

IN THE  
MATTER

of the Treaty of Waitangi Act 1975

and the Mana Wāhine Kaupapa Inquiry (Wai 2700)

AND

of a claim filed by **DAME ARETA KOOPU** on behalf of herself and on behalf of the Maori Women's Welfare League Incorporated and by **DAME WHINA COOPER, DAME MIRA SZASZY, DR ERIHAPETI MURCHIE, DAME GEORGINA KIRBY, VIOLET POU, DAME JUNE MARIU, HINE POTAKA, DAME AROHA RERITI-CROFTS** (being past Presidents of the Maori Women's Welfare League) and by **DR HOPE TUPARA** (being the current President of the Maori Women's Welfare League) and on behalf of themselves and **RĪPEKA EVANS** of Ngāpuhi, Te Aupouri, Ngāti Kahu and Ngāti Porou for herself and on behalf of Māori women and by **MARY-JANE PAPAARANGI REID** of Te Rarawa and Te Aupouri for herself and on behalf of Māori women and by **DONNA AWATERE-HUATA** of Ngāti Whakaue and Ngāti Porou for herself and on behalf of Māori women and by **LADY ROSE HENARE** for herself and on behalf of Ngāti Hine and by **KATERINA HOTERENE** for herself and on behalf of Ngāti Hine and by **TEPARA MABEL WAITITI** for herself and on behalf of Ngāti Hine and by **KARE COOPER-TATE** for herself and on behalf of Ngāti Hine (Wai 381)

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**BRIEF OF EVIDENCE OF TINA NGATA**

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## INTRODUCTION

1. Ko Tina Ngata tōku ingoa.
2. I am a Ngāti Porou woman, descending from the lines of Te Whānau a Hinerupe, Te Whānau a Karuwai ki Maraehara, and Ngāti Horowai.
3. I graduated from Massey University with a Bachelor of Arts majoring in Māori Studies. I undertook post graduate research with Te Pumanawa Hauora on Te Hoe Nuku Roa, a longitudinal quantitative study on Māori health, and was a support lecturer for Treaty of Waitangi and Mana Wahine studies.
4. Subsequent to my work at Te Pumanawa Hauora I worked at the University of Otago School of Medicine in Wellington, at the Women's Health Research Unit, on a study called E Hine, which focussed upon the barriers to care for young Māori mothers aged under 20 and their infants. Whilst employed by the University of Otago School of Medicine I also provided support lecturing to Hauora Māori papers, and studied public health and environmental health at postgraduate diploma level.
5. I returned to my homelands of Te Tairāwhiti in 2012 at the request of my own kaumātua, to teach environmental health on our Ngāti Porou marae, which I did from 2012 through to 2015.
6. From 2012 I also became involved in international Indigenous rights advocacy, participating in various forums within the United Nations Educational, Scientific and Cultural Organization (**UNESCO**) and the United Nations (**UN**). A key aspect of this work has been the development of strong collaborative relationships with other Indigenous women from around the world. It has been a particular honour to serve as Chair of the Global Indigenous Womens' Caucus and Global Indigenous Peoples' Caucus at the UN Permanent Forum for Indigenous Issues – roles that have offered significant learning opportunities.
7. I am a member of the Global Coalition of Treaty Nations, constituting representatives of Indigenous nations who hold treaties with colonial governments, and tasked to advocate for the enhanced political status of such treaties at national and international levels.

8. Through my involvement in the abovementioned international Indigenous forums, I came to learn about the Doctrine of Discovery and in particular its impact upon Indigenous Women. I have been honoured to have taken part in panels in the United States (New York City, Syracuse, Phoenix, Arizona) and Canada (Six Nations) as well as numerous online forums and webinars on this topic.
9. From 2012 to 2019, I researched the journals of James Cook and other members of Cook's voyages to understand their self-reported perceptions and treatment of Indigenous peoples within Te Moananui a Kiwa (The Pacific Region).
10. In 2016, I commenced my Master's studies with Te Whare Wānanga o Awanuiārangi focusing on the application of the Doctrine of Discovery in Aotearoa. I completed my thesis in 2018 and graduated in 2019. I also published a book of essays on the application of the Doctrine of Discovery in Aotearoa in 2019 entitled "Kia Mau: Resisting Colonial Fictions". I am currently delivering a nationwide professional development program on the Doctrine of Discovery.
11. I am the lead advisor on the People's Action Plan Against Racism on behalf of the National Iwi Chairs Forum (**NICF**), which was a result of the recommendation of the UN Convention on the Elimination of Racial Discrimination for all member states to complete a national action plan to eliminate racism.
12. I have just returned from Geneva where I represented the NICF before the Human Rights Committee examining adherence to the Convention on Civil and Political Rights, as well as addressing the Human Rights Council regarding the political status of Indigenous treaties with colonial governments within the UN system, and addressing the Special Rapporteur on Cultural Rights regarding the impact of the current New Zealand government upon the cultural rights of Māori on behalf of Treaty advocacy collective Koekoeā.
13. I am currently leading the drafting of the shadow report on behalf of the NICF for the impending review of the New Zealand government under the Convention for the Elimination of Racial Discrimination in August 2025.
14. I submitted an urgent procedure for consideration under the UN Convention for the Elimination of Racial Discrimination in April 2025, citing the presence of a serious, massive and persistent pattern of racial discrimination and risk of further racial discrimination.

