

United Nations Convention on the Rights of the Child

Fifth Periodic Report by the Government of
New Zealand 2015

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I. Introduction

1. The New Zealand Government welcomes this opportunity to present New Zealand's Fifth Periodic Report (Report) under the United Nations Convention on the Rights of the Child (Convention) submitted under article 44, paragraph 1(b) of the Convention.
2. The focus of the Report is to update the Committee on the Rights of the Child (Committee) on New Zealand's progress against the 2011 Concluding Observations, implementation of the articles of the Convention, and the two Optional Protocols.¹

A. Preparation and structure of report

3. This Report has been prepared in accordance with the Committee's harmonised guidelines on reporting,² and the treaty-specific guidelines of the Convention.³ This Report should be read in conjunction with New Zealand's Common Core Document⁴ and Initial Report on the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.⁵
4. In respect for the guidelines and page limitation, the Report briefly outlines many of the measures taken by the New Zealand Government during the reporting period. The Report makes reference to other New Zealand reports where the information has already been supplied to the Committee. The reporting period for this Report is February 2011 to March 2015.

B. Consultation with civil society

5. The New Zealand Government will undertake public consultation on the report between December 2014 and February 2015.

C. Overview

6. Since February 2011, the Government has made substantial progress in improving outcomes for children, implementing the articles of the Convention, and addressing the 2011 Concluding Observations of the Committee through its cross-government work programme.
7. The Government has committed to a new way of working to achieve better results for all New Zealanders, including children. Government agencies are required to work together and alongside key stakeholders and communities to achieve the Government's goals. Greater cross-

¹ New Zealand is a State party to two of the three Optional Protocols to the Convention: the Optional Protocol on the Involvement of Children in Armed Conflict and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

² Harmonised guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents: HRI/MC/2006/3 (10 May 2006).

³ Treaty-specific guidelines regarding the form and content of periodic reports to be submitted by States parties under article 44, paragraph 1(b), of the Convention on the Rights of the Child: CRC/C/58/Rev.2 (23 November 2010).

⁴ Core document forming part of the reports of States parties: New Zealand: HRI/CORE/NZL/2010 (11 March 2011).

⁵ Submitted to the Committee on 21 July 2014.

agency accountability and cross-agency funding approaches ensure innovative and sustainable solutions to some of New Zealand's hardest social issues. This is reflected in the Better Public Service (BPS) Results which aim to improve public services within tight financial constraints while achieving results that make a real difference to New Zealanders. Five of the 10 Results relate to children and young people.

8. The Government has maintained a strong and enduring focus on improving outcomes for children and their families through
 - universally available health and education services
 - targeted parenting, health and education support services for families with identified needs
 - robust services that ensure the safety of at-risk children, hold young offenders to account and treat pressing health needs.

The Government continues to support a vibrant community sector to promote positive parenting, supportive neighbourhoods and families free from violence.

9. In 2010, *Whānau Ora* was launched as an innovative whānau-centred approach to supporting whānau wellbeing and development. *Whānau Ora* is built around whānau aspirations for healthy lifestyles, full participation in society, and confident participation in te o Māori and Pasifika communities. Outcomes for children are intricately and intimately linked to the wellbeing of the family.
10. The Children's Action Plan (CAP) is focused on improving outcomes for vulnerable children by driving fundamental changes around how government agencies, non-government organisations (NGOs) and iwi work together at national and local levels, to identify, support and protect vulnerable children. Local Children's Teams ensure the right level and type of service is provided to the right children by having one plan, one assessment for each child. As part of CAP new mechanisms for information sharing (the Vulnerable Kids Information System (ViKI) and an Approved Information Sharing Agreement (AISA)) are being developed. In addition, a single point of contact called The Hub, which will make it easier for people to recognise and report concerns about children and young people, is being developed. The Vulnerable Children Act 2014 and CAP are also improving the safety and competency of the children's workforce through new Safety Checking, Core Competencies and Child Protection Policies for people who work with children. CAP is also implementing a multi-agency strategy for the most vulnerable children in the care of Child, Youth and Family (CYF).⁶ The Vulnerable Children's Board (VCB) oversees the implementation of CAP and members are jointly accountable for improving outcomes for vulnerable children in New Zealand.

⁶ Child, Youth and Family is New Zealand's agency for the statutory care and protection of children and young people.

11. There is significant work underway to support children and young people at high risk of disengaging from education, training or seeking employment. Targeted early childhood education initiatives are addressing multiple barriers to participation in early childhood education by engaging vulnerable families in their children's learning. Initiatives such as *Positive Behaviour for Learning (PB4L)* help parents, whānau, teachers and schools address problem behaviour, improve children's well-being and increase educational achievement. New Zealand's social security system has been reformed to provide better support and incentives for youth to find work. These reforms are building the competency and self-reliance of young people and young single parents at high risk of long-term welfare dependency by investing in education, training and work-based learning to build skills and work capability.
12. Disparities in health outcomes according to deprivation and ethnicity are being addressed by improving the delivery of the *Well Child/Tamariki Ora (WCTO)* service to assist families and whānau to improve and protect their child's health. New initiatives support this goal and include a BPS Result that aims to increase infant immunisation and decrease the incidence of rheumatic fever, and the *Prime Minister's Youth Mental Health Project* which focuses on improving mental health outcomes for young people.
13. The Government is also developing appropriate support strategies for young people who offend. The *Youth Crime Action Plan (YCAP)* focuses on working with communities to reduce crime by children and young people, and help those who offend to turn their lives around. This includes providing the lowest appropriate justice system response to their offending and providing support to help them get back on track and not reoffend. Initiatives in policing, such as *The Turning of the Tide* and aspects of *Policing Excellence* support engagement with iwi and urban Māori groups to develop crime prevention action plans that reduce offending, particularly by youth. As part of YCAP, Police has developed and implemented nationally a Youth Resolution Model, which aims to encourage early case consultation with partners and ensure consistency in youth resolution decisions.
14. The effects of these and other initiatives can be seen in outcomes for New Zealand children. *Statistical Information by the Government of New Zealand 2015* contains detailed statistics on New Zealand children, disaggregated where possible as per the United Nations Guidelines.⁷
15. The Government recognises that there are Concluding Observations against which limited progress has been made. In particular, the general reservation to article 2 relating to children unlawfully in New Zealand, and the specific reservations to article 32, paragraph 2(a) relating to a minimum age of access to employment and to article 37(c) relating to age-mixing in detention

⁷ Treaty-specific guidelines, above n 3.

facilities remain in place. New Zealand will withdraw these reservations when our legislation and policy match the requirements of these articles. In the meantime, the Government maintains a system of policy and legislative protections to prevent adverse outcomes for children in these situations. To further align with article 2, access to education for children unlawfully in New Zealand has been improved. The Ministry of Education (MoE) introduced criteria in 2013 that provides for children unlawfully in New Zealand aged five to 19 years old to be enrolled in schools. To further align with article 37(c), the Ministry of Justice (MoJ) is progressively upgrading detention facilities to support separation of youth offenders and adults.

16. Limited progress has been made in some areas that the Committee has repeatedly commented on. There are sound reasons for progressing some Concluding Observations ahead of others. For example:

- New Zealand supports Tokelau to improve its situation on the rights of the child so it may eventually have the capacity to be compliant. This would allow New Zealand to extend the Convention to Tokelau, after consultation with the Government of Tokelau.
- A review of adoption law is on hold because of competing priorities for law reform in the justice sector. In the meantime, there have been significant improvements in alternatives to adoption that can provide a permanent, loving home for a child without completely severing the legal and familial ties to their birth parents.

17. While acknowledging that there are areas where the Government could make improvements, the Government's work to progressively implement the Convention is ongoing. Development of the Government's current *UNCROC⁸ Work Programme* was delayed during the reporting period while the Government consulted on and developed responses for vulnerable children. The *UNCROC Work Programme* was developed in consultation with the UNCROC Monitoring Group (UMG)⁹ and government agencies. The following three key areas were identified as work programme items:

- improving the input of children and young people's views in the formulation of legislation and policies associated with rights under the Convention (addresses Concluding Observations 27(a) and (b) and article 12)
- investigating raising the age that young people leave care to 18 (addresses articles 1, 3 and 20)
- facilitating consideration of children's rights in the development of major policy and legislative initiatives, to ensure that New Zealand's obligations under the Convention

⁸ United Nations Convention on the Rights of the Child (UNCROC).

⁹ The UNCROC Monitoring Group was established in 2011 to monitor New Zealand's progress under the Convention. The members are the Child Poverty Action Group, Action for Children and Youth Aotearoa, Save the Children New Zealand, Every Child Counts, the Human Rights Commission, the Office of the Children's Commissioner and UNICEF New Zealand.

are taken into account (addresses Concluding Observations 27(a) and (b), and article 3).

18. As New Zealand continues to build on the fundamental guarantees provided by the Convention, we welcome the expertise of the Committee, the valuable insights of relevant NGOs, and the views of communities, families, whānau, adults and especially children. It is this respectful relationship that will help ensure all New Zealand children grow up in an environment where they feel safe, happy and fulfilled.

II. General measures of implementation

A. Reservations and declarations

1. *Children unlawfully in New Zealand [CRC/C/NZL/CO/3-4, para 9(a)]*

19. New Zealand's legislation and policy aligns with some of the requirements of Article 2 of the Convention.
20. The Immigration Act 2009 together with the MoE's gazetted notice¹⁰ under section 2 of the Education Act 1989 mean that children unlawfully in New Zealand (children whose visas have expired or who lack documentation) have access to state funded education if certain criteria are met. Since 2010 approximately 2000 children unlawfully in New Zealand have enrolled in state funded education as domestic students.
21. The *Health and Disability Services Eligibility Direction 2011* (Eligibility Direction)¹¹ sets out the eligibility criteria for publicly funded health and disability services in New Zealand. For foreign nationals, eligibility is largely based on immigration status. Children are eligible for publicly funded health services if they, or one of their parents or guardians, meet the eligibility criteria. Where children are not automatically eligible, provision is made in the Eligibility Direction for them to receive a number of publicly funded health services, such as vaccinations on the Immunisation Schedule,¹² WCTO services available from birth to five years,¹³ services relating to infectious diseases or quarantinable diseases, acute services in emergencies, and compulsory treatment services under certain Acts. Additionally, otherwise ineligible pregnant women are eligible for maternity services if their child will be a New Zealand citizen, their partner is eligible, or if they require services to prevent transmission of HIV to the foetus.

¹⁰ The *New Zealand Gazette* is the official newspaper of the Government and is an authoritative journal of constitutional record. The Gazette notices were Eligibility to Enrol in New Zealand schools 12-16 July 2012 and Eligibility to Enrol in New Zealand Schools Circular 14 June 2010.

¹¹ For the text of the *Health and Disability Services Eligibility Direction 2011* see: <http://www.health.govt.nz/new-zealand-health-system/eligibility-publicly-funded-health-services/eligibility-direction>.

¹² For a copy of the 2014 National Immunisation Schedule see: <http://www.immune.org.nz/national-immunisation-schedule-2014>.

¹³ For more information about WCTO services see: <http://www.health.govt.nz/your-health/services-and-support/health-care-services/well-child-tamariki-ora>.

22. Benefit or housing support is usually granted to an adult to whom a child is dependent. If the adult is unlawfully in New Zealand they generally will not receive any benefit or housing support. This is considered justified on the basis that allowing children unlawfully in New Zealand to access benefit and housing support would undermine the integrity and principles of the benefit system and the allocation of housing. It would provide an incentive for illegal immigration and overstaying. Currently the Government has no intention to change these policy settings.

1. *Minimum age of access to employment [CRC/C/NZL/CO/3-4, para 9(a)]*

23. New Zealand's existing policy and legislative framework continues to provide age thresholds for entry into work in general, and for safe work. The current framework includes:

- The Education Act 1989 requires children to attend school until the age of 16 (with limited exemptions) and prohibits employers from employing children under the age of 16 during school hours or when it would interfere with their attendance at school.
- The Health and Safety in Employment Act 1992 sets out duties to provide safe workplaces, manage workplace hazards, and ensure appropriate supervision of people at work for all workers, regardless of age. The Health and Safety in Employment Regulations 1995 restrict people under 15 from working in certain dangerous workplaces and from doing certain hazardous work. They also restrict people under 16 from night work.
- The Prostitution Reform Act 2003 decriminalises prostitution but prohibits the use of persons under 18 in prostitution.
- The Sale and Supply of Alcohol Act 2012 bans persons under 18 from selling liquor in licensed premises.

24. The *Children's Employment Work Programme*, put in place in 2004, continues to address issues relating to child employment through:

- Monitoring children in work: the *Household Labour Force Survey (HLFS)* investigative report on youth (those aged 15-24), released in April 2010, looked at youth labour market outcomes after the recession and noted that youth are more likely to face job losses compared to adult workers.¹⁴
- Data collection: the Government is improving its information base through surveying school students. In 2012, 8,500 secondary school students from around 100 schools participated in the Youth'12 survey. Youth'12 is the third national health and wellbeing survey of secondary school students in New Zealand. The results of the survey were

¹⁴ A copy of the report can be found at: www.dol.govt.nz/publications/lmr/hlfs-investigation-reports/recession-impact/index.asp.

released in 2013. Findings included a decline in participation in work and a decrease in workplace injuries for secondary school children.¹⁵

2. *Age-mixing in detention [CRC/C/NZL/CO/3-4, para 9(a)]*

25. New Zealand is not yet ready to withdraw the reservation to article 37(c). However we continue to make progress on preventing age-mixing of children and young people in places of detention.¹⁶
26. Facilities administered by MoJ generally meet the requirements of Article 37(c). However, it is not always possible to separate juveniles and adults because of the limitation of existing facilities, particularly in small, remote courthouses. Meeting all the requirements of article 37(c) will not be achieved until the total upgrade of these facilities is complete. It is not yet clear when this will be completed. Police continue to work collaboratively with planners to ensure that any new or refurbished facilities are designed with the ability to segregate youth.
27. Under the Crimes Act 1961 17 year olds are charged as adults. Police segregate 17 year olds from adults when there is room. Police always segregate 17 year olds transported on behalf of Corrections.
28. Children and young people who require compulsory inpatient mental health assessment and treatment are admitted to youth mental health facilities, with occasional exceptions where it may be more developmentally appropriate for a young person to be treated in an adult ward. When it is not immediately possible to admit a young person to a youth mental health facility, it may be in their best interests to be treated in an adult inpatient facility until a transfer to a youth facility can be made. Paragraph 257 describes guidance for health services in cases where age-mixing is in the best interests of the child or young person.
29. New Zealand continues to comply with article 37(c) in the areas of the Customs Service (border control), the New Zealand Defence Force (imprisoning members of the armed forces) and the Department of Corrections (detention in prison and transit outside of prisons).

3. *Tokelau [CRC/C/NZL/CO/3-4, para 9(b)]*

30. New Zealand continues to work with and support Tokelau to ensure that the provisions and protections of the Convention apply to children in Tokelau. Over this reporting period, the Government has been particularly focused on the provision of education and health in Tokelau. This continues to pose challenges with such a small population base, skill shortages and a relative lack of resources.

¹⁵ For more information about the Youth'12 survey see: <http://www.hiirc.org.nz/page/41071>.

¹⁶ For more information on this progress see the response to Concluding Observation 56(d) at paragraphs 256 to 259.

31. A review on the provision of education in Tokelau was completed by the New Zealand Government's Education Review Office¹⁷ in February 2014. The review highlighted that "significant and urgent action is necessary" to improve the quality of education in Tokelau. A five-year work programme to help Tokelau improve governance and management of schools, increase the effectiveness of teachers, improve literacy and numeracy achievement, and improve early childhood education has been put in place.
32. Tokelau is included in a wider review of public service delivery. This will include a focus on New Zealand's obligations to the children living in Tokelau. As part of this review, officials will continue to discuss extending the Convention with the Government of Tokelau. This is a thorough process that requires full consultation.

B. Legislation (Article 4)

1. Consistency of legislation with the Convention [CRC/C/NZL/CO/3-4, para 11(a)]

33. Mechanisms are in place to assess whether new legislation is consistent with the Convention. Cabinet papers seeking approval to introduce a Bill must advise whether the Bill complies with relevant international standards and obligations. Bills must have a disclosure statement attached explaining steps taken to determine consistency with New Zealand's international obligations. Several pieces of legislation have been introduced since February 2011 that enhance New Zealand's compliance with the Convention. Appendix Three provides a summary.

2. Application to all children in New Zealand [CRC/C/NZL/CO/3-4, para 11(b)]

34. The Convention and the two Optional Protocols to which New Zealand is a State party are applicable to all children and young people in New Zealand.

3. Priority of child-related legislation [CRC/C/NZL/CO/3-4, para 11(c)]

35. The Government prioritised consideration of the Vulnerable Children Bill, which was introduced to Parliament in September 2013 and passed in June 2014.¹⁸

C. Coordination

1. Mechanism for coordination [CRC/C/NZL/CO/3-4, para 13]

36. The Social Sector Forum Deputy Chief Executives (SSF DCEs)¹⁹ is the Government's coordinating mechanism for the Convention. The SSF DCEs' role in coordinating the Convention across government is to facilitate joint decision-making and progress issues that require cross-agency action. The SSF DCEs and the UMG meet twice a year to discuss the Convention and child related issues.

¹⁷ The Education Review Office (ERO) is the New Zealand government department that evaluates and reports on the education and care of students in schools and early childhood services.

¹⁸ For more information about the Vulnerable Children Act 2014 see Appendix Three.

¹⁹ All lead government social and economic policy agencies are SSF DCE members.

37. The Vulnerable Children's Board (VCB) oversees the implementation of CAP. The Board consists of the five jointly accountable Chief Executives (Ministries of Health, Education, Social Development and Justice and Police) and the Chief Executives of the Ministries of Business, Innovation and Employment, Pacific Island Affairs, Te Puni Kōkiri, and the National Children's Director. The Board is supported by the National CAP Directorate and the Children's Action Plan Programme Executive (CAPPE) which is composed of Deputy Chief Executives from VCB agencies.

D. National plan of action

1. National plan of action [CRC/C/NZL/CO/3-4, para 15]

38. The BPS Results²⁰ were introduced in 2012 as part of state sector reform and provide national direction to Government agencies on improving public services within tight financial constraints while achieving results that make a real difference to New Zealanders. Specific Ministers and Chief Executives of government agencies are held accountable for BPS Result achievement. Five of the 10 BPS Results are relevant to children and young people, and the Result Action Plans developed under each of these areas together constitute a significant part of the Government's national action plan for children.

- Result 2 requires an increase in participation in Early Childhood Education (ECE) among children starting school from 94.7 percent in 2011 to 98 percent by 2016. The rate was 95.9 percent in March 2014. Strong growth in Māori and Pasifika participation is encouraging.
- Result 3 requires an increase in infant immunisation to 95 percent by December 2014 and maintained until 2017, and a reduction in the incidence of rheumatic fever to 1.4 cases per 100,000 people by 2017. 92.4 percent of eight-month olds had been immunised at September 2014. In 2013 the incidence of rheumatic fever was 4.3 cases per 100,000 people. More action is planned to reach the target.
- Result 4 requires a halt in the rise of children experiencing physical abuse and a reduction in numbers of 5 percent by 2017. In the 12 months to March 2014, 3,111 children experienced substantiated physical abuse, a 2.0 percent decrease on the year to March 2013. While these numbers tend to fluctuate, the recent flattened trend appears to continue.
- Result 5 requires an increase in the proportion of 18 year olds with NCEA Level 2 qualification to 85 percent by 2017. The result for 2013 was 78.6 percent which is on

²⁰ For more information about the BPS Results see the State Services Commission website: <http://www.ssc.govt.nz/better-public-services>.

track to achieve the target. Māori and Pasifika achievement is improving faster than the overall rate.

- Result 7 requires a reduction in the total crime rate, which includes a reduction in the youth crime rate of 25 percent by 2017. As at the end of March 2014 Government had achieved that target with a reduction of 30 percent in the youth crime rate since June 2011.

39. A major cross-government initiative that seeks to improve outcomes for vulnerable children is CAP. A new CAP will build on the work already completed under the first plan, and will be reviewed every three years and reported on annually. Work to complete the new plan is underway, and will be presented to Ministers by April 2015.²¹
40. The Ministry of Health (MoH) is involved with a number of health sector initiatives that drive better outcomes for children. Examples include the Increased Immunisation Health Target, for 95 percent of eight-month olds to have their immunisations on time by December 2014,²² and the *Well Child Tamariki Quality Improvement Framework*²³ which uses quality indicators to ensure the WCTO achieves its aims. Initiatives for Māori and Pacific peoples include DHB Māori Health Plans (MHP) and the 2014 refreshes of *He Korowai Oranga: Māori Health Strategy*²⁴ and *Ala Mo'ui: Pathways to Pacific Health and Wellbeing*.²⁵
41. MoE has a number of action plans and strategies that promote inclusiveness of all children and young people in education. Examples include: *Success for all – Every School, Every Child*²⁶ (an inclusive education work programme initiative that aims to ensure all schools demonstrate inclusive practices by 2014), *Ka Hikitia - Accelerating Success: Māori Education Strategy 2013-2017*,²⁷ *the Pasifika Education Plan 2013 – 2017*²⁸ and *Tau Mai Te Reo – Māori Language in Education Strategy 2013-2017*.²⁹

²¹ For more information on the Children's Action Plan, see: <http://childrensactionplan.govt.nz> and paragraphs 37, 50, 112, 116, 153 and 239.

