

# United Nations Convention on the Rights of the Child

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Sixth Periodic Report by the  
Government of New Zealand 2021

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## Introduction

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1. New Zealand welcomes the opportunity to provide its sixth report to the Committee on the Rights of the Child. The report covers the period May 2015 to April 2021 and follows on from the fifth periodic report submitted in 2015.
2. Since May 2015, New Zealand has continued to make significant progress in implementing the articles of the United Nations Convention on the Rights of the Child (Children's Convention).
3. The report highlights actions and changes the Government has made, particularly under the [Child and Youth Wellbeing Strategy](#) (the CYWS or the Strategy), to achieve its vision for New Zealand to be the best place in the world for children and young people. The CYWS puts children and young people at the centre of the Government's work and will transform the way Ministers and agencies work together to improve their wellbeing. The Strategy includes actions that seek to address the 2016 Concluding Observations of the Committee.
4. Where possible, the Report notes connections to the Committee's 2016 Concluding Observations in brackets with paragraph references in CRC/C/NZL/CO/5.
5. New Zealand looks forward to being able to address any of the matters canvassed in this report during its presentation to the Committee on the Rights of the Child.

## I. New Developments

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### Reply to 2(a)

6. Key developments since 2015 include establishing:
  - a. a new Ministry called Oranga Tamariki–Ministry for Children (Oranga Tamariki) in April 2017 that is responsible for children in the care and protection system
  - b. the Child Wellbeing and Poverty Reduction Group within the Department of the Prime Minister and Cabinet (DPMC) in February 2018, and passing the Child Poverty Reduction Act 2018
  - c. the Families Package, implemented from July 2018, increased the incomes of around 384,000 low to middle-income families with children
  - d. the Joint Venture for Family Violence and Sexual Violence in 2018 to bring government agencies together to work in new ways to reduce family violence, sexual violence and violence within whānau
  - e. programmes designed to specifically support Māori children in State care and education systems
  - f. the CYWS in August 2019 to strengthen New Zealand's commitment to its international obligations for children – including its obligations under the Children's Convention
  - g. a Digital Safety Group to help protect children from online abuse by enforcing the provisions of the Films, Videos, and Publications Classification Act 1993

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- h. the Education and Training Act 2020 to clarify that all children aged 5 years and above have a right to attend school, including children with special education needs due to disability or otherwise.

7. Work was also done to:

- a. extend the statutory care and protection system to include 17 year olds
- b. include 17-year-olds in the Youth Justice system rather than the adult system.

8. More detail on these changes is discussed under the relevant headings throughout the report.

**Reply to 2(b)**

9. DPMC formed an All-of-Government COVID-19 Group to provide leadership and coordination for the COVID-19 pandemic response. The Group works closely with government agencies across the four portfolio pillars of health, border, economy, and social sector to inform advice to Cabinet and non-health advice to the Director-General of Health, including in relation to children and their rights throughout the pandemic.

10. Individual agencies have focused more specifically on children's rights in the context of COVID-19, including mitigating any adverse impacts of the pandemic on children. For example, the Ministry of Education (MOE) provided online schooling to ensure children's rights under Article 28 were still being met while schools were closed and provided care and supervision for children of essential to meet Article 18.3 (para. 37(b) CRC/C/NZL/CO/5).

11. The Government also acted quickly to ensure food was available to those who needed it in response to COVID-19. For example:

- a. bolstered the delivery of food and welfare assistance by local authorities and Civil Defence Emergency Management Groups, and provided additional support for foodbanks, food rescue and other community food services
- b. made access to Special Needs Grants for food easier
- c. funded the distribution of surplus produce to families and communities and is supporting innovative solutions to address supply chain issues exacerbated by COVID-19
- d. provided the Free and Healthy School Lunch Programme as part of the COVID-19 Response and Recovery Fund from June 2020.

12. The COVID-19 pandemic presented unique challenges for children and young people in New Zealand across a range of areas including health, education, social services and employment. Evidence shows that COVID-19 will have a disproportionate and lasting impact on children and young people, and the full extent of these impacts are still emerging. Further information is provided, in various areas, throughout this report.

**Replies to 2(c) and 3**

Responses are embedded throughout the report.

## II. Rights under the Convention and the Optional Protocols

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### A. General measures of implementation

#### Reply to 4(a)

13. New Zealand works with and supports Tokelau as a non-self-governing territory to ensure that the provisions and protections of the Convention apply to children in Tokelau.

14. Over this reporting period, New Zealand's investment in internet, transport, education and health has assisted the Government of Tokelau to improve children's right to life, survival and development, and the best interests of the child. New Zealand and Tokelau are also initiating reforms and training to strengthen Tokelau's law and justice services, and to improve community resilience to the impacts of climate change on Tokelau's low-lying atolls.

15. The start of a five-year programme of advisory support to Tokelau's schools and Department of Education was highlighted in our previous report. The New Zealand Education Review Office confirmed in 2018 that this assistance improved primary and early childhood education. New Zealand recently committed \$4 million to enabling the Tokelau Department of Education to continue raising the quality of education services and to implement Tokelau's new secondary and digital education strategies, which broaden study and career pathways for young Tokelauans.

#### Reply to 4(b) and 4(c) (para. 28(a) and 28(b) CRC/C/NZL/CO/5)

16. Following the final Expert Advisory Panel report titled "[Investing in New Zealand's Children and their Families](#)", the Government established Oranga Tamariki in 2017. The work undertaken by Oranga Tamariki was previously within by the Child, Youth and Family agency under the Ministry of Social Development (MSD).

17. Oranga Tamariki was set up to deliver a child-centred care, protection and Youth Justice system, focused on delivering better long-term outcomes for children. The agency also plays a broader role across government to strengthen the wider support system for children, young people and their families.

18. Oranga Tamariki's [new operating model](#) aims to make a difference for a child at the earliest possible point. This is achieved by keeping more children and young people safely with their families, whānau (family), hapū (subtribe), iwi (tribe), or, where that is not possible, providing children and young people with high quality alternative care; and ensuring that children and young people in care or custody can transition to independence, with appropriate support.

19. Please note the name of the Principal Act has changed. As of 2017, the Children, Young Persons, and Their Families Act 1989 is now called the Oranga Tamariki Act 1989 or the Children's and Young People's Well-being Act 1989 (OTA).

20. Two noteworthy sets of reforms to the OTA are set out in the following table.

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<p>Tranche 1 (came into effect from April 2017)</p>	<ul style="list-style-type: none"> <li>● an extension to the provision of the statutory Care and Protection system to young people aged 17 years (para. 14 CRC/C/NZL/CO/5).</li> <li>● the repeal of sections 141 and 142 of the OTA ensure disabled children in the statutory care system have the same care mechanisms, protection and safeguards as other children in the system.</li> <li>● embedding the views of children and young people at a systemic and individual level.</li> </ul>
<p>Tranche 2 (came into effect from July 2019)</p>	<ul style="list-style-type: none"> <li>● a broader range of professionals to perform a wider set of functions under the OTA.</li> <li>● the introduction of the National Care Standards (NCS) to set out the standard of care every child and young person in care needs, and what caregivers can expect when they have children or young people in their care.</li> <li>● specific duties on the Chief Executive of Oranga Tamariki to recognise and provide a practical commitment to the principles of te Tiriti o Waitangi.</li> <li>● changes to the purposes and principles of the Act to better ensure children and young people are at the centre of decision-making while considering them within the broader context of their families, whānau, hapū, iwi, family groups (para. 19(c) CRC/C/NZL/CO/5).</li> <li>● a requirement to have regulations that prescribe the actions or steps that must be taken to help ensure that children and young people receive an appropriate standard of care.</li> <li>● provisions giving young people the right to remain or return to living with a caregiver until the age of 21, with transition support and advice available up to age 25.</li> <li>● strengthened information sharing provisions to keep vulnerable children and young people safe from harm.</li> <li>● a requirement for Oranga Tamariki to have one or more child-centred complaints mechanisms in place.</li> <li>● consideration of the Children’s Convention in decisions.</li> </ul>

**Reply to 4(d) (para. 36(d) CRC/C/NZL/CO/5)**

21. The CYWS is an exciting step forward and supports the spirit of the Children’s Convention. The Strategy was developed with input from 10,000 New Zealanders – including over 6,000 children and young people. This transformation will support Te Tiriti o Waitangi and strengthen New Zealand’s commitment to the Children’s Convention.



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22. The Strategy provides an overarching framework to align policy, efforts and investments inside and outside of government. It sets out a shared understanding of what children and young people need and want in order to be well, what government is and should be doing to support them, and also how we must work together. This includes New Zealand's obligations under the Convention.

23. There are six high-level and interconnected wellbeing outcomes, that reflect what children and young people said was important to them. These outcomes signpost the social, economic and environmental factors needed for child and youth wellbeing. The Strategy sets out 36 Indicators that will be used to measure progress towards achieving each of the six wellbeing outcomes for children and young people.

<b>Outcome</b>		<b>Indicators</b>
Children and young people are <b>loved, safe and nurtured</b>	Loving homes that are free from violence, having time with family and whānau, and being safe from avoidable harm and accidents.	<ul style="list-style-type: none"> <li>• Feeling loved</li> <li>• Feeling safe</li> <li>• Family/whānau wellbeing</li> <li>• Injury prevalence</li> <li>• Harm against children</li> <li>• Quality time with parents</li> </ul>
Children and young people <b>have what they need</b>	Income and resource adequacy, and other important aspects of material wellbeing such as nutritious food and quality housing.	<ul style="list-style-type: none"> <li>• Material wellbeing</li> <li>• Child Poverty: Material Hardship</li> <li>• Child Poverty: Low income BHC50</li> <li>• Child Poverty: Low income AHC50</li> <li>• Food insecurity</li> <li>• Housing quality</li> <li>• Housing affordability</li> </ul>
Children and young people are <b>happy and healthy</b>	Good physical and mental health, spaces and opportunities to play, and healthy environments.	<ul style="list-style-type: none"> <li>• Prenatal care</li> <li>• Prenatal exposure to toxins</li> <li>• Subjective health status</li> <li>• Preventable admissions to hospital</li> <li>• Mental wellbeing</li> <li>• Self-harm and suicide</li> </ul>
Children and young people are <b>learning and developing</b>	Positive engagement and achievement in education, development of skills to navigate life's transitions and achieve their potential and enable choices around further education, volunteering, employment and entrepreneurship.	<ul style="list-style-type: none"> <li>• Early learning participation</li> <li>• Regular school attendance</li> <li>• Literacy, numeracy and science skills</li> <li>• Social skills</li> <li>• Self-management skills</li> <li>• Youth in employment, education or training</li> </ul>
Children and young people are <b>accepted,</b>	Feeling a sense of belonging, living free from racism and discrimination, care for others,	<ul style="list-style-type: none"> <li>• Ability to be themselves</li> <li>• Sense of belonging</li> <li>• Experience of discrimination</li> </ul>

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<b>respected and connected</b>	having good relationships and being connected to identity.	<ul style="list-style-type: none"> <li>• Experience of bullying</li> <li>• Social support</li> <li>• Support for cultural identity</li> <li>• Languages</li> </ul>
Children and young people are <b>involved and empowered</b>	Support to contribute, be listened to, make positive choices, and develop autonomy.	<ul style="list-style-type: none"> <li>• Involvement in community</li> <li>• Representation of youth voice</li> <li>• Making positive choices</li> <li>• Criminal offending</li> </ul>

24. DPMC published the [first annual CYWS progress report](#) for the first ten months of the Strategy’s implementation from September 2019 to June 2020.

25. The Government recognises that a single strategy and programme of action cannot solve the challenges of child and youth wellbeing all at once. The Strategy is supported by other areas of work and action plans across government that, when implemented, will also help achieve the outcomes in the Strategy. The Strategy will be reviewed at least every three years, to address gaps and identify new areas of focus.

26. MSD leads a cross-agency Children’s Convention work programme that includes actions to support the CYWS outcome and responds to the recommendations from the Committee’s 2016 concluding observations. The work programme is monitored by the Children’s Convention Monitoring Group and the Children’s Convention Deputy Chief Executives group. They meet biannually to provide a cross-agency focus on key children’s rights issues, which include the below workstreams:

- a. expanding community-based options across all relevant settings to reduce the use of detention for children and young people (led by Oranga Tamariki and New Zealand Police (Police)) (see reply to 19(e))
- b. implementing an anti-bullying strategy and work programme with a strong focus on student voice and agency (led by MOE) (see reply to 25(j))
- c. developing training for public servants on children’s rights and the Children’s Convention (led by MSD, with the Office of the Children’s Commissioner) (see reply to 4(e))
- d. finalising the Child Impact Assessment Tool and its implementation across government agencies (led by MSD) (see reply to 4(e))
- e. establishing a data leadership working group to coordinate and improve data collection and dissemination in relation to children and young people (led by Statistics New Zealand (Stats NZ)) (see reply to 6(a))
- f. implementing and making the Privacy, Human Rights and Ethical Framework for data use publicly available, including predictive modelling (led by MSD) (see reply to 14(c))
- g. implementing a work programme for the prevention of online child sexual exploitation and abuse, including measures targeting potential offenders, children and young people and parents and guardians of children and young

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people (led by the Department of Internal Affairs (DIA), with New Zealand Customs (Customs)) (see replies to 30).

27. Progress on work in these areas can be read throughout the report.

**Reply to 4(e)**

28. The Child Impact Assessment Tool (CIAT) aims to help government agencies and non-government organisations assess the impact of policy or legislative proposals on the wellbeing of children and young people. MSD published [guidance](#) on carrying out a child impact assessment in 2018 but its use is not compulsory.

