We want to hear your views on:

New Zealand’s Sixth periodic report to the United Nations (UN) Committee on the Rights of the Child



**Postal address**: PO Box 1556, Wellington 6140

## Public Consultation on the Draft Sixth Report

As part of the reporting process, the Government releases draft reports for public consultation. Our next report to the United Nations is due on 15 October 2021. Now we want to hear your opinion on what the Government has talked about in the Report and whether it accurately shows our progress under the UN Convention on the Rights of the Child (Children’s Convention) since 2016.

This consultation helps to:

* raise awareness of the Children’s Convention;
* encourage conversations with interest groups about government activity to implement the Children’s Convention progressively and meaningfully;
* identify public and stakeholders’ priorities for children that may inform future Children’s Convention-related work for Government agencies;
* help identify gaps in the report so that it may more accurately reflect the state of children’s rights in New Zealand.

Note that children and non-governmental organisations will also have a chance to comment on New Zealand’s implementation of the Children’s Convention at later stages of the reporting progress (e.g. after this report has been submitted).

### You may:

* answer a survey on New Zealand’s implementation of the Children’s Convention that references the Draft Report, but note you do not have to read the Draft Report to answer questions in the survey;
* submit the survey online;
* provide a response to the Draft Report (in any format) and send it to the Ministry by email to uncroc@msd.govt.nz or posting a hard copy to “Children’s Convention Survey” PO Box 1556, Wellington 6140.

### Alternate formats

We have translated the survey content in NZSL, EasyRead, Audio, Large Print and Braille. If you require hard copies of the survey in one of these alternate formats, please contact MSD directly at uncroc@msd.govt.nz.

### Submissions are welcomed and encouraged from:

* children and young people;
* forums that operate on behalf of children and young people;
* iwi and Māori engagement forums, particularly those that work with tamariki and rangatahi Māori;
* parents;
* interested individuals;
* experts;
* non-governmental organisations (NGOs);
* professionals who work with children.

### The opening date for submissions and feedback is Tuesday 20 July 2021.

### The closing date for submissions and feedback is Tuesday 31 August 2021.

## Personal information and confidentiality

The Ministry of Social Development will hold your personal information in accordance with the Privacy Act 2020.

We will accept submissions made in confidence or anonymously. Please clearly indicate if you want your submission to be treated as confidential.

We may be asked to release submissions in accordance with the Official Information Act 1982 and the Privacy Act 2020. These laws have provisions to protect sensitive information given in confidence, but we can’t guarantee the information can be withheld. However, we will not release individuals’ contact details.

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

This section of the Report is about how the Government organises itself to put the Children’s Convention into practice.

The Children’s Convention Deputy Chief Executives (DCEs) is made up of Deputy Executives of Government Ministries. The DCEs meet with the Children’s Convention Monitoring Group twice a year to talk about issues related to the Children’s Convention. They also decide on a work programme to implement the Children’s Convention in New Zealand.

The Child and Youth Wellbeing Strategy (the Strategy) was developed to support the Government’s vision that New Zealand be the best place in the world to be a child or young person. It sets out a shared understanding of what all children and young people want and need for wellbeing, what the Government is doing, and how others can help. A key principle of the Strategy requires children and young people’s rights to be respected and supported, including children’s rights under the Convention.

The Report mentions some of the major areas of progress the Government has made for children since 2015:

* the establishment of Oranga Tamariki;
* the launch of the Child and Youth Wellbeing Strategy;
* changes to the Youth Justice system to include 17 year olds;
* improvements to income support measures to support adults caring for children;
* the provision of COVID-19 support to families and children;
* improvements in the way we collect data about children and young people.

You can refer to pages 3 to 14 of the Draft Report to find out more about what the Government is doing. The draft report is available at [aicomms.nz/6605](http://aicomms.nz/6605)

## Questions on general measures of implementation

### 1. Do you agree or disagree with what the Government has been doing to uphold the rights of children in the Children’s Convention?

* Strongly agree
* Agree
* Neutral
* Disagree
* Strongly disagree

### 2. Why did you pick that particular rating for this section?

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### 3. What else can the Government do to implement the Children’s Convention?

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# Definition of the child (Article 1)

The Children’s Committee has asked us about the minimum age of marriage in New Zealand. The minimum age of marriage in New Zealand is 16 years old, but until both parties are 18 years old, they must get permission from a Family Court Judge before they can get married.

