



# United Nations Convention on the Rights of the Child

Five-Year Work Programme  
2004 to 2008



Leah

# United Nations Convention on the Rights of the Child

Five-Year Work Programme  
2004 to 2008

Ministry of Youth Development

September 2004



**Copyright**

© Ministry of Youth Development 2004

**Published by**

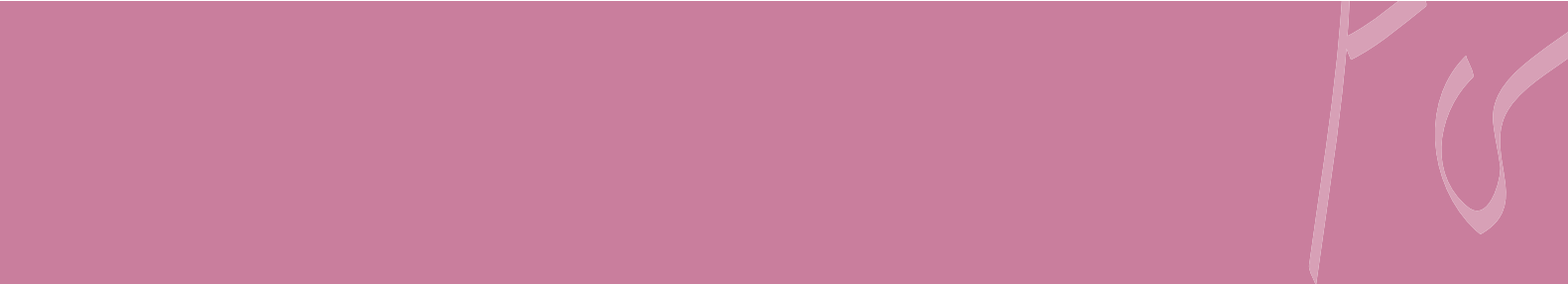
Ministry of Youth Development  
PO Box 10 300  
Wellington  
New Zealand  
Ph: (04) 916 3645  
Fax: (04) 918 0091  
Email: [mydinfo@myd.govt.nz](mailto:mydinfo@myd.govt.nz)  
Website: [www.myd.govt.nz](http://www.myd.govt.nz)

ISBN 0-478-25022-3

Copies are available from the Ministry of Youth Development and on its website [www.myd.govt.nz](http://www.myd.govt.nz)

# Contents

<b>Foreword from the Minister of Youth Affairs</b>	<b>5</b>
<b>Introduction</b>	<b>6</b>
<b>Developing the UNCROC Five-Year Work Programme 2004 to 2008</b>	<b>7</b>
<b>Progress on activities in the UNCROC Work Programme 2003</b>	<b>8</b>
1 Review of the minimum age of criminal prosecution	8
2 Review of the upper age of the Children, Young Persons, and Their Families Act 1989	8
3 Withdrawal of the reservation on age-mixing in prison	9
4 Withdrawal of the reservation on age-mixing in prison: "test of best interest"	9
5 Withdrawal of the reservation on children unlawfully in New Zealand	10
6 Withdrawal of the reservation on child labour	10
7 Corporal punishment	10
8 Review of policy, practice and legislation	10
9 Reducing inequalities in social wellbeing	11
10 Assistance to refugee children	11
11 Assessing the impact of economic reforms on children	11
12 A World Fit for Children	11
13 Assistance to child abuse victims	12
<b>New items in the UNCROC Five-Year Work Programme 2004 to 2008</b>	<b>13</b>
14 Reservation on child labour: Department of Labour's work programme	13
15 Non-discrimination data request	14
16 Child health outcomes	14
17 Adolescent health outcomes	15
18 Adoption reform	15
19 Addressing education disparities	15
20 Dissemination and training on children's rights	16
<b>Optional Protocol to the Convention on the involvement of children in armed conflict</b>	
21 Amendment of the Defence Act 1990	16
22 Review of the age of voluntary recruitment	17
23 Information on the cadet forces	17
24 Information on assistance for refugee and migrant children involved in hostilities	17
25 Public dissemination of the initial report on the Optional Protocol Child Soldiers	17
26 Training and dissemination on the Optional Protocol Child Soldiers	18
27 <b>Review of compliance with the Optional Protocol to the Convention on the sale of children</b>	<b>18</b>
28 <b>Reporting requirement for youth suicide</b>	<b>18</b>
<b>Further information</b>	<b>18</b>
<b>Appendix One</b>	<b>19</b>



# Foreword

All children in New Zealand should be able to enjoy the human rights guaranteed to them under the United Nations Convention on the Rights of the Child (UNCROC). UNCROC is an important tool for parents, caregivers, organisations and governments everywhere, setting the standard for the way our children should be treated.