15. I am providing this evidence in a personal capacity and not on behalf of any organisations I currently work for or am affiliated to.

### **SCOPE OF EVIDENCE**

16. My brief of evidence is structured under the following headings:
- a) The Religious Foundations of the Doctrine of Discovery;
  - b) The Great Chain of Being in Relation to Power;
  - c) Enlightenment, Scientific Racism and Misogyny, and Colonisation;
  - d) Impacts upon Political and Economic Status of Wāhine Māori;
  - e) The Objectification and Marginalisation of Wāhine Māori;
  - f) Ongoing Impacts: Colonial Violence, Leadership, and Women's Health;  
and
  - g) International Human Rights Law.

### **The Religious Foundations of the Doctrine of Discovery**

17. The story of the Doctrine of Discovery is one of imperial expansion. While the world has seen many empires rise and fall, across many continents, it is the European empire that has come to dominate systems of global and national power.
18. As this form of imperialism has been undertaken by Euro-Christian nations, it has inherently made the process, one of Christianisation. The full term - the Doctrine of Christian Discovery - reveals its entrenchment in Christian nation-building and religious supremacy.
19. The religious foundations of the Doctrine of Discovery provide critical context to this evidence, because it has come to profoundly shape how power is wielded in Western society. The structures of domination inherent within the Doctrine established entitlements to authority and control along lines of perceived sacredness, where the right to "rule" was framed as a divine mandate. This has

enduring implications for how legitimacy, sovereignty and hierarchy have been defined and imposed.

20. Just as the right to rule is a divine right, so too, within the foundational philosophies of the Doctrine, is the role of the oppressed. If we look to the text of the early papal bulls which inform the Doctrine as a philosophy, we see the designation of all non-Christians, including practitioners of earth-based spiritualities, as "pagans" or "enemies of Christ". This squarely placed all non-Christians as adversaries of the Crusades, a series of religious wars initiated by European Christians in the late 11th century, primarily aimed at seizing control of Jerusalem and the Holy Lands from predominantly Muslim communities.
21. The Doctrine of Discovery extended the Crusades from the Holy Lands into newly "discovered" territories, carrying militaristic duties "to vanquish, subdue, conquer and commit to perpetual servitude" (a copy of the *Romanus Pontifex* is attached to this brief and marked "A").<sup>1</sup> This meant that the act of "discovery" was concomitant with war.
22. Throughout history, sexual violence has also featured within war as a tool of conquest and domination. It functions to debase, demoralise and control adversaries. The wars waged through the Doctrine - are no exception.
23. War typically involves undertaking acts – such as mass murder, dispossession, violent abuse and rape - that would normally be viewed as mortal sins which would sever ones relationship to God and condemn them to hell. However, the papal bulls underpinning the Doctrine of Discovery, granted divine impunity for such acts when committed against non-Christian, non-European nations. In doing so, the Doctrine not only conferred a perceived entitlement and duty to carry out these atrocities, but also entrenched systems of impunity for such actions, framing violence as sanctified when in service of conquest.
24. The 1550 debates at Valladolid, Spain, were dedicated to the question of what to do about the Indigenous peoples inhabiting the lands supposedly promised to European monarchs by their God. Dominican monk Bartolome De Las Casas,

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<sup>1</sup> Christopher Wendt "Romanus Pontifex (Granting the Portuguese a perpetual monopoly in trade with Africa) January 8, 1455" (2017) Papal Encyclicals Online <<https://www.papalencyclicals.net/nichol05/romanus-pontifex.htm>>.

who had himself witnessed countless displays of physical and sexual violence by conquistadors, argued that natives should still be colonised and christianised, but that it should be done without violence. His answer to the “problem” of who should work their newly claimed lands was to import African slaves. His opponent in the debates, Juan Ginés de Sepúlveda argued that natives were lesser beings and thus did not have the same access to rights against violent conquest (a copy of “Lords of All the World” is attached to this brief and marked “**B**”).<sup>2</sup> Sepúlveda explicitly addressed the intent to wage war on Indigenous peoples (a copy of which is attached and marked “**C**”), arguing:<sup>3</sup>

“For numerous and grave reasons these barbarians are obligated to accept the rule of the Spaniards according to natural law... And if they refuse our rule, they may be compelled by force of arms to accept it. Such a war will be just according to natural law.”

25. The question of whether or not Indigenous peoples are human, and should be accorded human rights, was never settled through these debates. La Junta de Valladolid (the Debates of Valladolid) went on to be viewed within history as foundational to foreign policy, the treatment of Indigenous peoples in international law and treaty-making (a copy of “Imperialism, Sovereignty and the Making of International Law” is attached and marked “**D**”, “The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960” is attached and marked “**E**”, “Native America, Discovered and Conquered: Thomas Jefferson, Lewis and Clark, and Manifest Destiny” is attached and marked “**F**”).<sup>4</sup>

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<sup>2</sup> Anthony Pagden *Lords of All the World: Ideologies of Empire in Spain, Britain and France c.1500–c.1800* (Yale University Press, New Haven, 1995); Lewis Hanke *All Mankind is One: A Study of the Disputation Between Bartolomé de Las Casas and Juan Ginés de Sepúlveda in 1550 on the Intellectual and Religious Capacity of the American Indians* (Northern Illinois University Press, 1974); Laura Benton *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900* (Cambridge University Press, 2010).

