

# Six priority child rights issues in New Zealand

## A supplementary report to the United Nations Committee on the Rights of the Child from the UNCROC Monitoring Group

1 November 2015

The New Zealand Government presented its Fifth Periodic Report on the United Nations Convention on the Rights of the Child (the Convention) to the UN Committee on the Rights of the Child (the Committee) in May 2015. The New Zealand Government is scheduled to appear before the Committee in September 2016.

The Committee has invited submissions from non-government organisations (NGOs) and national human rights instruments (NHRIs) ahead of its pre-sessional working group in February 2016. This submission from the UNCROC Monitoring Group (UMG) identifies six issues the Committee may wish to consider when it examines the New Zealand Government.

The UMG was formed in February 2011 to monitor how the Committee's 2011 Concluding Observations are being addressed. The UMG is convened by the Office of the Children's Commissioner (OCC), and consists of representatives from the Human Rights Commission (HRC), Action for Children and Youth Aotearoa (ACYA), Save the Children New Zealand, and UNICEF New Zealand. The UMG meets quarterly.

ACYA is preparing a comprehensive alternative report in coalition with many UMG members and other NGOs. The UMG endorses ACYA's report, but has also prepared this supplementary report focused on six key issues to bring to the Committee's attention.

These key issues are:

1. Lack of progress towards full implementation of the Convention (General measures of implementation, articles 4, 42, and 44 paragraph 6);
2. Persistent disparities experienced by key groups of children (General principles, article 2);
3. Piecemeal approach to gathering the views of the child (General principles, article 12);
4. Concern about the quality of care and protection services provided by the State (Family environment and alternative care, articles 9, 10, 19, 20, 25 and 39);
5. Child poverty and hardship (Basic health and welfare, article 27); and
6. Risk to the rights and wellbeing of children affected by the Canterbury Earthquakes of 2010 and 2011.

This report is structured according to the reporting guidelines, but is focused exclusively on the issues listed above. It does not provide a comprehensive child rights situation analysis or complete comment on the Government report. For this, we point the Committee to the more comprehensive alternative report prepared by ACYA and endorsed by the UMG.

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### The UNCROC Monitoring Group (UMG)

The UMG was formed in February 2011 to monitor how the Committee's 2011 Concluding Observations are being addressed in New Zealand.

### UMG members:

Action for Children and Youth Aotearoa  
Save the Children NZ  
Unicef NZ  
Human Rights Commission  
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## 1. General measures of implementation (Articles 4, 42, and 44 paragraph 6)

### UMG Observations

New Zealand has not fully implemented the Committee's previous recommendations. Although efforts are being made to improve the coordination of policy and service delivery, Government policy for children continues to be piecemeal and there are gaps in the evaluation and monitoring of these policies.

New Zealand lacks a child centred framework to advance the recognition of children's rights and implement and monitor the Convention, and a system to effectively address issues raised in the Concluding Observations. The Concluding Observations are not tabled in Parliament nor is there Cabinet accountability for the Convention.

In response to the previous Concluding Observations, in August 2014 the Government established an UNCROC Work Programme, located within the Ministry of Social Development. There are three items on the work programme:

1. Introducing a child impact assessment for major policy and legislative initiatives;
2. Incorporating children and young people's views in the formulation of laws and policies; and
3. Raising the age of children leaving care.

Progress on these three items has been slow. In early 2015, the Minister of Social Development decided against adopting a mandatory child impact assessment for policy and legislation, and instead directed officials to develop a best practice guideline that can be used on a voluntary basis. Work on the guideline is on-going.

At the same time, the Minister decided not to develop any new mechanisms for incorporating children and young people's views in the formulation of laws and policies, but to promote and enhance existing mechanisms. The UMG is not aware of any further progress on this work item since that decision was made.

Regarding raising the age of children leaving care, this item has been subsumed into a wider review of Child, Youth and Family (see section 4 below). The outcome of this review remains to be seen, though early indications are positive that we may see an increase in the age of leaving State care from 17.

