Obligations:* Honouring international obligations and institutions is necessary to ensure justice and peace, both internationally and in Aotearoa New Zealand.

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:

- Establishing a Mana Ōrite (equal power) governance model under which Māori and Crown agencies share in justice sector decision-making. (1.1.2)
- Investing in a Tiriti-based primary prevention and early intervention model. (1.2.1)

- Expanding legal aid eligibility to cover all people who need it, increasing payment rates, and providing it as grants. (2.1.3)
- Enabling judicial discretion in sentencing, including by abolishing mandatory minimum sentences, life sentences, preventive detention, limits on sentence discounts, and limits on when home detention can be imposed instead of imprisonment. (3.6.2)
- Increasing funding for counselling and mental health support for victims, whānau, witnesses, defendants, and legal professionals engaging in the justice system. (3.13.1)
- Replacing youth justice residences and boot camps with whānau and community-based rehabilitation services for young people. (3.14.1)

Connected Policies

The justice system must uphold [Human Rights](#) and [Te Tiriti o Waitangi](#). Prisoner voting and constitutional issues are addressed in the [Governance Policy](#), while the [Global Affairs Policy](#) covers international law. Crime and justice issues are connected to social and economic inequalities that are addressed in policies such as [Livelihoods](#), [Housing and Sustainable Communities](#), and [Education](#). Failure to provide timely and sufficient [Disability](#) and mental [Health](#) support contributes to the overrepresentation of disabled people, including neurodivergent people and people with mental health conditions, in the justice system. Drug laws are addressed in the [Drug Law Reform Policy](#). Pay equity and workers' rights are covered in the [Workforce Policy](#) and are relevant to workers in the justice sector.

Policy Positions

1. [Te Tiriti o Waitangi and the justice system](#)

Issues

The justice system does not honour the Crown's obligations to tangata whenua under Te Tiriti o Waitangi. It causes harm, alienation, and marginalisation to tangata whenua, and worsens inequities, especially in the criminal and family justice systems

Actions

- 1.1. Ensure that governance of the justice system is based on Te Tiriti o Waitangi, including by:
 - 1.1.1. Centering the operation of the justice system on tikanga Māori and te ao Māori values; and
 - 1.1.2. Establishing a Mana Ōrite (equal power) governance model under which Māori and Crown agencies share in justice sector decision-making.
- 1.2. Enable Māori-led prevention of offending, including by:
 - 1.2.1. Investing in a Tiriti-based primary prevention and early intervention model; and
 - 1.2.2. Resourcing Māori communities and organisations to deliver early intervention and prevention services.
- 1.3. Implement Tiriti-centric restorative and transformative justice approaches throughout the justice system, including by:

- 1.3.1. Funding restorative and transformative justice initiatives;
- 1.3.2. Funding cultural reports and enabling judges to order them;
- 1.3.3. Expanding the use of processes for addressing criminal offending outside the court system, including Te Pae Oranga Iwi Community Panels and diversion; and
- 1.3.4. Expanding therapeutic and problem-solving courts to cover all criminal cases.
- 1.4. Ensure that the family justice system upholds te Tiriti o Waitangi, the rights and interests of children, and gender equality, including by:
 - 1.4.1. Reforming Family Court processes to effectively respond to family violence;
 - 1.4.2. Reforming relationship property legislation to protect economically disadvantaged spouses or partners;
 - 1.4.3. Improving the accessibility and oversight of processes for future planning, personal legal protections, and incapacity arrangements; and
 - 1.4.4. Devolving responsibility and funding for care and protection of tamariki Māori to iwi and hapū.
- 1.5. Eliminate family and sexual violence, including by:
 - 1.5.1. Resourcing accessible and culturally safe services, including community-led programmes and those targeting hard-to-reach groups;
 - 1.5.2. Introducing a statutory definition of consent as affirmative consent; and
 - 1.5.3. Implementing and resourcing Te Aorerekura: National Strategy to Eliminate Family Violence and Sexual Violence.
- 1.6. Ensure that firearms laws follow these principles:
 - 1.1.3. Public protection and prevention of misuse of firearms are prioritised;
 - 1.1.4. Firearms that pose particularly serious risks are banned;
 - 1.1.5. Licensing and registration systems are robust; and
 - 1.1.6. The development, content, and implementation of legislation upholds Te Tiriti o Waitangi.

