

CHILDREN'S RIGHTS ALLIANCE

AOTEAROA
NEW ZEALAND

Written input into the List of Issues Prior to Reporting

Submitted to the United Nations Committee on the Rights of the Child

6th reporting cycle of Aotearoa New Zealand

1 March 2020

Karakia¹

*Kia tau ngā manaakitanga a te mea ngaro ki runga ki tēnā, ki tēnā
o tātou*

*Kia mahea te hua mākihikihi kia toi te kupu, toi te mana, toi te
aroha, toi te reo tātou kia tūturu*

Ka whakamaua kia tīna, tīna

Haumi e hui e, tāiki e.

*Let the strength and life force of our ancestors be with each and
every one of us*

*Freeing our path from obstruction so that our words, spiritual
power, love and language are upheld*

Permanently fixed, established and understood

Forward together.

¹ A karakia is a Māori prayer or incantation.

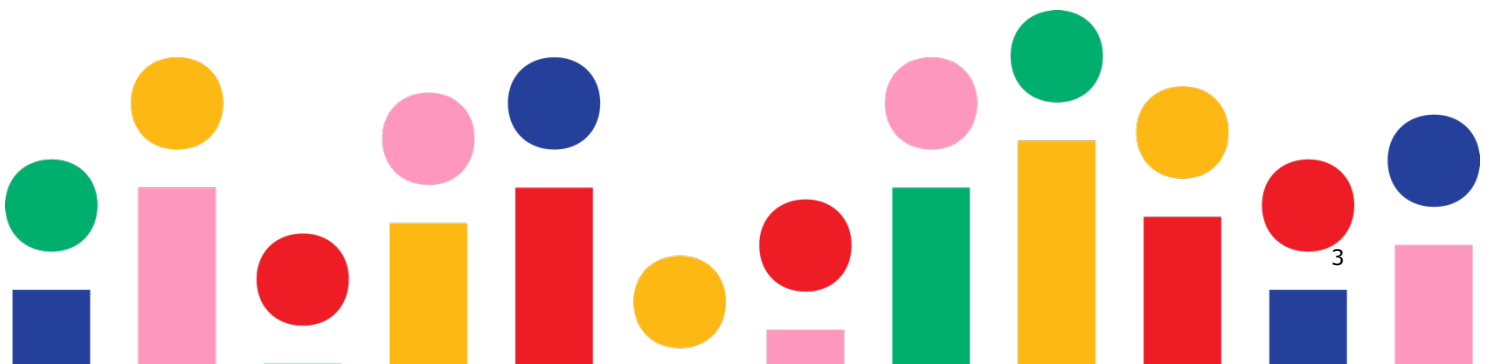
Dedication

On 15 March 2019, a terrorist shooting attack led to the deaths of 51 people in two mosques in Ōtautahi Christchurch, Aotearoa New Zealand.

Among the dead were four children, who were lost to their families and their communities. The loss of these children, who were worshipping with their friends and families at a place where they should have been safe, deeply affected Aotearoa and many around the world.

We dedicate this report to those four children.

Moe mai rā, moe mai rā, moe mai rā.



Acknowledgements

Formerly Action for Children and Youth Aotearoa, the Children's Rights Alliance Aotearoa New Zealand is a civil society coalition committed to protecting and promoting children's rights in Aotearoa New Zealand. In submitting this report, we are building on the work of many people, over many years, to advance and uphold children's rights.

We wish to thank all those who have contributed to the development of this report by attending workshops to discuss children's rights issues, providing information and commenting on drafts. This includes children, tamariki, young people and rangatahi themselves, and a wide range of Children's Rights Alliance Aotearoa New Zealand members, people and groups who are actively working to uphold and promote the UN Convention on the Rights of the Child in Aotearoa New Zealand. We would also like to acknowledge the generous long-term support of the JR McKenzie Trust.

There is great diversity in the experiences and circumstances of children in Aotearoa. We have done our best, in this report, to address those issues we believe to be the most critical to ensuring all rights, for all children, are realised in all circumstances. This is not to diminish the importance of other issues, which we have unfortunately been unable to include due to the word limit for input into the List of Issues Prior to Reporting to inform the UN Committee on the Rights of the Child's 6th periodic review cycle of Aotearoa New Zealand under the Convention.

We acknowledge the reports of the Children's Commissioner and Human Rights Commission, as well as the work of those who have submitted thematic papers. In this report we have, where possible, cross-referenced to the additional information in these thematic papers.

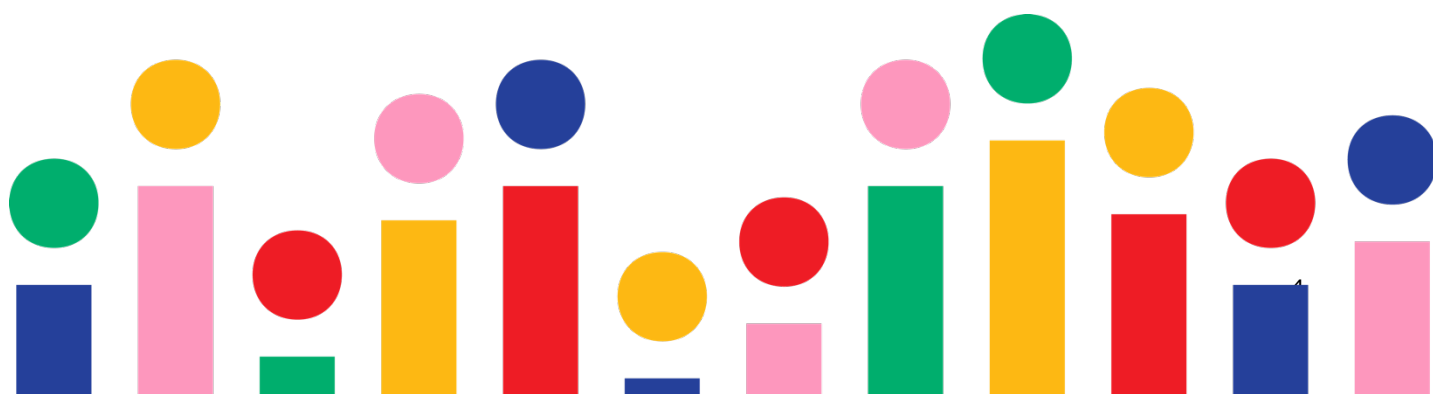


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Introduction

The United Nations Convention on the Rights of the Child (CRC) celebrated its 30th anniversary in 2019 and this occasion was marked by the New Zealand Government (Government) pledging its re-commitment to the CRC. The preceding year, 2018, marked 25 years since Aotearoa New Zealand (Aotearoa) ratified the CRC. This is Aotearoa's 6th CRC periodic reporting cycle. These are all significant milestones.

Yet, despite the passage of quarter of a century, many of the issues in this report have been raised in the previous five reporting cycles and the subject of previous recommendations from the United Nations Committee on the Rights of the Child (the Committee). The parents of children affected by the issues highlighted in this report will, in many cases, have experienced those issues themselves, as children. This reflects not only the intergenerational impact of many of the children's rights challenges in Aotearoa today, but also their persistent and sustained nature and the slow progress in making the CRC real, in practice, for all children in Aotearoa.

The Children's Rights Alliance Aotearoa New Zealand (the Alliance)² submits this report in the sincere hope that Aotearoa chooses to make this 6th periodic reporting cycle a turning point for children's rights.³ Weaving the protection and promotion of children's rights into the fabric of society and respecting children, as taonga,⁴ should become the way we do things in this country.

Signs are promising, with several significant children's rights developments since 2016.⁵

The Child Poverty Reduction Act 2018 requires successive governments to measure, monitor and address child poverty. At the same time as this law was passed, amendments were made to the Children's Act 2014, which now requires successive governments to develop a Child and Youth Wellbeing Strategy (CYWS) and establishes the statutory framework for this.⁶ Under the legislation, the CYWS must have regard to children's

² Formerly Action for Children and Youth Aotearoa, the Children's Rights Alliance Aotearoa New Zealand is a civil society coalition committed to protecting and promoting children's rights in Aotearoa.

³ In this report we use the term "children" to refer to all those aged under 18. We recognise that this classification encompasses many ages and diverse circumstances; and that many young people do not regard themselves as children.

⁴ Taonga means 'treasure' or 'anything prized'.

⁵ Aotearoa's previous periodic CRC reporting cycle ended in 2016.

⁶ The Child Poverty Reduction Bill made changes to the Children's Act 2014 setting out the requirements for adopting and changing the CYWS.

rights in New Zealand law⁷ and help Aotearoa meet its international obligations,⁸ including those under the CRC and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). Significantly, this legislation was passed with almost unanimous support from across Parliament - only one MP⁹ voted against it.¹⁰

Along with their peers globally, tens of thousands of children were part of the estimated 170,000 people in Aotearoa who participated in School Strikes for Climate. These children were claiming their Article 12 rights, demanding climate justice.¹¹ Children met with the Prime Minister and the Climate Change Minister, strongly influencing development of the Carbon Zero Bill.¹²

Children also led calls for other policy changes including the teaching of Aotearoa history in schools and the banning of plastic bags, petitioning Parliament on both these issues.

Parliament is working to make its processes more child-friendly so that children can more easily exercise their citizenship rights.¹³ A child- and youth-led campaign to lower the voting age from 18 to 16 is also underway. "Make it 16" has filed papers claiming the current voting age is inconsistent with the right to be free from discrimination on the basis of age under Aotearoa law.¹⁴

Government has increasingly engaged with children about policy development affecting them, at the highest levels of government.¹⁵ The

⁷ Section 6C.

⁸ Section 6A.

⁹ Member of Parliament.

¹⁰ The significance of cross-party support for the Child Poverty Reduction Bill was noted by the Prime Minister in her 2019 Waitangi Day (Aotearoa's national day) speech. She said: *On child poverty, children who should never carry the burden of the lack of income - on that, we said that we would finally, properly measure what was happening in our country, and we would take action to make sure that we were meeting expectations. And we just didn't do that as a Government - we did that as a Parliament. Every single parliamentarian - bar one which we don't talk about - supported that Child Poverty Reduction Bill and I acknowledge all the parties for that.*

<https://www.beehive.govt.nz/speech/prime-ministers-2019-waitangi-speech>

¹¹ Correspondence with School Strike for Climate NZ to support preparation of written input to the LOIPR, February 2020.

¹² See [Zero Carbon Act submission](#).

¹³ See, for example, <https://www.parliament.nz/en/get-involved/features/youth-workshop-submissions-101/>

¹⁴ See <https://makeit16nz.wordpress.com>

¹⁵ For example, children's views were sought on changes to the care and protection, youth justice education systems. Children were widely consulted on the CYWS development, with the Prime Minister and other relevant Ministers taking children's views into account.

Alliance acknowledges the work of the Office of the Children's Commissioner in promoting the importance of listening to children.¹⁶

These positive developments lay a solid foundation for continued and stronger implementation of the CRC in Aotearoa.

However, significant overarching challenges remain to the equal realisation of all rights, for all children, in all circumstances.

Many children still do not enjoy their rights on an equal basis with other children - children are living with entrenched inequality across many areas of their lives.¹⁷ The increasing diversity of the child population¹⁸ needs to be recognised, and the ongoing structural discrimination and systemic biases in the care and protection, justice, education and health systems addressed.

A significant proportion of children in Aotearoa are facing challenges that are an affront to multiple rights. This intersectionality deepens the impact of a lack of rights protection for children in their everyday lives. The issues outlined in this report are often not experienced by children in isolation; they are interconnected. Addressing children's issues through solutions that take the interdependence and interconnectedness of their rights into account is crucial for Aotearoa's children, today and intergenerationally.

Overall, Aotearoa is in a state of flux, with significant system-level reviews and changes regarding care and protection, youth justice, justice, education, health, mental health, welfare, family justice, disability services, and privacy. These offer tremendous opportunities to properly embed children's rights. However, the promise of future improvements can also obscure the reality of children's lives today. Immediate improvements in children's rights, which could be made, are not currently being made, even when it is clear that change is needed.

We look forward to contributing to the increased protection and advancement of children's rights in Aotearoa, today and in the future, and thank the Committee for considering this report.

¹⁶ Children's Convention Monitoring Group, 2019. [Getting it Right: Are we Listening? Children's Participation Rights in Government Policy.](#)

¹⁷ The Salvation Army, 2020. [State of the Nation Report 2020.](#)

¹⁸ The diverse child population includes: Māori, Pasifika, disabled children, care experienced children, children living in poverty, refugee and migrant children, children of different ethnicities, LGBTQIA+ children, urban and rural children, children with parents in prison, children with disabled parents, babies, young children, older children, adolescents, to name a few. See <https://www.occ.org.nz/assets/Uploads/AgesEthnicityMarch2018.pdf>

Potential questions that we suggest should be put to the New Zealand Government are listed at the end of each cluster for the Committee's consideration.

Questions for the Committee to consider asking Aotearoa New Zealand

- **What progress has been made on previous CRC recommendations, particularly those made in 2016?**

Tamariki Māori¹⁹

The CRC rights of tamariki Māori in Aotearoa must be understood with reference to te Tiriti o Waitangi (te Tiriti)²⁰ and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). When the rights of tamariki Māori under the CRC, te Tiriti, and the UNDRIP are taken as a whole, it is clear that Government holds multiple obligations towards them. It should be taking specific and wide-ranging measures to address the system-wide discrimination and inequities tamariki Māori face, while also ensuring they maintain strong links to their whānau and culture.²¹

While Government must do more to ensure tamariki Māori enjoy the full extent of their rights under the CRC, te Tiriti and UNDRIP, the services

¹⁹ In this report we refer to Māori children as tamariki Māori, acknowledging that this includes Pēpi (babies), Tamariki (children) and Rangatahi (young) Māori.

