

# United Nations Convention on the Rights of the Child

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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 (the Report) under the United Nations Convention on the Rights of the Child (the 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 (the Committee) on New Zealand's progress against the 2011 Concluding Observations, implementation of the Convention, and the two Optional Protocols.<sup>1</sup>

### **Preparation and structure of report**

3. The Report has been prepared in accordance with the Committee's harmonised guidelines on reporting,<sup>2</sup> and the treaty-specific guidelines of the Convention.<sup>3</sup> New Zealand is party to a number of core international human rights treaties that require regular reporting.<sup>4</sup> This Report should be read in conjunction with New Zealand's Common Core Document<sup>5</sup> and other recent international reports, in particular the Initial Report on the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC), New Zealand's Sixth Periodic Report under the International Covenant on Civil and Political Rights (ICCPR), and the New Zealand's response to the recommendations made under the Universal Periodic Review (UPR).
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. More detail about outcomes for children can be found in the statistical information accompanying this Report.<sup>6</sup> The reporting period for this Report is February 2011 to March 2015.

### **Consultation with civil society**

5. The New Zealand Government undertook public consultation on a draft version of the Report between 19 December 2014 and 27 February 2015. This consultation included making the Report available on the Ministry of Social Development (MSD's) website, along with a summary and online survey on the Report. Interested groups and individuals were invited by email to participate. Public meetings were held in Auckland, Wellington and Christchurch. 62 submissions provided valuable feedback on both the Report itself and the Government's progress on issues relating to children. This feedback

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<sup>1</sup> 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.

<sup>2</sup> 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).

<sup>3</sup> 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).

<sup>4</sup> New Zealand is party to the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Elimination of All Forms of Racial Discrimination, the Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of Persons with Disabilities.

<sup>5</sup> Core document forming part of the reports of States parties: New Zealand: HRI/CORE/NZL/2010 (11 March 2011).

<sup>6</sup> See *Statistical Information by the Government of New Zealand 2015*.

has been incorporated into the report and passed on to government agencies where relevant.

### Overview

6. 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 over the reporting period. Ensuring access to comprehensive education, health, welfare, housing, justice and social services has been a challenge. A number of factors have influenced Government policy in regard to children over the reporting period, including a slow but gradual recovery from the Global Financial Crisis (GFC) and the devastating physical, financial and emotional impact of the Canterbury earthquakes.<sup>7</sup> In addition, New Zealand continues to grapple with the persistent and complex problems of eradicating child abuse and addressing child hardship, particularly amongst Māori. This must occur amidst the increasing ethnic diversity of our children and young people,<sup>8</sup> and against New Zealand's unique constitutional background which includes the Treaty of Waitangi.
7. New Zealand's work to improve outcomes for children can be viewed across a continuum of services: universal and preventative services, early intervention, intensive support and statutory intervention. Universal services and primary prevention have a role in supporting positive child development and wellbeing, and in reducing risks for more disadvantaged and vulnerable children. However selective prevention, that is targeting a child or family with a particular symptom or disadvantage, is likewise vital. This enables the health, education, justice, welfare and other sectors to target and address particular vulnerabilities to specific poor outcomes. This is demonstrated in Figure One below.
8. 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-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.<sup>9</sup>

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<sup>7</sup> For more information see paragraphs 218 to 222.

<sup>8</sup> Medium population projections based on 2006 data suggest that by 2026 the proportion of the population identifying as European will have fallen to 65% in the under 18 age group. For more information see *Statistical Information by the Government of New Zealand 2015* pages 8 to 9.

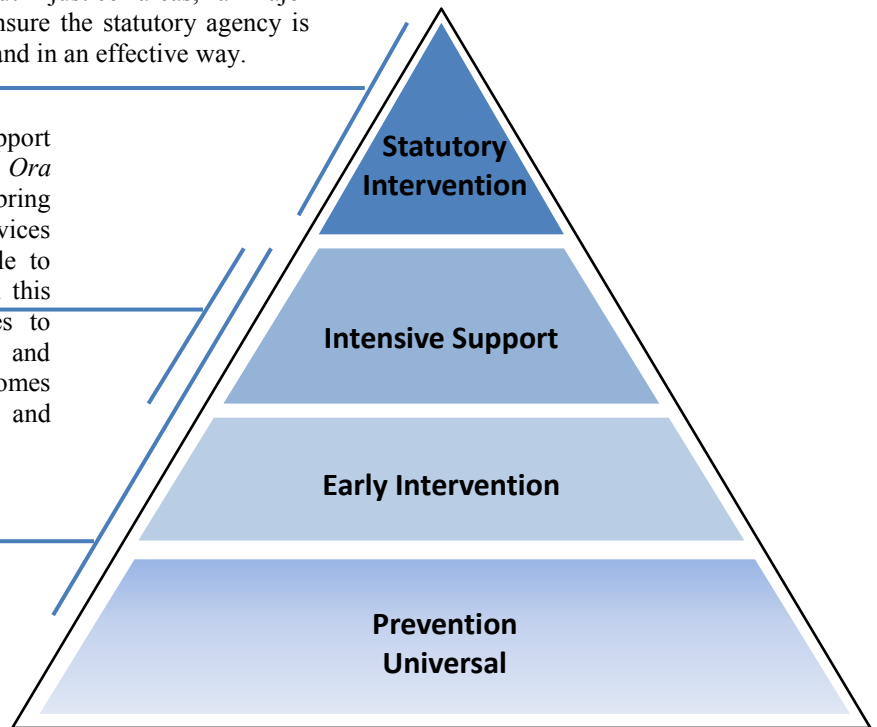
<sup>9</sup> For more information on the BPS Results see paragraph 40.

## Figure One: Work is underway across the service continuum

In the care and protection and youth justice areas, a major programme of work is underway to ensure the statutory agency is working with the children it should be and in an effective way.

Early intervention and intensive support includes initiatives such as, *Whānau Ora* and Local Children's Teams, which bring professionals from across social services together to ensure support is available to children and families who need it. In this area, Government is making changes to ensure investment in programmes and services is focussed on delivering outcomes that will improve child well-being and prevent maltreatment.

Universal services and primary prevention such as *Well Child Tamariki Ora* checks, free GP visits up to age 13, and 20 hours free Early Child Education for all three and four year olds support healthy development for all children.



9. The Children's Action Plan is 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. A key element of the Children's Action Plan is the implementation of Children's Teams across New Zealand. Children's Teams are made up of skilled frontline practitioners and professionals from across government agencies, NGOs, iwi and the community. Children's Teams ensure the right level and type of service is provided to the right children by having one plan and one assessment for each child. The Children's Action Plan Directorate and its partner agencies are working to improve information sharing to improve results for vulnerable children. This includes developing an Approved Information Sharing Agreement (AISA), the Vulnerable Kids Information System (ViKI) and The Hub. The Children's Action Plan Directorate has a key role in coordinating and implementing the new Vulnerable Children Act 2014 to improve 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. The Vulnerable Children Act 2014 makes the Chief Executives from the Ministries of Health, Social Development, Education, Justice and the Police Commissioner jointly accountable to work together and implement a plan to protect vulnerable children. This is a new and unique arrangement reflecting how important it is for agencies to work together to support and protect vulnerable children.

10. In 2010, *Whānau Ora*<sup>10</sup> 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 Ao Māori (the Māori world) and Pasifika communities. Outcomes for children are intricately and intimately linked to the wellbeing of the family.
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 (ECE) initiatives are addressing multiple barriers to participation in ECE by engaging vulnerable families in their children's learning. *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. Initiatives that support this goal include a BPS Result that aims to increase infant immunisation and decrease the incidence of rheumatic fever. The *Prime Minister's Youth Mental Health Project* 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.
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.
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 admission to employment and to article 37(c) relating to age-mixing in detention 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.<sup>11</sup>

<sup>10</sup> For more information about *Whānau Ora* see: <http://www.tpk.govt.nz/en/in-focus/whanau-ora/>.

<sup>11</sup> For more information see the response to Concluding Observation 9(a) at paragraphs 18 to 27.



16. Limited progress has been made in some areas that the Committee has repeatedly commented on. There are sound reasons for this. 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. Any future review of adoption law would need to take into consideration New Zealand's obligations under the Convention.
17. Development of the *UNCROC<sup>12</sup> 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<sup>13</sup> and has three key 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 (Concluding Observations 27(a) and (b) and article 12)
  - investigating raising the age that young people leave care to 18 (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 are taken into account (Concluding Observations 27(a) and (b), and article 3).

## II. General measures of implementation

### A. Reservations and declarations

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

18. New Zealand's legislation and policy aligns with some of the requirements of article 2 of the Convention. However the Government is currently not in a position to withdraw New Zealand's reservation to this article.
19. The Immigration Act 2009 together with the Ministry of Education (MoE's) gazetted notice<sup>14</sup> 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 2,000 children unlawfully in New Zealand have enrolled in state funded education as domestic students.

<sup>12</sup> United Nations Convention on the Rights of the Child (UNCROC).

<sup>13</sup> The UNCROC Monitoring Group was established in 2011 to monitor New Zealand's progress under the Convention. The members are the Office of the Children's Commissioner, the Human Rights Commission, UNICEF New Zealand, Action for Children and Youth Aotearoa and Save the Children New Zealand.

<sup>14</sup> 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.

20. The *Health and Disability Services Eligibility Direction 2011* (Eligibility Direction)<sup>15</sup> 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,<sup>16</sup> WCTO services available from birth to five years,<sup>17</sup> 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.
21. If an adult is unlawfully in New Zealand they generally will not receive any benefit or housing support, nor will their dependent child. This is considered justified on the basis that allowing persons 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. The Government currently has no intention to change these policy settings.

***Minimum age of access to employment [CRC/C/NZL/CO/3-4, para9 (a)]***

22. 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 following.
- 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.
23. The Government is currently not in a position to withdraw New Zealand's reservation to article 32(2).

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<sup>15</sup> 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>.

<sup>16</sup> For a copy of the 2014 National Immunisation Schedule see: <http://www.immune.org.nz/national-immunisation-schedule-2014>.

<sup>17</sup> For more information about WCTO services see: <http://www.health.govt.nz/your-health/services-and-support/health-care-services/well-child-tamariki-ora>.

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

24. 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.<sup>18</sup>
25. The Ministry of Justice (MoJ) is responsible for the layout of all detention cells within New Zealand Courts. 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. Wherever possible courts have at least three cells, one to accommodate male detainees, one for female detainees and one for youth or at risk detainees. Where it is not possible to accommodate detainees of each class on the same day, segregation is achieved by way of police management.
26. 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.<sup>19</sup>
27. New Zealand continues to comply with article 37(c) in the areas of the Customs Service, the New Zealand Defence Force (NZDF) and the Department of Corrections.<sup>20</sup>

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

28. 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.
29. A review on the provision of education in Tokelau was completed by the New Zealand Government's Education Review Office (ERO) in February 2014. The review highlighted that "significant and urgent action is necessary" to improve the quality of education in Tokelau. As a result 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 ECE has been put in place.

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<sup>18</sup> For more information see the response to Concluding Observation 56(d) at paragraphs 246 to 247 and paragraphs 43 to 46 of New Zealand's Sixth Periodic Report under the ICCPR.

<sup>19</sup> Paragraph 244 describes guidance for health services in cases where age-mixing is in the best interests of the child or young person.

<sup>20</sup> All prisoners younger than 18 are housed separately from adult offenders, unless it is in the interests of the younger prisoners not to be held separately.

30. Education reform work started in early 2014. Massey University’s Centre for Education Development has been contracted to provide personnel to support immediate improvements in classrooms and to lead education planning for the next five years. All of Tokelau’s three schools have been recruiting new teachers and a group of Tokelauan teacher trainees are studying at Massey University. In the early childhood education area, *Mataliki* (a Tokelauan early childhood centre in Auckland) is working with Massey and three schools on the provision of resources and assistance to Tokelau. The three villages have agreed to pass over education governance responsibilities to the Tokelau Department of Education. Tokelau has increased its education budget and this is reflected in the recruitment of additional qualified teachers.
31. A wider review of public service delivery is currently underway by Tokelau and New Zealand. 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.<sup>21</sup>

#### **B. Climate change (Article 4)**

32. The impacts of climate change will be unevenly distributed and generally greater for children along with other vulnerable groups. Small islands are also particularly at risk, due to rising sea levels. New Zealand is firmly committed to helping the most vulnerable, particularly our Pacific neighbours, adapt to climate change and mitigate its impacts. New Zealand is tracking well towards meeting its international climate change mitigation commitments, including our 2020 target of reducing greenhouse gas emissions to five per cent below 1990 levels by 2020.

#### **C. Legislation (Article 4)**

##### ***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.<sup>22</sup>
34. There are inconsistencies in the definition of a ‘child’ or ‘young person’ prescribed in some areas of New Zealand legislation with the definition of a ‘child’ as described in the Convention.<sup>23</sup> These areas require different definitions of a ‘child’ or ‘young person’ to satisfy different policy considerations. The Government is aware of these inconsistencies and is currently working on:
  - options for considering the impacts on children of policy and legislation

<sup>21</sup> For more information about human rights in Tokelau, see Annex One of New Zealand’s Sixth Periodic Report under the ICCPR.