2. Access to justice

Issues

Many people lack access to justice, including legal representation, services, and information. This leads to inequities in civil, family, youth, and criminal courts. Barriers to justice prevent participants in the justice system from achieving restoration and healing. Ultimately, inequities in accessibility mean that some communities are served by the justice system, and others are oppressed under it.

Actions

- 2.1. Ensure that legal services are affordable and accessible, including by:
 - 2.1.1. Increasing funding to Community Law Centres, Citizens' Advice Bureaus, and other free legal information services;
 - 2.1.2. Reducing the cost of litigation and legal services by reforming court processes, reducing or abolishing court fees, and removing barriers to pro bono work; and

- 2.1.3. Expanding legal aid eligibility to cover all people who need it, increasing payment rates, and providing it as grants.
- 2.2. Ensure that court cases are resolved in a timely manner, including by:
 - 2.2.1. Increasing funding for the court system;
 - 2.2.2. Increasing the number of judges and staff across the court system; and
 - 2.2.3. Reforming court procedures to reduce delays.
- 2.3. Ensure that the courts protect public participation, including by:
 - 2.3.1. Reforming defamation law to protect freedom of expression;
 - 2.3.2. Preventing costs from being awarded against unsuccessful parties in public interest cases; and
 - 2.3.3. Increasing payment for jury service to at least the living wage.
- 2.4. Ensure that regulation and oversight of the legal profession and judiciary are independent and effective, including by:
 - 2.4.1. Establishing an independent Judicial Appointments Commission;
 - 2.4.2. Establishing an independent regulator for the legal profession; and
 - 2.4.3. Strengthening disciplinary and regulatory responses to sexual harassment, bullying, and discriminatory conduct in the legal profession and judiciary.
- 2.5. Eliminate bias, discrimination, and inequalities in the justice system, including by:
 - 2.5.1. Funding accessible and inclusive support services for people engaging in the justice system;
 - 2.5.2. Providing judges, police, and staff in the justice system with comprehensive Tiriti and diversity training; and
 - 2.5.3. Reforming laws and systems that discriminate against disabled, mentally ill, or cognitively impaired people in the justice system.

3. Transforming the criminal justice system

Issues

The justice system prioritises punishment over rehabilitation. It fails to respond to underlying issues related to mental and physical health, poverty, education, and community wellbeing. This has resulted in high rates of incarceration, particularly for some groups, and long-term negative effects on the lives of prisoners and their whānau that lead to reoffending.

Actions

- 3.1. Ensure that criminal law is fair and proportionate, including by:
 - 3.1.1. Amending the law to only criminalise people for acts of other people where they have agreed to those acts; and
 - 3.1.2. Decriminalising activities that do not cause harm to others, are minor in nature, or are better addressed by other means.
- 3.2. Ensure that criminal justice legislation upholds and strengthens the rights of defendants, including by:

- 3.2.1. Reviewing and amending criminal procedure legislation to better protect the rights of defendants; and
- 3.2.2. Creating a legal entitlement to compensation for the wrongly convicted.
- 3.3. Ensure that police are transparent and accountable, including by:
 - 3.3.1. Requiring all frontline police officers to wear body cameras;
 - 3.3.2. Strengthening the Independent Police Conduct Authority, including empowering it to discipline Police officers and direct Police to change practices; and
 - 3.3.3. Imposing greater limits and safeguards on police powers, including regarding arrest, entry, search, and seizure.
- 3.4. Eliminate police violence, including by:
 - 3.4.1. Improving the training of police, including in de-escalation and understanding mental health and trauma;
 - 3.4.2. Restricting the use of weapons by police, including firearms, tasers, and dogs; and
 - 3.4.3. Transferring some police functions and funding to more appropriate organisations or agencies, such as those working with children.
- 3.5. Minimise the remand prison population, including by:
 - 3.5.1. Increasing resourcing for bail support programmes;
 - 3.5.2. Removing reverse onus bail provisions and other restrictions on the ability of judges to grant bail; and
 - 3.5.3. Requiring bail to be granted unless remanding in custody is necessary to protect the public from violence and this risk cannot be managed by bail conditions.
- 3.6. Ensure that sentencing prioritises rehabilitation over punitive approaches, including by:
 - 3.6.1. Amending the purposes and principles of sentencing in the Sentencing Act to prioritise rehabilitation;
 - 3.6.2. Enabling judicial discretion in sentencing, including by abolishing mandatory minimum sentences, life sentences, preventive detention, limits on sentence discounts, and limits on when home detention can be imposed instead of imprisonment; and
 - 3.6.3. Prohibiting prison sentences from being imposed unless no other sentence can protect the public.
- 3.7. Ensure that the criminal justice system prioritises community programmes and facilities, including by:
 - 3.7.1. Increasing funding for community rehabilitation programmes and facilities;
 - 3.7.2. Ending the incarceration and detention of intellectually disabled, cognitively impaired, and mentally ill people; and
 - 3.7.3. Replacing prisons with community programmes and facilities that reduce reoffending.
- 3.8. Uphold and strengthen the rights of people in prison, including by:

- 3.8.1. Strengthening complaints and monitoring processes for prisons, including enabling independent monitoring institutions to enforce their recommendations;
- 3.8.2. Enabling prisoners to challenge breaches of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules); and
- 3.8.3. Extending employment rights to prisoners who are working, including the minimum wage and rights under health and safety law.
- 3.9. Eliminate prison practices that undermine human rights and rehabilitation, including by:
 - 3.9.1. Ensuring prisoners have access to facilities and resources to meet their needs;
 - 3.9.2. Ending double bunking and the use of spit hoods, and restricting the use of solitary confinement; and
 - 3.9.3. Abolishing for-profit prisons.
- 3.10. Maximise the connection of people in prison with whānau and other support in the community, including by:
 - 3.10.1. Supporting increased unlimited communications between prisoners and their whānau and community;
 - 3.10.2. Minimising transfers between prisons and prioritising keeping prisoners near their whānau and community; and
 - 3.10.3. Enabling monitored digital access to support rehabilitation and reintegration programmes.
- 3.11. Ensure that the justice system reduces reoffending through effective reintegration into communities, including by:
 - 3.11.1. Improving access to, and levels of, financial, material, and practical support for released prisoners;
 - 3.11.2. Only allowing employers to access or ask about criminal records of prospective employees that are relevant to the particular job; and
 - 3.11.3. Ensuring rehabilitation programmes prepare prisoners to be released on parole when they first become eligible, unless they have committed further offences.
- 3.12. Ensure that the justice system fairly manages parole, home detention and bail, including by:
 - 3.12.1. Enabling connection with whānau;
 - 3.12.2. Providing suitable housing where necessary to enable people to be granted bail, home detention, or parole; and
 - 3.12.3. Replacing the practice of incarcerating people for breaching parole, home detention, or bail conditions with community-based responses.
- 3.13. Ensure that all participants in the justice system are able to access appropriate health and wellbeing support, including by:
 - 3.13.1. Increasing funding for counselling and mental health support for victims, whānau, witnesses, defendants, and legal professionals engaging in the justice system;
 - 3.13.2. Prioritising early trauma-informed mental health and addiction diagnosis and treatment for people accused or convicted of crimes; and

- 3.13.3. Establishing individual access for prisoners to counselling and trauma support.
- 3.14. Ensure that youth justice recognises the developing nature of young people, including by:
 - 3.14.1. Replacing youth justice residences and boot camps with whānau and community-based rehabilitation services for young people;
 - 3.14.2. Prohibiting young people under the age of 18 from being detained and tried as adults; and
 - 3.14.3. Raising the age of criminal responsibility to at least 14 years old and the youth justice age to 25.