²⁰ The Treaty of Waitangi 1840 signed by representatives of the British Crown and Māori chiefs (rangatira).

²¹ Tamariki Māori experience significant and pervasive inequities. These inequities arise from inequitable access to the determinants of wellbeing, inequitable access to and through services and care, and from the differential quality of services and care received. This maldistribution is the expression of colonisation, coloniality and racism, whereby the determinants of health and wellbeing continue to be differentially distributed in Aotearoa by ethnicity and specifically, by indigeneity. The inequities that occur for tamariki Māori compared with Pākehā are an end-result of the disproportionate impacts of the socio-political and economic environments that drive poor health and wellbeing outcomes in Aotearoa. See King, P., Cormack, D. & Kōpua, M., 2017. [Oranga Mokopuna: a tāngata whenua rights-based approach to health and wellbeing](#).

and solutions must be designed by Māori, for Māori and with Māori.²² This right of Māori to decide what is best for them and their tamariki is enshrined in te Tiriti and the UNDRIP and is also recognised by the Committee in its General Comment No.11 on Indigenous children and their rights under the CRC.²³

We urge the Committee to keep this context in mind when considering the extent to which Government is protecting the rights of tamariki Māori and working with Māori to design and implement key services and solutions to improve the situation of tamariki Māori.

²² As recently recommended in the Maori-led Inquiry into Oranga Tamariki in relation to the care and protection of tamariki Māori in state care.

See <https://whanauora.nz/assets/62879b6bdf/OT-REVIEW-REPORT.pdf>

²³ UN Committee on the Rights of the Child, 2009. [General comment No. 11 \(2009\): Indigenous children and their rights under the Convention.](#)

A. General measures of implementation (arts. 4, 42 and 44 (6))



Summary statement:

Aotearoa needs a much stronger foundation for implementing the CRC. Important steps have been taken, and changes underway are promising, but there is still a long way to go before, as a matter of course, children's rights are realised.

Children's rights and climate change

Climate change has implications for the implementation of all children's rights and is a significant issue of concern for many children. Through School Strikes for Climate children called attention to their deep concerns about their Pacific Islands neighbours; potential loss of their home, cultures, people and land; climate justice; and their future, demanding:

- That Government declare a climate emergency;
- An ambitious Zero Carbon Act that puts in place a legally enforceable plan to get to net zero carbon by 2040;
- Cessation of all exploration and extraction of fossil fuels;
- Investment in building a renewable and regenerative economy now, ensuring a just transition and that no one is left behind; and that
- Government honour its responsibility to our Pacific Island neighbours.²⁴

In 2019, the Zero Carbon Act was passed requiring a target of net zero carbon by 2050 or sooner, mechanisms to achieve that target, and establishment of a Climate Commission.

Reservations²⁵

The general reservation²⁶ means the CRC may not apply to some children, depending on their authority to be in Aotearoa. There is a growing imperative to remove this reservation.

²⁴ From the [School Strike 4 Climate NZ demands](#).

²⁵ Please see the Special Protection Measures section of this report for comments on Aotearoa's age-mixing and child labour reservations.

²⁶ The text of the general reservation is: Nothing in this Convention shall affect the right of the Government of New Zealand to continue to distinguish as it considers appropriate

Aotearoa is a Pacific nation. Many children in the Pacific have connections with Aotearoa, and many children in Aotearoa have connections with those in the Pacific. Rising sea levels and extreme weather are impacting every aspect of the lives of children in Pacific Islands and may lead to children being in Aotearoa without authority. Climate change requires Aotearoa to consider its legal and moral responsibilities to those in the Pacific, including removing its general reservation to the CRC, so no child who is in Aotearoa is without rights.

For example, in late 2019, Aotearoa experienced a measles outbreak. In Samoa, 83 people, mostly children, died from a measles outbreak.²⁷ One Samoan boy, visiting relatives in Aotearoa, was taken to a clinic in Auckland for vaccination before returning home to Samoa. He was refused. While not strictly within the reservation (he was in Aotearoa lawfully, and was entitled to vaccination under existing policy) this case illustrates how exceptions to entitlement create confusion and discrimination.²⁸ It raises concerns about access to vaccinations for those children without authority to be in Aotearoa, even though they are entitled to them.

Tokelau

Tokelau is moving towards self-governance but, for now, remains a territory of Aotearoa.

Legislation, policy and strategy

Positive steps have been taken since 2016 to better provide for children's rights in Aotearoa's legislation, policy and strategy.

in its law and practice between persons according to the nature of their authority to be in New Zealand including but not limited to their entitlement to benefits and other protections described in the Convention, and the Government of New Zealand reserves the right to interpret and apply the Convention accordingly.

²⁷ See <https://www.rnz.co.nz/international/pacific-news/408045/samoa-s-measles-crisis-wanes-but-questions-remain-unanswered>

²⁸ See <https://www.stuff.co.nz/national/politics/117939562/jacinda-ardern-says-it-was-outrageous-a-toddler-was-refused-vaccination>

Amendments to the Oranga Tamariki Act 1989 oblige any Court or person who exercises powers under the Act to be guided by the CRC and the UNCRPD, and to recognise and commit to the principles of te Tiriti.²⁹

A statutory regime³⁰ has been established to reduce child poverty and enhance wellbeing. The Children's Act 2014 was amended in 2018 to require that rights under domestic law, including those derived from the CRC and UNCRPD, must be considered when the CYWS is adopted or changed. The CYWS is intended to help meet Aotearoa's international obligations, but "*does not, in and of itself, give domestic legal effect to, or implement in New Zealand law, any of those obligations.*"³¹

Despite this progress, Aotearoa has taken, and continues to take, an ad hoc approach to incorporating children's rights into domestic laws, and there is no guarantee that all future legislation will incorporate the CRC. For example, there is no reference to the CRC in the Education and Training Bill currently before Parliament, which is a major concern.³²

This ad hoc approach can also result in inconsistencies:

- in the way children's rights are included in domestic laws, such as the more qualified inclusion in the Children's Act 2014 than in the Oranga Tamariki Act 1989;³³
- internally within a statute, effectively limiting children's rights, even though they are incorporated in the legislation.³⁴

²⁹ Other amendments to the Oranga Tamariki Act 1989 include: a specific requirement to improve outcomes for tamariki Māori; the care and protection age was raised to 21 years; enhanced transition from State care provisions; inclusion of 17-year olds in State care and youth justice; embedding of child participation rights through the redesign of the care and protection and youth justice systems. See sections 5 and 7AA of the Oranga Tamariki Act 1989.

³⁰ The Child Poverty Reduction Act 2018 establishes the statutory regime, including: a focus on child poverty reduction; political accountability against published targets; and transparent reporting on levels of child poverty. Section 3, Child Poverty Reduction Act 2018.

³¹ Subsection 6A(3) of Children's Act 2014.

³² Please see Education section below.

³³ See above.

³⁴ For example, the Care of Children Act 2004 provides that a child must be given reasonable opportunities to express their views (section 6(2)(a)), and any views the child expresses (either directly or through a representative) must be taken into account (section 6(2)(b)). The child's views are usually ascertained by the lawyer appointed by the Family Court to represent the child in the proceedings (section 7). However, in 2014, section 7 was narrowed to require these discretionary appointments to only occur when the Court has concerns for the safety or wellbeing of the child (section 7(a)) and considers an appointment necessary (section 7(b)). A child can meet directly with the judge (section 6(2)(b)) and any such meeting is facilitated by their Lawyer for the Child, who is also always present (Lawyer for the Child Best Practice Guidelines (2015) Family Law Section Executive Committee Wellington, New Zealand).

Application of the CRC in policy development is also ad hoc. The Child Impact Assessment (CIA) Tool developed to guide public servants considering the impact on children of policy or legislative proposals is a good start,³⁵ but it is not mandatory.

The CYWS is a very positive development - improving children's wellbeing is an important part of realising children's rights. However, the CYWS is not a substitute for implementation of the CRC. The relationship between the CYWS and CRC, and what that means for children's rights implementation, remains unclear, despite the CYWS including as one of its nine principles the statement that "Children and young people's rights need to be respected and upheld".³⁶

Coordination

The Children's Convention Deputy Chief Executives Group (DCE Group) is now the 'permanent coordinating mechanism' for implementation of the CRC.³⁷ The DCE Group is led by the Ministry of Social Development (MSD), although this is currently under review and may change. MSD also leads the cross-government CRC work programme.³⁸

To coordinate Government's work on child poverty reduction and the CYWS, Units have been established in the Office of the Prime Minister and Cabinet.

Allocation of resources

Although Government has introduced a Wellbeing Budget,³⁹ and reducing child poverty and improving child wellbeing are one of five priorities under the 2020 Budget Policy Statement,⁴⁰ more transparent tracking of the resources allocated to children and their rights is still required.⁴¹

³⁵ See <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/resources/child-impact-assessment.html>

³⁶ See [Child and Youth Wellbeing Strategy](#).

³⁷ The Social Sector Board which was previously identified as the 'permanent coordinating mechanism' for implementation of the CRC disbanded in 2017.?

³⁸ See <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/monitoring/uncroc/obligations-under-uncroc.html>

³⁹ Wellbeing Budgets aim to measure the country's success not just in monetary terms but also in terms of improving people's wellbeing, including children, protecting the environment and strengthening of communities. See

<https://www.budget.govt.nz/budget/2019/wellbeing/from-mof.htm>

⁴⁰ See <https://treasury.govt.nz/system/files/2019-12/bps2020.pdf>

⁴¹ For additional comment on allocation of resources, please refer: Children's Convention Monitoring Group, 2018. [Getting it Right: Building Blocks](#).

Data collection

Key steps have been taken to improve the information gathered about children and their circumstances⁴² but, overall, the lack of data on children remains a significant concern.

Without comprehensive data it is difficult to identify inequities or inequalities in children's rights and to monitor changes, across cohorts, for children. It is therefore difficult for Government to make well informed decisions to ensure all children, in all circumstances, have equal realisation of their rights.⁴³

As well as the lack of data, disruptions and delays to data collection make it very difficult to track changes for children over time. For example, the most recent official statistics on disabled children are from 2013;⁴⁴ and the latest Youth2000 survey, which was due in 2018, has not been undertaken.⁴⁵

⁴² For example:

- The Child Poverty Reduction Act 2018 requires the Government Statistician to report annually on New Zealand's child poverty rates and its progress towards meeting key targets.
- The Child Poverty Reduction Act 2018 requires the Chief Statistician to provide analysis on 'identified populations' including Māori and Pacific children, disabled children, and children with a disabled parent, guardian, or caregiver in his/her annual report but only if "data is available".
- The Child Wellbeing Strategy requires an annual report to Parliament on progress in achieving social, economic and environmental factors needed for child and youth wellbeing.
- As part of monitoring the CYWS, a new annual data collection effort will sample 15-year olds. The data will be used to measure CYWS outcomes
- The Household Economic Survey will begin to collect data on disabled children and their households.

⁴³ It should be noted that in the New Zealand context, given our population size, it can be make it difficult to understand wellbeing among various population groups and to be able to present statistics in a way that is both confidential (does not identify individuals) and gives confidence in the estimates. There is a need to rely more on surveys targeted at certain groups.

⁴⁴ Although some insight can be gained from looking at data from the Ongoing Resourcing Scheme (ORS). See CCS Disability Action, 2019. [The state of wellbeing and equality for disabled people, their families, and whānau.](#)

⁴⁵ The survey, previously implemented by the Adolescent Health Research Group at the University of Auckland, was conducted in 2001, 2007 and 2012 and has been a rich source of data on school age children used in policy development. In 2016/17 Government outsourced the Youth2000 survey series to Malatest, an international research company.

The implications of data collection for children’s privacy and identity rights also remain ‘live’ issues, as does data sovereignty, especially for Māori.⁴⁶

Independent monitoring

Government is making changes to the Office of the Children’s Commissioner,⁴⁷ providing an opportunity to ensure the Children’s Commissioner has the independence, mandate and resources needed to effectively monitor, protect and promote children’s rights in accordance with the Committee’s General Comment No. 2.⁴⁸

Dissemination, awareness-raising and training

Limited understanding about children’s rights within the public service⁴⁹ undermines a co-ordinated approach to implementing children’s rights. A Child Rights Training module is under development, but progress to finalise and disseminate the training is slow. Aotearoa has pledged re-commitment to the CRC, so training for public servants to understand what this commitment means is even more essential.

⁴⁶ Māori data sovereignty recognises that Māori data should be subject to Māori governance. See <https://www.temanararaunga.maori.nz/>

⁴⁷ Government has reviewed independent oversight of children’s issues and the Oranga Tamariki system. Earlier changes to the Oranga Tamariki system included the establishment of National Care Standards and there was a legislative imperative to have a body established to monitor these standards by 1 July 2019, which was a prompt for the review. As a result of the review, Government announced:

- Resourcing of the Office of the Children’s Commissioner (OCC) will be strengthened to carry out advocacy for New Zealand children and young people
- MSD is establishing a stronger independent monitoring function for the Oranga Tamariki system, to be transferred to the OCC once established.
- Enhanced oversight and investigation of the Oranga Tamariki system by the Ombudsman.

⁴⁸ UN Committee on the Rights of the Child, 2002. [General comment No. 2 \(2002\): The Role of Independent National Human Rights Institutions in the Promotion and Protection of the Rights of the Child.](#)

⁴⁹ UNICEF, 2011. Education and training for professionals working with and for children in NZ.