<sup>22</sup> Appendix Three provides a summary.

<sup>23</sup> Article 1 of the Convention requires that a ‘child’ be defined as “every human being below the age of 18 years unless under the law applicable to the child, majority is obtained earlier.”

- the case for raising the age that young people leave the custody of the Chief Executive of the Ministry of Social Development (MSD). This is being explored as part of the *UNCROC Work Programme*.

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

35. New Zealand continues to progressively implement the Convention and the two Optional Protocols to which New Zealand is a State party.

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

36. A number of legislative changes affecting children were prioritised over the reporting period.<sup>24</sup> Notably, the Government prioritised consideration of the Vulnerable Children Bill, which was introduced to Parliament in September 2013 and passed in June 2014.<sup>25</sup>

**D. Coordination (Article 4)**

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

37. The Social Sector Board Deputy Chief Executives (SSB DCEs)<sup>26</sup> is the Government's mechanism for engaging with civil society on, and coordinating activities that continue, the progressive implementation of the Convention. The SSB DCEs and the UMG meet twice a year to discuss the Convention and child related issues.
38. The Vulnerable Children's Board oversees the implementation of the Children's Action Plan.<sup>27</sup>

**E. National plan of action (Article 4)**

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

39. The Vulnerable Children Act 2014 provides a statutory mechanism for New Zealand Governments to set priorities and agree a national plan for improving the wellbeing of vulnerable children. The Act introduced a requirement that the Chief Executives responsible for education, health, care and protection, youth justice, and Police collectively develop a vulnerable children's plan. This plan must set out how their agencies will work together to achieve the Government's priorities for improving the wellbeing of vulnerable children. The Act enables Governments to narrow or widen the scope of vulnerable children's plans depending on their priorities. This means the scope of a plan could, potentially, include all or most children, depending on how vulnerability is defined. Work to complete the first vulnerable children's plan (under the legislation) is underway and will be presented to Ministers by April 2015. The Government's current priorities focus on vulnerable children as defined in the White Paper and Children's Action Plan, and set out in the BPS Result areas.
40. The BPS Results<sup>28</sup> were introduced in 2012 as part of state sector reform and provide national direction to Government agencies on improving public services within tight

<sup>24</sup> Appendix Three provides a summary.

<sup>25</sup> For more information about the Vulnerable Children Act 2014 see Appendix Three.

<sup>26</sup> All lead government social and economic policy agencies are SSB DCE members.

<sup>27</sup> For more information on the Children's Action Plan see paragraph 9.

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.

- Result 2 requires an increase in participation in ECE among children starting school from 94.7% in 2011 to 98% by 2016. The rate was 96.1% in December 2014. Strong growth in Māori and Pasifika participation is encouraging.<sup>29</sup>
- Result 3 requires an increase in infant immunisation to 95% 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. 93.5% of eight-month olds had been immunised at December 2014. New Zealand's immunisation rates for this age group are higher than they have ever been. In 2014 the incidence of rheumatic fever was 3.4 cases per 100,000 people (153 hospitalisations). This rate represents a significant decrease compared to the 2013 calendar year rate of 4.3 per 100,000 (194 hospitalisations).
- Result 4 requires a halt in the rise of children experiencing physical abuse and a reduction in numbers of 5% by 2017. In the 12 months to December 2014, 3,195 children experienced substantiated physical abuse, a 3.4% increase compared to the year to December 2013 number of 3,089. Māori make up 50% of this figure. Pasifika make up 17% of this figure.<sup>30</sup>
- Result 5 requires an increase in the proportion of 18 year olds with NCEA Level 2 qualification to 85% by 2017. The result for 2013 was 78.6%, compared with 74.3% in 2011. 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% by 2017. As at the end of December 2014 Government had achieved that target with a reduction of 38% in the youth crime rate since June 2011.<sup>31</sup>

## **F. Allocation of resources (Article 4)**

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

41. New Zealand is recognised internationally as having high quality, open and transparent government accounting processes underpinned by a Vote structure<sup>32</sup> 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

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<sup>28</sup> For more information about the BPS Results see: <http://www.ssc.govt.nz/better-public-services>.

<sup>29</sup> For more information on this BPS Result area see paragraph 192.

<sup>30</sup> For more information see Table 24 in *Statistical Information by the Government of New Zealand 2015*.

<sup>31</sup> The recorded crime rate in 2013 was the lowest in 35 years.

<sup>32</sup> 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.

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.<sup>33</sup>

42. In Budget 2014 there was almost \$500 million in new spending on children including:
- \$171.8 million to boost the paid parental leave scheme
  - \$42.3 million to increase the parental tax credit from \$150 to \$220 a week, and the entitlement from eight weeks to 10 weeks
  - \$90 million to enable General Practitioners (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% target
  - \$33.2 million in 2014/15 to help vulnerable children, including eight new children's teams around the country.

#### **G. International cooperation (Article 4)**

43. Total expenditure on Overseas Development Assistance (ODA) has increased from around NZ\$473 million in 2009/10 to a projected level of around NZ\$589 million in 2014/15. In Budget 2014, the baseline for ODA, previously set at 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. This demonstrates New Zealand's continued commitment to addressing the challenges faced by developing countries, particularly in the Pacific.
44. New Zealand targets around 18% 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).

#### **H. Dissemination and awareness-raising (Articles 42 and 44(6))**

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

45. MSD updated its website on 19 December 2014 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.<sup>34</sup> The Ministry of Youth

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<sup>33</sup> Treasury gathers and makes publicly available information relating to government spending each year through the Budget process and is also responsible for producing the government's financial statements. See: <http://www.treasury.govt.nz/budget/archive> and <http://www.treasury.govt.nz/government/financialstatements>.

<sup>34</sup> See: <http://www.msd.govt.nz/about-msd-and-our-work/publications-resources/monitoring/uncroc/index.html>.

Development (MYD) also refers to the Convention on its website, in relation to Youth Development and Youth Participation.<sup>35</sup> MoJ maintains a human rights section on its website.<sup>36</sup> This includes information on the Convention as it relates to New Zealand.

46. The Office of the Children's Commissioner (OCC) mandate includes general advocacy for the rights and welfare of children and awareness-raising about the Convention. With no increase in baseline funding since 2008, the Office has had to prioritise its advocacy activities more strategically and has focused its direct Convention activity on co-ordinating the UNCROC Monitoring Group and supporting agencies with advice on the Convention.
47. A 2011 UNICEF NZ report, *Education and training for professionals working with and for children in New Zealand*, found there to be pockets of knowledge about the Convention in the public service, but that the absence of widespread training meant that many people had little knowledge of the Government's obligations and were not using the Convention as a framework to guide policy development or to inform practice.<sup>37</sup>
48. The New Zealand Aid Programme is collaborating with UNICEF NZ to prepare guidance to staff on how to mainstream child rights in the development activities of the Aid Programme. UNICEF NZ has also provided training to staff.

## **I. Training (Article 3(3))**

### ***Training [CRC/C/NZL/CO/3-4, para 21]***

49. New Core Competencies for all people working with children are being developed. These Core Competencies will promote the common skills, language and understandings necessary for effective work with children. No final decisions have been made about the content of the framework, or how it will be implemented, but knowledge of the rights of the child is currently being considered as an area for inclusion. Depending on decisions about how the framework is implemented, agencies may introduce training and development programmes across the professional lifecycle of their workforces to build capability in these competencies.
50. The Vulnerable Children Act 2014 introduces new requirements for organisations to have Child Protection Policies. In addition to 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. A cross-agency work programme, led by the Children's Action Plan Directorate is considering options for supporting capability building in this area across the workforce. In addition, new Children's Teams are being supported to build capability in their workforce both through the direct provision of training opportunities and through encouraging community-led initiatives.

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<sup>35</sup> 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>.

<sup>36</sup> For more information about mainstreaming human rights into the civil service see paragraph 67 of New Zealand's Sixth Periodic Report under the ICCPR.

<sup>37</sup> UNICEF, *Education and training for professionals working with and for children in New Zealand*, (September 2011).



51. 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.<sup>38</sup>
- 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.<sup>39</sup> Teacher trainees are required to study the Convention as part of their teaching qualification.<sup>40</sup>
  - WCTO practitioners are trained to screen for family violence and to recognise the indicators of harsh parenting that may raise concern.<sup>41</sup>
  - All new Child, Youth and Family (CYF) social workers undergo a child focussed induction programme which is in line with the Convention.<sup>42</sup> Experienced social workers undertake ongoing professional development which is in line with the Convention.
  - All MYD funded services are expected to adhere to the *Code of Ethics for Youth Work in Aotearoa New Zealand*.<sup>43</sup>
  - The New Zealand Defence Force (NZDF) has developed a training module that includes a discussion on the Convention and the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC).
  - 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.

## **J. Child rights and the business sector (Article 4)**

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

52. 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)**

53. There has been some progress on aligning the various definitions of a ‘child’ in New Zealand legislation to the definition provided in the Convention, including:

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<sup>38</sup> As stated in New Zealand’s Core Document, there is no coordinated programme for human rights education specifically designed for local authorities in New Zealand. Instead, each local authority is responsible for ensuring all employees understand, and can apply in practice, relevant human rights standards.

<sup>39</sup> PLD 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. Depending on the topic, children’s rights are likely to be covered within many PLD courses.

<sup>40</sup> This occurs in Initial Teacher Training Programmes.

<sup>41</sup> Plunket has an extensive on-going professional development programme for its nurses/health workers that covers all the topics in the WCTO Schedule.

<sup>42</sup> The Convention is referred to in multiple places in the Practice Centre, an online resource for CYF. For more information on the Practice Centre see: <http://www.practicecentre.cyf.govt.nz/>.

<sup>43</sup> For a copy of the Code of Ethics see: <http://www.arataiohi.org.nz/resource-centre/key-documents/code-of-ethics>.

- The Children, Young Persons and Their Families Act 1989 (CYP&F Act) provides special protection to children (under 14) and to young persons (over 14 and under 17). The case for raising the age that young people leave state care to 18 is being explored as part of the *UNCROC Work Programme*.
- Under the CYP&F Act, certain supports and protections can be extended to the age of 20.<sup>44</sup>
- For the purposes of Part 1 of the Vulnerable Children Act 2014,<sup>45</sup> a child is defined as a person who is under the age of 18 years.
- From 1 April 2016, the qualifying age for children eligible for child support under the Child Support Amendment Act 2013 will reduce from under 19 to under 18.
- The Immigration Act 2009 provides special protections for persons under 18 years of age (and who are not married or in a civil union).<sup>46</sup>

54. However New Zealand's legal definitions of a 'child' and 'young person' remain largely the same as previously reported:

- 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.<sup>47</sup>
- People can marry at age 18 without parental consent. A person aged 16 or 17 years who wishes to marry also requires consent from his or her parent(s), guardian(s) or the Family Court. A person aged under 16 cannot marry.
- 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.<sup>48</sup>
- The minimum age for voluntary recruitment into the Armed Forces is 17 years.

#### **IV. General principles**

##### **A. Non-discrimination (Article 2)**

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

<sup>44</sup> Under section 110 of the CYP&F Act, the state can continue to have a guardianship role until the age of 20. Under section 368A of the CYP&F Act (coming into effect from July 2016), transition from care provisions will offer advice and support to young people in state care up to the age of 20.

<sup>45</sup> 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.

<sup>46</sup> In specified immigration matters, a minor must have a responsible adult to protect their interests, opportunity must be given for a minor to express his or her views, and any views must be given due weight (sections 375 – 377 of the Act). An application for visa by a minor may be refused if a decision-maker is not satisfied that any parent or guardian of minor person consents to the making of the application (section 59 of the Act).

<sup>47</sup> 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.

<sup>48</sup> Guardianship ends sooner if a child aged 16 to 17 marries or enters a civil union or recognised de facto relationship.

55. Te Puni Kōkiri (TPK) is leading cross government innovative trials and investments to test policy and programme models that promote better results for Māori. The Government has promoted *Whānau Ora* 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. TPK led the establishment of three independent Commissioning Agencies to drive a ‘commissioning-for-results’ approach to delivering *Whānau Ora*. 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. TPK 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 whānau.
56. Māori children and their families benefit from a number of health services provided by the Ministry of Health (MoH).<sup>49</sup> Work on progressive health targets and towards BPS Result 3 has resulted in Māori immunisation coverage for two-year-olds increasing from 59% in 2007 to 92% in 2014. Immunisation rates for Māori at two years of age are now equal to, or better than, the New Zealand European rate in over half of the country’s District Health Boards (DHBs), but there is still some lag at the milestone age of 8 months, which is being addressed by BPS Result 3. DHBs also have an overarching objective to reduce, with a view to eliminating, disparities between population groups.<sup>50</sup>
57. Despite improvements in overall achievement of National Standards and NCEA, disparity in educational outcomes for Māori students remains a challenge.<sup>51</sup> 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*<sup>52</sup>, *Tau Mai Te Reo – Māori Language in Education Strategy 2013-2017*<sup>53</sup> 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.
58. 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*,<sup>54</sup> 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*

<sup>49</sup> For more information on health services for Māori see paragraphs 154 to 156.

