

YEA Submission on the Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill

ABOUT YEA

YEA (Youth Employability Aotearoa) is a systems change organisation in Aotearoa New Zealand advocating for our youth to be given the skills and support to become work-ready. We represent over 500 individuals, organisations, businesses, associations, and elected members who are committed to ensuring the future workforce is equipped with the skills needed to create strong communities and a robust economy.

EXECUTIVE SUMMARY

YEA strongly opposes the Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill. While we acknowledge the need to address serious youth offending, this Bill represents a misguided approach that will compound the harm to vulnerable young people, undermine their rehabilitation, and fail to address the root causes of offending.

Whanaketia clearly demonstrates how inappropriate boot camps are and have been. YEA stands firmly with experts and those with lived experience to advocate for evidence-based, expert-informed, and culturally responsive approaches to youth justice reform.

FOCUS ON PUNISHMENT OVER REHABILITATION AND PREVENTION

The Bill places undue emphasis on punitive measures which have been proven time and time again to neither deter offending nor address its underlying causes. Evidence shows that punitive responses to youth offending are less effective than rehabilitative approaches. Young people subjected to incarceration or restrictive environments are at a heightened risk of reoffending.

Youth offending is often the result of complex social and economic factors, including family violence, trauma, mental health challenges, and poverty. Effective responses must address these underlying causes through well-funded social services, early intervention, and community-based programmes.

EXCLUSION OF YOUTH VOICE

Those who will be most effected by the Bill are not having their voices heard and those with lived experience are also being ignored. Article 12 of the Children’s Convention states that children and young people have the right to have their views heard and taken seriously when decisions are being made that affect them.

Youth voice must be included to inform best-practice of addressing youth justice. Section section 5(1)(a) of the Oranga Tamariki Act 1989 Children’s and Young People’s Well-being Act 1989 states, a child or young person must be encouraged and assisted, wherever practicable, to participate in and express their views about any proceeding, process, or decision affecting them, and their views should be taken into account.

ADDRESSING NEETS AND PROMOTING YOUTH EMPLOYMENT TRAINING

One key area overlooked by the Bill is the need to address the prevalence of NEETs and to promote pathways to meaningful work and training opportunities. Young people who are disengaged from education and the workforce are at greater risk of offending. By investing in high-quality vocational training, apprenticeships, and employment readiness programmes, we can empower youth to build positive futures. Programmes that are culturally grounded and community-led have proven particularly effective, offering young people not only skills but also a sense of belonging and purpose. Such initiatives are far more likely to reduce youth offending than punitive measures like boot camps, which have been shown to be ineffective. Numerous international studies, including those reviewed by the Campbell Collaboration and the Washington State Institute for Public Policy, have consistently found that boot camps fail to reduce recidivism and can worsen behavioural issues by exposing young offenders to harmful peer dynamics and a lack of therapeutic support.

In addition, the boot camp model has repeatedly failed in the New Zealand context. Past attempts to implement such programmes have shown no significant reduction in youth reoffending rates and have been widely criticised for their inability to address the underlying causes of offending and have done more harm than good by insitutionalising young people in the justice system.

These failures underscore the need to move away from punitive models and invest in strategies that focus on prevention, rehabilitation, and social reintegration.

DISPROPORTIONATE IMPACT ON MĀORI

This bill will disproportionately affect Māori rangatahi, who are already overrepresented in the youth justice system. It risks perpetuating systemic inequities as it clearly fails to uphold the principles of Te Tiriti o Waitangi.

Instead of addressing the structural factors contributing to youth offending, such as poverty, systemic racism, and lack of access to support services, the Bill exacerbates these issues by targeting young offenders without addressing the conditions that lead to their behaviour.

The Crown is failing its role as Treaty Partner by failing to consult or prioritise Māori-led solutions.

IMPACT ON YOUTH WITH DISABILITIES

Studies in Aotearoa have shown that between 50% and 75% of youth involved in the justice system meet diagnostic criteria for at least one mental or substance use disorder. Many have two or more disorders. Youth-justice residents are about 10 times more likely to have a psychiatric disorder than youth in general, while 92% show significant learning difficulties. The percentage of people with dyslexia is estimated to be 90% in prisons, compared to 10% of the general population. Other neurodisabilities that are overrepresented in youth custodial populations include traumatic brain injury and ADHD. A UK study found that 23–32% of young people in custody have a generalised learning disability, compared to 2–4% of the general population.

Boot camps pose significant risks to youth with disabilities, including those with mental health challenges and neurodivergence. The rigid, punitive structure of boot camps can exacerbate existing challenges, increase feelings of isolation, and lead to further trauma. Additionally, the failure to provide tailored, therapeutic interventions means that the underlying causes of offending behaviour are left unaddressed, further increasing the likelihood of reoffending.

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CONTRADICTION WITH INTERNATIONAL OBLIGATIONS

The Bill appears to conflict with New Zealand's obligations under international human rights law, including the United Nations Convention on the Rights of the Child (UNCROC). Article 37 of UNCROC stipulates that detention should be used only as a measure of last resort and for the shortest appropriate period. Prolonged residence orders, as proposed in this Bill, fail to align with these principles.

MISSED OPPORTUNITIES FOR INNOVATIVE SOLUTIONS

Rather than adopting a punitive approach, New Zealand has the opportunity to lead the way in developing innovative, evidence-based responses to serious youth offending. Restorative justice programmes, culturally grounded interventions, and therapeutic care models have demonstrated effectiveness in reducing reoffending and supporting young people to reintegrate into their communities. Investing in these solutions would not only align with best practices but also achieve the desired results.

OPEN LETTER FROM YOUTH ORGANISATIONS

This Bill has faced significant opposition from youth organisations across Aotearoa. In an open letter to the government, numerous youth advocacy groups emphasised their concerns about the punitive nature of the Bill and its potential to harm vulnerable young people. These organisations highlight the importance of addressing systemic inequities, investing in preventative measures, and adopting evidence-based rehabilitation approaches. Their collective stance underscores the widespread recognition that punitive measures, such as those proposed in this Bill, are counterproductive and inconsistent with the values of equity and justice.

The Government has a duty of care for the youth in its justice system. To ignore the advice of those who have expertise in working with youth offenders and dismiss the body of literature that demonstrates the failure of punitive measures to reduce recidivism, would show a reckless disregard for the wellbeing of children and young people in this country.

RECOMMENDATIONS

- Withdraw the Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill.
- Increase investment in community-based and culturally appropriate rehabilitation programmes, particularly those led by Māori and Pasifika organisations.
- Focus on addressing the root causes of youth offending, including poverty, trauma, systemic inequities, and an outdated education system.
- Expand initiatives targeting NEETs, including employment training, apprenticeships, and education re-engagement programmes.
- Invest in education to employment best practice principles in primary and secondary schools.
- Ensure all youth justice policies align with New Zealand’s obligations under UNCROC and the principles of Te Tiriti o Waitangi.
- Ensure that young people have a say in any changes to the youth justice system.

CONCLUSION

This Bill risks causing more harm than good. By prioritising punitive measures over effective rehabilitation and support, culturally responsive, evidence-based solutions, it undermines the wellbeing of young people and fails to create safer communities.

We urge the Government to reject this Bill and pursue evidence-based, expert-informed approaches to youth justice reform.

Ngā mihi nui,
YEA (Youth Employability Aotearoa)