Questions for the Committee to consider asking Aotearoa New Zealand

- **Are children's rights, including their participation rights, forming an essential basis of climate change adaption and mitigation work and the work of the Climate Commission? How?**
- **How does Government intend to meet its obligations to children with connections in the Pacific region?**
- **What is being done to ensure Tokelauan children's rights are upheld, including the collective dimension of their rights, especially in relation to climate mitigation and adaptation?**
- **How has the CRC been incorporated into domestic legislation to date, and what plans are there to further progress comprehensive incorporation of the CRC into domestic legislation?**
- **What is the connection between the CYWS and the CRC work programme?**
- **What systems and processes are in place to ensure new policy and legislation considers, and provides for, children's rights?**
- **How does Government ensure children's views are consistently sought and considered in all policy and legislation that affects them?**
- **Does the DCE Group have adequate resourcing and authority to fulfil its obligations to co-ordinate and drive the cross-agency implementation of the Convention, and how do they:**
 - **ensure civil servants have children's rights capability?**
 - **support staff in their respective Ministries to take a child rights approach to policy and legislation?**

- **How is coordination of CRC implementation integrated with the CYWS?**
- **How does the Wellbeing Budget take General Comment No. 19 into account, what priority is given to budgeting for children and CRC implementation, and how is spending tracked?**
- **What:**
 - **gaps are there in data about children?**
 - **is being done to improve and support comprehensive, disaggregated data collection about children, that:**
 - **uses consistent measures to enable tracking of progress over time**
 - **ensures trustworthy statistical estimates, while protecting individual privacy**
 - **includes provision of research funding so others can also undertake independent data collection and analysis, build datasets and compare and share data?**
 - **mechanisms are in place to identify, and respond, when data analysis reveals unequal realisation of children's rights?**
- **How are children's rights considered in the collection, management and monitoring of information and data about them, including by the Government Statistician, Chief Information Officer and the Privacy Commissioner?**
- **What changes are being made to the Office of the Children's Commissioner and why?**
- **How will changes strengthen the Children's Commissioner's independence and the effective monitoring, protection and promotion of all children's rights? What are the resourcing implications?**
- **What is being done to promote understanding and application of children's rights, amongst children, the public and within the public service?**

B. Definition of the child (art. 1)



Summary statement:

While there has been steady progress bringing definitions of the child in line with the CRC, this needs to be done more systematically.

Changes to the Marriage Act 1955 in 2018 to protect against forced marriages mean that approval from the Family Court, rather than parents, is now required for the marriage, de-facto or civil union of a 16- or 17-year-old to be recognised.⁵⁰

The Oranga Tamariki Act 1989 now includes, with some exceptions, 17-year-olds.⁵¹

Questions for the Committee to consider asking Aotearoa New Zealand

- **What processes are in place to ensure that definitions of the child in existing, new and reviewed legislation, regulation, codes of practice and policy are consistent with the CRC?**

⁵⁰ Marriage (Court Consent to Marriage of Minors) Amendment Act 2018.

⁵¹ The care and protection provisions cover all those aged up to 18. The youth justice system also now covers young people aged up to 18, although there are some exceptions which mean those under 18 are dealt with by the adult justice system.

C. General principles (arts. 2, 3, 6 and 12)



Summary statement:

The general principles are key to maximising the wellbeing of all children in Aotearoa. Currently, they are not systematically or consistently applied.

Right to non-discrimination⁵²

As demonstrated throughout this report, some children and groups of children – particularly tamariki Māori, but also Pasifika children, disabled children and children living in poverty⁵³ - face persistent systemic inequality, discrimination and injustice.

Children in Aotearoa continue to face racism⁵⁴ and bullying.⁵⁵

Best interests⁵⁶

While the best interests principle is fundamental in family law, its indeterminacy creates challenges in its meaning and use. There are similar challenges in the application of the best interests principle in policy development and service delivery. While welcome, the CIA Tool does not

⁵² Please see the thematic papers submitted by Child Poverty Action Group, CCS Disability Action, and VOYCE Whakarongo Mai for more information regarding the right to non-discrimination.

⁵³ In addition to unequal realisation of rights due to poverty, the In-Work-Tax-Credit (IWTC) has been found to directly discriminate against some 230,000 children whose parents are beneficiaries, including those who are studying full-time and receiving a student allowance. They are denied assistance given to others. In June 2013, the Court of Appeal found that the IWTC discriminated against children of beneficiaries, but the discrimination was justified by social and economic policy which the Court regarded as the purview of Parliament (*CPAG v Attorney-General* [2013] NZCA 402). See Harris, M. *Justified Discrimination* [2013] NZLJ 363.

⁵⁴ Demonstrated throughout this report.

⁵⁵ See section H of this report.

⁵⁶ Please see the thematic papers submitted by Child Poverty Action Group, CCS Disability Action, and VOYCE Whakarongo Mai for more information regarding best interests.

fully address the Committee's 2016 recommendation regarding strengthening understanding and processes for applying Article 3.⁵⁷

When the best interests of tamariki Māori are assessed, their cultural rights and need to exercise these rights collectively with members of their whānau, hāpu and iwi must also be considered. Legislation, policies and programmes that affect tamariki Māori should also be developed in consultation with tamariki Māori and their whānau on how the best interests of tamariki Māori can be decided in a culturally sensitive way.⁵⁸

Right to life, survival and development

Children's rights to life, survival and development are not realised equally in Aotearoa.

Tamariki Māori and Pasifika children have high mortality rates compared to other ethnic groups and children living in the most deprived areas in New Zealand are 2.5 times more likely to die than children living in the least deprived areas.⁵⁹

New Zealand's youth suicide rate is currently the highest in the OECD. Year on year, the youth suicide rate continues to increase.⁶⁰ In 2018/19, 84 young New Zealanders between the ages of 10 and 19 died by suicide. Eleven of them were under the age of 15.⁶¹ Between 2013-2017, suicide was the leading cause of intentional deaths in tamariki and rangatahi Māori from age 10 years upwards. Suicide rates are also high in Pasifika children and youth and, overall, more frequent in young people who live in high deprivation areas.⁶² Government is responding by establishing a Suicide Prevention Office⁶³ and a Mental Health and Wellbeing

⁵⁷ The [CIA Tool](#) notes "*The best interests of children or young people may be given primary consideration but a policy proposal, service implementation or piece of legislation may still proceed or be supported despite any negative aspects identified by a CIA analysis.*"

⁵⁸ UN Committee on the Rights of the Child, 2009. [General comment No. 11 \(2009\): Indigenous children and their rights under the Convention.](#)

⁵⁹ Child and Youth Mortality Review Committee, June 2019. [14th data report 2013-17.](#)

⁶⁰ See https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12262081

⁶¹ See <https://www.newshub.co.nz/home/new-zealand/2019/08/new-zealand-s-suicide-statistics-increase-on-last-year.html>

⁶² See <https://www.hqsc.govt.nz/assets/CYMRC/Publications/CYMRC-14th-data-report-2013-17-final-June2019.pdf>

⁶³ The Suicide Prevention Office is part of Government's "Every Life Matters" Suicide Prevention Strategy and Action Plan and it invested \$40 million into suicide prevention in the Wellbeing Budget 2019. Dedicated funding of \$12 million for a Māori and Pacific suicide prevention community fund to support suicide prevention initiatives for the next four years was also recently announced.

Commission, as well as funding increased mental health services for children and adolescents.⁶⁴

In addition to the lives lost through suicide, the most fundamental of rights - the right to life - was not honoured for each child behind the following statistics:

- Each year 20 children are killed by diseases linked to unhealthy housing like pneumonia, asthma and bronchiolitis.⁶⁵
- Traffic incidents, including pedestrians, are a leading cause of death in children, peaking at 18 years of age and most predominant among males and rangatahi Māori.⁶⁶
- Between 2009-2015, 56 children were killed through abuse or neglect.⁶⁷ Aotearoa has one of the worst child homicide rates in the world, ranking 33 out of 41 developed countries.⁶⁸
- Four children were among 51 victims killed in the terrorist attack on two Christchurch Mosques on 15 March 2019.⁶⁹
- In the year ended December 2019, four people aged under 18 died at work.⁷⁰

Right to participation

There has been progress implementing Article 12 rights, with greater attention being given to the views of children in the policy process. The "Are we listening?" report by the Children's Convention Monitoring Group (CMG)⁷¹ noted that:

In 2019, we are seeing signs of change. There has been an upswing in interest from government agencies in considering the views of children and some recent positive legislative changes. This gives us reason to hope that New Zealand's approach to ensuring child participation in the policy process will continue to evolve and improve.⁷²

⁶⁴ See <https://www.health.govt.nz/our-work/mental-health-and-addictions/suicide-prevention-new-zealand/suicide-prevention-strategy-and-action-plan>

⁶⁵ See section G of this report.

⁶⁶ Child and Youth Mortality Review Committee, June 2019. [14th data report 2013-17](#).

⁶⁷ Family Violence Death Review Committee, 2017. [Fifth Data Report: January 2009 to December 2015](#); See section E of this report.

⁶⁸ UNICEF, 2017. [Building the Future: Children and the Sustainable Development Goals in Rich Countries](#)

⁶⁹ See sections D and I of this report.

⁷⁰ See https://data.worksafe.govt.nz/editorial/fatalities_summary_table

⁷¹ See <https://www.occ.org.nz/childrens-rights-and-advice/uncroc/uncroc-role/>

⁷² Children's Convention Monitoring Group, 2019. [Getting it Right: Are we Listening? Children's Participation Rights in Government Policy](#)

This progress needs to be built on, to create a culture and practice of listening to all children, enabling them to actively participate in their everyday lives, including in decisions affecting them. For example, children have been consulted as part of changing the education system,⁷³ and this needs to lead to increased democratisation and participation within classrooms.

In relation to family dispute resolution, an Independent Panel, appointed by Government in 2018, examined the 2014 reforms to the family justice system and identified that children's right to participate is still not widely recognised or valued.^{74 75}

There is also a need to ensure targeted efforts are made to seek the views of key cohorts of children. Tamariki Māori have distinct participation rights under te Tiriti, the CRC and the UNDRIP (noting that their rights under the UNDRIP extend to 'free, prior and informed consent'). Key groups, such as children living in poverty and disabled, Pasifika, LGBTQIA+, refugee and migrant children also need to be better supported to participate in issues that impact on them.

Questions for the Committee to consider asking Aotearoa New Zealand

- **What action has been taken since Aotearoa's last periodic CRC report in 2016 to:**
 - **address disparities between different groups of children, especially for Māori and Pasifika children, disabled children and those living in poverty?**
 - **combat negative attitudes towards groups of minority children and prevent discrimination?**

⁷³ See <https://conversation.education.govt.nz/assets/TSR/Tomorrows-Schools-Review-Report-Dec2018.PDF>; <https://conversation.education.govt.nz>

⁷⁴ The Independent Panel made strong recommendations to Government in their 2019 report [Te Korowai Ture ā-Whānau](#) on how the family justice system could be improved to, among other things, be more child-centred, culturally sensitive and whānau-focused. Government announced it would unveil a 'programme for change' in early 2020 to implement the Panel's recommendations, but this is yet to occur.

⁷⁵ Please see the thematic report submitted by the Backbone Collective for more information on children's rights in the Family Justice system.

- **With reference to 2016 concluding observations and General Comment No.14 (2013):**
 - **How will Government's response to Independent Panel's recommendations in Te Korowai Ture ā-Whānau on the 2014 family justice reforms strengthen application and implementation of the best interests principle and children's participation rights?**
 - **What policies, procedures and criteria are in place to ensure the best interests of the child are properly and consistently applied as a primary consideration across Government, including in:**
 - **Oranga Tamariki - care, protection and youth justice**
 - **Housing**
 - **Health**
 - **Disability**
 - **Welfare**
 - **Family Justice**
 - **Privacy**
 - **Education**
 - **Immigration**
 - **Climate Change**
 - **The Budget process?**

- **What is Government doing to:**
 - **prevent child and youth suicide, especially for tamariki Māori and Pasifika children, addressing interconnected root causes such as poverty and economic deprivation and inequality, homelessness, mental distress, bullying and discrimination, substance addiction, family violence and abuse, and intergenerational trauma?**
 - **prevent child deaths from preventable diseases, traffic incidents, abuse, neglect, homicide, terrorism, and at work?**

- **What is being done to make sure all children (including those with disability or communication difficulties, or for whom English is a second language) are able to participate meaningfully in:**
 - **the policy process**
 - **their everyday lives**
 - **shaping their school environment**
 - **school restorative justice and stand-down processes**
 - **the family justice system**
 - **local government?**

D. Civil rights and freedoms (arts. 7, 8, and 13-17)



Summary statement:

Greater consideration needs to be given to children's civil rights and freedoms, particularly the rights of tamariki Māori to preserve both their individual and collective identity and maintain their links with whānau and culture.

Right to identity

For tamariki Māori, identity rights – particularly their right to preserve both their individual and collective identity⁷⁶ and maintain their links with whānau and culture – are protected not only under the CRC, but also by te Tiriti and UNDRIP.

Changes to the Oranga Tamariki Act 1989 are intended to protect the identity rights of tamariki Māori,⁷⁷ as are the new National Care Standards.⁷⁸

However, the recent increase in the numbers of tamariki Māori, including pēpi Māori, in State care⁷⁹ call into question whether sufficient consideration has been given to identity rights when decisions are made to remove tamariki from whānau, hāpu and iwi.⁸⁰

Children's rights to identity and culture, especially for tamariki Māori, must also be protected when they are adopted or otherwise enter permanent care. Aotearoa's adoption laws remain inconsistent with the

⁷⁶ In 2016, the Committee recommended that all government agencies developing legislation and policies affecting children take into account the collective dimension of Māori cultural identity and the importance of their extended family (whānau) for Māori children's identity.