<sup>50</sup> DHBs are required to develop Māori Health Plans.

<sup>51</sup> See Tables 53 and 54 of *Statistical Information by the Government of New Zealand 2015*.

<sup>52</sup> 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>.

<sup>53</sup> 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>.

<sup>54</sup> For more information about *E Tu Whānau* see: <http://www.familyservices.govt.nz/working-with-us/programmes-services/whanau-ora/>.

*Ora*<sup>55</sup> 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.

59. The *Māori Responsiveness Programme* is focussed on reducing known disparities in Māori outcomes/experience as clients of the Accident Compensation Corporation (ACC). Two areas focusing on access include:
- improving GP referral practices of Māori to medical/surgical specialists
  - improving Māori serious injury employment participation.

***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)]***

60. *Diversity in general*: The New Zealand Education Curriculum and the parallel Māori document, *Te Marautanga o Aotearoa*, put students at the centre of teaching and learning.<sup>56</sup> They ensure that students' identities, languages, abilities and talents are recognised and affirmed and that their learning needs are addressed.
61. *Māori children and their whānau*: Health and education professionals have access to resources to improve their awareness and knowledge of Māori culture. The *Foundation Course in Cultural Competency* is a voluntary online course for health professionals that provides an understanding of New Zealand's culturally diverse population, with an emphasis on Māori culture.<sup>57</sup> *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.
62. *Pasifika children and their aiga*: 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. Initiatives for Pacific peoples in the health sector include the 2014 refresh of *Ala Mo 'ui: Pathways to Pacific Health and Wellbeing*.<sup>58</sup> *Ala Mo 'ui* sets out the priority outcomes and actions for the next five years that will contribute to achieving better outcomes for Pacific people, families and communities.
63. *Refugee and migrant children and their families*: MoE employs six Refugee and Migrant Education Co-ordinators based in Auckland, Hamilton, Wellington and Christchurch to support schools nationally to develop relationships with immigrant and refugee families and communities. They have a role in ensuring the system is responsive to all students

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<sup>55</sup> For more information about *Whānau Toko i te Ora* see: <http://www.familyservices.govt.nz/working-with-us/programmes-services/positive-parenting/whanau-toko-i-te-ora-wtito.html>.

<sup>56</sup> The Curriculum emphasises respect for and understanding of difference, and requires schools to develop programmes that help students to value diversity as found in our different cultures, languages and heritages.

<sup>57</sup> For more information on the *Foundation Course in Cultural Competency* see: <http://learnonline.health.nz/>. 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.

<sup>58</sup> 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>.

by promoting and assisting with practices that support inclusive education and reduce barriers for students, families and communities. They provide information and liaise with other agencies to support appropriate access to education for migrant and refugee children, as well as those unlawfully in New Zealand.<sup>59</sup>

64. *Lesbian, bisexual, gay and transgender and intersex (LBGTI) children and their families*: On 7 February 2015 the Minister for Youth announced a second round of small grants funding of \$85 000 to ensure support services are available for LBGTI children.<sup>60</sup>
65. *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, 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.<sup>61</sup>

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

66. 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 duties. HRA prohibits discrimination on the basis of certain personal characteristics in specified areas of public life. HRA also provides for complaints to be made to the Human Rights Commission when someone believes they have been unlawfully discriminated against.

**B. Best interests (Article 3)**

67. 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.<sup>62</sup> The welfare and interests of the child or young person are paramount under the care and protection provisions of the CYP&F Act.<sup>63</sup> The CYP&F Act was amended in 2014 to reinforce general principles so that decisions affecting children and young people should be made adopting a holistic approach that takes into consideration, without limitation, the child or young person's age, identity, cultural connections, education and health.

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

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<sup>59</sup> For numbers of international students see Table 60 in *Statistical Information by the Government of New Zealand 2015*.

<sup>60</sup> In 2014, 23 organisations received small grants totalling \$60 000 under the first round of funding. It enabled them to provide a range of services including counselling, online help and resources, and safe places for young people to meet.

<sup>61</sup> 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 paragraphs 139 to 146.

<sup>62</sup> See section 4 of the Care of Children Act 2004.

<sup>63</sup> See section 6 of the Children, Young Persons and Their Families Act 1989.

68. New Zealand continues to support the right of the child to life, survival and development as discussed in Parts V, VI and VII.<sup>64</sup>

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

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

69. MYD promotes, facilitates and implements the principle of respect for the views of young people through a number of avenues including:
- engaging with young people through consultations and involving them on funding and section panels
  - connecting young people to opportunities through social media
  - providing advice and services to agencies on how to take a youth development approach
  - purchasing youth development services in communities to support local authorities to work with young people
  - a Youth Advisory Group made up of young people from all over New Zealand
  - a network of over 5000 young people called *Aotearoa Youth Voices*<sup>65</sup>
  - various initiatives such as the Youth Week Awards,<sup>66</sup> the Prime Minister's Youth Programme,<sup>67</sup> MYD internship opportunities and Youth Parliament.<sup>68</sup>
70. Other examples of respecting the views of the child include the following.
- '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*.<sup>69</sup>
  - The principle of respecting the views of the child is woven throughout the Curriculum and *Te Marautanga o Aotearoa*.
  - 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.<sup>70</sup>
  - 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.<sup>71</sup>

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<sup>64</sup> For data about the outcomes for children under this section, see Tables 7 to 11 of *Statistical Information by the Government of New Zealand 2015*.

<sup>65</sup> For more information see: <http://www.myd.govt.nz/young-people/aotearoa-youth-voices-network.html>.

<sup>66</sup> For more information see: <http://www.myd.govt.nz/news/2014/youth-week-2014.html>.

<sup>67</sup> For more information see: <http://www.myd.govt.nz/young-people/prime-ministers-youth-programme.html>.

<sup>68</sup> For more information see: <http://www.myd.govt.nz/young-people/youth-parliament/>.

<sup>69</sup> 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>.

<sup>70</sup> 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.

<sup>71</sup> Kids Voting is a programme for young New Zealanders that encourages them to learn about the process and experience of an election.

***Systematic consideration of the views of the child in formulating laws and policies  
[CRC/C/NZL/CO/3-4, para 27(b)]***

71. MYD 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.
72. MSD is currently working on options for obtaining the views of children in the policy and legislation development processes, as well as options for considering the impacts of policy and legislation on children.

**V. Civil rights and freedoms**

**A. Name and nationality (Article 7)**

73. 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.
74. 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.

**B. Preservation of identity (Article 8)**

75. New Zealand continues to recognise and support the right of a child to preserve his or her identity.<sup>72</sup> 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 and care and protection cases under the CYP&F Act.
76. The Government is also 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 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,<sup>73</sup> and also an increased awareness and positive attitude amongst Māori and non-Māori about the place of Māori culture in New Zealand society.

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<sup>72</sup> There has been no change to the Human Assisted Reproductive Technology Act 2004 since our last report. A work programme on legal parenthood issues is deferred as a result of other priorities in the justice sector. For more information about work to support gender identity, see paragraph 64 above.

<sup>73</sup> Te Kupenga (the Māori Social Survey 2013) shows that 55% of Māori adults have some Māori language skills (up from 42% in 2001). Among young Māori aged 15 to 24, 8.5% are able to speak Māori 'very well' or 'well' (up from 6% in 2001), 13% are able to speak Māori 'fairly well' (stable at 13%) and 32.5% are able to speak Māori 'not very well' (up from 24% in 2001).

### **C. Freedom of expression (Article 13)**

77. 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)**

78. 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)**

79. 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.
80. Operation Eight was a Police investigation between 2005 and 2007 into alleged paramilitary training camps. It ended on 15 October 2007 with the coordinated arrest of several suspects, the execution of 41 search warrants throughout the country, and the establishment of road blocks at Ruatoki and Taneatua, in an area of particular cultural significance to Tūhoe iwi. The Independent Police Conduct Authority (IPCA) investigated a number of complaints about Police actions during Operation Eight and found that the planning and preparation for the establishment of the road blocks in Ruatoki and Taneatua was deficient.<sup>74</sup> At the end of 2014, Police Commissioner Mike Bush met with several Tūhoe whānau to deliver a personal apology. The Commissioner extended an invitation to the young people of Tūhoe to visit the Royal New Zealand Police College in Porirua to learn more about New Zealand Police as well as experience learning opportunities around Wellington. This visit occurred in February 2015 and positive feedback was received from Tūhoe and all others involved.<sup>75</sup>

### **F. Protection of privacy (Article 16)**

81. The Privacy Act 1993 regulates what can be done with information about individuals, including both adults and children.<sup>76</sup> In 2014, the Government agreed to enact a new Privacy Act. The new Act will create stronger incentives for agencies to identify and address privacy risks, and give the Privacy Commissioner enhanced powers. Key recommendations relating to children and young people have either been accepted for inclusion in the new Privacy Act, or have been progressed in the Harmful Digital Communications Bill.<sup>77</sup>

### **G. Access to appropriate information (Article 17)**

82. The Government recognises the increasing importance of technology for education. 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 also receive funding from MoE for

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<sup>74</sup> The full report of the IPCA can be found at: <http://www.ipca.govt.nz/Site/publications/Default.aspx>.

<sup>75</sup> For more information on Operation Eight see paragraphs 159 to 164 of New Zealand's Sixth Periodic Report under the ICCPR.

<sup>76</sup> For more information about the Privacy Act 1993 see paragraphs 24 to 30 of New Zealand's Sixth Periodic Report under the ICCPR.

<sup>77</sup> For more information on the Harmful Digital Communications Bill see paragraph 209.



software, while teachers and principals receive laptops. The *Computers in Homes*<sup>78</sup> programme provides a computer, internet connection, training and technical support to 1500 socially and economically disadvantaged families each year.<sup>79</sup> The *Books in Homes*<sup>80</sup> 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.

83. New Zealand has legislative regimes in place to protect all people, including children, from injurious material.<sup>81</sup> 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. The Department of Internal Affairs (DIA) also provides information on its website to help the public monitor safe internet use and to inform users of what constitutes objectionable material.<sup>82</sup>
84. Police disseminates a range of safety-related information and materials of benefit to children. 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.
85. *The Advertising Standards Authority's Code for Advertising to Children* was updated in 2010. At the same time a new and separate *Children's Code for Advertising Food* (the Code) has been developed. The Code states that all advertisements for food and beverages that influence children 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. 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 (Articles 37(a) and 28(2))

### ***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]***

86. 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.<sup>83</sup>

<sup>78</sup> For more information on *Computers in Homes* see: <http://computersinhomes.org.nz/the-programme/>.

<sup>79</sup> There is a waiting list for this programme.

<sup>80</sup> For more information on *Books in Homes* see: <http://www.booksinhomes.org.nz/Page/AboutUs/WhatWeDo.aspx>.

<sup>81</sup> These include the Films, Videos, and Publications Classification Act 1993 and the Customs and Excise Act 1996.

<sup>82</sup> For more information see: <http://www.dia.govt.nz/Censorship-Online-Safety>.

<sup>83</sup> For more information see Tables 16 and 17 of *Statistical Information by the Government of New Zealand 2015*.

Police continue to work with CYF and other key stakeholders to promote positive parenting and ensure that parents who wish to attend parenting programmes are connected. Police continue to monitor this through the work of Family Violence Coordinators and Child Protection Teams.

87. 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 additional parenting support and refer them to available parenting programmes. 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.
88. 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.
89. 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*.

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

90. New Zealand 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.<sup>84</sup> This research was supplemented by research on perspectives on primary prevention for Māori women in March 2015. Māori women are twice as likely to experience violence as other New Zealand women.
91. The White Ribbon Campaign has run in New Zealand since 2004. It recognises that men have in the past been silent about violence perpetrated by men against women and this has allowed violence against women to continue. It offers men the opportunity to take responsibility to end the violence and change the behaviour of other men. The White Ribbon campaign in New Zealand is a meld of the White Ribbon Day movement in

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<sup>84</sup> The report identified initiatives to prevent violence against women that will have a flow-on effect for children.

Canada and the United Nations International Day for Elimination of Violence Against Women.<sup>85</sup>

***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)]***

92. The Children's Action Plan recognises the relationship between child abuse and neglect and family violence. Work is underway to develop child protection policies and support professionals to better recognise vulnerability.<sup>86</sup>
93. Police's *Prevention First* operating strategy prioritises addressing all forms of violence. Every Police District has established Child Protection Teams dedicated to child protection investigations. Within each District there is 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.
94. 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.

***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)]***

95. Under section 59 of the Crimes Act 1961, it is an offence to use force against a child for the purpose of correction. The Crimes Act also criminalises sexual conduct with children under the age of 12,<sup>87</sup> and under the age of 14.<sup>88</sup> Section 144A of the Crimes Act further criminalises sexual exploitation of children outside New Zealand committed by New Zealanders.<sup>89</sup>

***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)]***

96. The Children's Action Plan Directorate has developed and consulted on a draft Approved Information Sharing Agreement (AISA). An AISA will enable information to be shared between government and NGOs to ensure that agencies work better together.

