

MINISTER'S FOREWORD

E ngaa mana, e ngaa reo, e ngaa karangatangamaha, tihei mauri ora!

'Naa tou rourou, naaku te rourou, ka ora te iwi'

(With your contribution and my contribution the people will be sustained)

I, along with my colleagues, welcome this opportunity to provide New Zealand's third (and fourth consolidated) report. It is timely to reflect on what has been achieved, through changes to legislation, policy and practice, to improve the lives of children and young people residing in New Zealand since the last report was submitted in 2000. The United Nations Convention on the Rights of the Child provides a valuable framework to monitor and assess progress.

The obligations that underpin this Convention are taken seriously, as they reinforce the duty that all adults and systems that interact with children and young people have – that is, to look after their best interests, treat them with respect and listen to their concerns.

We value all children and young people and place a great deal of importance on their doing well in a range of settings – and, as this report shows, this generally is the case. This has been achieved through significant and sustained investment to ensure that solid foundations are in place so all children and young people in New Zealand can achieve their full potential. Investments have been made in many areas and include:

- **education**, from early childhood through to tertiary, with the provision of 20 hours per week of free early childhood care for all three to four year olds, initiatives to improve secondary school retention with a focus on improved education outcomes for Maaori and Pacific,
- **health**, through providing free access to primary health care for all under six year olds and children of low income families and lowering the cost for all others, and a range of targeted initiatives to improve health outcomes – immunisation, oral health, contraception, encouraging healthy eating and healthy activity
- **care and protection**, through substantive reform leading to improved responsiveness and increased professionalism
- **family support**, through a comprehensive income assistance package to assist families with children (Working for Families), providing increased and enhanced parenting programmes and a range of universal and targeted support services with a particular focus on the elimination of violence in families, including removal of reasonable force as a defence for a parent or guardian correcting or disciplining their child.

Government's contribution is only part of the story. Vital contributors to improved outcomes are families/whaanau, the foundation on which we rely to nurture our children and young people. This work could not be done without the contribution of the non-government sector and advocacy organisations, philanthropic organisations, and the private sector through socially responsible businesses. This contribution is valued, acknowledged and respected.

Nania Mahuta
Minister of Youth Affairs
2008

No reira teenaa koutou katoa

INTRODUCTION

New Zealand welcomes the opportunity to provide its consolidated third and fourth report to the Committee on the Rights of the Child. The report covers the period January 2001 to October 2008 and follows on from the second periodic report submitted in 2000. It should be read in light of this document, and New Zealand's constructive dialogue with the Committee in September 2003.

This report sets out the substantial and comprehensive range of measures - including legislative, judicial, and administrative - adopted during the review period to give effect to the provisions and underlying principles of the United Nations Convention on the Rights of the Child (UNCROC). The report also addresses the recommendations made following consideration of New Zealand's second report [CRC/C/15/Add.216].

Given that this report covers an eight-year reporting period, the approach taken is not to provide an exact historical record of each and every activity initiated during this time. Rather, it focuses on the most relevant and/or current initiatives being undertaken to improve outcomes for children and young people living in New Zealand.

Importantly, descriptions of all relevant steps taken to progress the lifting of New Zealand's three reservations to UNCROC are provided.

The framework for implementing the recommendations of the Committee on the Rights of the Child was provided by a 'UNCROC five-year work programme 2004-2008', adopted by government in 2004. Although not all matters identified in the New Zealand work programme have been achieved, good progress has been made.

The UNCROC work programme has also provided a focus for engagement with New Zealanders, in particular the non-government sector, and also directly with children and young people themselves. Embedded in this report are the comments and voices of children and young people who, over the last eight years, have contributed to policy development, or participated, locally in youth councils, nationally in the Youth Parliament, or internationally in the United Nations General Assembly.

New Zealand looks forward to being able to address, in detail, any of the matters canvassed in this report during its presentation to the Committee on the Rights of the Child.

DEVELOPMENT OF THIS REPORT

This report closely follows the form and structure specified in the Committee's most recent guidelines [CRC/C/58/Rev.1, Nov 2005]. It has been prepared by the Ministry of Youth Development, the Ministry responsible for co-ordinating UNCROC-related activity. The Ministry's roles include all reporting, providing expert advice, maintaining relationships with individuals, national and international organisations with an interest in children's rights and being a portal for the dissemination of information on UNCROC.

Initial preparation for this report began following receipt of the Committee's observations and 26 recommendations in October 2003. An audit was conducted, identifying where current and new government activity would respond to, or align with, the recommendations. In addition initiatives not

specifically responding to recommendations, but of relevance to monitoring implementation of UNCROC, were also identified. Throughout the reporting period, the government has been committed to facilitating a clear and transparent programme of activity that would enable interested parties to better understand what was being done, facilitate participation and monitor progress.