As a signatory to UNCROC, the Government reports to the United Nations Committee on the Rights of the Child every five years outlining what it is doing to improve children's rights in New Zealand.

While New Zealand is doing well by international standards, the UN Committee has identified areas where improvements could be made. In response, the Government developed the UNCROC work programme. The work programme shows what is happening in various government departments to improve children's rights. It also provides an important mechanism for monitoring progress.

This year, the Government has released an updated UNCROC work programme spanning five years of activity from 2004 to 2008. It includes many items that have been added to the work programme in direct response to the UN Committee's 2003 recommendations. The Ministry will continue to provide annual updates on how all of this work is progressing.

I believe the UNCROC five-year work programme provides a comprehensive framework for improving children's rights in New Zealand. The Government is committed to ensuring the work programme is successfully implemented, so that we can make New Zealand a fulfilling and safe place for our children.



Justine Auton  
Acting General Manager  
Ministry of Youth Development

# Introduction

New Zealand signed the United Nations Convention on the Rights of the Child (UNCROC) in 1993. UNCROC is one of the United Nations' core human rights instruments. New Zealand is required to report every five years on the progress we have made in implementing its principles. The UNCROC reporting process provides New Zealand with an opportunity to identify our progress and to address emerging children's rights issues.

In 1997, New Zealand presented its first periodic report to the United Nations Committee on the Rights of the Child (the UN Committee) outlining how we had implemented UNCROC. The UN Committee responded with a series of concluding observations. These included suggestions and recommendations on how New Zealand might strengthen its implementation of UNCROC.

In December 2000, the Government approved a one-year UNCROC work programme. The work programme comprised a series of activities to address the observations and recommendations raised by the UN Committee. It provided a mechanism for effectively coordinating and monitoring our progress on the UN Committee's recommendations. The UNCROC work programme was reviewed and updated in both December 2001 and December 2002.

New Zealand presented its second periodic report, **Children in New Zealand**, to the UN Committee in 2003. **Children in New Zealand** outlined our progress in implementing UNCROC and in responding to the UN Committee's 1997 observations and recommendations. New Zealand was also the first country

to present its initial report on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Optional Protocol Child Soldiers).

In its 2003 concluding observations on **Children in New Zealand**, the UN Committee recommended 55 ways New Zealand might strengthen its implementation of UNCROC. The majority of these recommendations relate to specific actions that are part of work already underway across government agencies.

The UN Committee also issued six specific recommendations for the implementation and dissemination of the Optional Protocol Child Soldiers. These recommendations focus on the consistency between the Optional Protocol, domestic legislation and operational policy and practice.

The UN Committee requested New Zealand submit its third and fourth periodic reports in one consolidated report by November 2008.





# Developing the UNCROC Five-Year Work Programme 2004 to 2008

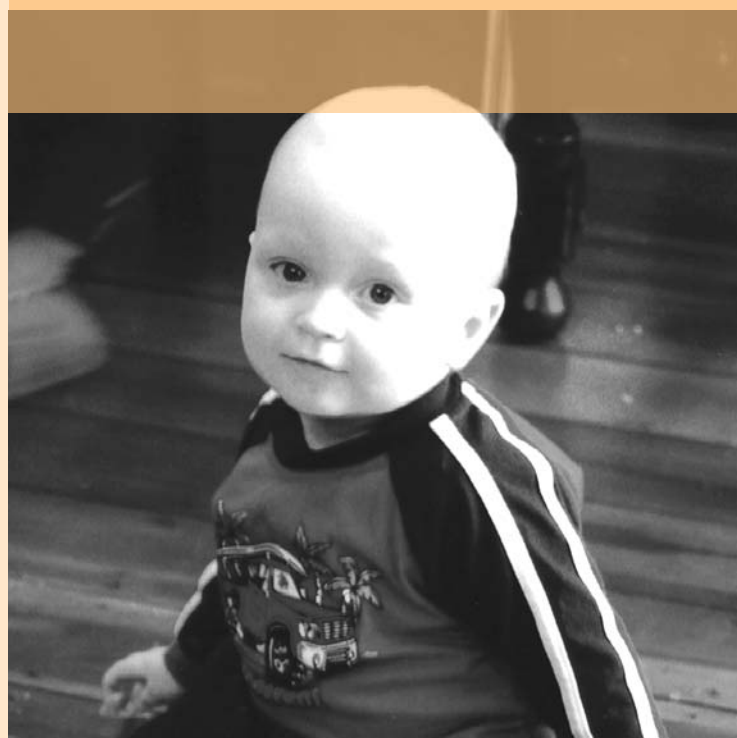
In July 2004, the Government, in consultation with a non-government (NGO) advisory group, consolidated the UN Committee's 2003 recommendations for its implementation of UNCROC and the Optional Protocol Child Soldiers into a five-year work programme spanning 2004 to 2008. The UNCROC work programme had previously been developed on an annual basis.