The importance of items 1 and 2 on the UNCROC work programme is highlighted by New Zealand's poor ranking of 90 out of 165 countries in the recently released KidsRights Index 2015.<sup>1</sup> The index ranks how well countries that have ratified the Convention adhere to and are equipped to improve children's rights, based on available data. It notes that economically better performing countries do not always perform well in honouring children's rights in practice, making two important points about New Zealand:

1. "New Zealand achieves the worst possible score on two indicators (respect for the views of the child and enabling legislation)"; and
2. New Zealand is included in a group of countries that score especially poorly on ensuring that the best interests of the child are manifested in legislation and policy.

A more positive recent development is the establishment of a formal coordinating mechanism for the Convention, something the Committee recommended in its 2011 Concluding Observations. This function will now be filled by the Social Sector Board Deputy Chief Executives (SSB DCEs). The UMG welcomes this development and looks forward to details of how the SSB DCEs will deliver on this mandate.

The UMG notes with interest that New Zealand's implementation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) also has a formal coordinating mechanism, and

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<sup>1</sup>[http://www.kidsrightsindex.org/Portals/5/The%20KidsRights%20Index%202015\\_DEF.pdf](http://www.kidsrightsindex.org/Portals/5/The%20KidsRights%20Index%202015_DEF.pdf)

that mechanism is linked to a Ministerial Committee's oversight of the National Disability Action Plan. The UMG suggests that this high-level and layered framework warrants consideration as a model for New Zealand's enhanced implementation of the Convention.

There is an increasing awareness within Government of the need to improve outcomes for children, but knowledge of the Convention is patchy. A 2011 report by UNICEF New Zealand found that there are pockets of knowledge about the Convention within Government – notably in the Ministries of Justice and Social Development – but awareness of the Convention is not widespread.<sup>2</sup>

Legislation that is inconsistent with the Convention remains in place, and there is no systematic plan in place to prioritise legislation relating to children.

The Government has not implemented a child budgeting exercise, so it is difficult to track the investment in children.

There is limited effort in the dissemination and awareness-raising of the Convention. However, UNICEF NZ has delivered child rights training to some groups of officials and it is likely that further training will be delivered in 2016.

The Government is not proactively pursuing child rights in the business sector. However, the HRC is convening discussions with business leaders about human rights and UNICEF NZ will be contributing to this work.

### **Comments on the State report**

The UMG felt the State report should have provided a more detailed assessment of the overall position of children in New Zealand.

The report did not make clear how far the work undertaken over the reporting period, in response to the 2011 Concluding Observations, had improved the situation for children in the intervening years, if at all.

The draft report refers several times to the Children's Action Plan (CAP). It is important that the Committee understands that the CAP is not the universal National Action Plan envisaged by the Committee in its Concluding Observations, but rather a targeted plan being rolled out in certain locations, and affecting only the most vulnerable 20,000 children (approximately one percent of all children in New Zealand). Furthermore, rollout of the action plan has been slow. At present, the multi-disciplinary teams envisaged in the plan are only operational in a few locations and have worked with very few children.

### **Recommendations for the Committee**

The Committee may wish to ask the New Zealand Government the following questions:

- How close was New Zealand to full implementation of the Convention five years ago, how much closer have the activities of the previous five years brought New Zealand towards full implementation, and what remains to be done?
- How does the Government plan to ensure the Committee's Concluding Observations are fully addressed before the next periodic review?
- What progress has been made on the three UNCROC work programme items?
  - Has the guideline for best practice for considering the impact of policy and legislation on children been completed and rolled out? How is it being implemented and promoted?
  - How are existing mechanisms for gathering children's views on policy and legislation being promoted and utilised?

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<sup>2</sup> UNICEF, Education and training for professionals working with and for children in New Zealand, (September 2011)

- What progress has been made on raising the age of children leaving care?
- How will the SSB DCEs fulfil their new mandate as the New Zealand Government's coordinating mechanism for the Convention? What specific new actions will they undertake in this capacity?
- What is the Government doing to ensure that children and families know and understand the Convention?
- What are the impediments if any to New Zealand ratifying Optional Protocol 3?

## 2. General Principle – non-discrimination (Article 2)

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### UMG Observations

Despite the many efforts of communities and successive governments, persistent disparities in social, economic and health outcomes remain a reality for some groups of children and young people in New Zealand, and impinge significantly on their rights. Those seriously affected include Māori, Pacific people, refugees, children in care, and disabled children.