⁷⁷ Section 7AA of the Oranga Tamariki Act 1989 requires the policies, practices and services of Oranga Tamariki to have regard to the mana tamaiti (tamariki) and the whakapapa of Māori children and young persons and the whanaungatanga responsibilities of their whānau, hapu and iwi.

⁷⁸ [Oranga Tamariki \(National Care Standards and Related Matters\) Regulations 2018](#).

⁷⁹ See Family Environment and Alternative Care section.

⁸⁰ For a fuller discussion of these issues, see Whānau Ora Commissioning Agency, 2020. [Ko Te Wā Whakawhiti: It's Time for Change](#).

CRC, despite numerous recommendations from the Committee over the past 25 years.⁸¹

Migrant children's identity

"I had a lot of internalised racism and I didn't want to be Chinese so with that I didn't want to be speaking Chinese. ... My mum made me go to Chinese school, once I wrote ... how I didn't want to be Chinese. It was such a big mistake because my mum read it and made me go to Chinese school for five years."⁸²

Aotearoa is becoming increasingly culturally diverse. Migrant children and the children of immigrant parents can find it hard to maintain links with their heritage culture and language while developing their identity as a child of Aotearoa. Young people with immigrant parents explain that it can be hard to find ways to deal with issues or access services, such as mental health services, that are culturally appropriate for them.^{83 84}

Freedom of religion and association

"When you see hatred, you say love, when you see anger, you say peace."⁸⁵

Following the terrorist attack on two Christchurch Mosques on 15 March 2019, thousands of students gathered together in Christchurch, leading a vigil based in unity and love to honour those who died, including their classmates.⁸⁶ Four children were among the 51 victims killed, and amongst the forty-nine others injured was a four-year-old child. The

⁸¹ Please see section I of this report for additional comment on tamariki Māori rights to enjoy their culture and use their own language.

⁸² Julie Zhu, who immigrated to Aotearoa when she was four years old. See <https://www.rnz.co.nz/programmes/the-detail/story/2018734196/kiwi-immigrants-on-picking-up-their-culture-generations-on>

⁸³ From discussion at CRAANZ Christchurch workshop 2018.

⁸⁴ Please see section I of this report for additional comment on heritage language learning.

⁸⁵ Cashmere High School Head Boy in a [speech](#) given at a Christchurch vigil held in remembrance of those who lost their lives in the Mosque shootings.

⁸⁶ See <https://www.aljazeera.com/news/2019/03/turn-love-students-pay-tribute-nz-attack-victims-190318110039379.html>

victims left behind 92 children and more than 100 siblings, many of whom were under 18.⁸⁷

Prior to the attacks the Muslim community had raised concerns about not feeling safe.⁸⁸

Aotearoa's response to the tragedy affirmed freedom of religion and association, with people around the country attending vigils and showing support for the Muslim community.⁸⁹ Despite this, it is clear that ongoing vigilance is required to ensure all children can exercise their rights to freedom of religion and association without fear, especially as time passes since the attacks.

Privacy and information rights

With the ever-changing data environment, including digital profiling, it remains critical the collection, storage and sharing of information is consistent with children's privacy, information rights, views and best interests, and that the appropriate balance is struck between protection and participation rights.

A recent study on digital inclusion and wellbeing in Aotearoa found internet access for different ethnic groups differed, with Pasifika students reporting substantially lower rates of internet access than students of other ethnicities. There is also lower access for people in social housing, those with disability and those in larger country towns.⁹⁰

In terms of protection from harm, Netsafe has identified that nearly half of teens (aged 13-17 years) were exposed to at least one of the six different types of potentially harmful online content they were asked about.⁹¹

The Office of Film and Literature Classification has the mandate to protect children from harmful content. It immediately took steps following the Christchurch mosque attacks to protect children from viewing the livestream recording, classifying the material as objectionable and

⁸⁷See <https://interactives.stuff.co.nz/2019/04/brokenhearted/> ; <https://shorthand.radio.nz.co.nz/they-are-us/index.html> ; <https://www.rnz.co.nz/news/national/385149/eight-people-still-in-critical-condition-after-christchurch-shootings>

⁸⁸ See <https://www.rnz.co.nz/news/national/395462/emails-reveal-islamic-women-s-council-s-battle-for-government-attention>

⁸⁹ See <https://www.rnz.co.nz/news/national/385351/thousands-attend-vigils-to-remember-mosque-shooting-victims>

⁹⁰ Grimes, A. & White, D., 2019. [Digital Inclusion and Wellbeing in New Zealand](#).

⁹¹ Netsafe, 2019. [Ngā taiohi matihiko o Aotearoa – New Zealand Kids Online](#).

offering practical advice on talking with children and keeping them safe from the footage.⁹²

The Advertising Standards Authority's Children and Young People's Advertising Code has been amended and refers to the CRC.⁹³

Media and children's books

Media and books are central to children's identity, freedom of expression and information rights. These rights have been recognised by introduction of the HeiHei media platform,⁹⁴ but this is at a rudimentary level, serving a narrow age band and without interactive capability. Current reorganisation of state-funded media appears to be downgrading access and content further.⁹⁵

There have been calls for greater attention to be given to children's books, including through the appointment of a Children's Laureate to champion children's literature in Aotearoa and to support and strengthen children's cultural identities through stories that reflect their lives.⁹⁶

Questions for the Committee to consider asking Aotearoa New Zealand

- **What steps is Government taking to ensure legislation, policy and practice arrangements (including adoption) governing the care of children are consistent with children's rights under the CRC and UNCRPD, and the rights of tamariki Māori under te Tiriti and UNDRIP?**
- **How have, or are, children's rights being factored into responses to the Christchurch Mosque attacks?**

⁹² See <https://www.classificationoffice.govt.nz/news/latest-news/oflc-response-to-christchurch-what-you-can-do/>

⁹³ See <https://www.asa.co.nz/codes/codes/children-and-young-people/>

⁹⁴ See <https://www.heihei.nz/config/browse/screen/home/>

⁹⁵ For example, recently proposed changes to Radio NZ and concerns about impact on children's access to classical music. See <http://wellington.scoop.co.nz/?p=125655>

⁹⁶ See <https://www.facebook.com/pages/category/Community/New-Zealand-needs-a-Childrens-Laureate-176870022478084/>. These calls were strongly supported by children's book author Gavin Bishop on his receipt of a 2019 Prime Minister's award for literary achievement.

- **What is being done, including through CYWS work, to ensure that children are free from racism, discrimination and stigma, and to protect and uphold children's rights to freedom of religion and association?**
- **With the ever-changing data environment, how does Government ensure that the collection, storage and sharing of information is consistent with children's privacy, information rights, views and best interests?**
- **What steps are being taken to ensure digital inclusion, and an appropriate balance of access to information and protection from harm for all children (inside and outside their home)?**
- **What is being done to ensure all children can access the information/stories of Aotearoa culture, including Te Ao Māori, that are important to them via screens and other media, including books?**

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)



Summary statement:

Violence is a critical, pervasive issue in Aotearoa and it is essential that children, and the way violence affects them, is well-understood, prevented and responded to as an integral part of Government's work programme addressing violence.

Since 2016, Government has taken a number of steps to combat child abuse and neglect, and violence against children, including family violence.⁹⁷ Still, the magnitude of the problem of abuse, neglect and violence against children continues to be significant and deeply concerning, with little significant change since our last report.

The scale and persistence of the problem is clear. While Aotearoa's homicide rate is below the OECD average, rates of family violence,

⁹⁷ Key developments include: Family Violence Act 2018 – which aims to enable the family violence sector to have a more consistent response to victims and those who inflict family violence. See <https://www.justice.govt.nz/justice-sector-policy/key-initiatives/reducing-family-and-sexual-violence/a-new-family-violence-act/>; Sexual Violence Legislation Bill – which proposes to improve the court system's response to sexual violence. See <https://www.beehive.govt.nz/release/sexual-violence-legislation-bill-has-its-first-reading>; 2018 and 2019 Wellbeing Budgets – over two years increased funding to family and sexual violence prevention and support services, provision for public education and awareness campaigns aimed at stopping family and sexual violence, and changes to court processes to reduce re-traumatisation; Child and Youth Wellbeing Strategy – includes a Programme of Action to prevent harm and abuse, including the development of a national strategy and action plan to prevent and eliminate family and sexual violence, investment in family violence prevention activities and a work programme to prevent online child sexual exploitation and abuse. See <https://childyouthwellbeing.govt.nz/resources/current-programme-action.html#child-6>; Oranga Tamariki's Safety of Children in Care - a new unit and reporting system to reduce the harm experienced by children in care was established in 2018. See <https://www.orangatamariki.govt.nz/being-in-care/safety-of-children-in-care/>; Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions established in 2018.

particularly intimate partner violence and child abuse, consistently outrank those in other developed countries.⁹⁸

Between 2009-2015, 56 children were killed through abuse or neglect.⁹⁹ In 2019, Police undertook 68,813 investigations into family harm¹⁰⁰ and, during the 12 months up to September 2019, 86,200 reports of concern about children were made to Oranga Tamariki, involving 62,300 individual children and young people.¹⁰¹ Over the past four years there has been a 40% increase in serious assaults against children resulting in injury.¹⁰²

Sexual violence is also an issue. In the 2018 New Zealand Crime and Victims Survey, 18% of 15-19-year olds reported experiencing sexual assault.¹⁰³ In 2018/19, 1,350 people were charged with sexual offences; more than half of these people were charged with an offence against a child under 16 years.¹⁰⁴

Some groups of children face higher risks of experiencing violence. For example:

- LGBTQIA+ students are at higher risk of being subject to violence at school.¹⁰⁵
- The abuse of children in State care, particularly, tamariki Māori, continues to be a significant problem.¹⁰⁶
- A recent review of more than 16,000 child and youth offender records since 2013 showed that 80% of these offenders under the age of 17 had evidence of family violence in their homes.¹⁰⁷

For children who have suffered violence, trauma or abuse, access to child-friendly reporting channels, physical psychological rehabilitation and health services, including mental health services, remains limited.¹⁰⁸

⁹⁸ See <https://www.stuff.co.nz/national/crime/112724319/the-homicide-report-nzs-family-violence-record-horrific-says-jacinda-ardern>

⁹⁹ Family Violence Death Review Committee, 2017. [Fifth Data Report: January 2009 to December](#)

¹⁰⁰ NZ Police, 2019. [Our data – You Asked Us](#).

¹⁰¹ Oranga Tamariki, 2019. [Quarterly Report – September 2019: Care and Protection Statistics](#)

¹⁰² The Salvation Army, 2020. [State of the Nation Report 2020](#)

¹⁰³ See <https://www.justice.govt.nz/assets/Documents/Publications/NZCVS-Lifetime-SV-IVP.pdf>

¹⁰⁴ Ministry of Justice, 2019. [Justice Statistics data tables: Notes and trends for 2018/2019](#).

¹⁰⁵ See <http://www.bullyingfree.nz/about-bullying/lgbtqia/>

¹⁰⁶ As detailed in section F.

¹⁰⁷ Office of the Prime Minister's Chief Science Advisor, 2018. [It's never too early, never too late: A discussion paper on preventing youth offending in New Zealand](#).

¹⁰⁸ Government Inquiry into Mental Health and Addiction, 2018. [He Ara Oranga](#).

Questions for the Committee to consider asking Aotearoa New Zealand

- **How are children's rights factored into Government's violence prevention work programme?**
- **How are cases of violence against children monitored, including in the Family Court, to understand the true extent of child abuse, neglect and violence against children in New Zealand?**
- **What proportion of the annual public budget is allocated to:**
 - **Prevent child abuse, neglect and violence against children? and**
 - **To respond to cases of child abuse, neglect and violence against children?**
- **What progress has Government made in developing a comprehensive strategy to combat abuse of children – including child abuse, neglect, family violence and sexual abuse – and how have children and their families and whānau participated in developing the strategy?**
- **What immediate and long-term support services can children who experience or witness family violence access?**
- **What community-based initiatives is Government funding to equip families, whānau and communities to prevent and respond to child abuse, neglect and violence against children, working together with community organisations and NGOs?**

F. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20, 21, 25 and 27 (4))¹⁰⁹



Summary statement:

Over recent years there has been a strong focus on the state care system. An equal focus is now needed on preventing children from going into state care by establishing the conditions and support that allow children to grow, safely and well, being cared for by their families and whānau, hapu and iwi. When it is necessary for a child to be removed from their family or whānau care, the reasons and process for removal, as well as the child's experience of care, must be consistent with their CRC rights.

The removal of children from their families and whānau into state care is a critical issue, particularly for tamariki Māori.¹¹⁰ As of 30 June 2019, 6,447 children were in state care in Aotearoa, of whom 69% were Māori.¹¹¹ The number of children in care has risen by 24% in the five years since 2014. Some of this increase is explained by the raising of the age for state care to 18 years in 2017, but the scale of the increase indicates that the number of younger children in care is also rising.¹¹²

Partnerships with iwi and Māori organisations have the potential to bring about significant change for tamariki Māori by making it more likely they will remain with their whānau and maintain their links to culture. So far, Oranga Tamariki has entered into agreements with four iwi.¹¹³ Ngāti Porou - one of the largest iwi in Aotearoa - has also committed to no more Ngāti Porou tamariki entering state care from 2025 and called for greater resourcing of their iwi-led model of care.¹¹⁴

¹⁰⁹ Please see the thematic paper submitted by VOYCE Whakarongo Mai for more information regarding the rights state-care experienced children and young people.

