

Committee Secretariat
Foreign Affairs, Defence and Trade Committee
Parliament Buildings
Wellington.

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Joint Submission from Children's Rights Alliance Aotearoa New Zealand, Save the Children New Zealand, and UNICEF Aotearoa:

International treaty examination of the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure

1. The Children's Rights Alliance Aotearoa New Zealand, Save the Children New Zealand and UNICEF Aotearoa are the civil society members of the Children's Convention Monitoring Group, which is convened by the Commissioner for Children. Together, we work towards an Aotearoa where all our children actively experience all their rights, in all circumstances: all our pēpē, tamariki and rangatahi are cared for, respected and protected, have what they need, and participate in their own lives, families, whānau, communities and wider society.
2. We strongly support Aotearoa New Zealand becoming a party to the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OP3), for the following reasons:
 - a. Ratifying OP3 is consistent with the stated commitment of successive Governments to uphold the rights of children - including tamariki Māori - in line with domestic and international standards, including those in Aotearoa New Zealand's Child and Youth Wellbeing Strategy. It will show that Aotearoa New Zealand takes children's rights seriously.
 - b. Ratifying OP3 would affirm Aotearoa New Zealand's 2019 pledge of recommitment to the Convention on the Rights of the Child, marking the 30th anniversary of the Convention, which is centred on implementation of the Child and Youth Wellbeing Strategy.

- c. OP3 offers children and young people a further important opportunity to participate directly in matters affecting them, to have their views and voices heard about their lives and their rights. This is consistent with their human rights, including those under Article 12 of the Convention on the Rights of the Child.
 - d. OP3 would contribute to strengthening children's complaints processes in Aotearoa New Zealand, ensuring an end-to-end process for children to be able to bring human rights complaints and seek redress in the same way as adults.
 - e. By ensuring indigenous tamariki Māori can bring complaints to the UN Committee on the Rights of the Child, ratifying OP3 would be complementary to Te Tiriti o Waitangi and its duties and principles to enhance partnership and mutual respect. It would also assist Aotearoa New Zealand's progress towards meeting the aspirations of the UN Declaration on the Rights of Indigenous Peoples.
 - f. We note that under OP3, individual children as well as groups of children are able to bring a complaint to the UN Committee on the Rights of the Child, after they have exhausted domestic remedies. We see the possibility of groups of children bringing a collective complaint as an important feature of the Protocol that will benefit groups who disproportionately experience prejudice in the exercise of their rights. These groups include tamariki Māori, Pacific children, children with refugee and migrant backgrounds, disabled children, rainbow children and children from religious minorities.
 - g. Ratifying OP3 is the right thing for Aotearoa New Zealand to do as a responsible international citizen (as it has already done in acceding to the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities (UNCRPD), which establishes a Communications Procedure), in line with its record as a strong supporter of human rights standards and norms.
 - h. The Optional Protocol to the UNCRPD provides a direct precedent for New Zealand's ratification of OP3. There is no reason for OP3 to be viewed differently, particularly at a time when New Zealand is otherwise taking positive steps towards promoting children's rights and in order for these steps to be enduring.
3. Conversely, failure to accede to OP3 will call into question Aotearoa New Zealand's true level of commitment to children and their rights, both domestically and internationally.
 4. We note that in its 2016 Concluding Observations on the fifth periodic report of Aotearoa New Zealand, the United Nations Committee on the Rights of the Child made the following recommendation:

The Committee recommends that the State party ratify the Optional Protocol to the Convention of the Rights of the Child on a communications procedure to further strengthen the fulfilment of children's rights. (CRC/C/NZL/CO/5, paragraph 48)
 5. We also note that the United Nations Committee on the Rights of the Child is due to examine Aotearoa New Zealand's 6th periodic report on children's rights in 2022 and we anticipate that the UN Committee would welcome the opportunity to comment positively on Aotearoa New Zealand becoming a party to OP3.

Thank you for considering our submission. We would be happy to respond to any questions the Committee may have or to provide further information if that would assist the Committee in its deliberations.

Nā mātou noa, nā



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