The UNCROC five-year work programme recognises it is often not possible to address issues raised by the UN Committee over a one-year period, and it allows the Government to better plan its approach to these issues. The five-year work programme also takes account of work already being done across government agencies that is aligned with the UN Committee's recommendations, but did not arise specifically in response to them. The inclusion of this activity in the UNCROC work programme means progress can be more efficiently monitored.

The longer work programme also gives greater effect to the UN Committee's concluding observations by providing opportunities for better coordinated funding and planning decisions by Government.

The UNCROC five-year work programme comprises 28 activities to be undertaken between 2004 and 2008. It includes ongoing initiatives from the 2003 UNCROC work programme, and new initiatives to address the UN Committee's 2003 recommendations. It also includes activities related to two other international treaties.

The Ministry of Youth Development, in consultation with other government agencies, will continue to provide the Government with annual progress reports on the UNCROC five-year work programme.



## Progress on activities in the UNCROC work programme

# 2003

New Zealand will continue to work on the activities in the 2003 UNCROC work programme that address the concluding observations and recommendations made by the UN Committee in 1997, and reiterated in 2003. The information below outlines the progress we have made in advancing these activities, and indicates what further steps we will take in the UNCROC five-year work programme.

### 1 Review of the minimum age of criminal prosecution

The UN Committee has expressed its ongoing concern that the minimum age of criminal prosecution in New Zealand is 10 years<sup>1</sup>.

New Zealand first reviewed the minimum age of criminal prosecution in 2001. The Ministries of Social Development and Justice considered potential legislative changes and practice improvements again in 2002 and 2003.

In 2003, the Government considered the options and decided not to make any adjustments to the minimum age of criminal prosecution. The Government concluded work to enhance the effectiveness of existing responses to serious offending by children under 14 years had to be done first.

The Ministries of Justice and Youth Development presented a progress report on this work and the implications for the minimum age of criminal prosecution to the Ministers of Justice, Youth Affairs, Social Development and Employment, Child, Youth and Family and Corrections in July 2004. Further analysis will be undertaken in 2004 and 2005.

### 2 Review of the upper age of the Children, Young Persons, and Their Families Act 1989

The UN Committee has recommended New Zealand extends the Children, Young Persons, and Their Families Act 1989 to all persons under the age of 18 years to bring it into line with UNCROC.

The Ministry of Youth Development reported to the Ministers of Youth Affairs, Social Development and Employment and Justice in June 2004 outlining considerations for lifting the upper age of children covered by the Children, Young Persons, and Their Families Act 1989.

<sup>1</sup> This applies only to offences of murder or manslaughter

The review of the upper age is closely linked to the Baseline Review of the Department of Child, Youth and Family Services. The Baseline Review has identified significant changes required to strengthen the Department's medium to long term capability. Consequently, it has been recommended the upper age of the Children, Young Persons, and Their Families Act 1989 be reviewed again after the Baseline Review evaluations have been completed in 2006.

### 3 Withdrawal of the reservation on age-mixing in prison

UNCROC requires that every child deprived of liberty be separated from adults unless it is considered to be in the child's best interest not to do so. Article 37(c) permits age-mixing in prison when it has been identified as being in a young person's best interest. New Zealand entered a reservation to article 37(c) to allow greater flexibility in accommodating high inmate populations and to separate troublesome juvenile offenders from other juveniles. The UN Committee has recommended New Zealand withdraws its reservation.

In 2001, the Government agreed in principle to remove its reservation to article 37(c) of UNCROC and to amend the reservation to the International Covenant on Civil and Political Rights allowing for age-mixing in prison.

Work to withdraw this reservation was removed from the UNCROC work programme in 2002 to await the construction of specialist young offender units for 15 to 17 year olds, and guidance from the UN Committee on the appropriateness of placing vulnerable 18 and 19 year olds in these units.

Reconsideration of the reservation on age-mixing in prison was returned to the UNCROC work programme in 2003 for

further analysis. In September 2003, the UN Committee advised New Zealand that including vulnerable 18 and 19 year olds in young offender units would not fall short of New Zealand's obligations if it removed its reservation to age-mixing in prison. The UN Committee also advised New Zealand to ensure there were enough youth facilities for all juveniles in conflict with the law to be held separately from adults in pre- and post-trial detention.