29. The Treasury New Zealand (Treasury) acknowledges the CIAT in its guidance for assessing the regulatory impact of policy proposals and encourages its use where impacts on children are anticipated. While Treasury does not require agencies to use the CIAT at this stage, proposals seeking public resources are scrutinised and the relative effectiveness of spending proposals are evaluated.

30. Treasury has also developed a tool to support cost benefit analysis of policy initiatives, which can inform resource allocation. It includes consideration of factors that affect children (for example health and wellbeing, education, and social connections).

31. A child rights-based approach is also relevant to the CYWS under the principle that children and young people's rights need to be respected and upheld, including that their voices, perspectives and opinions are listened to and considered. The Children's Act 2014 requires consultation with children and the Children's Commissioner before the CYWS is changed or a new strategy is adopted.

**Reply to 5(a)**

32. The Treasury tracks child-related expenditures through the annual budget process.

33. The [first wellbeing budget \(2019\)](#) had a priority focus (one of five) on improving child wellbeing.

34. The Treasury has also committed to developing a child wellbeing component to its Flexible Living Standards Framework – which represents the Treasury's perspective on what matters for New Zealanders' wellbeing, now and into the future.

**Reply to 5(b)**

35. New Zealand has well established processes for civic engagement in investment of public funds. At the broadest level this involves free and fair elections. The public can also submit to Parliament on the [Budget Policy Statement](#).

36. While the national Budget process is not consulted on publicly, the CYWS and its outcomes and priorities were used to assess Budget bids for the 2020 Budget process. Significant consultation with children and young people was undertaken to ensure this group was directly involved in the development of the CYWS, supporting children's indirect involvement in the 2020 national Budget.

37. Officials are working with local councils to co-design resources and guidance to help local councils embed the CYWS framework into their broader strategies and

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business planning, including budget allocation. This will enhance public participation in these processes.

**Reply 5(c)**

38. In response to COVID-19, the Government has maintained existing government service provision and provided additional support for those most affected. It increased expenditure to support New Zealand businesses through the COVID-19 Wage Subsidy and other substantial income support measures. Expenditure on COVID-19 measures was initially funded from increased debt, and the Government has run a deficit. In December 2020, the Government increased the marginal tax rate for high income earners, in part to manage increased debt in the long term. This measure increased the progressivity of the tax system.

**Income Support Measures**

39. In response to COVID-19 in 2020, MSD implemented several rapid changes to the income support system to better support people (including children) affected by the public health response and its economic impact. These include:

- a. a permanent \$25 per week increase to all main benefits
- b. a wage subsidy to help maintain employment for affected businesses
- c. the COVID-19 Leave Payment to support people who had the virus or had to self-isolate (including caregivers of dependants who had the virus or had to self-isolate)
- d. the temporary doubling of the Winter Energy Payment for winter 2020
- e. the COVID-19 Income Relief Payment to support people who had lost employment due to COVID-19 and the public health response
- f. increasing the maximum amount available to meet emergency food costs by \$400.

**The Child Poverty Report**

40. The Child Poverty Report, released each year as part of the Budget process, is one way the Government takes account of the impact of major events, such as the COVID-19 pandemic. [The latest Child Poverty Report was released with the 2020 Budget.](#)

**COVID-19 Support for Youth**

41. Young people have been significantly affected by the uncertainty of COVID-19 in terms of employment, accommodation or having their normal support systems impacted throughout lockdown. A programme of work is underway to ensure there is psychosocial support available to youth (in ways that young people expressed they want to access support).

42. A Social Impacts Evidence Agenda Working Group has been formed to help identify emerging strategic policy priorities and evidence needs for different business areas across MSD, relating to the social impacts of COVID-19 and the associated economic downturn. As part of this, research will be undertaken to better understand the impact COVID-19 has had on young people to inform the development of further

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actions for the [Youth Plan 2020-2022: Turning Voice into Action – Rebuilding and Recovering](#), which was launched on 29 July 2020.

**COVID-19 support for families, including disabled children**

43. Carer Support and Individualised Funding services introduced more flexibility so that families and whānau could access disability supports during lockdown. For example, families could purchase items that would provide them with respite such as weighted blankets, or fidget toys for their disabled children to help them to sleep or reduce anxieties.

44. The Government is working to ensure the complex health and social needs of young people in the care of Oranga Tamariki are met, particularly if the need for Managed Isolation and Quarantine (MIQ) arises.

45. During all levels of the COVID-19 response, the Courts remained operational as an essential service, at a reduced level. Triaging was put into effect to ensure that matters requiring immediate intervention were still heard in a timely way (such as care and protection applications and family violence related care of children applications). Public-facing guidance was updated at each of the alert level change to ensure that plain English information around the requirements was available to parents and caregivers. At Alert Level 4 the Principal Family Court Judge also issued guidance on children in shared care pursuant to Family Court orders. MOJ also provided a range of other information on its website:

- a. Chief Victims' Advisor – Support available for victims during isolation,
- b. Family and Sexual Violence Helplines,
- c. Q+A for shared parenting in Alert Level 4.

46. [New Zealand's MIQ system provides information on support for young people in its welcome pack for all returnees to New Zealand](#). The Procedures for Unaccompanied Children and Young People includes [guidance for MIQ staff working with children and young people](#). This helps ensure that 'the unique needs of unaccompanied children and young people in managed isolation facilities are identified and accommodated so as to ensure that their rights under relevant legislation, international human rights treaties and guidelines are protected'. This document also notes that all children under 18 must be treated in accordance with the Ministry of Business, Innovation and Employment's (MBIE) Child Protection Policy.

47. Oranga Tamariki expects that as a result of the COVID-19 pandemic, the number of children, young people, families, and whānau coming its attention and the complexity of needs presenting will increase. Those requiring additional support will be responded to effectively by way of:

- a. early support services that draw on community networks and strengths
- b. intensive response services to keep children at higher risk of harm living safely with their usual caregivers wherever possible, or to be cared for by extended family, whānau, hapū or iwi
- c. transition support services for young people who are about to leave, or who have left care that are flexible and responsive to the changing employment environment, potentially providing more support to some and to a larger group of young people than previously anticipated.

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48. As part of the all-of-government response to COVID-19, the Government has also formed 'Caring for Communities' (C4C), a group of senior public servants including Chief Executives and their officials. The group acts as an intermediary group to support agencies, regions, and communities by working together across Government to ensure an effective system-wide response to issues as they arise. The group has worked with non-government and community providers and informal networks to ensure rapid and ongoing support for at-risk children and young people. To specifically support Māori, Te Puni Kōkiri (TPK) – the Ministry of Māori Development has a focus on Māori children through regional networks within the C4C work.

49. The prioritisation framework for the delivery of a COVID-19 vaccine, once available, will take an equity approach to delivery and consider the rights of all children as part of this approach.

**Reply to 6(a) (para. 28(d) CRC/C/NZL/CO/5)**

50. Currently, methods of data collection in relation to children and young people in New Zealand include the:

- a. a five-yearly Census of Population and Dwellings which provides population counts of children by ethnicity and disability status, and information on the household and family circumstances of children including socio-economic status, housing, and employment.
- b. Household Economic Survey (HES) – for measuring statistics in relation to the Child Poverty Reduction Act 2018.
- c. The quarterly Household Labour Force Survey provides information on the labour force status of households and families with children. It also provides information on the labour force status of adults aged 15 and over disaggregated by ethnicity and disability.
- d. Youth Health and Wellbeing Survey - a nationwide survey of young people in New Zealand.
- e. Wellbeing@School survey.
- f. New Zealand Health Survey – runs annually (since 2011) collecting health and wellbeing information on adults and children.
- g. General Social Survey - provides information on the wellbeing of New Zealanders aged 15 years and over.
- h. Te Kupenga - collects information on the social, cultural, and economic wellbeing of Māori in New Zealand, including information from a Māori cultural perspective.

51. Stats NZ consider the HES as the most effective survey for measuring child poverty statistics in relation to the Child Poverty Reduction Act 2018. To provide a more accurate picture of child poverty in New Zealand, Stats NZ has expanded the survey's sample size to at least 20,000 households, and improved targeting of low-income or high-deprivation households. See the data annex for its findings.

52. The CYWS has 36 indicators for measuring and reporting against its outcomes. The indicators will be built on and improved over time, as work across government progresses on improving the quality of data or collecting new or different data on children and young people's wellbeing.

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53. Ngā Tūtohu Aotearoa – Indicators Aotearoa New Zealand contains wellbeing indicators that reflect an internationally growing vision to provide a more holistic view of wellbeing and sustainable development. These indicators are collections of data and research that help us measure the state or condition of particular aspects of our wellbeing. Key child wellbeing indicators include:

- a. child poverty
- b. early childhood education participation
- c. literacy, numeracy, and science skills of 15-year-olds
- d. harm against children.

54. Stats NZ's integrated data products are critical tools in the Government's effort to reduce poverty, improve health, and provide a growing, inclusive economy. These include the Integrated Data Infrastructure (IDI) and the Longitudinal Business Database (LBD). These products bring together a wide variety of data from government and non-government organisations on topics like health, social services, education, wellbeing and justice.

55. As part of the Children's Convention work programme, Stats NZ leads the development of a Data Investment Plan for the government data system. The Data Investment Plan will help government invest in data strategically, by setting out a long-term view of investment across the government data system. It will identify critical shortcomings in data content, infrastructure, and capability, and provide recommendations to government on how these should be prioritised for investment.

56. Data on children and young people, including data from a child and youth perspective, and gaps in data identified through the CYWS and Child, Youth and Family Outcome Framework are included in the stocktake of essential data assets that will inform the Data Investment Plan.

### **Reply to 6(b)**

#### **Children's health**

57. To monitor and evaluate New Zealanders Health outcomes, The Ministry of Health uses the annual New Zealand Health Survey and data from the Household Income Report (related to child poverty). These collections form the basis of monitoring of key health issues for children. The [key results from 2018-2019](#) (and [other related reports](#)) can be found on the MOH website.

#### **Children in the care and protection and youth justice systems**

58. Oranga Tamariki collects a range of data and indicators about its children and families, their situations and outcomes from interventions. In terms of young people's involvement in [youth justice](#) – information comes from Oranga Tamariki, the Police and MOJ.

59. The Ministry of Justice (MOJ) collects data around ethnicity, age, and gender of users of the Family Court.

#### **Tamariki Māori (Māori children)**

60. It is standard across government sources of administrative data, or large scale surveys in Aotearoa New Zealand to identify tamariki Māori. This means that most

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data sets that are used to inform policy or undertake evaluation will automatically include the ability to analysis the experiences and outcomes of tamariki Māori separately to other ethnicities.

61. TPK monitors the collection of data and indicators concerning Māori, including through Te Mana Raraunga e Māori Data Sovereignty Network which focuses on the integrity and ownership of data on Māori.

**Children with disabilities**

62. Child poverty statistics from the 2019/20 HES will be able to be disaggregated by children with disabilities and children who live in households affected by disability to monitor the living standards of these two groups of children.

**Transport for Children**

63. The Ministry of Transport's (MOT) Transport Indicators monitor the performance of the transport system for children. Transport is key to children's ability to access the support and services they need. Indicators include:

- a. percentage of children unable to visit a general practitioner due to a lack of transport (breakdowns by ethnicity, household income, age, gender and region)
- b. number of hours spent on active travel among children aged 0-14 years.

64. MOT also reports on other indicators through annual reporting for the Government Policy Statement on Land Transport and "[Road the Zero: New Zealand's Road Safety Strategy](#)".

**Reply to 7(a), 7(b) and 7(d)**

65. Businesses that have a direct impact on children and young people are subject to child-specific laws in New Zealand as well as international obligations under the Organisation for Economic Cooperation Development (OECD) and certain International Labour Organisation Conventions.

66. In October 2019, new Government Procurement Rules (the Rules) and the Supplier Code of Conduct (2019) came into effect. Suppliers and their contractors are expected to comply with employment standards and health and safety requirements (including child employment standards). Additionally, Government Procurement Charter sets the expectation that Government agencies engage with businesses with good employment practices, including respecting child labour rights.

67. HealthCERT within MOH, regulates healthcare service care providers as required under the Health and Disability Services (Safety) Act 2001. This includes providing hospital level care such as children's health services and maternity services.

68. Providers of social services on behalf of Oranga Tamariki, The Department of Corrections (Corrections), MSD, Ministry of Housing and Urban Development (HUD), and the Ministry of Pacific Peoples (MPP) are also assessed through a Social Services Accreditation Standards process. The standards include:

- a. community wellbeing (paramountcy of the child and young person), cultural competence and client centred services. The community wellbeing standard specifically references the Convention



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- b. include specific care services standards where children in State care are placed with providers. These standards also highlight the requirement to provide services that meet requirements set out in the NCS.

69. The Children's Act 2014 introduced a workforce restriction making it unlawful to employ a core children's worker with certain serious criminal offences unless they hold a [core worker exemption](#).

**Reply to question 7(c)**

70. Wide consultation on the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, and the earlier Trans-Pacific Partnership was undertaken before New Zealand ratified the Agreement, and a broad range of stakeholders provided feedback on a wide range of topics. Consultation included public Q&A sessions and focused workshops with experts on the matter. Issues pertaining to children were not prominent in the submissions.

**B. Definition of the child**

**Reply to 8**

71. The minimum age of marriage in New Zealand is 16 years. However, for intended marriages where both parties are aged 16 or 17 years, consent must be obtained from a Family Court Judge through an application to the Family Court.

