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Ngā mihi atu ki:





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He āhuatanga taumaha te tū hei kaitaunaki i roto i te pūnaha ture toihara mō ngā tamariki, me ō rātau whānau tautoko i a rātau.

E whakaata ana ēnei Aratohu i te pūmautanga o ngā tari mahi tahi me ngā kaitaunaki tamariki kia mahi ngātahi ki te whakarite ka whiwhi ia tamaiti, me ō rātau whānau, i ngā ratonga pai rawa i roto katoa i ō rātau whai wāhitanga mai ki te pūnaha ture toihara, ā, ka whakapau kaha ki te whakaiti i ngā pānga kino ki a rātau.

He mea waihanga ngātahi ngā Aratohu e Te Tāhuhu o te Ture, Ngā Pirihimana o Aotearoa, Te Tari Āwhina i te Tamaiti, te Rangatahi, tae atu ki te Whānau me Te Tari Ture o te Karauna i runga i te urupare ki te pūrongo *Child Witnesses in the New Zealand Criminal Courts: A Review of Practice and Implications for Policy* a Te Wānanga Aronui o Tāmaki Makau Rau i tautuhi hiahiatanga mō te ōritetanga nui ake i waenga i ngā tari me te āhua o te tautoko o ngā kaitaunaki tamariki i roto i te pūnaha ture toihara.



Te pūtake

Ko te whāinga whakaratonga o ēnei Aratohu:

- Tētahi tūāpapa mātāpono mō tētahi aronga ōrite ā-motu mō te mahi tahi me ngā kaitaunaki me te
- Mārama ki ngā tūmahi me ngā kawenga o ngā tari ki ngā kaitaunaki tamariki – he aha te mahi a ia tari, āhea, ā, ki hea me
- Tētahi pou tarāwaho taumata tiketike hei āwhina i ngā tari ina whakatū pūnaha aroturuki.



Te whānuitanga

E kapi ana i ēnei Aratohu te wheako o te kaitaunaki tamariki i roto i te hātepe ture toihara mai i te uiuitanga o te tamaiti e ngā tari tae atu ki te mutunga o ngā whakawātanga toihara.

I waihangahia ngā Aratohu ki te tautoko i ngā mōhiohio a ngā tari mō ngā tikanga, hātepe me ngā tohutohu e pā ana ki ngā kaitaunaki tamariki. Ka noho ēnei Aratohu i te taha o:

- Ngā Aratohu mahi a ngā tari mō te uiui hōpara me te takatū mō te kōti me
- Ngā rauemi mōhiohio mā ngā kaitaunaki tamariki/kaiwhakapae me ō rātau whānau.

Ko te tūmanako ka whakahou auauhia ēnei Aratohu ki te whakauru mai i ngā kaupapa kāwanatanga e whai nei ki te whakapai ake i te kounga o ngā ratonga e whakaratohia e ngā tari ki ngā pāturenga me ngā kaitaunaki tamariki.



Ngā Apataki

Ko ngā apataki matua mō ēnei Aratohu ko ngā tari kāwanatanga mahi tahi me ngā kaitaunaki tamariki.

Ka wātea ēnei Aratohu ki te iwi whānui, ā, ka āwhina pea i ētahi atu whakahaere mahi tahi me ngā kaitaunaki tamariki, tae atu ki te rāngai tūao.

Tāpiri atu ki te mātārere “Moving through the criminal justice system: Information for families/whānau of young witnesses”, tērā pea ka āwhina ngā Aratohu hei pūna mōhiohia mā ngā mātua, whānau me te hunga tautoko i ngā kaitaunaki tamariki.



He whakarāpopototanga o ngā kawenga o ngā tari puta noa i te hātepe toihara ture



Me mōhio: Kāore tēnei hoahoa e whakaata i te hātepe ture taiohi.



Ngā kaitaunaki tamariki

I roto i ēnei Aratohu, ko te tikanga o te “kaitaunaki tamariki” he tamaiti i raro i ngā tau 18 e tuku taunakitanga ana mō ngā whakawātanga toihara mō te kaihāmene. Ahakoa ka tonoa anō ngā kaitaunaki tamariki e te hunga whakangungu, kāore i te herea te rōia whakangungu ki ēnei aratohu, ā, ka whai kē i ētahi hātepe rerekē.

Ka whai pānga tēnei ahakoa ka whakaritea ngā whakawātanga toihara e te Kōti ā-Rohe, Kōti Teitei rānei.

Ka whai pānga ēnei Aratohu ki ngā kaitaunaki tamariki:

- ♥ he kaiwhakapae ina tuku amuamu te tamaiti, tētahi atu rānei mōna, ki ngā Pirihimana mō tētahi mahi toihara ki a ia.
- ♥ ngā kaitaunaki tamariki tuku taunakitanga mō te rōia hāmene mō ngā mea e mōhio ana rātau mō tētahi toihara engari ehara i te kaiwhakapae hē.

Mēnā he pāpurenga toihara anō te kaitaunaki tamariki, he tika anō ōna i raro i te Victims’ Rights Act 2002.

Kāore e kapi i ngā Aratohu ngā tautoko me ngā waowaotanga e whakaratoa ki tētahi tamaiti, taiohi rānei e whakapaehia ana mō tētahi toihara.



Ngā mātua, ngā whānau

I roto i ēnei Aratohu, ko te kupu “whānau” he kupu e whakaahua ana i te hunga noho me te tamaiti me ngā mema o te whānau whānui e tautoko haere ana i te tamaiti.

Ka mutu, i raro i te Victims’ Rights Act 2002, ina noho pāpurenga te tamaiti o tētahi toihara, ko tōna matua, kaitiaki ā-ture rānei ka whakaritea anō ia hei pāpurenga, ā, e āhei ana ki ngā tika me ngā ratonga i kōrerotia ai i roto i te Ture.



Ngā tari kāwanatanga

Ahakoa kei te tumu whakarae o ia tari kāwanatanga te kawenga ake mō ā rātau tūmahi whakarite i te kaitaunaki tamariki, kei reira anō ētahi tūmahi i roto i ngā tari e whakahaere ana i te aronga o ia rā ki ngā kaitaunaki tamariki.