The removal of the reservation to article 37(c) no longer depends on the completion of additional young offender units as the Department of Corrections currently manages young inmate levels in a way that prevents age-mixing.

In 2005, the Ministries of Youth Development and Foreign Affairs and Trade, in consultation with the Department of Corrections, will determine the steps required to amend the reservation on age-mixing to the International Covenant on Civil and Political Rights.

### 4 Withdrawal of the reservation on age-mixing in prison: "test of best interest"

As part of the Government's consideration of how to lift the reservation to article 37(c) on age-mixing in prison, the Ministry of Youth Development and the Department of Corrections are to develop a "test of best interest" to help inform the placement of young female offenders remanded or sentenced to imprisonment.

This work is closely linked to the Department of Correction's review of young offender units, which is due to be completed in October 2004. Work on the development of a "test of best interest" will start shortly after.

## 5 Withdrawal of the reservation on children unlawfully in New Zealand

Under article 22 of UNCROC, New Zealand reserves its right to distinguish between persons according to the nature of their authority to be in New Zealand. The UN Committee has recommended New Zealand withdraws its reservation.

In July 2004, the Cabinet considered reports on:

- the details of extending the eligibility for publicly funded education, health and disability services to children unlawfully in New Zealand
- options for information sharing
- the details of extending the eligibility for publicly funded services to pregnant women unlawfully in New Zealand.

The Government directed the Ministries of Health, Education, Social Development and Youth Development to provide it with further information to support its decision-making.

## 6 Withdrawal of the reservation on child labour

New Zealand entered a reservation under article 32 of UNCROC, which relates to child labour. The Government considered existing laws adequately protect the rights of the child provided for under the article and reserved the right not to legislate further or take additional measures. The UN Committee has raised its concerns about the adequacy of measures to protect children in employment, particularly the lack of a basic minimum age of admission to employment, and has recommended New Zealand lifts its reservation.

In 2003, the Government decided to defer its decision on lifting the reservation to article 32 and the minimum age of employment until an assessment of the steps required to ratify the ILO Convention 138, which also requires a minimum age of employment, had been undertaken. This assessment process is expected to be completed in 2005. The Department of Labour, in consultation with the Ministry of Youth Development, will report to the Government on lifting the reservation to article 32 in 2006.

See New items in the UNCROC five-year work programme, page 13.

## 7 Corporal punishment

Section 59 of the Crimes Act 1961, which allows parents or caregivers to use force as a means of punishing a child, providing the force is reasonable in the circumstances, has been under active Government review since 2000. The UN Committee regards this legislation to be inconsistent with UNCROC.

In 2003, the Government decided that before a decision could be made about legislative change it was necessary to undertake a public education campaign on the alternatives to the physical discipline of children. It has allocated \$10.8m over three years for a parent support strategy, **SKIP: Strategies with Kids – Information for Parents**. SKIP was launched in May 2004.

The Ministries of Justice, Social Development and Youth Development will report to the Government on options for the reform of section 59 of the Crimes Act 1961 in December 2005.

## 8 Review of policy, practice and legislation

The UN Committee has expressed its ongoing concern about the lack of conformity of relevant domestic laws with the definition of the child under UNCROC, and the lack of legislative consistency in minimum age limits affecting children.

The Ministry of Youth Development is undertaking a review of the criteria that guide the setting of legislative minimum ages to ensure they are consistent with the Human Rights Act 1993. UNCROC will be taken into account when a framework for minimum age provisions is developed. However, because of the inconsistencies between UNCROC and the Human Rights Act 1993, the initial focus will be on the Human Rights Act issues. Addressing these issues will establish a platform so we can further comply with UNCROC.

The Ministry of Youth Development, in consultation with the Ministry of Justice, will report to the Government by March 2006 on options for addressing the legislative minimum age provisions.

## 9 Reducing inequalities in social wellbeing

The UN Committee has reiterated its concerns about the inequalities between different groups in New Zealand. The Government is continually developing strategies to improve the social wellbeing of disadvantaged people and groups. These strategies include:

- major initiatives across a wide range of sectors including those outlined in the **Māori Education Strategy, Reducing Inequalities in Health**, the **Pasifika Education Plan** and the annual reports of 13 government agencies
- Government department responsiveness strategies aimed at ensuring public sector agencies have both workforces and processes that are responsive to the different groups in society
- a range of initiatives funded in the 2002 – 2004 budgets, including the 2004 “Working for Families” package.

The Ministry of Social Development leads reporting on reducing inequalities. It will continue to provide reports on a six-monthly basis to Government. These reports will provide regular updates for the UNCROC five-year work programme.