<sup>3</sup> Juan Gines de Sepulveda “Democrates Part Two, on the Just Reasons for the War against the Indians: (Democrates Alter sive de justis belli causis apud Indos)” in Luke Glanville et al *Sepúlveda on the Spanish Invasion of the Americas: Defending Empire, Debating Las Casas* (Oxford, Oxford University Press, 2023)

[https://kdhist.sitehost.iu.edu/H105-documents\\_web/week02/Sepulveda1547.html](https://kdhist.sitehost.iu.edu/H105-documents_web/week02/Sepulveda1547.html).

<sup>4</sup> Antony Anghie *Imperialism, Sovereignty and the Making of International Law* (Cambridge University Press, 2005); Martti Koskenniemi *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960* (Cambridge University Press, 2001); Robert Miller *Native America, Discovered and Conquered: Thomas Jefferson, Lewis and Clark, and Manifest Destiny* (Bloomsbury Publishing, 2006); Robert Miller *Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies* (Oxford University Press, 2010).

26. The Catholic doctrine of *Jus Patronatus* originally referred to the relationship between the church and benefactors, but within the context of the Doctrine of Discovery, its meaning evolved into divine endorsement of imperial conquest by European monarchs under guise of Christianising them. In this framework, the relative monarch was charged with protecting the Church's right to Christianise all encountered populations.

### **The Great Chain of Being in Relation to Power**

27. The Doctrine of Discovery replaced Indigenous sources of sacredness (often sourced from nature) with the "Great Chain of Being", a Christian cosmology that locates the ultimate source of sacredness as a male figure in the sky.
28. This model not only testified or spoke to sacredness but justified domination. The closer one was to the Christian God (i.e., white, male, European), the more sacred and entitled to dominate others, one was.
29. Indigenous peoples were viewed as existing in lower, non-human realms of being, associated with nature, or extensions of the land itself. Consequently, Indigenous peoples were framed as irrational, savage, and unfit for leadership. This aligns with Sepúlveda's assertions in the Valladolid debates, which cast Indigenous peoples as "natural slaves".<sup>5</sup>
30. These beliefs were compounded by European misogyny, which also viewed women as less rational and prone to hysteria or primal compulsion. The European view of Indigenous women was thus both racist and misogynistic, questioning or outright denying their capability to lead, and restricting their societal roles to ones of servitude.

### **Enlightenment, Scientific Racism, and Colonisation**

31. The Scientific Revolution and Enlightenment introduced a new phase of Western imperialism. While the Euro-Christian Bible drove earlier expansion, Enlightenment theory provided a rationalist and pseudo-scientific basis for European supremacy.

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<sup>5</sup> Juan Gines de Sepulveda, above n 3.

32. It is inaccurate to suggest this period marked a full separation between science and religion. The biological classification system developed by Carl Linnaeus, for example, was heavily influenced by the Great Chain of Being (a copy of “The Great Chain of Being: A Study of the History of an Idea” is attached and marked “**G**”; “The Order of Things: An Archaeology of the Human Sciences” is attached and marked “**H**”)<sup>6</sup>. This system classed all creatures within an immutable genetic hierarchy which would come to oppress both CIS-gendered and transgender women.
33. Linnaeus’ human classification system also entrenched racist ideas about non-white populations, racialising various populations and ascribing genetic behavioural traits to each group such as “Africanus” being lazy, sly, sluggish and neglectful, and “Asiatic” being stiff, stern and greedy. Both the biological classification system and the human classification system have heavily influenced modern attitudes towards nature and race (a copy of “Race and the Enlightenment: A Reader” is attached and marked “**I**”, a copy of “The Mismeasure of Man” is attached and marked “**J**”).<sup>7</sup>
34. As antiracist scholar Kehinde Andrews explains (a copy of which is attached to this brief and marked “**K**”):<sup>8</sup>

“The ‘great thinkers’... theorized about their apparent supremacy... [providing] the justification for genocide, slavery and colonialism... The Enlightenment... provided the universalist, supposedly rational and scientific framework of knowledge that maintained colonial logic.”
35. The Enlightenment produced science that was deeply racist and misogynist. Research included how many times a Black man could be whipped without dying, and theories of female hysteria that justified marital rape and undermined women’s rationality.
36. These theories travelled globally with the Doctrine of Discovery, forming the foundational logic of settler colonial societies. John Locke, credited with the

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<sup>6</sup> Arthur Lovejoy *The Great Chain of Being: A Study of the History of an Idea* (Harvard University Press, 1936); Michel Foucault *The Order of Things: An Archaeology of the Human Sciences* (Routledge, 1970); Justin Smith *Nature, Human Nature, and Human Difference: Race in Early Modern Philosophy* (Princeton University Press, 2015).

<sup>7</sup> Emmanuel Eze *Race and the Enlightenment: A Reader* (Blackwell, 1997); Stephen Jay Gould *The Mismeasure of Man* (W.W. Norton & Co, 1981).