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<sup>85</sup> For more information about what the Government is doing to eliminate all forms of violence against children, see Paragraphs 122 to 130.

<sup>86</sup> For more information on the Children's Action Plan see paragraph 9.

<sup>87</sup> See section 132 of the Crimes Act 1961.

<sup>88</sup> See section 134 of the Crimes Act 1961.

<sup>89</sup> The purpose of section 144A is to prevent the sexual harm of children by New Zealanders, despite those harms occurring offshore.

An AISA will support the Vulnerable Kids Information System (ViKI) and The Hub. ViKI will manage the secure input, access, management and reporting of data for Children's Teams, and is in its final design phase. The Children's Action Plan Directorate is also developing The Hub (formerly known as the Child Protect Line). The Hub will be a point of contact for receiving and processing enquiries or advice of concerns relating to vulnerable children.

97. 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.

***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)]***

98. New Zealand cooperates with international bodies to support the 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 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)**

99. 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. 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.

### **B. Parental guidance (Article 5)**

100. The Families Commission/Social Policy Evaluation and Research Unit (SuPERU) provides institutional support to families by encouraging informed debate about families and increasing public awareness and promoting better understanding of matters regarding the interests of families.

101. In April 2014 SuPERU released *Effective Parenting Programmes: A review of the effectiveness of parenting programmes for parents of vulnerable children*.<sup>90</sup> This report reviewed evidence on the effectiveness of parenting support programmes for parents of vulnerable children aged 0-6 years and contributed to the body of evidence needed to improve outcomes for vulnerable children, as part of the Children's Action Plan.

### **C. Parental responsibilities (Article 18(1))**

102. 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. 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.

103. 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.

104. 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.

105. A number of reforms have recently been made to the Family Court.<sup>91</sup> 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 (FDR). 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. 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 for those who meet the criteria. Some FDR mediators offer a child-inclusive model of FDR.

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<sup>90</sup> For a copy of the report, see <http://www.superu.govt.nz/publications/research-reports/effective-parenting-programmes>.

<sup>91</sup> For more information see paragraphs 70 to 75 of New Zealand's Sixth Periodic Report under the ICCPR.

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

##### ***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]***

106. 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.<sup>92</sup>
107. 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. The March 2014 WCTO quality improvement framework results noted that 97% of families/whānau are referred from their Lead Maternity Carer to a WCTO provider. 74% of infants receive all WCTO core contacts during their first year.
108. MoH is also addressing mental health, alcohol and other drug addictions in parents through *Healthy Beginnings: Developing perinatal and infant mental health services in New Zealand* that provides guidance for DHBs. The Werry Centre<sup>93</sup> is leading a project through to December 2015 aimed at increasing the capability of health professionals to identify and attend to the needs of children of parents with mental illness and/or addiction in all aspects of service delivery.

#### **E. Separation from parents (Article 9)**

109. The CYP&F Act recognises that the primary role in caring for and protecting a child lies with a child's family. Where possible the relationship between a child or young person and his or her family should be maintained and strengthened. Therefore, where possible, CYF will place children in the permanent care of extended family members. Only in rare circumstances will children in CYF care be adopted by permanent carers 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 through orders under CoCA. Birth parents may also have orders under CoCA for contact with their children, including supervised contact.
110. In 2009, it was estimated that 23,000 children had a parent in prison.<sup>94</sup> The Department of Corrections supports children's contact with parents who are in prison, where this is in

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<sup>92</sup> For more information on these parenting programmes, see paragraph 120 of New Zealand's Sixth Periodic Report under the ICCPR.

<sup>93</sup> The workforce development centre for professionals providing child and adolescent mental health services and services for youth that have problems with alcohol and other drug.

<sup>94</sup> See Gordon, Liz. *Invisible children: A study of children of prisoners* (2009).

the best interests of the child.<sup>95</sup> Corrections also runs several programmes that specifically support the relationship between parent and child. These include ‘Mothers with Babies Units’<sup>96</sup> 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’<sup>97</sup> that teach fathers parenting skills.

#### **F. Family reunification (Article 10)**

111. All policy provisions referred to in the previous report are still in effect.

#### **G. Recovery of maintenance for the child (Article 27(4))**

112. 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.<sup>98</sup> 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.<sup>99</sup>

113. As at 30 June 2014, Child Support debt amounted to \$3.05 billion, of which 78% was late payment penalties. IRD monitors the number of liable parents in debt, their location, amounts owed, as well as money processed through the Child Support Scheme.<sup>100</sup>

114. New Zealand and Australia reached a formal agreement to exchange child support cases for enforcement effective 1 July 2000. 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 year ended 30 June 2014, New Zealand sent Australia 12,200 cases for collection work from which payment of \$50.2 million was received. Australia sent New Zealand 6,800 cases for collection activity from which \$11.7 million was paid to the Australian authority.<sup>101</sup> New Zealand also administers about 180 court orders under two other international child

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<sup>95</sup> Section 106 of the Corrections Regulations 2005 applies a regulatory presumption that children under the age of 16 will be supervised on their visits. The section also requires that prison managers have in place arrangements with approved adults to help children without an adult conduct their visit.

<sup>96</sup> ‘Mothers with Babies Units’ is run in all women’s prisons.

<sup>97</sup> ‘Prison Activities Centres’ are operated at Christchurch Men’s Prison every Saturday and Sunday, and Invercargill Prison every Sunday.

<sup>98</sup> The new child support formula comes into effect from 1 April 2015. The other changes come into effect on 1 April 2016.

<sup>99</sup> For more information see: <http://www.ird.govt.nz/childsupport/>.

<sup>100</sup> During the year ended 30 June 2014 \$449 million from 175,183 paying parents passed through the scheme of which \$242 million was distributed directly to custodial parent families.

<sup>101</sup> For more information on the reciprocal agreement with Australian for child support see: <http://www.ird.govt.nz/childsupport/paying-parents/overseas/>.

support provisions – the Convention on the International Recovery of Maintenance and the Commonwealth Scheme.<sup>102</sup>

## **H. Review of detention for mental/physical health reasons (Article 25)**

115. 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.
116. 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.
117. Every child and young person in a residence established under section 364 of the CYP&F Act has the right to lay a grievance when they feel they have been treated unfairly, unreasonably or illegally. Each residence has a grievance procedure in place to address and investigate every grievance raised by a child or young person. This procedure is monitored by key stakeholders<sup>103</sup> to ensure that the process remains robust and transparent. Each residence also has an independent grievance panel comprising of three members<sup>104</sup> who are dedicated to regulating the grievance process and ensuring the rights of children and young people are maintained.
118. When young people have low cognitive functioning or an intellectual disability, residence staff have increased the prominence of the grievance process to ensure young people understand this.<sup>105</sup>

## **I. Adoption (Article 21)**

119. All domestic adoption orders are made by the Family Court.<sup>106</sup> 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

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<sup>102</sup> 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>.

<sup>103</sup> The stakeholders are the Principal Youth Court Judge, the Principal Family Court Judge and the Children's Commissioner.

<sup>104</sup> Grievance panel members are appointed by the Minister to oversee the operation of the grievance process.

<sup>105</sup> This involves increasing the number of forums where the grievance process is discussed with young people and more regularly checking in with them to ensure they understand their right to make a complaint.

<sup>106</sup> Disabled people are provided the same social work support as all adoptive applicants and are afforded the same assessment service to identify if they are able to meet the needs of an adopted child through to adulthood.



- 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 CYF that includes the child’s views where available.<sup>107</sup>

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

120. A review of adoption law<sup>108</sup> is on hold because of competing priorities for law reform in the justice sector. The matters raised by the Committee will be considered when the legislation is reviewed.<sup>109</sup>

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

121. 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)**

122. The elimination of all forms of violence against children is a priority for New Zealand, as evidenced by Result 4 of the BPS targets.<sup>110</sup>

123. A number of key justice sector initiatives, based on international experience and prioritising victims’ needs, are underway to address family violence, including violence 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 relationship between CoCA and the Domestic Violence Act 1995, is likely to be considered in the review. Other initiatives include:

- insertion of section 195A into the Crimes Act 1961 to make certain persons who fail to protect a vulnerable child or adult liable to 10 years’ imprisonment
- 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
- 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.

124. 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

<sup>107</sup> See sections 10 and 11(b) of the Adoption Act 1995.

<sup>108</sup> This includes the Adoption Act 1955, the Adoption (Intercountry) Act 1997 and the Adult Adoption Information Act 1985.

<sup>109</sup> The effect of the Marriage (Definition of Marriage) Amendment Act 2013 has been that married same-sex couples are recognised as ‘spouses’ under the Adoption Act 1955 and therefore are eligible to jointly adopt a child.

<sup>110</sup> For more information on BPS Result 4 see paragraph 40.

culturally appropriate manner if any cases are reported. 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.<sup>111</sup>

125. In July 2010, Police Safety Orders (PSOs) were introduced as a new tool for Police to deal with family violence. They enable frontline officers to take immediate action to protect victims of family violence where there is insufficient evidence to arrest. PSOs are instant orders that require the primary aggressor (bound person) to leave the residence and not return or contact the victim(s) (person at risk) for a prescribed period of time (maximum duration five days).
126. 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 and 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.
127. 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% of the population aged 0-14 years. The remaining six DHBs will implement the system by 30 June 2015.
128. MSD funds a wide range of programmes which prioritise the elimination of violence against children.
- Intensive home-visiting parent education and family support programmes such as *Family Start*<sup>112</sup> aim to support families and promote positive parenting.
  - *Are you that someone?* is a bystander action campaign for preventing sexual violence
  - *E Tu Whānau* and *Pasefika Proud*.<sup>113</sup>
129. 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, businesses, and the family violence sector.
130. For more information about the Government's work to address child abuse and neglect see paragraphs 225 to 231 of New Zealand's Sixth Periodic Report under the ICCPR.

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<sup>111</sup> For more information about prevention of forced and/or underage marriage see paragraph 231.

<sup>112</sup> For more information on *Family Start* see: <http://www.familyservices.govt.nz/working-with-us/programmes-services/early-intervention/new-family-start/>.

<sup>113</sup> For more information on *Pasefika Proud* see: <http://www.familyservices.govt.nz/working-with-us/programmes-services/pasefika-proud/>.

***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)]***

131. Various agencies are currently responsible for collecting this data and it does not form a comprehensive data suite.<sup>114</sup>

- 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.<sup>115</sup>
- Government also receives and publishes six-monthly updates on the BPS targets, including Result 4 (reducing assaults on children).
- As part of delivering the VIP, 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.
- 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.
- 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.
- Police's case management system enables cases to be tracked through the investigation process from reporting to resolution.

***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)]***

132. 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. To support the creation of high quality policies, the Children's Action Plan Directorate has recently published a set of guidelines: *Safer Organisations, Safer Children*. In addition to supporting organisations to develop processes to support the identification and reporting of child abuse and neglect, these guidelines provide information on developing and implementing policies to build cultures of child protection. Organisations with these cultures will be open and accountable, and work continually to improve their practices to ensure that children are kept safe, and their needs are identified and appropriately responded to.

133. 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

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<sup>114</sup> For more information on data collection see paragraphs 96 to 97.

<sup>115</sup> See Tables 23, 24 and 25 in *Statistical Information by the Government of New Zealand 2015*.

funded children's workforce 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).

134. Currently, CYF offers two one-day workshops to staff that 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 the *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. In the 2012/13 financial year, 120 practitioners completed the training.
135. 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.

***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)]***

136. 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)**

***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)]***

137. 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.
138. 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.

**VII. Disability, basic health and welfare**

**A. Disability (Article 23)**

139. The 2013 Disability Survey<sup>116</sup> found that there are 131,000 children under the age of 18 with a disability in New Zealand.<sup>117</sup> Children with disabilities, where appropriate, can access the range of mainstream universal and targeted government, medical and social

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<sup>116</sup> See [http://www.stats.govt.nz/browse\\_for\\_stats/health/disabilities/DisabilitySurvey\\_HOTP2013.aspx](http://www.stats.govt.nz/browse_for_stats/health/disabilities/DisabilitySurvey_HOTP2013.aspx).

<sup>117</sup> For more information see Table 26 in *Statistical Information by the Government of New Zealand 2015*.

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.

140. The 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 caregivers of children receiving CDA.
141. In 2014, the Government allocated \$11 million over four years to New Zealand Sign Language (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.
142. Deaf Aotearoa New Zealand is being contracted to develop trilingual NZSL resources to support appropriate engagement with communities with a focus on Te Reo Māori and Te Ao Māori. A first trilingual (Te Reo Māori, NZSL, English subtitles) e-book is in development and it is intended to make many more.
143. 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.
144. 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.
145. In 2008, the Government allocated \$5 million per annum to develop and improve Autism Spectrum Disorder (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 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.
146. Education specialist services such as 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.<sup>118</sup>

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<sup>118</sup> For more information about inclusive education see paragraphs 119 to 200.