Ngā Pirihimana o Aotearoa

Ko te Pirihimana kaiārahi mō te whakarite i te tamaiti ko tētahi o ēnei:

- ♥ Te Āpiha Kaiārahi i te kēhi
- ♥ Te Āpiha Kaiārahi i ngā Kaitaunaki
- ♥ Mā tētahi Rōpū Whakamaru Tamaiti e whakahaere i te kēhi, ina pūrongohia te tūkinotanga o tētahi tamaiti.

Me mōhio anō, ko te āpiha kaiārahi o ngā pirihimana ko te mea mō ngā Kēhi, mō ngā Kaitaunaki rānei, ā, ka whakamahia ko te “āpiha kaiārahi o ngā pirihimana” puta noa i ngā Aratohu.

Ko te tūmahi a ngā Pirihimana he hōpara i te toihara, ā, ki te nui ngā taunakitanga, ka hopu i te tangata hara me te whakarite kēhi hei whakatakoto ki te kōti.

Te Tari Āwhina i te Tamaiti, te Rangatahi, tae atu ki te Whānau

Ko te tūmahi a Te Tari Āwhina i te Tamaiti, te Rangatahi, tae atu ki te Whānau he whakarite i ngā āwangawanga tiaki me te whakamaru mō te tamaiti, te taiohi rānei mā te aromatawai i ōna hiahia, ā, i te taha o te tamaiti me tōna whānau, te waihanga mahere mō te whakamaru me te tautoko i taua tamaiti. Ka mau tonu i ngā Pirihimana te tūranga kaiārahi mō te whakarite i tētahi kaitaunaki tamariki.

He tūmahi atu anō tā Te Tari Āwhina i te Tamaiti, te Rangatahi, tae atu ki te Whānau me ngā tamariki i roto i ngā manaaki a te Tumu Whakarae i raro i te Children, Young Persons, and their Families Act 1989, ā, me mātua whakarite kei te eke ō rātau hiahia.

I tētahi whakapae tūkino tamariki taumaha, ka mahi tahi ngā Pirihimana me Te Tari Āwhina i te Tamaiti, te Rangatahi, tae atu ki te Whānau ki te waihanga mahere mō te hōparatanga me ngā wawaotanga me te aroturuki i te kēhi.

Te Tāhuhu o te Ture

Tērā pea he maha tonu ngā kaimahi Tāhuhu o te Ture e mahi ana me te kaitaunaki tamariki i ngā wāhanga rerekē o te hātepe:

- ♥ Tētahi kaitohutohu pārurenga (ina tāpaehia ngā hāmene ki te kōti). I tua atu anō i te whakarato i ngā Ratonga Kōti mō ngā Pārurenga whānui, kei te kaitohutohu pārurenga te kawenga mō te tuku i Te Mātauranga Kōti mō ngā Kaitaunaki Tamariki ki te tamaiti.

- E wātea ana ngā Ratonga Kōti mō ngā Pārurenga ki ngā pārurenga toihara ina whakaritea te toihara ki tētahi Kōti Teitei, ā-Rohe rānei.
- E wātea ana Te Mātauranga Kōti mō ngā Kaitaunaki Tamariki ki ngā kaitaunaki tamariki katoa e whakarato taunakitanga ana i roto i tētahi Kōti Teitei, ā-Rohe rānei ahakoa he pārurenga toihara rātau, kāore rānei.

👉 Kei te pouroki kōti (ana kaimahi rānei) te kawenga mō ngā whakaritenga kēhi.

Te hunga hāmene

Kei te taumahatanga me te whīwhiwhitanga o te kēhi, ko te rōia hāmene i roto i tētahi kēhi toihara he:

- 👉 Pirihimana kai hāmene nō Ngā Pirihimana o Aotearoa, tērā rānei
- 👉 Rōia hāmene a te Karauna e mahi ana i raro i Te Tari Ture o te Karauna.

Te Ture Taiohi

Mēnā nā tētahi tamaiti, taiohi rānei te mahi toihara, he rerekē te hātepe nā te mea ka uru kē ki roto i te hātepe ture taiohi.

I te nuinga o ngā kēhi ka whai wāhi tētahi hui whānau ā-rōpū. Mēnā ko te kaitaunaki tamariki te pārurenga o tētahi toihara, ka pōhiritia ia ki tētahi hui me tana kaitautoko kia whai wāhi atu ki te whakaputa kōrero mō te whaihanga i te taiohi. Kāore ia e tuku taunakitanga. Mā te Kairuruku Ture Taiohi, e mahi ana mō Te Tari Āwhina i te Tamaiti, te Rangatahi, tae atu ki te Whānau, ngā whakaritenga katoa e whakatutuki mō tētahi hui whānau ā-rōpū; tae atu ki te whakamōhio i te pārurenga āhea, ki hea tū ai te hui.

Tērā pea ka tonoa ngā kaitaunaki tamariki ki te tuku taunakitanga i roto i ngā kēhi whakangungu ki te Kōti Taiohi. I ēnei kēhi ka whakarato te āpiha kaiārahi o ngā pirihimana i ngā mōhiohio me te tautoko.

Kāore ngā Ratonga Kōti mō ngā Pārurenga me Te Mātauranga Kōti mō ngā kaitaunaki tamariki i te wātea i te Kōti Taiohi i tēnei wā.



E pūmau ana ngā tari kāwanatanga ki te whakaiti i ngā pānga kino o te kaitaunaki mō ngā kaitaunaki tamariki me ō rātau whānau. I mahi tahi ngā tari kāwanatanga matua e tautoko i ngā kaitaunaki tamariki ki te whakawhanake i ngā mātāpono matua e rima e whai ake e waihanga tūāpapa ana mō te mahi i te taha o ngā tari, takitahi, takirōpū rānei, i ngā kaitaunaki tamariki me ō rātau whānau.



Te uruparetanga

Ka ngana ngā tari ki te whai mārama ki ngā hiahia o ngā kaitaunaki tamariki me te whakarato ratonga urupare ki ēnā hiahia.



Te whai wāhi mai

Ka whakapau kaha ngā tari kia āhei atu te kaitaunaki tamariki me tōna whānau ki te whai wāhi mai ki te hātepe ture toihara.