²² For more information about the immunisation health target see: <http://www.health.govt.nz/new-zealand-health-system/health-targets/about-health-targets/health-targets-increased-immunisation>.

²³ For a copy of the *Well Child/Tamariki Ora Quality Improvement Framework* see: <http://www.health.govt.nz/publication/indicators-well-child-tamariki-ora-quality-improvement-framework-march-2014>.

²⁴ For more information about *He Korowai Oranga* see: <http://www.health.govt.nz/our-work/populations/maori-health/he-korowai-oranga>.

²⁵ For more information about *Ala Mo'ui: Pathways to Pacific Health and Wellbeing* see: <http://www.health.govt.nz/publication/ala-moui-pathways-pacific-health-and-wellbeing-2014-2018>.

²⁶ For more information about *Success for all – Every School, Every Child* see: <http://www.minedu.govt.nz/NZ/EducationPolicies/SpecialEducation/OurWorkProgramme/SuccessForAll.aspx>.

²⁷ For more information about *Ka Hikitia - Accelerating Success: Māori Education Strategy 2013 -2017* see: <http://nzcurriculum.tki.org.nz/Curriculum-resources/NZC-Online-blog/A-closer-look-at-Ka-Hikitia-Accelerating-Success-2013-2017>.

²⁸ For more information about the *Pasifika Education Plan 2013 – 2017* see: <http://www.minedu.govt.nz/NZEducation/EducationPolicies/PasifikaEducation/PasifikaEducationPlan2013.aspx>.

²⁹ For more information about *Tau Mai Te Reo – Māori Language in Education Strategy 2013-2017* see: <http://www.minedu.govt.nz/theMinistry/PolicyAndStrategy/TauMaiTeReo.aspx>.

42. The major initiative in the youth justice sector is YCAP.³⁰ YCAP is a 10 year joint agency plan (2013-2023) seeking to reduce youth crime by children and young people (10 to 16 year olds). Police also have a youth policing initiative: *Where Prevention Starts Youth Policing Plan 2012-2015*³¹ to reduce youth offending and victimisation, and a number of initiatives to address the over-representation of Māori in the criminal justice system, including *The Turning of the Tide Whānau Ora Crime and Crash Prevention Strategy*.³² Corrections' *Youth Strategy* aims to reduce re-offending by young people by ensuring staff are appropriately trained and that young people have access to education, vocational training and rehabilitation that will support their reintegration into the community.
43. New Zealand endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups on 27 September 2010.

E. Allocation of resources

1. Tracking of child-related expenditure [CRC/C/NZL/CO/3-4, para 17]

44. New Zealand is recognised internationally as having high quality, open and transparent government accounting processes underpinned by a Vote structure³³ and Ministerial responsibility. Expenditure relating to children and families occurs across a range of Vote areas, and is often embedded into broader mainstream services. The Vote structure therefore does not isolate the total level of expenditure on children and/or families. We evaluate the effectiveness of the spend on children and families in different Vote areas which, along with other data and information, allows the Government to improve the services that are delivered. Moving to a system that counts expenditure on children across government could encourage a focus on the total amount of that spend as opposed to the effectiveness of services targeted toward children. Treasury is exploring ways for funding to be used more flexibly to support a holistic approach to service provision for individuals and families. This work is ongoing.³⁴

F. International cooperation (Article 4)

45. Total expenditure on Overseas Development Assistance (ODA) has increased from around NZ\$473 million in 2009/10 to a projected level of around NZ\$586 million in 2014/15, an increase of around NZ\$112 million. In Budget 2014, the baseline for ODA, previously set at

³⁰ For more information about the *Youth Crime Action Plan* see: <http://www.justice.govt.nz/policy/crime-prevention/youth-justice/youth-crime-action-plan>.

³¹ For more information about the *Youth Policing Plan 2012-2015* see: <http://www.police.govt.nz/about-us/publication/youth-policing-plan-2012-2015>.

³² For more information about *The Turning of the Tide* see: <http://www.police.govt.nz/about-us/maori-police/turning-tide>.

³³ New Zealand's approach to public accounting divides expenditure in to "Votes" (for example, expenditure on Health is grouped as Vote Health, while expenditure on Education is grouped as Vote Education) which provide a structure for grouping public expenditure.

³⁴ Treasury gather and makes publically available information relating to government spending each year through the Budget process and is also responsible for producing the government's financial statements. These can be accessed at the following web addresses: <http://www.treasury.govt.nz/budget/archive> and <http://www.treasury.govt.nz/government/financialstatements>.

NZ\$600 million for 2015/16 onwards, was increased to almost NZ\$650 million by 2017/18. This new baseline for 2017/18 and out years will support targeted new strategic investments under the New Zealand Aid Programme in the Pacific and ASEAN regions. Investments in areas such as agriculture and food security, renewable energy and disaster risk management. The overall step up in ODA investment of nearly NZ\$220 million for the three year period starting in 2015/16 demonstrates New Zealand's continued commitment to addressing the challenges faced by developing countries, particularly in the Pacific.

46. New Zealand targets around 18 percent of its total ODA to the work of the United Nations and Commonwealth agencies, the World Bank, the Asian Development Bank, and the Red Cross. The New Zealand Aid Programme's multilateral engagement prioritises nine agencies which have a proven track record, show strong alignment with New Zealand's policies and priorities, and provide good value for money. These agencies include the United Nations Development Programme (UNDP), United Nations Children's Fund (UNICEF) and the United Nations Refugee Agency (UNHCR).

G. Dissemination and awareness-raising

1. Dissemination and awareness-raising [CRC/C/NZL/CO/3-4, para 19]

47. The Ministry of Social Development (MSD) has recently updated its website with information about the Convention, the reporting process and the optional protocols. The website includes links to other government and non-government web pages and documents.³⁵ The Ministry of Youth Development (MYD) also refers to the Convention on its website, in relation to Youth Development and Youth Participation.³⁶ MoJ maintains a human rights section on its website. This includes information on the Convention as it relates to New Zealand.
48. The Children's Commissioner Act 2003 specifies general functions of the Children's Commissioner which include the requirement to raise awareness and understanding of the Convention and to raise awareness and understanding of children's interests, rights, and welfare.

H. Training

1. Training [CRC/C/NZL/CO/3-4, para 21]

49. Training that reinforces the principles of the Convention is delivered in a range of different settings to professionals who work with children and young people.

³⁵ See: <http://www.msd.govt.nz/about-msd-and-our-work/publications-resources/monitoring/uncroc/index.html>.

³⁶ See: <http://www.myd.govt.nz/working-with-young-people/youth-participation-in-decision-making/index.html> and <http://www.myd.govt.nz/working-with-young-people/youth-development-approach.html>.

50. New Core Competencies for all professionals working with children are being developed. These Core Competencies will promote the common skills, language and understandings necessary for effective work with children. Once the Common Competency framework is completed, agencies will introduce training and development programmes across the professional lifecycle of their workforces. The Vulnerable Children Act 2014 introduces new requirements for organisations to have Child Protection Policies. In addition to mandatory requirements to have protocols around the identification and response to suspected abuse and neglect, implementation of the Policies will encourage organisations to adopt child-centred practice. This will include recommendations around orientation and training for new staff in the skills and knowledge needed to keep children safe.
51. MoE invests approximately \$80 million per year into Professional Learning Development (PLD) for leaders and teachers to improve student achievement outcomes, particularly for priority group learners. PLD focuses on using inquiry and knowledge building, based on identified learner needs, as a way of developing and implementing effective teacher practice. It includes developing teacher knowledge about the value and importance of linking learning at home with learning at school and the importance of valuing cultures, identities and languages of all learners, parents, whānau and communities.
52. WCTO practitioners are trained to screen for family violence and to recognise the indicators of harsh parenting that may raise concern. Teacher trainees are required to study the Convention as part of their teaching qualification.
53. All new CYF social workers undergo a child focussed induction programme which is in line with the Convention. In particular, the *Welcome to CYF* online module refers specifically to the Convention and presents the *Children's Charter* (which aligns to the Convention). The Convention is referred to in multiple places in the Practice Centre - an online resource for CYF.³⁷ This information is available to all staff and use of it is encouraged. Experienced social workers undertake ongoing professional development which is in line with the Convention. CYF are also committed to having all front line CYF social workers registered or working towards registration with the Social Workers Registration Board.
54. MYD funds Ara Taiohi, a body established to represent the youth sector, and responsible for the *Code of Ethics for Youth Work in Aotearoa New Zealand*. This document defines the key values and standards for working with young people to provide effective care, support and inspiration for young New Zealanders. All MYD funded services are expected to adhere to the code of ethics.³⁸

³⁷ For more information on the Practice Centre see: <http://www.practicecentre.cyf.govt.nz/>.

³⁸ For a copy of the Code of Ethics see: <http://www.pym.org.nz/wp-content/uploads/2011/08/code2.pdf>.

55. The New Zealand Defence Force (NZDF) has developed training modules on the law of armed conflict. These are incorporated into all initial recruitment and promotion training, and are a mandatory requirement for all personnel deploying on operations. One of the training modules includes a discussion on the Convention and the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC).
56. Corrections and probation officers receive human rights training, which reflects principles of the Convention. Immigration and Customs officers receive information relevant to the rights they deal with.

I. Child rights and the business sector

1. Child rights and the business sector [CRC/C/NZL/CO/3-4, para 23]

57. All business operating in New Zealand are subject to New Zealand law – employment law, human rights law and commercial law. New Zealand has also agreed to the OECD Multi-National Enterprise (MNE) guidelines and has ratified relevant International Labour Organisation (ILO) Conventions.

III. Definition of the child

A. Definition of the child (Article 1)

58. New Zealand’s legal definitions of a child and young person remain the same:
- The Children, Young Persons and Their Families Act 1989 (CYP&F Act) provides special protection to children and to “young persons” who are defined as over 14 and under 17. The case for raising the age that young people leave the custody of the Chief Executive of MSD to 18 is being explored as part of the *UNCROC Work Programme*.
 - For the purposes of Part 1 of the Vulnerable Children Act 2014,³⁹ a child is defined as a person who is under the age of 18 years.
 - Children under the age of 10 cannot be prosecuted in New Zealand. Children aged 10 or over can be prosecuted for murder or manslaughter. Children aged 12 or 13 can also be prosecuted for certain serious offences.⁴⁰
 - People can marry at age 18 without parental consent. A person aged 16 or 17 years requires consent from his or her parent(s), guardian(s) or the Family Court. A person aged under 16 cannot marry.

³⁹ The purpose of Part 1 of the Vulnerable Children Act 2014 is to support the Government’s setting of priorities for improving the well-being of vulnerable children, and ensure that children’s agencies work together to improve the well-being of vulnerable children.

⁴⁰ A child aged 12 or 13 can be considered for prosecution in situations where he or she has previously offended for an offence punishable by ten years or more (had they been an adult), or has previously been declared in need of Care and Protection for reasons of offending, and has now committed an offence for which the maximum penalty available includes imprisonment of at least ten years. The Youth Court may refer any child so charged back to the Police, to reconsider whether other methods of resolving the offence are more appropriate.

- The Care of Children Act 2004 (CoCA) provides that parenting orders (setting out day-to-day care of the child) generally cease when the child turns 16. Guardianship obligations end at 18 years of age (guardianship ends sooner if a child aged 16 to 17 marries or enters a civil union or recognised de facto relationship).
 - It is an offence to facilitate, arrange, receive payment for, or receive, commercial sexual services from a person under 18. It is not an offence for persons under the age of 18 to engage in prostitution, rather, they are considered to be victims.
 - The minimum age for voluntary recruitment into the Armed Forces is 17 years old.
59. From 1 May 2013 the starting-out wage replaced the new entrants' minimum wage and training minimum wage for under 20s. These young people may be paid 80 percent 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 over 20s are entitled to.

IV. General principles

A. Non-discrimination (Article 2)

1. Measures to address disparities in access to services by Māori children and their families [CRC/C/NZL/CO/3-4, para 25(a)]

60. Te Puni Kōkiri is leading cross government innovative trials and investments to test policy and programme models that promote better results for Māori. The New Zealand Government has promoted Whānau Ora⁴¹ which is an approach to social and health service delivery that seeks to place the whānau or family at the centre. Whānau are given the support of navigators to help them determine their future goals and plan towards achieving them. The collective strength of the whānau can be used to overcome barriers that prevent them from making progress and achieving their aspirations. Te Puni Kōkiri leads the establishment of three independent Commissioning Agencies to drive a 'commissioning-for-results' approach to delivering Whānau Ora. The three Commissioning Agencies were contracted and established by 30 June 2014. By the end of the 2014/15 financial year, it is estimated that 8,900 whānau will be actively engaged by Whānau Ora collectives in whānau ora services. Te Puni Kōkiri also funds Whānau Social Assistance Programmes (Kaitoko Whānau and Oranga Whānau) which have a similar role to Whānau Ora navigators and assist whānau to access existing services. These programmes reach another 5,000 whanau.

⁴¹ For more information about *Whānau Ora* see: <http://www.tpk.govt.nz/en/in-focus/whanau-ora/>.

61. Māori children and their families benefit from a number of health services provided by MoH.⁴² Work towards BPS Result 3 has resulted in Māori immunisation coverage for two-year-olds increasing from 59 percent in 2007 to 92 percent in 2014. Immunisation rates for Māori children have improved over the past four years and are now equal to, or better than, the New Zealand European rate in over half of the country's District Health Boards (DHBs).
62. Despite improvements in overall achievement of National Standards and NCEA, disparity in educational outcomes for Māori and Pasifika students remains a challenge. MoE has a number of strategies and initiatives in place to raise skill levels and ensure all learners achieve their potential, including *Ka Hikitia: Accelerating Success 2013 – 2017: The Māori Education Strategy* and *Māori Achievement Plans* which enable schools and kura with low levels of achievement for their Māori students to identify responses to meet the specific needs of individual students.
63. Every effort is made to ensure that social services reach vulnerable Māori and are delivered in culturally responsive ways. Initiatives developed by Māori for Māori include *E Tu Whānau*,⁴³ a family violence prevention programme. It takes a strengths-based approach to working with whānau and communities to identify their own solutions to eliminating violence and building strong and resilient whānau. *Whānau Toko i te Ora*⁴⁴ is a high intensity, home-based early intervention family support service for high need Māori whānau who are unlikely to be reached by other agencies.
64. The *Māori Responsiveness Programme* is focussed on reducing known disparities in Māori outcomes/experience as clients of ACC.⁴⁵ Two areas focusing on access include:
- improving General Practitioner (GP) referral practices of Māori to medical/surgical specialists
 - improving Māori serious injury employment participation.
2. ***Awareness-raising, preventive activities against discrimination, and affirmative action for the benefit of children in vulnerable situations [CRC/C/NZL/CO/3-4, para 25(b)]***
65. *Diversity in general*: The New Zealand Education Curriculum (Curriculum) emphasises respect for and understanding of difference, and requires schools to develop programmes that help students to value:

⁴² For more information on health services for Māori see the response to Concluding Observation 38, at paragraphs 173 to 175.

⁴³ For more information about *E Tu Whānau* see: <http://www.familyservices.govt.nz/working-with-us/programmes-services/whanau-ora/>.

⁴⁴ For more information see: <http://www.familyservices.govt.nz/working-with-us/programmes-services/positive-parenting/whanau-toko-i-te-ora-wūto.html>.

⁴⁵ The Accident Compensation Corporation (ACC) provides comprehensive, no-fault personal injury cover for all New Zealand residents and visitors to New Zealand.

- diversity as found in our different cultures, languages and heritages
- equity through fairness and social justice
- community and participation for the common good
- integrity which involves being honest, responsible, accountable and acting ethically
- respecting themselves, others and human rights.

The Curriculum and the parallel Māori document, *Te Marautanga o Aotearoa*, put students at the centre of teaching and learning, and are non-racist, non-sexist and non-discriminatory. They ensure that students' identities, languages, abilities and talents are recognised and affirmed and that their learning needs are addressed.

66. *Māori children and their whānau*: Section 4 of the Public Health and Disability Act 2000 acknowledges the Treaty of Waitangi and its role in improving and protecting Māori health and increasing Māori participation. The Act enables Māori participation in decision making and the delivery of health and disability services delivered or contracted by District Health Boards (DHBs). DHBs also have an overarching objective to reduce, with a view to eliminating, disparities between population groups.
67. *Tātaiako: Cultural Competencies for Teachers of Māori Learners* is a new resource explaining the progression of the competencies teachers need to develop so they can help Māori learners achieve educationally as Māori. The resource emphasises the responsibility of the education system to maximise the potential of Māori learners, rather than characterising the problem as the failure of Māori learners.
68. *The Foundation Course in Cultural Competency* provides an understanding of New Zealand's culturally diverse population, with an emphasis on Māori culture. The voluntary online course highlights the importance of supporting health literacy and ensuring health professionals are skilled at providing health information in a way that people can easily understand and use.⁴⁶ The Course complements and reinforces the cultural competence standards set within the Health Practitioners Competence Assurance Act 2003, further embedding culturally competent practice into the health sector.
69. *Pasifika children and their families*: The *Pasifika Education Plan 2013-2017* sets out the education sector's vision of 'five out of five' Pasifika learners engaging, participating and achieving in education. It includes an investment approach to accelerate and raise the educational achievement of Pasifika learners. The first year of implementation has shown improvements in participation and achievement rates, but more needs to be done to improve achievement gaps.

⁴⁶ For more information on the Foundation Course in Cultural Competency see: <http://www.mauriora.co.nz/>.

70. *The Prime Minister's Pacific Youth Awards* has been managed and delivered by the Ministry of Pacific Island Affairs since 2010. The awards are to recognise Pacific youth who have excelled in:

- Leadership (Award Sponsored by The University of Auckland)
- Creativity Award (Sponsored by Weta Workshop)
- Mobiles4Good Award (Sponsored by Vodafone New Zealand Foundation)
- Inspiration Award (Sponsored by Cogita Business Systems)

71. *Refugee and migrant children and their families: Youth Voices: Youth Choices*⁴⁷ was a two-year project that began in July 2008. It aimed to identify the drivers and determinants of success and participation in society amongst Chinese, Pacific and Muslim youth. The findings indicated that immigrant youth adapted as well as or better in terms of life satisfaction, psychological symptoms, school adjustment and behavioural problems, than national youth. Furthermore, they do well despite visible immigrant groups experiencing more ethnic discrimination than New Zealand European youth.

72. MoE's Refugee and Migrant Education Coordinators support schools to develop relationships with immigrant and refugee families and communities. This may be through the employment of bilingual support workers, setting up homework centres and the provision of information to parents. MoE also provides additional funding allowing schools to employ bilingual staff and support workers to help students and their families adjust to their new society, schools and subject areas, such as providing interpreting services during parent teacher interviews.

73. *Disabled children and their families: Think Differently* is a social change campaign to encourage and support a fundamental shift in attitudes and behaviour towards disabled people. As well as working with Disabled People's Organisations (DPOs), the Campaign is connecting with employers, educators, businesses, families, whānau, and influencers. The *Making a Difference* Fund supports community-based initiatives and funding is also provided to national organisations.⁴⁸

3. *Measures to ensure cases of discrimination against children are effectively addressed*
[CRC/C/NZL/CO/3-4, para 25(c)]

74. The New Zealand Bill of Rights Act 1990 (BORA) affirms the right to be free from discrimination on the prohibited grounds set out in the Human Rights Act 1993 (HRA). BORA applies to acts done by the Government or in the performance of public functions, powers or

⁴⁷ For more information on *Youth Voices: Youth Choices* see: <http://www.victoria.ac.nz/cacr/research/youth-family/youth-voices,-youth-choices>.

⁴⁸ For more information about *Think Differently* see: <http://thinkdifferently.org.nz/>. For more information about the situation of children with disabilities see the response to article 23, at paragraph 271.

duties. The HRA prohibits discrimination on the basis of certain personal characteristics in specified areas of public life. The HRA also provides for complaints to be made to the Human Rights Commission (HRC) when someone believes they have been unlawfully discriminated against. If a solution cannot be reached, a case can be taken to the Human Rights Review Tribunal.

B. Best interests (Article 3)

75. New Zealand continues to affirm the principle of the best interests of the child. The welfare and best interests of the child are the first and paramount consideration of New Zealand courts in applying CoCA and the care and protection provisions of the CYP&F Act. These Acts provide a model for other child-related legislation and policies in New Zealand for recognising the ‘best interests of the child’ principle.

C. The right to life, survival and development (Article 6)

76. New Zealand continues to support the right of the child to life, survival and development as discussed in Parts V, VI and VII.