<sup>8</sup> Kehinde Andrews *The new age of empire: how racism and colonialism still rule the world* (Bold Type Books, 2021).



concept of the social contract, also believed in women's inherent inferiority and that non-European groups were destined for slavery and servitude.

37. Racism in science continued well into the application of western science in Aotearoa. Ethnologists such as Elsdon Best concluded that Māori were lesser humans than Europeans, theorising:<sup>9</sup>

“in conditions of steady, continuous work, demanding strength, endurance, and steady application, the Maori is not the equal to the European settler. The discipline that produces these qualities is the product of more advanced civilizations, and is not a feature of the lower planes of civilization.”

38. As has already been soundly testified to within the first stage of these hearings, Best also erased feminine divinity and rationality from historical accounts, embedding colonial patriarchy within national institutions. Contemporaries such as Percy Smith further promulgated ideas that Māori systems of divinity were dominated by Atua Tāne, erasing the basis of Mana Atua, and subsequently Mana Tangata and Mana Whenua, for wāhine. Thus the layered, intersecting oppressions of race and gender that featured as a global phenomena through the intellectual application of the Doctrine is also demonstrably present in the case of its application in Aotearoa.

### **Impact on Political and Economic Status of Wāhine Māori**

39. Religious and intellectual racism did not just shape social attitudes but also institutions of power like Parliament, which would structure itself and its legislation based upon the “science” of the time.
40. At the time of the Doctrine's arrival to Aotearoa, Atua Wāhine were secure in Aotearoa. Wāhine had political and economic authority and their rangatiratanga was intact. Over time, as colonial domination progressed, all aspects of spiritual, political, economic and social agency for wāhine Māori was diminished by theories borne of the Doctrine.
41. The Doctrine of Discovery was, at its core, an economic project aimed at extraction and commodification - of land, waters, and people. Its language

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<sup>9</sup> Elsdon Best *The Maori as he was: A brief account of Maori life as it was in Pre-European days* (Dominion Museum, Wellington, 1934).

explicitly authorised the subjugation of Indigenous peoples into perpetual servitude.

42. In the European worldview of this period, women were considered chattels under the possession of fathers or husbands. Thus, Indigenous women were also viewed as being lesser, or non-human possessions of men, relegated to roles of servitude. This severely undermined any recognition of political or constitutional authority for wāhine Māori.
43. While some women signed Te Tiriti, it is well established that many were denied this opportunity. Dr Moana Jackson noted that in the instance of his own ancestress Hineaka, her signature to te Tiriti was denied on the grounds that women lacked constitutional authority (a copy of “The woman who would not sign” is attached and marked “**L**”).<sup>10</sup>
44. Colonial patriarchy played out through the Native Land Court to disrupt Mana Wahine in very specific and harmful ways. For instance, with the individualising of title and subsequent native land court hearings, coinciding with successive pandemics, and layered upon imposed gender-stratified labour roles, meant that wahine Māori were less able to attend land court hearings to testify to their land holdings, and if they did make it, also had to contend with the misogyny of the colonial judiciary (a copy of “Discrimination, the State and Maori women: An analysis of international human rights law and the convention on the elimination of all forms of discrimination” against women is attached and marked “**M**”).<sup>11</sup> Thus, through the native land court hearings, significant tracts of mana whenua were transferred from wāhine through to tāne, resulting in a loss of economic and political status for wāhine.<sup>12</sup>
45. This loss had further implications within colonial systems where political rights were tied to individual land title. While tāne Māori were able to enter into parliament in 1868, it would take a further 80 years for the first wāhine to do so. Over that timeframe, the foundations of New Zealand’s legislature were laid, and

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<sup>10</sup> Moana Jackson, ‘The woman who would not sign’ (National Library, He Tohu) (6 June 2017) <<https://natlib.govt.nz/he-tohu/korero/the-woman-who-would-not-sign>>.

<sup>11</sup> Kerensa Johnston “Discrimination, the State and Maori women: An analysis of international human rights law and the convention on the elimination of all forms of discrimination against women” [2005] NZYbkNZJur 15 at 31–78.

<sup>12</sup> Johnston, above.

the legislative culture was well and truly entrenched, the legacy for which remained in spite of successive amendments and new legislative developments.

46. Even with the entry of wāhine Māori into parliament, inequity persists to this day. As has already been concluded by the Waitangi Tribunal, absolute political authority for the Crown, particularly over Māori, is not reflective of the Tiriti principles nor the provisions from which they derive.<sup>13</sup> This deficit is further compounded by a gendered oppression which shapes the presence, participation, and lived experience of wāhine Māori politicians in New Zealand parliament.
47. The assimilation of Aotearoa into "Little Britain" deepened the oppression of wāhine Māori. Although the New Zealand suffrage movement is often celebrated internationally as a landmark moment and significant step towards women's political rights, it failed to restore the precolonial political and economic authority of Māori women. The movement was led primarily by the Women's Christian Temperance Union, which promoted Christian values that suppressed indigenous understandings of the feminine and non-Christian forms of divinity.
48. Further, the patriarchal nature of capitalism has maintained a status of women being economically subservient to men. Whereas once land-based wealth was equitably held by wāhine and tāne, colonial economies have relegated wāhine to being fiduciary dependents upon their husbands and fathers, and the pay parity challenges still experienced by women in Aotearoa-New Zealand today are also disproportionately experienced by wāhine Māori (a copy of the Māori Public Health Explainer is attached and marked "N").<sup>14</sup>
49. Patriarchal norms also infiltrated social-economic structures within te Ao Māori. Colonial racism notwithstanding, tāne Māori nevertheless derived relative social, economic, and political benefits from the colonial patriarchy, and in many cases bonded across the patriarchy with their colonial brothers to the detriment of

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<sup>13</sup> Waitangi Tribunal *The Report on Stage 2 of the Te Paparahi o Te Raki Inquiry* (Wai 1040, 2023) at 44.