## B. Health and health services (Article 24)

147. In 2013, New Zealand's Health Select Committee made 130 recommendations to the Government on how to improve outcomes for children and prevent child abuse.<sup>119</sup> The Government responded in early 2014.<sup>120</sup> Overall, the Government supported the Inquiry Report and noted that it generally aligns with Government priorities.
148. 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. 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. The Government is also improving immunisation rates and decreasing the incidence of rheumatic fever through its work under BPS Result 3.<sup>121</sup> From 1 July 2015, the Government will invest \$90 million over three years to extend 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.
149. Health prevention and promotion is also a priority for the Government. 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.
150. Safekids Aotearoa works at a national level to undertake preventative health promotion initiatives to reduce the incidence and severity of unintentional injuries to New Zealand children.<sup>122</sup> Unintentional injury<sup>123</sup> is a leading cause of death and hospitalisation for children aged 0-14 years in New Zealand.<sup>124</sup> Of note during the reporting period are the amendments to the Land Transport Act and Rules which improve road safety for children<sup>125</sup> and Housing New Zealand's Driveway Safety Programme which seeks to minimise the risk of driveway injuries and deaths to children by auditing existing properties where there are children under the age of five.<sup>126</sup>
151. The 2012/2013 New Zealand Health Survey found that 1 in 9 children (aged 2-14 years) were obese (11%). This is an increase from the childhood obesity rate in 2007/2007 (8%).<sup>127</sup> The *Healthy Families NZ* initiative commenced in August 2014. Ten

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<sup>119</sup> For a copy of the report see [http://www.parliament.nz/en-nz/pb/sc/documents/reports/50DBSCH\\_SCR6007\\_1/inquiry-into-improving-child-health-outcomes-and-preventing](http://www.parliament.nz/en-nz/pb/sc/documents/reports/50DBSCH_SCR6007_1/inquiry-into-improving-child-health-outcomes-and-preventing).

<sup>120</sup> For a copy of the Government's response see [http://www.parliament.nz/en-nz/pb/presented/papers/50DBHOH\\_PAP25992\\_1/government-response-to-report-of-the-health-committee-on](http://www.parliament.nz/en-nz/pb/presented/papers/50DBHOH_PAP25992_1/government-response-to-report-of-the-health-committee-on).

<sup>121</sup> For more information on BPS Result 3 see paragraph 40.

<sup>122</sup> Submission from Safekids New Zealand, received 27 February 2015. Other agencies that provide education and information to children and families on unintentional injury prevention include ACC, Trading Standards (Ministry of Business, Innovation and Employment), New Zealand Plunket and Territorial Local Authorities.

<sup>123</sup> Examples of unintentional injury include falls, being struck, suffocation, transport-related injuries and drowning.

<sup>124</sup> For more information see Tables 9 and 10 in *Statistical Information by the Government of New Zealand 2015*.

<sup>125</sup> For more information on these changes see Appendix Three.

<sup>126</sup> For more information see <http://www.hnzc.co.nz/info-for-tenants/health-safety/driveway-safety-programme>.

<sup>127</sup> For more information see Table 32 in *Statistical Information by the Government of New Zealand 2015*.

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 NZ* programme, along with reducing smoking rates and moderating alcohol consumption. MoH also produces population-specific Food and Nutrition Guidelines, including for ‘Infants and Toddlers (0-2)’ and ‘Children and Young People (2-18 years)’.

152. 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 Report<sup>128</sup> 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 Sudden Unexpected Death of an Infant (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.
153. 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 GP with a Diploma of Obstetrics or an obstetrician.<sup>129</sup> 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<sup>130</sup> 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.
154. A growing number of refugees and migrants come from countries that practice Female Genital Mutilation (FGM), and many of these women may have already undergone FGM. There is no documented evidence that FGM is practised in New Zealand. FGM is an offence under the Crimes Act 1961<sup>131</sup> 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.

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<sup>128</sup> For a copy of the report see: <http://www.hqsc.govt.nz/our-programmes/mrc/cymrc/publications-and-resources/publication/1311/>.

<sup>129</sup> For data on women accessing a LMC see Table 39 of *Statistical Information by the Government of New Zealand 2015*.

<sup>130</sup> In 2012 96.9% of women gave birth in a maternity facility. See Table 38 of *Statistical Information by the Government of New Zealand 2015*.

<sup>131</sup> See sections 204A and 204B of the Crimes Act 1961.

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

155. 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). *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.
156. The MoH and DHB annual planning process requires all 20 DHBs and their Primary Health Organisations (PHOs) to jointly develop a 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 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.
157. 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% in the last year), smoking cessation advice (up 13.8% in the last year), diabetes patient review (up 8.6% in the last year) and mammography for the high needs (up 3.9% in the last year). Overall the Whānau Ora sample results are positive, particularly the fact that 60.1% enrolled in the Whānau Ora sample are high health needs patients (Māori, Pacific and/or people living in areas of high socio-economic deprivation).<sup>132</sup>

**C. International cooperation on health (Article 24(4))**

158. 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.

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<sup>132</sup> For more information about Whānau Ora see paragraph 55.



- 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 a soon to be implemented \$2.2 million activity aimed at eliminating acute rheumatic fever in Fiji.

#### **D. Breastfeeding (Article 24(e))**

##### ***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]***

159. Plunket data for the 2014/2015 year to date suggests that 17% of Māori women are exclusively breastfeeding at six months. In the 2012/2013 financial year, 15.9% of Māori women were exclusively breastfeeding at six months (compared with 24% of all women seen by Plunket).<sup>133</sup> A *WCTO Quality Improvement Framework* and associated indicators were established in 2013, including breast feeding indicators.<sup>134</sup> The range of initiatives underway includes a national breastfeeding campaign aimed at improving breastfeeding rates, particularly for Māori women,<sup>135</sup> maintaining Baby Friendly Hospital accreditation,<sup>136</sup> 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.

160. 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. More complaints are now received about companies producing infant formula who are not members of the Infant Nutrition Council (INC) than INC member companies.

#### **E. Adolescent health (Article 24)**

161. The last national youth survey completed in 2012 was encouraging, showing a marked reduction in tobacco,<sup>137</sup> alcohol<sup>138</sup> and drug use by young people over this time period. The survey also showed that schools are improving support systems for students to keep them engaged in education and most students report caring and supportive families.<sup>139</sup> These reductions in substance use, in combination with good relationships, will profoundly improve young people's current physical and mental health and the longevity

<sup>133</sup> See Tables 38 and 39 of *Statistical Information by the Government of New Zealand 2015*.

<sup>134</sup> Indicator 14 measures the number of infants receiving breast milk at six months of age (exclusively, fully or partially).

<sup>135</sup> For more information about the national breastfeeding campaign see <https://www.health.govt.nz/your-health/healthy-living/babies-and-toddlers/breastfeeding>.

<sup>136</sup> For more information about Baby Friendly Hospitals see <http://www.health.govt.nz/your-health/healthy-living/babies-and-toddlers/breastfeeding/getting-ready-breastfeed/your-breastfeeding-plan/baby-friendly-hospitals>.

<sup>137</sup> See Table 47 of *Statistical Information by the Government of New Zealand 2015*.

<sup>138</sup> The proportion of 15 to 17 year olds who drank alcohol in the past year dropped from 75% in 2007/2008 to 59% in 2011/2012.

<sup>139</sup> For more information see: <https://www.fmhs.auckland.ac.nz/en/faculty/adolescent-health-research-group/youth2000-national-youth-health-survey-series/youth2012-survey.html>.

of their generation. There is more work to do to support young people who are emotionally distressed, bullied, using contraception inconsistently, exposed to violence and/or are overweight.

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

162. The birth rate for 15-19 year olds of 33 births per 1000 women in 2008 has declined to 22 per 1000 in 2013. In 2013, the proportion of all births that are teen births reached 5.9% which is the lowest percentage ever recorded.<sup>140</sup> The rate of teenage childbearing in New Zealand remains high by OECD standards, with only the United States having a higher teen birth rate.

163. Teen parents are a particularly vulnerable cohort with distinct reproductive health needs. In addition to the Youth Service, teen parents can also be eligible for a range of other services. Examples include the following:

- 653 places in 23 Teen Parent Units (TPUs) around the country. These provide flexible education options and high levels of pastoral support to teen parents of all genders. TPUs are co-located with ECE services to ensure that learners can be close to their child.
- To help address the housing needs of the most vulnerable teen parents, \$6.2 million has been invested in supported housing for teen parents.
- Intensive Case Workers and Volunteer supports help teen parents in high needs communities stay in education and prepare for future employment. As at September 2014, 284 teen parents had an Intensive Case Worker.
- Parenting support for teen fathers is an initiative that supports the development and delivery of parenting support programmes specifically designed for teen fathers.

164. Teen beneficiaries can access non-recoverable financial assistance to access Long-Acting Reversible Contraception. Those engaged in the Youth Service are supported by their Youth Service Provider to access this assistance.

165. 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.<sup>141</sup>

166. 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 at a cost of

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<sup>140</sup> In 2013, all regions except for Northland recorded a decrease in teen birth rates (see *Teen births: Current Trends*, SUPERU, 2015).

<sup>141</sup> The content of sexuality education changes with the age of the child. At primary school children are likely to learn about friendships, different kinds of families, and respect for each other and people who are different from them. In the later years of primary they may also learn about puberty, body development and image and human reproduction and the risks and issues that can arise online and when using social media. In secondary years they are likely to learn about positive and supportive intimate relationships, contraception, managing health, and the influence society has on how we view gender and sexuality.

\$10 million over four years. A nurse-led service is now funded in all consenting decile 1-3 secondary schools, and in TPUs and alternative education facilities. In total, around 55,000 young people will have access to nurses in schools. This service includes a routine HEEADSSS assessment for all Year 9 students (13 years old), and all students attending teen parent units or alternative education. The HEEADSSS 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.

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

167. The Government is committed to reducing rates of youth suicide. The suicide rate among youth aged 15 to 19 years peaked in 1997 at 26.7 deaths per 100,000, but has fallen to 18.9 deaths per 100,000 in 2011.<sup>142</sup> The current *New Zealand Suicide Prevention Action Plan 2013-2016* 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.

168. The *Prime Minister's Youth Mental Health Project* is a four year cross-agency project that 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.

169. The Government has 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.

170. 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

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<sup>142</sup> For more information see Tables 33, 34 and 35 in *Statistical Information by the Government of New Zealand 2015*.

suicide, where suicide or attempting to commit suicide does not result, punishable by up to three years imprisonment.<sup>143</sup>

171. The Government has agreed to amend 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.

## **F. Standard of living (Article 27)**

### ***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]**

172. There has been considerable recent parliamentary, political, media and community interest in the issue of child hardship.<sup>144</sup>

173. “Child poverty” is often used as a shorthand for two commonly accepted measures of poverty – inadequate household income to meet basic needs and non-income measures of material hardship which can show the proportion of people with unacceptably low day-to-day living standards. New Zealand does not have and never has had an official measure of child poverty. Child poverty and material hardship exist on a spectrum from more to less severe, and there will always be debate about where to draw the line. MSD regularly reports on some aspects of child poverty trends using a range of income poverty and material hardship measures.<sup>145</sup> From this work, we know that:

- In an international context, New Zealand’s child hardship rates are around the middle of the OECD and the European Union (EU) rankings using their standard relative income measures.
- However, using the EU’s official material deprivation index, New Zealand has a relatively high ratio of child hardship rate (18%) to population hardship rate (13%). This reflects two factors:
  - the hardship rate for older New Zealanders (aged 65+) ranks New Zealand with the best in the EU (3%), and this pulls down the overall population rate
  - NZ’s lower GDP per capita (which the relative income poverty measures do not reflect in international comparisons).
- On most standard measures the proportion of children aged 0-17 living in low income households is lower in 2013 than in 2004.<sup>146</sup>
- Following the GFC hardship rates for children have returned to close to pre-GFC levels.<sup>147</sup>

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<sup>143</sup> For more information about the Harmful Digital Communications Bill see paragraph 209.

<sup>144</sup> See the OCC’s Expert Advisory Group on Child Poverty’s *Solutions to Child Poverty – Evidence for Action* and the report of the Health Select Committee *Inquiry into improving child health outcomes and preventing child abuse with a focus on preconception until three years of age*.

<sup>145</sup> Statistics New Zealand reports to the OECD on “poverty rates” in New Zealand using the OECD’s 50% of median household income relative measure. The report that Statistics New Zealand sends is clear that the information it provides is not about any official poverty measure.

<sup>146</sup> See Table 49 in *Statistical Information by the Government of New Zealand 2015*.

174. New Zealand, like most OECD nations, already does a considerable amount to address hardship. Despite the recession, the GFC, and other significant fiscal pressures, the Government has continued to provide substantial financial assistance, including benefits, Working for Families tax credits, Income-Related Rents, Accommodation Subsidies and Childcare Support, at a cost of \$7.3 billion a year. This expenditure has a considerable impact on child poverty. Using the OECD's 50% of median income measure, New Zealand's child poverty rates before and after government intervention (through taxes and transfers) are 30% and 12% respectively.

175. In addition, there is a considerable spend on other support that reduces demand on the family budget through subsidies or direct provision (for example, free primary health-care for younger children and the *Warm Up New Zealand* home insulation programme). These initiatives, together with direct income support assistance, help reduce material hardship among families with children.