D. Respect for views of the child (Article 12)

1. Promote, facilitate and implement the principle of respect for the views of the child [CRC/C/NZL/CO/3-4, para 27(a)]

77. MYD promotes, facilitates and implements the principle of respect for the views of young people through a number of avenues.⁴⁹ One such mechanism is *Youth Week* - an annual event supported by MYD and Ara Taiohi, which seeks to break down negative stereotypes and celebrate the contribution of New Zealand youth. During *Youth Week*, young people are involved in organising and participating in events to celebrate young people and the work of youth workers and youth sector organisations that support young people to be active in their communities. In 2014 over 175 events were held nationwide. In 2014, MYD also hosted the inaugural *Youth Week Awards* that recognised young people’s contributions to their communities.

78. “Voices of children and young people” is one of five priorities in CYF’s strategic plan to 2015, *Mā mātou, mā tātou – Changing Young Lives*.⁵⁰ Through children’s forums, the views of children and young people are sought. Their views inform the development of new practice and policy initiatives. In March 2014, practice standards for Family Group Conferences (FGC) were released. Practice standard four relates to “Mokopuna Voices” and promotes children and young

⁴⁹ For more information on consideration of the views of the child see response to concluding observation 27(b), at paragraphs 83 to 84.

⁵⁰ For more information on *Mā mātou, mā tātou* see: <http://www.cyf.govt.nz/about-us/news/2012/child-youth-and-family-new-strategic-plan-launched.html>.

people's participation in every stage of the FGC process. Their culture, needs, views and opinions are heard and considered in decision making.

79. The Curriculum and *Te Marautanga o Aotearoa*, puts students at the centre of teaching and learning, reinforcing that students should experience a curriculum that engages and challenges them, and is forward-looking and inclusive. The principle of respecting the views of the child is woven throughout *Te Marautanga o Aotearoa* particularly. For example, the introduction states that learning in Māori medium environments starts with children, their knowledge, skills, values and attitudes.
 80. The Adoption Act 1955 and the Adoption (Intercountry) Act 1997, which incorporate the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption within New Zealand's domestic law, both provide for the views of the child to be respected.
 81. The CoCA says that a child involved in court proceedings must be given a reasonable opportunity to express their views on matters affecting them and that any views the child expresses (either directly or indirectly) must be taken into account. Children's views may be obtained by judicial interview, the child's court appointed lawyer, a specialist report writer or through the evidence of their parents or others.
 82. Local government continues to use a range of mechanisms to solicit the views of youth in their area, including youth councils, youth policies and child or youth advocates or workers. The Electoral Commission delivered the Kids Voting programme to more than 78,000 school children from around the country for the 2014 general election. Kids Voting is a programme for young New Zealanders that encourages them to learn about the process and experience of an election. The Electoral Commission's goal is that Kids Voting will help young New Zealanders to grow to become active, engaged citizens.
2. ***Systematic consideration of the views of the child in formulating laws and policies***
[CRC/C/NZL/CO/3-4, para 27(b)]
83. MYD promotes and facilitates the importance of youth participation in the design, decision-making and evaluation of initiatives that affect them. MYD also provides advice and guidance to central and local government and other agencies on ways to engage young people in policy and programme formation, and how to incorporate youth perspectives into their work. A recent example includes MYD working with the Ministry of Transport to organise a series of focus groups to include young peoples' perspectives for their *Future Demand* project. In cross-agency projects, such as the *Prime Minister's Youth Mental Health Project*,⁵¹ MYD supports agencies to

⁵¹ For more information on the *Prime Minister's Youth Mental Health Project* see: <http://www.health.govt.nz/our-work/mental-health-and-addictions/youth-mental-health-project>.

prioritise youth participation. MYD promotes opportunities for young people to be involved through mechanisms such as the Aotearoa Youth Voices Network, Youth Parliament, Youth Advisory Group and workshops.⁵²

84. As part of the *UNCROC Work Programme* and in consultation with the UMG, work is underway on developing options to improve the input of children and young people's views in the development of policies and legislation. The aim of this work is to develop standard processes that can be used to facilitate the input of children and young people's views that are child-friendly, informative, respectful, transparent, safe and sensitive to risk.

V. Civil rights and freedoms

A. Name and nationality (Article 7)

85. The Births, Deaths, Marriages and Relationships Registration Act 1995 requires parents to notify a Registrar of the birth as soon as is reasonably practical after birth. Both parents are required to sign the form to register their child's birth (except in some limited circumstances), to ensure the information about the child is accurate and reduce claims that a person has been wrongly named as a parent. The registration process requires that one or more names be specified for the child.
86. Under the Citizenship Act 1977, children born in the realm of New Zealand (including the Cook Islands, Niue, Tokelau and the Ross Dependency) since 2006 will be a New Zealand citizen if at least one parent is a New Zealand citizen or is entitled to remain in New Zealand indefinitely. A New Zealand born child who is not a New Zealand citizen is deemed to hold the most favourable immigration status of either parent, but any child born in New Zealand after 1 January 2006 will be a citizen at birth if he or she would otherwise be stateless, or if he or she is found abandoned and investigations fail to establish the identity of at least one parent. This approach complies with the United Nations Convention on the Reduction of Statelessness 1961.

B. Preservation of identity (Article 8)

87. New Zealand continues to recognise and support the right of a child to preserve his or her identity. The principles relating to a child's welfare and best interests in both CoCA and the CYP&F Act reference maintaining relationships with the child's family. Preserving and strengthening a child's identity is one of the principles relevant to decision-making about a child's welfare and best interests under CoCA. A child's identity and cultural background are similar considerations in care and protection cases under the CYP&F Act.
88. The Government is committed to fostering and protecting the cultural identity of Māori, including Māori children, through the provision of Māori language education programmes (both full immersion programmes, and 'Māori as a subject' programmes), support for a dedicated

⁵² For more information about these and other projects run by MYD see: <http://www.myd.govt.nz/young-people/>.

Māori television service, and the provision of support for families to identify and pursue their cultural development aspirations. This has led to an increased number of people, particularly young people, speaking Māori,⁵³ and also an increased awareness and positive attitude amongst Māori and non-Māori about the place of the Māori culture in New Zealand society.

C. Freedom of expression (Article 13)

89. New Zealand continues to recognise the right of the child to freedom of expression, as affirmed by section 14 of BORA.

D. Freedom of thought, conscience and religion (Article 14)

90. New Zealand continues to recognise the right of the child to freedom of thought, conscience and religion, as affirmed by section 13 of BORA.

E. Freedom of association and of peaceful assembly (Article 15)

91. New Zealand continues to recognise the right of the child to freedom of association and peaceful assembly, as affirmed by sections 17 and 16, respectively, of BORA.

F. Protection of privacy (Article 16)

92. The Privacy Act 1993 regulates what can be done with information about individuals, including both adults and children. It applies to all “agencies” which includes government, business and voluntary sectors and non-government organisations. The Act generally requires agencies to handle personal information in line with twelve information privacy principles which guide how information should be collected, used, stored and disclosed.

93. In 2014, the Government agreed to enact a new Privacy Act which implements many of the recommendations made by the New Zealand Law Commission to update and modernise the Act. The new Act will create stronger incentives for agencies to identify and address privacy risks, and give the Privacy Commissioner enhanced powers. In relation to children and young people, the Law Commission noted particular issues regarding the increasing use of communications technologies in its review. Key recommendations have either been accepted for inclusion in the new Privacy Act, or have been progressed in the context of the Harmful Digital Communications Bill.⁵⁴

94. The privacy principles relating to protection for children and young people’s privacy in the Broadcasting Standards Authority’s codes of practice remain in place. Complaints about privacy

⁵³ Te Kupenga (the Māori Social Survey 2013) shows that 55 percent of Māori adults have some Māori language skills (up from 42 percent in 2001). Among young Māori aged 15 to 24, 8.5 percent are able to speak Māori ‘very well’ or ‘well’ (up from 6 percent in 2001), 13 percent are able to speak Māori ‘fairly well’ (stable at 13 percent) and 32.5 percent are able to speak Māori ‘not very well’ (up from 24 percent in 2001).

⁵⁴ For more information on the Harmful Digital Communications Bill see paragraph 226.

issues may be made directly to the Authority, which considers complaints and publishes its decisions.

G. Access to appropriate information (Article 17)

95. The Government recognises the increasing importance of technology for education and is investing in both people and infrastructure to ensure students can benefit from learning opportunities enabled by digital technologies. By the end of 2016, almost all schools will be able to connect to ultra-fast broadband and have an upgraded internal IT network. Schools will be offered a fully-funded Network for Learning (N4L) network connection that provides fast, high-quality, predictable internet access and uncapped monthly data for school use. In addition, schools receive funding from MoE for software. Teachers and principals receive laptops and can also access professional learning and information to ensure their students are best placed to take advantage of technology for learning. The *Computers in Homes*⁵⁵ programme receives funding to provide socially and economically disadvantaged families with a computer, internet connection, training and technical support. The *Books in Homes*⁵⁶ programme distributes books to children in low socio-economic areas to promote the love of books and family literacy. *Reading Together* is a research-based programme that helps parents to support their children's reading at home. The programme is available to students in Years 1 to 8 and their families in all decile 1 to 5 schools.
96. Police disseminates a range of safety-related information and materials of benefit to children, under the vision that all New Zealand children should live and learn free from harm caused by crime and road trauma. These materials are grouped under five themes: *travelling safely, successful relationships, healthy mind, healthy body, responsible citizens* and *living in a safe community*. The materials include guidance and resources for school management and staff, information for parents, and activities and stories for children.
97. A significant suite of tools and internet safety resources for children and schools is available from NetSafe. The NetSafe Kit for schools sets out a comprehensive programme of cybersafety for schools based on an infrastructure of policies, procedures and agreements, an effective electronic security system and a comprehensive cybersafety education programme. New Zealand has legislative regimes in place to protect all people, including children, from injurious material. These include regimes in the Films, Videos, and Publications Classification Act 1993 and the Customs and Excise Act 1996. The Department of Internal Affairs also provides information on its website to help the public monitor safe internet use and to inform users of what constitutes objectionable material.⁵⁷ The Objectionable Publications and Indecency Legislation Bill, before the House when Parliament was dissolved on 14 August 2014, updates

⁵⁵ For more information on *Computers in Homes* see: <http://computersinhomes.org.nz/the-programme/>.

⁵⁶ For more information on *Books in Homes* see: <http://www.booksinhomes.org.nz/Page/AboutUs/WhatWeDo.aspx>.

⁵⁷ For more information see: <http://www.dia.govt.nz/Censorship-Online-Safety>.

penalties, and modernises the law in this area. Additionally the Harmful Digital Communications Bill aims to address the harm caused by harmful digital communications, such as cyber bullying and cyber harassment, by providing more accessible and effective mechanisms for the prevention and removal of such communications.

98. New Zealand's *Free-to-Air Television Code* (May 2011 edition) sets out specific guidelines for public and private free-to-air broadcasting regarding children. The guidelines relate to the appropriateness of content and the rights of children not to be exploited, humiliated or unnecessarily identified. Similar guidance is also provided under the *Pay-Television Code* (2008) and *Radio Code* (2008). Under the Broadcasting Act 1989 complaints about broadcasting content must be considered by broadcasters in the first instance and may be referred to the Broadcasting Standards Authority if the complainant is not satisfied with the broadcaster's response.
99. *The Advertising Standards Authority's Code for Advertising to Children* was updated in 2010. At the same time the Authority developed a new and separate *Children's Code for Advertising Food* (the Code). The Code states that all advertisements for food and beverages that influence children, whether contained in children's media or otherwise, shall adhere to the principles and guidelines set out in the Code. Food advertisements should not undermine the food and nutrition policies of government or the MoH *Food and Nutrition Guidelines* for the health and wellbeing of children. Advertisements for nutritious foods important for a healthy diet are encouraged to help increase the consumption of such foods. In 2011, the three major free-to-air broadcasters doubled the weekly hours of advertising-free zones and the hours when food advertising targeted at children is restricted.

H. Corporal punishment (Article 37(a))

1. Heighten public awareness of section 59(1) of the Crimes Act and continue to promote positive, non-violent forms of discipline in childrearing [CRC/C/NZL/CO/3-4, para 29]

100. The text of section 59(1) of the Crimes Act 1961 is available on the website *New Zealand legislation online*.⁵⁸ At the Government's request, Police carried out monitoring of the implementation of the Crimes (Substituted Section 59) Amendment Act 2007. Reviews conducted between 2007 and 2012 found no significant issues with the enforcement of this law change and no identified need for ongoing public education. Police continue to monitor this through the work of Family Violence Coordinators and Child Protection Teams.

101. A number of government programmes and services promote positive and non-violent forms of child discipline. A key role of WCTO services is to identify parents that would benefit from

⁵⁸ <http://www.legislation.govt.nz/>.

additional parenting support and refer them to available parenting programmes. WCTO practitioners promote parenting skills to support positive parent–child relationships. The WCTO Healthbook is provided to all families at birth and contains advice and information for parents about how to respond to their child’s behaviour, including responding to a crying baby, tantrums and what to do when feeling angry or upset. The Health Book advises never to shake, hit or smack a child, and provides numbers for toll-free helplines that parents can call for additional information and support. The information in the WCTO Healthbook on parenting will also be available through the new Online Child Health Information service and PlunketLine.

102. The SKIP initiative (Strategies with Kids – Information for Parents) aims to reduce the physical punishment of children. It works with local communities and national networks to promote non-physical discipline and positive parenting. It is focused on helping parents and caregivers of 0–5 year olds to develop confidence, knowledge and skills. In response to stakeholder consultation and research with parents, SKIP focuses on what to do rather than what not to do. It does not focus on raising public awareness about the law.

103. PB4L initiatives help learners, parents, whānau and educators to improve learner behaviour, well-being and increase educational achievement. The *Incredible Years Parent* programme supports parents of children aged 3 to 8 in building positive relationships with their children and developing strategies for positive behaviour. The *Incredible Years Teacher* Programme provides teachers of children aged 3 to 8 with approaches to create more positive learning environments for children. Since 2010, 12,602 parents have participated in *Incredible Years Parent* and 8,704 teachers have participated in *Incredible Years Teacher*.

104. Police’s brochure, *When Police visit about your Child’s Safety* is designed to inform the public about why Police check on a child’s safety and provides contacts for further information.

2. *Prioritise the elimination of all forms of violence against children, paying particular attention to gender [CRC/C/NZL/CO/3-4, para 30(a)]*

105. The elimination of all forms of violence against children is a priority for New Zealand, as evidenced by Result 4 of the BPS targets (reducing assaults on children) and CAP.⁵⁹

106. A number of key justice sector initiatives, based on international experience and prioritising victims’ needs, are underway to address family violence, particularly against women and children. A key initiative is the review of the Domestic Violence Act 1995 to ensure the system keeps victims safe and holds offenders to account. The protection of children, including the

⁵⁹ For more information on the *Children’s Action Plan* see: <http://childrensactionplan.govt.nz> and paragraphs 37, 39, 50, 112, 116, 153 and 239.

relationship between CoCA and the Domestic Violence Act, is likely to be considered in the review. Other initiatives include:

- insertion of section 195A into the Crimes Act 1961 to make certain persons liable to 10 years' imprisonment who fail to protect a vulnerable child or adult
- establishing the position of a Chief Advisor on Victims to the Minister of Justice to advise on the needs and views of victims of crime, including family violence victims
- establishing a nationwide home safety service to support victims in their homes. The service will offer practical support such as safety planning, strengthening doors and windows and installing alarms
- exploring the possibility of a conviction disclosure scheme, which may allow a person to be told whether their partner has a history of violence.
- reviewing and improving the multi-agency response system to achieve an integrated response that prioritises the safety needs of victims and children who experience family violence.

107. Police's *Prevention First* operating strategy includes a priority response to addressing all forms of violence, including violence against children. Draft guidelines have been developed for Police staff on how to respond to forced and under age marriages in a culturally appropriate manner. The guidelines also encourage districts to engage with and educate relevant communities and offenders about the criminal nature of forced and underage marriage and other harmful cultural practices that constitute family violence.⁶⁰

108. The Violence Intervention Programme (VIP) is New Zealand's national response in primary and secondary health care for screening and intervention regarding family violence, child abuse and neglect. VIP includes specifications for violence intervention services, best practice interventions and resources for staff and service users. MoH requires all DHBs to implement and maintain routine screening for partner abuse of female patients aged 16 years and over, and family violence and partner abuse screening based on signs symptoms for men and for girls aged 12-15 years. Using signs and symptoms to identify child abuse and neglect is also part of the VIP.

109. DHBs are implementing a National Child Protection Alert System, which places alerts on a child's clinical record when there are concerns about a child's safety. This system is currently operated within hospital settings in 14 DHBs, providing coverage for 70 percent of the population aged 0-14 years. The remaining six DHBs will implement the system by 30 June 2015.

⁶⁰ For more information about prevention of forced and/or underage marriage see New Zealand's Initial Report under the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography at paragraphs 52 to 55.

110. MSD funds a wide range of programmes which prioritise the elimination of violence against children.

- Parenting programmes such as *Family Start*⁶¹ aim to support families and positive parenting free from violence.⁶²
- Family violence initiatives such as the *It's not OK* campaign seek to influence community attitudes to violence, including violence against children.
- A bystander action campaign *Are you that someone?* for preventing sexual violence, aimed at equipping young people with the confidence and knowledge to stop sexual violence.
- *E Tu Whānau* and *Pasefika Proud*⁶³ are strengths-based initiatives to prevent violence in Māori and Pasifika families and communities.

111. New Zealand also continues to grow an evidence base on preventing violence against women. In September 2013 the Ministry of Women's Affairs published *Current Thinking on Primary Prevention on Violence Against Women*, which discussed how primary prevention approaches can be effectively implemented in New Zealand. The report identified initiatives to prevent violence against women that will have a flow-on effect for children. More rigorous evaluation of these initiatives is needed, alongside evidence on the effectiveness of other approaches, such as parenting programmes to encourage safe, stable and nurturing relationships in the early years. The report also identified a shift towards engaging men and boys in preventing violence against women. There are encouraging results from interventions that focus on building men's skills as active bystanders and 'role models' who intervene to prevent violence against women.

3. *Provide information concerning the implementation on the development of a national comprehensive strategy to prevent and address all forms of violence against children [CRC/C/NZL/CO/3-4, para 30(b)(i)]*

112. CAP is New Zealand's national strategy to prevent and address violence against children. CAP establishes local Children's Teams, which are multidisciplinary teams designed to identify and assist families with children at risk of abuse or neglect. Children's Teams have been in place in Whangarei and Rotorua since 2013. The Horowhenua/Otaki Children's Team was launched on 8 September 2014. Seven more Teams will be launched at new sites around the country before the end of June 2015. The Children's Team assigns a Lead Professional to work with the child, as the key point of contact. They work alongside the family and a range of other professionals, iwi,

⁶¹ For more information on *Family Start* see: <http://www.familyservices.govt.nz/working-with-us/programmes-services/early-intervention/new-family-start/>.

⁶² For more information on parenting programmes aimed at reducing violence against children see the response to Concluding Observation 32 at paragraph 127.

⁶³ For more information on *Pasefika Proud* see: <http://www.familyservices.govt.nz/working-with-us/programmes-services/pasefika-proud/>.

social services and health NGOs. The Lead Professional identifies the way to ensure the child is free from harm, has their health needs met, and is able to participate actively in education (Early Childhood Education or school).

113. Police's *Prevention First* operating strategy prioritises addressing all forms of violence. Every Police District has established Child Protection Teams dedicated to children protection investigations, along with a District Child Protection Coordinator who holds overall responsibility and oversight for this work. A National Sexual Violence and Child Protection Team has also been established and includes the National Coordinator of Child Protection. This team ensures continued improvements for Police in this area, in partnership with key agencies.
114. The Quality Assurance Improvement Framework for Child Protection files guides national practice across child protection investigations and sets a minimum standard expected from investigators and supervisors. This framework ensures the high visibility of all child protection files at District and National level and ensures any identified issues or risks are promptly addressed. The framework further ensures victims and their families receive a high quality service from Police with child safety being a primary focus. This framework is further supported by tiered specialist child protection training.
- 4. *Provide information concerning the introduction of an explicit national ban on all forms of violence against children in all settings [CRC/C/NZL/CO/3-4, para 30(b)(ii)]***
115. Assault or physical discipline of a child is already an offence under section 59 of the Crimes Act 1961.
- 5. *Provide information concerning the consolidation of a national system of data collection, analysis and dissemination, and a research agenda on violence against children [CRC/C/NZL/CO/3-4, para 30(b)(iii)]***
116. The National CAP Directorate is developing the Vulnerable Kids' Information System (ViKI) and The Hub (a single point of referral for all vulnerable children). ViKI will manage the input, access to, management and reporting of data to improve triage, referral and case management. The Hub is likely to include call taking, information collecting and triage (referral and co-ordination).
117. Police is also working alongside the Department of Corrections and MoJ in the creation and development of New Zealand's first Child Protection Offender register. This will enable better management of high risk child sex offenders in the community, and reduce the risk of their further offending against children.
118. The Families Commission/Social Policy Evaluation and Research Unit (SuPERU) is an Autonomous Crown Entity under the Crown Entities Act 2004 with its role established under the

Families Commission Act 2003. SuPERU undertakes research, provides policy advice, consults the public and provides information to families and those who work with them. Since March 2014 SuPERU has had the responsibility of monitoring, evaluating and researching programmes and interventions in the social sector. The purpose is to increase the use of evidence across the social sector to make better decisions about funding, policies or services – which in turn will help New Zealanders, communities, families and whānau.