¹¹⁰ Whānau Ora Commissioning Agency, 2020. [Ko Te Wā Whakawhiti: It's Time for Change](#).

¹¹¹ The Salvation Army, 2020. [State of the Nation Report 2020](#)

¹¹² The Salvation Army, 2020. [State of the Nation Report 2020](#)

¹¹³ See <https://www.orangatamariki.govt.nz/about-us/working-with-others/>

¹¹⁴ See <https://ngatiporou.com/article/caring-our-tamaiti-mokopuna-launch>

A Royal Commission of Inquiry into Abuse in State and Faith-based Care,¹¹⁵ established by Government in February 2018, is underway and has a focus on abuse in care between 1950-1999, with discretion to assess allegations of abuse after 1999. It is envisaged that the Inquiry's interim (due December 2020) and final (due 2023) reports will have implications for the functioning of the contemporary child welfare system.

Despite these developments, the following persistent or emerging issues remain:

1. **Overrepresentation of tamariki Māori in state care** – Tamariki Māori are disproportionately overrepresented in state care (69% of children in state care are Māori; whereas only 25% of all children in Aotearoa are Māori). Tamariki Māori are taken into custody at a higher rate than non-Māori and the rate of tamariki Māori in state care has been comparatively higher than non-Māori over a long period of time. In 2018, the rate of state custody for tamariki Māori was almost seven times higher than non-Māori. These inequities for tamariki Māori continue to widen over time.¹¹⁶
2. **High number of babies, especially pēpi Māori, taken into state care** – The removal of newborns into care, especially the disproportionate removal of pēpi Māori from their whānau, is an issue of great concern and currently subject to four independent reviews.¹¹⁷ In 2019, pēpi Māori under three months old were five times more likely to be removed compared to non-Māori newborns. Additionally, there has been an increasing trend towards making decisions during pregnancy to remove babies after birth, and this trend has been greater for Māori than non-Māori. Pēpi Māori are also twice as likely to be subject to 'urgent removals' – where a decision to take a baby into state care is made by social workers and the Family Court, often without family and whānau

¹¹⁵ See <https://www.abuseincare.org.nz>

¹¹⁶ Office of the Children's Commissioner, 2020. [Statistical Snapshot: Pēpi Māori 0-3 Months and the Care and Protection System](#).

¹¹⁷ The following reviews of removals of pēpi Māori into state care have been or are being undertaken: Children's Commissioner's review. The Commissioner recently released data and information as part of this review with a final report due later 2020. See: <https://www.occ.org.nz/publications/news/assessments-and-removals-of-pepi-maori-into-state-care-made-earlier/>; Chief Ombudsman's investigation. See <https://www.ombudsman.parliament.nz/what-we-can-help/our-work-children-care#toc-2>; Māori-led inquiry into Oranga Tamariki, commissioned by the Whānau Ora Commissioning Agency. See [Ko Te Wā Whakawhiti: It's Time for Change](#); Urgent Waitangi Tribunal Inquiry. See <https://www.tvnz.co.nz/one-news/new-zealand/waitangi-tribunal-launches-fifth-oranga-tamariki-baby-uplifts-inquiry>

involvement.¹¹⁸ Anecdotal reports also indicate increased removals of newborns from parents with disabilities, particularly parents with intellectual disability.¹¹⁹

3. **Subsequent children provisions** - A law change in 2016 shifted the presumption underpinning decisions about whether to take a newborn baby into care.¹²⁰ When parents have had previous children permanently removed due to abuse or neglect, or have been convicted of causing the death of a child they cared for, it is assumed that any subsequent child, born or unborn, they are caring for is in need of care or protection. The parent (often a mother) bears the burden of proof for satisfying Oranga Tamariki they are unlikely to allow harm to come to the subsequent child. This law change has contributed to the increased number of newborns being taken into care, often in circumstances that are traumatic for all involved.^{121 122}
4. **Harm experienced by tamariki Māori and girls in state care** – 6% of children in state care experienced harm in 2018-19. Of this number, 70% of the children harmed were Māori. More girls (54%) than boys in state care were found to have experienced harm, with girls twice as likely to experience sexual harm. Incidents of harm mostly occurred within family, rather than non-family, placements.¹²³
5. **Placement of tamariki Māori with non-Māori families** – It is unclear to what extent tamariki Māori are placed with non-Māori caregivers. In general, 79% of children were placed in the care of family or whānau or with a caregiver of the same ethnicity over the past two years, while 11% were placed with a caregiver of a

¹¹⁸ Office of the Children’s Commissioner, 2020. [Statistical Snapshot: Pēpi Māori 0-3 Months and the Care and Protection System](#).

¹¹⁹ It is not possible to identify how many children taken into care have parents with disability, due to lack of data. However, over the last three years disability advocates report an apparent increase (informal communication with the Alliance).

¹²⁰ Sections 18A-18D of the Oranga Tamariki Act 1989.

¹²¹ See, for example, <https://www.rnz.co.nz/news/te-manu-korihi/361215/subsequent-child-rules-i-did-not-understand-how-they-could-take-baby>

¹²² See <https://www.stuff.co.nz/national/107671720/the-number-of-newborn-babies-removed-from-their-parents-is-rising>

¹²³ Oranga Tamariki, 2019. [Safety in Care: Annual Report July 2018 to June 2019](#).

different ethnicity.¹²⁴ Specific data on “ethnicity match with caregiver” is needed on tamariki Māori to ensure every effort is being made to fulfil their rights to culture and identity.

6. **Wellbeing of children in state care** - Recent analysis by the Office of the Children’s Commissioner found that children and young people in non-family care fare worse than their peers across a range of wellbeing indicators.¹²⁵ The biggest differences between the results for children and young people in care and those who are not in care related to spending time with family and whānau and being able to make decisions.

7. **Inadequate support for families and whānau** – Budget 2019 allocated \$31.6 million over four years for Oranga Tamariki to work with iwi, Māori and Pacific organisations and the wider community sector to design intensive intervention to support families and whānau. New services are being developed in four communities: Christchurch East, Tokoroa, Horowhenua, and Ōtāhuhu.¹²⁶ While this is a welcome development, it raises questions as to what is being done in the rest of the country to ensure Oranga Tamariki social work practice supports children growing up knowing and being cared for by their families and whānau.

8. **Inadequate data on, and accommodations for, disabled children** – There is a serious lack of data about disabled children in the care, protection and youth justice systems. Oranga Tamariki does not collect data on the needs and experiences of disabled children. However, based on the limited research available, it can be assumed that children with disabilities are overrepresented in both systems.¹²⁷

¹²⁴ Oranga Tamariki, 2019. [Quarterly Report – September 2019: Care and Protection Statistics](#)

¹²⁵ Office of the Children’s Commissioner, 2019. [What makes a good life? Follow-up report – views of children and young people in care on wellbeing.](#)

¹²⁶ See <https://www.orangatamariki.govt.nz/about-us/intensive-intervention-for-whanau/>

¹²⁷ IHC, 2017. [Submission on the Children, Young Persons and Their Families \(Oranga Tamariki\) Legislation Bill 2017.](#)

9. **Challenges for children in care with a parent in prison** – It is often difficult for children to maintain a relationship with parents and family members in prison, including through visits.¹²⁸

10. **Availability, training and support of caregivers** - A shortage of caregivers, and a lack of training and support for them has significant implications for the quality of alternative care. Approximately 18,000 children are in alternative care arrangements not covered by Oranga Tamariki.¹²⁹ This includes kin-based carers such as grandparents raising grandchildren. Kin-based caregivers do not have access to the same levels of support as Oranga Tamariki caregivers, despite grappling with the same challenges. Caregivers for children with high and complex needs are in short supply, limiting placement options and quality of care for these children.

Ensuring tamariki Māori, as Indigenous children, maintain links to family and culture is a key principle of the CRC, as articulated by the Committee in General Comment No. 11.¹³⁰

Serious questions about how well Government has met these obligations to tamariki and whānau Māori have been asked by the Children's Commissioner and the Whānau Ora Commissioning Agency in the last 12 months.¹³¹

Similarly, children with disabilities have CRC rights as children, and rights as people with disabilities under the UNCRPD, and it is essential that both are taken into account by the care system, including on entry into care and transition from care.¹³²

¹²⁸ Social Policy Evaluation and Research Unit, 2015. [Improving outcomes for children with a parent in prison](#). Pillars, an organisation that provides support to children who have a parent in prison, have developed a [Bill of Rights for Children of Prisoners](#).

¹²⁹ Fostering Kids New Zealand estimates that more than 25,000 children and young people in Aotearoa cannot live with their biological parents because it is not safe. That means over 19,000 children in alternative care arrangements, in addition to the 6,400 in state care. See <https://fosteringkids.org.nz/about-our-charity/>

¹³⁰ UN Committee on the Rights of the Child, 2009. [General comment No. 11 \(2009\): Indigenous children and their rights under the Convention](#).

¹³¹ Office of the Children's Commissioner, 2020. [Statistical Snapshot: Pēpi Māori 0-3 Months and the Care and Protection System](#); Whānau Ora Commissioning Agency, 2020. [Ko Te Wā Whakawhiti: It's Time for Change](#).

¹³² Talking Trouble, 2018. [Youth Voices about Youth Justice](#). Talking Trouble's Youth Voices about Youth Justice report demonstrates the importance of adjusting the care system, so it works for all children. Talking Trouble works to address the speech, language and communication needs of children, youth and adults involved with justice, care and protection, mental health and behavioural services.

Questions for the Committee to consider asking Aotearoa New Zealand

- **What steps is Government taking to address these persisting and emerging issues of concern relating to children’s family environments and alternative care, and to monitor and evaluate the impact of changes to the care and protection and youth justice systems, including:**
 - **specific measures, in partnership with Māori, to address the enduring and disproportionate overrepresentation of tamariki Māori in state care and to ensure tamariki Māori remain with their whānau or, if in state care, maintain strong links to their whānau,¹³³ language and culture?**
 - **its commitment to enhance child participation?**
 - **its obligations to disabled children?**

- **What awareness raising and training is being done to ensure those exercising responsibilities under the Oranga Tamariki legislation are able to do so in ways that uphold children’s rights, including children’s identity rights, and are meeting their obligations to support those who care for children?**

¹³³ Including their parent(s)/loved ones in prison.

G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)



Summary statement:

In Aotearoa, a triple jeopardy for poor health in children is evident - poverty, unhealthy housing and inadequate basic health care.¹³⁴ Until Aotearoa comprehensively addresses these issues through a more strategic multi-sector policy response, children's right to health will remain compromised.¹³⁵

Disabled children¹³⁶

Disabled children continue to be largely either invisible or treated differently under Government policies, including in areas such as health, education and care and protection.¹³⁷

Disabled children are significantly more likely to live in poverty in Aotearoa:¹³⁸

- Disabled children are more likely to live in a one-parent household and 86% of disabled children who live in households earning less than \$30,000 a year are in one-parent households; and
- Unemployment is high for primary carers of disabled children and in households with disabled children - 63% report they do not have enough income, or just enough income, to meet their needs compared to 43% of all families.¹³⁹

Disabled children are becoming more ethnically diverse. Māori and Pasifika children now make up 40% of children aged 5 to 6 with high and very high support needs.¹⁴⁰ This trend means Government's support for children with disabilities will also need to be more culturally responsive to

¹³⁴ Asher, I., 2016. [Child poverty and health in Aotearoa - the way forward](#).

¹³⁵ Child Poverty Action Group, 2017. [A New Zealand where Children can flourish: Priorities for Health](#).

¹³⁶ Please see the thematic paper submitted by CCS Disability Action for more information regarding disabled children's rights.

¹³⁷ Action for Children and Youth Aotearoa, 2016. [Counting what matters - Valuing and making visible the lives of children with disabilities](#).

¹³⁸ CCS Disability Action, 2019. [The state of wellbeing and equality for disabled people, their families, and whānau](#).

¹³⁹ Stats NZ, 2013. [2013 New Zealand Disability Survey](#); Murray, S., 2018. [Breaking the Link Between Disability and Child and Whānau Poverty](#).

¹⁴⁰ CCS Disability Action, 2019. [The state of wellbeing and equality for disabled people, their families, and whānau](#).

the diverse ethnicity of children with disabilities. It also means that poverty reduction for children with disabilities is dependent on reducing poverty for disadvantaged ethnic groups and vice versa.

Health and health services¹⁴¹

Preventable illnesses and deaths

Each year 20 children are killed by diseases linked to unhealthy housing like pneumonia, asthma and bronchiolitis - more than 350 since the year 2000.¹⁴²

The leading cause of perinatal-related deaths continues to be congenital abnormalities, particularly neural tube defects, prompting calls for the mandatory fortification of bread and flour with folic acid to reduce preventable death and serious illness from neural tube defects. Māori women living in the poorest areas in New Zealand are disproportionately affected by perinatal related mortality, with nearly twice as many deaths in this group than any other.¹⁴³

It is estimated that 30% of children are admitted to hospital every year in Aotearoa with preventable, poverty-related, illnesses such as respiratory, gastrointestinal, oral health and skin conditions.¹⁴⁴ It is also estimated that malnutrition is a factor in a significant proportion of child illnesses with nutritional deficiencies and anaemia putting twice as many children in hospital compared with 10 years ago.¹⁴⁵

Children in the most disadvantaged communities are two times more likely to end up in hospital for medical conditions, and three times more likely to be hospitalised for respiratory conditions, than those living in the most advantaged communities.¹⁴⁶ Rates for all conditions, particularly respiratory illnesses, are highest among Māori and Pacific children. A recent study also found that 20% of hospital admissions of young children

¹⁴¹ Please see the thematic paper submitted by Child Poverty Action Group for more information regarding children's health rights.