Ngā mōhiohio

Ka whakamōhio haerehia ngā kaitaunaki tamariki me ō rātau whānau ki ngā mōhiohio tōtika me ngā wā tika i te roanga atu o te hātepe ture toihara.



Te tautoko

Ka whakarite ngā tari kia tōtika ngā tautoko i te kaitaunaki tamariki me tōna whānau puta noa i te hātepe ture toihara.



Te haumaruru

Ka whakatikatika ngā tari i te pūmau o te haumaruru me te oranga o te kaitaunaki tamariki me ngā mema whānau tautoko i a ia.



Ka ngana ngā tari ki te whai mārama ki ngā hiahia o ngā kaitaunaki tamariki me te whakarato ratonga urupare ki aua hiahia

He tino kanorau ngā kaitaunaki tamariki, e rerekē ai ō rātau tau, ahurea, tae atu ki ō rātau wheako ora me ō rātau āhuatanga ināiane. Engari ko tētahi āhuatanga ōrite, he āhuatanga taumaha te tuku taunakitanga i ngā whakawātanga toihara mō ngā tamariki.

Ko te āhua o te whakaaro me te kōrero a ngā tamariki, otirā ngā tamariki nohinohi, tērā pea ka tino uaua ki a rātau te whakamahara me te kōrero mō ngā āhuatanga pērā i tā te pakeke¹. Tērā pea kāore ngā tamariki e mārama ki te hātepe ture me te noho rangirua, anipā ina puta ā rātau taunakitanga².

He wāhanga nui anō pea ki te tamaiti tōna ahurea, ā, tērā pea ka noho tauhou ia ki tētahi atu ahurea me ōna tāngata tauhou i roto i tētahi taiao tino rerekē pēnei i te rūma kōti³. Ka pōkaikaha me te anipā anō pea te tamaiti ki ēnei āhuatanga, e tino kino ai te pānga ki te pūmahara o te tamaiti⁴.

Ka mutu, kāore e taea te whakapae kei te tautoko te whānau i te tamaiti. I ētahi kēhi, otirā ērā e noho ana ko te mema o te whānau tonu te pūtake o te amuamu, kāore pea e tautokohia ana e ētahi, e te katoa rānei o te whānau ngā taunakitanga a te tamaiti.

Ka whakaaroarohia e ngā tari katoa ka mahi i te taha o te kaitaunaki tamariki i te huhuatanga o ngā āhuatanga whakatipu, pāpori hoki o ia tamaiti, me te mōhio anō ka rerekē haere pea ngā hiahia o te kaitaunaki i ngā wāhanga rerekē o te hātepe. Mō te āwhina ki te whakarite i te uruparetanga ki ngā hiahia o te kaitaunaki tamariki:

¹ Bala et al (2005) Judicial Assessment of the Credibility of Child Witnesses 42 Alta. Law Review 995 2004–2005

² *Preparing children to testify as witnesses in court* Canadian Society for the Investigation of Child Abuse

³ Nathanson, R. and Saywitz, K. (2003) The effects of the courtroom context on children's memory and anxiety. *Journal of Psychiatry and the Law*, 31, 67–98.

⁴ Nathanson, R. and Saywitz, K. (2003) The effects of the courtroom context on children's memory and anxiety. *Journal of Psychiatry and the Law*, 31, 67–98.

Te hōparatanga

- ☞ Ka whakarite ngā Pirihimana me Te Tari Āwhina i te Tamaiti, te Rangatahi, tae atu ki te Whānau, mā tētahi tangata tōtika e uiui te kaitaunaki tamariki ki tētahi āhuatanga tōtika.
- ☞ Ka hopukina ngā uiui mō te kōti e ngā Pirihimana me Te Tari Āwhina i te Tamaiti, te Rangatahi, tae atu ki te Whānau. Kei ngā Pirihimana te kawenga mō te tiaki i ngā kōrero ka hopukia.

Te takatū mō te koti

- ☞ Ka kōrerorero ngā Pirihimana ki te kaitaunaki tamariki me tōna whānui mō tōna hiahia e pā ana ki te tuku taunakitanga te koti.
- ☞ Ka takawaenga te āpiha kaiārahi o ngā pirihimana me te roia hāmene ki te kōrero mō te kēhi, ka pēhea te tuku taunakitanga a ngā kaitaunaki, te wā o ngā whakawātanga me ētahi atu take, āhuatanga whakaraerae o te kaitaunaki tamariki.
- ☞ Ka tuku tonu te rōia hāmene ki te kaiwhakawā mō te āhua o te tuku taunakitanga a te kaitaunaki tamariki ina he kaiwhakapae ia.
- ☞ Ka taea anō e te rōia hāmene me te rōia whakangungu te tuku tonu ki te kaiwhakawā mō te kaitaunaki ki te tuku mā tētahi atu tikanga ina ehara te tamaiti i te kaiwhakapae.
- ☞ Tērā pea ka tuku tohutohu anō pea te kaiwhakawā mō te āhua o te tuku taunakitanga a te kaitaunaki tamariki ahakoa kāore he tonu.
- ☞ Me aromatawai ngā Pirihimana i ngā hiahiatanga whakawhitiwhiti katoa, pēnei i tētahi kaiwhakamāori, me te tuku tonu āwhina ki te kaiwhakawā. Tērā pea ka tuku tohutohu anō pea te kaiwhakawā mō ngā āwhina whakawhitiwhiti me te kore tuku tonu a te rōia.
- ☞ Ka whakaritea e ngā kaimahi kōti ngā āwhina whakawhitiwhiti mēnā e hiahiatia ana mō te take o tētahi whakawātanga, whakawātanga whakangungu rānei.

I te kōti

- ☞ Ka aromātai te rōia hāmene i te hōtaka mō te whakawātanga me te mahi tahi me te kōti me te kaiwhakawā ki te whakarite ka taea e te kaitaunaki tamariki te tuku i tana whakaaturanga i te wā tino pai ki ngā hiahia o te tamaiti.

- Kei te rōia hāmene me te rōia whakangungu te kawenga mō te tuku pātai e mārama ai te kaitaunaki tamariki. Ki te kore, ka tohutohuhia rāua e te kaiwhakawā kia mahi tikahia.