6. Cooperate with the Special Representative of the Secretary General on violence against children and seek technical assistance from international bodies with expertise in this area [CRC/C/NZL/CO/3-4, para 30(c)]

119. New Zealand cooperates with international bodies to support international developments that provide greater protection of children from violence. At the May 2014 World Health Assembly, New Zealand supported the adoption of a resolution which looks to strengthen the role of the health system in addressing violence against women, girls and children. New Zealand will be required to report on progress made against this resolution in 2016. MoE hosts the Secretariat of the New Zealand National Commission for UNESCO which works on a range of issues, but has not engaged directly on the issue of violence against children. DIA sent a representative to attend an Expert Meeting Group on Technologies used to Abuse and/or Exploit Children held by the United Nations Office on Drugs and Crime during September 2013. Our representative provided input for a draft study and preliminary training and technical assistance program.

VI. Family environment and alternative care

A. Alternative care (Article 20)

120. Each year, CYF interacts with thousands of children, young people and their families and seeks to achieve the best outcomes for them. One of the principles underpinning the CYP&F Act is that wherever possible the relationship between a child and his or her family, whānau, hapū, iwi and family group should be maintained and strengthened. FGCs support family and whānau to identify how they can keep their children safe. If a child's own home, or options with wider family and whānau are not available then a *Home for Life* with a non-family or whānau caregiver becomes the primary goal. These caregivers go through an assessment and approval process and receive training targeted to their needs and the needs of the child or young person in their care.

121. CYF's Children's Charter encourages children in state care to understand their rights and know what to do if they have a complaint. All children in the custody of the Chief Executive of MSD receive a copy of the Children's Charter, as do CYF social workers and caregivers.

B. Parental guidance (Article 5)

122. SuPERU provides institutional support to families by:

- encouraging informed debate about families

- increasing public awareness and promoting better understanding of matters regarding the interests of families
- playing a part in shaping government policies that promote or serve the interests of families
- considering any matter regarding the interests of families referred to it by any Minister of the Crown
- stimulating research into families, for example by funding and undertaking research
- consulting with, or referring matters to, other official bodies or statutory agencies.

C. Parental responsibilities (Article 18(1))

123. CoCA defines a child's guardian as someone who legally has the same duties, rights, responsibilities, and powers as a parent in bringing up a child. Although most parents will be guardians of their children, others can be guardians too. When parents separate, both should continue to have a significant role in their children's upbringing, even if one of them is no longer living with the children. CoCA requires guardians to act jointly and to consult whenever practicable when making decisions about care or welfare.

124. An application for a parenting order under CoCA must include a statement about whether and how the order can provide for any other person to have the role of providing day-to-day care for, or contact with, the child. If the Family Court proposes to make a parenting order that does not give a parent the role of providing day-to-day care for a child, the Family Court must consider whether and how the order can provide for the parent to have contact with the child.

125. CoCA also recognises that New Zealand children are brought up in many different types of family arrangements. Children may be cared for by their birth or adoptive parents, by members of their whānau or wider family group, including by same-sex partners. CoCA makes it clear that it is important for children to keep and strengthen their links with their wider family, including whānau, hapū, iwi and other family groups. It also encourages members of whānau and other wider family groups to participate in the care and upbringing of children.

126. A number of reforms have recently been made to the Family Court. The most significant changes are to the way in which the family justice system responds to parenting arrangements for children following parental separation. The reforms shift the focus from court resolution of disputes to encourage parents to reach agreement through family dispute resolution. Parental separation does not necessarily mean poor outcomes for children but research shows that prolonged exposure to frequent, intense and poorly resolved conflict is damaging for children. Family dispute resolution (FDR) has been introduced to assist parents to reach agreement about care arrangements for children following parental separation without the need for protracted and

adversarial court proceedings. FDR is mandatory before court proceedings can be filed, unless one of the exceptions applies (e.g. family violence or urgency). It is government funded to those who meet the income criteria. Some FDR mediators offer a child-inclusive model of FDR. All FDR mediators must make every endeavour to assist the parties to reach an agreement that best serves the welfare and interests of children.

D. Assistance in child-rearing (Article 18(2))

1. Intensify efforts to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities [CRC/C/NZL/CO/3-4, para 32]

127. The Government offers a comprehensive mix of initiatives to support parents and legal guardians in their child-rearing responsibilities. These range from universal approaches, through to targeted and intensive programmes, and include service coordination and initiatives for families with complex needs.

- Around 190,000 children under the age of five receive WCTO services each year. WCTO services provide parents and caregivers with the knowledge and skills to respond to their child's needs at the different stages of their development. It also provides clinical assessments of the child – including growth and development assessments and support for parents and caregivers to identify their needs as parents, and link them to community and other services.
- Pregnancy and parenting education services provide information and education to expectant and new parents to help prepare them for pregnancy, childbirth and early parenting.
- *Healthy Beginnings: Developing perinatal and infant mental health services in New Zealand* provides guidance for DHBs on ways to address the mental health and alcohol and addiction needs of pregnant women, mothers and infants and their families.
- Early learning programmes, including *Engaging Priority Families*, *Poipoia te Mokopuna* and *Improving Early Learning Foundations*, provide targeted early learning support to families and whānau.
- Education programmes that target high needs groups such as *Interpreters for deaf parents*, the *Parents, Families, Whānau team* (which supports Māori in targeted communities to champion their child's educational achievement) and *Early Intervention* (for young children with the highest needs).
- The *Reading Together Programme* involves schools running workshops for parents and whānau, linking with a local library, to assist children with reading at home.

- National Certificate of Educational Achievement (NCEA) and whānau workshops inform parents, families and whānau about NCEA so they can better support their children to gain a qualification.
- HIPPY is a home-based education programme that focuses on school readiness and currently serves close to 2,000 children.⁶⁴
- The *Gangs Action Plan* includes working with the children and partners of gang members to improve social outcomes and minimise the inter-generational transfer of the negative impacts of association with gang members. There are approximately 3,900 gang members (patched and prospects).
- The *Break Thru*⁶⁵ programme is focused on helping young people who are at risk of becoming affiliated with youth gang culture in Auckland and includes parenting programmes for parents and caregivers of pre-teen and teenaged children.
- *Parents as First Teachers* (PAFT) is a parent-education and family support programme for families at some risk of poor parenting and child outcomes currently serving over 6,300 families.⁶⁶
- *Family Start, Early Start, Whānau Toko I te Ora* and *Intensive Caseworkers for Teen Parents* are intensive support programmes targeted towards children most at risk of poor health, education and development currently serving over 5,300 families.
- *Strengthening Families* is a cross-sectoral, whole-of-government initiative which facilitates co-ordinated support for families with complex needs.

E. Support for working caregivers (Article 18(3))

128. Working parents are able to access a range of childcare subsidies to assist with the costs of out of school services. Payments available for eligible applicants are:

- The Childcare Subsidy for pre-school children attending an approved early childhood programme. Up to 50 hours a week subsidised childcare may be available to parents who are in training or paid employment, or in some cases, if the parent has a health condition or disability.
- The Out of School Care and Recreation (OSCAR) Subsidy for children aged five to 13 years (and up to 18 years if the child has a disability) in before school and afterschool care for up to 20 hours a week, and school holiday programmes for up to 50 hours a week.

⁶⁴ For more information on HIPPY see: <http://www.familyservices.govt.nz/working-with-us/programmes-services/early-intervention/home-interaction-programme-for-parents-and-youngsters.html>.

⁶⁵ For more information about Break Thru see: <http://www.familyservices.govt.nz/working-with-us/programmes-services/youth-intervention/breakthru.html>.

⁶⁶ For more information about PAFT see: <http://www.familyservices.govt.nz/working-with-us/programmes-services/positive-parenting/paft/>.

- Guaranteed Childcare Assistance Payment (GCAP) for young parents who are in education, training or work-based learning with children under five in an approved early childhood programme.
- Early Learning Payment for clients enrolled in Family Start or Early Start parenting programmes with children aged from 18 months to three years attending an approved early childhood programme for between 15 and 20 hours a week.

129. In addition the Government funds up to 20 hours a week of ECE for children aged three to four years attending an approved ECE programme. Families getting 20 hours ECE cannot get GCAP or the Childcare Subsidy for the same hours.

130. The Employment Relations (Flexible Working Arrangements) Amendment Act 2007 provides eligible employees with the right to request flexible working arrangements to enable them to care for someone, for example children and young people. From March 2015 the Employment Relations Act will provide all employees with the right to request flexible working arrangements.⁶⁷

F. Separation from parents (Article 9)

131. The CYP&F Act recognises that the primary role in caring for and protecting a child lies with a child's family. Therefore CYF seldom use adoption orders as adoption severs the legal relationship between child, birth parent(s) and birth families. Instead caregivers who provide a permanent home to a child in state care usually have parenting and guardianship responsibility for the child by orders under CoCA.

132. The Department of Corrections supports children's contact with parents who are in prison, where this is in the best interests of the child. Prisoners are encouraged to have positive relationships with their children so they can better reintegrate on release and intergenerational offending can be prevented. Corrections also runs several programmes that specifically support the relationship between parent and child. These include 'Mothers with Babies Units' where mothers and children can live together full-time until the child is two years old, 'Mothers and Bonding Facilities' where mothers with babies aged less than nine months in the community can have daily visits with their babies in secure, purpose-built facilities where they can feed and bond with their child for up to 12 hours a day, and 'Prison Activities Centres' that teach fathers parenting skills.

G. Family reunification (Article 10)

133. All policy provisions referred to in the previous report are still in effect. New Zealand offers two options for adult children to maintain a relationship with parents who live abroad. The Parent

⁶⁷ For more information about access to ECE, see the response to Concluding Observation 46(a), at paragraphs 210 to 215.

and Grandparent Visitor Policy enables adult children (New Zealand citizens or residents) to sponsor their parents as visitors. The Parent Category enables adult children (New Zealand citizens or residents) to sponsor their parents for residence. Changes in 2012 prioritise sponsors who meet a higher income threshold, or whose parents can support themselves financially. Sponsors or parents who do not meet these requirements can still apply, but are not prioritised. Applicants for residence under the partnership and dependent child categories are considered priority. Applicants under the Parent Category can request urgency if they are in situations of deprivation or particular hardship, including refugee type situations.

H. Recovery of maintenance for the child (Article 27(4))

134. New Zealand's child support scheme is governed by the Child Support Act 1991. This legislation aims to affirm the obligation of parents to maintain their children. Financial contributions from paying parents help to offset the cost of benefits, like sole parent support, which support custodians and children. The Act was significantly amended in 2013 to create a new comprehensive child support formula, improve the administration of the child support scheme, allow the Inland Revenue (IRD) to write off child support debt in a greater number of circumstances and reduce penalty rates. The changes also allow liable parents to offset ongoing child support payments against child support arrears and make deductions of child support from their employment income.⁶⁸
135. New Zealand and Australia reached a formal agreement to exchange child support cases for enforcement effective 1 July 2000, an important development in light of the movement of citizens between our two countries. The reciprocal agreement applies when one party lives in each country. The country where the custodian resides assesses the child support obligation and refers it to the other for enforcement when necessary. In the calendar year 2013, New Zealand sent Australia 2,399 cases for enforcement bringing the number of cases which Australia enforce under the reciprocal agreement to 12,065 as at December 2013. Australia sent New Zealand 1,514 cases for enforcement, bringing the number of cases New Zealand enforces to 6,310 as at December 2013.⁶⁹ New Zealand also administers about 180 court orders under two other international child support provisions – the Convention on the International Recovery of Maintenance and the Commonwealth Scheme.⁷⁰

⁶⁸ For more information see: <http://www.ird.govt.nz/childsupport/>.

⁶⁹ For more information on the reciprocal agreement with Australian for child support see: <http://www.ird.govt.nz/childsupport/paying-parents/overseas/>.

⁷⁰ For more information about applying for child support when the other party lives overseas see: <http://www.justice.govt.nz/family-justice/about-children/child-support/if-one-party-lives-overseas/commonwealth-country/other-party-lives-in-a-commonwealth-country>.

I. Adoption (Article 21)

136. All domestic adoption orders are made by the Family Court. Before making an adoption order under the Adoption Act 1955, the Court must be satisfied that:

- the child's welfare and interests will be promoted by the proposed adoption, with due consideration being given to the wishes of the child, taking into account the child's age and understanding
- there is proof that all necessary consents, for example, from the child's parents and guardians have been filed
- all the applicants are fit and proper people to have the role of providing day-to-day care for the child and of sufficient ability to bring up, maintain and educate the child.

The Family Court must obtain a social worker's report from Child, Youth and Family that includes the child's views where available and other information to assist its decision-making.

1. Review of adoption legislation [CRC/C/NZL/CO/3-4, para 34]

137. A review of the Adoption Act 1955, the Adoption (Intercountry) Act 1997 and the Adult Adoption Information Act 1985 is on hold due to other law reform priorities in the justice sector. The matters raised by the Committee will be considered when the legislation is reviewed.

138. No substantive changes were made to the Adoption Act 1955, the Adoption (Intercountry) Act 1987 and the Adult Adoption Information Act 1985 in the reporting period. However the enactment of the Marriage (Definition of Marriage) Amendment Act 2013 means that same-sex couples, provided they are married, have been able to adopt children (as a couple) since 19 August 2013. Further, the decision of the New Zealand High Court in the case *Re AMM* [2010] NZFLR 629 has extended the definition of the term 'spouse' as it appears in the Adoption Act 1955, meaning that unmarried, opposite-sex couples in a domestic relationship can adopt children.

139. There have been significant improvements in alternatives to adoption that can provide a permanent, loving home for a child without completely severing the legal and familial ties to their birth parents. Through *Ways to Care*, CYF provide a range of options, including *Home for Life*, which achieves permanent care for a child in state care through additional guardianship orders and a three-year support package for people assuming care of the child. This can achieve a safe, stable and supportive environment for the child while maintaining a safe connection with the child's birth family to support on-going contact that works well.

140. Both societal attitudes and adoption practices have changed significantly over the years. Many adoptions in New Zealand are now "open adoptions". This means that both sets of parents are known to each other and are able to meet before consent is given. Birth parents are also able to make a contact agreement to have some kind of on-going relationship with the child. Open

adoption aims to make sure that the child, while growing up in one family, knows about the other. Birth parents may also seek leave of the court to make an application for contact under CoCA.

141. The number of applications for domestic adoption orders is declining and many applications are for family or step-parent adoptions. Adoption is just one of several care options for children in these circumstances. Sometimes judges have refused to make an adoption order considering that guardianship and parenting orders under CoCA would be more beneficial to the child. Orders under CoCA do not extinguish the legal relationship between the child and his or her birth family.

J. Illicit transfer and non-return (Article 11)

142. For information on New Zealand's legislative and policy framework to prevent people trafficking, see New Zealand's Initial Report under the OPSC.

K. Abuse and neglect (Article 19)⁷¹

143. Family Violence Courts (FVCs) deal with criminal cases relating to family violence. There are eight FVCs in New Zealand. FVCs aim to hold defendants accountable for their actions and encourage them to address their violence, and provide support and services to victims.

144. The Domestic Violence Act 1995 empowers the Court, on application, to make a protection order. A protection order automatically includes any child of the applicant's family. A protection order can prevent the respondent from contacting the protected person and children included in the order without the protected person's consent. A child may also apply for a protection order. Any application must be through a representative if the child is under the age of 16.

145. Since 2010, Police can issue Police Safety Orders (PSOs) when they have reasonable grounds to believe that family violence has occurred or may occur, where an arrest has not been made. The purpose of the PSO is to protect people at risk from violence, harassment or intimidation. It requires the bound person to leave the address while the PSO is in force (up to five days) and not to contact the protected person.

146. The *It's not OK* campaign mobilises communities to take a stand against family violence (partner, child and elder abuse), and change attitudes and behaviour that tolerate it. The campaign uses research and evaluation, communications, media advocacy, social media and resource development. The campaign supports community-led initiatives working in partnership with sports organisations, local and non-government agencies, faith and ethnic communities,

⁷¹ For information about the *Children's Action Plan* and other initiatives which aim to prevent all forms of physical or mental violence against children see paragraphs 37, 39, 50, 112, 116, 147-156 and 239.

businesses, and the family violence sector. *E Tu Whānau* and *Pasefika Proud* are strengths-based initiatives to prevent violence in Māori and Pasifika families and communities.

1. *Establish mechanisms for monitoring the number of cases and extent of all kinds of child abuse within families, schools and institutional care [CRC/C/NZL/CO/3-4, para 36(a)]*

147. Various agencies are currently responsible for collecting this data and it does not form a comprehensive data suite.⁷²
148. MSD publishes data and reports regularly to Government on the number of children who come to the attention of CYF for care and protection concerns. This includes information about substantiated findings of abuse and neglect by type of abuse. The data can be provided in terms of age, gender, ethnicity and geographic location to enable monitoring of trends. Government also receives and publishes six-monthly updates on the BPS targets, including Result 4 (reducing assaults on children). MSD publishes information in its *Annual Report* on the number of children and young people abused by their caregiver while in the custody of the Chief Executive.
149. As part of delivering the FVI Programme, DHBs are required to report to MoH on the number of Reports of Concern made to the statutory child protection services, with comment on any trends.
150. Children and adults with disabilities who are compulsorily in residential care under the Intellectual Disability Compulsory Care and Rehabilitation Act 2003 are monitored by District Inspectors (appointed by the Minister of Health) who investigate any breaches of rights under the Act. Investigations may be activated by formal complaints of abuse, or when a District Inspector is made aware while visiting a facility. Children and adults with disabilities in voluntary residential care, and their families, may make complaints to the MoH. Regular programmed audits of residential care providers may also identify issues.
151. ACC monitors the number of lodgements of new claims for mental injury following sexual abuse or assault (sensitive claims) and compares them to numbers lodged in previous time periods to identify trends. ACC data can be disaggregated by client region, district, gender, age and ethnicity.
152. Police's case management system enables cases to be tracked through the investigation process from reporting to resolution. Case management assists Police to identify workflows and prioritise cases based on case management ratings. Offence codes can be used to breakdown data further to prioritise caseloads. Case management data also enables Police District Managers and Police National Headquarters to identify trends and developing issues or risks. Continued efforts are being made to improve the accuracy of data collection. Police is also working to

⁷² For more information on data collection see paragraphs 116 to 118.

ensure that Police Officers are recording offences appropriately as well as implementing changes which will allow Police to better understand and respond to victimisation. A new dataset on victims will be available by November 2014. This dataset will include the relationship between victims and offenders, which will enable identification of specific contexts such as assaults on children.

2. *Ensure professionals working with children receive training on the obligation to report and take appropriate action in suspected cases of domestic violence involving children*
[CRC/C/NZL/CO/3-4, para 36(b)]

153. As required by the Vulnerable Children Act 2014, prescribed state services are developing child protection policies on the identification and reporting of child abuse and neglect. The Vulnerable Children Act 2014 also introduces new requirements to reduce the risk of harm to children by requiring people employed in certain roles to be Safety Checked. A new standard Safety Check will be implemented for all paid staff in the state service funded children's workforce, meaning those working in a wide range of specified areas whose work involves regular or overnight contact with a child and takes place without a parent or guardian present. Workforce restrictions will prevent people with certain serious convictions from employment in roles in the state service funded children's workforce that involve working alone, or with primary responsibility, for children (unless a formal exemption is granted).

154. Currently, CYF offers two one-day workshops to staff which address family violence. *Violence in Family* is offered to all social workers, supervisors and practice leaders. All CYF practice staff attended these workshops as part of our *Safe Strong Practice* programme in 2010-2013. All new practice staff undertake these workshops as part of either Practice Curriculum (new practice staff) or Practice Leadership Curriculum (experienced practice staff). MSD also funds Mauri Ora training for Māori social service practitioners on working with family violence. The training includes a focus on child abuse and the impact of family violence on children. In the 2012/13 financial year, 120 practitioners completed the training.

155. Police is redesigning initial training for recruits entering the organisation. A key focus area throughout the 2½ year programme is family violence, including managing family violence cases involving children, as victims or witnesses. Case studies will be used throughout the programme to reinforce key elements, particularly in regards to children and the negative impacts of family violence on these children.

3. *Strengthen support for child abuse victims to ensure that they are not revictimised during legal proceedings*
[CRC/C/NZL/CO/3-4, para 36(c)]

156. The protective services offered to child victims and witnesses are outlined in paragraphs 89 to 96 of New Zealand's Initial Report under the OPSC.