72. The relevant considerations for the Judge to consent to the intended marriage are set out in section 18(4) of the Marriage Act 1955.

73. See reply to 4(b) and (c) on changes made to the Children Young People and Families Act.

## C. General principles

### Reply to 9(a)

74. The Government is currently undertaking substantial work to improve access to education, healthcare and protection for these groups.

### Tamariki Māori

75. Oranga Tamariki has obligations under section 7AA of the OTA to ensure that its policies, practices, and services support and improve outcomes for tamariki and whānau Māori. A range of services have been developed since Oranga Tamariki was established to support how it works with Māori. For example:

- a. Whānau Care – a kaupapa-Māori<sup>1</sup> model focused on developing partnerships to build the capacity and capability of iwi and Māori organisations to develop their own models of care and become accredited care providers.
- b. the use of Iwi and Māori-led Family Group Conferences (FGC) is increasing with engagement, facilitation, family support and plan development being entirely Māori-led.
- c. Ka Hikitia – Ka Hāpaitia (MOE-led) is a cross-agency Māori strategy for the education system. The vision is: Māori enjoying and achieving education success as they develop the skills to participate in te ao Māori (the Māori world), Aotearoa (wider New Zealand society) and the world.

76. TPK also promotes Māori culture, including te reo Māori (Māori language), within the education sector. Established tailored investments, such as [Pae Aronui](#) are aimed at improving education, training and employment outcomes for Māori 15-24-year olds that are not in education, employment or training (NEET) or are at risk of becoming NEET (at key transition points). Other investments include a Cadetships Programme to develop rangatahi (young persons) to full time employment, and Taiohi Ararau – Passport to Life which helps young Māori acquire essential documents like a driver's license and Inland Revenue Department number.

77. [Whakamaua: Māori Health Action Plan 2020-2025](#) (Whakamaua) is the implementation plan for He Korowai Oranga, New Zealand's Māori Health Strategy. Whakamaua outlines the action to "complete and implement the redesign of the Well Child Tamariki Ora programme to ensure equitable access to the programme and improved outcomes for tamariki and whānau Māori".

78. For disabled tamariki Māori, [Whaia te Ao Marama: the Māori Disability Action Plan 2018-2022](#) lays out actions that will be taken to ensure they are receiving the support they need.

### Pacific children

79. The Action Plan for Pacific Education outlines key shifts needed to support Pacific learners to access education and actions to make this happen. One of the key shifts in the Action Plan is to "confront systemic racism and discrimination in education" and this acknowledges that the privileging of dominant ways of thinking, teaching and

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<sup>1</sup> *Kaupapa* - principles and ideas which act as a base or foundation for action.

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learning creates barriers for Pacific learners. One of the areas of action relates to the accessibility of learning support interventions for Pacific learners.

80. [Ola Manuia Pacific Health and Wellbeing Action Plan 2020-2025](#) sets out priority outcomes and accompanying actions for the next five years to improve the health and wellbeing of the growing Pacific population living in New Zealand.

81. The Ministry for Pacific Peoples (MPP) funds a range of services to support Pasifika children, including:

- a. Tupu Aotearoa - supports NEET (Not Employment, Education or Training) young people aged 15 and older into sustainable employment and training opportunities
- b. Kau Tuli - MPP's youth advisory group comprised of aspiring young Pacific leaders from around New Zealand
- c. Toloa - a programme designed to encourage Pacific students to pursue studies in Science Technology Engineering Mathematics subjects and to later enter these careers.
- d. [Faiva Ora National Pasifika Disability Plan 2016–2021](#) - sets out priority outcomes and actions to support and improve the lives of Pacific disabled people of all ages (including children) and their families.

**Children with disabilities**

82. See reply to 21(a).

**Reply to 9(b)**

**Tamariki Māori and whānau**

83. Given tamariki Māori make up nearly two-thirds of those in State care, section 7AA of the OTA recognises that a [different approach is required](#) to respond to the needs of tamariki Māori. The Act places a duty on the Chief Executive of Oranga Tamariki to make a practical commitment to the principles of the Te Tiriti o Waitangi and demonstrate how they have done this in public reports.

84. In E Tū Whānau, whānau and families are enabled to make the changes needed to create a different future for themselves and their tamariki by identifying and developing locally-led solutions and initiatives that meet the diverse needs of their own communities. This kaupapa has also been enthusiastically embraced by former refugee and migrant communities, who resonate with E Tū Whānau's core values, and its strength-based and indigenous approaches.

**Pacific children**

85. Oranga Tamariki has a Pacific Strategy which demonstrates a real commitment to meeting the needs and helping Pacific children, young people and their families thrive within their cultural context. The strategy identifies five focus areas that align with the organisation's key priorities - loving places, quality practice, strategic partnerships, early prevention, and public trust. It is underpinned by six principles that reflect the Pacific worldview: the child's best interest, love and safety, respect, reciprocity, faith and family, and collective responsibility.

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86. Oranga Tamariki have also developed products and services to support Pacific families:

- a. [Va'aifetū](#) (guardians and guardianship of stars) a cultural-practice tool that informs practice design, review, and workforce support to best serve the needs of Pacific children and their families
- b. Talanoa Mai - an App designed to increase cultural confidence, knowledge and capability in working with Pacific children, young people, their families and communities.

**Children belonging to ethnic minority groups, asylum-seeking, refugee and migrant children**

87. New Zealand does not have a programme in relation to public attitudes that specifically concerns children of this group. However, Immigration New Zealand, leads the [Welcoming Communities initiative](#) in partnership with the Office of Ethnic Communities and Human Rights Commission. The objective of this community-focussed programme is to make newcomers – including children – feel welcome and better able to participate in community economic, civic, cultural and social life.

88. MoJ is leading the development of a National Action Plan Against Racism to target and eliminate racism in Aotearoa New Zealand. It will be a plan for all New Zealanders but will include specific actions for the Government to reduce racism. This work is still at an early stage and no decisions have been made about approach or timeframes.

**Children with disabilities**

89. Oranga Tamariki have obligations to under the OTA and the [National Care Standards](#) to ensure disabled children have their needs met and rights upheld, including not experiencing discrimination. In the principles of the OTA, Oranga Tamariki and the court must give effect the UNCRPD for children and young people with disabilities when acting under the Act. This is to ensure the disabled children have equal rights under the law.

**Sexual orientation, gender identity and expression, and sex characteristic (SOGIESC) diverse children (para. 15(b) CRC/C/NZL/CO/5)**

90. Oranga Tamariki also has specific obligations under the OTA and NCS towards the sexual orientation, gender identity and expression, and sex characteristic diverse population with whom it has contact.

91. From 2021, the Government will provide \$4 million towards mental wellbeing initiatives for Rainbow people. MOH has also invested \$600,000 for Rainbow competency training to respond to the specific needs of Rainbow New Zealanders seeking help during times of distress.

**Reply to 9(c)**

92. The two primary rights Acts in New Zealand are the New Zealand Bill of Rights Act 1990 (BORA) and Human Rights Act 1993 (HRA). Both prohibit discrimination based on age from 16 years old and above. Cases of discrimination against children in New Zealand can be raised through the Office of the Children's Commissioner. The Children's Commissioner can then investigate the complaint in that child's personal capacity.

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**Reply to 10(a) and 10(b)**

<b>Legislation</b>	<b>Change</b>	<b>Effect of change</b>
Education and Training Act 2020	Explicit requirements for the best interests or needs of children to be taken into account at the individual level.	E.g. when considering exemptions from enrolment and at a system level (for example when considering approvals for early childhood licensing applications).
Section 5 of the Care of Children Act 2004 (COCA), and in sections 4A, 5 and 13 of the OTA	Principles relating to the welfare and best interests of the child including safety and identity.	The Court no longer needs to reply on imposing Convention principles onto other pieces of legislation to apply the paramountcy principle (for example the Adoption Act 1955). Case law will become more consistent with explicit requirements.
Section 4A of the OTA	Wellbeing and best interests of a child or young person as the first and paramount consideration in the application of most of the Act.	The best interests of the child are considered primary (but not paramount) in youth justice matters, along with other primary considerations including public safety, the interests of victims, and accountability for behaviour. This change recognises the vulnerability of young people within the youth justice system, with its principles supporting decision making.
Section 9B of the Family Court Act 1980	Explicitly requires a <a href="#">Lawyer for Child</a> to act for that child/young person in proceedings in a way that promotes their welfare and best interests.	A lawyer for the child must adhere to a set of requirements, which include that they should have a minimum of five years specialist experience and sound knowledge of core family law statutes. They must also undertake professional development in the family law space. There is no specific guidance on how they should determine and weight the child's best interests – this is decided by the Court.

93. The New Zealand Courts do not provide specified guidance on how to interpret the law. Judges make informed decisions using legislation and previous case law as guidance.

**Reply to 11 (para. 17 CRC/C/NZL/CO/5)**

94. The [Government launched Every Life Matters – He Tapu te Oranga o ia Tangata: Suicide Prevention Strategy 2019–2029 and Suicide Prevention Action Plan 2019–2024](#) to outline a clear vision and specific actions for preventing suicide in New Zealand. Te Au, the National Māori Suicide Prevention Centre, has distributed \$1.6

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million to whānau, hapū, iwi, Māori communities and Māori providers to address suicide and its impacts through the Māori Community Suicide Prevention Fund.

95. To support children’s mental health, MOH provides a free nationwide counselling line available for 5–19 year olds. MOE is working closely with the newly established Suicide Prevention Office to promote wellbeing and provide supports for children and young people experiencing suicidal distress within their places of learning. MOE is updating resources that guide best postvention practices in schools, and supporting schools after a suicide, through their traumatic incident teams, to maintain positive learning environments.

96. TPK also established the Rangatahi Suicide Prevention Fund to support a range of community initiatives contributing to improving rangatahi wellbeing and reducing the likelihood of rangatahi (youth) Māori suicide.

**Reply to 12(a)**

97. Recent legislative reforms include:

Oranga Tamariki Act 1989	<p>Those working with children must ensure that children and young people are encouraged and assisted to participate in proceedings and processes of relevance and are given opportunities to express their views on matters that may affect them.</p> <p>Section 11 amendment - if a child or young person has difficulties in expressing their views or being understood (for example, because of their age or language, or because of a disability), support must be provided to assist them to do so and their views must be considered.</p> <p>New, separate principle of participation for children and young people.</p> <p>See also reply to 4(b) and 4(c).</p>
Care of Children Act 2004	<p>Section 5(a) was amended in 2019 to state a child’s safety must be protected and, in particular, a child must be protected from all forms of violence (as defined in sections 9(2), 10, and 11 of the Family Violence Act 2018) from all persons, including members of the child’s family, family group, whānau, hapū, and iwi .</p> <p>Family Court (Supporting Children in Court) Legislation Bill –provided express reference to the Convention and amended the COCA and the Family Dispute Resolution Act 2013 to establish children’s participation as a guiding principle. It also requires a lawyer to explain the court proceedings process in an ongoing way so children understand.</p> <p><a href="#">Practice Note for Lawyer for Child</a> acting under the COCA and the OTA (see reply to 10(a) and 10(b)).</p>

**Reply to 12(b)**

<b>Initiative (date of establishment)</b>	<b>Led / supported by</b>	<b>Function</b>
Tamariki Advocate, Deputy Chief Executive	Oranga Tamariki	Ensures the voices and interests of tamariki and rangatahi were at the centre of the work of the organisation. This executive role

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Voices of Children role (2017)		is a first within government and ensures these voices and interests are heard and advocated for at the very highest level of the system.
VOYCE - Whakarongo Mai (VOYCE) (2017)	Oranga Tamariki	An independent, non-government organisation that provides advocacy and connection services for tamariki and rangatahi with care experience. One of its five guiding pou (pillars) is whakatairanga – to promote the collective voice of tamariki and rangatahi in national policy development of the care system.
The Voices of Children and Young People Team	Oranga Tamariki	Ensures that the voices of tamariki and rangatahi with care experience are systematically captured and are able to influence policy, practice, service and system thinking across the organisation
Youth Advisory Group (2018)	Oranga Tamariki	This group of up to ten rangatahi, aged between 18-24 years provides care-experienced perspectives and contributions on the design and implementation of policies, practices and services.
<a href="#">The Hive</a>	Ministry of Youth Development	An online approach to engagement using social media, video and blogs to describe policy initiatives in ways that other young people will understand and relate to. They also developed the submission questions and enabled a more accessible and creative submissions process.  Ministry of Youth Development partnered with a creative agency and 15 young people to develop the Hive.
Whānau-Centred Policy Tool	TPK	For government agency policy development, design, service delivery and contracting practices. A cornerstone of this tool is to encourage agencies to engage with whānau at all stages of the policy process, including tamariki Māori where they are impacted.

**D. Civil rights and freedoms**

**Reply to 13 (para. 29(d) CRC/C/NZL/CO/5)**

98. All surrogacy arrangements in New Zealand require an adoption to legalise the relationship between the commissioning parents and the child. This involves a social work assessment and report with details about the biological parents of the child,

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details about the surrogate and an assessment of the suitability of the adoptive applicants (commissioning parents) to adopt the child.

99. The guidelines for international surrogacy in New Zealand require as much information as possible about the specific circumstances of the surrogacy, including details of biological parents and surrogate. An assessment of suitability and full information about the circumstances of the child's creation is provided to the Family Court in the adoption process. If successful, information is secured on the Court file and thus available to the child in the future.