## 10 Assistance to refugee children

The UN Committee recommended New Zealand continues its efforts to integrate refugee children, including asylum seekers, and undertakes an evaluation of current programmes, particularly for language training, with a view to improving their effectiveness.

New Zealand currently offers a six-week induction programme to UN quota refugees and funds a range of refugee-specific settlement programmes and services in the community, including some for asylum seekers. The Department of Labour and the Ministry of Education also contribute funding towards English for Speakers of Other Languages (ESOL) provision in schools.

The Department of Labour will continue to provide updated information on refugee resettlement work as part of the UNCROC five-year work programme from 2004 to 2008.

## 11 Assessing the impact of economic reforms on children

The UN Committee has expressed an ongoing interest in assessing the impact of the economic reforms of the 1980s on children and their families and has recommended New Zealand undertakes a study of the budgetary resources available to children.

The Government did not undertake a specific study as recommended by the UN Committee. However, it continues to make progress on other work in this area. Recent initiatives by the Ministry of Social Development include the development of a household living standards scale that provides information on the economic circumstances of families with children, a proposed longitudinal survey of children in New Zealand, and Investing in Child and Youth Development, part of the Sustainable Development Programme of Action, which includes work to promote better investment in children and young people by improving the evidence base for decision-making and looking strategically across the social sector.

The Ministry of Social Development will continue to provide updated information on work being done in this area as part of the UNCROC five-year work programme from 2004 to 2008.

## 12 A World Fit for Children

In May 2002, New Zealand participated in the UN General Assembly Special Session on Children, which adopted by consensus the plan of action entitled **A World Fit for Children**. The plan of action sets out a comprehensive range of targets, goals and actions to improve the wellbeing of children and to promote and protect their rights.

In 2002, the Government directed the Ministry of Social Development to undertake a stocktake of current policies and programmes relevant to children to assess its compliance with **A World Fit for Children**. In 2003, the Minister for Social Development and Employment agreed the best way for New Zealand to advance its compliance with **A World Fit for Children** was to build on existing Government initiatives under the framework of the **Agenda for Children** and the **Youth Development Strategy Aotearoa**.

In 2004, the Ministry of Youth Development will consult with NGOs to establish which goals of **A World Fit for Children** are of the highest priority to NGOs and how this will strengthen the **Agenda for Children** and the **Youth Development Strategy Aotearoa**. The Minister of Youth Affairs will advise the relevant Ministers of **A World Fit for Children** at the end of the NGO consultation.

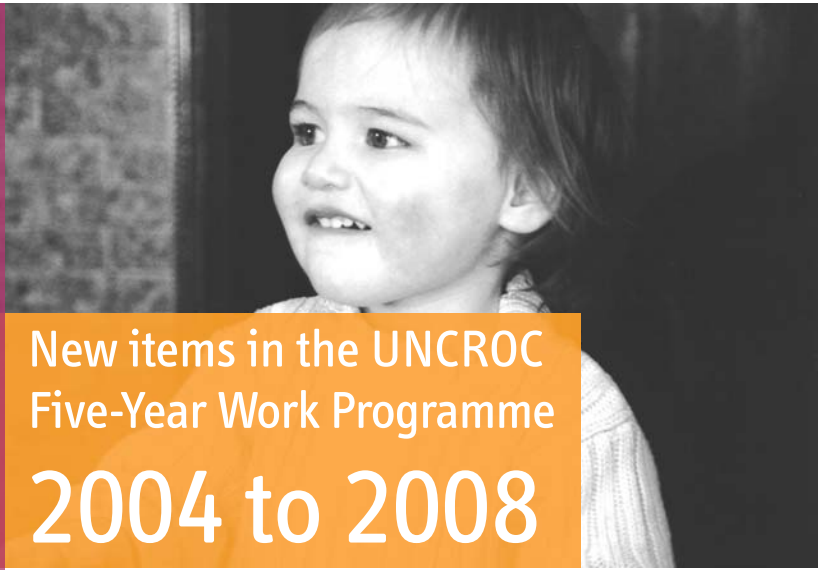
## 13 Assistance to child abuse victims

The UN Committee recommended appropriate mechanisms, programmes and services be established to ensure the physical and psychological recovery and social reintegration of child victims of ill-treatment and abuse. It recommended New Zealand expands the programmes and services aimed at preventing child abuse and helping child abuse victims, and continues to improve the co-ordination of these services.

A number of initiatives were undertaken in 2003 to address these concerns. These included:

- the Baseline Review of the Department of Child, Youth and Family Services
- work led by the Ministry of Social Development to complement the implementation of the Baseline Review
- the **Care and Protection Blueprint 2003**.