L. Physical and psychological recovery (Article 39)

1. Provide access to adequate services for recovery, counselling and other forms of reintegration in all parts of the country [CRC/C/NZL/CO/3-4, para 36(d)]

157. The recovery, counselling and reintegration services offered to child victims of crime and trauma are outlined in paragraphs 97 to 106 of New Zealand's Initial Report under the OPSC.

158. ACC provides psychological and other rehabilitation support at home, at school and at preschool for children with physical injuries who may fully recover or for those that may become disabled as a result of their injury. This supports the child to participate in age typical activities and roles and engage in home, community and school activities.

159. To ensure maximum support and recovery in a CYF placement, potential carers go through an assessment and approval process. Carers also have access to ongoing training to ensure they have the right skills to meet the needs of the children or young people in their care. The Gateway Assessment also provides an additional means to access services and support to address any of the child's unmet health, education and wellbeing needs.

VII. Basic health and welfare

A. Health and health services (Article 24)

160. MoH funds a comprehensive range of maternal and child health services that contribute toward the UNCROC principle of New Zealand children enjoying the highest attainable standard of health.

Infant and child mortality and Sudden Unexpected Death of an Infant (SUDI)

161. The Child and Youth Mortality Review Committee (CYMRC) reviews deaths of children and young people aged 28 days to 24 years and seeks to find ways to prevent such deaths in the future. The CYMRC's Ninth Data Report⁷³ was released in January 2014 and notes that overall the number of deaths for those aged between 28 days and 24 years reduced between 2008 and 2012 (from a total of 699 deaths to 600). The Report notes that this reduction has, in part, been driven by a reduction in the number of deaths attributed to SUDI in the post-neonatal period (28 days to 1 year) and motor vehicle crashes in young people aged between 15 and 24 years. Advice on safe sleeping is provided as part of the WCTO service and MoH has a number of initiatives underway to help prevent SUDI, many of which consider the effect of tobacco smoke on children and help health professionals to provide clear, consistent advice to families.

⁷³ For a copy of the report see: <http://www.hqsc.govt.nz/our-programmes/mrc/cymrc/publications-and-resources/publication/1311/>.

Universal services

162. Universal community and primary health services are the foundation of New Zealand's child health services and include a focus on preventative health care and health promotion. A range of secondary child health services are available for children with additional needs. The WCTO assists families and whānau to improve and protect their children's health through 12 core visits from birth to five years plus additional visits available on the basis of a needs assessment.
163. The Government is improving immunisation rates and decreasing the incidence of rheumatic fever through its work under BPS Result 3.⁷⁴ From 1 July 2015, the Government will invest \$90 million over three years to extend the current zero fees for doctors' visits and prescription co-payments anytime of the day or night for children aged under six, to children aged under 13.

Oral health

164. Tooth decay is one of the most common diseases of childhood, and over 2,500 children aged zero to four years are admitted to hospital each year for general anaesthetic procedures mostly related to tooth decay. MoH has undertaken a major reinvestment in its provision of universal free child and adolescent oral health services. Since 2008, \$116 million of capital funding has been provided to build new fixed and mobile dental facilities. There are now 177 fixed dental clinics and 169 mobile dental units in total. The reinvestment has also provided an additional \$32 million per year in operational funding to support increased staffing.
165. New operating funding of \$10 million for Better Oral Health for children and adolescents was announced in 2014 over the next four years. The new finding will support a range of activities that promote better oral health for children and adolescents. In particular, the promotion will aim to increase regular tooth brushing (with fluoride toothpaste) among pre-school children, and to increase the number of adolescents using the free oral health services that are available to them. As well health promotions will include information about the importance of reducing the intake of sugary food and drink as part of a healthy diet.

Preventative healthcare and health promotion

166. The Health Promotion Agency (HPA) leads and delivers innovative, high quality and cost-effective programmes that aim to promote health, wellbeing and healthy lifestyles. HPA produces online and printed resources in many languages for children, parents and schools. Topics include breastfeeding, child health and safety, rheumatic fever, immunisation, mental health, Māori health, encouraging healthy eating, supporting smokefree lifestyles, teenagers' health, sexual health and alcohol and other drugs.

⁷⁴ For more information on BPS Result 3 see the response to Concluding Observation 15 at paragraph 38.

167. In August 2014 the *Healthy Families NZ* initiative commenced. Ten community areas have been identified to receive funding to assist residents to live healthy lives in order to prevent chronic disease. \$40 million over four years has been committed to the programme. Helping people make good choices about nutrition and physical activity is at the heart of the *Healthy Families New Zealand* programme, along with reducing smoking rates and moderating alcohol consumption.

168. MoH also produces population-specific Food and Nutrition Guidelines, including for ‘Infants and Toddlers (0-2)’ and ‘Children and Young People (2-18 years)’. Each set of guidelines has a background paper for use by health practitioners and accompanying health education resources for the general public.

169. MoH promotes community water fluoridation as a safe, effective and affordable public health measure to prevent and reduce tooth decay, especially among deprived populations.

Maternity services

170. New Zealand provides universal maternity services to all New Zealand citizens and residents. This entitles women access to a Lead Maternity Carer (LMC), usually a registered midwife but sometimes a general practitioner with a Diploma of Obstetrics or an obstetrician. A woman’s LMC provides all antenatal, labour, birth and postnatal care for herself and her baby for six weeks postpartum. The majority of New Zealand women give birth in a maternity facility and have access to secondary maternity services when the pregnancy or labour and birth are more complex. LMCs follow the woman and baby through their hospital experience and provide ongoing support once they are home including support and education for breastfeeding.

Female genital mutilation (FGM)

171. There is no documented evidence that FGM is practiced in New Zealand. A growing number of refugees and migrants come from countries that practice FGM, and many of these women may have already undergone FGM. FGM is an offence under the Crimes Act 1961⁷⁵ and is punishable by imprisonment for a term not exceeding seven years. In 2012, MoH released *Refugee Health Care: A handbook for health professionals*. This handbook contains information for health professionals on FGM, including the illegal status of FGM and advice on how to appropriately approach caring for a client affected by FGM. MoH also provides funding to the New Zealand FGM Education Programme, a community based programme that seeks to improve reproductive health care services for women affected by FGM.

⁷⁵ The offences are specified in sections 204A and 204B of the Crimes Act 1961 and include performing an act of FGM in New Zealand, as well as arranging for a child to be taken out of New Zealand for the purpose of FGM.

Aid to developing countries

172. The New Zealand Aid Programme focuses on the Pacific. Development assistance is provided to improve maternal, newborn and child health outcomes through different funding channels:

- Pacific Multilateral – Over the next four years New Zealand will direct \$12 million through Pacific regional offices of multilateral organisations (approximately \$6 million to each of UNICEF and UNFPA) to enable Pacific regional delivery of the UN Expanded Programme on Immunisation, Improvement of Sexual and Reproductive Health outcomes, and Improvement of Maternal, Newborn and Child Health outcomes.
- Regional – New Zealand continues to enable improved access to specialised medical treatment for children in the Pacific through the New Zealand Medical Treatment Scheme and the Pacific Regional Blindness Prevention Programme.
- Bi-lateral – New Zealand supports a range of targeted child health interventions including providing \$2.2 million over the next four years towards eliminating acute rheumatic fever in Fiji.

1. Coordinated approach across government to address inequalities in access to health services [CRC/C/NZL/CO/3-4, para 38]

173. In June 2014, the refreshed *He Korowai Oranga* Strategy was launched, setting the overarching framework to guide the Government and health sector to achieve the best health outcomes for Māori. *He Korowai Oranga* has been updated to ensure it continues to provide a strong platform for achieving Pae Ora (healthy futures). It expands on the aim of *He Korowai Oranga* from Whānau Ora (healthy families) to Pae Ora (healthy futures) and encompasses three elements; Mauri Ora (healthy individuals), Whānau Ora (healthy families) and Wai Ora (healthy environments). Wai Ora includes addressing the determinants of health and the impact on health of the physical environment, such as housing, access to services and basic needs. Mauri Ora looks at how the health system meets the immediate needs of individuals and their future needs across their life course, such as through the delivery of immunisation services. *He Korowai Oranga* supports the MoH, DHBs and the health sector to continue to implement the New Zealand Public Health and Disability Act 2000, in relation to improving Māori health outcomes.

174. The MoH and DHB annual planning process requires all 20 DHBs and their PHOs to jointly develop an Māori Health Plan (MHP). The MHP sets out how they are working together to address the specific health needs of their Māori populations. MHPs are monitored by the MoH and must address 14 health indicators across 11 key health areas. DHBs are also given the opportunity to create up to three local indicators of their choice. DHBs with high rates of SUDI are required to address these in their MHP.

175. Whānau Ora is an inclusive approach to providing health and social services and opportunities to empower whānau and families across New Zealand. It requires government agencies to work together to enable whānau and families to set their own direction as a whole, rather than as separate individuals. MoH produces quarterly reports on the performance of general practices within Whānau Ora collectives against 11 key indicators. The indicators have been selected for their linkages to the major causes of morbidity and mortality for Māori. MoH's report for the quarter ending June 2014 shows that general practices operating in Whānau Ora collectives continue to outperform practices within the general national sample on a number of indicators. Of particular note are the increased achievement rates for cardiovascular risk assessment (up 18.3 percent in the last year), smoking cessation advice (up 13.8 percent in the last year), diabetes patient review (up 8.6 percent in the last year) and mammography for the high needs (up 3.9 percent in the last year). Overall the Whānau Ora sample results are positive, particularly the fact that 60.1 percent enrolled in the Whānau Ora sample are high health needs patients (Māori, Pacific and/or people living in areas of high socioeconomic deprivation).

B. Breastfeeding

1. Increase number of infants up to six months of age that are exclusively breastfed, with a particular focus on Maori [CRC/C/NZL/CO/3-4, para 40]

176. Plunket data for the 2012/2013 financial year indicates that 15 percent of Māori women are exclusively breastfeeding at six months, compared with 24 percent of all women seen by Plunket. A *WCTO Quality Improvement Framework* and associated indicators were established in 2013, including breast feeding indicators. The range of initiatives underway includes a national breastfeeding campaign aimed at improving breastfeeding rates, particularly for Māori women, maintaining Baby Friendly Hospital accreditation, employing lactation consultants, hosting community based events to raise awareness about the importance of breastfeeding, and a social media community for pregnant and breastfeeding women.

177. New Zealand also implements the International Code of Marketing of Breast-milk Substitutes under voluntary self-regulatory Codes of Practice for infant formula marketers and health workers. MoH continues to actively provide information about the Code and promote it to manufacturers and exporters of infant formula. MoH monitors implementation by managing the complaints process about potential breaches of either code. Since 2009, New Zealand has experienced a considerable increase in companies producing infant formula who are not members of the Infant Nutrition Council (INC), therefore not required to comply with the INC Code. More complaints are now received about these companies than INC member companies.

C. Adolescent health

1. *Strengthen efforts to provide adolescents with appropriate reproductive health services* **[CRC/C/NZL/CO/3-4, para 42(a)]**

178. The birth rate for 15-19 year olds of 33 births per 1000 women in 2008 has declined to 22 per 1000 in 2013. The rate of teenage childbearing in New Zealand remains high by OECD standards, with only the United States having a higher teen birth rate.
179. The Government provides a range of services to address the needs of teen parents. Depending on their focus, these services are provided by a range of government agencies. To better address the needs of teen parents and their children, the Government is working to improve cross-agency alignment of services and there is an increasing focus on preventing teen pregnancies, and rapid repeat pregnancies of those who are already teen parents. The range of services and supports currently available to teen parents to address their reproductive health and family planning needs are explained below.
180. Teen beneficiaries can access non-recoverable financial assistance to access Long-Acting Reversible Contraception (known as LARC) and those engaged in the Youth Service are supported by their Youth Service Provider to access this assistance. Assistance includes travel costs, medical practitioner's fees and prescription charges in excess of any subsidy paid to the medical practitioner or the pharmacist.
181. Sexuality education is explicitly included in the Curriculum as part of the Health and Physical Education Learning Area. MoE provides curriculum resources and schools consult with their school community on their draft health curriculum once every two years. Schools may provide reproductive health services, or establish partnerships for services in consultation with their school community.
182. MoH funds a variety of specialist education providers to deliver sexual and reproductive health (SRH) education to students and training for school teachers who teach SRH. MoH has increased funding to DHBs to expand school based health services. A nurse-led service is now funded in all consenting decile 1-3 secondary schools, and in teen parent units and alternative education facilities. This service includes a routine HEEADSS assessment for all Year 9 students (13 years old), and all students attending teen parent units or alternative education. The HEEADSS assessment is an adolescent psychosocial assessment covering the domains of Home, Education and employment, Eating, Activities, Drugs, Sexuality, Suicide and depression, and Safety. School based health services provide advice, treatment and referrals for students, including for individual sexual and reproductive health. Some DHBs have opted to fund the service in selected higher decile secondary schools.

183. In 2013 and 2014, MoH and MSD worked with the network of Youth One Stop Shops (YOSS) to improve the sustainability of YOSS. YOSS provide health and social services for young people, particularly those who do not attend school or have financial or social barriers to accessing health care through their general practitioner. They serve a youth population of between 40,000 and 60,000.

184. Teen parents are a particularly vulnerable cohort with distinct reproductive health needs. Current initiatives to support young people to make informed decisions about their sexual and reproductive health and wellbeing include:

- the development and delivery of a training toolkit for professionals working with young people, and development of youth-focussed online tools to engage young people to make healthy choices
- a bystander action campaign *Are you that someone?* for preventing sexual violence, aimed at equipping young people with the confidence and knowledge to stop sexual violence
- support for a number of community providers working with vulnerable young women and teen fathers.

185. Services for teen parents include *Intensive Case Workers*, *Parenting Support for Teen Fathers*, *Supported Housing for Vulnerable Teen Parents*, and *Volunteer Neighbourhood Support Initiatives*. These services include the goals of preventing further unplanned pregnancies and ensuring access to antenatal healthcare.

2. *Continue to address the issue of suicidal behaviour among adolescents across the State party [CRC/C/NZL/CO/3-4, para 42(b)]*

186. The Government is committed to reducing rates of youth suicide and recognises suicide is an ongoing concern. The suicide rate among youth aged 15 to 19 years peaked in 1997 at 26.7 deaths per 100,000, but has declined to 18.9 deaths per 100,000 in 2011. The *New Zealand Suicide Prevention Strategy 2006–2016* aims to address suicide across all age groups including youth. The current *New Zealand Suicide Prevention Action Plan 2013-2016* is aligned with the Strategy, and includes 30 actions designed to:

- address the impact of suicide on families, whānau and communities by strengthening support for family, whānau and communities
- build the evidence base, specifically around what works for Māori and Pasifika
- extend existing services, addressing geographical gaps in the coverage of services
- strengthen suicide prevention targeted to high risk populations who are in contact with agencies.

187. The Government has also introduced other initiatives that could contribute to addressing suicidal behaviour among young people. One such initiative is the *Prime Minister's Youth Mental Health Project*. This four year cross-agency project began in July 2012 and aims to improve mental health outcomes for young people aged 12 to 19 years by helping to prevent mental health issues developing, and improving access to appropriate services as required. Actions include the introduction of wellbeing programmes in schools, the expansion of school-based health services, rolling out a free online e-therapy tool (SPARX), introducing and expanding youth primary mental health services, and improving access to Child and Adolescent Mental Health and Youth Alcohol and Other Drug services.
188. The Government has also introduced *Waka Hourua* to provide a clear focus for suicide prevention in Māori whānau, hapū, iwi, Pacific families and communities. It invites Māori and Pacific communities to enhance resilience and build capacity to prevent suicide and to respond safely and effectively when suicide occurs. The programme also seeks to build leadership and knowledge through education, training and resources that are relevant and effective among Māori and Pacific whānau, families and communities.
189. The Crimes Act 1961 currently contains an offence of inciting another person to commit suicide, where that person attempts or commits suicide as a result, punishable by up to 14 years imprisonment. The Harmful Digital Communications Bill, if passed in its current form, will amend the Crimes Act 1961 to add an offence of aiding and abetting suicide, where suicide or attempting to commit suicide does not result, punishable by up to three years imprisonment.
190. The Government has agreed to amend the suicide reporting restriction in the Coroners Act 2006 to clarify the restrictions around suicide reporting. The new restrictions will target only reporting of details most likely to cause harm if made public and help to reduce the risk of imitative (“copycat”) suicide. As part of the *New Zealand Suicide Prevention Action Plan 2013–2016* funding has been allocated to support safe suicide reporting practice.

D. Review of detention for mental/physical health reasons (Article 25)

191. Children and young people who are subject to compulsory assessment or treatment are afforded the same rights and protections as adults under the Mental Health (Compulsory Assessment and Treatment) Act 1992. In addition, there are special provisions in the Act relating to those aged under 17. These include a mental health assessment conducted, wherever practicable, by a psychiatrist specialising in child psychiatry. If a child or young person's condition is reviewed by the Mental Health Review Tribunal, then that Tribunal should include at least one member specialising in child psychiatry. The provisions also require that a young person subject to compulsory mental health treatment is reviewed two months before they turn 17.

E. Illicit use of narcotics and psychotropic substances (Article 33)

192. The National Drug Policy, which sets Government's overarching framework for minimising drug-related harm is currently undergoing a refresh that will include expanding its focus of harm minimisation to include people affected by the drug use of others, especially children. The new Policy will carry over New Zealand's three harm minimisation strategies of controlling supply, reducing demand and reducing harm. It also continues to support community action programmes aimed at preventing and delaying uptake and reducing use of drugs by young people through education and health promotion activities.

193. The Psychoactive Substances Act 2013 responds to the issue that new psychoactive substances cannot be controlled by the traditional regulatory methods. Because substances were legal by default, the Government had to identify harm caused by a substance before acting, controls were slow, and because substances are easily synthesised, new substances rapidly replaced those that were controlled. This was an area of considerable public concern, particularly due to easy access by young people. The Act reverses the onus of proof by prohibiting the sale of psychoactive substances⁷⁶ unless they are first approved by a regulator, following safety testing similar to that for medicines. It prohibits psychoactive substances being sold or supplied to persons under the age of 18 and prohibits under 18 year olds from buying or being employed to sell psychoactive substances. Regulations to the Psychoactive Substances Act came into force in November 2014. These regulations allow for product approvals and licensing for import, research and manufacturing. However, to date no products have obtained approval for sale.

F. Standard of living (Article 27)

1. Measures to support disadvantaged families and children to move out of poverty while continuing to provide assistance to those who remain under the poverty line [CRC/C/NZL/3-4, para 44]

194. Over the past six years, the Government's primary approach for addressing child poverty has been to promote social mobility through paid employment driven by economic growth, clear work expectations, and improved educational performance, while ensuring that New Zealand's social security safety net continues to support people who cannot support themselves.

195. There are three prongs to the approach:

- *supporting people who need it* - within the context of the global financial crisis, the Canterbury earthquakes, and the economic downturn and gradual recovery, the Government has worked to maintain the existing safety net of financial support provided

⁷⁶ Psychoactive substance is defined in section 9 of the Act as "a substance, mixture, preparation, article, device, or thing that is capable of inducing a psychoactive effect (by any means) in an individual who uses the psychoactive substance."

by the welfare system, and in particular the payments made for the benefit of children through the Working for Families tax credits.

- *providing opportunity and promoting social mobility* – the Government’s main drive has been to do things that open up opportunities and increase social mobility. Key planks of this approach have been promoting economic growth, undertaking welfare reforms to reduce long-term benefit dependence, continuing to invest in early childhood education, and introducing education reforms such as national standards aimed at addressing New Zealand’s tail of poor educational achievement
- *directly addressing key outcomes that are correlated with poverty* - the Government has also focussed directly on some of the most concerning long-term outcomes for New Zealanders, some of which are correlated with poverty. Key among these have been reducing child maltreatment through the Children’s Action Plan, the focus on reducing our rates of rheumatic fever, and the home insulation initiative, which is ensuring more New Zealand children are being brought up in warm, dry and energy efficient houses.

196. At the heart of Budget 2014 was almost \$500 million in new spending on children and families.

This included:

- \$171.8 million to boost the paid parental leave scheme.
- \$42.3 million to increase the parental tax credit from \$150 a week to \$220 a week, and increase the entitlement from eight weeks to 10 weeks, from 1 April 2015.
- \$90 million to enable GPs to offer free doctors’ visits and prescriptions for children under the age of 13, starting on 1 July 2015.
- an additional \$155.7 million to help early childhood centres to remain accessible and affordable, meet demand pressures and increase participation towards the Government’s 98 percent target.
- \$33.2 million in 2014/15 to help vulnerable children, including eight new children’s teams around the country to identify and work with at-risk children and their families, to screen people who work with children, and to support children in care.

197. In the Speech from the Throne on 21 October 2014, the Government announced a continued focus on poverty, especially child poverty, in its new parliamentary term.