**Reply to 14(a)**

100. The Approved Information Sharing Agreement (AISA) has been superseded by the [OTA information sharing provisions](#). From 2019, the changes to section 66 of the OTA give child welfare and protection agencies (agencies) the ability to request, collect, use and share personal information for purposes related to the wellbeing and safety of children. The new provisions are designed to put the child at the centre of the provision of support and services and require anyone acting under the OTA to be transparent and honest with children about sharing their information. Oranga Tamariki has provided comprehensive guidance for agencies on using the new information sharing provisions in the OTA.

101. The Children's Teams to which the AISA applied are gradually shifting to new, community-based approaches as these are developed.

**Reply to 14(b)**

102. The OTA information sharing provisions explicitly require that the best interests of the child are at the forefront of decisions made around the collection, use, storage and dissemination of information.

103. MOE has prepared education specific guidelines to assist staff to apply the information sharing provisions appropriately in context of working with learners. Their evaluation teams work with privacy experts to ensure that the information being collected is appropriate and is being collected in a way that is appropriate when information is required from a learner.

**Reply to 14(c)**

104. Several government agencies are signatory to Stats NZ's [Algorithmic Transparency Charter](#) and the Data Protection and Use Policy run by the Social Wellbeing Agency (including Oranga Tamariki, Ministry of Education and MSD). Oranga Tamariki does not use predictive risk modelling in front line decision making, however ensures it has rigorous ethics, privacy and confidentiality protocol for the use of data and research in all areas of work concerning the children it works with.

105. MSD has developed the publicly available [Privacy, Human Rights and Ethics Framework](#) (PHRaE).

**Reply to 14(d)**

106. The Privacy Act 2020 repealed and replaced the Privacy Act 1993 from 1 December 2020.



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107. Principle 4 of the Privacy Act 2020 requires that agencies take particular care when they are collecting information from children and young people and that they do so in a way that is fair and reasonable. This includes recognition that children's personal information merits specific protection because children may be less aware of the risks, consequences and safeguards of providing personal information.

108. While security intelligence agencies in New Zealand are exempt from most of the privacy principles, an access request can still be made for the information collected. If any intelligence agency refuses an access request, a complaint can be made to the Office of the Privacy Commissioner who can investigate and independently verify whether there is good reason to withhold some or all of the information.

**Reply to 15(a) (para. 21(a) CRC/C/NZL/CO/5)**

109. The Government has been progressively rolling out improved broadband to rural and remote areas through the Rural Broadband Initiative (RBI). Phase 1 concluded in 2016 with an estimated 300,000 rural homes and businesses receiving access to a broadband connection. Phase 2 will conclude by 2023 to provide an estimated 84,000 additional rural homes and businesses access to improved broadband.

110. Additionally, the Marae Digital Connectivity programme deploys high speed broadband to the approximately 850 marae (meeting houses) that are eligible for a connection, with initial installation and training costs for the first five years fully funded by the Crown. Marae can provide a rural digital hub for communities.

**Reply to 15(b)**

111. DIA has launched a public awareness '[Keep it Real Online](#)' campaign to help keep children and young people safe from online harms. The first phase of the campaign focused on supporting parents and caregivers to manage online risks for children and young people. The second phase has been launched with messages directed at young people and updated resources on the website. Different age groups will be targeted in different ways to ensure messaging is effective and children and young people can get age-appropriate information and resources to stay safe online.

112. To protect children from online harm within the school environment, MOE developed [The Digital Technology: Safe and responsible use in schools guide](#) to help all schools develop a safe digital environment.

**E. Violence against children**

**Reply to 16(a) (para. 23(a) CRC/C/NZL/CO/5)**

113. The Professional Practice Group (led by Oranga Tamariki) monitors the quality of practice delivered by Oranga Tamariki practitioners in their work with children, young people, and their families and whānau. Monitoring activities are designed to assess practice and decisions against legislative requirements and core standards of practice. All front-line sites are required to complete annual self-assessments of key strengths and areas for improvement in practice. Random samples of casework by site-based Practice Leaders are assessed monthly.

**The National Care Standards (NCS) and monitoring (paras. 28(a) and 28(e)  
CRC/C/NZL/CO/5)**

114. Organisations that have legal custody of children or young people under section 396 of the OTA will also be responsible for meeting the NCS. The NCS were built around what children and young people told us they need in the care system. The recently established Independent Children's Monitor (the Monitor) oversees and produces annual reports to the government on its adherence to them.

115. [The Monitor has released reports on agency compliance with the NCS Regulations from 1 July 2019](#). Of particular note in the second report, the Monitor found areas for improvement for Oranga Tamariki to ensure that allegations of abuse or harm are better responded to and dealt with.

116. MSD is leading work to strengthen oversight of the Oranga Tamariki system, which encompasses statutory care of children. It aims to strengthen system-level advocacy for all children and young people (through the Office of the Children's Commissioner), improve oversight and investigation of complaints (through the Office of the Ombudsman) and strengthen independent monitoring and assurance of the Oranga Tamariki system (through the Monitor). Cohesive and consistent oversight between the three bodies will improve the rights, interests and wellbeing of children and young people in the Oranga Tamariki system.

**Vetting of children's workers**

117. The Children's Act 2014 requires vetting of children's workers and Oranga Tamariki conduct internal safety checks for children's workers. Two compulsory training programmes on the use of restraints and de-escalation techniques are provided to support children's workers managing safety in State care.

**Reply to 16(b) (23(b) CRC/C/NZL/CO/5)**

**In State care**

118. Oranga Tamariki and Police have a statutory obligation to investigate incidents of violence and abuse of children and young people, including those in state care. Safety and wellbeing in relation to incidents of violence, abuse and neglect are considered through the course of an investigation or assessment.

**Claims and complaints**

119. MSD is responsible for responding to claims within the state care system from before 1 April 2017, and Oranga Tamariki is responsible for claims after this date. As at 30 June 2020, a total of 4,173 claims have been received by MSD since the team was established in 2004. Of these, 1,834 claims have been resolved. As part of redress, apologies and payments from MSD so far have totalled over \$30 million. Individual payments have ranged from between \$1,000 and \$90,000, with the most common payment range between \$10,000 and \$25,000.

120. MSD is considering how it can provide more meaningful redress after receiving feedback from consultation with claimants in 2018. Wraparound services are being developed by external non-government organisations to act as a coordination point for supports claimants may need (e.g. housing, health services, employment assistance). Further consideration is also being given to initiatives such as providing

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whānau reconnection support and new options for how a claimant could receive an apology.

121. The Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-Based Institutions was established in 2018 to investigate why people were taken into care, the abuse that happened, the reasons for, and the effects of the abuse. The Royal Commission is also looking at the way that State and faith-based institutions have dealt with survivors' claims through redress to assess what improvements could be made. The Royal Commission is scheduled to report back in January 2023 with recommendations.

**Prosecution and sentencing**

122. The Police ensures that prosecutions involving child victims are initiated where the prosecutor is satisfied that there is sufficient admissible evidence to provide a reasonable prospect of conviction, and prosecution is required in the public interest. This consideration includes whether the defendant is a child or young person.

123. Although it is well-established in New Zealand that violence against, and neglect of children is an aggravating factor at sentencing, offending against children may be penalised through a range of sentencing outcomes.

**Abuse outside of the care system**

124. Oranga Tamariki and Police work collaboratively to respond to alleged or actual incidents of serious child abuse or neglect. They assess all reports of child safety concerns received and:

- a. take immediate steps to secure the child's safety and wellbeing, including identifying and seeking support from family members and others who can help
- b. intervene to ensure the child's rights and interests are safeguarded
- c. investigate all reports of serious child abuse in a child-centred timeframe, using a multi-agency approach
- d. take effective action against offenders so they can be held accountable
- e. strive to better understand the needs of victims
- f. keep victims and/or their families fully informed during investigations with timely and accurate information as required by section 12 of the Victims' Rights Act 2002.

**Reply to 16(c) (para. 23(b) CRC/C/NZL/CO/5)**

125. Children and young people are welcome to contact Oranga Tamariki to discuss any concerns or complaints by speaking with their social worker or contacting the Feedback Team directly via the online form or a dedicated phoneline. If a child is in the care of Oranga Tamariki residential services they can participate in the grievance process. Oranga Tamariki manages a free-dial telephone number that enables anyone to make a report of concern about a child to support possible intervention.

126. If the child or young person is not satisfied with the outcome of their complaint, they may seek a review by contacting the Chief Executive's Advisory Panel or the Office of the Ombudsman.

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127. Work is underway to create a more unified complaints and investigations mechanism for children through the Office of the Chief Ombudsman. This is a part of the ongoing work to strengthen the oversight of the Oranga Tamariki system.

128. School Based Health Services (SBHS) can be an avenue for students to report issues and receive support in the school system. There is ongoing work improve the quality of SBHS, including better integration with pastoral supports and school counsellors in secondary schools, and integration with other health and wellbeing initiatives by education and health (see reply to 22(b) for more detail on SBHS).

129. Children and whānau who interact with the healthcare system have rights under the Code of Health and Disability Services Consumers' Rights, outlined in the Health and Disability Commissioner Act 1994. Complaints can be made directly to the Health and Disability Commissioner through their website, through email, in writing, or over the phone. The Health and Disability Commissioner also operates a free nationwide health and disability advocacy service to support children and whānau to make a complaint and to seek a resolution with the healthcare provider.

130. An independent Mental Health and Wellbeing Commission to advocate for the best interests of people who experience poor mental health and wellbeing outcomes, which includes children and young people as a priority group. The Commission must seek the views of population groups at higher risk of experiencing poor mental wellbeing, for example young people, children experiencing adverse childhood events and children in state care

131. TPK commissions Whānau Ora Commissioning Agencies that provide tamariki-friendly services and mental health services as part of their service delivery model. These agencies also provide a reporting channel for children.

**Reply to 16(d) (paras. 23(d) and 23(e) CRC/C/NZL/CO/5)**

132. The CYWS goals aspire for children to be safe and flourishing in their homes and for children and young people to be accepted, respected and connected. This has a focus on addressing racism and discrimination, as well as actions to increase sense of belonging and cultural connections.

133. The Government is developing a National Strategy to address family violence and sexual violence (FVSV) in New Zealand. This Strategy aims to develop new ways of working across government, and with iwi and communities, to FVSV through an integrated response. It is supported by a Ministerial group comprising of MOJ, MSD, Oranga Tamariki, and TPK.

134. While the FVSV Strategy is for all people in Aotearoa, it has a focus on children and disabled people as target groups. Children with disabilities have a three times higher risk of being exposed to physical and sexual abuse than other children.

135. TPK provided a Māori perspective to the Joint Venture Strategy. This includes support to the interim group set up to represent the Māori-Crown partnership and the provision of expert Māori views and experiences of family harm in the development of the Strategy.

136. MBIE's Child Protection Policy commits to ensuring the wellbeing and safety of children and young people receiving services from MBIE or from organisations funded or contracted by MBIE. This recognises a significant opportunity to identify the abuse and neglect of children that might otherwise be undetected.

**Reply to 16(e) (para. 23(d) CRC/C/NZL/CO/5)**

137. The Safety of Children in Care unit (Oranga Tamariki) was established in 2018 to implement a new measurement approach to consider all abuse experienced by children and young people in care, regardless of where the abuse occurred or who caused the harm. Reports are released quarterly, with accompanying bi-annual and annual reports.

138. The [Oranga Tamariki Evidence Centre](#) also carries out a range of diverse research associated with violence against children.

139. TPK also supports the New Zealand Family Violence Clearinghouse to undertake research on family harm and acts as a key disseminator of kaupapa Māori research on this matter. TPK has commissioned several pieces of research on the extent, causes, and nature of violence against whānau Māori and their tamariki.

**Reply to 16(f) (para. 23(d) CRC/C/NZL/CO/5)**

140. All findings of harm are reviewed by Safety of Children in Care unit, and the data and associated information is held by the unit in a National database.

141. The National Intelligence Application provides a national database of all cases of violence against children recorded by Police.<sup>2</sup>

142. The FVSV Strategy work programme includes data and analytics on the prevalence of FVSV.

**Reply to 16(g) (para 23(e) CRC/C/NZL/CO/5)**

143. The Children's Action Plan is now called the Oranga Tamariki Action Plan (OTAP), which is currently under development.

144. Under the Children's Act 2014, the action plan must set out the steps that chief executives of children's agencies will take to work together to achieve wellbeing outcomes set by the CYWS for children and young people of interest to Oranga Tamariki.

145. Police are a key agency for violence intervention in relation to the OTAP. As a member of the FVSV Joint Venture Police's primary area of focus is crisis response through Whāngaia Ngā Pā Harakeke and the Integrated Safety Response sites.

**Reply to 16(h) (paras. 23(f) and 28(f) CRC/C/NZL/CO/5)**

146. The Government has committed to strengthening specialist FVSV services in its recent budget allocations:

- Budget 2018 - \$93.3 million
- Budget 2019 - \$320.9 million
- [Budget 2020 - \\$202.9 million](#)

147. The Government invested an additional \$1.1 billion over four years for Oranga Tamariki to deliver on system transformation in the care and protection and youth justice systems in Budget 2019. This includes additional investment to meet new legislative requirements, such as the NCS and establish new support services with adequate resourcing. \$40.8 million was provided for sexual violence services.

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<sup>2</sup> The Government notes that not all cases come to Police attention and therefore is unable to fully disaggregate cases which take place in State care.