These disparities are reflected in child poverty and incarceration rates, education achievement levels, disabled children's lack of access to education, health outcomes, and housing. In 2012, the Committee on Economic, Social and Cultural Rights recommended that the Government develop specific equality targets for these groups and that it closely monitor progress.

Through the Universal Periodic Review this enduring issue was highlighted as one of key concern to New Zealand – along with poverty and violence and abuse. The Government has committed to address the underlying root causes of these continuing disparities. However, there is little evidence of the comprehensive, coordinated investment required.

### Comments on the State report

The State report fails to explicitly acknowledge key disparities in social, economic, and health data between certain groups of children. Key to understanding the overall status of children in New Zealand is the fact that, while the majority of children in New Zealand enjoy good lives and healthy outcomes, a significant minority do not. Fully implementing the Convention will require the needs of these children to be addressed directly.

The State should therefore explicitly report on indicators and outcomes for income, health, education, justice, and care and protection, disaggregated by ethnicity and disability. This is particularly important for Māori children, the indigenous people of New Zealand, to whom the Government has particular responsibilities under the Treaty of Waitangi.

### Recommendations for the Committee

The UMG recommends that the Committee request a comprehensive assessment from the Government:

- on the current situation of children and young people in New Zealand with a focus on Māori, Pacific people, refugees, children in care, and disabled children; and
- the extent and impact of programmes or initiatives aimed to ensure an adequate standard of living and opportunities for all children and young people to participate fully in society.

### 3. General Principle – respect for the views of the child (Article 12)

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#### UMG Observations

The Convention positions children as rights holders, and establishes their right to be well informed and have a say on matters that affect them, in line with their evolving capacities.

The UMG is concerned that there has been little progress since the last Concluding Observations to improve mechanisms to gather the views of children. Indeed, in some instances, children may have lost their opportunity to have their views heard. For example, changes made to the Family Court on 30 March 2014 may compromise the ability of children and young people to be heard adequately on matters that directly affect them. The changes require most parents to attend the new Family Dispute Resolution service and in some cases restricts access to legal representation. The impact of the changes on children and families are yet to be evaluated.

The inclusion of an item on the UNCROC work programme to better incorporate children's views in the formulation of laws and policies was an encouraging development, but following the Minister's decision in 2015 to limit this item to promotion of existing mechanisms, little if any progress has been made.

The UMG believes that an important step to honouring Article 12 is to empower children and young people by embedding the Convention in the school curriculum.

Additionally, the UMG calls on the Government to ratify the Optional Protocol 3 Communications Procedure (OP 3) as an acknowledgement of the extent to which the Government listens and takes children's voices seriously.

#### Comments on the State report

We acknowledge that some effort has been made by national and local governments to consult with children and to promote their voices through various platforms. However, most of the participation referred to in the report has been for specific policy purposes and seems to be adult-initiated or led.

The UMG notes with concern that the draft Fifth Periodic Report was made available without a child-friendly version.

Several mechanisms such as Youth Parliament, local government youth councils and the Ministry of Youth Development's youth advisory group are cited as avenues for youth participation. However, the UMG notes with concern that the State report does not explain how, if at all, these groups or children in general were involved in the public consultations on the draft report or to what extent they, their families and communities are aware of the fifth periodic review.

To help bridge this gap Save the Children and UNICEF are jointly collaborating on a youth-led initiative to gather children's opinions for the Alternative Report in a bid to normalise child participation in child rights monitoring and reporting.

We are aware that the views of some children and young people were gathered following a child-friendly survey in selected schools and engagement with existing youth networks via the Ministry of Youth Development, but this was done too late in the process to be included in the report.

Although reference is made in the UNCROC work programme to improve opportunities for child and youth participation in the policy and legislative development process, we are not aware of any plans to advance this work, or even to promote and encourage the use of existing mechanisms. Nor are we aware of any specific plans in the Government work programme to include the voices of disabled children, including those with communication difficulties.

#### Recommendations for the Committee

The Committee may wish to ask the New Zealand Government the following questions:

- Were children consulted in the preparation of the Fifth Periodic Report? If so how many, how well did they represent the population, what issues did they provide input on, and how will the Government communicate these views to the Committee?
- What impact do the March 2014 changes to the Family Court have on children? When can an impact assessment of the changes be expected?
- What existing mechanisms does the Government have in place to systematically collect and include the voices of children in the formulation of policies and laws that affect them, and how will these be enhanced and promoted as part of the UNCROC work programme?
- What systematic training opportunities are available to staff of Government agencies to develop expertise in engaging with and analysing the views of children and young people?

