



# Cabinet Social Wellbeing Committee

## Minute of Decision

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### Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure: Approval for Accession and Presentation to Parliament

**Portfolio**                      **Children**

On 27 October 2021, the Cabinet Social Wellbeing Committee (SWC):

- 1        **noted** that acceding to the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OPCP) was a 2020 Labour Party Manifesto Commitment;
- 2        **noted** that in 2019, SWC agreed to consider becoming party to the OCP following a recommendation from the United Nations (UN) Human Rights Council [SWC-19-MIN-0052];
- 3        **noted** that the OCP provides a communications (complaints) mechanism for the UN Committee on the Rights of the Child (the Committee) to consider allegations that a State party has breached the Children's Convention or its two related optional protocols;
- 4        **noted** that by becoming party to the OCP, complaints that New Zealand has breached its obligations under the Children's Convention or optional protocols could be taken to the Committee through three mechanisms:
  - 4.1      complaints can be submitted by, or on behalf of, an individual or group of individuals (compulsory);
  - 4.2      the Committee can inquire into alleged grave or systematic violations (default inclusion, can be opted out of);
  - 4.3      State parties can make complaints of violations where *both* State parties have opted into the inter-State communications process (not compulsory, must be voluntarily be opted into);
- 5        **noted** that no changes to domestic legislation are required to give effect to the obligations set out in the OCP;
- 6        **noted** that becoming a party to the OCP would improve protection of children's rights in New Zealand by:
  - 6.1      strengthening the Crown's commitment to honour its Tiriti o Waitangi obligations;
  - 6.2      providing independent oversight of New Zealand's complaints mechanisms;

- 6.3 increasing New Zealand's human rights compliance and international human rights reputation;
- 6.4 supporting the improvement of outcomes for Māori, disabled people, Pacific peoples, girls and women, and rainbow youth;
- 7 **approved** the content of the appended National Interest Analysis attached under SWC-21-SUB-0162;
- 8 **approved** the OPCP and National Interest Analysis attached under SWC-21-SUB-0162 for presentation to the House of Representatives for Parliamentary treaty examination in accordance with Standing Order 405;
- 9 **agreed** that in acceding to the OPCP, New Zealand will submit a declaration stating that New Zealand:
- 9.1 recognises the competence of the Committee to inquire into allegations of grave or systematic violations of the rights in the Children's Convention and its two optional protocols;
- 9.2 opts into the inter-State communications process to accept communications from other State parties;
- 10 **noted** that the OPCP would enter into force for New Zealand three months after the deposit of an Instrument of Accession with the Secretary General of the United Nations;
- 11 **noted** that based on current timelines, New Zealand is expected to be in a position to deposit the Instrument of Accession to the OPCP by mid-2022 and the OPCP would enter into force in late 2022;
- 12 **authorised** the Minister of Foreign Affairs to sign New Zealand's Instrument of Accession.

Rachel Clarke  
Committee Secretary

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**Present:**

Rt Hon Jacinda Ardern  
Hon Grant Robertson  
Hon Kelvin Davis  
Hon Dr Megan Woods  
Hon Carmel Sepuloni (Chair)  
Hon Andrew Little  
Hon Poto Williams  
Hon Kris Faafoi  
Hon Peeni Henare  
Hon Willie Jackson  
Hon Jan Tinetti  
Hon Dr Ayesha Verrall  
Hon Aupito William Sio  
Hon Meka Whaitiri  
Hon Priyanca Radhakrishnan

**Officials present from:**

Office of the Prime Minister  
Office of the SWC Chair  
Officials Committee for SWC