Tāpiri atu:

- Evidence Act 2006
- Ngā Whakaritenga Taunakitanga 2007
- Te Kawa Whakamaru Tamariki i waenga i Ngā Pirihimana o Aotearoa me Te Tari Āwhina i te Tamaiti, te Rangatahi, tae atu ki te Whānau Paenga-whāwhā 2010
- Te kaupapa here a Te Tari Āwhina i te Tamaiti, te Rangatahi, tae atu ki te Whānau mō te uiui tamariki
- Te tūmahi a te rōia hāmene a te Karauna
- Te pukaiti a Te Tari Āwhina i te Tamaiti, te Rangatahi: What Happens at a Forensic Interview



Te whai wāhi mai

Ka whakapau kaha ng ā tari kia āhei atu te kaitaunaki tamariki me tōna whānau ki te whai wāhi mai ki te hātepe ture toihara.

He āhuatanga manganga me te taumaha te pūnaha toihara ture mō te kaitaunaki, kātahi ka kaha kē atu mō tētahi kaitaunaki tamariki. He āhuatanga taumaha anō mō te whānau e ngana nei ki te tautoko i tā rātau tamaiti.

Ka taea e ngā tari te āwhina i te kaitaunaki tamariki me te whānau kia mauritau te whānau i roto i te hātepe mā te whakarite kei te mārāma ngā kaitaunaki tamariki, me ō rātau whānau ki:

- ❧ tō (ō) rātau tūmahi i roto i te hōparatanga me tētahi kēhi me
- ❧ ngā kōwhiringa i ia wāhanga o te hātepe mō te āhua o tā rātau whai wāhi mai.

Ka taea anō e te tari te āwhina i te kaitaunaki tamariki me tōna whānau ki te whiriwhiri i te kōwhiringa tōtika rawa mō tāna whai wāhitanga mai.

Hei āwhina kia whai wāhi mai ki te pūnaha toihara ture:

Te hōparatanga

- ❧ Nō te āpiha kaiārahi o ngā pirihihana te kawenga mō te rapu i ngā whakaaro o te kaitaunaki tamariki mō ngā tautoko e hiahia ana ia i roto katoa i te hātepe me te whakamārama i ngā kōwhiringa katoa e wātea ana.
- ❧ Ka whakarite ngā Pirihihana ka whakamōhiohia ngā tāngata tautoko mō ā rātau mahi, ā, ka āwhinahia kia tutuki i a rātau.
- ❧ Ka whakamārama atu te āpiha kaiārahi o ngā pirihihanaki te kaitaunaki me te whānau he aha te uiui whare whakawā, ā, ka pēhea te haere o te uiui.
- ❧ Ka kōrero te āpiha kaiārahi o ngā pirihihanaki te whānau o te tamaiti me pēhea tā rātau kōrero ki te tamaiti mō te kēhi, ā, me te whakarite kia kaua e whakararururuhia ngā taunakitanga puta noa i te hātepe.
- ❧ Ka whakamōhio te āpiha kaiārahi o ngā pirihihanaki te kaitaunaki tamaiti me te whānau o te kaitaunaki tamariki ākene ka tū anō ia ki te kōti.

Mēnā ko te kaitaunaki tamariki te pārurenga o te toihara

- ❧ Ka whakamōhio atu te āpiha kaiārahi o ngā pirihihana i te Ratonga Kōti mō ngā Pārurenga mō ngā pārurenga katoa e pā ana ki ngā kēhi e whakawāhia i te Kōti Teitei, ā–Rohe rānei.
- ❧ Ka whakapā atu tētahi kaitohutohu pārurenga ki te kaitaunaki tamariki, tōna whānau rānei ki te tuku i ā rātau ratonga i roto katoa i te hātepe kōti, mēnā ka whakaaehia, ka āta whakamārama i te hātepe kōti ki te kaitaunaki tamariki me tōna whānau.
- ❧ Ka tuku anō te kaitaunaki tamariki i te ratonga Mātauranga Kōti mō ngā Kaitaunaki Tamariki.
- ❧ Ka pātai atu te āpiha kaiārahi o ngā pirihihana ki te kaitaunaki tamariki mēnā e hiahia ana ia ki te tuku i tētahi tauākī pānga pārurenga. Ka taea anō e te matua o te tamaiti te whakarite i tētahi Tauākī Pānga Pārurenga. Ka taea e te āpiha kaiārahi o ngā pirihihana, tētahi atu tari tautoko rānei te āwhina i te pārurenga ki te tuhi i tēnei tauākī.
- ❧ Mēnā he pārurenga te kaitaunaki tamariki o ētahi toihara taumaha⁵, ka tuku whai wāhitanga te āpiha kaiārahi o ngā pirihihana ki te kaitaunaki me te whānau ki te whakauru atu ki te pūnaha whakamōhio pārurenga me te āwhina anō ki te whakakī i te puka rēhita.
- ❧ Mēnā kua whakaae atu te kaitaunaki tamariki, tōna whānau rānei ki ngā Ratonga Kōti mō ngā Pārurenga, ka whakarite te kaitohutohu pārurenga ka mārama te kaitaunaki tamariki me tōna whānau ki ngā whakanekeneke o te rā e tuku taunakitanga ia.