You can refer to page 14 of the Draft Report to find out more about what the Government is doing. The draft report is available at [aicomms.nz/6605](http://aicomms.nz/6605)

## Questions on definition of the child

### 1. Do you agree or disagree with the minimum age of marriage being 16?

* Yes, absolutely
* I think so
* I have no opinion
* I don’t think so
* No

### 2. Why did you pick that particular rating for this section?

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### 3. When both people are between 16-17 years old and want to get married, do you think they should have to get permission from a Family Court Judge first?

* Yes, absolutely
* I think so
* I have no opinion
* I don’t think so
* No

### 4. Why did you pick that particular rating for this section?

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### 5. Do have any other thoughts on how we define “children” in New Zealand?

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# General principles (Articles 2, 3, 6 and 12)

This section explains how the Government is achieving the general aims of the Children’s Convention. There are four general principles:

**1.** Non-discrimination – all children under 18 years old should have rights under the Convention, no matter who they are, what they look like, what their sex, sexual orientation, culture or religion is, if they are rich or poor, speak a different language or have a disability

**2.** Best interests of the child – adults should always work towards what is best for children and young people and put their wellbeing first

**3.** Right to life – the Government should make sure that children and young people can survive and develop in a healthy way

**4.** Respect for the views of the child – the Government should allow children to have a say in their own lives.

In the Draft Report, the Government talks about:

* How we are helping tamariki Māori, Pasifika children and disabled children access education and health care (e.g. Whānau Care, the Action Plan for Pacific Education, Ola Manuia Pacific Health and Wellbeing Action Plan 2020-2025, the Disability Action Plan 2019-2023, section 7AA of the Oranga Tamariki Act 1989 which requires the Government to make sure it improves outcomes for tamariki and whānau Māori).
* How we now require the best interests of the child to be considered in certain situations (e.g. in schools, the Family Court or in State care).
* How we support children’s mental health and keep them safe (e.g. free nationwide counselling line available for 5-19-year-olds, the *Every Life Matters – He Tapu te Oranga o ia Tangata: Suicide Prevention Strategy 2019-2020 and Suicide Prevention Action Plan 2019-2024).*
* How we include children to have a say in decisions that affect them (e.g. Oranga Tamariki Act 1989, court processes, organisations like VOYCE – Whakaronga Mai).

You can refer to pages 14 to 22 of the Draft Report to find out more about what the Government is doing. The draft report is available at [aicomms.nz/6605](http://aicomms.nz/6605)

## Questions on general principles

### 1. Do you think the Government has made progress to make sure children and young people, especially Māori and Pasifika, are able to access education and health care?

* Excellent progress
* Doing a good job
* Meeting basic obligations
* Not meeting obligations
* Failing significantly

### 2. Why did you pick that particular rating for this section?

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### 3. Do you think the Government does a good job of doing what is best for children and putting their wellbeing first?

* Yes, absolutely
* I think so
* I have no opinion
* I don’t think so
* No

### 4. Why did you pick that particular rating for this section?

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### 5. Do you think the Government does enough to help children and young people survive and develop in a healthy way?

* Yes, absolutely
* I think so
* I have no opinion
* I don’t think so
* No

### 6. Why did you pick that particular rating for this section?

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### 7. Do you think the Government does enough to hear children’s voices in decisions that affect them?

* Yes, absolutely
* I think so
* I have no opinion
* I don’t think so
* No

### 8. Why did you pick that particular rating for this section?

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### 9. Is there anything else you would like to say about this section?

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# Civil rights and freedoms(Articles 7, 8, 13 – 17, 19 and 37(a))

Civil rights and freedoms are about how the Government makes sure that children have the right to live with their whānau and family in freedom and safety, to believe in a God or Gods if they want to, have a name and identity, to voice their opinions without being afraid, and to have their privacy protected.

In this section of the Report, the Government talks about:

* How we help children born through surrogacy learn more about their biological parents through the Family Court.
* How the Government protects children’s rights to privacy, especially when collecting information from children under Principle 4 of the Privacy Act 2020 (which says that collecting information from children may be different to collecting information from adults, so people should be careful).
* How the *Rural Broadband Initiative* is improving access to broadband connections to nearly 400,000 rural homes and businesses which will help more rural children access the internet.
* The *Keep it Real Online* campaign teaching children, young people and their parents about online harms with free resources.