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148. Police is committed to ensuring the right capacity and capability across frontline services to respond to, and prevent, cases of child abuse. In the six-year period from 2017/2018 to 2022/2023, Police has funded an additional 1,800 constabulary officers. Of those 1,800, more than 300 officers sit within Youth Specialist and Serious Crime frontline responder groups across the country (including dedicated Child Protection and Adult Sexual Assault Teams).

149. All new Police recruits undertake dedicated training on child and family harm, including how to manage cases involving children and how to provide referrals to support services for children who have been harmed (or who are at risk of being harmed). Refresher training to all constabulary employees is provided to ensure continuous improvement in the delivery of policing services. The centralised Child Protection Team maintains oversight of all activity through monitoring workflows, supporting prioritisation and escalating risk.

**Reply to 17(a)**

150. In New Zealand, forced marriage (through intimidation, threats or violence) has been criminalised through the Family Violence (Amendments) Act 2018. It is specifically aimed at preventing people being subjected to forced or coerced marriage, particularly women and children (see also the reply to 8).

151. As New Zealand registers few marriages where the bride and/or groom is aged 16 or 17 years (a total of 7 marriages of 19,071 that were registered in 2019), the Government does not have a formal awareness-raising campaign on this issue. However, Oranga Tamariki will ensure that any young person who discloses a complaint of potential or actual forced marriage, is supported and assisted in making decisions to ensure they are being adequately protected from potential harm.

**Reply to 17(b)**

152. The Paediatric Society was directed by MOH in 2017 to set up an Intersex Working Group to develop guidelines and protocol for infants born with intersex variations. Next steps for this work programme for children and young people are currently being discussed with relevant stakeholders.

153. In 2020, Oranga Tamariki updated their Practice Guidelines to assist social workers when responding to cases involving Female Genital Mutilation (an illegal practice under the Crimes Act 1961).

**F. Family environment and alternative care**

**Reply to 18 (para. 26 CRC/C/NZL/CO/5)**

**Treatment of alcohol and drug-related problems**

154. Publicly-funded alcohol and other drug (AOD) services are available in each District Health Board (DHB) throughout New Zealand. The Government has prioritised investment in AOD services for DHBs with a high Māori population, including specific funding for managed withdrawal and post-treatment support through Budget 2019 (see the Data Annex for more detail).

155. MOH also funds intensive outreach services in five regions for pregnant women and mothers with children under 3 years of age and their whānau.

## Welfare Overhaul

156. [The Government has committed to overhauling the welfare system](#). Recognising the value of unpaid work, including caring for children, is a key feature of the vision for this overhaul. Welfare overhaul progress has included initiatives that support children and the performance of carers' child-rearing responsibilities.

157. In April 2020, the Government repealed section 192 of the Social Security Act 2018, which previously cut incomes to parents if one parent's name was not declared to the Government. It was estimated that around 24,000 children would be significantly better off as a result of this change, with many sole parents' incomes increasing by an average of \$34 per week.

158. Cabinet has also agreed to remove the subsequent child policy from the Social Security Act 2018, planned to come into effect in November 2021. This policy currently impacts eligibility for Sole Parent Support and places obligations on parents to return to work earlier if they have an additional child while receiving a main benefit. This removal will increase affected parents' flexibility to spend time with their subsequent children in the critical first 1,000 days of their life and will have a positive impact for Māori (who are currently disproportionately impacted by the subsequent child policy).

## Oranga Tamariki

159. Budget 2020 invested \$209.9 million to increase financial assistance for around 22,000 children being looked after by around 14,000 caregivers.

160. Oranga Tamariki also invests over \$150 million per annum with non-government organisations and iwi partners to support the delivery of Early Support and Intensive Response services. Examples include:

- Family Start - a longstanding home-visiting programme that supports whānau/families at risk of facing health and social challenges. Whānau are enrolled in the programme from pre-natal to the child's first birthday.
- Services in Schools - a community, school-based social work service, provided in most decile 1-3 primary, intermediate and secondary schools to support individual children and their whānau.
- holistic whānau support services - they provide social work, counselling and emergency housing services, as well as budgeting, cooking and literacy classes. Their interventions and decisions are based on knowledge of tikanga Māori (Māori customary practice) and whānau values.
- Strengthening Families - this process develops joint plans with whānau to meet their needs when they require multiple agencies to work with a whānau.

161. Oranga Tamariki, TPK and the Accident Compensation Corporation (ACC) have recently invested \$42 million dollars over two years in Whānau Ora for the development of a whānau-centred early support prototype designed to strengthen families and improve the safety and wellbeing of children. This is part of a wider Ngā Tini Whetū programme, which aims to support around 800 North Island families over a two-year period starting in January 2021. This new collaborative approach is a positive step towards devolution of services to Māori, by Māori, for Māori.

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**Reply to 19(a)**

162. In December 2015, the Modernising Child, Youth and Family Expert Panel (the Expert Panel) made a series of recommendations to overhaul the care, protection and youth justice systems.

163. The Expert Panel developed its recommendations with extensive consultation with stakeholders and experts from across the system, including care-experienced young people. A Youth Advisory Panel of eight young people with current or previous experience of the care system was established to test, challenge and refine the design work. The Expert Panel also conducted interviews with 63 children and young people, parents, caregivers and social workers who had been involved with the care, protection and youth justice systems. It also held a series of collaborative design workshops with users of the care, protection and youth justice systems to explore what a future child-centred system could look like.

164. Oranga Tamariki worked closely with TPK to support whānau engagement with children in both residential and non-residential state care when developing the NCS.

165. [The All About Me plan](#) (Oranga Tamariki) supports outcomes by recording planning information that is responsive to their changing needs and circumstances and advances their long-term goals and outcomes. This helps everyone involved to support the needs and objectives of children and young people.

**Reply to 19(b)**

166. Since its establishment in 2017, Oranga Tamariki has been focused on implementing the recommendations from the “State of Care” report published by the Office of the Children’s Commissioner, including setting explicit expectations for Māori children who come to the attention of Oranga Tamariki and the development of partnerships with iwi and Māori organisations to build the capability of communities to support Māori children and families.

167. Oranga Tamariki reports annually on its duties under section 7AA of the OTA. [The first 7AA report \(July 2020\)](#) observed a shift in focus towards early intervention services, with more support delivered for Māori by Māori.

**Reply to 19(c)**

168. Data about children, in particular data from a child’s perspective, is an area of New Zealand’s data system we are looking to expand. Currently, there are few collections that allow children to directly participate in the provision of data. Most official household surveys target people aged 15 years and above and require parents or caregivers in responding households to provide information on children when it’s required.

169. Oranga Tamariki is working to improve collection of data from children and their families/whānau using better processes, technical solutions, and outcomes reporting. This involves working closely with partner service providers to improve service delivery data collection.

170. See replies to 6(a) and 6(b) also.



**Reply to 19(d) (paras. 28(c) and 28(e) CRC/C/NZL/CO/5)**

171. Oranga Tamariki’s contract service providers are accredited by MSD (using the SSA Standards) and are monitored by the Oranga Tamariki Partnering for Outcomes Group. These can be found in the table below, noting that funding in the current financial year is subject to contracting and may change.

<b>Delivery area</b>	<b>All providers</b>	<b>Iwi and Māori</b>	<b>Cost</b>
Statutory intervention and Transition Support	241	75	\$214 million
Prevention	157	36	\$11 million
Early Support and Intensive Response	415	110	\$182 million

172. The Independent Children’s Monitor will provide clear, independent advice and information to Government on the impact of the systemic reforms on children’s outcomes. The Children’s Commissioner also considers individual and thematic issues.

173. The Independent Children’s Monitor has acknowledged that it will take several reporting periods using its Outcomes Framework (in development) for it to receive the level of quantitative and qualitative data required to draw trends and patterns, and that practice change takes time to embed within agencies.

**Reply to 19(e) (para 45(d) CRC/C/NZL/CO/5)**

174. Oranga Tamariki and Police have expanded community-based options to reduce the use of detention for children and young people. Community-based options aim to provide a more child and young person-centred placement and ensure that young people’s connection to their whānau are upheld and strengthened. In turn, this aims to improve the wellbeing of young people who are held on detention. This work has included improvements to support young people on bail conditions to prevent breaches through engaging young people in activities and education and building connections with whānau.

175. Oranga Tamariki is [developing more suitable placements](#) to meet the needs of young people in care and protection residential care, however there is not yet a set timeframe for this work.

**Reply to 20 (para. 29(a) CRC/C/NZL/CO/5)**

176. The Government is currently reviewing adoption laws. This review presents an opportunity to modernise all of our adoption laws, including the Adoption Act 1955, which have not been substantially updated in 66 years. The Government is committed to ensuring the law aligns with New Zealand’s values and protect children’s rights, including those set out in the Convention

## G. Children with disabilities

### Reply to 21(a)

177. The [Disability Action Plan 2019–2023 \(Action Plan\)](#) (DAP) is the Government's vehicle for implementing the [New Zealand Disability Strategy 2016–2026](#). The Action Plan is a package of comprehensive government work programmes that will progress the eight outcomes in the Disability Strategy:

- education
- employment and economic security,
- health and wellbeing
- rights protection and justice
- accessibility
- attitudes
- choice and control
- leadership.

178. The Education and Training Act 2020 clarifies that children with special education needs, whether because of disability or otherwise, have a right to attend school fulltime (para. 30(c) CRC/C/NZL/CO/5).

179. The [Learning Support Action Plan 2019-2025](#) aims to ensure that children and young people get the right support at the right time. This has been accompanied by learning support Budget increases in 2018, 2019 and 2020.

180. To further improve the standard of living for disabled children in the education sector, a review is being undertaken by MOT regarding the requirements for urban buses in New Zealand. This is aimed at standardising and improving the usability and accessibility of urban buses for people with physical, sensory and cognitive impairments, including enabling parents and carers to transport children with a disability to local amenities.

181. Additionally, the Government is aiming to improve justice services so that they are accessible and clear for disabled people. Court orders can be particularly difficult to understand for young people, and these documents can be even less accessible for young people with disabilities.

### Reply to 21(b) (para. 30(b) CRC/C/NZL/CO/5)

182. The Government is progressing work on an Accelerating Accessibility work programme that involves developing a legislative framework to act as a vehicle for progressive implementation of a new accessibility system. An important component of this work programme is information and education so people understand the importance of removing barriers to accessibility.

183. Like Minds, Like Mine is a public awareness programme funded by government to increase social inclusion and end discrimination towards people with experience of mental illness or distress, which is underpinned by the social model of disability and the power of contact. It takes a human rights approach to disabilities. The Health Promotion Agency is the lead operational agency for the programme, with strategic responsibility held by MOH.

**Reply to 21(c) (para. 30(e) CRC/C/NZL/CO/5)**

184. District Inspectors have a responsibility under the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 to investigate rights breaches. However, there have not been any breaches relating to the Convention during this reporting period that have required investigation.

**Reply to 21(d) (para. 30(f) CRC/C/NZL/CO/5)**

185. In New Zealand there is no oversight by the courts of sterilisation without personal consent of learning/intellectually disabled people under the age of 18. The COCA gives parents (or guardians) the right and duty to act in their children's best interests.

186. The Safeguarding Bodily Integrity Rights work programme (under the DAP) aims to strengthen the safeguarding framework for disabled people, including disabled children and minors, against non-consensual sterilisation and other bodily integrity abuse.

187. Little is known about disability-related sterilisations and other bodily integrity violations in New Zealand, highlighting the need for better national data collection on these issues.

**H. Basic health and welfare**

**Reply to 22(a) (para. 31(b) CRC/C/NZL/CO/5)**

188. The National Immunisation Register enables health professionals to improve immunisation rates in New Zealand. The Register also provides a record of immunisation coverage rates – regionally and nationally. Funding has recently been approved to redevelop the register as a National Immunisation Solution to support a COVID-19 vaccination programme and the ongoing maintenance of National Immunisation Programme going forward. Improvements will support more equitable delivery of immunisation programmes across the lifespan.

189. The initial COVID-19 outbreak and response placed pressure on immunisation services, resulting in a modest decrease in immunisation rates in recent months that has disproportionately affected Māori.

190. Rheumatic fever is particularly prevalent for children living in poverty. MOH works with 11 District Health Boards across New Zealand with high incidences of rheumatic fever to reduce the transmission rate of this disease among children. This includes measuring immunisation coverage to identify groups at risk of vaccine-preventable diseases and to evaluate the effectiveness of programmes designed to increase immunisation coverage.

191. The introduction of the [Healthy Homes Standards in 2019](#) outline required standards under tenancy law for heating, insulation, ventilation, moisture ingress and drainage, and draught stopping in rental properties.

192. During the winter months, MSD pays the [Winter Energy Payment](#) to all households receiving a main benefit or New Zealand Superannuation/Veteran's Pension. This payment was introduced as part of the Families Package to help families meet the cost of heating in winter, and thereby prevent diseases caused by cold and damp homes.

**Reply to 22(b) (para. 31(c) CRC/C/NZL/CO/5)**

193. In 2011, the Government adopted the Smokefree 2025 goal for New Zealand. The intention is to achieve this Smokefree status by:

- protecting children from exposure to tobacco marketing and promotion
- reducing the supply of, and demand for tobacco
- providing the best possible support for quitting smoking.

194. A decision was made in 2019 to amend the Smoke-free Environments Act 1990 to prohibit smoking in vehicles carrying children under the age of 18. This will reduce children's exposure to second-hand smoke.

195. The amendment to the Smoke-free Environments Act 1990 also included that schools must display 'no smoking or vaping' notices and retailers must not display smoking or vaping products.