Ngā kaitaunaki tamariki katoa

- ❧ Ka tohutohu te āpiha kaiārahi o ngā pirihihana i ngā kaitaunaki katoa me pēhea te toro atu ki te ratonga Mātauranga Kōti mō ngā Pārurenga.
- ❧ Ka whakaritea e te Pirihihana OC kia tūtaki ngā kaitaunaki tamariki i te rōia hāmene i mua i te whakawātanga ki te kōrero ka aha ina tuku taunakitanga rātau.
- ❧ Kāore te āpiha kaiārahi o ngā pirihihana e kōrero mō ngā take taunakitanga me te kaitaunaki tamariki, engari rawa mēnā e hiahia te rōia hāmene ki te kōrero mō

⁵ Wāhanga 29 te Victims' Rights Act 2002. Ko te pārurenga o tētahi momo toihara ka tautuhia hei pārurenga koeretanga, tūkinotanga rānei, i kaha tūkinohia nā te toihara, i mate tētahi o te whānau o te tamaiti nā te toihara, kua kore rānei i taea e te tamaiti te tiaki i a ia anō, e mātakutaku tonu ana te whānau o te tamaiti mō te haumarua o te tamaiti, mō tētahi rānei o te whānau o te tamaiti.

tētahi take whāiti ki te kaitaunaki tamariki. Mō te whakaohoho i te pūmahara o te kaitaunaki i mua i tana tuku taunakitanga ka tuku whai wāhitanga te āpiha kaiārahi o ngā pirihihana ki te kaitaunaki tamariki ki te tiroiro i tana tauākī taunakitanga (me te uiui mō te kōti). Me tutuki tēnei i te wiki i mua o te whakawātanga, engari mā te āhuatanga o te kēhi e tohu te wā.

- ☞ Ka tuku tonu te rōia hāmene, me te āwhina a te āpiha kaiārahi o ngā pirihihana, kia āhei tētahi kaitautoko, hunga tautoko rānei te noho tahi me te tamaiti i a ia e tuku taunakitanga ana.
- ☞ Mēnā i whakaae atu te tamaiti ki te ratonga Mātauranga Kōti mō ngā Kaitaunaki Tamariki, ka whakaritea e te kaitohutohu pārurenga tētahi haerenga ki te rūma kōti kia waia te tamaiti me tōna whānau ki te rūma kōti me ngā tūmahi a te hunga whai pānga ki te whakawātanga. Ka taea anō te whakarite i tēnei me te āpiha kaiārahi o ngā pirihihana, kaimahi kōti rānei.
- ☞ Ka whakaratoa e te āpiha kaiārahi o ngā pirihihana ngā āwhina tōtika ka taea e ia kia mātua tae atu te kaitaunaki ki te kōti ki te tuku taunakitanga. Tērā pea he āwhina mō te haere me te noho e ai ki te Witnesses and Interpreters Fees Regulations 1974.

I te kōti

- ☞ Ka tūtaki te kaitohutohu pārurenga, te āpiha kaiārahi o ngā pirihihanarānei i te kaitaunaki tamariki i te kōti me te whakarite mai i tētahi wāhi hei wāhi tatari mō te tamaiti me tana kaitautoko me tōna whānau.
- ☞ Mēnā kei te tuku taunakitanga te tamaiti mā te ara pouaka whakaata whāiti (CCTV), ka noho tētahi pouroki kōti i roto i te rūma CCTV me te kaitaunaki, ka whakamārama i te hātepe. Ka kī taurangi anō ia i te oati ki te kaitaunaki mēnā e tika ana, ka whakaatu atu ki te tamaiti ngā whakaari me te whakarite kāore te kaitautoko e whakapōrearea i te tuku taunakitanga a te tamaiti.
- ☞ Mēnā e hiahiatia ana kia tatari mai te kaitaunaki tamariki i te kōti i muri i te tuku taunakitanga, ka whakaritea e te kaitohutohu, te āpiha kaiārahi o ngā pirihihana rānei tētahi wāhi tatari tōtika mō te kaitaunaki me tōna kaitautoko/hunga tautoko rānei.
- ☞ Ka whakarite te āpiha kaiārahi o ngā pirihihana, te kaitohutohu rānei me te pārurenga me tōna whānau mēnā e hiahia ana ia ki te pānui i tana tauākī pānga pārurenga i te whakawātanga whiu, te whakarite mā tētahi atu hei pānui. Ki te pēnā, ka tukuna e te rōia te tonu nei ki te kaiwhakawā.

Ngā hui whānau ā-rōpū

- 👉 Ina he pārurenga te kaitaunaki tamariki he tika motuhake me te hira ōna i roto i te hui whānau ā-rōpū.
- 👉 Ka taea e ngā Pirihimana te tuku i tētahi kaihāmene taiohi ki tētahi hui whānau ā-rōpū, mēnā rānei e kitea kei te hara te whakapaenga hara taiohi, ka whakahau te kōti kia tū tētahi hui whānau ā-rōpū kia whiriwhirihia me pēhea te whaihanga i te taiohi me ōna kōwhiri whiu.
- 👉 E hiahiatia ana kia kōrero te kairuruku ture taiohi (he kaimahi a Te Tari Āwhina i te Tamaiti, tae atu ki te Whānau) ki te pārurenga mō te wā, te rā, me te wāhi o te hui whānau ā-rōpū, me te whai whakaaro ki ngā whakaaro o te pārurenga i ngā wā katoa o te hātepe.
- 👉 Me whakaae ngā pārurenga, hei mema o te hui whānau ā-rōpū, ki ngā whakatau i mua i te whakataunga o te mahere. Ka taea e ngā pārurenga te tono kia whakamōhio haerehia rātau mō te kauneketanga o te tamaiti, te taiohi rānei i a ia e whakatutuki ana i te mahere, ā, ka whakamōhiohia ina tutuki ai te mahere.

Ētahi atu anō

- 👉 [Witnesses and Interpreters Fees Regulations 1974](#)
- 👉 [Ngā mōhiohio mō ngā pārurenga toihara](#)
- 👉 [Ngā aratohu whakawhitiwhiti i waenga i ngā rōia Karauna me ngā pārurenga toihara](#)
- 👉 [Ngā mōhiohio mō ngā pārurenga toihara taiohi](#) (Tāhuhu o te Ture)
- 👉 [Righting the Wrong: Information on working with victims](#) (Te Tari Āwhina i te Tamaiti, te Rangatahi, tae atu ki te Whānau)



Ka whakamōhio haerehia ngā kaitaunaki tamariki me ō rātau whānau rānei e ngā tari ki ngā kōrero hou tika o te wā i te roanga atu o te hātepe ture toihara

Ko te whai mārama ki te hātepe ture toihara, me te mōhio kei hea rātau i roto i te hātepe me te noho mōhio ki ngā whakanekeneke, ka whakaiti i te anipā, mō ngā kaitaunaki tamariki me ō rātau whānau.