You can refer to pages 22 to 24 of the Draft Report to find out more about what the Government is doing. The draft report is available at [aicomms.nz/6605](http://aicomms.nz/6605)

## Questions on civil rights and freedoms

### 1. Can the Government do more to support surrogate-born children to know more about their identity?

* Strongly agree
* Agree
* Neutral
* Disagree
* Strongly disagree

### 2. Why did you pick that particular rating for this section?

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### 3. What do you think of what the Government does to protect children’s privacy?

* Excellent job
* Doing a good job
* Meeting basic obligations
* Not meeting obligations
* Failing significantly

### 4. Why did you pick that particular rating for this section?

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### 5. In general, do you think the Government has done enough to ensure rural children have internet access?

* Yes, absolutely
* I think so
* I have no opinion
* I don’t think so
* No

### 6. Why did you pick that particular rating for this section?

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### 7. Do you agree with the Government’s approach to educating children and young people about online safety?

* Yes, absolutely
* I think so
* I have no opinion
* I don’t think so
* No

### 8. Why did you pick that particular rating for this section?

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### 9. Do you have any other views on this section of the Report?

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# Protecting children from harm (Articles 19, 24(3), 28(2), 34, 37(a) and 39)

The Committee has asked how the government is protecting children from all forms of violence, harm or abuse.

Some examples in the Report note that:

* Keeping children safe from violence is a priority for the government as one of the six wellbeing outcomes in the Child and Youth Wellbeing Strategy.
* The National Care Standards were developed to set out the standard of care every child and young person needs to do well and be well in Oranga Tamariki care.
* The 2019 Wellbeing Budget included a specific focus on improving child wellbeing. It included the largest ever investment in family and sexual violence support services - $320 million. This included funding for 24/7 sexual violence crisis support services and allows victims of sexual violence to give evidence in court in alternative ways, such as through audio-visual links or pre-recorded videos.
* The Government is working to improve oversight of the Oranga Tamariki system, including an independent monitoring body, a better complaints process and supporting the Office of the Children’s Commissioner to advocate for children’s rights.

You can refer to pages 24 to 35 of the Draft Report to find out more about what the Government is doing. The draft report is available at [aicomms.nz/6605](http://aicomms.nz/6605)

## Questions on protecting children from harm

### 1. How well do you think the Government has protected children from violence in the last five years?

* Excellent job
* Doing a good job
* Meeting basic obligations
* Not meeting obligations
* Failing significantly

### 2. Why did you pick that particular rating for this section?

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### 3. What else can the Government do to protect children from harm?

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# Family environment and alternative care(Articles 5, 18(1-2), 9-11, 19-21, 25, 27(4) and 39)

This section of the Report is about how the Government makes sure children are well cared for by their parents or caregivers, how the Government helps parents that need support, and what happens if parents are unable to care for their children.

The Report discusses:

* The Government’s work to overhaul the welfare system to help parents look after their children (e.g. removing penalties to benefits of parents when the name of the other parent was not declared to the Government).
* Oranga Tamariki’s new operating model that aims to make a difference for children at the earliest possible point by keeping more children and young people safely with their families, whānau, hapū and iwi.
* How the Care of Children Act 2004 continues to promote the wellbeing and best interests of a child when deciding who will look after them. There have also been some recent changes to the Family Court that encourage parents to work out childcare issues outside the Court room and through Family Dispute Resolution.
* How the Government provides children and young people with high-quality alternative care; and ensures that children and young people in care or custody can transition to independence, with appropriate support.

You can refer to pages 33 to 35 of the Draft Report to find out more about what the Government is doing. The draft report is available at [aicomms.nz/6605](http://aicomms.nz/6605)

## Questions on family environments and alternative care

### 1. Are you satisfied with the Government’s work to create a permanent, safe and loving environment for children?

* Very satisfied
* Satisfied
* No opinion
* Less satisfied
* Not satisfied

### 2. Why did you pick that particular rating for this section?

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### 3. What more could the Government be doing to create a permanent, safe and loving environment for children?

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# Children with disabilities (Article 23)

This section of the report explains what the Government does to help children with disabilities and their families.

Not all New Zealanders can access the services many of us take for granted (e.g. public transport, websites). The Government is working to make sure barriers are removed so that in the future, disabled people can take part in all aspects of life in the same way as everyone else.