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

### **G. Housing (Article 27(3))**

177. The majority of New Zealand's children live in warm, dry healthy homes. However around 25% – about 270,000 – live in poor quality housing.<sup>148</sup> Recent surveys of children admitted to hospitals in New Zealand have highlighted the strong association between poor housing standards and poor child health, a problem which is compounded by overcrowded households. Further New Zealand research has clearly demonstrated that improving the quality of housing enhances children's health and attendance at school.<sup>149</sup>

178. New Zealand's supply of social housing is principally delivered through Housing New Zealand, a Crown entity with approximately 69,000 houses. A further 5000 houses are owned by community housing providers. Demand exceeds supply. As at February 2015, New Zealand had 4,745 households on the social housing register; who were either waiting for a social house or were waiting to be transferred to another social house.<sup>150</sup>

179. MSD has taken over responsibility for social housing application assessments. Data from MSD shows that as at February 2015:

- over 2, 700 applications on the social housing register have one or more children
- 372 applications on the social housing register stated homelessness as their main reason for applying, with 28 of these being in the 16-20 years old age group

And as at June 2014:

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<sup>147</sup> See Figure L.3 of Perry, B. (2014), *Household Incomes in New Zealand: Trends in Indicators of Inequality and Hardship 1982 to 2013*, Wellington: Ministry of Social Development.

<sup>148</sup> Children's Commissioner's Expert Advisory Group on Solutions to Child Poverty (Dec 2012). *Solutions to Child Poverty in New Zealand: Evidence for Action*. Wellington: Children's Commissioner.

<sup>149</sup> Howden-Chapman, P., Baker, M.G., Bierre, S. (May, 2013). The Houses Children Live In; policies to improve housing quality. *Policy Quarterly – Volume 9, Issue 2 – May 2013 – page 35*.

<sup>150</sup> To be eligible for a social house in New Zealand, applicants must be 'at risk' or have a 'serious housing need'.

- 92% of people receiving an accommodation supplement (which include beneficiaries and non-beneficiaries) spend more than 30% of their income on housing costs.

180. Freedom from crowding is one of the six dimensions of housing adequacy recognised by Statistics New Zealand. Crowding in a dwelling occurs where the number of people residing in a household exceeds the capacity of that household to provide adequate shelter and services to its members. Data from the Census 2013 shows that:<sup>151</sup>

- around 10% of New Zealanders live in crowded conditions (398,300 people in 74,124 households)
- children are over represented in crowded households. Over half of crowded households have two or more children (at least one child aged between 5 and 14 years) living in them
- two in five Pacific people (38%) and one in five Māori (20%) and Asian (18%) people live in crowded households. This compares to one in 25 Europeans (4%)
- for the lowest household income quintile, 15% of households are crowded; for the highest household income quintile just 2% of households are crowded
- of people living in crowded households nationally, 35,847 (9%) live in households that do not use any form of heating in their houses.

181. New Zealand has a high incidence of rheumatic fever and overcrowded housing is a critical risk factor for this and other health issues. In response, New Zealand's social housing needs assessment model – the Social Allocation System – includes 'fast track provisions' that prioritises the allocation of social housing to households in the North Island who are at risk of rheumatic fever.

182. The Government has introduced a Social Housing Reform Programme which has five objectives, including ensuring people who need housing support from the Government can get it, and that properties used for social housing are the right size and configuration, and in the right areas. MSD is also implementing a package of short-term proposals to support people to access alternative housing in the private market and so reduce pressure on the social housing register. These include:

- expanding supported accommodation for young people on the social housing register
- working with beneficiaries in Work-Focused Case Management who are also on the social housing register to secure and retain alternative accommodation in the private market
- introducing a package of conditional grants to people on the social housing register to support them to secure and retain alternative accommodation in the private market
- beginning an additional 3000 tenancy reviews to create better flow through the system, taking the total reviews up to 4,800 by June 2016
- providing information and advice to people about the support available to move from areas of high demand to locations where more affordable housing is available
- improving the coordination of the emergency housing response in Auckland
- providing a one-off \$500,000 cash injection for emergency housing providers

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<sup>151</sup> Ministry of Health. (2014). *Analysis of Household Crowding based on Census 2013 data*. Wellington: Ministry of Health.

- reviewing the funding model for the provision of emergency housing
- releasing a Request for Proposals to increase social housing places in Auckland.

183. MSD is also releasing information about its purchasing intentions to support the sector's development and investment decision-making in relation to social housing.

#### **H. Social security and child care services facilities (Articles 26 and 18)**

184. 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. The 2013 welfare reforms 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 ECE 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.

185. 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.

186. 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.<sup>152</sup> 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. 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.<sup>153</sup>

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<sup>152</sup> 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.

<sup>153</sup> 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.

## **I. Support for working caregivers (Article 18(3))**

187. 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 after school care for up to 20 hours a week, and school holiday programmes for up to 50 hours a week.
- 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.
- Flexible Childcare Assistance (FCA) is a non-taxable payment designed to help sole parents receiving Sole Parent Support and Jobseeker Support take up work during non-standard hours. FCA is being trialled from August 2014 to November 2015.
- When a child is in the custody of the Chief Executive of MSD and placed with a CYF approved caregiver, and that caregiver works, then CYF will meet any childcare costs in excess of what is available publicly.

188. 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.<sup>154</sup>

189. Paid parental leave supports newborn development by allowing for full-time personal care, which is particularly important in the first six months. As part of Budget 2014, the duration of paid parental leave will be extended from the current 14 weeks to 18 weeks by 1 April 2016. The extension of paid parental leave is likely to extend eligibility to approximately 1,400 additional families and will benefit approximately 5% of working mothers with newborn children who are currently not eligible. Cabinet also agreed in principle to a range of measures to modernise and improve the parental leave legislation. These include broadening the eligibility to better reflect current work and family arrangements, and providing more flexibility to increase choice and support labour market attachment.

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

### **A. Provision of quality education (Articles 28 and 29)**

190. Education in New Zealand is compulsory for all domestic students from the age of six to 16. All domestic students from the age of five to 19 have the right to free enrolment and

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<sup>154</sup> Families getting 20 hours ECE cannot get GCAP or the Childcare Subsidy for the same hours.



education at any state school or partnership school kura hourua.<sup>155</sup> 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, and assist them in progressing to further education and employment:

- STAR<sup>156</sup> and Gateway<sup>157</sup> 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 system that includes interest free loans for graduates who remain in New Zealand and allowances targeted at students from lower socio-economic backgrounds.<sup>158</sup>

191. Partnership schools kura hourua were introduced in 2014 as a new type of school with greater freedom and flexibility to innovate and engage with their students in return for stronger accountability for improving educational outcomes. Partnership schools are obliged to accept students regardless of their background or ability. The performance management component of the contract between the sponsor and the Crown specifies a target number of learners from the Government's priority groups to be enrolled by the school. These groups are Māori, Pasifika, students with special education needs and students from low socio-economic backgrounds.

***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)]***

192. Over 200,000 children attend ECE, taught by over 40,000 educators in more than 4,000 licensed services across New Zealand.<sup>159</sup> The Government spends over \$1.6 billion on ECE annually.

193. BPS Result 2 requires that by 2016, 98% of children starting school will have participated in quality ECE. The rate was 96.1% in December 2014. The Government is targeting participation initiatives towards Māori and Pasifika children, children from low

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<sup>155</sup> Schools may, however, seek donations from parents. They may also charge for consumables, take-home items, stationery, and extracurricular activities, but students and parents are under no obligation to purchase these from the school. In addition, proprietors of state integrated schools may levy attendance dues to cover the costs associated with the provision of school property.

<sup>156</sup> STAR provides opportunities for secondary learners, but is more flexible than Gateway. Learners can experience work-based learning, school-based and tertiary-based education or a mix of these things. In 2011, STAR covered 489 schools.

<sup>157</sup> The Gateway programme is different to the Gateway Assessment delivered to children entering state care. The Gateway programme provides work-based learning opportunities for learners in Years 11-13 in state and state-integrated schools. The original policy intent was for Gateway to be a pathway into apprenticeships and higher industry training qualifications for those at decile 1-5 schools. In the last ten years the programme has expanded to include schools of all deciles.

<sup>158</sup> For more information on how many disabled students are accessing higher education, see Table 28 in *Statistical Information by the Government of New Zealand 2015*.

<sup>159</sup> For a breakdown of the number of qualified/trained educators across different ECE services, see Table 73 in *Statistical Information by the Government of New Zealand 2015*.

socio-economic backgrounds and children with special learning needs, as these groups of children have historically had lower rates of participation. Strong growth in Māori and Pasifika participation towards the 98% target is encouraging – Māori and Pasifika participation has increased by 4.1 percentage points each since 2010.<sup>160</sup>

194. The diverse range of ECE services available to New Zealand families is broad by international standards,<sup>161</sup> and meets the different needs of families and communities. ECE providers include kindergartens, *kōhanga reo*,<sup>162</sup> play-centres, education and care services, home-based services and playgroups. All services are underpinned by *Te Whariki*, the flexible, child-centred curriculum framework which outlines broad aspirations for children.
195. Government regulates a high level of structural quality in ECE, meaning New Zealand is in the top group of OECD nations for teacher-child ratios in ECE and required levels of qualification for ECE teachers. A number of ongoing initiatives also contribute to the quality of ECE. *Strengthening Early Learning Opportunities* is a targeted professional development programme designed to raise the capacity and cultural responsiveness of struggling ECE services. The independent Advisory Group on Early Learning has been convened to provide advice on transitions between ECE and school, and improvements to ECE curriculum implementation.
196. Public expenditure on ECE increased significantly between 2002 and 2013. In current 2013 dollars, it rose by 203%. 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.
197. The Government subsidises all children's participation in ECE for up to 30 hours per week. The level of subsidy depends on the child's age, the type of service and the level of qualification of teachers or educators. 20 Hours ECE universally subsidises the full cost of 20 hours of ECE per week, up to six hours per day, for all children aged 3-5 years old. This applies until the child starts school. In addition, targeted programmes ensure that disadvantaged families and children can access ECE for little or no cost.<sup>163</sup>
198. MoE's Equity funding 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*, *Targeted Assistance for Participation* and *Supported Playgroups*.<sup>164</sup>

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<sup>160</sup> For a breakdown of enrolments and entitlement funding by ECE service type, see Table 55 in *Statistical Information by the Government of New Zealand 2015*.

<sup>161</sup> 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>.

<sup>162</sup> Te Kōhanga Reo is a total immersion Māori language family programme for young children from birth to six years.

<sup>163</sup> For more information see paragraph 186.

<sup>164</sup> For more information on these early learning initiatives see: <http://www.lead.ece.govt.nz/ProgrammesAndInitiatives/ECEParticipationProgramme/Overview.aspx>.

## **B. Inclusive education (Article 29)**

### ***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)]***

199. 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 over 800 schools nationwide.
- The OCC has produced the *School Food Guidelines* as a practical resource for schools wishing to introduce or improve the provision of food.<sup>165</sup> The Guidelines were released in February 2014 and distributed to schools via Te kete Ipurangi, MoE's online resource portal.<sup>166</sup>
- Funding has been provided to KidsCan for free head lice treatment, raincoats, footwear and health and hygiene items for 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)<sup>167</sup> 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.
- The *Achievement 2013-17* initiative<sup>168</sup> 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.
- 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.

### ***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)]***

200. New Zealand is a world leader in providing inclusive education.<sup>169</sup> Against a set of indicators on inclusive practice the ERO found that in the schools they reviewed 78% of schools were “mostly inclusive”, 21% had “some inclusive practices” and just 1% with “few inclusive practices”.<sup>170</sup> This is significant progress.

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<sup>165</sup> The Guidelines were produced by an independent working group after the OCC's Expert Advisory Group on Child Poverty recommended the development of a collaborative food in school programme.

<sup>166</sup> Several key stakeholders in the education sector also circulated the guidelines via their networks, and a permanent link is available on the OCC website: <http://www.occ.org.nz/assets/Publications/Guidelines-for-School-Food-Programmes.pdf>.

<sup>167</sup> For more information on *Akoako* see: <http://foundrycreative.co.nz/works/ministry-of-education-akoako-in-practice-workbook/>.

<sup>168</sup> For more information on the Achievement 2013-17 initiative see: <http://youthguarantee.net.nz/achievement-retention-transitions>.

<sup>169</sup> Mitchell, D. (2010). *Education that Fits: Review of international trends in the education of students with special education needs*.

<sup>170</sup> The indicators are of “quality practice” and do not mean that schools are not fulfilling their legal obligations for children with disabilities/special education needs.

201. Only 0.4% 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% of the school population who have the highest level of need (such as the Ongoing Resourcing Scheme<sup>171</sup>), services for the 4 to 6% of students with moderate needs, Early Intervention services for 5% of children aged 0-6 and broad based interventions and programmes targeted at schools and groups of students.
202. For children in rural or remote areas, the approach of MoE is to provide the additional supports and services needed to the child in their local school. The national rollout of ultrafast broadband means that families in these areas can access online resources. Deaf students and their classes and families for example can access the online NZSL Dictionary and newly developed NZSL e-books.