#### 4. Family environment and alternative care (Articles 9, 10, 19, 20, 25 and 39)

##### **UMG Observations**

The status of children and young people in the care and protection system has been under the spotlight in New Zealand in 2015, with significant developments occurring after the Government submitted its Fifth Periodic Report in May.

At any given time there are between 4000 and 5000 children and young people in the State care system. Almost 60 percent of these are Māori. These are some of the most vulnerable children and young people in New Zealand.

In April, the Minister of Social Development announced the appointment of an Expert Panel to review Child, Youth and Family and develop a business case for the modernisation of New Zealand's care and protection system.

In August, the Children's Commissioner reported publicly for the first time on the services provided to children by Child, Youth and Family, the Government's statutory care and protection service. The resulting *State of Care* report<sup>3</sup> concluded that Child, Youth and Family is not child-centred, has major issues with workforce capacity and capability, and needs to expand its focus from responding to immediate safety concerns to include improving children's long-term outcomes.

In September, the Expert Panel released its interim report on modernising Child, Youth and Family.<sup>4</sup> It echoed many of the concerns raised by the Children's Commissioner, finding that the current operating model:

- is fragmented and lacks common purpose and clear accountabilities
- does not place children at the centre
- does not reflect a high level of aspiration for vulnerable children
- is not effective in supporting families to care for their children
- does not focus on providing earliest opportunities for stable care placements
- does not recruit, support, and retain sufficient caregivers
- lacks evidence-based approaches to achieve results, with gaps in data to adequately evaluate the outcomes for children in care
- lacks a workforce with the capacity and capability to meet the increasingly complex needs of children and families, and

<sup>3</sup> <http://www.occ.org.nz/assets/Publications/OCC-State-of-Care-2015.pdf>

<sup>4</sup> <https://www.msd.govt.nz/documents/about-msd-and-our-work/work-programmes/cyf-modernisation/interim-report-expert-panel.pdf>

- lacks cultural support.

The interim report sets out a number of objectives and principles for the reform of the system. The Expert Panel is now developing a detailed business case for a “complete overhaul” of Child, Youth and Family, which is expected to be presented to the Minister for Social Development by the end of 2015.

The UMG welcomes the increased focus on children in care and the objective of reforming the system to make it more child-centred and ensure that children are better off as a result of State intervention. The various short-comings of the current system, as highlighted in these two significant reports in 2015 indicate that children’s rights to family reunification (article 10), protection from all forms of violence (article 19), special care and protection from the State (article 20), periodic review of their treatment and circumstances (article 25), and the right to physical and psychological recovery from any form of abuse (article 39) may all have been compromised under the current model. This is clearly unacceptable. It will be important that children and young people are genuinely at the centre of a reformed care and protection system and that their right to have a say on decisions that affect them is respected and upheld.

### **Comments on the State report**

Notwithstanding that it was completed ahead of the reports by the Children’s Commissioner and Expert Panel, the State report does not deal adequately with the experiences of children and young people in foster and residential care (including youth justice residences).

The State report tends to focus on the Children’s Action Plan, but this is directed at vulnerable children whose issues and concerns do not meet the statutory threshold for mandatory intervention.

The report lacks robust data for the social, educational, and health outcomes of children. The data gathered for the *State of Care* and interim Expert Panel reports suggests the cumulative impact of many elements of disadvantage mean that the outcomes for children in care are significantly worse than those of many other vulnerable groups.

For New Zealand to claim significant progress on implementing the Convention, the rights of this group of children and young people need to be addressed. It is clear that the present system is not geared to respond effectively to their often complex needs, and in fact may actively breach their rights in a number of critical areas.

### **Recommendations for the Committee**

By the time the Committee examines New Zealand in September 2016, the business case for modernising Child, Youth and Family will have been finalised, and the reforms will be underway. The Committee may wish to ask the Government the following questions:

- What progress has been made on implementing the findings of the review of Child, Youth and Family? What are the timeframes for this work?
- What is being done to ensure child rights are upheld in the implementation of the reforms? How will unintended negative consequences for children be avoided?
- How are children and young people involved in the implementation of the reforms in an on-going way?
- What progress has been made towards raising the age of leaving State care from 17 as part of the review?
- How will the reforms be monitored and evaluated?
- What resources have been allocated for effective monitoring and oversight of the care and protection system when the reforms are complete?