196. Healthy Active Learning is a Wellbeing Budget 19 initiative promoting and improving healthy eating and physical activity in schools and early learning services across New Zealand. This is a joint initiative from the MOH, MOE, and Sport New Zealand.

**Reply to 22(c) (para. 32 CRC/C/NZL/CO/5)**

197. MOH funds a broad range of sexual and reproductive health services, programmes and initiatives. Services are delivered through general practice, hospitals, and other community-based service providers such as New Zealand Family Planning, laboratories, specialist fertility services, and health promotion providers. Schools and other government agencies also undertake work in this area.

198. Relationships and Sexuality Education is compulsory learning in the New Zealand Curriculum from years 1–10 (ages 5–15) and covers education on sexual and reproductive health, including contraception and sexually transmitted infections. MOE recently released refreshed [Relationships and Sexuality Education resources](#) for both primary and secondary schools to ensure Boards of Trustees, principals and teachers have clear and up to date guidance for expected learning in this area and information on how to create safe, healthy, and inclusive school environments.

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**Reply to 22(d) (para. 33 CRC/C/NZL/CO/5)**

199. New Zealand Food and Nutrition Guidelines for Healthy Infants and Toddlers (0-2 years) recommend to exclusively breastfeed babies until they are ready for and needs extra food – this will be at around six months of age.

200. Breastfeeding data is collected by lead maternity carers and Well Child providers, such as Plunket. These groups also provide education and support in promotion of breastfeeding (see the Data Annex).

201. In July 2020, the duration of parental leave payment was extended to 26 weeks, from 18 weeks in 2018. This policy aims to support child and maternal health and welfare, including the recommended period of six months breastfeeding, by providing a period of absence from work of at least six months after the birth of a child.

**Reply to 22(e) (para. 46 CRC/C/NZL/CO/5)**

202. Mana Ake – Stronger for tomorrow is an initiative led by the Canterbury Clinical Network that provides mental health and wellbeing support for children in the Canterbury region. Mana Ake was launched by the Government in February 2018, with funding for three years (to June 2021) to deliver dedicated mental health support for children aged 5–13 in school.

203. Mana Ake enabled a quick response to emerging wellbeing concerns in the aftermath of the earthquakes and the 2019 mosque attacks and worked remotely to provide support for children during the COVID-19 lockdown period. Mana Ake practitioners deliver group or individual interventions to address emotional regulation, social relationships and/or wellbeing concerns, that are evidence-informed, culturally relevant and suitable for their local contexts at low cost.

204. Mana Ake is responsive to the needs of the local region and provides a whole-school approach to child wellbeing. This includes group or individual interventions to address emotional regulation, social relationships and/or wellbeing concerns, as well as providing support to families, teachers and schools. Mana Ake focuses on providing interventions that are evidence-informed, culturally relevant, and meet the needs of local communities.

205. MOH published a [National response and recovery plan to support people affected by the Christchurch Mosque attacks](#). Supporting and treating mental distress, including that of children, is one of the expected outcomes outlined in the recovery plan.

206. All Right? is a health-promoting social marketing campaign based in Ōtautahi, Christchurch. Since its launch in 2013, All Right? has become a powerful champion for wellbeing in Canterbury, helping normalise conversations around wellbeing and mental health.

**Reply to 23 (para. 34(a) CRC/C/NZL/CO/5)**

207. The Ministry for the Environment (MFE) does not have any climate change policies or programmes that are specifically aimed at addressing the special vulnerabilities and needs and views of children.

208. MFE is currently developing New Zealand's first emissions reduction plan. The [Climate Change Response \(Zero Carbon\) Amendment Act 2019](#) requires that the plan is released by 31 December 2021. The plan will include policies and actions to

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transition New Zealand to a low emissions economy. The Act requires the Climate Change Commission to consider vulnerable groups or sectors in its planning.

**Reply to 24(a) (para. 36(a) CRC/C/NZL/CO/5)**

209. The understanding of poverty that informed the development of the Child Poverty Reduction Act 2018 was, 'exclusion from a minimum acceptable standard of living in one's own society due to a lack of resources'. The New Zealand Government's position is that a multi-measure approach is required for monitoring levels of poverty.

210. More information on the child poverty measures can be found in the Data Annex.

**Reply to 24(b) (para. 36(b) CRC/C/NZL/CO/5)**

211. During the passage of the Child Poverty Reduction Act 2018, the Public Finance Act 1989 was amended in order to require the Government to publish a report on child poverty as part of the annual Budget process. This report must discuss the latest progress made in reducing child poverty and indicate how initiatives in the Budget will affect child poverty.

212. As outlined in the child poverty reports for Budgets 2019 and 2020, the New Zealand Government has implemented a number of policies to reduce child poverty (see reply to 24(d)).

213. The Government also acted quickly to reduce the economic impact of COVID-19 on New Zealanders (see reply to 5(c)).

**Reply to 24(c) (para. 36(b) CRC/C/NZL/CO/5)**

214. The annual Government report on child poverty provides transparency on how the measures in that Budget will affect child poverty.

215. The Budget 2020 report shows the wide range of measures focused on addressing child poverty, including [swift action to protect children from the economic impacts of COVID-19](#). Further initiatives were also funded through a dedicated COVID-19 Relief and Recovery Fund, including a number of initiatives aimed at supporting families facing additional pressure as a result of COVID-19.

**Reply to 24(d) (para. 36(c) CRC/C/NZL/CO/5)**

216. The Families Package increased the incomes of around 384,000 low to middle-income families with children by, on average, \$75 a week (in total, \$5.5 billion over four years). There were also numerous changes to income support through Budget 2019, including the indexation of main social welfare benefits to average wage growth, and increasing the amount that beneficiaries can earn before their benefit reduces.

**Measures to decrease child poverty**

217. Modelling by Treasury estimated that the combined impact of the Families Package and Budget 2019 income support changes would reduce the number of children in poverty on the primary measure of low income by:

- a. between 41,000 (24%) and 66,000 (37%) children (before housing costs)
- b. between 50,000 (22%) and 74,000 (30%) children (after housing costs).

218. Changes to income support were also announced in April 2020, including an increase to benefits, temporarily doubling payments to support low-income families

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with energy costs during the winter months, and broadening eligibility for the In-Work Tax Credit. Taking all income support changes together, the combined impact is expected to increase income support for beneficiary families with children by, on average, around \$100 per week.

219. Given the uncertainties surrounding the COVID-19 pandemic, Treasury did not provide a single estimate of the impact of the Budget 2020 changes on child poverty – instead, they modelled a number of scenarios. These scenarios highlight the sensitivity of the modelling to different economic outcomes.

**Measures to address food security**

220. The KickStart Breakfast Programme currently provides Sanitarium Weetbix and Anchor milk in over 1,000 schools (approximately 40% of all schools) across New Zealand, reaching 30,000 children. In addition, KidsCan provides support to children in low-decile (1–4) schools with Food for Kids, as well as essential clothing such as raincoats, socks and shoes, and hygiene products. Budget 19 provided \$3.2 million to extend funding for this programme for a further two years.

221. Since early 2020, MOE has been piloting the Free and Healthy School Lunch Programme. The programme provides a free healthy lunch to children and young people each school day. This programme was initially piloted in specific regions where children and young people may experience socio-economic disadvantage that could affect their education but will be expanded to reach approximately 200,000 children and young people across Aotearoa New Zealand during 2021.

222. To support food security at a whānau level for children, TPK currently offer Māra Kai grants for the establishment of kaupapa Māori food gardens across Māori communities and marae.

**Measures to address housing affordability and quality**

223. Since 2018, the Government has substantially increased investment in the supply of public and transitional housing. Funding has been committed for an additional 18,000 public and transitional housing places to be delivered by 2024.

224. The Government has also developed a comprehensive, cross-agency action plan to prevent and reduce homelessness, including a focus on young people as one of six actions brought forward in response to COVID-19. The Government has provided assistance for families in emergency housing with children and has made changes to the Residential Tenancies Act to improve the quality of rental housing, strengthen security of tenure, and extend the minimum period between rent increases.

225. As part of the response to the COVID-19 pandemic, TPK brought forward and reprioritised its Māori housing investment programme. Support for repairs to homes owned and occupied by low income whānau Māori was prioritised against a list of criteria with the first priority being critical and essential repairs to sub-standard homes occupied by whānau with vulnerable persons (tamariki, kaumātua (elders) or others with special health and social service needs).

226. Another investment related to housing is the Oranga Marae programme. This programme gives support, advice and investment for marae. It gives whānau and hapū advice and support to help develop their marae and achieve their goals. This support may include building projects and activities to revitalise cultural knowledge.

### **School donations scheme**

227. The donations scheme is an optional extra pool of funding available for decile 1–7 schools introduced in 2020. It provides schools with \$150 for each student if they agree not to seek donations from parents and whānau. The scheme was designed to direct funding to schools that are less able to raise funds from their communities and reduce the pressure on parents to pay donations. It aims to reduce the widespread expectation that families should pay voluntary contributions to schools for their child's education.

228. Figures show that 92.1% of eligible schools chose to opt into the scheme for the 2020 school year. \$64.8 million in funding went to schools, benefitting 431,973 students and their families.

### **Access to menstrual hygiene products in schools**

229. In June 2020, the Government announced an initiative to provide access to free menstrual hygiene products in schools nationwide, on an opt-in basis, in 2021. The initiative aims to:

- reduce barriers to accessing both education and sanitary products
- improve child and youth wellbeing
- reduce financial strain on families and whānau experiencing material hardship
- promote positive gender norms and reduce the stigmatisation of menstruation.

### **Reply to 24(e)**

230. The Fraud Prosecution Review Panel (at MSD) will consider the effect a prosecution would have on any children related to the case (e.g. children in the care of the offender). Where there are children who may be impacted, this would be a factor considered. Each case is taken on its merits on a case-by-case basis and an overall assessment of all factors is required to make a final determination on whether to prosecute or not.

### **Reply to 24(f)**

231. The Children's Act 2014 sets out a legislative requirement to consult with children on a proposed strategy (or any changes to the strategy). In the development of the CYWS, 6,000 children and young people expressed their views on what wellbeing means to them through:

- a. partner agencies, skilled in working with children and young people, who were commissioned to lead the engagement process.
- b. interviews and focus groups to hear from 423 children and young people who were more likely to have faced, or be facing, challenges in their lives.
- c. a Child and Youth Engagement Toolkit developed to help community organisations organise their own focus groups
- d. an online survey that was completed by 5,631 children and young people.
- e. the 'Postcard to the Prime Minister' which proved an effective way for children, young people and adults to express their 'big ideas' directly with the Prime Minister.



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- f. DPMC's Child Wellbeing Unit engaging directly with children and young people through a small number of informal face-to-face engagements, as opportunities and events presented themselves.

232. TPK was engaged in the policy process to ensure that the voice of tamariki Māori and their whānau were clearly reflected in the CYWS.

### **I. Education, leisure and cultural activities**

#### **Reply to 25(a)**

233. The Education Act 1989 has been replaced by the Education and Training Act 2020. Policy changes in the new Act were informed by feedback heard in consultation processes with children and young people.

234. Kōrero Mātauranga (Education Conversation) is an ongoing series of engagements with New Zealanders to capture the views of the population on how to build a world class education system. The engagements have had a particular focus on capturing diverse perspectives that may otherwise go unheard, especially children and young people, Māori, Pacific peoples, parents, and people with learning support needs. 43,000 New Zealanders have engaged with the Kōrero Mātauranga process.

235. Peak bodies and organisations representing children were also consulted during the development of the Education and Training Act 2020.

#### **Human rights curriculum**

236. The Social Sciences learning area contains achievement objectives which focus on human rights at Levels 2, 5, 6, 7 and 8 of the curricula.

237. The Health and Physical Education learning area includes a set of achievement objectives titled "rights, responsibilities and laws" which include learning about a child's own rights and the rights of others.

238. There is currently work underway to determine a scope and process for updating the New Zealand Curriculum. Consultations with children as part of an update may include looking at human and children's rights role in the curriculum.

239. This learning area and accompanying curriculum resources allow for human rights to be examined and considered in a local and global context.

#### **Reply to 25(b) (para. 19(a) CRC/C/NZL/CO/5)**

240. MOE leads Te Marautanga o Aotearoa, which describes the essential knowledge, skills, values, and attitudes appropriate to Māori-medium schools and settings. One of the key values is that the learner is respectful of the mana and spirituality of each person and each whānau, and their attitudes and values, even if these differ from their own. This is consistent with the core values and underpinning principles of He Tamaiti Hei Raukura, which is an ākonga (learner) centred and holistic framework that is being developed for implementation through the refresh of Te Marautanga o Aotearoa. Through this underpinning value, human rights education can be taught and weaved throughout the curriculum and learning experiences.

241. TPK led the work on the development of Te Ture Mo Te Reo Māori 2016 (the Māori Language Act 2016). Part of this work brought about the Maihi Karauna ((Crown Strategy for Māori Language Revitalisation 2019–2023) that sets out a vision for te

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reo Māori. It outlines what the Crown will do to support a strong, healthy, thriving Māori language in New Zealand to support the cultural identity of Māori and all New Zealanders, so the profile of te reo Māori is lifted to national status and is a source of pride for everyone.

242. The National Library's Services to schools has promoted te reo Māori with children by:

- making te reo books suitable for supporting literacy and learning available in New Zealand schools
- including te reo Māori material wherever possible in learning resources and programmes to support our work with schools
- developing Māori learning resources and content in priority areas – in collaboration with MOE.