<sup>14</sup> Hāpai Te Hauora, Māori Public Health "Pay Equity Changes Passed Under Urgency – Wāhine Māori Carry the Cost" (8 May 2025) <<https://hapai.co.nz/pay-equity-changes-passed-under-urgency-wahine-maori-carry-the-cost/>>

wāhine (a copy of Khylee Quince’s keynote speech is attached and marked “O”.<sup>15</sup> After acquiring mana whenua through the Native Land Courts at the expense of wāhine, tāne began to dominate land trusts and incorporations, which would become the seedbed for Māori political power. The legacy for this continues today, where gendered inequity also exists in the presence and experience of wāhine Māori on boards and in leadership roles within te Ao Māori.<sup>16</sup>

### **The Objectification and Marginalisation of Wāhine Māori**

50. In colonial mindsets, women were likened to land - something to be dominated and claimed. In contrast, Māori cosmological theory saw the connection between land and women as sacred.
51. Racist, misogynist tropes became central to colonial societies. Black women were labelled jezebels, First Nations women "squaws," and Pacific women, including wāhine Māori, were framed as "dusky maidens."
52. The colonial propaganda provided (**Figure 1**), published by the N.Z. Observer in 1914, demonstrates the nature in which wāhine were perceived and depicted both as land and as being available to colonial domination. In this image, a Samoan “maiden” is draped across a German military officer. The piece is titled: “Samoa yielded without a struggle”. In the background, a drunken, sleeping tāne swings in the hammock and declares that Germany “can have her”.

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<sup>15</sup> Khylee Quince “Law and gender: beyond patriarchy” symposium – keynote speech, Sistahs in arms? Mana wāhine and feminism” (2022) 6 NZWLJ 9 <<https://static1.squarespace.com/static/577228a5e4fcb512c064f2a7/t/62e0d48b8059a41922f970b2/1658901643692/Quince+-+Sistahs+in+Arms.pdf>>

<sup>16</sup> Quince, above.

**Figure 1:**



53. Colonial misogynist tropes erased Indigenous women from positions of governance by portraying them as passive, degraded, promiscuous and/or deceptive.
54. During both World Wars, the dusky maiden trope was particularly prominent in colonial literature (see **Figure 2**), which depicted wāhine as promiscuous sirens, dangerous “enchantresses” and damsels in need of saving from their savage male counterparts. These tropes informed a hypersexualised fetishisation of wāhine Māori, particularly by foreign troops. Subsequently, wāhine Māori often faced heightened vulnerability to harassment and sexual assault, especially in areas near military installations.<sup>17</sup>

<sup>17</sup> Angela Wanhalla *Of Love and War: Pacific Brides of World War II. Studies in Pacific Worlds Series* (University of Nebraska Press, Lincoln, 2023).

Figure 2:



55. At least one of the compounding factors for the subjection of wāhine Māori to sexual violence was the institutionalised misogyny within the police force and the military. Throughout the war period wāhine Māori were institutionally discriminated against as carriers of disease, stigmatised as promiscuous, and viewed by law enforcement officials and magistrates as “wartime hazards” and “social problems”.<sup>18</sup> These official attitudes led to wāhine Māori being highly scrutinised, often charged with being “idle and disorderly”, institutionalised in reformatories and forced to undertake vaginal inspections.<sup>19</sup>
56. Though wāhine stepped into leadership roles during wartime homefront campaigns, the return of traumatised male soldiers brought another wave of harm upon wāhine and their whānau, characterised by addiction, physical and sexual violence. As my uncle, Dr. Wayne Ngata noted in his 2024 ANZAC address at Te Rau Aroha Museum in Tūranga, the price of citizenship was not only paid by the men of the 28th battalion, but also by their wives and children for generations.
57. These colonial legacies provide the context for many issues that wāhine Māori experience in current settings, including misogyny within leadership spaces,

<sup>18</sup> Judith Bennett and Angela Wanhalla (Eds.) *Mothers' Darlings of the South Pacific: The Children of Indigenous Women and U.S. Servicemen, World War II* (University of Hawai'i Press, Honolulu, 2016).

<sup>19</sup> Bennet and Wanhalla, above.



relational disfunction within families, and high rates of gender-based violence, all of which coalesce to confound wāhine leadership, even in forging solutions to those same challenges.