### **C. Suspensions, exclusions and expulsions (Article 28(e))**

#### ***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)]***

203. 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.
204. 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. Multi Agency Social Services in Secondary Schools is currently delivered in 17 schools, and Social Workers in Schools is currently delivered in 683 decile 1-3 schools and 42 decile 4-6 schools.

### **D. Donations (Article 28(a))**

#### ***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)]***

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<sup>171</sup> The Ongoing Resourcing Scheme (ORS) provides support for students with the highest level of need for special education to join in and learn alongside other students at school. In 2015, the ORS is providing support to over 8,000 students, more than in any previous year.

205. The right to free education at any state school or partnership school kura houraua 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 1<sup>st</sup> of January after the person's 19<sup>th</sup> birthday. The Ministry advises schools that they need to be clear about when and why they are seeking voluntary contributions or donations for specific purposes. 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. Schools may charge for consumables, take-home items, stationery, clothing and extra-curricular activities but students and parents are under no obligation to purchase these and Boards should not indicate that it is mandatory to do so.

#### **E. Bullying (Article 29)**

##### ***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)]***

206. Although several surveys available in New Zealand include measures of bullying, we lack consistent national data on incident rates of bullying. The *Youth 2000* surveys have found little change in the rates of bullying in New Zealand schools over the past decade (with the exception of cyberbullying which is on the rise). We know that bullying rates vary considerably between schools with similar demographic profiles. This indicates that school policies, systems and practices influence the prevalence of bullying.

207. Under National Administration Guidelines 5 (NAG 5) each Board of Trustees is required to provide a safe physical and emotional environment for students. The cross-sector Bullying Prevention Advisory Group (BPAG), chaired by the Secretary for Education, has published *Bullying prevention and response: A guide for schools*<sup>172</sup> and is developing resources to support the implementation of the guide in schools. In February 2015 BPAG agreed an Interagency Strategic Plan for the 2015 to 2016 period, with 12 priority areas for action including establishing a national survey to monitor the incidence of bullying in New Zealand Schools. BPAG has also established a cyber-bullying subgroup to specifically focus on bullying in the digital environment.

208. 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. 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.<sup>173</sup>

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<sup>172</sup> Every school in New Zealand was sent a copy of *Bullying prevention and response: A guide for schools* in April 2014. Feedback on the guide has been overwhelmingly positive.

<sup>173</sup> For more information on anti-bullying initiatives under PB4L, see:

<http://www.minedu.govt.nz/NZEducation/EducationPolicies/SpecialEducation/OurWorkProgramme/PositiveBehaviourForLearning/About.asp>.

209. The *Te Punanga Haumaru Fund* supports whānau and community-driven action that encourages positive social behaviour in children and reduces bullying. *Te Punanga Haumaru* 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.

210. The Harmful Digital Communications Bill, 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.<sup>174</sup>

211. 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.

#### **F. International cooperation on education (Article 28(3))**

240. 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.

241. 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 Learning<sup>175</sup> 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

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<sup>174</sup> For more information about the Harmful Digital Communications Bill see paragraph 142 of New Zealand's Sixth Periodic Report under the ICCPR.

<sup>175</sup> For more information on the Commonwealth of Learning see: <http://www.col.org/Pages/default.aspx>.

for primary school children in Eastern Indonesia and improve ECE in Viet Nam and Timor Leste.

### **G. Rest, leisure, recreation and cultural activities (Article 31)**

212. The 2012 *Youth2000* survey of 8,500 students found that young people participate in a wide variety of leisure activities. For example, 31% of them were involved in music, art, dance or drama. 62% 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% of students (14% males and 6% females) had met the current recommendation of 60 minutes of physical activity a day.

213. Examples of Government initiatives that support a child's right to rest, leisure and recreation include:

- In the 2013/14 financial year MYD funded over 30,000 young people to participate in youth development programmes and services including Stage Challenge, cultural groups, performance groups, art and digital storytelling exhibitions.
- *Moving the Māori Nation* is a contestable fund that focus on Māori sporting and cultural activities.
- 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.<sup>176</sup>
- Sport NZ has developed a number of initiatives that support different aspects of children's sport.<sup>177</sup> Notably, 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.<sup>178</sup>

#### ***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]***

214. 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 includes \$5.7 million allocated to *Services for Young People*<sup>179</sup> and \$0.9 million allocated to the *Youth Development Partnership Fund*.

215. The Break-Away School Holiday Programme provides young people aged 11–17 with structured activities during the school holidays. The holiday programme is available throughout New Zealand in disadvantaged communities at no cost to the participants. Around 30,000 one-week places are available throughout the year.

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<sup>176</sup> Examples include Sistema Aotearoa, the New Zealand Music Commission Musicians Mentoring in Schools Programme, the Bands Mentoring in Schools Programme, and the Royal New Zealand Ballet Education Programme.

<sup>177</sup> For more information on Sport NZ see: <http://www.sportnz.org.nz/>.

<sup>178</sup> 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>.

<sup>179</sup> This includes investment in community based services e.g. Stage Challenge, the Duke of Edinburgh's Hillary Award, community youth workers and leadership workshops.

216. OSCAR programmes are delivered by a range of different providers contracted by MSD.<sup>180</sup> 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.<sup>181</sup>

## **IX. Special protection measures**

### **A. Children in situations of emergency (Article 22)**

217. 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.

218. 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.

### **B. Canterbury earthquakes (Article 27)**

219. The series of devastating earthquakes and ongoing aftershocks across the Canterbury region from 2010 to 2012 were both unprecedented and internationally unique in that this was a natural disaster over an extended period of time that initially affected the response and recovery process. 185 people were killed, including 4 children, and 11,432 were injured. 90% of residential houses suffered earthquake damage with 9,100 made uninhabitable, and a further 7,859 on land that has been assessed as no longer suitable for houses. The total cost of the rebuild is currently estimated at \$40 billion, approximately 20% of New Zealand's gross domestic product. The huge physical, financial and emotional effects for the region has led the Human Rights Commission to declare it New Zealand's greatest contemporary human rights challenge.<sup>182</sup>

220. Immediately after the September 2010 earthquake, support was provided to vulnerable populations and providers. Services to support people at risk of acute admission to hospitals were extended and new programmes were developed to support people in their own homes following discharge from hospital. Canterbury District Health Board extended free influenza vaccination for children under 18 years until 2014 because of the housing situation and pressure on hospital beds. Under the *Recovery Strategy for*

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<sup>180</sup> For more information about OSCAR providers see: <http://www.oscarnz.org.nz/#OSCAR>.

<sup>181</sup> For more information on OSCAR see Table 80 in *Statistical Information by the Government of New Zealand 2015*.

<sup>182</sup> See <http://www.hrc.co.nz/human-rights-environment/canterbury-earthquakes/>.



*Greater Christchurch: Mahere Haumanutanga o Waitaha*, agencies within the Canterbury health system are responsible for delivering the Canterbury District Health Board Transition Programme. This programme will create services and environments that are more able to support people to stay well.<sup>183</sup>

221. Stress as a result of the earthquakes has been a factor for many families. The Canterbury Earthquake Recovery Authority's Wellbeing Survey for September 2014 notes that 10% of greater Christchurch residents are still dealing with frightened, upset or unsettled children.<sup>184</sup> The *Community in Mind* psychosocial strategy generally addresses stress. The Strategy guides agencies and community groups to develop, target and coordinate their work programmes and activities for the psychosocial recovery of greater Christchurch communities.<sup>185</sup>
222. The earthquakes also had a significant effect on participation and achievement in education.<sup>186</sup> In response to population change and damage to land and education facilities, *Directions for Education Renewal in Greater Christchurch* was released in August 2012. The programme aims to offer an innovative response to the earthquakes by improving the delivery of education, extending options for learners and lifting student achievement.<sup>187</sup>
223. Since the Canterbury earthquakes a review of the National Civil Defence Emergency Management Plan Order 2005 (the Plan) has been carried out. The Plan includes arrangements for the delivery of welfare services to affected communities, including children. The Plan is a regulation and will be made as legislation in the second quarter of 2015.

### **C. Helplines (Article 39)**

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

224. 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.
225. A number of toll-free, nationally accessible, child and youth focused helplines are available via alphanumeric numbers.<sup>188</sup> Coverage is comprehensive during the main

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<sup>183</sup> For more information about the *Recovery Strategy for Greater Christchurch: Mahere Haumanutanga o Waitaha* see: <http://cera.govt.nz/recovery-strategy/overview>.

<sup>184</sup> See Table 81 in *Statistical Information by the Government of New Zealand 2015*.

<sup>185</sup> For more information about the Community in Mind Strategy, see: <http://cera.govt.nz/recovery-strategy/social/community-in-mind>.

<sup>186</sup> For more data about ECE participation, student absences, NCEA Level 2 achievement, NEETS (young people aged 15-24 who are not in education, employment or training), tertiary enrolment, student engagement and student transience in Christchurch in the years prior to and following the earthquake, see <http://cera.govt.nz/sites/default/files/common/canterbury-wellbeing-index-june-2014-sec01-participation-in-education.pdf>.

<sup>187</sup> For more information about the Education Renewal Recovery Programme see: <http://cera.govt.nz/recovery-strategy/social/education-renewal-recovery-programme>.

<sup>188</sup> MSD provides funding support for the What's Up child and youth helpline (operated by Barnardos) which offers a helpline service with trained staff, especially for child and youth callers. The free calling service offers phone line, texting and online access and is available daily from 1pm to 11pm.

hours that children seek help (up to 12 hours a day). One service provides 24-hour coverage.

#### **D. Economic exploitation including child labour (Article 32)**

226. 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% 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. The Starting-Out Wage is aimed at reducing unemployment rates for 16 to 19 year olds, particularly those at risk of long term labour market disadvantage from prolonged unemployment and spells of inactivity. This aim is to be achieved by improving incentives for employers to give work opportunities to the targeted young people. An evaluation of the Starting-Out Wage (including its effects on the young people) will be conducted at the end of 2015.

227. In 2011, MBIE updated its manual *Achieving Sustainable Compliance* which presents the Ministry's policy on the enforcement of employment standards.<sup>189</sup> The manual includes the policy guidelines used by labour inspectors. MBIE's Labour Inspectorate is responsible for enforcing compliance with employment standards to prevent and detect exploitative breaches. The Labour Inspectorate has prioritised young workers and migrant workers as priority groups.

#### ***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]***

228. 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 report on school children in paid employment provides some background to this approach.<sup>190</sup> The Government continues to monitor the situation. Proposed changes to workplace health and safety regulations will strengthen the requirements relating to young people working in hazardous workplaces.

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

229. 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.

230. The Psychoactive Substances Act 2013 responds to the issue that new psychoactive substances cannot be controlled by the traditional regulatory methods. This was an area of considerable public concern, particularly due to easy access by young people. The Act

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<sup>189</sup> For a copy of the manual see: <http://www.dol.govt.nz/er/compliance-policy/2011CompliancePolicy.pdf>.

<sup>190</sup> O'Neill, Damien. *School Children in Employment: Issues and Considerations* (2010).

reverses the onus of proof by prohibiting the sale of psychoactive substances<sup>191</sup> 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.

#### **F. Sexual exploitation and abuse (Articles 34, 35 and 36)**

231. For information about the Government's progress on articles 34, 35, 36 and 39, see New Zealand's Initial Report under the OPSC.

232. Some non-governmental organisations have expressed concerns about possible forced and underage marriages in New Zealand. Such marriages are illegal. In addition to legislative measures, the Government considers that continuing to focus on education and building relationships of trust with migrant communities will be a more effective way to reduce the risk of forced and underage marriage and protect women from violence.<sup>192</sup>

*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]*

233. New Zealand's measures to combat the exploitation of migrant girls in prostitution are outlined generally in New Zealand's Initial Report under the OPSC.

#### **G. Protection against torture (Article 37)**

234. 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. Following the adoption of the Optional Protocol to the Convention in 2007, the New Zealand Government designated five existing organisations to fulfil the role of the National Preventive Mechanism (NPM). NPMs independently monitor places of detention.<sup>193</sup>

235. The Subcommittee on Prevention of Torture visited places of detention in New Zealand in April 2013. The Subcommittee found no consistent allegations of torture or physical ill-treatment.<sup>194</sup> However, they made 43 recommendations for improving conditions for detainees. New Zealand responded in May 2014.<sup>195</sup> Additionally, the United Nations Working Group on Arbitrary Detention visited New Zealand in March 2014. We are awaiting the Working Group's formal report.

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<sup>191</sup> 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."

<sup>192</sup> For more information about the Government's response to forced and underage marriage, see paragraphs 232 and 233 of New Zealand's Sixth Periodic Report under the ICCPR.

<sup>193</sup> The NPMs include the Human Rights Commission (the Central NPM), the Office of the Children's Commissioner, the Ombudsman, the IPCA and the Inspector of Service Penal Establishments of the Office of the Judge Advocate General.