Following the audit in 2004, the government approved an over-arching 'UNCROC five-year work programme 2004-2008', which contained 28 work programme items with corresponding milestones. The work programme (along with other key UNCROC documents) was put on the Ministry of Youth Development's websites (www.myd.govt.nz and www.uncroc.govt.nz). Annual reporting was required under the UNCROC work programme and this allowed for progress to be noted and milestones changed. The final UNCROC five-year work programme 2004-2008 had 29 work programme items, and had been reported on four times. A significant number of milestones were set and achieved.

An UNCROC Forum was held in mid-2006 to provide information to non-government agencies on UNCROC work programme items. Twenty government departments either participated in an 'expo' or presented up-to-date information on relevant initiatives in education, health, and care and protection. Over 65 non-government organisations with an interest in aspects of child and youth well-being and rights attended. Alongside this, there was a youth stream on UNCROC. The Forum was successful, with all participants increasing their understanding of UNCROC.

The Ministry of Youth Development has also facilitated dialogue on UNCROC with a group of non-government and statutory agencies with an interest in children's rights. The UNCROC Advisory Group consists of the Office of the Children's Commissioner, the Human Rights Commission, UNICEF, Save the Children, Youthlaw, and members of Action for Children and Youth Aotearoa Incorporated (ACYA), a coalition of non-government organisations and individuals interested in children's rights in New Zealand. ACYA co-ordinated the non-government report to the Committee in 2003, and have started preparing the non-government report for this reporting period.

Over the last five years, the Advisory Group has met at least twice a year and more often when required, providing advice and assisting in the development of all UNCROC-related activity, including reporting. For instance, it collaborated on the design of the UNCROC Forum as well as actively participating in the event. It has had opportunities to provide input on all the processes associated with preparing this report, including information gathering processes, consultation design and comment on preliminary drafts in April and July. Its input and feedback has been invaluable and is welcomed. The relationship has grown over the last five years and a 'no surprises' policy is a key element of the relationship. This has enabled free and frank discussions leading to improved information flow both ways.

The public launch of this report was announced in November 2007, at the UNCROC 18th birthday celebration, jointly hosted by UNICEF and Wellington City Council as a member of Child-Friendly Cities and Communities. Since early 2008, government and relevant statutory agencies have supplied information to the Ministry of Youth Development, which has co-ordinated all aspects of the report. Ministers considered a draft report prior to release for targeted consultation in September. At the same time, the Children and Young People: Indicators of Wellbeing 2008 report, which provided supporting statistical information, was released (high level summary in appendix 2).

Preparation for public consultation included placing information in key relevant newsletters on the consultation time frames. This provided an opportunity for interested individuals and organisations to register their interest to receive information, once released. This was done utilising both government and the non-government networks. In addition, networks of children and young people have been

used to do the same – this includes links into all schools, various youth-targeted health and social service networks, and local youth councils.

The report was open for public consultation for a four-week period over September and October. During this time, it was made available on the Ministry of Youth Development website, with hard copies available on request. An on-line submission form was available for use to supplement written submissions. In addition, it was acknowledged that information received through the consultation process would be supplied where relevant to ACYA, as they prepare the non-government report. Overall, the draft UNCROC report was well received as a comprehensive overview of government activity undertaken during the reporting period.

Submissions provided valuable feedback, which has been incorporated into the report where relevant. Many submitters used the process to highlight and raise their concerns in regard to the nature and extent of government activity. Key areas of focus were the reservations to UNCROC and the incorporation of UNCROC into domestic legislation. Many provided alternative policy options, with a focus on setting firmer targets for the reduction of poverty and health and education outcomes for Māori, Pacific and disabled children and young people. Additionally, submitters wanted a different emphasis to be given to initiatives in the report, in particular, increased attention on the fact that New Zealand has removed reasonable force as a defence for a parent/guardian correcting or disciplining a child. As many of these concerns are more appropriately addressed in the non-government report, the relevant submissions have been provided to ACYA to incorporate into their process. There was some concern expressed that the period of public consultation was insufficient, although it was also recognised that organisations are able to submit their own alternative reports to the Committee itself. This procedural suggestion will be factored into the preparation of New Zealand's next periodic report.

Although children and young people's networks had opportunities to comment on the draft report, none have been received. Children and young people did, however, contribute to some organisational submissions. The Auckland Region of the United Nations Youth Association of New Zealand, with the support of ACYA, submitted a comprehensive report, Youth Declaration 2008, to the Minister of Youth Affairs in April 2008, which was accepted as an early submission. Additionally, a separate consultation process is planned which seeks the views of a wide range of children and young people on their rights. The details of this process are yet to be finalised but will be jointly supported by members of the UNCROC Advisory Group and the Ministry of Youth Development for submission to the Committee along with the non-government report.