### **Ongoing Impacts: Violence, Leadership, and Women's Health**

58. Stepping into leadership roles demands a level of physical, spiritual, social and emotional wellbeing. We know already that women, particularly within Indigenous and colonised communities, carry a disproportionate level of unpaid labour (a copy of the United Nations Statement is attached and marked “P”).<sup>20</sup> For wāhine Māori this burden extends beyond whanau as mothers, grandmothers, and aunts, to include further critical roles and responsibilities on marae, in kōhanga and/or kura, and on the frontlines of grassroots movements. These are often under-resourced yet vital spaces of cultural and community leadership.
59. The cumulative effect of these responsibilities is particularly acute for wāhine Māori whose labour is compounded by the enduring effect of colonialism. Chronic illnesses are prevalent among wāhine Māori and is sometimes mischaracterised as the result of individual “lifestyle choices”. The term “lifestyle illness” infer that health would improve by simply changing lifestyles. This framing obscures the structural and intergenerational drivers of poor health. Research in the field of antiracist and public health, including that of Dr David R Williams, has demonstrated the measurable physical consequences and harm of dealing with racism, including microaggressions every day. These harms are associated with poor health outcomes often labelled “lifestyle illnesses” (a copy of David Williams et al’s research is attached and marked “Q”).<sup>21</sup> – a term that obscures the role played by colonially racist and misogynist socio-political contexts through which wāhine Māori move, every day, to secure wellbeing for their whānau and broader community.

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<sup>20</sup> United Nations Women “A critical investment for gender equality and the rights of women and girls” (29 October 2024) <<https://www.unwomen.org/en/news-stories/statement/2024/10/care-a-critical-investment-for-gender-equality-and-the-rights-of-women-and-girls>>.

<sup>21</sup> David Williams et al “Understanding how discrimination can affect health” [2019] 54 Health Services Research 1374-1388 <<https://onlinelibrary.wiley.com/doi/10.1111/1475-6773.13222>>.

60. Further, the layered effect of unpaid cultural and caregiving labour together with the impacts of colonial racism and misogyny upon their physical, emotional, spiritual and collective wellbeing, inhibits the ability for wāhine to step into broader systemic roles of leadership.
61. Racist misogynist stereotypes in social, institutional and policy contexts continue to harm Māori women, particularly young mothers. Many young Māori mothers report feelings of being stigmatised within the health system (a copy of E Hine is attached to this brief and marked “**R**”).<sup>22</sup> The health and education system in Aotearoa-New Zealand has failed young Māori māmā in two fundamental respects. First, by failing to provide a culturally appropriate form of reproductive education through from which they can make informed and empowered decisions about their body. Second, by failing to support them to enter into motherhood in a way that does not truncate their education, and subsequent pathways to employment, education and indeed leadership roles.
62. These systemic failures are underpinned by Enlightenment-era views of wāhine as irrational and unfit for motherhood. Such ideologies have persisted throughout society and in policy settings, which has led to disproportionate scrutiny and surveillance experienced by Māori mothers by social workers, resulting in high rates of state custody and child removals.
63. The Royal Commission of Inquiry into Abuse in State Care has shown the scale at which Māori children were removed from their whānau - with Māori being up to ten times more likely to be taken compared to pākehā children (a copy of Ihi Research is attached to this brief and marked “**S**”).<sup>23</sup> The forcible displacement of children from their homes is a recognised tool of genocide. The frequency and impunity with which this has occurred in New Zealand, where many Māori children have been forcefully displaced from their parents, reflects the structural entrenchment of the Doctrine of Discovery and its continued influence on state policies.

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<sup>22</sup> Anna Adcock et al “E Hine: Young Māori Women’s Journeys Through Pregnancy, Birth, and Motherhood” in *Research Anthology on Advancements in Women’s Health and Reproductive Rights* (IGI Global Scientific Publishing, 2022) at 981-1004.

<sup>23</sup> Ihi Research “Hāhā-uri hāhā-tea: Māori in State Care 1950–1999, A Crown Response to the Abuse in Care Royal Commission of Inquiry” (2021) <<https://www.abuseinquiryresponse.govt.nz/information-releases/maori-in-state-care/summary/>>.



64. The cumulative health impacts of the emotional, physical, and spiritual harm visited upon wāhine, their partners and children has cumulative consequences. This creates a chilling effect upon the ability of wāhine to step into leadership roles, and particularly into paid or public-facing leadership roles.
65. Those wāhine Maori who do step into public-facing leadership roles are often subjected to violent and targeted abuse. Misogynist narratives that portray women as wanton, deceptive, and hysterical continue to shape public and political discourse towards wāhine in these public leadership roles. Māori women councillors, politicians, and campaigners in local and national politics face disproportionate levels of vitriolic abuse including threats directed not only at themselves but also against their partners and children (a copy of “Misogyny, racism, and threats to our families: a qualitative study of harassment of female politicians” is attached to this brief and marked “T”).<sup>24</sup>
66. Dr Sanjana Hattotuwa’s work has documented the disproportionate levels of online harassment faced by wāhine Māori politicians (Dr Hattotuwa’s work is attached to this brief and marked “U”).<sup>25</sup> This abuse leads to a chilling effect on their participation in political leadership. Concerns for a crossover into physical violence notwithstanding, the psychological toll of sustained abuse and threats against wāhine and in particular their children cannot be overestimated (a copy of the Television New Zealand article is attached to this brief and marked “V”).<sup>26</sup> Wāhine politicians at local and national levels have expressed that the abuse they have been subjected to, has informed their decision to not stand in subsequent elections (a copy of a Newsroom article is attached to this brief and marked “W”).<sup>27</sup>
67. New Zealand has a permissive approach to hate speech and hate crime, relative to other OECD nations (a copy of this Report is attached and marked “X”).<sup>28</sup>

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<sup>24</sup> Rhiannon Watson et al “Misogyny, racism, and threats to our families: a qualitative study of harassment of female politicians” (2025) Kōtuitui: New Zealand Journal of Social Sciences Online at 1-29.