The Department of Child, Youth and Family Services, the Accident Compensation Corporation and the Ministry of Justice (Courts) will continue to provide updates on these initiatives as part of the UNCROC five-year work programme from 2004 to 2008.



## New items in the UNCROC Five-Year Work Programme 2004 to 2008

In response to the UN Committee's 2003 concluding observations and recommendations on New Zealand's second periodic report and its initial report on the optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, new items have been included in the UNCROC work programme 2004 to 2008.

These items reflect both new initiatives arising directly from the UN Committee's 2003 concluding observations and recommendations, and Government activity already underway that supports the UN Committee's recommendations while not being a direct response to them.

### 14 Reservation on child labour: Department of Labour's work programme

In 2003, as a response to the UN Committee's concerns about the adequacy of measures to protect children in employment, the Government approved a work programme led by the Department of Labour to raise the awareness of children's employment rights and to identify options for monitoring children's participation in work. Activities include:

- an information strategy to improve the awareness of existing children's employment regulations and rights, and issues related to children's employment in New Zealand
- improving children's ability to enforce their employment rights
- a review of the child rebate for income tax
- bringing children who work as contractors under the same Health and Safety in Employment regulations that apply to employees
- developing options and recommendations on ways to monitor children's participation in work.

Work started towards the end of 2003 and will be ongoing to 2006. The Department of Labour reported initial progress on its work programme to the Government in August 2004. The Department of Labour and the Ministry of Youth Development will continue to report to the Ministers of Labour and Youth Affairs on an annual basis.

## 15 Non-discrimination data request

The UN Committee requested New Zealand provides information in its 2008 periodic report on the measures and programmes undertaken in relation to non-discrimination. This follows up on the declaration and programme of action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Ministry of Youth Development will coordinate this request in consultation with other agencies over 2008.

The UN Committee also noted the inconsistent use of age-bands, issues with definitions and the differences in data collection periods. Statistics New Zealand is currently leading two projects to enhance the quality of data on children in New Zealand. These projects are the:

- Social Statistics Programme – a coordinated and integrated programme of surveys designed to improve the quality and scope of social statistics to allow better monitoring of outcomes for children
- development of an indicator reporting framework to improve the quality and co-ordination of indicators and reporting in general, including those relating to children.

## 16 Child health outcomes

The UN Committee welcomed the introduction of the **Child Health Strategy** in 1998, but expressed its concern over the immunisation coverage, the relatively high rates of infant mortality and injuries among children, and the disparities in child health indicators between Māori and the rest of the population.

Work is already being done by the Ministry of Health to address these areas of concern. The **New Zealand Health Strategy 2000** provides the overarching framework for improving the health of all New Zealanders, and includes the **Child Health Strategy**. The **New Zealand Health Strategy 2000** has as a priority "ensuring access to appropriate child health care services including well child and family health care and immunisation". To help meet this objective the Ministry of Health has developed a **Child Health Toolkit**.

Work to enhance the immunisation coverage and to address infant mortality and injuries is being done within a number of government agencies. Intersectoral strategies include the New Zealand Child and Youth Mortality Review Committee and the **New Zealand Injury Prevention Strategy**.

This work will be included in the UNCROC five-year work programme from 2004 and monitored to 2008.





## 17 Adolescent health outcomes

The UN Committee expressed its concern at the relatively high rates of youth suicide, teenage pregnancies and alcohol abuse by adolescents, and at the availability and accessibility of youth mental health services for some groups.

Work is being done by the Ministry of Health to address these areas of concern. In particular, **Youth Health: A Guide to Action** and the **Sexual and Reproductive Health Strategy** provide the framework for addressing the rate of teenage pregnancy. District Health Boards have a new teen pregnancy indicator for 2004 for reporting purposes. The Ministry of Education has also strengthened the enforcement aspects in the sex education and health education parts of the relevant national curriculum statements.

Mental health has been identified as a key area of government investment. In addition, the intersectoral strategy for children and young people with high and complex needs provides a vehicle for joint funding for some individual young people, and some joint service responses. A range of responses are being developed to address the shortages of a trained workforce in all areas of mental health, and particularly in the child and youth area.

This work will be included in the UNCROC five-year work programme from 2004 and monitored to 2008.

## 18 Adoption reform

In 2003, the UN Committee recommended New Zealand pay particular attention when it considers the reform of adoption legislation, to article 12 of UNCROC and the right of the child to express his or her views and to have those views be given due weight according to the age and maturity of the child.

In particular, it recommended New Zealand:

- require children of a certain age to consent to their adoption
- ensure the right of adopted children to have access to information about their biological parents
- ensure the right of children to maintain one of their original first names.