<sup>194</sup> See [http://tbinternet.ohchr.org/Treaties/CAT-OP/Shared%20Documents/NZL/CAT\\_OP\\_NZL\\_1\\_7242\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CAT-OP/Shared%20Documents/NZL/CAT_OP_NZL_1_7242_E.pdf)

<sup>195</sup> See [http://tbinternet.ohchr.org/Treaties/CAT-OP/Shared%20Documents/NZL/CAT\\_OP\\_NZL\\_1\\_Add-1\\_17459\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CAT-OP/Shared%20Documents/NZL/CAT_OP_NZL_1_Add-1_17459_E.pdf)

## **H. Children in conflict with the law (Article 40)**

236. The number of Police apprehensions of children and young people declined by nearly 40% between 31 June 2010 – 31 June 2014.<sup>196</sup> BPS Result 7 which requires the Government to reduce the youth crime rate by 25% by June 2017 has already been exceeded.

237. 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. Police have guidelines for officers questioning young people, as well as an updated 'rights card'. 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.

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

238. 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 victim, and, unless the public interest requires otherwise, criminal proceedings should not be instituted against a child or young person if there is an alternative means of dealing with the matter. These principles echo the international principles of juvenile justice.

239. 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. YCAP is generally consistent with the Beijing Rules and the Riyadh Guidelines.

240. New Zealand's treatment of young people detained in prisons aligns with most areas of the Havana Rules. All young people in prisons participate in education and vocational training through correspondence, and with tutors working in prisons to provide support. 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.

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

241. 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.

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<sup>196</sup> For more information see Table 91 in *Statistical Information by the Government of New Zealand 2015*.

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

242. 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.

***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)]***

243. 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. 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.

244. The Rangatahi and Pacific Youth Courts are a judicial initiative established in 2008 to address the disproportionate over-representation of Māori and Pasifika in the youth justice system. The courts aim to encourage strong cultural links and involving communities in the youth justice process. The Rangatahi Courts operate in 13 locations around New Zealand. There are two Pasifika Youth Courts, based in Mangere and Avondale.<sup>197</sup>

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

245. 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 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 MoH. 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.

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<sup>197</sup> For more information on the Government’s response to youth offending generally, see paragraphs 218 to 224 of New Zealand’s Sixth Periodic Report under the ICCPR.

246. In-court appearances will be reduced by the audiovisual links CYF have in place between the Youth Courts and the four youth justice residences. In addition YCAP will lead to a further reduction in arrests and court appearances for children and young people through the key strategies of reducing escalation and early and sustainable exits.
247. 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.<sup>198</sup> 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.<sup>199</sup>
248. 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.

***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)]***

249. 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.

**I. Protection of witnesses and victims of crimes (Article 39)**

***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]***

250. 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.
251. Following the 2013 New Zealand Law Commission review of the Evidence Act 2006 of a number of reforms to make appearing in court less traumatic for child witnesses. These include creating a legislative presumption that all witnesses under the age of 18 use alternative ways to give their evidence. This involves the use of pre-recorded evidence, audio-visual link, closed-circuit television and the use of witness screens in court.

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<sup>198</sup> An At-Risk Unit is a dedicated unit that has facilities to prevent self-harm and allows for close observation of prisoners.

<sup>199</sup> A female checklist must be completed by a Principal Corrections Officer on all female prisoners under the age of 18 years, to determine if it is in their best interests to be mixed with female prisoners aged 18 years and over. This placement is reviewed when circumstances require.

252. 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.

#### **J. Children belonging to minority groups (Article 30)**

253. In 2012 the Government approved the *New Zealand Refugee Resettlement Strategy*, which is a whole-of-government approach to delivering improved refugee resettlement outcomes so that refugees more quickly achieve self-sufficiency, social integration and independence.<sup>200</sup> Two of the five strategy outcomes directly support refugee children: Health and Wellbeing and Education. The relevant respective success indicators measure child immunisations after arrival in New Zealand and increased achievement of NCEA Level 2 by refugee school leavers.

254. 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. 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.

255. 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. Approximately 1,000 refugees and migrants are supported by this service each year. Those receiving these services have been able to achieve positive settlement outcomes more quickly, rebuild their lives, enter into education and employment and engage in their local community.

#### ***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]***

256. 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.

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<sup>200</sup> For more information about the Strategy see paragraphs 125 and 126 of New Zealand's Sixth Periodic Report under the ICCPR.

257. A review of Police and iwi/Māori relationships was undertaken in 2014.<sup>201</sup> The review supports the strengthening of partnerships between Police and Māori/iwi to reduce Māori offending and victimisation which will contribute to reducing the number of Māori children and young people in Police custody.<sup>202</sup>

## **X. Ratification of international human rights instruments**

### ***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]***

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

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

259. 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 presently considering ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights or the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Work towards accession to the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures of Child Protection is on the MoJ work programme.

## **XI. 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)**

260. 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)**

261. Legislative measures to prohibit the involvement of children in direct hostilities (article 1): 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.

262. Compulsory recruitment (article 2): Currently there is no legislation in New Zealand providing for compulsory recruitment or conscription.

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<sup>201</sup> For a copy of the review see <http://www.police.govt.nz/sites/default/files/publications/review-of-police-and-iwi-maori-relationships.pdf>.

<sup>202</sup> For more information about initiatives to reduce Māori offending and victimisation, see paragraphs 207 to 217 of New Zealand's Sixth Periodic Report under the ICCPR.



263. New Zealand's minimum age for voluntary recruitment (article 3): 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."
264. 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.
265. Armed groups and legislative provisions (article 4): 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.
266. Other international instruments and international humanitarian law (article 5): The International Crimes and International Criminal Court Act 2000 gives effect to New Zealand's obligations under the Rome Statute of the International Criminal Court. 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).
267. Implementation and enforcement of the Optional Protocol (article 6): 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, including respect for human rights and special protection measures for children, and targeted training, for all forces prior to deployment on operations.

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

268. 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.<sup>203</sup>

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<sup>203</sup> This is consistent with New Zealand's official response to the recommendations received from states during the Second Universal Periodic Review <http://www.mfat.govt.nz/Foreign-Relations/1-Global-Issues/Human-Rights/Universal-Periodic-Review/index.php>, page 1.

## Appendix One: Abbreviations

AISA	Approved Information Sharing Agreement
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
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
ECE	Early Childhood Education
ERO	Education Review Office
EU	European Union
FCA	Flexible Childcare Assistance
FDR	Family Dispute Resolution
FGC	Family Group Conferences
FGM	Female Genital Mutilation
GCAP	Guaranteed Childcare Assistance Payment
GDP	Gross Domestic Profit
GFC	Global Financial Crisis
GP	General Practitioner
HIV	Human Immunodeficiency Virus
HLFS	Household Labour Force Survey
HPA	Health Promotion Agency
HRA	Human Rights Act 1993
ICCPR	International Covenant on Civil and Political Rights
IECB	Inclusive Education Capability Building
ILO	International Labour Organisation
INC	Infant Nutrition Council
INZ	Immigration New Zealand

IPCA	Independent Police Conduct Authority
IRD	Department of Inland Revenue
LBGTI	Lesbian, bisexual, gay, transgender and intersex
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
NGO	Non-Government Organisation
NPM	National Preventative Mechanism
NZ	New Zealand
NZDF	New Zealand Defence Force
NZSL	New Zealand Sign Language
N4L	Network for Learning
OB	Orphan's Benefit
OCC	Office of the Children's Commissioner
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
ORS	Ongoing Resourcing Scheme
OSCAR	Out of School Care and Recreation
PB4L	Positive Behaviour for Learning Plan
PHO	Primary Health Organisation
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
SRH	Sexual and Reproductive Health

SSB DCEs	Social Sector Board Deputy Chief Executives
SUDI	Sudden Unexpected Death of an Infant
SuPERU	Families Commission/SuPERU
TPK	Te Puni Kōkiri (Ministry of Māori Affairs)
TPU	Teen Parent Units
UCB	Unsupported Child's Benefit
UNCROC	United Nations Convention on the Rights of the Child
UNDP	United Nations Development Programme
UNESCO	United Nations Education, Scientific and Cultural Organisation
UNFPA	United Nations Population Fund
UNHCR	United Nations Refugee Agency
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UPR	Universal Periodic Review
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

**Aiga (Samoan):** Family.

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

**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.

**Child/children:** those aged 0 to 12 years.

**Child, Youth and Family (CYF):** Child, Youth and Family is New Zealand's agency for the statutory care and protection of children and young people.

**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% grouping, there are 10 deciles and around 10% 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% of schools with the highest proportion of students from low socio-economic communities, whereas decile 10 schools are the 10% of schools with the lowest proportion of these students. The lower a school's decile rating, the more decile-based funding it gets.

**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 ‘sub-tribe’. 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.

**Kaitoko:** support.

**Kura hourua:** Partnership 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.

**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.

**Ora:** fit, healthy or well.

**Oranga:** livelihood, welfare, health or living.

**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 Ao Māori:** the Māori world.

**Te Puni Kōkiri:** the Ministry of Māori development.

**Te Reo Māori:** the Māori language.

**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: Legislation<sup>204</sup>

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

Article Supported	Legislation
Articles 19, 20, 23, 34, 37, 39, 40	<p><b>Vulnerable Children Act 2014:</b> 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"> <li>• protecting children from abuse and neglect</li> <li>• improving their physical and mental health and their cultural and emotional well-being</li> <li>• improving their education and training and their participation in recreation and cultural activities</li> <li>• strengthening their connection to their families, whānau, hapū, and iwi or other culturally recognised family group</li> <li>• increasing their participation in decision making about them and their contribution to society</li> <li>• improving their social and economic well-being.</li> </ul> <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 6, 33, 24	<p><b>Smoke-Free Environments (Controls and Enforcement) Amendment Act 2011:</b> 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><b>Psychoactive Substances Act 2013:</b> 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>
Articles 18(2), 26, 27	<p><b>Child Support Amendment Act 2013:</b> 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.</p>

<sup>204</sup> Legislation mentioned in this report is freely available at New Zealand Legislation Online: <http://www.legislation.govt.nz/>.

Articles 18, 27	<b>Parental Leave and Employment Protection Amendment Act 2014:</b> 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	<b>Taxation (Parental Tax Credit) Act 2014:</b> 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	<b>Social Security (Youth Support and Work Focus) Amendment Act 2012:</b> 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	<b>Social Security (Benefit Categories and Work Focus) Amendment Act 2013:</b> introduced social obligations for people receiving certain financial support regarding the health and education of their dependent children.
Articles 20, 26, 27, 40	<b>Children, Young Persons, and Their Families (Vulnerable Children) Amendment Act 2014:</b> 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"> <li>• 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</li> <li>• 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.</li> <li>• a new special guardianship order for the purpose of providing a long term, safe, nurturing, stable and secure environment</li> <li>• changes to the Family Group Conference plans and court plans to give parents more clarity about the steps they must take to meet their child’s care and protection needs</li> <li>• 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.</li> </ul>
Articles 20, 26, 27	<b>KiwiSaver (Vulnerable Children) Amendment Act 2014:</b> 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, 19	<b>Family Dispute Resolution Act 2013:</b> 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, 40	<b>Care of Children Amendment Act 2013:</b> 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 Family Dispute Resolution, 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	<b>Care of Children Amendment Act 2013:</b> 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	<b>Care of Children Amendment Act 2013:</b> 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	<b>Domestic Violence Amendment Act 2013:</b> made amendments to the primary Act to improve the safety and delivery of domestic violence programmes.
Articles 6, 19	<b>Land Transport (Road User) Amendment Rule 2011:</b> 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	<b>Land Transport (Driver Licensing) Amendment Rule 2011:</b> 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	<b>Land Transport (Road User) Amendment Rule 2012:</b> 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	<b>Land Transport (Road Safety and Other Matters) Amendment Act 2011:</b> 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). It 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 for the breach of drink drive limits (between zero and the current level).
Articles 6 and 19	<b>Land Transport (Road User) Amendment (No 2) 2013:</b> 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	<b>Land Transport (Driver Licensing) Amendment Rule 2014:</b> introduced a five year time limit for new learner and restricted care 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, 34	<b>Harmful Digital Communications Bill:</b> (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.	<b>Objectionable Publications and Indecency Legislation Bill:</b> (currently before Parliament) 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

Broadcasting Act 1989

Care of Children Act 2004

Citizenship Act 1977

Child Support Act 1991

Child Support Amendment Act 2013

Children's Commissioner Act 2003

Children, Young Persons and Their Families Act 1989

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

Coroners Act 2006

Corrections Regulations 2005

Crimes Act 1961

Crimes (Substituted Section 59) Amendment Act 2007

Crimes of Torture Amendment Act 2003

Crown Entities Act 2004

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 Act 2000  
Employment Relations (Flexible Working Arrangements) Amendment Act 2007  
Evidence Act 2006  
Families Commission Act 2003  
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  
Health Practitioners Competence Assurance Act 2003  
Human Assisted Reproductive Technology Act 2004  
Human Rights Act 1993  
Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003  
International Crimes and International Criminal Court Act 2000  
Immigration Act 2009  
Land Transport Act 1998  
Marriage (Definition of Marriage) Amendment Act 2013  
Mental Health (Compulsory Assessment and Treatment) Act 1992  
Privacy Act 1993  
Prostitution Reform Act 2003  
Psychoactive Substances Act 2013  
Public Health and Disability Act 2000  
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*