Going forward, dialogue will continue with the UNCROC Advisory Group and the submissions received will provide an opportunity to dialogue with a wider group of interested individuals. This will be important as in designing a revitalised UNCROC work programme, there will be opportunities to look for joint work with the sector and to extend this, where possible, to include children and young people.

PART 1 GENERAL MEASURES OF IMPLEMENTATION

- 1.1 This report, in its totality, demonstrates the significant effort and commitment of the government and the public sector over the last eight years to give better effect to UNCROC and, more specifically, to address the Committee's recommendations.
- 1.2 Progress has also been made towards withdrawing reservations. New Zealand takes its international obligations seriously and has recently re-iterated an overall commitment to working towards the withdrawal of reservations to human rights treaties. Although progress has been made, New Zealand is not yet in a position to withdraw the reservations to UNCROC.

RESERVATIONS AND DECLARATIONS

CRC/C/15/Add.2.16: Para 7:

In accordance with the Vienna Declaration and Programme of Action of 1993, the Committee recommends that the State party:

- (a) expedite the changes in legislation and administrative procedures necessary for the withdrawal of its general reservation and the reservations to articles 32, paragraph 2 and 37 (c)**
- (b) continue its discussions with the people of Tokelau with a view to extending the application of the Convention to their territory.**

New Zealand is committed to working towards progressively withdrawing its reservations to human rights treaties as appropriate over time.

Children unlawfully in New Zealand (general reservation to article 2)

- 1.3 Since the last report, significant work has been undertaken into analysing whether New Zealand continues to need its general reservation to UNCROC. As part of this work, New Zealand has taken steps to ensure that levels of access to education align with UNCROC and considers that current access to health services for both children and expectant mothers is also compliant. Consideration of levels of access to social assistance and housing is currently being undertaken.
- 1.4 Steps taken during the reporting period demonstrate that New Zealand is committed to protecting the rights of all children, and takes into account the particular vulnerabilities of unlawful migrant children when assessing whether there is an ongoing need for the reservation. However, there are other legitimate concerns, such as effective immigration controls and resource constraints that also need to be taken into account. New Zealand also notes that other States have restricted the effect of UNCROC in regards to children unlawfully in their territories based on similar justifications.

- 1.5 More certainty as to New Zealand's position will be available at the time of New Zealand's dialogue with the Committee.
- 1.6 In 2003, the government agreed to lift the general reservation subject to reports from the Ministries of Health and Education setting out changes required to facilitate compliance. In 2005, the government agreed that current eligibility settings for access to publicly-funded health and disability services for children, and maternity services for pregnant women, were compatible with UNCROC.
- 1.7 A legislative impediment to accessing education services exists under the current Immigration Act 1987, as Section 6 of that Act makes it illegal for a school to knowingly enrol a child who is unlawfully in New Zealand. This said, the offence provisions relating to the enrolment of children unlawfully in New Zealand have rarely, if ever, been exercised, and the immigration authorities do not actively target school-aged children not lawfully in New Zealand. In recognition of this impediment to accessing education, this issue was considered as part of the 2006 fundamental review of the Immigration Act 1987. New legislation, the Immigration Bill, proposes to remove the current offence provisions against education providers who allow a child (19 years and under) unlawfully in New Zealand to undertake compulsory education. This will remove a current deterrent for schools, allowing them to provide access to compulsory education to all children, regardless of their immigration status. The Bill was before the House prior to the dissolution of Parliament on 3 October 2008.
- 1.8 In addition, the 2007 introduction of an electronic enrolment and tracking system for all children enrolling in schools has meant that both schools and parents/guardians may be deterred from enrolling children whose immigration status is in question due to the requirement to provide documentation. In its first full year of operation, approximately 1,500 children have been unable to present suitable documentation, although not all of these are children unlawfully in New Zealand.
- 1.9 An interim measure has been put in place to address the deterrent effect of the current Immigration Act offence, and the documentation requirement under the recent electronic system. Limited Purpose Permits have been designed to enable schools to provide education to children unlawfully in New Zealand without the threat of enforcement until new Immigration legislation is passed. Limited Purpose Permits can be granted under Section 35A of the Immigration Act 1987, providing a statutory mechanism to grant a permit to a person who is unlawfully in New Zealand and not otherwise able to apply for any permit. Granting of the permit is conditional on steps being taken to regularise immigration status. New Zealand considers that this is the most cost-effective way to balance maintaining effective immigration controls, managing concerns around the protection of New Zealand's fee-paying foreign student education industry and taking into account the rights of children. The interim arrangements will no longer be required if amendments, (which were part of the Immigration Bill before the House when Parliament was dissolved on 3 October 2008) are enacted in the following form:
- **Compulsory education** means education that is:
 - (a) provided at any primary, intermediate, composite, secondary or special school (within the meaning of the Education Act 1989), whether State, private or integrated
 - (b) provided to a person at any time during the period beginning on the person's fifth birthday and ending on 1 January following the person's 19th birthday

- **Clause 315** (Offences by education providers) provides that:
 - (c) No person commits an offence under subsection (1) by reason of allowing, or continuing to allow, a child who is not entitled to study in New Zealand to undertake compulsory education.