To improve access to services, including for children with disabilities and their families, the Government’s work includes:

* the Disability Action Plan 2019-2013;
* the *Learning Support Action Plan 2019-2025*, which includes a work programme to address the rights to safeguard bodily integrity.

The Education and Training Act 2020 says that students who have special educational needs (whether because of disability or otherwise) have the same rights to enrol, attend and receive education at State schools as students who do not.

You can refer to pages 35 to 36 of the Draft Report to find out more about what the Government is doing. The draft report is available at [aicomms.nz/6605](http://aicomms.nz/6605)

## Questions on rights of children with disabilities

### 1. Do you agree or disagree with the Government’s report on how it has helped children with disabilities and their families?

* Strongly agree
* Agree
* Neutral
* Disagree
* Strongly disagree

### 2. Why did you pick that particular rating for this section?

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### 3. What more could the Government be doing for disabled children and their families?

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# Basic health and welfare(Articles 6, 18(3), 23, 24, 26, and 27(1 - 3))

This section of the report is about how the Government makes sure that children can get health care, and enough food, clean water and shelter to stay healthy.

Community and primary health services are available for all New Zealand children, and there are special services for children with more complicated needs. This includes Smokefree initiatives and mental health and wellbeing support.

The Report talks about the Government’s work to help people access nutritional food, housing and income support.

As well as increasing main benefits in 2020 and providing the Wage Subsidy during COVID-19, the Government has committed to overhauling the welfare system. Progress on the welfare overhaul has included initiatives that support children and their parents.

For example, in April 2020, the Government removed section 192 of the Social Security Act 2018, which cut incomes to parents and their children if the name of one parent was not declared. Around 24,000 children would be significantly better off because of this repeal, with many sole parents’ incomes increasing by an average of $34 per week.

Finally, the Child Poverty Reduction Act 2018 helps guide the Government to reduce child poverty in New Zealand.

You can refer to pages 36 to 44 of the Draft Report to find out more about what the Government is doing. The draft report is available at [aicomms.nz/6605](http://aicomms.nz/6605)

## Questions on basic health and welfare

### 1. Do you think the Government has been successful in providing good health care and financial support for children and young people?

* Very successful
* Doing a good job
* Meeting basic obligations
* Not meeting obligations
* Failing significantly

### 2. Why did you pick that particular rating for this section?

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### 3. What more do you think the Government could do to provide health care and financial support for children and young people?

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# Education, leisure and cultural activities(Articles 28, 29 and 31)

The Committee has asked us questions about how the Government makes sure all children are learning, and that schools are listening to children about what they want to learn about.

The Government has made good progress in this area by:

* creating the new Education and Training Act 2020;
* teaching children about their rights in schools;
* supporting children to engage with te reo Māori and te ao Māori in their learning (e.g. *Te Marautanga o Aotearoa*, *Maihi Karauna*);
* ensuring children can participate in decisions which affect them at school (e.g. in dispute mechanisms, in Board of Trustees);
* investing around $300 million to provide individual support;
* reducing inequalities for Māori and Pacific students (e.g. *Ka Hikitia – Ka Hāpaitia* and *the Action Plan for Pacific Education,* cultural training for teachers);
* supporting anti-bullying initiatives;
* supporting parents to enrol their children in early childhood education.

You can refer to pages 44 to 51 of the Draft Report to find out more about what the Government is doing. The draft report is available at [aicomms.nz/6605](http://aicomms.nz/6605)

## Questions on education, leisure and cultural activities

### 1. Do you agree children are learning what they need to know to grow up as productive members of our society?

* Strongly agree
* Agree
* Neutral
* Disagree
* Strongly disagree

### 2. Why did you pick that particular rating for this section?

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### 3. What else could the Government do to ensure children are learning what they need to know to grow up as productive members of our society?

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# Special protections measures (Articles 22, 30, 38, 39, 40, 37(b-d) and 32-36)

This section of the report is about what the Government does to protect and help people who might need more help than others, such as children and young people:

* in emergency situations, like refugees;
* who have been taken advantage of;
* in minority groups;
* who get in trouble with the law.