G. Social security and child care services facilities (Article 26 and Article 18)

198. The social security system primarily provides for a child’s needs through payment to their parents or caregivers principally (but not exclusively) through either Sole Parent Support, Jobseeker Support, or Supported Living Payment. These benefits were introduced in July 2013 through

welfare reform to replace seven previous main benefits, including benefits paid to parents of dependent children. In addition to existing work search obligations, welfare reform placed social obligations on parents in receipt of these benefits to undertake activities in relation to the health and well-being of their children. Depending on the age of their children they are required to take reasonable steps to make sure their children are:

- enrolled in and attending an approved early childhood education programme from the age of three, until they start school
- enrolled in and attending school, starting from age five or six years
- enrolled with a GP or with a medical centre that belongs to a PHO
- up to date with core WCTO checks until they turn five years old.

199. From 2014, the Government introduced additional financial support for carers of children receiving the Orphan's Benefit (OB) or Unsupported Child's Benefit (UCB). An Establishment Grant is available to assist with the one off costs that arise when a child first enters a person's care. A School and Year Start up Payment provides annual financial assistance with various school related or child care costs. The Extraordinary Care Fund is a capped fund providing discretionary grants of up to \$2,000 to carers for OB/UCB children who are either experiencing difficulties that significantly impact on their development, or who are showing promise.

200. In August 2012, the Youth Service was established. It is a new approach to working with vulnerable young people where community-based providers deliver wrap-around support to unemployed or disengaged young people and teen parents in order to improve their educational and social outcomes. A core focus of the Youth Service is engaging these young people in education, training or work-based learning leading to NCEA level 2, or equivalent.⁷⁷ Around 14,000 young people are involved with Youth Service and more than \$148 million in services are being targeted towards these groups over four years. Provider funding is based on an incentivised outcome-based contract model.

201. The Youth Service supports two groups of vulnerable youth:

- 16-17 year olds and 16-18 year old parents who are receiving financial assistance from the Government through the Youth Payment (YP) and the Young Parent Payment (YPP).

⁷⁷ Exemptions apply for young parents if they have a child younger than six months of age, or between six and 12 months if there are no places in a Teen Parent Unit.

- 16-17 year olds who are not engaged in, or are at risk of not being engaged in, education, employment or training (NEETs). Participation is voluntary and these youth are risk profiled to ensure that the Youth Service is targeting the right people.⁷⁸

202. In return for financial assistance, youth payment recipients must meet obligations relating to education, other youth activities (including budgeting, parenting education) and social obligations (relating to the health and education of their child). Their payments are managed for a period of time through, for example, redirections for essential costs.

203. Initial findings suggest that the Youth Service is working well. At the end of March 2014, four out of five young people enrolled in Youth Service were engaged in education, training or work-based learning in either a full or part-time capacity.⁷⁹

VIII. Education, leisure and cultural activities

A. Provision of education (Article 28)

204. Education in New Zealand is compulsory for all domestic students from the age of six to 16. Free state education is available for all domestic students from the age of five to 19. Different forms of secondary provision focus on employment-linked education and complement mainstream schooling for students who are at risk of disengaging from the education system. These aim to develop core foundation skills such as literacy and numeracy, help the student gain NCEA Level 2 (senior secondary school qualification), and assist them in progressing to further education and employment:

- STAR and Gateway provide Years 11–13+ (ages 14-18) school-students with career-based learning opportunities, including tertiary study, work experience and workplace learning.
- Fees-free places in tertiary education for at-risk 16-19 year olds to study towards the NCEA Level 2 or an equivalent qualification.
- Secondary-Tertiary Partnerships allow young people to undertake a combination of school and tertiary vocationally-focused study.

New Zealand's high tertiary education participation rates are supported by a student support system that includes interest free loans for graduates who remain in New Zealand and allowances targeted at students from lower socio-economic backgrounds.

⁷⁸ Risk profiling factors include the young person's education level, reason for leaving school, and whether they have had contact with Child, Youth and Family. The risk rating of NEET youth also links to payments to providers for the achievement of milestones and success fees. Some 15 year olds are referred to the Youth Service where they have an early leaving exemption from school.

⁷⁹ The evaluation findings are preliminary and some impacts may be due to uncontrolled differences in participant profiles (e.g. school achievement) or because of changing labour market conditions before and after Youth Service was introduced.

205. Students and their families can access vocational information through the Careers New Zealand website. The website has an Occupation Outlook tool, which contains education, employment, and income information across 50 occupations. Vocational Pathways have been developed in partnership with government, education and industry, and enable students and teachers to shape learning programmes to align with the standards valued by industry sectors.
206. The *Achievement 2013-17* initiative⁸⁰ works in partnership with a number of secondary schools to identify young people at risk of not achieving NCEA Level 2, with a particular focus on Māori and Pasifika students.
207. The New Zealand Aid Programme supports numerous Pacific Island countries to realise article 28. New Zealand provides a mix of budget support, sector budget support and individual interventions. In Samoa, for example, New Zealand provides sector budget support to the Ministry of Sport, Education and Culture to implement the Samoa Education Plan and specific support to enable Samoa to reduce school dependence on fees.
208. The New Zealand Aid Programme supports access to higher education through its scholarships programme for both undergraduate and postgraduate study in New Zealand or at a Pacific based tertiary institution. New Zealand also provides support to the University of the South Pacific and the Commonwealth of Learning⁸¹ models of distance higher education which can better meet the needs of Pacific Island communities. New Zealand supports the Secretariat for the Pacific Board of Education Quality (SPBEQ). SPBEQ provides assessment materials and senior secondary school examinations in the region. In 2014, New Zealand supported the Ministers of Education from Cook Islands, Tokelau, Niue, Tonga, Samoa, Vanuatu and Solomon Islands as Honoured Observers at an International Summit on the Teaching Profession hosted by New Zealand. Education activities outside the Pacific aim to improve literacy outcomes for primary school children in Eastern Indonesia and improve early childhood education in Viet Nam and Timor Leste.

B. Aims of education with reference to quality of education (Article 29)

209. In addition to the values outlined in paragraph 65, the Curriculum and *Te Marautanga o Aotearoa* encourages:
- *excellence*, by aiming high and persevering in the face of difficulties
 - *innovation, inquiry* and *curiosity*, by thinking critically, creatively and reflectively
 - *ecological sustainability*, which includes care for the environment.

⁸⁰ For more information on the Achievement 2013-17 initiative see: <http://youthguarantee.net.nz/achievement-retention-transitions>.

⁸¹ For more information on the Commonwealth of Learning see: <http://www.col.org/Pages/default.aspx>.

C. Education, including vocational training and guidance (Articles 28, 29 and 18(3))

1. Ensure all children have access to high quality early childhood education and care that is free for socially disadvantaged families and children [CRC/C/NZLCO/3-4, para 46(a)]

210. Over 200,000 children attend ECE, taught by over 22,000 teachers in 5,000 services across New Zealand. The Government spends over \$1.6 billion on ECE annually.

211. BPS Result 2 requires an increase in participation in ECE among children starting school to 98 percent by 2016. The rate was 95.9 percent in March 2014. Strong growth in Māori and Pasifika participation is encouraging.

212. A wide range of provision is available to suit the needs of families: kindergartens, kōhanga reo,⁸² play centres, education and care services, partnership schools, and home-based care. The diverse range of ECE services available to New Zealand families is broad by international standards,⁸³ and meets different families' and communities' needs. Some services provide language specific and culturally oriented programmes, such as Kōhanga Reo and A'oga Amata. Other services have programmes based on a particular educational philosophy, such as Montessori or Rudolph Steiner centres.

213. Public expenditure on ECE increased significantly between 2002 and 2013. In current 2013 dollars, it rose by 203 percent. Public expenditure on ECE when expressed as per Full Time Equivalent (FTE) has also increased significantly. The proportion of total public education expenditure that is allocated to ECE has more than doubled since 2002, up from 6.4 percent in 2002 to 13.1 percent in 2013. Public investment in ECE as a proportion of national wealth (GDP) has increased by 137 percent, from 0.33 percent to 0.77 percent between 2002 and 2013. Internationally, New Zealand ranks in the top group of OECD countries in terms of both its per-child public investment in ECE and its proportion of total public spending allocated to ECE.

214. The Government subsidises children's participation in ECE. The level of subsidy depends on the child's age, the type of service and the level of qualification of teachers or educators. In addition, there are targeted programmes to ensure that disadvantaged families and children can access ECE for little or no cost. This includes Childcare Assistance for low income families and the Early Learning Payment for families enrolled in *Family Start* programmes. A new Guaranteed Childcare Assistance Payment was introduced by Government in 2012 for sole parents aged under 19 years. The payment covers the costs of childcare while the parent is in full-time education, training or work-based learning.

⁸² Te Kōhanga Reo is a total immersion Māori language family programme for young children from birth to six years of age.

⁸³ See Overview of the New Zealand early Childhood Education (ECE) System Introductory Briefing, Prepared by the ECE Taskforce Secretariat 1 October 2010 available at <http://www.taskforce.ece.govt.nz/wp-content/uploads/2010/11/1-Overview-of-the-NZ-Early-Childhood-Education-System.pdf>.

215. Equity funding by MoE targets ECE services that provide ECE to children from the most disadvantaged communities. To be eligible, services must be in low socio-economic communities, or have significant numbers of children with special education needs, or be based on a language and culture other than English, or be in an isolated area. MoE also has a number of targeted early learning initiatives such as the *ECE Participation Programme*, *Poipoia te Mokopuna*, *Engaging Priority Families*, and *Targeted Assistance for Participation and Supported Playgroups*.⁸⁴

2. Strengthen efforts to reduce negative effects of ethnic and social background of children on their enrolment and attendance at school [CRC/C/NZL/CO/3-4, para 46(b)]

216. Children and young people from low socio-economic backgrounds are supported to enrol and attend school through various initiatives.

- A free breakfast programme is provided in 783 schools nationwide to support inclusive education.
- \$1.5 million over three years is being provided to KidsCan to fund free head lice treatment, raincoats, footwear and health and hygiene items for children in schools in low socio-economic areas.
- MoE practitioners receive professional development in supporting Māori and Pasifika students with special education needs and their whānau and families. The programmes *Akoako* (engaging Pasifika)⁸⁵ and *He Piringa Whānau* (engaging with whānau) enable practitioners to provide a culturally responsive service.
- MoE has special education offices and school-based resource teachers for learning and behaviour programmes based in both urban and rural settings to provide local services and actively work to recruit trained Māori and Pasifika staff.
- MoE has developed and is actively promoting resources and tools in the Te Reo Māori medium⁸⁶ for schools to use.
- Teen Parent Units (TPUs) provide flexible education options and high levels of pastoral support to teen parents of all genders. TPUs are co-located with early childhood education services to ensure that learners can be close to their child.
- The Youth Guarantee scheme supports young people aged 16 to 19 by aiming to improve transitions between school, tertiary education, and work, increasing overall achievement for Māori, Pasifika, and students with special education needs, and reducing the overall number of young people who are not in employment, education, or training.

⁸⁴ For more information on these early learning initiatives see:

<http://www.lead.ece.govt.nz/ProgrammesAndInitiatives/ECEParticipationProgramme/Overview.aspx>.

⁸⁵ For more information on *Akoako* see: <http://foundrycreative.co.nz/works/ministry-of-education-akoako-in-practice-workbook/>.

⁸⁶ Māori medium students are taught curriculum subjects in the Māori language for at least 51 percent of the time.

217. *Te Takanga o Te Wā* is part of the Government's \$1.6 million investment to support and strengthen the teaching of Māori history in years 1 to 13 in schools and kura. This investment will support the development of a range of teaching and learning materials for students in years 1 to 8, as well as the development of NCEA teaching and learning materials focused specifically on Māori history, in alignment with the existing History standards. It will also support the development of English interpretations of the NCEA Tikanga ā-Iwi standards to enable more schools across New Zealand to teach Māori history.

3. *Invest considerable additional resources to ensure the right of all children to a truly inclusive education [CRC/C/NZL/CO/3-4, para 46(c)]*

218. New Zealand is a world leader in providing inclusive education.⁸⁷ Only 0.4 percent of children are in education settings separate to regular schools. Special education services are provided as part of ensuring inclusive environments are available for all students. Special education services are provided to an estimated 80,000 – 100,000 children and young people at a cost of around \$530 million. These services include specialist services for the 3 percent of the school population who have the highest level of need (such as the Ongoing Resourcing Scheme), services for the 4 to 6 percent of students with moderate needs, Early Intervention services for 5 percent of children aged 0-6 and broad based interventions and programmes targeted at schools and groups of students.

4. *Reduce number of exclusions and ensure the presence of social workers and educational psychologists in school to help at risk children [CRC/C/NZL/CO/3-4, para 46(d)]*

219. Sections 13-18 of the Education Act 1989, and the Education (Stand-down and Suspension, Exclusion and Expulsion) Rules 1999, lay the foundation for the removal of students from schools due to behavioural reasons. MoE offers guidance to schools on the use of relevant sections of the Act. This guidance states that exclusion and expulsion are for the most serious cases only, and are actions of last resort. Boards of Trustees can only make the decision to remove a student if the student's behaviour constitutes gross misconduct, continual disobedience or behaviour risking serious harm, and it sets a harmful or dangerous example to other students. The legislated process is designed to provide a range of responses, minimise disruption and facilitate the return of the student to school, and ensure that individual cases are dealt with in accordance with the principles of natural justice.

220. One initiative of the *Prime Minister's Youth Mental Health Project* is the Youth Workers in Secondary Schools (YWiSS) programme. Initiated in 2013, YWiSS delivers 19 qualified Youth Workers in 20 schools in four regions. The programme supports young people at risk of

⁸⁷ Mitchell, D. (2010). Education that Fits: Review of international trends in the education of students with special education needs.

disengaging from school. Results-based accountability and evaluation activities are included in the programme, to ensure lessons learned can contribute to service improvement for this and other school-based programmes such as Multi Agency Social Services in Secondary Schools (MASSiSS) and Social Workers in Schools (SWiS).

5. *Ensure parents are not pressured into making school donations, and children are not stigmatised if their parents do not, or cannot, make such donations [CRC/C/NZL/CO/3-4, para 46(e)]*

221. The right to free education guaranteed by Section 3 of the Education Act 1989 means that there should be no costs associated with the delivery of the curriculum for students in New Zealand from age 5 to the 1st of January after the person's 19th birthday. There are no school fees, activity fees or levies in state schools and the terms should not be used in communication to parents. Where attendance at a camp or school excursion is a compulsory part of the school's total curriculum or part of the content of a particular course at the school, parents should not be charged and students may not be excluded from attending because of an inability or unwillingness to pay. Boards of Trustees and proprietors are free to seek voluntary contributions/donations for general or specific purposes (such as school excursions or camps) – and parents are free to pay those contributions/donations in full, in part, or not at all. Any action designed to pressure parents into making a donation could be seen as a contravention of the Education Act 1989.

6. *Intensify efforts to eliminate bullying and violence in schools, including through teaching human rights, peace and tolerance [CRC/C/NZL/CO/3-4, para 46(f)]*

222. Under National Administration Guidelines 5 (NAG 5) each Board of Trustees is required to provide a safe physical and emotional environment for students. The aim of the cross-sector Bullying Prevention Advisory Group (BPAG), chaired by the Secretary for Education, is to help schools build safe, positive physical and emotional school environments to enhance students' achievement and wellbeing so that all students are included. BPAG has published *Bullying prevention and response: A guide for schools* and is developing resources to support the implementation of the guide in schools, as well as a *Bullying Prevention Action Plan*. BPAG has established a cyber-bullying subgroup to specifically focus on bullying in the digital environment.

223. PB4L *School-Wide* is a long-term, whole-school approach to help schools develop systems, practices and school cultures that support learning and positive behaviour. There are currently 515 schools participating. The PB4L Restorative Practice model proactively encourages building and restoring relationships to improve students' social and emotional learning, increase engagement with school, lessen risky behaviour and enhance students' success at school.

Initiatives under PB4L include Wellbeing@School, which is an evidence-based self-review approach that schools can access to guide their work on developing safe, positive school environments, and My FRIENDS Youth, which is designed to build young people's self-esteem and resilience by teaching them practical skills to cope with life challenges.⁸⁸

224. The *Te Punanga Haumarū Fund* supports whānau and community-driven action that encourages positive social behaviour in children and reduces bullying. *Te Punanga Haumarū* means, literally, a haven to rest and restore – a place of safety, where we can be warm and secure. It will provide \$2.8 million each year for families and communities to come together and work out ways that they can support their children.

225. The Curriculum/*Te Marautanga o Aotearoa* Health and Physical Education course encourages students to demonstrate empathy and develop skills that enhance relationships. It also encourages students to take responsibility and action to contribute to healthy communities and environments.⁸⁹

226. The Harmful Digital Communications Bill, which if passed in its current form, will address cyber bullying, online harassment, posting intimate pictures and other harmful digital communications. It provides for:

- an approved agency to deal with complaints about harmful digital communications and provide education about online safety and conduct
- the District Court to make a number of remedial orders where the approved agency is unable to resolve a complaint
- new criminal offences to deal with the most serious instances of harmful digital communications - these relate to causing serious emotional distress by sending digital communications and inciting or counselling a person to commit suicide, but where there is no suicide or attempted suicide as a consequence.

The Bill was considered by Parliamentary Select Committee, which reported the Bill back to Parliament on 27 May 2014 recommending that it be passed.

227. In 2014 Police adopted a Police/Schools Operating Model, which includes a suite of programmes for schools, including the *Kia Kaha* (anti-bullying) programme. *Kia Kaha* has been delivered in a large number of schools by Police School Community Officers working in partnership with teachers since the 1990s. *Kia Kaha* uses a whole school approach to address the school ethos and environment, and to connect with the school community. Police also supports a number of priority schools to develop and implement school-wide interventions to address safety issues.

⁸⁸ For more information on anti-bullying initiatives under PB4L, see: <http://www.minedu.govt.nz/NZEducation/EducationPolicies/SpecialEducation/OurWorkProgramme/PositiveBehaviourForLearning/About.asp>.

⁸⁹ For the values underlying the New Zealand Curriculum/*Te Marautanga O Aotearoa* see paragraph 65.

D. Rest, leisure, recreation and cultural activities (Article 31)

228. MYD funds providers to deliver services and programmes for young people aged 12 to 24 years.

The programmes and services focus on delivering an effective youth development curriculum to achieve positive outcomes, and enhance protective factors in young people's lives through opportunities to engage with and positively contribute to their community. In the 2013/14 financial year over 30,000 young people participated in a range of youth development programmes and services including Stage Challenge, cultural groups, performance groups, art and digital storytelling exhibitions.

229. A new fund, *Moving the Māori Nation*, establishes a contestable fund to focus on Māori sporting and cultural activities, and capacity development and support for sports and cultural bodies.

230. The 2012 *Youth2000 survey* of 8,500 students found that young people participate in a wide variety of leisure activities. For example, 31 percent of them were involved in music, art, dance or drama. 62 percent of students reported engaging in at least 20 minutes of vigorous physical activity on three or more occasions in the last week. However, only 10 percent of students (14 percent males and 6 percent females) had met the current recommendation of 60 minutes of physical activity a day.

231. The Ministry of Culture and Heritage funds or partially funds a range of services or programmes that support the right of the child to participate in culture and arts. Notable examples include Sistema Aotearoa (teaches children to play an instrument in conjunction with the Auckland Philharmonia Orchestra), the New Zealand Music Commission Musicians Mentoring in Schools Programme and the Bands Mentoring in Schools Programme, and the Royal New Zealand Ballet Education Programme.⁹⁰

232. Sport and recreation are an important part of young New Zealander's lives. The 2011 *Young People's Survey* found that, of the 17,000 young New Zealander's surveyed (aged between five and 18 years old), nine out of 10 young people spend three or more hours a week taking part in sport and recreation. The Survey also reinforces the importance of schools, clubs, coaches and instructors in supporting young people to participate in sport.⁹¹ Sport NZ has developed a number of initiatives that support different aspects of children's sport. Kiwisport (a government funded initiative to promote sport for school-aged children), develops young people as leaders and coaches, encourages the use of sport as a mechanism for improving educational outcomes in schools, and creates tools for providers to increase the quality of the sport experience for children (e.g. ActiveMark). Sport NZ has also developed national guidelines that support the

⁹⁰ For more information about these programmes see: <http://www.mch.govt.nz/what-we-do/our-projects>.

⁹¹ For more information on the results of the 2011 Young Peoples Survey see: <http://www.sportnz.org.nz/managing-sport/research/young-peoples-survey-2011>.

right of children to participate in an environment that is physically and socially safe and responsive to their needs as participants.⁹²

1. *Allocate sufficient funding for services and programmes for school-age children after school and during holiday periods [CRC/C/NZL/CO/3-4, para 48]*

233. MYD funds providers to deliver programmes and services for young people aged 12 to 18 years old after school and during holiday periods in various locations. Funding is divided into two categories:

- \$5.7 million is allocated to *Services for Young People*. This includes investment in community based services e.g. Stage Challenge, the Duke of Edinburgh's Hillary Award, community youth workers and leadership workshops.
- \$0.9 million is allocated to the *Youth Development Partnership Fund*. This provides one-off partial funding to assist City and District Councils to support young people to engage in local government or their community.

