

24.04.20

Talofa lava Chair Meka Whaitiri and Justice Committee Members,

I am writing in partial support of this bill, and detail what I wish to be adapted below. Could I please be able to speak to my submission?

When I was growing up I believed that when people arrived in prison, we should remove their access to all privileges we could, and that we should do everything we could to focus on their punishment. After my work on the Government Inquiry into Mental Health and Addiction (2018), where we visited five prisons it is impossible for me to have that view now. During each visit the wairua I started the day with, was ripped from me after seeing the conditions we as a society are largely comfortable confining people to, people who the significant majority of have deep mental health and addictions challenges. After my time sitting in some of their cells, walking down the corridors which feel like hopelessness, seeing how the sun would never enter many spaces and cells, and hearing the cries of people in distress echo off the concrete, to name but a few of the things that I cannot be comfortable with, all I felt was empathy for the whānau there and that we are not bringing healing or, recovery to them. Speaking with many people in prison, their whānau, and people who have left that life, it was their voices that led my thinking to transform. After many meetings with awesome Corrections staff, I feel strongly that prisons must be fully transitioned to therapeutic treatment and recovery spaces, where mental health grows and we really treat the underlying causes of offending. This bill is a crucial part of realigning what privileges should be taken, and what should be retained to aid in recovery.

In our report He Ara Oranga,¹ we highlight that people in prison are a population in society who experience deep addiction challenges with "...87% of prisoners hav[ing] experienced an alcohol or other drug problem in their lifetime."² We also reflected on a 2016 report finding that 91% of people in our prisons had a lifetime diagnosis of mental health challenges, or substance disorder.³ The primary national goal of the report was to expand access and choice and this included for prisoners. We mentioned in our report opportunities for population specific services for prison related population groups including youth, mothers, and children of prisoners.⁴ We also identified the systemic problem

¹ <https://mentalhealth.inquiry.govt.nz/inquiry-report/he-ara-oranga/>.

² Page 172

³ D Indig, C Gear and K Wilhelm. 2016. Comorbid Substance Use Disorders and Mental Health Disorders among New Zealand Prisoners. Wellington: Department of Corrections.
www.corrections.govt.nz/resources/research_and_statistics/comorbid_substance_use_disorders_and_mental_health_disorders_among_new_zealand_prisoners.html.

⁴ Page 115.

where we do not have capacity in secure mental health treatment facilities for people who have offended (forensic services).⁵

For young people in prison we had a specific section in the report where some of them shared their voices and I wish to quote this in full:

“Young people in prison said youth development approaches and access to therapy and counselling are essential. It is vital to their mental health, wellbeing and rehabilitation to have greater access to their family, whānau, cultural and spiritual support. Young people commented that the social determinants of health are often the root cause of their offending.

Not being able to afford to live led to my offending. (Young person in prison)

They also shared about the impact of the stigma of their offending, which can affect the success of their transition to the community and diminish their mental wellbeing. We only hear negative things about ourselves in the media.

There are positive parts of our lives. (Young person in prison)”⁶

So when we are considering whether to reinstate the right to vote for those serving less than 3 years it is essential that we think about who this population is, and, when we do the only conclusion I can come to is that we must have a human rights focus in how we support their recovery, management of their conditions, and rehabilitation. I consider voting is a right not a privilege, and that this remains a removable blight on our international advocacy on human rights. I encourage the committee to go further than what the bill currently is written to change, as despite this change for those serving under 3 years, it would still mean that human right standards are continuing to be breached for all other prisoners. I encourage the Committee to report back to the House the recommendation that all incarcerated people be able to vote.

We heard that “...reintegration back into the community was described as an area of enormous stress and uncertainty...⁷, and the words of the young people above echo here too, so I see the role the Electoral Commission will take, and information reaching people in prisons is a pragmatic way to increase a social tie. I am also supportive of the use of the “unpublished” electoral roll as the bill describes where needed to protect whānau wellbeing and that of the now released person.

⁵ Page 69.

⁶ Page 51.

⁷ Page 57.

Just like New Zealanders strongly encouraged us to state in He Ara Oranga that all Parliamentary parties and politicians should not make mental health a political football,⁸ this bill cannot be separated from that this is an issue for a population severely impacted by mental health and addictions challenges. Parties and politicians who focus on what may win votes here, rather than taking the moral stand that mental wellbeing, and developing social connectedness are an important protective and crime prevention factors, are not honouring He Ara Oranga.

While some argue that during COVID19 this is being rushed through, and should be delayed, compared with other bills this is essential as it would have a clear decision about whether these people could vote in our 2020 election (if still held in September). As a nation we must want at our heart for people who are in state care in prison to change, we must show them that we want them to. This change, and hopefully Committee consideration of the full enfranchisement of people in prison would be an important step to show this.

Fa'afetai for the opportunity to submit, and for considering these thoughts.

Ia manuia,

Josiah Tualamali'i

Former Panel Member Government Inquiry Mental Health and Addiction

⁸ Page 205.