The Ministry of Justice has reviewed the Adoption Act 1955 in consultation with the Ministry of Social Development and the Department of Child, Youth and Family Services. The purpose of the review was to update the provisions relating to adoption. It considered the application of UNCROC principles in the areas of the capacity of the child and the rights of children to participate in issues that affect them.

The Ministries of Justice and Youth Development will monitor the progress of adoption reform between 2004 and 2008.

## 19 Addressing education disparities

In 2003, the UN Committee expressed its concern about the disparities in the enrolment and drop-out rates among children of different ethnic groups, and that some groups of children and young people, such as teen parents, were facing potential barriers to accessing education.

The Ministry of Education has already started work to address the UN Committee concerns. This work includes enhanced truancy interventions, the establishment of teen parent units and policy initiatives to address disparities.

The Ministries of Education and Youth Development will monitor progress in addressing education disparities and provide updated information as part of the UNCROC five-year work programme from 2007.

## 20 Dissemination and training on children's rights

The UN Committee recommended New Zealand undertakes measures to raise the awareness of children, professionals working with children and the general public of UNCROC and children's rights.

Work is being done across government agencies to enhance the knowledge and understanding of children's rights.

The Ministry of Justice has a reporting function on the consistency of legislation with the New Zealand Bill of Rights Act 1990. The Ministry is leading an interdepartmental initiative to promote and to support the mainstreaming of human rights considerations in policy development across government. This work will incorporate the considerations relevant to children's rights and UNCROC. The Ministries of Youth Development and Justice will monitor progress on the dissemination of information and the training of government agencies from 2004 to 2008.

The Office of the Children's Commissioner has a statutory role to raise the awareness and understanding of children's interests, rights and welfare. It is working with the Human Rights Commission to ensure children's rights are fully reflected in the **New Zealand Action Plan for Human Rights**, which is to be submitted to the Government in December 2004.

The Office of the Children's Commissioner also delivers training programmes to raise awareness about children's rights. The Ministry of Youth Development will work with the Office of the Children's Commissioner to support its statutory training functions.

## Optional Protocol to the Convention on the involvement of children in armed conflict

New Zealand was the first country to report to the UN Committee on the optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Optional Protocol Child Soldiers). In response to the UN Committee recommendations, New Zealand will undertake work across the following six areas (activities 21–26). The work will focus on ensuring consistency between the Optional Protocol Child Soldiers, domestic legislation and operational policy and practice.

The New Zealand Defence Force, with the Ministry of Youth Development, will lead this action in close consultation with other agencies as required.

## 21 Amendment of the Defence Act 1990

The UN Committee expressed its concern the Defence Force Orders for Administration refer only to active service outside New Zealand, and therefore implicitly allow active service inside New Zealand by soldiers below the age of 18 years.

In response to these concerns, the wording of the Defence Act 1990 is to be amended to make it clear it is prohibited to deploy New Zealand Defence Force personnel under 18 years of age on active service, whether the active service is overseas or within New Zealand.

The item is on the UNCROC five-year work programme and the Government's legislative agenda for 2005/2006.

## 22 Review of the age of voluntary recruitment

The UN Committee recommended New Zealand amends the Defence Act 1990 and the Guardianship Act 1968 to specify a minimum age for voluntary recruitment of 17 years for all persons, and considers the possibility of increasing the minimum age for voluntary recruitment to 18 years.

Section 33 of the Defence Act 1990 sets the minimum age of appointment, enlistment or engagement at 17 years of age. The New Zealand Defence Force has agreed the term 'enlistment' in section 33 of the Defence Act 1990 covers voluntary recruitment, as contemplated by article 3 of the Optional Protocol Child Soldiers.

New Zealand considered the issue of raising the minimum age for voluntary recruitment to 18 years in 2000 when it reviewed its signature and ratification of the Optional Protocol Child Soldiers. The Government will review its position on the voluntary age of recruitment again in 2007 as part of preparing for its 2008 periodic report.

## 23 Information on the cadet forces

In expressing its concern about the voluntary age of recruitment, the UN Committee has requested New Zealand provides information on the recruitment activities undertaken by the armed forces within the cadet forces in its 2008 periodic report.

## 24 Information on assistance for refugee and migrant children involved in hostilities

The UN Committee has requested New Zealand provides information in its 2008 periodic report on refugee and migrant children within its jurisdiction who may have been involved in hostilities in their home country, and on the assistance provided for their physical and psychological recovery and social reintegration.

New Zealand does not formally collect or disseminate information on refugee children who may have experienced armed conflict in their country of origin. However, the Ministry of Youth Development will work with the Department of Labour in 2008 to get this information, where available.