- What in particular has been done to ensure that the rights of specific groups of children – especially Māori children, children from other ethnic minorities, and disabled children – have been considered as part of the modernisation process?

## 5. Basic health and welfare – standard of living (Article 27)

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### UMG Observations

In its 2011 Concluding Observations, the Committee recommended that New Zealand “take all necessary measures to provide appropriate support to allow disadvantaged families and their children to move out of poverty in a sustained way while, at the same time, continuing to provide assistance to those who remain under the poverty line.” (UNCRC /C/NZL/3-4/ 2011: 43)

The UMG is very concerned about the numbers of children who continue to live in poverty in New Zealand, including those in severe and persistent poverty.

The most recent Government data<sup>5</sup> on living standards, contained in the Household Incomes Report, shows that children are the population group in New Zealand most likely to live in poverty. Approximately one quarter of all children in New Zealand live in low income households, and around 150,000 children (14 percent) live in material hardship, which means they miss out on basic nutrition, adequate shoes and clothing, and a warm house. There is a high correlation between disability and poverty. High costs of housing (especially in Auckland where there is a housing affordability crisis, and Christchurch where there is still a shortage of housing following the 2010 and 2011 earthquakes) contribute to high rates of poverty.

Health data indicates that poverty and associated poor quality housing are taking a significant toll on the health of children in New Zealand, with some groups of children carrying a disproportionate burden of poverty and illness. Every year there are 40,000 hospitalisations of children related to socio-economic status; 960 children die from conditions linked to overcrowded housing; Māori children are 20 times more likely than non-Māori and non-Pacific children to experience rheumatic fever, while Pacific children are 60 times more likely.<sup>6</sup> The UMG is concerned about the availability and affordability of housing for all children, particularly the quality of rental properties and the lack of a comprehensive rental warrant of fitness.

Education data shows clear patterns where children living in poverty are not achieving qualifications at the same rates as their better-off peers, and schools report that children arrive hungry and this is disrupting their education.

Government efforts to protect children from poverty are inadequate. There is no coherent plan, leading to piecemeal efforts which are failing to move children out of poverty.

The Government has made very small increases to welfare benefits, but these will not move any families out of poverty. In addition, there are new requirements for sole parents to re-apply for benefits annually and meet a range of conditions to retain their benefits. Where those conditions are not met, benefits are cut. Government information shows that up to 2000 children a day are living in homes where benefits have been cut by half.<sup>7</sup> There is no mechanism in place to assess the impact this policy is having on children.

Poverty rates are much higher for families that are jobless and the Government is actively working to move people off welfare benefits, with a drop of 2.8 percent in the number of people on benefits in the period June 2014-June 2015. The number of sole parents on benefits has dropped by 6.5 percent

<sup>5</sup> New Zealand Household Incomes Report

<https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/monitoring/household-incomes/>

<sup>6</sup> <http://www.oecd.org/eco/surveys/New-Zealand-2015-overview.pdf>

<sup>7</sup> <http://www.radionz.co.nz/news/political/286553/about-2000-children-hit-when-parents-lose-benefits>



in that same period. Not much is known about the outcomes for the families who have gone off benefits, and whether or not they have found adequate employment. The OECD has raised concerns about a lack of follow-up of people who have gone off benefits and recommended that New Zealand work to ensure satisfactory outcomes for them.<sup>8</sup>

### Comments on the State report

The Fifth Periodic Report makes scant mention of housing. Given the significance of adequate, affordable housing to the provision of an adequate standard of living, and the fact that housing is a key determinant of children's health, educational, and social outcomes, the Government needs to address the challenges that prevent children from living in homes that support their development. This should include information about changes to State and social housing; details about the Healthy Homes policy; the numbers of families with children on the social housing register; the proportion of families on welfare who are spending more than 30 percent of their income on housing; homelessness of children and young people (including in Christchurch following the 2010 and 2011 earthquakes); plans to address the housing affordability crisis in Auckland, and other data that provides an accurate indication of housing provision and need.