1.10 Following enactment, the Ministry of Education will put in place a process to enable children unlawfully in New Zealand to be treated as domestic students for the purpose of enrolment at school.

1.11 The government's view is that there are legitimate concerns that need to be taken into account when considering withdrawal of the reservation, such as resource implications and effective immigration controls. Steps taken to address access to education demonstrate that New Zealand is committed to protecting the rights of all children, and that it takes into account the particular vulnerabilities of unlawful migrant children when making these assessments. New Zealand also notes that other States have restricted the effect of UNCROC in regards to children unlawfully in their territories based on similar objective and reasonable justifications.

Minimum age of access to employment - (article 32(2))

1.12 The Committee has recommended that New Zealand's policy and law on child labour be reviewed and that New Zealand consider ratifying ILO Convention No. 138 on a minimum age for admission to employment.

1.13 New Zealand's consistent approach is that our existing policy and legislative framework already provides effective age thresholds for entry into work in general, and for safe work. The framework that makes up the New Zealand approach includes the:

- **Education Act 1989** which requires children to attend school until the age of 16, with limited exemptions (for attending alternative education or training). The Education Act also prohibits employers from employing children under 16 during school hours or when it would interfere with their attendance at school.
- **Health and Safety in Employment Act 1992** which sets out duties to provide safe workplaces, manage workplace hazards, and ensure appropriate supervision protects the health and safety of people at work. It applies to all workers, regardless of age. The Health and Safety in Employment Regulations 1995 restrict young people under 15 from working in dangerous workplaces (such as manufacturing, construction sites, tree felling), and from doing hazardous work (such as working with machines and mobile plant, and heavy lifting). They also restrict people under 16 from night work.
- **Prostitution Reform Act 2003** decriminalises prostitution but prohibits the use of persons under 18 years of age in prostitution. In addition, the Act makes it an offence to arrange for, or to receive commercial sexual services, from a person under 18.
- **Sale of Liquor Act 1989** bans people under 18 from selling liquor in licensed premises.

1.14 The effectiveness of New Zealand's current framework in protecting children from exploitative or excessive hours of employment was confirmed following research undertaken by the Department of Labour in 2002 and 2003. This research found that part-time employment among school-age children (which falls into the category of light work) is widespread, not harmful, and in the main, well regulated by health and safety regulations and education legislation.

- 1.15 Allowing children and young people to undertake paid employment is generally seen by New Zealanders as beneficial. This is the view of children and young people also, who appear not to favour restrictions by age on their ability to work. This is illustrated by comments from children in surveys such as the *Young People and Work 2003* survey by Gasson et al and Caritas Aotearoa New Zealand's 2003 survey, *Protecting Children at Work*. These surveys show that children under age 13 are working. In the *Young People and Work 2003* survey of Auckland school-aged children, around 20 percent of 11 year olds said they were working (on average only 5.8 hours per week in activities such as household jobs and delivering papers). Most children in this survey were against the introduction of a blanket minimum age for employment, and most of those who did suggest a minimum age suggested either their own age or younger.
- 1.16 The Glasson and Caritas research did find some examples of school children working unsupervised, getting injuries, working to supplement the family income, and earning very low pay. The research also found that children have a general lack of awareness about their employment rights and whether or not their employers are complying (confirmed by a more recent study of school-aged children in New Plymouth).
- 1.17 To remedy these issues, a comprehensive Children's Employment Work Programme was put in place in 2004. The Children's Employment Work Programme includes:
- an information strategy for the public and for agencies who work with children to improve awareness of existing children's employment rights and protections
 - measures to improve children's ability to enforce their employment rights, and raise issues about children's employment
 - bringing children who work as contractors under the same Health and Safety in Employment regulations that apply to children as employees
 - options and recommendations on methods to monitor children's participation in work
 - reviewing the age threshold prohibiting hazardous work in the Health and Safety in Employment regulations, and whether to raise the age from 15 to 16 years
 - investigating workplace practices regarding 16 to 18 year olds, in hazardous work, particularly regarding training and supervision
 - examining ways to guarantee adequate meal and rest breaks for young people in work.
- 1.18 Achievements to date, under the Children's Employment Work Programme include:
- raising awareness of regulations and rights with strategic campaigns, networking with youth publications and innovative ways of engaging young people. This has included a 'clock' heralding introduction of the minimum wage changes, a comic-style fact sheet, a radio song competition, fact sheets in Māori and Pacific languages, and an interactive forum on the Tearaway youth magazine website. Networking with schools, school publications and stakeholder groups has also taken place.
 - a review of the Health and Safety Regulations (currently under way). Approval was recently given to amend regulations to extend the age-based prohibitions on hazardous work to young people doing contract work. It places duties on principals similar to those that already apply to employers and will come into force in 2009.
 - monitoring children in work. In mid 2007, the Department of Labour released the first of its Youth Labour Market Outcomes reports for monitoring children's participation in work and, in August 2008, produced regional specific reports.