¹⁴² See https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11913334

¹⁴³ See

<https://www.hqsc.govt.nz/assets/PMMRC/Publications/13thPMMRCreport/13thPMMRCSocioeconomicDeprivation.pdf>

¹⁴⁴ See https://geospatial.ac.nz/portfolio_page/childhood-ambulatory-sensitive-hospitalisations/

¹⁴⁵ See https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11923626

¹⁴⁶ See [Child Poverty Monitor 2018](#).

with acute respiratory infections could be prevented if their houses were free from damp and mould.¹⁴⁷

A third of all hospital admissions for children under five could be avoided with good access to quality housing, health services and fluoridated drinking water.¹⁴⁸

Child immunisation rates have significantly dropped in the past two years, particularly for infants from poor households, and tamariki Māori. Like other countries around the world, Aotearoa was hit by a measles outbreak in 2019. Fortunately, no child deaths occurred, but there were 2,140 confirmed cases of measles notified across the country with 1,708 in the Auckland region.¹⁴⁹

Consistent with global trends, the rise in vaccine hesitancy may be a contributing factor to the decline in immunisation rates and rise in the spread of infectious diseases in Aotearoa. However, overall, structural, economic, cultural and other barriers were found to be more influential as barriers to immunisation.¹⁵⁰

Access to health services

Children living in food insecure families, which struggle to meet competing food, housing and health care demands due to limited financial resources, are more likely to experience barriers to accessing a range of health services compared to children in food-secure households. Families reported cost, lack of transport and childcare as barriers to accessing a general practitioner, nurse or other health care worker. Children in food-insecure households were also more likely to have visited an emergency department more than once in the past year.¹⁵¹

The Perinatal and Maternal Mortality Review Committee (PMMRC) found that Māori, Pacific and Indian mothers, and mothers under the age of 20 years, are facing inequities in maternity services and their needs are not

¹⁴⁷ Ingham, T., Keall, M., Jones, B., et al., 2019. [Damp mouldy housing and early childhood hospital admissions for acute respiratory infection: a case control study.](#)

¹⁴⁸ See <https://www.health.govt.nz/news-media/news-items/new-study-avoidable-hospitalisations-new-zealand-children>; GeoHealth Laboratory, 2018. [Investigating the rates and spatial distribution of childhood ambulatory sensitive hospitalisations in New Zealand.](#)

¹⁴⁹ See <https://www.health.govt.nz/your-health/conditions-and-treatments/diseases-and-illnesses/measles/2019-measles-outbreak-information>

¹⁵⁰ Allen and Clarke, 2019. [Improving New Zealand's childhood immunisation rates – Evidence Review 5 July 2019.](#)

¹⁵¹ Ministry of Health, 2019. [Household Food Insecurity Among Children: New Zealand Health Survey.](#)

being met.¹⁵² The PMMRC noted that early engagement with high-quality, equitable care could prevent many deaths and recommended that maternity care that is accessible, facilitates all women booking early, and meets the individual needs of the woman and her whānau and family must be provided.^{153 154}

Aotearoa is also experiencing a critical shortfall in midwives.¹⁵⁵ There are very few Māori midwives available to support Māori mothers – only 9% of registered midwives identify as Māori.¹⁵⁶

Nutrition

It is estimated that 19% of children (1 in 5) are living in households that experience severe-to-moderate food insecurity.¹⁵⁷ This means they live without access to either enough food, or the variety of wholesome foods required for good health. While the causes of food insecurity are complex, they are invariably linked to poverty, inequity and location.

The impact of food insecurity on children's nutrition status in Aotearoa is difficult to measure as a dedicated child nutrition survey has not been undertaken since 2002. However, a recent Ministry of Health study on household food insecurity among children (based on New Zealand Health Survey data from 2012 to 2016) found that children in food insecure households had poorer parent-rated health status, poorer nutrition, higher rates of overweight or obesity, asthma, dental decay and behavioural or developmental difficulties. They were also more likely to live in rented housing and sole-parent households, and to experience barriers to accessing health care. The study found that Māori and Pasifika children had the highest prevalence of food insecurity and were overrepresented in households experiencing food insecurity.

Dental care for children is free from birth to 17 years but, nevertheless, the numbers of children needing teeth extraction because of poor dental

¹⁵² PMMRC, 2019. [Key findings from the PMMRC's 13th annual report.](#)

¹⁵³ PMMRC, 2019. [Key findings from the PMMRC's 13th annual report.](#)

¹⁵⁴ This [short video](#) shows the positive impact having a Māori midwife/antenatal care can have.

¹⁵⁵ See <https://www.stuff.co.nz/national/health/113485816/chronic-canterbury-midwifery-staff-shortage-expected-worsen-in-the-next-decade>

¹⁵⁶ See <https://www.rnz.co.nz/news/te-manu-korihi/398160/more-maori-midwives-needed-to-handle-rising-demand>

¹⁵⁷ Ministry of Health, 2019. [Household Food Insecurity among Children: New Zealand Health Survey.](#)

care/poor nutrition (sugar/sugary drinks) is rising - 6,600 children under 12 had teeth extractions in the 2015-16 year.¹⁵⁸

These figures are disturbing as Aotearoa is a highly productive country: 45% of the land area is dedicated to food production and enough energy is exported to feed four times the population.¹⁵⁹

While Aotearoa has a high rate of breastfeeding initiation (97%) and over half of children are exclusively breastfed up to four months, only 16% are exclusively breastfed to six months.¹⁶⁰

Mental health

*Children and young people are exhibiting high levels of behavioural distress leading to deliberate self-harm, risk-taking, anxiety and other troubling behaviours. Parents are concerned about the harms of bullying and misuse of the internet and social media. School counsellors and teachers are overwhelmed by the number of students in distress. New Zealand's high rates of youth suicide are a national shame.*¹⁶¹

- *He Ara Oranga*, Report of the Government Inquiry into Mental Health and Addiction

Children and young people consulted for the CYWS said that supporting their mental and emotional wellbeing was one of the most important issues requiring urgent attention. In a recent survey, 68% of young people reported suicide rates as their top concern.¹⁶²

Despite being a Government priority,¹⁶³ children's mental health in Aotearoa remains among the worst in the OECD.

¹⁵⁸ See <https://www.stuff.co.nz/national/health/94723061/more-than-6600-kiwi-kids-admitted-to-hospital-with-rotten-teeth-in-one-year>

¹⁵⁹ Child Poverty Action Group, 2019. [Aotearoa, Land of Long Wide Bare Cupboard](#).

¹⁶⁰ See <http://www.growingup.co.nz/en/news-and-events/news/news-2017/new-research-gives-unique-insight-into-breastfeeding-in-new-zeal.html>

¹⁶¹ Government Inquiry into Mental Health and Addiction, 2018. [He Ara Oranga](#).

¹⁶² Colmar Brunton, 2020. [Better Futures Report 2020](#).

¹⁶³ One of the CYWS's six outcome areas that 'children are happy and healthy'; mental health and wellbeing, and self-harm and suicide are indicators in this outcome area under the Strategy. Additional funding to increase mental health services for children and adolescents, including at school, has also been provided and progress is being made to establish a [Mental Health and Wellbeing Commission](#) to contribute to better and more equitable mental health and wellbeing for people in New Zealand.

Mental health issues are a particular concern for tamariki and rangatahi Māori, disabled and LGBTQIA+ children and youth. The link between poverty and poor mental health, including increased risk of suicide, is also noted.¹⁶⁴

Adolescent health¹⁶⁵

Aotearoa consistently ranks poorly across key adolescent health indicators. In a recent study on adolescent health in 19 developed countries, Aotearoa performed worst with respect to 10-19-year-old mortality rates; 18th on adolescent pregnancy, obesity, asthma and cancer mortality rates; and 17th on road crash deaths.

Sexual and reproductive health issues such as unplanned pregnancy, sexually transmitted infections, sexual violence and challenges with menstrual management significantly impact the lives and future of young people including their ability to participate in education and other opportunities key to their healthy development. There is currently inequitable access to sexual and reproductive health information, education and services for adolescents and inequitable outcomes.

Standard of living¹⁶⁶

*When I meet a family of six, with their belongings piled up, without a stove, with a teeny little bathroom, when I meet people who are afraid their rent will increase such that they won't be able to stay in their place, when I meet Māori who've been dispossessed of their lands and resources, I know that what's happening here is not actually a housing crisis – it's a human rights crisis.*¹⁶⁷

- Leilani Farha, UN Special Rapporteur on adequate housing

¹⁶⁴ Pierse N, Carter K, Bierre S, et al., 2016. [Examining the role of tenure, household crowding and housing affordability on psychological distress, using longitudinal data](#); Child and Youth Mortality Review Committee, June 2019. [14th data report 2013-17](#).

¹⁶⁵ Please see the thematic paper on young people and sexual and reproductive health and rights submitted by Family Planning for more information on adolescent health.

¹⁶⁶ Please see the thematic paper submitted by Child Poverty Action Group for more information regarding child poverty and its impact on children's rights.

¹⁶⁷ See <https://www.rnz.co.nz/news/national/409900/un-special-rapporteur-calls-on-nz-for-bold-human-rights-approach-to-housing-crisis>

The Child Poverty Monitor 2019 - the seventh consecutive annual report on the implications of child poverty in Aotearoa – found that across the following poverty measures:

- **Good health:** Children living in areas with the highest deprivation scores are three times more likely to end up in hospital than children in areas with the lowest deprivation scores;
- **A place to call home:** High housing costs contribute to many families living in poverty. More than **30%** of the lowest income households with children spend more than half of their income on housing costs;
- **Healthy food:** 174,000 children live in households that cannot always afford to put enough healthy food on the table.¹⁶⁸

In February 2020, the latest official child poverty statistics from Stats NZ were released, in line with the statutory requirement that now exists to report on primary and secondary measures under the Child Poverty Reduction Act 2018. These are based on a larger sample under the Household Economic Survey than has been used previously (now 20,000 or more households).¹⁶⁹ These statistics show a slight decrease in the number of children living in low-income households, now 235,400 children (20.8%), in comparison to the previous year's official statistics (253,800 or 22.8%).¹⁷⁰ There has been a slight increase in the number of children living in households that experienced material hardship: from 147,600 children (13.3%) in 2018, to 151,700 (13.4%) in 2019.¹⁷¹ The latest statistics reveal that the percentage of children living in households that experience severe material hardship is steady at 66,100 children (5.8%).¹⁷²

Overall, it is clear that poverty affecting families and whanau with children remains high in Aotearoa, with very little change for those with the lowest standard of living.

Māori and Pasifika children are disproportionately represented in statistics relating to child poverty. Alarmingly, 1 in 4 Māori children are living with

¹⁶⁸ See <https://www.documentcloud.org/documents/6570912-CHC0001-Child-Poverty-Poster-A3-LR2.html>

¹⁶⁹ See <https://www.stats.govt.nz/information-releases/child-poverty-statistics-year-ended-june-2019>

¹⁷⁰ See <https://www.stats.govt.nz/information-releases/child-poverty-statistics-year-ended-june-2019>

¹⁷¹ See <https://www.stats.govt.nz/information-releases/child-poverty-statistics-year-ended-june-2019>

¹⁷² See <https://www.stats.govt.nz/information-releases/child-poverty-statistics-year-ended-june-2019>

material hardship (about 23%) and the rate is even higher for Pasifika children (about 29%). This compares with 1 in 10 European children.¹⁷³

Housing is a key children's rights issue requiring urgent action. Over 30% of families on the lowest incomes are spending more than half their income on housing. This housing often substandard and unhealthy, and it is also leaving these families with insufficient money to cover other basic needs such as food, clothing, heating, transport, medical care and education¹⁷⁴ and affecting their mental health.¹⁷⁵ These problems affect families who are in-work, and those who are relying on state support. There is a lengthy waitlist for adequate and affordable housing with nearly 14,500 households in the queue for accommodation in November 2019.¹⁷⁶ Government also spent \$100 million on emergency motel accommodation in the first nine months of 2019 to ensure families had a place to stay while they found suitable accommodation.^{177 178 179}

In terms of welfare reform, Government has provided a limited response to the Welfare Expert Advisory Group's wide-ranging recommendations on welfare reforms.¹⁸⁰ Children are still impacted by benefit sanctions,¹⁸¹ inadequate levels of income and being left out of the Working for Families tax credits system.¹⁸²

Questions for the Committee to consider asking Aotearoa New Zealand

¹⁷³ See <https://www.stats.govt.nz/news/latest-child-poverty-statistics-released>

¹⁷⁴ Duncanson, M., Richardson, G., Oben, G., Wicken, A., & Adams, J., 2019. [Child Poverty Monitor 2019: Technical Report](#).

¹⁷⁵ Pierse N, Carter K, Bierre S, et al., 2016. [Examining the role of tenure, household crowding and housing affordability on psychological distress, using longitudinal data](#).

¹⁷⁶ See <https://www.rnz.co.nz/news/political/407241/public-housing-waiting-list-hits-new-high-of-14-500-households>

¹⁷⁷ See <https://www.stuff.co.nz/national/119302478/government-spends-almost-100-million-on-emergency-housing-in-nine-months>

¹⁷⁸ Committee on Economic, Social and Cultural Rights, 2018. [Concluding Observations on the fourth periodic report of New Zealand](#).