**Reply to 25(c)**

243. There are a range of mechanisms embedded in New Zealand's education legislation that ensure children are enabled to have meaningful input into decisions that affect them at school.

**Consultation requirements (para. 37(a) CRC/C/NZL/CO/5)**

244. The Education and Training Act 2020 sets consultation requirements in a number of key areas, ensuring that children's views are considered throughout their education journey.

**Representation**

245. Boards of State schools (where students are enrolled full-time in year levels above age 13) must have a student representative.

246. The New Zealand Institute of Skills and Technology (NZIST) Council must establish a students' advisory committee and is required to consult it about significant matters related to the council's strategic direction that are relevant and consider the advice. The NZIST must also have one member who is a member of and elected by the student's advisory committee.

**Dispute mechanisms**

247. The Education and Training Act 2020 enables the establishment of dispute resolution panels. Students in the primary and secondary school system will have an accessible, independent, mechanism to resolve matters where the board has refused to resolve a dispute, or they are not satisfied with the process or outcome of a board's resolution.

248. If the student or a parent requests it, schools are also obliged to hold a meeting to discuss any suspension, and how to resolve the situation with the student.

**Reply to 25(d) (para. 37 (b) CRC/C/NZL/CO/5)**

249. Where a crisis or other issue develops or can be reasonably predictable, then the Government will adjust its spending priorities as required and seek authority from Parliament for any consequential changes to appropriations. The Public Finance Act 1989 allows for new expenditure to be incurred in an emergency without

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Parliamentary authority (e.g. funding was approved for MOE for the provision of resources to allow students to continue learning from home during COVID-19 restrictions).

**Reply to 25(e)**

250. In 2019, over 99% of students were educated in local schools. 3,786 students (36% of students supported by the Ongoing Resourcing Scheme) were enrolled in special schools or their satellite units.

251. The Government has made significant investments in learning support over the last three Budgets. This includes \$283.8 million in Budget 2018, \$335.8 million in Budget 2019, and \$251.6 million in Budget 2020.

252. In 2018/19, MOE delivered specialist learning support services to approximately 41,700 children and young people.

**Reply to 25(f)**

253. MOE has started implementing the Learning Support Delivery Model to organise learning support based on what best meets the needs of local children and young people. A National Learning Support Network Plan 2030 is being designed to align MOE's network practices with the strategic direction for learning support expressed in the Learning Support Action Plan (see reply to 21(a)). The Learning Support Network Plan will focus on responding to growth and shifting towards a more integrated network of learning support provision linked to the local school.

**Reply to 25(g)**

254. MOE provides guidance on improving boys' achievement through the Success for Boys website. This brings together research, governance information, and teaching and learning resources to support schools to improve engagement and achievement for male students.

255. A number of programmes also support girls' increased participation in science, technology, engineering and mathematics subjects. These include projects funded through the Curious Minds science education initiative.

**Reply to 25(h)**

256. All schools and other forms of State provided education (for example Alternative Education, Youth Justice and Oranga Tamariki Residential Schools) are periodically reviewed by the Education Review Office.

257. The Government removed the legislative provisions for partnership schools through the Education Amendment Act 2018. MOE worked with each school on a case-by-case basis to disestablish all partnership schools.

**Reply to 25(i) (para. 37(d) CRC/C/NZL/CO/5)**

258. One of the domains of Ka Hikitia – Ka Hāpaitia and The Action Plan for Pacific Education is *Te Tangata* (Māori are free from racism, discrimination, stigma and bias). Recognising and understanding the impacts of racism, discrimination and bias on access to schooling is a first step.

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259. The Learning Support Action Plan 2019-2025 commits MOE to reviewing the guidelines on stand-downs, suspensions, exclusions and expulsions in schools in 2020. This process was delayed due to the need to respond to COVID-19; however, the review has started. We expect new guidelines to be in place for the second half of 2021.

**Reply to 25(j)**

260. MOE continues to work with the cross-agency Bullying Prevention Advisory Group (BPAG) and to implement actions from the Bullying Prevention and Response Work Programme 2019-2022 (BPAG Programme).

261. MOE has made progress on a number of student voice and agency actions from the BPAG Programme. They:

- reviewed the approach to the annual Bullying-Free NZ Week and Competition and changed the objectives and criteria in order to increase the focus on student-led action and initiatives
- have been working with Sticks 'n Stones, the Central Otago based youth-led anti-bullying organisation, to encourage and enable students to take action in their schools to prevent and respond to bullying behaviour as well as build a positive school culture
- partnered with the Office of the Children's Commissioner to undertake engagements with schools to effectively understand what enables safe and inclusive learning environments where every child feels accepted, respected and connected, and bullying is prevented
- provided the Wellbeing@School (W@S) survey tools to all schools. These tools support schools to take an in-depth look at the factors that support safe and positive school climates that deter bullying and ensure that student perspectives and experiences can inform positive strategic change
- contracted the New Zealand Council for Educational Research to develop video webinars, an information brochure and provide some advisory hours to support the use of the W@S tools.

262. In August 2020, MOE delivered the New Zealand Council for Educational Research's published text, Mental Health Education and Hauora: teaching interpersonal skills, resilience and wellbeing to all schools with year 7 students and above. This resource aims to support students to develop knowledge, understandings and skills in areas that have particular relevance to bullying prevention and response including communication and relationships with others, personal identity and wellbeing, social issues and social justice (especially against discrimination and exclusion).

**Reply to 25(k)**

**Subsidised early childhood education (paras. 38(a) and 38(b) CRC/C/NZL/CO/5)**

263. The Government subsidises all children aged 0-5 years old who attend early childhood care and education for up to 6 hours a day to a maximum of 30 hours a week. Within this, 20 Hours Early Childhood Education provides fees free early

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childhood education and care for all children aged 3, 4 or 5 years old for up to 6 hours per day, up to a maximum of 20 hours a week.

264. The Government further reduces the cost of early childhood education and care via the Childcare Subsidy. This offsets the parental fees for children aged 0-4 years of age from low income families for up to 50 hours a week.

265. Services can use additional Government funding to remove or reduce barriers to accessing early childhood education and care, such as providing transport, food, clothing or providing additional fees free hours. They can also use this funding to improve the quality of the education and care in their service, for example through purchasing additional resources, engaging specialist services such as a Speech-Language Therapist or providing excursions.

### **Training for staff on Māori and Pacific culture**

266. The Teaching Council introduced new requirements for initial teacher education (ITE) which took effect from July 2019. ITE providers have until 1 January 2022 to have their programmes approved by the Council under the new requirements, which cover ITE programmes in early childhood, primary and secondary, in English medium and Māori medium.

267. MOE funds a number of professional learning and development (PLD) opportunities and programmes focused on developing the schooling workforce's cultural capabilities. These include centrally funded PLD to develop Cultural Capability, with specially accredited facilitators with expertise in Kaupapa Māori, te Tiriti o Waitangi, Critical Consciousness and Inclusion. This PLD is available to all schools and targeted at beginning and overseas-trained teachers. Additionally, it has a particular focus on strengthening knowledge of te Tiriti o Waitangi and cultural capability. PLD is also available for school leaders through the Māori Achievement Collaborative initiative to promote Māori achieving educational and cultural success as Māori.

### **Requirements for registered and certificated teachers**

268. Our Code, Our Standards guides the teaching profession in New Zealand in terms of the high standards for ethical behaviour that are expected of every teacher (the Code) and the expectations of effective teaching practice (the Standards). The Standards set the expectation that teachers use culturally responsive teaching and learning approaches to uphold the partnership expectations outlined in te Tiriti o Waitangi in the learning environment, including respecting the diversity, heritage and culture of all Māori learners as tangata whenua (indigenous people).

### **Government-funded professional learning and development**

269. The Government funds Whakapiki i te reo Māori, a professional development initiative for teachers who work in Māori immersion and bilingual services (speaking te reo Māori 51-100% of the time). The Whakapiki programme is currently delivered to 23 Māori immersion services annually, with an annual budget of approximately \$0.5 million.

270. The Strengthening Early Learning programme focuses on community specific professional development to support services to be responsive to identity, language and culture. The annual budget is approximately \$3 million.

## J. Special protection measures

### Reply to 26(a) (para. 40 CRC/C/NZL/CO/5)

271. Section 9A of the Immigration Act 2009 defines a “Mass Arrival Group” as a group of more than 30 people who travel to New Zealand together or in associated groups and who, in terms of section 115, are unlawfully in New Zealand. Under C8.5 of the [Immigration Instructions](#), unaccompanied minors (under the age of 18, not married or in a civil union) are not subject to the limitations on family reunification.

### Reply to 26(b) (para. 40 CRC/C/NZL/CO/5)

272. The rights of the child are a primary consideration in immigration decision making but are not an overriding consideration.

### Reply to 26(c) (para. 40 CRC/C/NZL/CO/5)

273. Claims for refugee and protected person status are assessed individually in New Zealand. Immigration New Zealand’s (INZ) Refugee Status Unit (RSU) adopts the principle that it is in the child’s best interests to have a determination process where they are provided an opportunity to express their views, and that those views and their individual circumstances are taken into account independently in the decision. In the case of unaccompanied minors, the RSU has a legislative obligation to ensure that they are properly represented during the claim process.

274. The RSU has published [Guidelines on Children and Minors](#) in the refugee status determination process to assist decision makers, child claimants, their parent/s or responsible adult, and representative.

### Reply to 26(d) (para. 40 CRC/C/NZL/CO/5)

275. The all-of-government New Zealand Refugee Resettlement Strategy provides the framework to improve refugee settlement outcomes so that refugees are able to contribute and to participate in communities and have a sense of belonging to New Zealand. Refugee and protection claimants are eligible to access government-funded assistance, including publicly funded health care, income support and (in the case of children) education in the compulsory sector. For example, refugee families may be eligible for a non-recoverable grant of up to \$5,000 to support their establishment in the community.

276. INZ has established a Senior Civil Detention and Welfare Advisor role, who is responsible for assisting refugee and protection claimants with their support needs (including disability). This includes unaccompanied minors and children.

277. MOE funds targeted assistance to meet all children’s individual needs, including disability support and English language support.

### Reply to 27 (para. 42 CRC/C/NZL/CO/5)

278. Te Mātāwai is a new organisation to lead revitalisation of te reo Māori on behalf of iwi and Māori. This is the vision of a new Māori language strategy called the Maihi Māori Strategy that was developed by and for iwi, Māori and Māori language communities.

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279. Oranga Tamariki has specific legislative obligations to have regard to many Māori cultural principles under the OTA (see reply to 9(a)).

280. A set of [five objectives](#) have been developed to guide Oranga Tamariki workers on how these principles can be practically applied. These are focused on tamariki Māori, but aspects can be applied to all children.

281. Several of the CYWS's principles reflect the importance of identity for Māori children having a connection to their culture, language, beliefs and identity, including whakapapa and tūrangawaewae (a place to stand).

282. The Oranga Tamariki Voices of Children and Young People team undertakes research and engagement projects with tamariki and rangatahi in care to better understand their needs and experiences and advocate for their voices to be heard and responded to. Some of the insights gained from specific cohorts in care include the voices of tamariki and rangatahi Māori, Pacific children and young people and the voices of disabled children and young people.

283. For Pacific children, the [Action Plan for Pacific Education](#) has the vision that "diverse Pacific learners and their families are safe, valued, and equipped to achieve their education aspirations". This was designed together with Pasifika learners, families and educators through two years of fono (meetings) across the country and research regarding best practice.

**Reply to 28 (para. 44 CRC/C/NZL/CO/5)**

284. New Zealand has not ratified the International Labour Organisations Minimum Age Convention, 1973 (No. 138). Rather than legislate for a single minimum age of employment, New Zealand has a range of protections and restrictions on young people's work, mainly regulated by a combination of education and health and safety legislation.

285. The Education and Training Act 2020 mandates that all children in New Zealand attend school between the ages of six and 16 to ensure that young people achieve a proper education before entering the workforce. In addition, employers are explicitly prohibited from employing children under 16 during school hours or when it would interfere with their attendance at school.

286. The Government is committed to securing the health and safety of all young workers. The Health and Safety at Work Act 2015 provides effective age thresholds for entry into work in general, and for safe work in all employment arrangements.

287. The Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 places restrictions on hiring children under the age of 15 to do certain work such as logging, construction and manufacturing - or any other work that is likely to cause harm. Further regulations protecting young people in the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 apply to workers under any type of contract.

288. As part of our ongoing regulatory reform programme, we are considering a range of aspects of youth health and safety at work, including the current settings for:

- how best to support young people transitioning into hazardous work
- how hazardous work is defined in a regulatory sense
- the age of entry to hazardous work.

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289. MBIE's Labour Inspectorate is responsible for enforcing compliance with employment standards to prevent and detect breaches. The Labour Inspectorate prioritises breaches relating to young workers through the enforcement tools available to the Labour Inspectorate.

290. The Starting-Out Wage improves incentives for employers to give work opportunities young people at risk of long-term labour market disadvantage from prolonged unemployment and spells of inactivity. These young people may be paid 80% of the minimum wage for the first six months of their employment or for as long as they are undertaking training involving at least 40 credits a year. However, if the young person is undertaking a supervisory role, they must be paid the same minimum wage that over-20s are entitled to.

**Reply to 29(a) (paras. 45(a) and 45(b) CRC/C/NZL/CO/5)**

291. Following New Zealand's third Universal Periodic Review in January 2019, New Zealand agreed to consider whether the current minimum age of criminal responsibility, ten years of age, should be increased to align with international standards. The Government is currently monitoring the progress of the Council of Attorneys-General Age of Criminal Responsibility Working Group review led by Western Australia.