These programmes and services are accessible to all young people in various locations with reduced or no cost to attend.

234. The Break-Away School Holiday Programme provides young people aged 11–17 with structured activities during the school holidays. These activities are designed to be enjoyable and support skill and personal development. The holiday programme is available nationally throughout New Zealand in disadvantaged communities at no cost to the participants. Around 30,000 one-week places are available throughout the year.

235. OSCAR programmes are delivered by a range of different providers contracted by MSD.⁹³ They provide before and after school and school holiday programmes for school age children, usually up to and including children aged 13 years. MSD contracts for approximately 52, 000 children each year.

IX. Special protection measures

A. Economic exploitation including child labour (Article 32)

1. *Measures to ensure that no person under the age of 18 is allowed to work in a dangerous workplace, and ratify ILO Convention No. 138 (1973) [CRC/C/NZL/CO/3-4, para 50]*

236. New Zealand's consistent approach to children's employment is that our existing policies and legislative framework provides effective age thresholds for entry to work in general, and for safe work. The Government continues to monitor the situation.⁹⁴

⁹² For more information on Sport NZ see: <http://www.sportnz.org.nz/>.

⁹³ For more information about OSCAR providers see: <http://www.oscarnz.org.nz/#OSCAR>.

⁹⁴ For more information on a minimum age for access to employment see the response to Concluding Observation 9(a) at paragraphs 23 and 24.

B. Sexual exploitation and abuse

1. *Adopt the Child and Family Protection Bill and take adequate measures to combat the exploitation of migrant girls in prostitution, including intensify data collection efforts [CRC/C/NZL/CO/3-4, para 52]*

237. New Zealand's measures to combat the exploitation of migrant girls in prostitution and efforts to collect data on this issue are outlined in New Zealand's Initial Report under the OPSC.

C. Helplines

1. *Allocate sufficient funding to enable toll-free, 24 hour access to the child helplines, with three or four digit numbers accessible from anywhere in the country [CRC/C/NZL/CO/3-4, para 54]*

238. MoH fully funds the operation of PlunketLine and HealthLine. Both operate 24 hours a day, 7 days a week and are free to call from landlines and mobile phones and provide information on WCTO topics and general health advice respectively. A new national Telehealth service is currently being developed to provide a free, 24 hour, single point of access to Healthline, Poisonline, Immunisation advice for the public, Quitline, Gambling Helpline, Alcohol and Drug Helpline and the Depression Helpline.

239. As part of CAP, The Hub will become the initial triage point that receives referrals and reports of concern about children from the public, professionals and children. The Hub will receive the initial contact and use ViKI to help staff decide which response is best suited to meet a child's needs and refer them to the appropriate service. This may involve a direct referral to existing emergency lines (Police and CYF) and other helplines (NGO and parenting lines). It is envisaged The Hub will be operational by 1 July 2015.

240. A number of toll-free, nationally accessible, child and youth focused helplines are available via alphanumeric numbers. One service also provides a text helpline service. Coverage is comprehensive during the main hours that children seek help (up to 12 hours a day). One service provides 24-hour coverage.

D. Children in situations of emergency (Article 22)

241. Claims for asylum and protected person status are assessed individually in New Zealand. Immigration New Zealand's (INZ) Refugee Status Branch (RSB) is aware of the need to ensure the child's views and best interests are a primary consideration and that they may not coincide with those of the parents. As such the RSB looks at ways to ensure the child's views and interests can be assessed independently. In the case of unaccompanied minors, the RSB ensures that they are supported and properly represented during the claim process. Section 375 of the Immigration Act 2009 outlines the requirements for the appointment of a responsible adult for

any unaccompanied minors who claim asylum in New Zealand. Children seeking asylum have access to publicly funded education and health services.

242. In 2010 INZ developed family re-unification Operational Guidelines for refugees resettled under the Refugee Quota Programme. Under these Guidelines minors who were separated from their parents are entitled to re-unification with their parent(s) or legal guardian(s), regardless of their refugee status.

E. Protection against torture (Article 37)

243. New Zealand is a party to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and does not practise capital punishment. New Zealand also ratified the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2007. The Subcommittee on Prevention of Torture visited places of detention in New Zealand in April 2013, and made 43 recommendations. New Zealand responded in May 2014.

244. The Youth Court cannot impose sentences of imprisonment. All under 17 year olds charged with murder or manslaughter are automatically transferred to the adult jurisdiction following pre-trial processes, and others transferred from the youth jurisdiction for other serious offending, can be imprisoned in facilities for adults. The majority of youth offenders under the age of 17 are accommodated under measures provided for in the CYP&F Act.

245. Children and young people can be admitted to a CYF youth justice residence when they have been arrested by the Police, remanded in custody by the Court, ordered by the Youth Court to be placed in a residence for three to six months (Supervision with Residence Order), or sentenced to imprisonment.

246. The Department of Corrections runs three specialist units for young offenders within men's prisons across the country. In general, all men under the age of 18 are held in these units, as are 18 and 19 year-old men who are vulnerable and do not pose a risk to the under 18 year olds. Where prisoners are at risk of self-harm, they are placed in an At-Risk Unit.⁹⁵ Remand prisoners are sometimes housed temporarily in other prisons where Court appearances require it. Because there are so few women prisoners under the age of 18 in custody at any one time (there are typically fewer than five), there are no specialist facilities for young women prisoners. All women under the age of 18 are carefully assessed for vulnerability and either placed with over 18 women or, if the risk of mixing outweighs the isolating effects of separation, kept separate from the older women.

⁹⁵ An At-Risk Unit is a dedicated unit that has facilities to prevent self-harm and allows for close observation of prisoners.

F. Children in conflict with the law (Article 40)

247. Children who come into conflict with the law have the protections of sections 21 to 27 of BORA, which cover a person's rights on search, arrest and detention. Government is aware of the particular vulnerability of young people in these situations, and has therefore taken extra measures to ensure that young people can access and benefit from these rights.
248. The CYP&F Act affords specific youth rights as well as recognising that young people who offend need to be held accountable in a way that acknowledges their needs. It promotes restorative processes that involve families and wider support networks in the task of helping young people to change their offending behaviour. Most young offenders are effectively diverted away from formal justice processes. BPS result 7 requires the Government to reduce the youth crime rate by 25 percent by June 2017. This target has already been exceeded.
249. Police have developed guidelines for officers questioning young people, to ensure their rights are upheld. All officers have also been issued with an updated 'rights card' that advises young people of their rights. A new information sheet has also been prepared for the adult that the youth nominates to accompany them in any interview. Police has undertaken research in this area to improve the evidence base around alternative actions that work for children and young people.

1. Implement international standards of juvenile justice [CRC/C/NZL/CO/3-4, para 56]

250. The youth justice provisions of the CYP&F Act are based on principles such as addressing the causes underlying the child or young person's offending, strengthening families and considering the interests and views of the victims, that echo the international principles of juvenile justice. YCAP sets the strategic direction for youth justice and further embeds these principles through its three key strategies of reducing escalation, partnering with communities and early and sustainable exits from the justice system.
251. New Zealand's treatment of young people detained in prisons aligns with most areas of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules). All young people in prisons participate in education and vocational training through correspondence, and with tutors working in prisons to provide support. All are housed in clean and humane facilities, and have access to appropriate rehabilitation and treatment. The treatment of young people in prisons is subject to a number of independent oversights and legislative safeguards that ensure human rights are upheld and needs are met. The aim is to ensure young people in prisons acquire the skills needed to help them reintegrate successfully into the community. Corrections is aiming to increase the amount of rehabilitation, education and vocational training that young people can access from 30 hours to 70 hours a week.

2. *Raise the minimum age of criminal responsibility [CRC/C/NZL/CO/3-4, para 56(a)]*

252. Government is currently not considering raising the minimum age of criminal responsibility. The legislative changes in the Children, Young Persons, and Their Families (Youth Courts Jurisdiction and Orders) Amendment Act 2010 lowered the age that children who commit serious offences can be dealt with in a Youth Court. Sections 272(1)(a) - (c) of the Act specifies the circumstances that a 12 or 13 year old can be brought before the Youth Court. The amendment provides a greater range of options for responding to serious and persistent offending by a small number of children and young people. An unpublished review of this legislative change found that as of 30 June 2013, 34 cases involving children aged 12 or 13 years had appeared in the Youth Court. Of these, only five of these children received a formal Youth Court order.

3. *Consider setting the age for criminal majority at 18 years [CRC/C/NZL/CO/3-4, para 56(b)]*

253. Government is currently not considering raising the age of criminal majority to 18 years. Raising the age of criminal majority would impact on the youth justice jurisdiction and is likely to involve significant costs. Any change to the age of criminal majority would need to be carefully considered.

4. *Develop a broad range of alternative measures for children in conflict with the law, and implement the statutory principle that detention is a measure of last resort and should be for the shortest period of time possible [CRC/C/NZL/CO/3-4, para 56(c)]*

254. The range of interventions available in the youth justice system is being increased as part of YCAP, which identifies 'reducing escalation' and 'early and sustainable exits' as two of the key strategies for responding to youth offending. As of June 2014 there are 320 supported bail places available to manage young people in the community who would otherwise be held in custody. Electronically monitored bail is also available, which will further reduce the number of young people in custodial detention on remand. CYF are also working more closely with Police to increase early case consultation, avoid unnecessary escalation of young people through the formal youth justice system, and ensure that the rights of young people in Police detention are upheld.

255. There a range of other projects underway as part of YCAP which aim to provide a more appropriate response to youth offending. The *Reinvigorating Family Group Conferences Project* will ensure that FGCs, including youth justice FGCs, are well managed and well informed, which will assist appropriate decision making in FGCs. CYF is also implementing the *Tuituia*

assessment tool,⁹⁶ which is a more comprehensive assessment framework that will allow for better-informed decision making in respect of children and young people who offend.

5. *Ensure no age-mixing unless it is in the best interests of the child [CRC/C/NZL/CO/3-4, para 56(d)]*

256. MoH guidelines assist DHBs and mental health service providers to comply with the non age-mixing provisions of article 37(c). The guidelines outline the relevant Convention principles and advise that the best interests of the child should be considered paramount and that upholding the right of detained children to separation from adults should not be limited by financial or resource constraints. The guidelines also describe the MoH's expectations in situations where it is considered in the best interests of a child or young person under 18 years to be placed in an adult ward. Directors of Area Mental Health Services are required to report any instances of age-mixing in mental health units to the Ministry of Health. Notifications must include a justification for age-mixing that confirms it is in the best interests of the child. In cases where it is unclear whether age-mixing has been in the best interests of the child or young person, the Director of Mental Health may intervene.

257. Youth forensic mental health services are specialist community and inpatient services for youth with mental health and alcohol and other drug disorders, and who are involved with the justice system. In 2013 and 2014, implementation of community youth forensic services has continued with positive progress being made on the appointment of eight new community staff. This is in addition to the 25 new community staff appointed in 2012 and 2013. The funding approval process for a 10 bed secure inpatient youth forensic service is now complete. An inpatient youth forensic service is expected to begin operation by November 2016.

258. CYF now have audiovisual links in place between the Youth Courts and the four youth justice residences to reduce in-person court appearances where possible. In addition YCAP will lead to a further reduction in arrests and court appearances for children and young through the key strategies of reducing escalation and early and sustainable exits for young people in the youth justice system.

259. Detention of minors under the Immigration Act 2009 is only used in exceptional circumstances. Where detention is required, it is administered in accordance with the legislation and policies regulating the place of detention (facility). INZ is aware of the requirements of article 37(c) and aims to reduce and prevent age mixing of minors.

⁹⁶ For more information about the Tuituia assessment tool see: <http://www.practicecentre.cyf.govt.nz/policy/assessment-and-decision-making/resources/the-tuituia-assessment-framework-guidelines.html#WhatistheTuituiaassessment1>.

6. *Seek advice and make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and by its members [CRC/C/NZLCO/3-4, para 56(e)]*

260. While New Zealand takes an interest in the work of the Interagency Panel on Juvenile Justice, we have yet to seek advice and make use of the technical assistance tools developed by the Panel. We appreciate that where needed, the tools are available.

G. Protection of witnesses and victims of crimes (Article 39)

1. *Ensure that all child victims and/or witnesses of crimes are provided with the protection required by the Convention [CRC/C/NZL/CO/3-4, para 57]*

261. The protective services offered to child victims and witnesses are outlined in paragraphs 89 to 106 of New Zealand's Initial Report under the OPSC.

262. In 2014 the CYP&F Act was amended to ensure that victims' rights in the adult criminal jurisdiction are applied in the youth justice jurisdiction, in addition to the existing rights provided by the CYP&F Act. A core feature of this is increasing the support of victims at hearings of the Youth Court.

263. The revised Child Risk Factors tool has been in use since November 2013. The tool helps Police identify the level of risk facing child victims and witnesses of family violence. It also helps CYF to prioritise children not meeting the threshold of the Child Protection Protocol who are vulnerable to abuse. This allows CYF to consider other care and protection options, including providing the family with appropriate support or referral to other agencies.

H. Children belonging to minority groups (Article 30)

264. Since 2003, there has been a whole-of-government approach to supporting new migrants, refugees and their families with services to support their settlement. In 2012 the Government approved a refugee resettlement strategy to specifically address the needs of refugees. A new migrant specific cross-government approach was introduced in 2014 to improve monitoring and outcome reporting for whole-of-government settlement activities and decisions about the best use of resources to support migrants, as recommended by the Controller and Auditor-General in their November 2013 report. The *New Zealand Migrant Settlement and Integration Strategy* will also provide a basis for aligning services and prioritising funding across government to improve outcomes. Two of the five Strategy outcome areas directly support migrant children: Education and Training and English Language. The relevant respective success indicators are: increased proportion of migrant school-leavers who achieve NCEA Level 2 or higher after five years in the New Zealand education system, and utilisation of school-funded English language support by migrant children.

265. Refugee and Migrant Social Services, administered by MSD, provides culturally appropriate social work and counselling services to refugees, and a limited number of migrants to address their social needs. The programme is targeted at ethnic communities with an identified need for social work assistance and support after their first year in New Zealand.

1. Take into account the observations and recommendations made by the Special Rapporteur on the rights of indigenous peoples following his visit to New Zealand in July 2010 [CRC/C/NZL/CO/3-4, para 58]

266. On 20 April 2010, the Government declared its support for the United Nations Declaration on the Rights of Indigenous Peoples. The Government notes in particular articles 7 (supporting tamariki Māori to stay with their whānau), 14 (education of tamariki Māori), 17 (employment protections for tamariki Māori), 21 (improvement of economic and social conditions) and 22 (special protections for tamariki Māori) which are relevant to the Convention.

267. Through the cross-government *Drivers of Crime* work programme, *the Turning of the Tide* and YCAP, the Government is supporting Māori led initiatives to advance our understanding of what works to reduce disproportionate Māori involvement in the criminal justice system. Among the targets to be achieved for *Turning of the Tide* by 2017/18 are a 10 percent reduction in the proportion of first-time youth offenders who are Māori and a 20 percent reduction in the proportion of repeat youth offenders who are Māori. The strategy was launched in December 2012 and includes a focus on the 200 to 250 youth offenders per annum (70 percent of whom are Māori) that MoJ research has identified are most likely to go on to become “career criminals”. Police activity is directed to reducing offending and victimisation among Māori with an explicit focus on working in partnership with iwi and Māori individuals, whānau, communities, agencies and stakeholders. The emphasis on joint working reflects good practice and promotes greater ownership and self-determination for Māori and iwi.

268. Rangatahi Courts have been set up to provide an alternative response to Māori young offenders within the cultural setting of a marae.

269. Police is also drafting a Memorandum of Understanding (MoU) with *Te Wānanga o Aotearoa*, the largest indigenous provider of tertiary education in New Zealand. The MoU includes the provision of placements in courses as part of ‘Alternative Action’ plans for young eligible offenders.

270. MSD implemented the *Mā Mātou, Mā Tātou* strategy in 2010 which reiterates the importance of working with Māori. This aims to:

- deliver a service that is internationally recognised as being culturally sensitive, respectful and responsive for Māori

- build strong, respectful and positive partnerships with hapū and iwi
- incorporate the values, culture and beliefs of Māori and promote te reo Māori in our everyday work.

X. Disability (Article 23)

271. The 2013 Disability Survey⁹⁷ found that there are 131, 000 children under the age of 18 with a disability in New Zealand. Children with disabilities, where appropriate, can access the range of mainstream universal and targeted government, medical and social services available to all children in New Zealand based on need and, for some targeted services, any eligibility criteria. Where children with disabilities require additional support because of their disability, specialist services are available.

- **Child Disability Allowance (CDA):** is available to an eligible main carer of a child or young person under 18 years who has a serious illness or disability and needs constant care and attention. As at the end of June 2014, there were 34, 501 children receiving CDA.
- **New Zealand Sign Language (NZSL):** in 2014, the Government allocated \$11 million over four years to NZSL initiatives. This includes establishing a Family Whānau Sign Language Facilitator service targeted to families with newly identified deaf children. It also includes a NZSL Implementation Task Force to facilitate increased access to effective and appropriate NZSL supports and services for students who use NZSL and are enrolled in mainstream schools, starting with a cohort of approximately 60 students.
- **Behaviour Support Services:** in 2014 a single provider of Behaviour Support Services was announced to make the services more accessible and consistently available through the country. Services include an early intervention focus for children that recognises effective behaviour support can prevent behaviours developing into a conduct disorder.
- **Wraparound Intensive Individualised Support (WIIS):** has been available in Auckland since 2009 and was rolled out nationwide in June 2013. WIIS provides a package of tailored services delivered through a single provider to high needs children with disabilities, and their families and whānau to prevent family breakdown and the consequential need for residential care.
- **Autism Spectrum Disorder Work Programme (ASD):** in 2008, the Government allocated \$5 million per annum to develop and improve ASD specific services. The development of services for children with ASD and their family and whānau are prioritised. Services available nationally include information about ASD, an ASD Development Coordination function, three national parent education services for parents of pre-schoolers, children

⁹⁷ http://www.stats.govt.nz/browse_for_stats/health/disabilities/DisabilitySurvey_HOTP2013.aspx.

who are 5 to 12 years old, and parents of adolescents, an ASD Communication and Behaviour Support Service for children and young people, and resources and training for specialists in assessment and diagnosis of ASD.

- Education specialist services: early intervention, speech-language behaviour and complex needs as well as physical disability and moderate hearing services are provided to over 30,000 children with disabilities and other special education needs per annum. Government also provides funding to schools and agencies to provide other special education services and support to a further 50,000 -70,000 children every year, and direct services to deaf and hard of hearing learners through Advisors on Deaf Children and a national service network.
- This Government has prioritised Vocational Services for School Leavers with Disabilities and Very High Needs to provide services to new school leavers who are entering into the Very High Needs Scheme.
- Amendments to the CYP&F Act: emphasised the need to thoroughly explore services and supports available for a child in his or her home environment, before entering into an agreement for out-of-home care.

XI. Ratification of international human rights instruments

1. Proceed with the ratification of the Optional Protocol on the sale of children, child prostitution and child pornography [CRC/C/NZL/CO/3-4, para 59]

272. New Zealand ratified the OPSC on 20 September 2011.

2. Consider ratifying the international human rights instruments to which it is not yet a party [CRC/C/NZL/CO/3-4, para 60]

273. New Zealand is considering acceding to the Convention for the Protection of All Persons from Enforced Disappearance, in accordance with its domestic processes. New Zealand is not considering whether to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights at this stage but this decision may be reviewed at a later date. New Zealand is not presently considering signing or ratifying the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Other human rights instruments and domestic legislation currently provide comprehensive protections to migrant workers.

XII. Optional Protocols to the Convention on the Rights of the Child

A. Follow-up: Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (Article 34, 35 and 36)

274. For an update on New Zealand's progress with regard to the OPSC, see New Zealand's Initial Report under the OPSC.

B. Follow-up: Optional Protocol on the Involvement of Children in Armed Conflict (Article 38)

275. Article 1: Legislative measures to prohibit the involvement of children in direct hostilities

Section 37 of the Defence Act 1990, provides that "no person serving in the Armed Forces who is under 18 years is liable for active service". Internal audits by the NZDF are regularly conducted on quality control and assurance to ensure that service members under 18 years are not posted on active service outside New Zealand. No one under the age of 18 years serving in the New Zealand Armed Forces has been taken prisoner or participated in active duty during hostilities outside New Zealand.

276. Article 2: Compulsory recruitment

Currently there is no legislation in New Zealand providing for compulsory recruitment or conscription.

277. Article 3: New Zealand's minimum age for voluntary recruitment

Section 33(1) of the Defence Act 1990 provides that "no person who is under 17 years may be appointed to, or enlisted or engaged in, the Navy, the Army, or the Air Force." In deciding to maintain the minimum age of 17 years for voluntary recruitment, the factors outlined below were noted.