## 25 Public dissemination of the initial report on the Optional Protocol Child Soldiers

The UN Committee recommended New Zealand makes its initial report and the written replies submitted under the Optional Protocol Child Soldiers widely available to the public to generate debate and raise the awareness of the Optional Protocol Child Soldiers and its implementation.

The Ministry of Youth Development is responsible for publishing and disseminating the UNCROC five-year work programme, which includes actions taken to implement the Optional Protocol Child Soldiers. Information about New Zealand's initial report on the Optional Protocol Child Soldiers is available on the Ministry of Youth Development's website, [www.myd.govt.nz](http://www.myd.govt.nz), as are the UN Committee's concluding observations and recommendations.

## 26 Training and dissemination on the Optional Protocol Child Soldiers

The UN Committee is generally concerned to ensure there is wide public education and training for children, relevant professional groups and the general public on the provisions of UNCROC and its optional protocols.

The Chief of the New Zealand Defence Force has agreed the cadet forces will develop and deliver training modules on the law of armed conflict generally, and on the provisions and implications of UNCROC and the Optional Protocol Child Soldiers. This work will be ongoing from 2004 to 2008.

### Further information

If you have any questions about the UNCROC five-year work programme, please contact the Ministry of Youth Development:

PO Box 10 300  
Wellington  
Ph: (04) 916 3645  
Fax: (04) 918 0091  
Email: [mydinfo@myd.govt.nz](mailto:mydinfo@myd.govt.nz)  
Website: [www.myd.govt.nz](http://www.myd.govt.nz)

## 27 Review of compliance with the Optional Protocol to the Convention on the Sale of Children

New Zealand has signed but has not yet ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Ratification requires the amendment of several pieces of legislation.

A number of legislative amendments have been made or are proposed to enable the ratification of the Optional Protocol on the Sale of Children. These include:

- The Films, Videos, and Publications Classification Amendment Bill, which was introduced on 2 December 2003
- The Crimes Amendment Bill No 2, which was introduced on 10 December 2003.

The Ministries of Youth Development, Justice and Foreign Affairs and Trade will review progress made on the legislative amendments in 2006.

## 28 Reporting requirement for youth suicide

New Zealand is required to include information on youth suicide, on a comparative and disaggregated basis, for New Zealand's 2008 periodic report on its compliance with the International Covenant on Economic, Social and Cultural Rights. The periodic report will also outline new suicide prevention measures that have been put in place.

## Appendix One

The UNCROC five-year work programme comprises the following 28 activities.

	Activity	Status	Key dates for further action
1	Review of the minimum age of criminal prosecution	Continued from 2003	2004/2005
2	Review of the upper age of the Children, Young Persons, and Their Families Act 1989	Deferred from 2003	2007
3	Withdrawal of the reservation on age-mixing in prison	Deferred from 2003	2005
4	Withdrawal of the reservation on age-mixing in prison: 'test of best interest'	Continued from 2003	2004
5	Withdrawal of the reservation on children unlawfully in New Zealand	Continued from 2003	2004
6	Withdrawal of the reservation on child labour	Deferred from 2003	2006
7	Corporal punishment	Deferred from 2003	2005
8	Review of policy, practice and legislation	Deferred from 2003	2006
9	Reducing inequalities in social wellbeing	Continued from 2003	2004-2008
10	Assistance to refugee children	Continued from 2003	2004-2008
11	Assessing the impact of economic reforms on children	Continued from 2003	2004-2008
12	A World Fit for Children	Continued from 2003	2004-2008
13	Assistance to child abuse victims	Continued from 2003	2004-2008
14	Reservation on child labour: Department of Labour's work programme	New item	2004-2006

	Activity	Status	Key dates for further action
15	Non-discrimination data request	New item	2008
16	Child health outcomes	New item	2004-2008
17	Adolescent health outcomes	New item	2004-2008
18	Adoption reform	New item	2004-2008
19	Addressing education disparities	New item	2007
20	Dissemination and training on children's rights	New item	2004-2008
21	Amendment of the Defence Act 1990	New item	2005/2006
22	Review of the age of voluntary recruitment	New item	2007
23	Information on the cadet forces	New item	2008
24	Information on assistance for refugee and migrant children involved in hostilities	New item	2008
25	Public dissemination of the initial report on the Optional Protocol Child Soldiers	New item	2004-2008
26	Training and dissemination on the Optional Protocol Child Soldiers	New item	2004-2008
27	Review of compliance with the Optional Protocol to the Convention on the Sale of Children	New item	2006
28	Reporting requirement for youth suicide	New item	2008





**MINISTRY OF  
YOUTH DEVELOPMENT**

TE MANATŪ WHAKAHIATO TAIOHI

*Administered by the Ministry of Social Development*