<sup>25</sup> Sanjana Hattotuwa “The targeting of MP Tamatha Paul: Rapid assessment of hate, and harms” (8 April 2025) <<https://sanjanah.wordpress.com/2025/04/08/the-targeting-of-mp-tamatha-paul-rapid-assessment-of-hate-and-harms/>>.

<sup>26</sup> Television New Zealand “Politics has become an ugly place’: Tory Whanau on mayoral role” (2 May 2025) <<https://www.1news.co.nz/2025/05/03/politics-has-become-an-ugly-place-tory-whanau-on-mayoral-role/>>.

<sup>27</sup> Amanda Gillies “Abuse a given for high-profile women” Newsroom (7 May 2025) <<https://newsroom.co.nz/2025/05/07/abuse-a-given-for-women-with-a-profile/>>.

<sup>28</sup> Tina Ngata “Race-based hate crime in Aotearoa” MAI Journal 10(2) (2021) at 207-215.

Advocates have, for many years, called upon the government to update and enhance its hate speech and hate crime regime. In 2022, the Labour government consulted on reforms that included expansion of protected groups; introduction of a new criminal offence; increased penalties; amendments to civil provisions; prohibition of incitement to discriminate and the inclusion of transgender and intersex protections. However, then Minister for Justice Kiritapu Allan subsequently pared back the reforms to only address incitement towards religious communities, and referred the process through to the Law Commission before any further changes could be considered. The pared back reform was still heavily criticised by then-shadow minister Paul Goldsmith as a breach of freedom of speech (a copy of the One News article is attached and marked “Y”).<sup>29</sup> The coalition agreement for the current government included an abandonment of the Law Commission review on hate speech and hate crime (a copy of the coalition agreement is attached and marked “Z”).<sup>30</sup>

68. This on-going failure of the New Zealand government to strengthen protections against hate speech and hate crime, has left wāhine Māori exposed to hate, harassment and death threats. This has a direct impact upon the safety of wāhine in political leadership roles, and a subsequent chilling effect on wāhine stepping into such roles.

### **The international position**

#### *Convention on the Elimination of All Forms of Discrimination against Women*

69. New Zealand is party to the Convention on the Elimination of All Forms of Discrimination against Women (the **Convention**). Within the specific context of leadership and political representation, this creates the following obligations for New Zealand, under international law:

#### Article 2

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<sup>29</sup> One News “Govt waters down hate speech reforms, National unconvinced” (19 November 2022) <<https://www.1news.co.nz/2022/11/19/govt-waters-down-hate-speech-proposals-national-unconvinced/>>.

<sup>30</sup> “New Zealand National Party & New Zealand First Coalition Agreement” (24 November 2023) <[https://assets.nationbuilder.com/nzfirst/pages/4462/attachments/original/1700784896/National\\_NZF\\_Coalition\\_Agreement\\_signed\\_-\\_24\\_Nov\\_2023.pdf](https://assets.nationbuilder.com/nzfirst/pages/4462/attachments/original/1700784896/National_NZF_Coalition_Agreement_signed_-_24_Nov_2023.pdf)>.

To condemn discrimination against women in all its forms

To embody the principle of the equality of men and women in their national constitutions.

To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women.

#### Article 3

To take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms.

#### Article 5

To take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women

#### Article 7

To take all appropriate measures to eliminate discrimination against women in the political and public life of the country.

#### Article 8

To ensure to women the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

70. The Commission for the Elimination of Discrimination Against Women (**CEDAW**) has issued the following general recommendations for all signatory states:

“promote the meaningful, real and informed participation of Indigenous women and girls in political and public life and at all levels, including in decision-making positions, which may include temporary special measures, such as quotas, targets, incentives and efforts to ensure parity in representation.”

71. The CEDAW Committee considers that the long-term and structural absence of women globally from decision-making systems, not only constitutes a major human rights’ violation but also deprives the world of the potential of half its population.
72. In its concluding observations on the ninth periodic report of New Zealand, the Committee noted (amongst many observations and concerns) its concerns regarding the reports of online and physical harassment, intimidation and threats of women in political leadership and decision-making positions in New Zealand

(a copy of this report is attached and marked “**AA**”).<sup>31</sup> The Report recommended strengthening personal and privacy protections for women who participate in political and public life and well as effectively investigating and prosecuting perpetrators of all acts of hate speech and hate crimes against women politicians and women public officials where appropriate.<sup>32</sup>

73. Further, the Report noted that in New Zealand there is a persistent gender wage gap, in particular for Māori, Pasifika and migrant women, with the gap reaching up to 20 per cent in the case of Māori women. And recommended enforcing the principle of equal pay for work of equal value in order to narrow and eventually close the gender pay gap.<sup>33</sup>

*International Covenant on Civil and Political Rights*

74. As a party to the International Covenant on Civil and Political Rights, New Zealand is expected to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the Covenant including:
- a. ensuring self-determination – by virtue of that right women may freely determine their political status and freely pursue their economic, social and cultural development;
  - b. undertaking effective and positive measures to promote and ensure women’s participation in the conduct of public affairs and in public office, including appropriate affirmative action; and
  - c. reviewing legislation and practices and taking the lead in implementing all measures necessary to eliminate discrimination against women in all fields, for example by prohibiting discrimination by private actors in areas such as

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<sup>31</sup> Committee on the Elimination of Discrimination against Women (CEDAW) *Concluding observations on the ninth periodic report of New Zealand* CEDAW/C/NZL/CO/9 (30 October 2024) <<https://www.ohchr.org/en/documents/concluding-observations/cedawcnzlco9-concluding-observations-ninth-periodic-report-new>>.