- data collection to improve children's ability to enforce their rights. The Department of Labour has gathered information about what issues are being raised by young people (and those who make contact on behalf of young people).

1.19 In addition, consideration of New Zealand's ratification of ILO 138 is ongoing and New Zealand has been engaged in an ongoing dialogue with the ILO over prospects for ratification of ILO Convention 138. As stated above, New Zealand considers its existing policy and legislative frameworks provide effective age thresholds for entry into work and ensure that children only engage in safe work.

Age-mixing in detention (article 37(c))

1.20 New Zealand has made significant progress towards removal of the reservation to article 37(c) of UNCROC. In 2005, the Department of Corrections completed four specialist youth units in male prisons to ensure that there are sufficient beds to accommodate youth offenders separately from adults. The low number of female prisoners under the age of 18 makes a female youth unit facility unviable. However, females under the age of 18 are still separated from those 18 and over unless it is in their best interest to be mixed with older prisoners.

1.21 To further support alignment with article 37(c), a change to the Department of Corrections regulations in 2005 lowered the age threshold for youth from 20 to 18, with the result that young people under the age of 18 will not be mixed with older prisoners. At the same time, a 'test of best interests' was developed to facilitate age-mixing of vulnerable 18 and 19 year olds with under 18-year olds, where this is in the best interests of the under-18 year olds. The rationale for designing this test was that for some vulnerable 18 and 19 year olds, residing in the youth unit remained in the best interests of the under-18 year olds, while also being better for the vulnerable 18 and 19 year olds, than being mixed with adults. For example, the test accommodates youth who turn 18 while in prison to remain in the youth unit providing the test continues to be met.

1.22 The 'test of best interests' was piloted during 2006/2007 in two youth units and evaluated in 2007, with some operational changes being made. It has now been rolled out to all prisons with youth units. The impact of the trial is that, although some age-mixing occurs, a significant proportion of over-18 year olds are excluded and go into the adult prisons, as their presence in the youth unit is not in the best interests of the under-18 year olds. Regarding age-mixing in prisons, New Zealand is fully compliant with article 37(c).

1.23 In 2007, the Ministry of Justice undertook a comprehensive review of all the settings where young people are detained. It confirmed that New Zealand is compliant in the following areas: the Customs Service (border control), the Defence Force (imprisoning defence force personnel), and the Ministry of Health (mental health).

1.24 In addition, the Department of Corrections is currently fully compliant with article 37(c) regarding age-mixing of prisoners in transit outside prisons. This follows a directive issued by the Minister of Corrections in August 2006 that no prisoner aged 17 years or under is to be transported in the same vehicle compartment as prisoners aged 18 years and older.

- 1.25 Proposed amendments in the Immigration Bill, if enacted will ensure that the Department of Labour is compliant in regard to immigration-related detention. In addition, Police and the Department of Corrections are currently developing a joint protocol for the custody and transportation of young offenders.
- 1.26 Further work is required regarding custody settings, especially court cells (managed by the Ministry of Justice) and with Police transporting under-18 year olds to ensure full compliance with article 37(c). Both these agencies are working to achieve compliance as soon as is practicable. Using audiovisual links in court proceedings (reducing the number of prisoner/defendant transfers) and raising of the upper age to 18 years for young people, proposed in the Children, Young Persons and Their Families Amendment Bill (No. 6), which was being considered by Parliament at the time it was dissolved, are two key pieces of work that will offer opportunities to reduce age-mixing and improve compliance with UNCROC.