¹⁷⁹ See <https://www.childpoverty.org.nz/measures/home>

¹⁸⁰ Welfare Expert Advisory Group, 2019. [Wakamana Tāngata – Restoring Dignity to Social Security in New Zealand](#).

¹⁸¹ See <https://www.rnz.co.nz/news/te-manu-korihi/410148/80-percent-of-benefit-sanctions-against-people-with-children-in-2018-made-against-maori>

¹⁸² See <http://www.weag.govt.nz/assets/documents/WEAG-report/01ec73a8c6/Whakamana-Tangata-Recommendations.pdf>

- **How is the New Zealand Government ensuring the needs of disabled children and their primary carers, are considered in any child poverty reduction initiatives?**

- **How is Government ensuring there is a focus on children with disabilities in its policies, including the disability work programme?**

- **What steps is Government taking to collect and disseminate better quality, disaggregated, publicly available data on the number, location and socioeconomic and other (including cultural) status of disabled children, their educational and health outcomes, and indicators to assess whether their outcomes are improving over time?**

- **What steps is Government taking to ensure a multi-sectoral approach is taken to address the impacts of poverty, inequity and poor housing on children's health and access to health services?**

- **What steps is Government taking to reduce the number of preventable deaths, illnesses and hospital admissions of children?**

- **How will Government measure and report on progress against any steps it is taking in relation to the above?**

- **What steps are being taken to:**
 - **ensure that timely, reliable and disaggregated information is available on child nutrition and the impact of food insecurity on children and their families?**
 - **ensure all children and families can access healthy and wholesome food?**
 - **reduce the impact of food insecurity on children's health and access to health services?**
 - **meet the global target to increase the rate of exclusive breastfeeding in the first six months up to at least 50% across all groups?**

- **What is being done to:**
 - **ensure an informed focus on children in the work of the Mental Health and Wellbeing Commission?**

- **address inequalities of mental health outcomes for Māori tamariki, Pasifika children and LGBTQIA+ children?**
 - **invest in to provide positive whānau based mental health programmes addressing te taha hinengaro, te taha tinana, te taha wairua and te taha whānau, and to address alcohol and drug addiction within families, whānau and communities?**
 - **make mental health education (e.g., understanding trauma informed practices, including preventative evidence-based resiliency programmes) mandatory in the early learning, primary, intermediate and secondary school curriculums, to support the prevention of child and youth mental health distress?**
 - **ensure that all children are able to access age-appropriate mental health and counselling services for free and in a timely manner?**
- **What is being done to focus on adolescent health, in particular, to:**
 - **ensure adolescents can access quality, youth-appropriate health services in a timely manner?**
 - **improve the sexual and reproductive health and rights of young people in Aotearoa, including access to information, services and education?**
- **Does Government have a coordinated strategy across relevant Ministries (primarily Health, Education, Social Development) to address inequitable access to sexual and reproductive health information, education and services among adolescents?**
- **What is being done to ensure all children, their families and whānau have an income that provides an adequate standard of living and allows parents true choice between paid work and caring for their children?**
- **What is being done to urgently address the disproportionately high rates of material hardship being experienced by tamariki Māori and Pasifika children?**

- **Why are children still being impacted by benefit sanctions, inadequate levels of income and being left out of the Working for Families tax credits system?**
- **What is Government doing to adopt a human rights-based national housing strategy, continue increasing the supply of social housing and work with community-based housing providers/developers to create a broader range of ownership and renting options?**

H. Education, leisure and cultural activities (arts. 28-31)



Summary statement:

The current Education Review is a chance to build an inclusive education system founded on children's rights and enabling every child to learn and develop to their full potential. It is an opportunity not to be missed.

Changes to education

*Schools are less creative, less energised by the joy of young children exploring the world through their art making than they have been for generations.*¹⁸³

- Professor Peter O'Connor, Faculty of Education and Social Work, University of Auckland

Aotearoa's education system is presently undergoing its biggest review in decades. The Education and Training Bill currently before Parliament will impact on every child and presents a significant opportunity to advance the rights of all children to a quality, inclusive and free education. It follows a review of the school system and extensive consultation with students, families, teachers and others.

As drafted, the Bill recognises the Crown's responsibility to give effect to te Tiriti - by actively promoting and protecting te Tiriti rights of tamariki Māori and to develop education settings in a way that reflects Māori-Crown relationships - and proposes to strengthen the rights of all children, at the primary and secondary level, to free enrolment and free education at state schools (including entitlement to attend full-time). Under the Bill, students with special educational needs are to have the same rights to education at state schools as other children.

¹⁸³ Professor Peter O'Connor, who is based at the University of Auckland's Faculty of Education and Social Work and also heads up the multi- and cross-disciplinary Creative Thinking Project. See <https://www.thebigidea.nz/wellbeing/>; See <https://www.schoolnews.co.nz/2020/02/teachers-hope-to-end-near-death-of-arts-in-school/>

While these proposed changes are welcome, the Bill is a substantial missed opportunity to recognise, respect and uphold all rights for all children in education. Specifically, the Bill:

- Fails to include CRC rights in education legislation – it does not explicitly reference Aotearoa’s obligations under the CRC, UNCRPD or UNDRIP. Instead, it limits children’s rights to those under the Bill and other existing domestic legislation - the right to enrol, the right to attend school, for children with disabilities to have same rights as others to enrol and attend.
- Focuses on access, not aims or outcomes - the Bill focuses on access rights, but fails to recognise other important education rights, including the aims of education;¹⁸⁴
- Has limited requirements to consult children and does not advance Article 12;
- Does not create the same level of obligation to give effect to children's rights and te Tiriti in Early Childhood Education as there is in the primary and secondary schooling sectors.

Bullying

Children continue to report high rates of bullying in schools in Aotearoa. In 2018 PISA results, 32% of students reported being bullied at least a few times a month, compared to 23% on average across OECD countries.¹⁸⁵ There has been a rise since 2015 in three types of bullying: being made fun of, being threatened, and being hit or pushed. Almost all 15-year-old students in New Zealand hold negative opinions about bullying.¹⁸⁶ Despite the BullyingFree NZ School Framework,¹⁸⁷ a recent UNICEF report-card reflected that 1 in 2 children report being bullied at least once a month.¹⁸⁸ Disabled children are more likely to be bullied.¹⁸⁹

¹⁸⁴ Article 29 rights.

¹⁸⁵ See https://www.oecd.org/pisa/publications/PISA2018_CN_NZL.pdf, p,7.

¹⁸⁶ See <https://www.educationcounts.govt.nz/publications/series/PISA/pisa-2018/pisa-2018-student-wellbeing>

¹⁸⁷ See www.bullyingfree.nz

¹⁸⁸ Based on the 2018 UNICEF Innocenti Report Card 15 'An Unfair Start'. See <https://www.unicef-irc.org/publications/995-an-unfair-start-education-inequality-children.html>

¹⁸⁹ See <https://www.bullyingfree.nz/about-bullying/students-with-disabilities/>

Queer¹⁹⁰ and gender diverse students are at higher risk of being subjected to violence at school.^{191 192}

Inclusive education

A recent survey by IHC New Zealand found that almost 30% of children with disabilities were being unlawfully denied enrolment at their local school, and those who were enrolled faced bullying and a lack of support in the classroom.¹⁹³ More than half of the parents surveyed said that teachers lacked appropriate skills to teach children with disabilities, and 44% of the educational professionals acknowledged they were not up to the task. As well as assuring disabled children the same rights as others to enrol at, and attend, school, their rights to equitable outcomes from education must be upheld.

Cost of education

Aotearoa's 'free' public education system has hidden costs. Households are contributing 32% more than the OECD average to total expenditure on education during the course of a student's education. These expenses include large 'voluntary donations' from families, 'essential stationery' such as expensive digital devices, and the direct costs of student participation in sports, cultural activities and education outside the classroom, all on a user-pays basis. In addition to health and housing barriers, these costs create large divergences in access to education in Aotearoa, making it extremely difficult for children in poverty to attend school and receive a quality education, let alone attain formal qualifications.¹⁹⁴ It is hoped that recent changes to the school funding system may alleviate this problem.

¹⁹⁰ "Queer" is a reclaimed word that serves as an umbrella term encompassing diverse sexualities and those who are not sure. This word is used by many people in Aotearoa but is not the preferred term for everybody. See <https://www.ry.org.nz/friends-whanau/useful-words/>

¹⁹¹ See <https://www.bullyingfree.nz/about-bullying/lgbtqia/>

¹⁹² See <https://www.pinkshirtday.org.nz/assets/Uploads/Some-People-are-More-Likely-to-be-Targeted2.pdf>

¹⁹³ See <https://ihc.org.nz/survey-students-disabilities-face-discrimination-bullying>

¹⁹⁴ Action for Children and Youth Aotearoa, Child Poverty Action Group & UNICEF, 2018. [Report to the United Nations Committee on Economic, Social and Cultural Rights: fourth periodic report of Aotearoa New Zealand.](#)

School discipline

The overrepresentation of children with disabilities, tamariki Māori and Pasifika children in disciplinary processes is yet to be addressed. Schools continue to stand-down, suspend, and exclude more Māori students than any other ethnic group. Male students are more than twice as likely to be stood down, suspended or excluded, and they are more than three times more likely to be expelled than their female peers. Fourteen-year-olds continue to have the highest rates of stand downs and suspensions.¹⁹⁵ These figures mirror student reports of biases in the education system.¹⁹⁶

It is not known how many children who are stood-down, suspended or excluded have disabilities, as there is no requirement to report this data. Nevertheless, it is clear that disabled children continue to be left behind and out of education.¹⁹⁷ The use and regulation of restraint on children, including those with disabilities, in school settings remains a concern.¹⁹⁸

Early childhood education (ECE)

Aotearoa's high ECE attendance rates are positive, but they do not encompass the full picture of children's experiences in ECE. An Early Learning Action Plan developed in 2019 sets the direction and vision for early learning over the next 10 years, to lift the quality of ECE for children and their families.¹⁹⁹ However, implementation timeframes are slow.

Despite this positive development, concerns remain about:

- The increasing privatisation of ECE centres,²⁰⁰ especially ownership of multiple centres by corporate entities whose primary obligation is to their shareholders;
- Not all ECE centres providing the same quality of care or learning (varying levels of staff qualifications);
- Limited monitoring of space, temperature and noise;
- The long hours that young children are in ECE care;

¹⁹⁵ See <https://www.educationcounts.govt.nz/statistics/indicators/main/student-engagement-participation/Stand-downs-suspensions-exclusions-expulsions>

¹⁹⁶ Office of the Children's Commissioner, 2018. [Education matters to me: Experiences of tamariki and rangatahi Māori.](#)

¹⁹⁷ See <https://ihc.org.nz/survey-students-disabilities-face-discrimination-bullying>

¹⁹⁸ See https://www.parliament.nz/en/pb/sc/submissions-and-advice/document/52SCEW_EVI_93294_EW7291/save-the-children-new-zealand

¹⁹⁹ See https://conversation-space.s3-ap-southeast-2.amazonaws.com/SES_0342_ELS_10YP_Final+Report_Web.pdf

²⁰⁰ 'Approximately 30% of centres are community owned, and 70% are privately owned,' Peter Reynolds (2017). Retrieved from <https://www.stats.govt.nz/information-releases/child-poverty-statistics-year-ended-june-2019>

- Lengthy wait times for children with disabilities or learning needs to access supports;
- High child-to-teacher ratios that do not meet international recommendations;
- Variable and, at times, limited access to the outdoors and to natural environments;
- Increased complaints related to ratios, supervision and behaviour management.²⁰¹

Rest, leisure, recreation and cultural and artistic activities

While recent guidelines aimed at promoting exercise and play are welcome²⁰² opportunities for children to play, take part in arts and sports, and explore nature and the outdoors are inequitable in Aotearoa. Inclusive play provision and promotion of public spaces as playable spaces are needed.²⁰³²⁰⁴

Questions for the Committee to consider asking Aotearoa New Zealand

- **How are children’s rights, including rights to inclusive education, incorporated in and advanced through education legislation, relating to all parts of the education system from early learning and beyond? Is this consistent with the way children’s rights under the CRC and other international obligations have been included in other legislation, particularly the Oranga Tamariki Act 1989 and the Children’s Act 2014 and, if not, why not?**
- **What is being done to address bullying (including within the social media space), and how effective have anti-bullying initiatives been?**

²⁰¹ Ministry of Education. [2018. Early Childhood Complaints and Incidents Report.](#)

²⁰² Ministry of Health. [2017. Sit Less, Move More, Sleep Well: Active play guidelines for under-fives](#)

²⁰³ International Play Association Aotearoa New Zealand. See https://www.facebook.com/pg/playAotearoa/about/?ref=page_internal

- **How are the rights of children acknowledged, promoted and upheld in the early childhood education sector?**

- **What measures of ECE success are available, in addition to attendance numbers?**

- **What is being done to:**
 - **identify how the rights of all children and young people to rest and play, enjoy leisure time and recreation, and to take part in cultural or artistic activities, can be enabled and supported?**
 - **remove any barriers to enjoyment of these rights?**

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d) and 38-40)



Summary statement:

Underlying many of the inequities detailed in this report is a failure to give sufficient attention to the affirmative action and special protection measures that certain groups of children in Aotearoa are entitled to.