He tika ā ngā pāpurenga toihara (tae atu ki te matua, kaitiaki ā-ture rānei i tētahi tamaiti pāpurenga⁶) i raro i te Victims' Rights Act 2002 kia whakamōhiohia rātau ki te kēhi i tana kauneke haere i roto i te pūnaha ture toihara.

Mō te whakarite kei te ū ki tēnei mātāpono:

Te hōparatanga

- Kei te āpiha kaiārahi o ngā pirihihana te kawenga mō te whakamōhio haere i te kaitaunaki tamariki me tōna whānau mō te kauneke haere o te taunakitanga, tae atu hoki ki te whakarite mēnā ka tuku taunakitanga te tamaiti i te kōti.
- Ka takawaenga te āpiha kaiārahi o ngā pirihihana me Te Tari Āwhina i te Tamaiti, te Rangatahi, tae atu ki te Whānau me te kaitaunaki tamariki me tōna whānau mō tētahi uiui whare whakawā.
- Ka whakamōhio te āpiha kaiārahi o ngā pirihihana i te kaitaunaki tamariki ina whakatakoto hāmene ia me te whakamārama anō i ēnei hāmene.
- Ka whakamōhio te āpiha kaiārahi o ngā pirihihana i te kaitaunaki tamariki me te whānau mēnā ka kī te whakapaenga hē/whakatuaki kei te hara ia, ā, kua kore te kaitaunaki tamariki e tuku taunakitanga.

Te takatū mō te kōti

- Mēnā ka whakaae atu te kaitaunaki tamariki, tōna whānau rānei ki Ngā Ratonga Kōti mō ngā Pāpurenga, ko te kaitohutohu pāpurenga te takawaenga matua mō rātau mō te hātepe kōti, me te kauneke haere o te kēhi. Ki te kore mā te āpiha kaiārahi o ngā pirihihana.
- Ka whakamōhio te āpiha kaiārahi o ngā pirihihana i te kaitaunaki ina whakatauhia te rā whakawātanga.

⁶ Engari rā kāore rātau e uru mai hei kaiwhakapae hē

- ❧ Mēnā ka whakaae te kaitaunaki tamariki, tōna whānau rānei ki Ngā Ratonga Kōti mō ngā Pārurenga, ka whakamōhio atu te kaitohutohu pārurenga i a rātau ia wā ka tū te whakatuaki o te toihara ki te kōti.

I muri o te kōti

- ❧ Mēnā he pārurenga te kaitaunaki, ā, ka whakaae anō ki Ngā Ratonga Kōti mō ngā Pārurenga, ka kōrero atu te kaitohutohu pārurenga ki te kaitaunaki tamariki, ki tōna matua rānei, mēnā i kitea kāore i te hara, i te hara te whakapaenga hē, ā, āhea ka tū te whakawātanga whiu. Mēnā he pārurenga te kaitaunaki, he tika āna ki ēnei mōhiohia i raro i te Victims' Rights Act 2002. Ko ngā kaitaunaki tamariki ehara i te pārurenga ka whakamōhiohia e te āpiha kaiārahi o ngā pirihihana.
- ❧ Mēnā he pārurenga te kaitaunaki, ā, kua whakaae atu ki Ngā Ratonga Kōti mō ngā Pārurenga, ā, ka whakamōhio te Kaitohutohu Pārurenga i te kaitaunaki tamariki me ōna mātua/katiaki ā-ture rānei mō tētahi pīra.
- ❧ Ko te tikanga ka tuku whai wāhitanga te āpiha kaiārahi o ngā pirihihana ki te kaitaunaki tamariki me tōna whānau ki te kōrero mō te putanga o te whakawātanga me te tuku pātai anō.
- ❧ Mēnā kāore te tamaiti me tōna matua i rēhita ki te pūnaha whakamōhio pārurenga i mua, ā, kua whakaharaina te whakapaenga hē mō ngā toihara taumaha⁷, ka whakarite ngā Pirihihana kia mōhio rāua ka taea e rāua te whakauru ki te pūnaha i te wā e hiahia ana rāua, tae atu ki te wā e mauheretia te whakapaenga hē i te whare herehere me te tuku āwhina ki te tono. Ka taea anō e te kaitohutohu pārurenga te whakarite i tēnei.

Ētahi atu

- ❧ [He mōhiohia mō ngā pārurenga toihara](#)
- ❧ [He mōhiohia mō ngā mātua, ngā katiaki, whānau](#)
- ❧ [Ngā Ratonga Kōti mō ngā Pārurenga](#)

⁷ Wāhanga 29 te Victims' Rights Act 2002. Ko te pārurenga o tētahi momo toihara ka tautuhia hei pārurenga koeretanga, tūkinotanga rānei, i kaha tūkinohia nā te toihara, i mate tētahi o te whānau o te tamaiti nā te toihara, kua kore rānei e taea e te tamaiti te tiaki i a ia anō, e mātakutaku tonu ana te whānau o te tamaiti mō te haumarua o te tamaiti, mō tētahi rānei o te whānau o te tamaiti.



Ka whakarite ngā tari ka whai tautoko tōtika te kaitaunaki tamariki me tōna whānau i roto katoa o te hātepe ture toihara.

He āhuatanga tino taumaha te whai wāhi mai ki ngā whakawātanga kōti toihara mō ngā kaitaunaki tamariki. Mā te whakarite he tautoko tōtika o te tamaiti ka āwhina i te toiora o te tamaiti i te wā o te hātepe me muri hoki, ā, me te whakarei ake i te tōtikatanga me te tūturutanga o āna taunakitanga⁸.

He kēhi tino uaua tonu mō te whānau ake o te tamaiti. He āhuatanga tino whakakohuki tonu mō te whānau tata ki te tamaiti te whakarongo ki ngā kōrero meka. Ka whakaaroarohia e ngā tari ngā hiahia o te whānau me te kaitaunaki tamariki me te whai whakaaro anō ki ngā taumahatanga tino nui o nā tata nei i pā ki te tamaiti me te whānau pēnei i te matenga o tētahi o te whānau, te māuiuitanga, te mahuetanga, te whakarekereke ā-whare, te neke whare me ētahi atu tari, whakahaere rānei e whai wāhi mai ana ki te whānau.