Children should not be locked up with adults if they have committed a crime – we are worried that something bad could happen to the children - they could get hurt and be taught bad things by bad men. Children should be with other children, in a special kid's jail. Kids need a warning first and then go to a kid's jail to learn a lesson or have a home arrest so that they can still go to school and keep learning. [Room 9, Maungaraki School, (8 – 9 years old), education and discussion on UNCROC with UNICEF Advocacy Officer, 2007]

Tokelau

- 1.27 Tokelau held referenda on its political future in February 2006 and October 2007 and both times opted to retain its status as a non-self-governing territory administered by New Zealand. Consequently, New Zealand remains responsible at international law for the fulfilment of the obligations contained in treaties that it has applied to Tokelau.
- 1.28 The issue of UNCROC's extension to Tokelau has continued to be discussed in Tokelau and between New Zealand and Tokelau during the reporting period. However, Tokelau's primary focus has continued to be on the larger issues of its constitutional development. New Zealand continues to work with, and support, Tokelau to ensure that the provisions and protections afforded to children on the islands match as closely as possible those guaranteed to New Zealand children under UNCROC. Tokelau has also adopted its own set of Human Rights Rules (2003), which provide that the individual human rights for the Tokelau people are those stated in the Universal Declaration of Human Rights, and are reflected in the International Covenant on Civil and Political Rights.
- 1.29 A core principle underpinning New Zealand's support for Tokelau is that the basic services available on the islands, such as healthcare and education, should be at least equivalent to those available in remote rural areas of New Zealand.
- 1.30 Since the referenda, Tokelau, with the full support of New Zealand, has been engaging in a period of reflection on how it can ensure its people's needs are met on each atoll through the strengthening of infrastructure and services. New Zealand and Tokelau continue to work together to strengthen and improve public services in Tokelau, including in the education sector for instance where teachers are being provided with training and information in relation to recent curriculum reform. Major work on upgrading essential infrastructure is well under way, and Tokelau continues to make progress in ensuring that each atoll is able to operate as a vibrant, forward-looking community.

LEGISLATION (article 4)

CRC/C/15/Add.2.16: Para 9:

The Committee reiterates its recommendation that the State party initiate a comprehensive review of all legislation affecting children and take all necessary measures to harmonise its legislation with the principles and provisions of the Convention.

- 1.31 Prior to UNCROC's ratification in 1993, New Zealand undertook a compliance assessment process to ensure consistency between existing legislation, and UNCROC's principles and provisions. The government remains confident that there are mechanisms in place to ensure ongoing legislative reform takes full account of and, wherever possible, gives effect to UNCROC. These mechanisms include the Ministry of Youth Development's role in providing advice to government on policy and legislative implications for New Zealand's commitments to, and obligations under UNCROC.
- 1.32 All legislative reforms are also scrutinised to identify whether the proposals set out in those reforms are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993. Furthermore, departments are required to advise Cabinet if any of their policy proposals raise issues in terms of human rights.
- 1.33 Over the reporting period, efforts have been made to better align domestic legislation with UNCROC, including the Care of Children Act 2004 and the Crimes (Substituted Section 59) Amendment Act 2007. Conformity with UNCROC has also been an important focus for fundamental re-drafting of the 1987 Immigration Act, and review of the Children, Young Persons and Their Families Act 1989, both of which resulted in Bills before the House when Parliament was dissolved on 3 October 2008.
- 1.34 The following table sets out legislation enacted over the reporting period that gives effect to the Convention.

Legislation	Effect
PART 2 Article 1	Marriage Amendment Act 2005 lowered the age at which people can marry without consent from 20 years to 18 years. Prior to this Act, people who were 18 and 19 needed consent to marry.
	Prostitution Reform Act 2003 decriminalises prostitution but prohibits using persons under 18 years in prostitution. It is an offence to arrange for or to receive commercial sexual services from a person under 18.
PART 3 Article 3.1, 12, 19, 2, 7.1	Evidence Act 2006 allows witnesses under 12 years to give evidence without first having to swear an oath or make a formal affirmation. It also allows the judge to account for the witness' maturity when considering whether questions should be disallowed. It increases protection for children under 18 years giving evidence, and includes video-conferencing and protective screens, and restrictions on cross-examination.
	Status of Children Amendment Act 2007 introduces a new part into the Status of Children Act 1969 on the status of children conceived through certain assisted human reproductive procedures. A key purpose was to continue providing these children with certainty about their legal parents.
PARTS 3 and 4 Article 3.1, 13.1,	Human Assisted Reproductive Technology Act 2004 provides for donor offspring to access donor information that is kept by the Registrar General and by providers.