292. Very few children go through the youth justice system. The majority of children who offend aged between 10-13 will receive a warning or alternative action by Police Youth Aid. If a child's offending raises serious concerns for their wellbeing, a family group conference can be convened to make a plan for the child's wellbeing. This involves the child being dealt with under the care or protection system rather than through the Youth Court.

293. Children may be referred to Oranga Tamariki for an intention-to-charge family group conference, or be brought before the Youth Court, if they are:

- 10 or older and are alleged to have committed murder or manslaughter
- 12 or 13 and alleged to have committed a serious offence that carries a maximum term of imprisonment of 14 years or more
- 12 or 13, have previously offended and been dealt with via the care or protection or Court system, and are alleged to have committed a serious offence that carries a maximum term of imprisonment of 10 years or more.

294. In 2019, the OTA was changed to include most 17 year olds in the youth justice system. 17-year olds who commit very serious offences (as listed in Schedule 1A of the OTA) will have those charges transferred to an adult court following first appearance in the Youth Court. This allows for offending by the oldest cohort, on the most serious end of the scale to be heard by a higher court.

**Reply to 29(b) (para. 45(b) CRC/C/NZL/CO/5)**

295. Although age-mixing is not desirable and should be avoided where it is not in the best interests of the child or young person, New Zealand's geography and small population size present challenges to avoiding any age-mixing.



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296. Some examples of where age-mixing may occur in New Zealand include:

- in detention to and from fixed places (e.g. by Police transport)
- under exceptional circumstances, if a 17 year old poses an unmanageable risk to other young people in a Youth Justice residence, they can be placed in a Corrections Youth Unit
- mixing in facilities due to the small number of cells available in a region, combined with the relatively long distance to a suitable placement (in Police and Court facilities)
- mixing where it may be clinically and developmentally appropriate for a child or young person to undertake a brief (24–48 hour) local admission at an adult health facility with access to a special and separate care area.

297. The decision to age-mix is a complex one. The young person's wellbeing will play a significant role in this decision, of which a factor is the young person's connection to their whānau, whakapapa, and whenua which may influence decisions on where to detain the child.

**Reply to 29(c) (para. 45(d) CRC/C/NZL/CO/5)**

298. The principles of the OTA provide that children (10–13 years old) and young people (14–17 years old) should be kept in the community as far as is practicable and consonant with public safety. When held in custody, children and young people are mostly held in a community-based remand home or a youth justice residence as these are more appropriate than detaining a child in a Police cell.

299. A child or young person who is arrested by Police may be held for up to 24 hours in police custody while waiting for placement with the chief executive of Oranga Tamariki where:

- the Police officer believes on reasonable grounds that the child or young person may not appear before the court, may commit further offences, or detention is necessary to prevent loss or destruction of evidence or interference with witnesses; or
- where they have been arrested for repeated breaches of bail and are likely to continue breaching (section 235 OTA).

300. In limited cases where there are no suitable facilities for the safe custody available to the chief executive and a young person is likely to abscond or be violent, a joint certificate can be issued by the chief executive and a senior Police officer to enable the young person (aged 14–17) to be held in custody for longer than 24 hours and until the next court appearance (section 236 OTA). A Youth Court reviews this continued detention every 24 hours unless clearly impractical. A young person must be brought before the court as soon as possible. Once brought before the Court there is the possibility of a young person being further detained in Police custody.

**Reply to 29(d) (para. 45(e) CRC/C/NZL/CO/5)**

301. The Ngāpuhi-led remand service, Mahuru, launched in October 2019, is a service for tamariki of Ngāpuhi decent who commit a crime and are placed on remand. This service has been built by listening to our partners as they know what works for the

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young people and whānau with whom they work. In turn, this helps ensure the best outcomes for young people, whānau, and victims.

302. As of July 2020, Oranga Tamariki is working with a range of iwi and Māori organisations on youth justice placements, and transition support workers in order to better support young people, whānau and victims of youth crime to restore mana to tamariki and rangatahi. There have been no instances of suicide in any Oranga Tamariki institution since 2005.

303. TPK is undertaking Paiheretia te Muka Tangata – Uniting the Threads of Whānau, a \$35 million investment in a multiagency whānau-centred approach that aims to improve outcomes for Māori under 30 and their whānau engaged with the Corrections system. This approach will support improved outcomes for Māori in the youth justice system.

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

**Reply to 30(a)**

304. DIA is mandated to investigate and prosecute offences of possession, distribution and producing objectionable publications under the Films, Videos and Publications Classifications Act 1993 (FVPCA). This includes online child sexual exploitation material (referred to as child pornography in some other countries).

**Reply to 30(b)**

**Prevention of child exploitation and trafficking (paras. 24(a) and 24(b))  
CRC/C/NZL/CO/5)**

305. The Government is developing a new national Plan of Action against Forced Labour, People Trafficking and Slavery, setting out a high-level framework for the actions that agencies will undertake between 2020 and 2025 to address these practices.

306. The draft Plan recognises that children are among the most vulnerable to exploitation and sets out a range of actions targeted at addressing the exploitation of children both within New Zealand and internationally. Part of this Plan includes exploring the possibility of research and collection of data to enable us to gain a better understanding of what New Zealand's experience is with these issues, including among children.

307. Building from the existing Plan of Action to Prevent People Trafficking, Oranga Tamariki are now recognised as a key agency and lead for actions to prevent child exploitation and protect children.

308. The Government will also consider strengthening provisions relating to the criminalisation of trafficking in children. This will ensure our legislative settings remain fit-for-purpose to address child trafficking.

309. New Zealand only ratified the protocol once it passed the legislation required to implement it. Accordingly, all offences in the protocol are offences under New Zealand law. This includes section 98AA of the Crimes Act which creates an offence for people dealing with children for the purpose of sexual exploitation, the removal of body parts, and engagement in forced labour.

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310. New Zealand's trafficking framework includes a specific trafficking offence in section 98D of the Crimes Act as well as other offences including abduction, kidnapping and exploiting workers.

311. The trafficking offence applies to both adults and children, and the fact that the victim is under 18 years is an aggravating factor on sentencing.

**Prevention of child sexual exploitation**

312. The Digital Safety Group (DIA) has built a reputation as being a highly effective investigation agency, working alongside domestic and international partners to identify and prosecute people who collect and distribute child exploitation materials online and identify and help victims.

313. The team help to protect New Zealand children by:

- ensuring restricted content is accessed appropriately;
- removing the ability to access material that has been classified as objectionable and is considered injurious to the public good; and
- managing the Digital Child Exploitation Filtering System which blocks access to websites that contain child sexual abuse material.

**Reply to 30(c)**

314. Although there is no specific reference to the Optional Protocol itself within their mandates, the Human Rights Commission and the Office of the Children's Commissioner promote, monitor and hear complaints on the Children's Convention and its Optional Protocols as part of their general functions.

**Reply to 30(d)**

315. The Digital Safety Group has provided data and insight into third parties on offender behaviour and demographics since 2015.

**Reply to 30(e)**

316. In relation to online child sexual exploitation, DIA holds liable legal persons in New Zealand through the following prosecution processes:

- formal written warnings,
- youth justice process that includes family group conferences, or
- youth court.

For adult offenders there are District Court proceedings that may result in alternative actions. However, in most criminal convictions cases prosecution results in one or more of the following:

- pecuniary fines
- probation
- supervision
- placement on the child sex offender register
- terms of imprisonment.

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**Replies to 30(f) and 30(g)**

317. An offence is deemed to be committed in New Zealand if any part of the offence is committed in New Zealand (section 7 Crimes Act 1961).

318. Both New Zealand Customs service and Police hold charge and prosecute a range of offenders under the FVPCA, the Crimes Act 1961 and Customs and Excise Act 2018 for online child exploitation.

319. In addition, section 7A of the Crimes Act 1961 creates extraterritoriality for specified offences with transnational aspects. This will ensure that sale and exploitation of children is an offence if it occurred completely outside New Zealand and was committed by either a citizen of New Zealand or a person who is ordinarily resident in New Zealand. New Zealand does not have extraterritorial jurisdiction under section 7A of the Crimes Act 1961 if the victim is a national of New Zealand.

320. Section 144A of the Crimes Act 1961 creates an extraterritorial offence for New Zealand citizens and residents who have sexual conduct with people under 18 outside of New Zealand. This explicitly applies to child prostitution offences occurring outside of New Zealand.

321. Extraterritoriality for child pornography offences exists in section 145A of the FVPCA. Offences occurring outside of New Zealand can be prosecuted under that Act if the alleged offender is found in New Zealand and is not extradited because they are a New Zealand citizen.

322. New Zealand does not need a treaty to extradite or receive extradition requests. Dual criminality is required and includes that the offence is punishable by 12 months or more imprisonment in both the requested and the requesting country. All of the offences under the protocol reach this threshold.

**Reply to 30(h)**

323. Taskforce Ruru is a group of Victim Identification Specialists from DIA, Police and Customs who work to a specific protocol in order to identify child sexual exploitation victims both within New Zealand and overseas. They support the development and maintenance of national and international agreements that are in place and undertake ongoing training to follow best practice image analysis.

324. The Online Child Exploitation Across New Zealand (OCEANZ) team meets with Taskforce Ruru to discuss emerging trends and topics on online child sexual abuse, which supports MBIE's Plan of Action Against Forced Labour, People Trafficking and Slavery.

325. The OCEANZ team carries out investigations into all types of online child exploitation and also conducts victim identification investigations. At present, the victim identification role is currently undergoing redesign to ensure it is fit for purpose and adequately supports district and national investigations.

**Reply to 30(i)**

326. The Evidence Amendment Act 2016 made a number of significant changes to how child witnesses give evidence in criminal proceedings. For example, it is now presumed that a child witness will give their evidence in an alternative way (for example by a video record made before the hearing, from behind a screen or from a

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place outside the court room). An application must be made if a child witness wishes to give evidence in the way an adult would.

327. However, in most prosecution cases progressed by DIA, the investigation of possession, production, or distribution of the content does not reveal the child victims contained within in it. As such, the child victims cannot be called as witnesses in the court proceedings, nor is their direct evidence necessary to meet the evidential threshold for offences under the FVPCA.

**Reply to 30(j)**

328. New Zealand investigates offences using a cross-agency approach involving DIA, Police and Customs.

329. DIA have specific warrants which allow them special search and seizure powers in relation to child sexual exploitation to investigate and ensure compliance with the FVPCA.

330. The Child Exploitation Operations Team (Customs) are dedicated to investigating and prosecuting offences involving cross-border transfers of child sexual exploitation material from 6 to 12 (full complement will be in place by 2023). In 2019, Customs increased resourcing to the team to respond more fully to the over 1,000 attempts made every day to import and/or export child sexual exploitation material across New Zealand's cyber border, and to the 3000-5000 referrals each year from our partner agencies overseas.

331. Police coordinate prevention activities and investigations into online child exploitation across the country. Child Protection Teams within the districts are dedicated full time to investigating offences against children and carrying out child protection activities. This includes the investigation of child exploitation online.

**Reply to 30(k)**

332. The Digital Child Exploitation Filter blocks access to known child exploitation sites for users of those internet services who voluntarily subscribe to the filter.

333. A centralised contact team as well as international partners refer online child exploitation investigations to Police. These investigations and referrals are then coordinated and disseminated throughout the country, with the OCEANZ supporting district investigations.

334. DIA, Police and Customs work together to undertake the below programmes to prevent online child sexual exploitation and abuse (para. 24(c) CRC/C/NZL/CO/5).

- a. Taskforce Ruru (refer to reply to paragraph 30(h) of the list of issues)
- b. Prevention working groups and initiatives
  - The Combating Child Sexual Exploitation Group (December 2019) includes NGOs and is developing and running collaborative initiatives, projects and campaigns to combat and prevent child sexual exploitation in New Zealand.
  - DIA re-launched a programme of safe to fail trials to prevent online child sexual exploitation and abuse in May 2020. This has expanded to

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include a wider set of government agencies (e.g. ACC, MSD, MOE) and NGOs.

- c. Online Safety Awareness Campaign 2020
  - o See reply to 15(b).

**L. Optional Protocol on the involvement of children in armed conflict**

**Reply to 31 (para. 46 CRC/C/NZL/CO/5)**

335. New Zealand has extraterritorial jurisdiction for the war crimes specified in Articles 8(2)(b)(xxvi) and 8(2)(e)(vii) of the Rome Statute.<sup>3</sup> Proceedings may be brought for an offence whether or not any act forming part of the offence occurred in New Zealand under s 8(1)(c) of the International Crimes and International Criminal Court Act 2000. The relevant Rome Statute provisions only apply to conscripting or enlisting children under the age of 15 and/or using them to participate actively in hostilities. Beyond this, members of the New Zealand Defence Force (NZDF) can also be charged (and punished if convicted) for using children to take a direct part in hostilities or recruiting children into armed forces or armed groups.

**III. Statistical information and data**

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336. Responses to data questions are set out in the Data Annex. Where data is not available, responses have been included below.

**Reply to 36**

337. See reply to 9(c).

**Reply to 39(d)**

338. In 2019/2020, 136 adoption applications were filed in New Zealand. This number has decreased over the past 10 years, with 212 adoption applications filed in 2010/2011. Almost half of these children (49%) were aged under 12 months.

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<sup>3</sup> For the purpose of the Rome Statute, “war crimes”, in the context of armed conflict not of an international character, can mean “conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities”.