Tērā pea me whakarite anō ētahi kaupapa motuhake mō te whakawhitiwhiti me te whānau mēnā he matua, he mema o te whānau rānei te whakapaenga hara. Kei roto i tēnei ko te whakaae kāore pea te whānau e tuku tautoko ki te tamaiti i ngā wā katoa; ka whakapono te katoa, tētahi wāhanga o te whānau rānei ki ngā kōrero a te whakapaenga hē, te whakahē rānei i te whakatau a te tamaiti ki te kōrero mō ngā āhuatanga i waho o te whānau.

Mō te whakarite i ngā tautoko tōtika:

Te hōparatanga

- Kei te āpiha kaiārahi o ngā pirihihana, me Te Tari Āwhina i te Tamaiti, te Rangatahi, tae atu ki te Whānau mēnā e whai wāhi mai, te kawenga mō te tautuhi hunga tautoko tōtika mō te kaitaunaki tamariki, te whakamārama i tō rātau tūmahi ki a ia me te āwhina i a ia ki te whakatutuki i tēnei tūmahi. He painga pea te whakarato hunga tautoko nō te ahurea ōrite ki te tamaiti. Tērā pea he rerekē ngā tāngata tautoko i ngā wā rerekē o te hātepe.
- Kei te āpiha kaiārahi o ngā pirihihana, me Te Tari Āwhina i te Tamaiti, te Rangatahi, tae atu ki te Whānau mēnā e whai wāhi mai ana, te kawenga mō te

⁸ *Child Witnesses in the Court Process: A Review of Practice and Recommendations for Change*, Report to the Court Consultative Committee from the Working Party on Child Witnesses (1996).

whakarite kei te tohutohuhia te whānau ki ngā tautoko katoa e wātea ana i roto i te hātepe ture toihara me ētahi atu whakahaere tautoko.

- ❧ Whai muri i tētahi uiui whare whakawā, ka tūtohu pea te kaiuiui kia tukuna e Te Tari, Āwhina i te Tamaiti, te Rangatahi, tae atu ki te Whānau ki ngā ratonga pēnei i te tautoko tohutohu mō ngā take tiaki haere tonu me te whakamaru. Ka kōrero atu te tauwhiro hapori ki te whānau o te tamaiti mō ngā tukutanga ka whakaritea.
- ❧ Ina whai wāhi Te Tari Āwhina i te Tamaiti, te Rangatahi, tae atu ki te Whānau, ka whakariterite i ngā tukutanga ki ngā whakahaere pēnei i a ACC mō te whakatutuki i ngā hiahia o te tamaiti.
- ❧ Ka tohutohuhia te kaitaunaki tamariki, tōna whānau rānei e te āpiha kaiārahi o ngā pirihihana me pēhea te tono mō ētahi takuhe e āhei ai rātau i muri i te pūrongotanga o te toihara.

Te takatū mō te kōti

- ❧ Mā te kaitohutohu pārurenga, te āpiha kaiārahi o ngā pirihihana rānei e whakamōhio te kaitaunaki me te whānau ki ngā tautoko whaiaro e wātea ana i roto i te pūnaha ture toihara me ētahi atu tari tautoko, me te tohutohu anō i a rātau mō te tono mō ētahi takuhe e āhei atu rātau mō te haere ki te kōti me ētahi atu whakapaunga.
- ❧ Ka kōrero te āpiha kaiārahi o ngā pirihihana, te kaitohutohu pārurenga rānei ki te kaitaunaki tamariki kia mōhio ko wai te kaitautoko, hunga tautoko rānei e hiahia ana i a ia e tuku taunakitanga ana.
- ❧ Ka whakaritea e te rōia hāmene ngā tono e tika ana mō te whakaaetanga o te hunga tautoko mō te kaitaunaki.
- ❧ Ka whakamārama te āpiha kaiārahi o ngā pirihihana, te kaitohutohu pārurenga rānei ki te kaitautoko me aha ia i te wā e tuku taunakitanga ana te tamaiti.

I te kōti

- ❧ Ka whakaritea e ngā kaimahi kōti ka whai tūru tōtika te hunga tautoko..
- ❧ Ka kōrero anō te āpiha kaiārahi o ngā pirihihana ki te tamaiti me tōna whānau ina mutu te tuku taunakitanga a te tamaiti ki te whakautu i ētahi pātai a te tamaiti me tōna whānau. Ki te kore e wātea te āpiha kaiārahi o ngā pirihihana, ka whakakapihia te tūmahi nei e te kaitohutohu pārurenga, tētahi atu kaitautoko rānei (pēnei i te kaimahi Manaaki Tangata) e mahi tahi ana me te tamaiti me tōna whānau. Mēnā he pātai anō mā ngā Pirihihana noa iho hei whakautu, ka tukuna

atu ngā pātai e te kaitohutohu pārurenga, kaitautoko rānei ki te āpiha kaiārahi o ngā pirihihana, māna hei whakapā atu ki te tamaiti me tōna whānau.

Ētahi atu anō

👉 [He mōhiohia mā ngā pārurenga toihara](#)



Ka whakapau kaha tika tonu ng ā tari i ngā wā katoa kia haumaruru ai, kia toiora ai te kaitaunaki tamariki me ng ā mema o te whānau e tautoko ana i a ia.

Ka hiahia pea ngā kaitaunaki me ō rātau whānau kia whakaūhia tō rātau haumarutanga i a rātau i tō rātau whai wāhitanga mai ki te hātepe ture toihara. Mā te kite noa iho i te whakapaenga hē/whakatuaki, ōna kaitautoko rānei i roto i te rūma kōti ka piki pea te anipā o te kaitaunaki tamariki.

Ka mahi tahi ngā tari me te whakarato āwhina tōtika ki ngā kaitaunaki tamariki me ō rātau whānau kia noho haumaruru ai, kia noho pai ai.