Legislation	Effect
24.1, 8	
PART 4 Article 7, 13, 15, 3.1, 5, 9, 12, 12.2 16, 17, 19, 34	<p>Citizenship Act 1977 has new provisions that came into force on January 2006 and allow a child born in New Zealand on or after that date, to be a New Zealand citizen if at least one of his or her parents is a New Zealand citizen or is entitled to remain in New Zealand indefinitely (for example, a resident). For citizenship purposes, New Zealand includes the Cook Islands, Niue, Tokelau and the Ross Dependency.</p> <p>Corrections Act 2004, Section 77 provides for minimum standards regarding phone calls for all prisoners, with r181(1) of the Corrections Regulations 2005 entitling a young prisoner to make one phone call per week in addition to the Section 77 entitlement.</p> <p>Care of Children Act 2004 requires that the welfare and best interests of the child must be a paramount consideration when the Family Court makes decisions and it establishes seven principles for the Court to observe when making decisions about a child's welfare and best interests.</p> <p>Crimes (Intimate Covert Filming) Act 2006 creates three new offence provisions relating to making of an intimate visual recording, the possession of intimate visual recording, and the publishing, importing, exporting or selling of an intimate visual recording.</p> <p>Unsolicited Electronic Messages Act 2007 prohibits unsolicited commercial electronic messages (spam) with a New Zealand link. This will help to protect children against exposure to the kind of inappropriate material often associated with spam messages.</p> <p>Television New Zealand Act 2003 sets out a Charter for State-funded broadcasting by Television New Zealand (TVNZ). The Charter requires TVNZ to feature New Zealand and international programmes that provide for children and young people's informational, entertainment and educational needs, and participation.</p>
PART 5 Articles 13.2, 19, 1, 27, 28.2, 37(a)	<p>Employment Relations (Flexible Working Arrangements) Amendment Act 2007 provides eligible employees with the right to request flexible working arrangements to enable them to care for someone, for example children and young people. Young workers who have caring responsibilities and who meet the eligibility criteria of the Act will also be able to request a flexible working arrangement.</p> <p>Child Support Amendment Act 2006 significant amendments in 2006 to the Child Support Act 1991 allowed Inland Revenue to write off some penalty debt if a liable parent entered and maintained an arrangement to pay both current child support liability and an agreed amount off liability arrears; initiate an administrative review of child support liability if it considers child support amount payable by a liable parent does not accurately reflect that parent's ability to provide financial assistance for his or her child(ren); and introduce a permanent exemption from liability for victims of sex offences and a temporary exemption for liable parents under the age of 16 years.</p> <p>Crimes (Substituted Section 59) Amendment Act 2007 removes reasonable force as a defence for a parent/guardian correcting or disciplining a child.</p>
PART 5 and 6 Article 27.1, 27.3	<p>Social Security (Working for Families) Amendment Act 2004 provides targeted financial incentives for certain persons to enter into and stay in, employment. The reform package that sits underneath the legislation has significantly reduced the numbers of children experiencing poverty or hardship.</p>
PART 6 Article 27, 2	<p>Taxation (Working for Families) Act 2004 introduced those parts of the Working for Families reform package relating to tax credits for families. The package included increased family tax credits, introducing new in-work tax credits and phasing out of the child tax credit. Changes were introduced between 1 April 2005 and 1 April 2007.</p>

Legislation	Effect
	Civil Union Act 2004 and Relationship (Statutory References) Act 2005 establishes neutral laws on relationships that apply across the board, whether those relationships are marriages, civil unions, de facto relationships or same-sex relationships. A child aged 16 or 17 can enter a civil union provided they have the consent of each of his or her guardians. If consent is refused, the child can apply to the Family Court for consent. This legislation affords children whose parents/caregivers are in same-sex or de facto relationships the same legal protections enjoyed by children whose parents/guardians are married.
PART 8 Articles 37(a), 37(b), 40.1, 2, 32	<p>Crimes of Torture Amendment Act 2006 establishes a sub-committee of the Committee Against Torture that will regularly visit places where people are deprived of their liberty. It also sets the framework for establishing National Preventive Mechanisms to visit and monitor places of detention, such as youth units in prisons, police cells, court cells, and Child, Youth and Family residences.</p> <p>Minimum Wage (New Entrants) Amendment Act 2007 abolishes the previous youth minimum wage rate and establishes a new entrants wage. The new entrants wage provides for 16 and 17 year olds to receive 80 percent of the minimum wage for the first 200 hours of work or the first three months whichever occurs first. However, if a 16 or 17 year old is undertaking a supervisory role, they are eligible for the same minimum wage as an adult.</p>

CO-ORDINATION AND NATIONAL PLANS OF ACTION

CRC/C/15/Add.2.16: Para 11:

The Committee recommends that the State party establish a permanent mechanism to co-ordinate activities by all actors and stakeholders implementing the Convention, the Agenda for Children and the Youth Development Strategy. Sufficient financial and human resources should be allocated to ensure that they are fully implemented and effectively co-ordinated.