### Recommendations for the Committee

The Committee may wish to ask the New Zealand Government the following questions:

- Does the Government have a co-ordinated plan to reduce child poverty and hardship?
- What progress has the Government made to move children out of poverty in a sustained way?
- What is the Government doing to ensure that sole parents are well supported with adequate income and housing to meet the needs of their children?
- What is the government doing to ensure equitable health outcomes for Māori and Pacific children?
- What is the Government doing to ensure all children have access to safe, high quality, affordable housing?

## 6. Other – Canterbury earthquake recovery (Article 27)

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### UMG Observations

The major earthquakes in Canterbury on 4 September 2010 and 22 February 2011 – and subsequent aftershocks – caused significant trauma and loss. It is estimated that around 85,000 children have been affected by the earthquakes.

Significant issues have emerged for children relating to health, housing and participation in decision making. Community dislocation, financial distress, and poor or insecure housing and school relocations or closures are resulting in high levels of psychosocial harm. These factors together mean that children in Canterbury are at risk of not having their right to an adequate standard of living met (article 27), and are under considerable stress.

Recent research by the Canterbury University school of health sciences has shown that as many as one in five five-year-olds starting primary school in east and south Christchurch now exhibit the classic symptoms of post-traumatic stress disorder (PTSD).<sup>9</sup> Pre-quake the number of children demonstrating PTSD was approximately five percent. Now, it ranges from 14 to 21 percent according to the research.<sup>10</sup>

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<sup>8</sup> <http://www.oecd.org/eco/surveys/New-Zealand-2015-overview.pdf>

<sup>9</sup> <http://www.stuff.co.nz/the-press/news/christchurch-earthquake-2011/9674021/Quake-stress-hurting-our-young>

<sup>10</sup> Ibid.

The latest report from All Right!<sup>11</sup>, an initiative led by the Canterbury District Health Board and the Mental Health Foundation of New Zealand shows that the earthquakes continue to have a significant impact on the Canterbury population. There are more people finding it difficult to find somewhere to live. Residents with Earthquake Commission or insurance claims that have not been settled are more likely to report that they have health issues and financial problems and to be struggling to deal with things that have happened as a result of the earthquakes.

In the aftermath of the quakes, Save the Children implemented a programme called Journey of Hope to provide psycho-social support to children in the Canterbury region.<sup>12</sup> Since 2011, close to 1000 children have participated in the programme in Canterbury.

In its Report to the Universal Periodic Review the Government noted its commitment to “ensuring any human rights impacts of the Canterbury Earthquakes are accounted for in the on-going decisions around the rebuild.”<sup>13</sup> The Government has invested a large amount of resource and effort in the Canterbury earthquake recovery process, but more attention to the on-going health and mental health impacts, particularly for children, is needed.

### **Comments on the State report**

The State report identifies the earthquakes as having had a significant impact on children, but does not directly address the on-going challenges to the realisation of children’s rights and the unknown long-term impacts on children during the much longer recovery period.

### **Recommendations for the Committee**

The UMG recommends that the Committee request further information from the Government about how children’s rights have been accounted for in the earthquake recovery process. Particular attention should be paid to the right to adequate housing, and the requirement under the Convention to ensure the primacy of the best interests of children in decision making.

## **Conclusion**

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New Zealand is a relatively wealthy, developed nation in which the majority of children enjoy a high standard of living and generally have their rights well respected and understood. In many ways New Zealand could be seen as an exemplar for other countries looking to advance progress towards full implementation of the Convention.

Yet there is no room for complacency about child rights in New Zealand, and there are significant areas where the Government needs to take action. Because of our international reputation, it is important that the Government continues to actively progress the advancement of children’s rights. Indeed, we risk going backwards if it does not. High rates of child poverty and lack of access to safe, affordable housing, persistent disparities affecting vulnerable groups of children, high rates of abuse and neglect and a care and protection system that is not responding well are all major challenges to the full realisation of child rights in New Zealand.

The UMG is committed to working constructively with the Government (especially with the SSB DCEs in their new capacity as the Government’s formal Coordinating Mechanism for the Convention) to monitor progress and advance the full implementation of the Convention. The issues identified in this report are some of the most significant challenges, in the UMG’s view, to fully realising the Convention in New Zealand. We look forward to engaging with the Committee at all stages of the forthcoming review.