The work the Government has done in this area includes:

* changing our immigration rules to better protect children in immigration decisions, particularly in refugee claims;
* providing support to help refugees settle in New Zealand;
* requiring consideration of Te Tiriti o Waitangi and te ao Māori in policies which affect tamariki Māori;
* protecting young working people from dangerous work or work that interferes with their schooling;
* changing the Youth Justice system to include 17-year olds in 2019. Some 18-year-olds and under can still be transferred to the adult criminal justice system if they keep offending or their offences are serious;
* initiatives dedicated to improving outcomes for Māori and Pacific children in the Youth Justice system (*Mahuru*, *Paiheretia te Muka Tangata – Uniting the Threads of Whānau*).

To find out more about special protection measures, refer to pages 51 to 57 of the Draft Report to find out what the Government is doing. The draft report is available at [aicomms.nz/6605](http://aicomms.nz/6605)

## Questions on special protection measures

### 1. What do you think about the work the Government is doing to protect and help children who need more help than others?

* Very successful
* Doing a good job
* Meeting basic obligations
* Not meeting obligations
* Failing significantly

### 2. Why did you pick that particular rating for this section?

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### 3. What else could the Government be doing to help children and young people in situations where they might need more help than others?

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# Optional Protocols to the Children’s Convention

Optional Protocols add extra rights and protections for children in specific situations, on top of the rights set out in the Children’s Convention.

There are three Optional Protocols to the Children’s Convention which have extra rules for the Government around:

**1.** the sale of children, child prostitution and child pornography;

**2.** the involvement of children in armed conflict;

**3.** allowing complaints by individuals to the UN about breaches of the Children’s Convention.

New Zealand is signed up to the first two Optional Protocols in the list above, but not the third one (complaints).

The Report talks about the work the Government does to protect children from exploitation by:

* developing a Plan of Action against Forced Labour, People Trafficking and Slavery;
* making it an offence for people dealing with children for the purpose of sexual exploitation, the removal of body parts, and engagement in forced labour, including online activity;
* monitoring online activity to identify and support child victims of online exploitation;
* setting up prevention working groups and initiatives;
* increasing awareness of online safety.

The Report also talks about how the Government will not allow children under 15 years of age to be enlisted into the army.

For more about Optional Protocols, see refer to pages 57 to 63 of the Draft Report to find out what the Government is doing. The draft report is available at [aicomms.nz/6605](http://aicomms.nz/6605)

## Questions on the Optional Protocols

### 1. Do you think the Government is doing enough to protect children from exploitation?

* Strongly agree
* Agree
* Neutral
* Disagree
* Strongly disagree

### 2. Why did you pick that particular rating for this section?

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### 3. What else could the Government do to better protect children in these situations?

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# General comments and questions

### 1. Overall, do you think the Government has been successful in having children’s best interest at heart in everything the Government does?

* Very successful
* Doing a good job
* Meeting basic obligations
* Not meeting obligations
* Failing significantly

### 2. Why did you pick that particular rating for this section?

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### 3. What are the three things covered by the Report that you think are most important for the Government to make more progress on?

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### 4. We have been consulting about the Report through this questionnaire, and through in-person meetings with the Children’s Convention Monitoring Group. What can we do next time to better gather your views?

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# About you

We are asking you these questions to help find out what matters most to different groups of people and what is most important for people living in different parts of New Zealand.

You do not have to answer these if you don’t want to. We cannot tell who you are if you answer these.

### 1. Which age group do you belong to?

* 0-13
* 14-18
* 19-24
* 25-35
* 36-45
* 46-65
* Over 65

### 2. What is your gender?

* Female
* Male
* Other

### 3. Which ethnic group(s) do you belong to? Select the ones that apply to you.

* New Zealand European
* Māori
* Samoan
* Cook Island Māori
* Tongan
* Niuean
* Chinese
* Indian
* Other (please specify)

### 4. Which of these are you? You can choose more than one.

* child / young person / tamariki / rangatahi;
* student;
* parent / guardian or caregiver;
* a person of refugee background;
* professional who works with or in the children’s sector;
* member of an advocacy organisation (please specify which one).
* other (please specify)

### 5. If you work with children, which of these are you? You can choose more than one.

* teacher
* social worker
* sports or other coach
* medical professional i.e. nurse or doctor? (please specify)
* other (please specify)

### 6. What part of New Zealand do you normally live in?

* Northland
* Auckland
* Waikato
* Hawke’s Bay and East Coast
* Taranaki
* Manawatu-Whanganui
* Wellington
* Nelson-Tasman
* West Coast
* Marlborough
* Canterbury
* Otago
* Southland
* Other (please specify)

### Thank you for taking the time to complete this questionnaire.