Te whakarite kia noho haumaruru, kia noho pai:

Te hōparatanga

- ❧ Ka tautuhia e te āpiha kaiārahi o ngā pirihihana, Te Tari Āwhina i te Tamaiti, te Rangatahi, tae atu ki te Whānau, me te rapu tautoko mai i te kōtuinga tautoko a te tamaiti hei whakaū i te haumaruru me te toiora o te tamaiti.
- ❧ Ka whakarite te āpiha kaiārahi o ngā pirihihana ka noho mārama te kaitaunaki me ngā mema o te whānau ki ngā kōwhiringa katoa e wātea ki a rātau hei āwhina me tō rātau noho pai (hei tauira, whakataunga whakamarutanga, ngā NGO e hāngai ana).
- ❧ Mēnā he pāpurenga te kaitaunaki tamariki o ētahi toihara taumaha⁹, me whakapau kaha tika tonu te rōia hāmene ki te rapu i ngā whakaaro mō te tukutanga o te whakatuaki ki te pēra me te tuku i ēnei whakaaro ki te kōti i te tūnga tuatahi a te whakatuaki ki te kōti. Ko te tikanga ka riro mā te āpiha kaiārahi o ngā pirihihana te kawenga mō te kōrero ki te tamaiti me tōna whānau mō ō rātau whakaaro mō te pēra.
- ❧ Mēnā he pāpurenga te kaitaunaki tamariki o ētahi toihara taumaha¹⁰, ka tuku whai wāhitanga ngā Pirihihana ki te kaitaunaki tamariki ki te rēhita ki te pūnaha whakamōhio tamariki.

⁹ E tautuhia ana i te wāhanga 29 o te Victims' Rights Act 2002.

¹⁰ Te wāhanga 29 Victims' Rights Act 2002. Ko te pāpurenga o tētahi momo toihara ka tautuhia hei pāpurenga koeretanga, tūkinotanga rānei, i kaha tūkinohia nā te toihara, i mate tētahi o te whānau o te tamaiti nā te toihara, kua kore rānei e taea e te tamaiti te tiaki i a ia anō, e mātakutaku tonu ana te whānau o te tamaiti mō te haumaruru o te tamaiti, mō tētahi rānei o te whānau o te tamaiti.

Te takatū mō te kōti

- ❧ Mēnā he pārurenga te tamaiti, ka takawaenga te kaitohutohu pārurenga me ngā kaimahi kōti, te āpiha kaiārahi o ngā pirihihana me te rōia hāmene ki te whakarite i ngā haumarutanga me ngā hiahia whaitake i mua i te rā whakawātanga.
- ❧ Ka whakaritea e te āpiha kaiārahi o ngā pirihihana kei te mārama te kaitaunaki tamariki me tōna whānau ki ngā ture mō te pēhanga ingoa.
- ❧ Kei te āpiha kaiārahi o ngā pirihihana te kawenga mō te whakarite kei te mārama te kaitaunaki tamariki ki ngā kōwhiringa mō te noho pai i te wā tuku taunakitanga.
- ❧ Ka tukuna e te rōia tētahi tono ki te kaiwhakawā ki te tuku taunakitanga mā tētahi āhuatanga kē (hei tauira, tono mō te tātari, te whakawātea i te kōti, tuku taunakitanga mā te CCTV, aha atu, aha atu).
- ❧ Kei te āpiha kaiārahi o ngā pirihihana, me te rōia hāmene, rōia Karauna rānei, te kawenga mō te tono mō tētahi whakatau muna mō te kaitaunaki tamariki me tōna whānau mēnā ka noho mōrearea te tamaiti i te tuku taunakitanga.

I te kōti

- ❧ Mēnā e tika ana, ka tūtaki te āpiha kaiārahi o ngā pirihihana, te kaitohutohu pārurenga rānei i te kaitaunaki tamariki i waho i te kōti me te whakarite i tētahi ara tika mō te kuhu kia noho pai ai te kaitaunaki me te hunga tautoko i a ia.
- ❧ Ka whakarite te Pirihihana OC me te kaitohutohu pārurenga ka whai wāhi te kaitaunaki tamariki me te whānau ki tētahi wāhi tatari pai kia kore ai rātau e tūtaki ki te whakapaenga hē/whakatuaki, tōna whānau rānei.
- ❧ I te mutunga o ngā whakawātanga, ina he pārurenga te kaitaunaki tamariki o ētahi toihara taumaha¹¹, ka whakarite te āpiha kaiārahi o ngā pirihihana, te kaitohutohu pārurenga rānei ka whai wāhi te kaitaunaki tamariki me tōna whānau ki te rēhita ki te pūnaha whakamōhio pārurenga mēnā kāore anō kia uru atu rātau ki roto.

Ētahi atu

- ❧ Pūnaha whakamōhio pārurenga

¹¹ I tautuhia i te wāhanga 29 Victims' Rights Act 2002



Ka rapu ngā tari ki te tiaki i ngā hiahia o te kaitaunaki tamariki i te wā e whakatutuki ana i ā rātau mahi ki te kōti me te Karauna mō te rapu i te tika. Ka mahi ngā tari katoa i roto i tētahi pou tarāwaho ture. Ko ngā ture e hangai ana ki te whakariterite i te kaitaunaki tamariki ko te:

Evidence Act 2006

E rārangi ana i tēnei Ture ngā tohutohu mō te tuku taunakitanga a ngā kaitaunaki tae atu ki te āheinga o te hunga tautoko, ngā āwhina whakawhitiwhiti me te tuku taunakitanga mā ngā āhuetanga rerekē.

Victims' Rights Act 2002

E rārangi ana i tēnei Ture ngā tika katoa a ngā pārurenga, tae atu ki ngā tika ki ngā mōhiohio puta noa i te hātepe toihara ture.

Criminal Justice Act 1985

Criminal Procedure (Reform and Modernisation) Bill

Kei roto i tēnei ture ko ngā āheinga e pā ana ki te pēhanga o ngā ingoa o ngā pārurenga me ngā kaitaunaki. Ko te Criminal Procedure (Reform and Modernisation) Bill, i mua i te Pāremata i tēnei wā ka whakakapi i te Criminal Justice Act me te āta whakamārama i te āhei atu o te pārurenga ki te pēhanga ingoa.

Children, Young Persons and their Families Act 1989

E whakatairanga tēnei Ture i te toiora o te tamaiti, ngā taiohi, me ō rātau whānau me ngā rōpū whānau.