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<sup>11</sup> <http://www.allright.org.nz/is-canterbury-all-right/>

<sup>12</sup> <http://www.savethechildren.org.nz/see/NZ/journey-of-hope>

<sup>13</sup> Report of the Working Group on the Universal Periodic Review: New Zealand, A/HRC/26/3 ( 7 April 2014)

## Annex: Recommendations

### 1. General measures of implementation (Articles 4, 42, and 44 paragraph 6)

The Committee may wish to ask the New Zealand Government the following questions:

- How close was New Zealand to full implementation of the Convention five years ago, how much closer have the activities of the previous five years brought New Zealand towards full implementation, and what remains to be done?
- How does the Government plan to ensure the Committee's Concluding Observations are fully addressed before the next periodic review?
- What progress has been made on the three UNCROC work programme items?
  - Has the guideline for best practice for considering the impact of policy and legislation on children been completed and rolled out? How is it being implemented and promoted?
  - How are existing mechanisms for gathering children's views on policy and legislation being promoted and utilised?
  - What progress has been made on raising the age of children leaving care?
- How will the SSB DCEs fulfil their new mandate as the New Zealand Government's coordinating mechanism for the Convention? What specific new actions will they undertake in this capacity?
- What is the Government doing to ensure that children and families know and understand the Convention?
- What are the impediments if any to New Zealand ratifying Optional Protocol 3?

### 2. General Principle – non-discrimination (Article 2)

The UMG recommends that the Committee request a comprehensive assessment from the Government:

- on the current situation of children and young people in New Zealand with a focus on Māori, Pacific people, refugees, children in care, and disabled children; and
- the extent and impact of programmes or initiatives aimed to ensure an adequate standard of living and opportunities for all children and young people to participate fully in society.

### 3. General Principle – respect for the views of the child (Article 12)

The Committee may wish to ask the New Zealand Government the following questions:

- Were children consulted in the preparation of the Fifth Periodic Report? If so how many, how well did they represent the population, what issues did they provide input on, and how will the Government communicate these views to the Committee?
- What impact do the March 2014 changes to the Family Court have on children? When can an impact assessment of the changes be expected?
- What existing mechanisms does the Government have in place to systematically collect and include the voices of children in the formulation of policies and laws that affect them, and how will these be enhanced and promoted as part of the UNCROC work programme?
- What systematic training opportunities are available to staff of Government agencies to develop expertise in engaging with and analysing the views of children and young people?

#### **4. Family environment and alternative care (Articles 9, 10, 19, 20, 25 and 39)**

By the time the Committee examines New Zealand in September 2016, the business case for modernising Child, Youth and Family will have been finalised, and the reforms will be underway. The Committee may wish to ask the Government the following questions:

- What progress has been made on implementing the findings of the review of Child, Youth and Family? What are the timeframes for this work?
- What is being done to ensure child rights are upheld in the implementation of the reforms? How will unintended negative consequences for children be avoided?
- How are children and young people involved in the implementation of the reforms in an on-going way?
- What progress has been made towards raising the age of leaving State care from 17 as part of the review?
- How will the reforms be monitored and evaluated?
- What resources have been allocated for effective monitoring and oversight of the care and protection system when the reforms are complete?
- What in particular has been done to ensure that the rights of specific groups of children – especially Māori children, children from other ethnic minorities, and disabled children – have been considered as part of the modernisation process?

#### **5. Basic health and welfare – standard of living (Article 27)**

The Committee may wish to ask the New Zealand Government the following questions:

- Does the Government have a co-ordinated plan to reduce child poverty and hardship?
- What progress has the Government made to move children out of poverty in a sustained way?
- What is the Government doing to ensure that sole parents are well supported with adequate income and housing to meet the needs of their children?
- What is the government doing to ensure equitable health outcomes for Māori and Pacific children?
- What is the Government doing to ensure all children have access to safe, high quality, affordable housing?

#### **6. Other – Canterbury earthquake recovery (Article 27)**

The UMG recommends that the Committee request further information from the Government about how children's rights have been accounted for in the earthquake recovery process. Particular attention should be paid to the right to adequate housing, and the requirement under the Convention to ensure the primacy of the best interests of children in decision making.