<sup>32</sup> CEDAW, above at [27].

<sup>33</sup> CEDAW, above at [31] - [33].

employment, education and political activities (a copy of this General Comment is attached and marked “**BB**”).<sup>34</sup>

75. The Committee remains concerned about the persistent inequalities between women and men in New Zealand, in particular:<sup>35</sup>

- a. the significant wage gap between women and men, which disproportionately affects low-income women, especially Māori and Pasifika women, as well as women with disabilities;
- b. the unequal representation of women in high-level private and public sector managerial positions; and
- c. the overrepresentation of women in minimum wage jobs. The Committee notes with concern that the principle of equal pay for work of equal value is not fully respected and applied in either the public or private sectors, and that the institutional framework to monitor discrimination in remuneration and to seek redress is inadequate (arts. 2, 3 and 26).

76. The Committee further recommends that New Zealand (a copy of these concluding observations are attached and marked “**CC**”):<sup>36</sup>

- a. fully incorporate the principle of equality between women and men in all national policies;
- b. develop programmes for the implementation of Sustainable Development Goal 5 to achieve gender equality and empower all women and girls, with particular focus on Māori and Pasifika women and girls, as well as women and girls with disabilities;
- c. promote greater women’s representation in managerial and leadership positions both in the public and private sectors, including through temporary special measures; and

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<sup>34</sup> Centre for Civil and Political Rights (CCPR) *General Comment No. 28 Article 3 (The equality of rights between men and women)* CCPR/C/21/Rev.1 (29 March 2000) <<https://www.refworld.org/legal/general/hrc/2000/en/38892>> at [31].

<sup>35</sup> United Nations Human Rights Committee (UNHRC) *Concluding observations on the sixth periodic report of New Zealand* CCPR/C/NZL/CO/6 (28 April 2016) <<https://digitallibrary.un.org/record/1315577?ln=en&v=pdf>> at [17]-[19], [48].

<sup>36</sup> UNHRC, above n 34.

- d. ensure the full operationalization and implementation of the principle of equal pay for work of equal value across its territory, in both the public and private sectors; and
  - e. take all appropriate measures to enhance Māori and Pasifika representation in government positions at all levels, in particular at the local council level, including through the establishment of special electoral arrangements.
77. As a State Party to both CEDAW and the ICCPR, New Zealand has binding obligations to eliminate discrimination against women, ensure equal participation in political and public life, and actively remove structural barriers that prevent women from enjoying their civil, political, social, and economic rights. These obligations are heightened in respect of Indigenous women, including wāhine Māori, who face intersectional discrimination based on both gender and indigeneity. The persistent underrepresentation, systemic violence, and structural exclusion of wāhine Māori from political leadership and decision-making positions constitute ongoing breaches of these obligations. In light of New Zealand's commitments under international law, the Crown must take immediate and targeted action to ensure the full, free, and safe participation of wāhine Māori in public life, including through affirmative measures, legal protections, and culturally appropriate support systems.

## **Conclusion**

78. What I have sought to demonstrate in my evidence is that the marginalisation of wāhine Māori has been neither incidental nor accidental. It has been systematically produced through colonial ideologies and institutions that continue to shape our realities today.
79. The foundations of these harms lie in a deeply racialised and gendered system of power, justified historically through religious and scientific doctrines, and carried into the present through the policies, structures, and cultural norms that surround us. The injustice within these systems include both gendered harm toward wāhine, and institutionalised impunity for such harm. The dispossession, objectification, and political exclusion of wāhine Māori have not been adequately addressed or remedied. Instead, these injustices have been normalised and, at

times, made invisible despite the immense cost they continue to exact on our bodies, our whānau, and our futures.

80. My intention in giving this evidence is not only to expose these harms, but to assert the depth, complexity, and endurance of mana wāhine. Wāhine Māori have always held leadership, insight, and authority - before colonisation, throughout its most violent moments, and still today. But our ability to participate safely and fully in political, social, and cultural life continues to be undermined by systems that were never built for us.
81. There is a need now for truth, for accountability, and for transformation. Pathways to justice begin with forums for truth, and so this must begin with naming what has been done - and what continues to be done - to wāhine Māori. And it requires a deliberate and sustained commitment to restoring the balance that colonisation disrupted: a balance in which wāhine Māori are respected as leaders, decision-makers, and holders of knowledge, authority and mana.

**DATED** this 20<sup>th</sup> day of May 2025

A handwritten signature in black ink, appearing to read 'Tina Ngata', written over a horizontal line.

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**Tina Ngata**