- Analysis shows that there is an inverse relationship between the age on enlistment and retention after five years of service. This is seen as an important factor for an organisation that is very dependent on the build-up and development of institutional knowledge and experience.
- The NZDF's recruitment criteria emphasises qualities such as sound reasoning skills and a willingness to work using other more practical attributes, rather than academic qualifications. The NZDF is competing with other employers for a relatively limited sector of the labour market. If the recruitment age was raised, prospective recruits may seek alternative employment or remain unemployed.
- The NZDF currently has difficulty attracting enough recruits to fill technical positions, despite providing technical training to qualification levels. This could be exacerbated by raising the minimum recruitment age.

- Recruitment into the armed forces has traditionally offered young people from lower socio-economic groups, particularly those who leave school at 17 years, the opportunity to succeed in an environment where all recruits start on an equal footing. Recruitment is especially significant for those who may be less likely to build and develop in other types of career options.
- New Zealand's declaration on the minimum age for voluntary recruitment also included an outline of the safeguards to ensure that such recruitment is not forced or coerced.

278. Discipline of voluntary recruits under the age of 18 years

Section 117Y of the Armed Forces Discipline Act 1971 provides that a punishment of detention cannot be imposed on a service member who is under the age of 18 years without the prior approval of a superior commander. Over the period of data collection, no recruits under 18 years of age have been sentenced to detention across the armed forces.

279. Article 4: Armed groups and legislative provisions

Existing legislation, in broad terms, prohibits and criminalises the recruitment and use in hostilities by armed groups of persons under the age of 18 years.

280. Article 5: Other international instruments and international humanitarian law

New Zealand is a State party to the Rome Statute of the International Criminal Court (the Rome Statute). The International Crimes and International Criminal Court Act 2000 gives effect to New Zealand's obligations under the Rome Statute. New Zealand has also ratified the ILO Convention concerning the Worst Forms of Child Labour (Convention No. 182) and provided its most recent periodic report to ILO in 2012. New Zealand is a party to the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977. The obligations under those Conventions and Protocols are implemented in New Zealand law by the Geneva Conventions Act 1958 (amended in 1987).

281. Article 6: Implementation and enforcement of the Optional Protocol

The NZDF has responsibility for managing the recruitment and selection of members of the armed forces through the individual services. Implementation of the Optional Protocol is ensured through Defence Force Orders. The NZDF provides regular training on the law of armed conflict and targeted training for all forces prior to deployment on operations. The law of armed conflict training includes training on respect for human rights and special protection measures appropriate to, amongst others, children.

C. Follow-up: Optional Protocol on a Communications Procedure

282. New Zealand will consider the implications of signing and ratifying the Optional Protocol on a Communications Procedure as part of its commitment to the Convention.

Appendix One: Abbreviations

ACC	Accident Compensation Corporation
ASD	Autism Spectrum Disorder
ASEAN	Association of South East Asian Nations
BORA	Bill of Rights Act 1990
BPAG	Bullying Prevention Advisory Group
BPS	Better Public Service Results
CAP	Children's Action Plan
CAPPE	Children's Action Plan Programme Executive
CDA	Child Disability Allowance
CoCA	Care of Children Act 2004
CYF	Child, Youth and Family
CYMRC	Child and Youth Mortality Review Committee
CYP&F Act	Children, Young Persons and Their Families Act 1989
DIA	Department of Internal Affairs
DHB	District Health Board
DPO	Disabled People's Organisation
ECE	Early Childhood Education
FDR	Family Dispute Resolution
FGC	Family Group Conferences
FGM	Female Genital Mutilation
FVIARS	Family Violence Interagency Response System
GCAP	Guaranteed Childcare Assistance Payment
GP	General Practitioner
HLFS	Household Labour Force Survey
HPA	Health Promotion Agency
HRA	Human Rights Act 1993
HRC	Human Rights Commission
IECB	Inclusive Education Capability Building
ILO	International Labour Organisation
INC	Infant Nutrition Council
INZ	Immigration New Zealand
IRD	Department of Inland Revenue
LMC	Lead Maternity Carer
MHP	Māori Health Plan
MNE	Multi-National Enterprise

MoE	Ministry of Education
MoH	Ministry of Health
MoJ	Ministry of Justice
MSD	Ministry of Social Development
MYD	Ministry of Youth Development
NCEA	National Certificate of Educational Achievement
NEET	Not engaged in Education, Employment or Training
NZDF	New Zealand Defence Force
NZSL	New Zealand Sign Language
N4L	Network for Learning
OB	Orphan's Benefit
ODA	Overseas Development Assistance
OECD	Organisation for Economic Cooperation and Development
OPAC	Optional Protocol on the Involvement of Children in Armed Conflict
OPSC	Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography
OSCAR	Out of School Care and Recreation
PB4L	Positive Behaviour for Learning Plan
PLD	Professional Learning Development
PSO	Police Safety Orders
RSB	Refugee Status Branch
SCI	Specialist Child Witness Interviewers
SIDS	Sudden Infant Death Syndrome
SPBEQ	Secretariat for the Pacific Board of Education Quality
SSF DCEs	Social Sector Forum Deputy Chief Executives
SUDI	Sudden Unexpected Death of an Infant
SuPERU	Families Commission/SuPERU
SWiS	Social Workers in Schools
TPK	Te Puni Kōkiri (Ministry of Māori Affairs)
TPU	Teen Parent Units
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations Refugee Agency
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UMG	United Nations Convention on the Rights of the Child Monitoring Group
UCB	Unsupported Child's Benefit

ViKI	Vulnerable Kids' Information System
VIP	Violence Intervention Programme
VCB	Vulnerable Children's Board
WIIS	Wraparound Intensive Individualised Support
WCTO	Well Child / Tamariki Ora Services
YCAP	The Youth Crime Action Plan
YP	Youth Payment
YPP	Young Parent Payment
YWiSS	Youth Workers in Secondary Schools

Appendix Two: Glossary

Asian (ethnic group): people who identify with an Asian ethnicity (for example, Chinese, Indian, Korean), with or without other ethnicities. An ethnic Indian who was born and raised in Fiji will usually be classified as Asian, unless self-reported as Pacific.

Benefit: a non-repayable grant paid by the state to individuals, usually at regular intervals, to provide them with financial support. Examples are the Jobseeker Support, and Sole Parent Support for those who are unable to work due to caregiving responsibilities for children. Most benefits in New Zealand are paid through Work and Income.

Better Public Service Results (BPS): The BPS Results are a set of 10 challenging targets set by Government in 2012 for the public sector to achieve before 2017.

Census: a five-yearly survey of every individual and every household in New Zealand collecting a range of demographic and indicator data.

Decile: Deciles are a way in which the Ministry of Education allocates additional funding to schools to enable them to overcome the barriers to learning facing student from low socio-economic households. A decile is a 10 percent grouping, there are 10 deciles and around 10 percent of schools are in each decile. A school's decile rating indicates the extent to which it draws its students from low socio-economic communities. Decile one schools are the 10 percent of schools with the highest proportion of students from low socio-economic communities, whereas decile 10 schools are the 10 percent of schools with the lowest proportion of these students. The lower a school's decile rating, the more decile-based funding it gets.

Employed: working for pay (salary or wages) for at least one hour per week.

Ethnicity: an ethnic group is made up of people who have some or all of the following characteristics:

- a common proper name
- one or more elements of common culture that need not be specified, but may include religion, customs or language
- unique community of interests, feelings and actions
- a shared sense of common origins or ancestry
- a common geographic origin.

This definition is based on the work of A Smith (1986) *The Ethnic Origins of Nations*. Ethnicity is self-perceived and people can belong to more than one ethnic group. People

can identify with an ethnicity even though they may not be descended from ancestors with that ethnicity. Conversely, people may choose to not identify with an ethnicity even though they are descended from ancestors with that ethnicity. In Census data, ethnicity is identified by the person completing the census form. In the case of births and deaths, ethnicity is identified by the person completing the registration form. For births this is usually the parents, while for deaths this is most likely to be the funeral director (on the advice of a family member).

European (ethnic group): people who identify with a European ethnicity (for example, New Zealand European, English, Dutch), with or without other ethnicities.

General Practitioner (GP): the doctor that you would see first for non-emergency medical care, usually at a local health-care centre.

Hapū: A hapū is a division of a Māori iwi often translated as ‘subtribe’. Membership is determined by genealogical descent; a hapū is made up of a number of whānau (extended family) groups.

Iwi: The traditional Māori tribal hierarchy and social order made up of hapū and whānau with a founding ancestor and territorial (tribal) boundaries. Iwi are the largest everyday social units in Māori populations.

Kura: School.

Lead Maternity Carer: has overall professional and clinical responsibility for a woman’s primary maternity care and is expected to provide continuity-of-care to the woman. The woman can choose the Lead Maternity Carer who can be either a midwife, general practitioner or an obstetrician. The Lead Maternity Caregiver is responsible for providing or co-ordinating care throughout pregnancy, labour, birth and for six weeks after the birth.

Low income household: a household with real disposable (after-tax) income less than 60 percent of the national median, benchmarked at 2001, adjusted for inflation and equivalised for household size and composition, with 25 percent deducted for average housing costs.

Māori: (n) the indigenous people of New Zealand; (adj) of or pertaining to these people.

Māori (ethnic group): People who identify with the Māori ethnicity with or without other ethnicities.

Marae: Is the central area of a Māori community, a place where the local people (tangata whenua) can meet to conduct many of their familiar and sacred events.

Middle Eastern, Latin American and African (MELAA) (ethnic group): people who identify with Middle Eastern, Latin American or African ethnicities, with or without other ethnicities.

National Certificate of Educational Achievement (NCEA): the main national qualification toward which young people first earn credits as part of their compulsory schooling. Level one of the NCEA represents the first qualification earned by most young people, being assessed in Year 11 of their compulsory schooling (age about 15).

New Zealander (ethnic group): people who identify their ethnicity as New Zealander, with or without other ethnicities. On Census forms, a “New Zealander” ethnicity is not included as a tick-box option, but individuals can choose to tick “other” and manually specify “New Zealander” as their ethnic group.

Other Ethnic Group: people who identify with Middle Eastern, Latin American or African ethnicities, with or without other ethnicities.

Pacific /Pasifika: terms used to describe or identify people living in New Zealand who have migrated from the Pacific Islands or who identify with the Pacific Islands because of ancestry or heritage. There is no officially sanctioned term to describe this group of people. It is important to note that Statistics New Zealand categorises a person based on their ethnic origin rather than nationality, so a Fijian of Indian ethnic origin, but born in Fiji, would be categorised as Asian.

Pākehā: the Māori name, in common usage, for New Zealanders of European heritage (often used as a blanket term to refer to fair-skinned New Zealanders).

Primary Health Organisations (PHO): Primary Health Organisations are the local structures for delivering and co-ordinating primary health care services. They bring together doctors, nurses and other health professionals (such as Māori health workers, health promotion workers, dieticians, pharmacists, physiotherapists, psychologists and midwives) in the community to serve the needs of their enrolled populations.

Rangatahi: younger generation or youth.

Tamariki Māori: Māori children.

Te Reo Māori: the Māori language.

Unemployed: not employed, but actively seeking and available for paid work. Those who are “Not In the Labour Force” (e.g. students, people with chronic illnesses that prevent them from working, or those caring for infants) are not counted as unemployed.

Whakapapa: genealogy, lineage or descent.

Whānau: Whānau is a wider concept than just an immediate family made up of parents and siblings - it links people of one family to a common tupuna or ancestor. However it is commonly used in many contexts as the Māori term for family or extended family.

Youth / young person: are those aged 12–24, but where available statistics used for the purpose of this report are for those aged 12–18 years.

Appendix Three: Legislation⁹⁸

Legislation enacted since February 2011 that enhances New Zealand’s compliance with the Convention

Article Supported	Legislation
Articles 19, 20, 23, 34, 37, 40	<p>Vulnerable Children Act 2014: enables government to set priorities for improving the well-being of vulnerable children and requires the chief executives of key government agencies to work together to achieve measures aimed at:</p> <ul style="list-style-type: none"> • protecting children from abuse and neglect • improving their physical and mental health and their cultural and emotional well-being • improving their education and training and their participation in recreation and cultural activities • strengthening their connection to their families, whānau, hapū, and iwi or other culturally recognised family group • increasing their participation in decision making about them and their contribution to society • improving their social and economic well-being. <p>The Act also provides for Safety Checking of people employed in certain roles in central government and government-funded organisations working with children. It also requires certain organisations, including central government and certain contracted providers, District Health Boards, and School Boards to have child protection policies in place.</p>
Articles 33, 24	<p>Smoke-Free Environments (Controls and Enforcement) Amendment Act 2011: further restricts the supply of tobacco products and psychoactive substances to people under the age of 18, and establishes an infringement notice scheme in relation to certain provisions including the prohibition on the sale of tobacco to people younger than 18.</p>
Articles 33, 24	<p>Psychoactive Substances Act 2013: creates offences relating to the sale of approved products by or to persons under the age of 18 and the possession of a psychoactive substance without a license.</p>

⁹⁸ Legislation mentioned in this report is freely available at New Zealand Legislation Online: <http://www.legislation.govt.nz/>.

Articles 26, 27	Child Support Amendment Act 2013: creates a new comprehensive child support formula that comes into effect from 1 April 2015 which takes into account the income of both parents and the cost of raising a child, more accurately recognises the amount of time a child is in the care of each parent; and improves the administration of the scheme. In addition, from 1 April 2016, the age of ‘child’ drops from 19 to 18, child support debt will be able to be written off in a greater number of circumstances, penalty rates will be reduced and where parents are each liable to pay the other child support, the Commissioner will be able to offset one liability against the other.
Articles 18, 27	Parental Leave and Employment Protection Amendment Act 2014: will increase paid parental leave and maternity leave entitlements from 14 weeks to 16 weeks from 1 April 2015, then to 18 weeks from 1 April 2016 onwards.
Articles 18, 27	Taxation (Parental Tax Credit) Act 2014: increases the parental tax credit entitlement for lower and middle income working families from \$150 for 8 weeks to \$220 per week, for the first 10 weeks following the birth of their child.
Articles 26, 27	Social Security (Youth Support and Work Focus) Amendment Act 2012: introduced the Young Parent Payment (YPP) and set out eligibility criteria. This replaced some benefits that 16 to 18 year old parents could previously receive. It also included obligations designed to improve outcomes for the young person and their children, including participation in and completion of parenting and budgeting programmes in certain circumstances.
Articles 24, 28	Social Security (Benefit Categories and Work Focus) Amendment Act 2013: introduced social obligations for people receiving certain financial support regarding the health and education of their dependent children.
Articles 20, 26, 27	Children, Young Persons, and Their Families (Vulnerable Children) Amendment Act 2014: makes changes to improve responses for children who have come to the attention of Child, Youth and Family, by <ul style="list-style-type: none"> • amending the care and protection principles to better ensure that decision makers adopt, as the first and paramount consideration, the welfare and interests of the child or young person • introduces new requirements around assessing the care and protection needs of subsequent children of persons who have been convicted of the murder, manslaughter or death of a child in their care or, in certain circumstances, have had the care of a child removed. • a new special guardianship order for the purpose of providing a long term, safe, nurturing, stable and secure environment

	<ul style="list-style-type: none"> • changes to the Family Group Conference plans and court plans to give parents more clarity about the steps they must take to make to meet their child’s care and protection needs • better support, including financial assistance, if necessary, to young people aged 15 to 19 years who have been in state care and are transitioning to independence.
Articles 20, 26, 27	KiwiSaver (Vulnerable Children) Amendment Act 2014: this Act amended the KiwiSaver Act 2006 to enable certain guardians to opt into KiwiSaver accounts on behalf of children aged under 16.
Articles 3, 18	Family Dispute Resolution Act 2013: requires the use of family dispute resolution in certain CoCA disputes, and provides for operational measures required for the use of family dispute resolution.
Article 3	Care of Children Amendment Act 2013: amended the primary Act to provide that a lawyer, when giving advice to a person, must ensure the person is aware of mechanisms for resolving family disputes, for example FDR, and the need for the child’s welfare and best interests to be the first and paramount consideration when settling any arrangements for children.
Articles 3, 18	Care of Children Amendment Act 2013: amended the primary Act to introduce judicial settlement conferences to provide parties with an opportunity to settle arrangements for children to avoid the need for a hearing.
Articles 3, 19	Care of Children Amendment Act 2013: amended the primary Act to make the child’s safety the first principle among the list of relevant principles the Court must have regard to when making decisions about children to give it more prominence. The amendment also improved the link to the Domestic Violence Act 1995 and requires a Court to take into account any protection order that has been made and the reasons for it. The situations in which government funded supervised contact is available was extended to include all situations where a child may be at risk and not just physical or sexual violence as it was previously.
Article 3, 19	Domestic Violence Amendment Act 2013: made amendments to the primary Act to improve the safety and delivery of domestic violence programmes.
Articles 6, 19	Land Transport (Road User) Amendment Rule 2011: this Act included the requirement that “drivers must drive with due care for the safety of children; and drive at a speed not exceeding 20km per hour while passing any part of the school bus” by indicating that a stationary school bus must have a school bus sign displayed when

	overtaking a stopped school bus that is displaying a school bus sign and is stopped for the purpose of picking up or dropping off school children or has flashing lights.
Articles 6, 19	Land Transport (Driver Licensing) Amendment Rule 2011: Improved the safety of riders on a learner and restricted motorcycle licence by tightening requirements and allowed competency-based training to shorten the time required on a restricted licence before progressing to a full licence.
Articles 6, 19	Land Transport (Road User) Amendment Rule 2012: updated the helmet standards for users of bicycles. It provides that a person must not ride, or be carried on, a bicycle on a road unless the person is wearing a safety helmet of an approved standard that is securely fastened.
Articles 6, 19	Land Transport (Road Safety and Other Matters) Amendment Act 2011: Raised the minimum licensing age from 15 to 16 and provided for the New Zealand Transport Agency to strengthen the restricted license test (affects new and especially young drivers). Also lowered the youth drink drive limit (applies to drivers under 20 years of age from blood alcohol concentration (BAC) 0.03 to BAC zero and provided for infringement penalties (fines and demerit points) for youth zero for the breach of drink drive limits (between zero and the current level).
Articles 6 and 19	Land Transport (Road User) Amendment (No 2) 2013: extends the mandatory use of child restraints to passengers under seven years of age and requires child passengers up to seven years of age to be restrained in an appropriate child restraint if one is available.
Articles 6, 19	Land Transport (Driver Licensing) Amendment Rule 2014: introduced a five year time limit for new learner and restricted car and motorcycle licences to encourage licence holders to progress to a full licence as a demonstration that they have gained the skills and competence to drive safely.
Articles 17, 19,	Harmful Digital Communications Bill: (currently before Parliament) seeks to mitigate the harm caused to individuals by electronic communications and to provide victims of harmful digital communications with a quick and effective means of redress.
Article 34.	Objectionable Publications and Indecency Legislation Bill: (currently before Parliament) This Bill proposes amendments to the Films, Videos, and Publications Classification Act 1993. It increases the maximum sentence for making, supplying, distributing, or possessing for the purpose of supply or distribution, objectionable material from 10 to 14 years. It also increases the maximum sentence for knowingly possessing objectionable material from five to 10 years.

Legislation mentioned in this report

Adoption Act 1955

Adoption (Intercountry) Act 1997

Adult Adoption Information Act 1985

Armed Forces Discipline Act 1971

Bill of Rights Act 1990

Births, Deaths, Marriages and Relationships Registration Act 1995

Care of Children Act 2004

Citizenship Act 1977

Child Support Act 1991

Children, Young Persons and Their Families Act 1989

Children, Young Persons, and Their Families (Youth Courts Jurisdiction and Orders) Amendment Act 2010

Crimes Act 1961

Crimes (Substituted Section 59) Amendment Act 2007

Customs and Excise Act 1996

Defence Act 1990

Domestic Violence Act 1995

Education Act 1989

Education (Stand-down and Suspension, Exclusion and Expulsion) Rules 1999

Employment Relations (Flexible Working Arrangements) Amendment Act 2007

Evidence Act 2006

Family Disputes Resolution Act 2013

Films, Videos, and Publications Classification Act 1993

Geneva Conventions Act 1958

Health and Safety in Employment Act 1992

Health and Safety in Employment Regulations 1995

Human Rights Act 1993

Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003

International Crimes and International Criminal Court Act 2000

Immigration Act 2009

Marriage (Definition of Marriage) Amendment Act 2013

Mental Health (Compulsory Assessment and Treatment) Act 1992

Prostitution Reform Act 2003

Psychoactive Substances Act 2013

Sale and Supply of Alcohol Act 2012

Smoke-Free Environments (Controls and Enforcement) Amendment Act 2011

Victims' Orders against Violent Offenders Act 2014

Vulnerable Children Act 2014

Bills currently before parliament:

Harmful Digital Communications Bill

Objectionable Publications and Indecency Legislation Bill