Children belonging to ethnic minorities or indigenous groups

Government is yet to develop a comprehensive, cross-sectorial strategy for the full enjoyment of the rights of tamariki Māori and Pasifika children, in close cooperation with them and their communities, as recommended by the Committee in 2016.²⁰⁵ As detailed throughout this report, tamariki Māori and Pasifika children continue to face structural and systematic disadvantages and unequal access to their rights under the CRC.

The right of tamariki Māori to use their own language has progressed, particularly in education settings and, in 2019, it was announced that teaching of Aotearoa's history, including the colonisation of Māori, will be compulsory in schools from 2022. The change had been called for by children and young people themselves, including through the Youth Parliament and petitions. At the 2019 Youth Parliament, the chair of the Youth Committee, Cha'nel Kaa-Luke, told MPs on the actual Māori Affairs Committee that:

... it's not just making Māori youth more aware of our own history and culture, it's also about making other people aware as well – our non-Māori population. It's about making sure there's no discrimination, and that we're all equal and treated the same.²⁰⁶

Asylum-seeking, refugee and migrant children

Refugee and migrant communities can be marginalised in Aotearoa. The mosque attacks of March 2019 prompted an examination of how welcome

²⁰⁵ See paragraph 42. Committee on the Rights of the Child, 2016. [Concluding observations on the fifth periodic report of New Zealand](#).

²⁰⁶ See <https://www.rnz.co.nz/national/programmes/the-house/audio/2018713466/looking-back-at-calls-for-new-zealand-history-in-school>

those who are new to the country really are. Anjun Rahman, of the Islamic Women's Council, said:

While the attacks came as a shock, for many marginalised groups discrimination and hate speech was a common occurrence.^{207 208}

Home/heritage language for learning

Currently there is no Languages Policy, yet children can often spend up to 40 hours a week in an 'English only' environment. Some infants, toddlers and young children leave their home language environs and spend up to 30 hours a week in an English medium ECE service. An ERO report about responding to language diversity in Auckland shows that only 37% of early learning services intentionally promoted learning by using a child's home language/s.²⁰⁹ Health, wellbeing, attachment and cultural knowledges can be disrupted.

Children who work

Aotearoa maintains the following reservation to Article 32(2):

The Government of New Zealand considers that the rights of the child provided for in Article 32 (1) are adequately protected by its existing law. It therefore reserves the right not to legislate further or to take additional measures as may be envisaged in Article 32 (2).

It is questionable whether existing protections for young workers are, in reality, adequate to protect the rights provided for in Article 32(1). Better information is needed on young workers, and greater recognition of their particular vulnerabilities within the workforce, so they are properly protected from harm and exploitation. In the year ended December 2019 four people aged under 18 died at work.²¹⁰

There is very little recent information on the reality of children and young people's work experiences, but what is available indicates that child workers are typically found in family-run businesses, in the primary sector (agriculture and horticulture) as well as the retail and hospitality industries. They tend to work in the informal labour market, which means

²⁰⁷ See <https://www.stuff.co.nz/national/christchurch-shooting/112771276/anjun-rahman-unveils-national-strategy-to-fight-discrimination>

²⁰⁸ Anjun Rahman has led the formation of an Inclusive Aotearoa Collective, with the vision of building a socially inclusive Aotearoa – a country where everyone has a place to belong. See <https://www.inclusiveaotearoa.nz>.

²⁰⁹ Education Review Office, 2018. [Responding to Language Diversity in Auckland](#).

²¹⁰ See https://data.worksafe.govt.nz/editorial/fatalities_summary_table

many young workers are overlooked in statistical reporting and analysis and are not covered by the protections that do exist.²¹¹

Research has shown that some young people work to contribute to the family income; for some, their work interferes with their education; and many are harmed at work.²¹²

Youth Justice

There has been some progress in youth justice issues:

- As from 1 July 2019 the age of criminal majority was raised from 17 to 18 years, in most instances. This change was long fought for and is welcome. However, there are exceptions, resulting in some children who offend still being dealt with in the adult justice system.
- The numbers of young people offending and appearing before the Youth Court have reduced, but discrepancies are increasing because of a lower rate of decline in appearances for rangatahi Māori and Pasifika youth.²¹³

However, there has been little change in the systemic biases and structural discrimination, within the justice and other state systems, which continue to perpetuate the over-representation of rangatahi Māori and Pasifika youth in youth justice.²¹⁴ The connections between offending and neurodisability, alienation from whānau, school and community, substance abuse, family violence, removal into state care and intergenerational issues need to be recognised and addressed.²¹⁵ For example, children in care are 107 times more likely to be imprisoned by age 20 than other children.²¹⁶ A review of more than 16,000 child and youth offender records since 2013 showed that 80% of child and youth offenders under the age of 17 had evidence of family violence in their homes.²¹⁷

²¹¹ Anderson, D., 2010. [Safe enough? The working lives of New Zealand children.](#)

²¹² O'Neill, D., 2010. [School Children in Employment: Issues and Considerations.](#)

²¹³ Ministry of Justice [Youth Justice Indicators Summary Report August 2019.](#)

²¹⁴ See the work of [JustSpeak](#), a youth-led movement for criminal justice, for more information.

²¹⁵ Office of the Prime Minister's Chief Science Advisor, 2018. [It's never too early, never too late: A discussion paper on preventing youth offending in New Zealand.](#)

²¹⁶ See <https://www.newsroom.co.nz/2019/06/13/634353/stop-trampling-the-mana-of-children>

²¹⁷ Office of the Prime Minister's Chief Science Advisor, 2018. [It's never too early, never too late: A discussion paper on preventing youth offending in New Zealand.](#)

This data is also referenced in Section E above.

*What happens to these children and whānau isn't an isolated incident but forms part of a trajectory for their lives. A trajectory lined with years of systematic oppression and deprivation facilitated by the state.*²¹⁸

- JustSpeak statement of support for Hands Off our Tamariki

There has been no change to the minimum age of criminal responsibility, which remains low. For serious crimes such as murder and manslaughter, children as young as ten can face a High Court jury trial and an adult sentence.

Neither has there been any effort to remove Aotearoa's reservation to Article 37(c), relating to the separation of adults and children during detention, although an increase in the number of places available in youth justice facilities in recent years may make this more feasible.

The proportion of young people remanded in custody remains a significant concern. Detention of children in Police cells has also increased. Amnesty International and JustSpeak have reported that: in 2018, almost 200 young people were held in Police cells for periods of more than 24 hours; in some cases it was up to seven days; in 2018 there were almost twice as many young people in Police cells for more than 24 hours than there were in 2014;²¹⁹ and is estimated that 70-80% of those held in cells are rangatahi Māori.²²⁰

Alternatives are urgently needed to both prevent Police cell remands and to significantly reduce the number of young people held on remand in youth justice facilities because there is nowhere else for them to be held (i.e., not because their offending was serious enough to warrant a lengthy remand). We fully support the Children's Commissioner's call for the option of remanding children in Police cells to be abolished.

Policing strategies are not always appropriate for children. For example, bail checks and conditions can be onerous for young people, increasing the likelihood of breaches. In the three years to January 2019, half of the 27 people killed in Police pursuits were teenagers.²²¹ Armed Police trials are also a new and significant concern.²²²

²¹⁸ [JustSpeak statement of support for Hands off our Tamariki.](#)

²¹⁹ See <https://www.amnesty.org.nz/minister-martin-police-cells-are-no-place-children>

²²⁰ Ibid.

²²¹ See <https://www.stuff.co.nz/national/109924118/the-faces-of-fatal-police-chases-teens-make-up-half-of-crash-victims>

²²² See <https://www.stuff.co.nz/national/the-detail/117289758/the-detail-questions-raised-overS-armed-police-patrols>

Children affected by the Canterbury earthquakes

The Canterbury earthquakes, and the stresses associated with the response and recovery, continue to have an impact on the lives of the children affected, some of whom were not even born when the earthquakes happened.²²³

The 2016 Kaikoura earthquakes also impacted on children, closing schools and damaging buildings and infrastructure.

Optional Protocol on the sale of children, child prostitution and child pornography

Two recent cases highlight the need for continued vigilance in relation to the sale of children, child prostitution and child pornography.²²⁴ One involved the prostitution of a 15-year-old girl by her mother. In the other case, a 14-year-old fell victim to an online predator, selling pictures of herself and performing sex acts because she wanted to help her mother financially. Both cases resulted in criminal prosecutions.

Optional Protocol on Children in Armed Conflict (OPAC)

Please see the thematic paper on OPAC from Peace Movement Aotearoa.

Optional Protocol on a communications procedure

Aotearoa has yet to sign or ratify Optional Protocol 3.

²²³ See <https://www.stuff.co.nz/national/education/116853422/christchurch-children-will-never-be-the-way-they-were-prequake>;
<https://www.stuff.co.nz/national/education/110623814/the-quake-children-how-are-they-doing-eight-years-on>

²²⁴ See <https://www.stuff.co.nz/national/crime/117243557/close-bond-between-mother-and-daughter-helps-catch-online-predator> ;
<https://www.rnz.co.nz/news/national/355428/communities-need-to-stay-alert-to-stop-underage-prostitution>

Questions for the Committee to consider asking New Zealand

- **What is being done to ensure:**
 - **tamariki Māori enjoy the full extent of their rights as Indigenous children under the CRC and UNDRIP and as tangata whenua under te Tiriti?**
 - **the rights of children belonging to ethnic minorities, including Pasifika children, are protected?**

- **How will the teaching of Aotearoa's history be developed, delivered and monitored to ensure it promotes and fosters Maori language, culture and history?**

- **What Government supported opportunities are there for children to learn, experience, understand and practice te reo and tikanga Māori?**

- **How is government helping to build a socially inclusive Aotearoa and ensure all those new to the country have a place to belong?**

- **What is being done to promote access to home/heritage languages for learning?**

- **What is known about the situation of children who work and their particular vulnerabilities within the workforce, including the health and safety system, so they are properly protected from harm and exploitation?**

- **What changes have been made since the 2016 Concluding Observations to better protect the rights of children who work, given this was a priority recommendation?**

- **In light of the Committee's priority recommendations on youth justice in 2016, what has been done to:**
 - **address the structural discrimination and systemic biases that lead to the overrepresentation of rangatahi Māori and Pasifika youth?**

- **raise the minimum age of criminal responsibility and the age of criminal majority to bring them in line with the CRC?**
 - **withdraw the reservation on age-mixing in detention?**
 - **reduce and limit the detention of children in Police cells?**
- **What is known about the on-going impact of the Christchurch and Kaikoura earthquakes on children; what services and supports are available to them?**
 - **What was learnt from the Canterbury earthquake response about factoring children's rights into planning for, and responding to, disasters?**
 - **What is known about the size and nature of the current and emerging issues associated with the sale of children, child prostitution and pornography in Aotearoa?**
 - **What has been done to address the recommendations contained in the 2016 Concluding Observations on the Optional Protocol on the sale of children, child prostitution and child pornography?**
 - **Does Aotearoa intend ratifying Optional Protocol 3 and, if so, when?**

GLOSSARY

Alliance	Children’s Rights Alliance Aotearoa New Zealand
Care experienced	Anyone who has been, or is currently, in care
CIA	Child Impact Assessment tool
CMG	Children’s Convention Monitoring Group
CRC	United Nations Convention on the Rights of the Child 1989
CYWS	Child and Youth Wellbeing Strategy 2019
DCE Group	Deputy Chief Executives Group
ERO	Education Review Office
Hapū	Māori subtribe consisting of a number of whānau sharing descent from a common ancestor
Iwi	Māori tribe - often refers to a large group of people descended from a common ancestor and associated with a distinct territory
LGBTQIA+	Lesbian, gay, bisexual, transgender, questioning, intersex, asexual, or other sexuality and gender diverse identities
Mana tamaiti (tamariki)	The intrinsic value and inherent dignity derived from a child’s or young person’s whakapapa (genealogy) and their belonging to a whānau, hapū, iwi, or family group, in accordance with tikanga Māori or its equivalent in the culture of the child or young person
MSD	Ministry of Social Development
OECD	Organisation for Economic Co-operation and Development
Oranga Tamariki	Wellbeing of children. Oranga Tamariki – Ministry for Children being the new statutory agency that replaced Child, Youth and Family from 1 April 2017
Pasifika children	Children who have migrated to Aotearoa NZ from the Pacific region or are the descendants of Pacific peoples
Pēpi Māori	Māori babies
Rangatahi Māori	Younger generation, Māori youth

Tamariki Māori	Māori children
Taonga	Treasure, anything prized or highly valued
Tikanga Māori	Māori customary law and practices
Te Taha Hinengaro	Psychological health
Te Taha Wairua	Spiritual health
Te Taha Whānau	Family health
Te Taha Tinana	Physical health
Te Tiriti o Waitangi	Treaty of Waitangi – an agreement between the British Crown and a large number of Māori rangatira (chiefs) signed in 1840. The Treaty is considered to be Aotearoa New Zealand’s founding document, as it confirmed formal British settlement in New Zealand, but its interpretation remains contested.
Whānau	Family group, extended family
Whanaungatanga	In relation to a person, means the purposeful carrying out of responsibilities based on obligations to whakapapa; the kinship that provides the foundations for reciprocal obligations and responsibilities to be met; and the wider kinship ties that need to be protected and maintained to ensure the maintenance and protection of their sense of belonging, identity, and connection
Whakapapa	In relation to a person, means the multi-generational kinship relationships that help to describe who the person is in terms of their mātua (parents), and tūpuna (ancestors), from whom they descend
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities 2006
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples 2007

CHILDREN'S RIGHTS ALLIANCE

AOTEAROA
NEW ZEALAND

March 2020

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