- 1.35 There have been a number of changes that better align resources so as to improve outcomes for children and young people. Significant organisational changes have contributed to improved co-ordination between agencies, emphasising the need for collaboration and promoting a stronger focus on children's well-being in many major social policy developments. Leadership for collaboration is provided from the top, with Chief Executives from the core social agencies, Health, Education, Justice and Social Development, meeting regularly.
- 1.36 In late 2003, the Ministry of Youth Affairs, (created in 1998 to provide a youth perspective on government activity), became the Ministry of Youth Development, combining Youth Affairs and the youth policy functions of the Ministry of Social Development. The Ministry of Social Development provides administrative support to the new Ministry of Youth Development. This change has enabled better co-ordination of youth policy, while continuing to provide a voice for young people within government.
- 1.37 In 2006, the Department of Child, Youth and Family Services (Child, Youth and Family) became a service line of the Ministry of Social Development, improving the alignment of child care and protection and youth justice policy and operations. The Ministry of Social Development now has responsibility for delivering statutory social services to protect and help children who are being abused or neglected or exhibit problem behaviour. Prior to this, a number of functions previously undertaken by Child, Youth and Family were transferred to

Family and Community Services. Created in 2004 as a new service line of the Ministry of Social Development, Family and Community Services supports families and communities to be strong and well connected.

- 1.38 These changes have provided a number of benefits including increased capacity and capability, reduced overheads and financial alignment. Being structurally and physically co-located facilitates improved collaboration and greater alignment, and improves research, policy development and service delivery. They have also improved synergy of activity regarding children and young people.
- 1.39 The Agenda for Children and the Youth Development Strategy Aotearoa, both published in 2002, continue to provide platforms to inform work to place children at the centre of policy-making. This work has led to better research and data gathering on the position and well-being of children and the impact of policies on them, and has also increased opportunities for young people to participate in decisions that affect them. Additionally, there has been greater involvement of child experts and children's interest groups in policy development.
- 1.40 The increased emphasis on collaboration extends beyond inter-agency co-ordination. In addition collaboration on policy initiatives with statutory agencies such as the Office of the Children's Commissioner, and non-government organisations, such as Barnardos, is becoming standard practice.
- 1.41 Recognising the important role non-government agencies play, the government initiated Pathway to Partnership in July 2007. This is a multi-year plan to strengthen community-based family, child and youth services. It involves a significant increase in funding and encourages strong supportive working relationships between the government and the non-government sector. The plan was developed in partnership with government agencies and non-government organisations that deliver child, youth and family services.

INDEPENDENT MONITORING

CRC/C/15/Add.2.16: Para 13:

In light of its general comment No. 2 on national human rights institutions, the Committee recommends that the State party use the discussion of the Commissioner for Children's Act, which is currently before Parliament, to ensure that the Office of the Commissioner for Children and the National Human Rights Commission are equally independent and that they report to the same political body, and to define the relationship between the two institutions, including a clear division of their respective activities. In addition, the Committee urges the State party to ensure that the Office of the Commissioner for Children receives sufficient human, material and financial resources to carry out its mandate.

- 1.42 The Children's Commissioner Act that was before Parliament at the time of New Zealand's second periodic report, was enacted in 2003. This Act has strengthened and increased resources and powers available to the Children's Commissioner. The Act sets out the Commissioner's responsibilities of raising awareness of children's interests, rights and welfare and monitoring the application of UNCROC in Crown agencies' actions. This is in addition to the Commissioner's previous statutory investigative and monitoring role regarding Child, Youth and Family. Resourcing for the Office has also doubled since 2000/2001.

- 1.43 The Office of the Children's Commissioner and the Human Rights Commission are both classified under the Crown Entities Act 2004 as independent Crown entities where Commissioners are appointed by the Governor-General and can only be removed from office if there is just cause. This reflects the independent nature of the roles, which are free from political influence and report directly to Parliament.
- 1.44 The two entities have separate reporting lines but both report to Ministers of the Crown. The Children's Commissioner reports to the Minister for Social Development and Employment, while the Human Rights Commission reports to the Minister of Justice.
- 1.45 The functions and responsibilities of both entities are clearly set out in their respective legislation (for the Human Rights Commission; the Human Rights Act 1993, and for the Office of the Children's Commissioner, the Children's Commissioner Act 2003).
- 1.46 Both organisations work closely together and meet regularly. They have a number of activities of shared responsibility such as implementing the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (see Part 3). There will be some areas of overlap as the Children's Commissioner has responsibility for issues regarding children and young people while the Human Rights Commission has responsibility for the rights of all New Zealanders.
- 1.47 The Children's Commissioner has offices in Wellington and Auckland and a staff establishment of around 15 people. The Office of the Children's Commissioner is funded by Parliament through Vote: Social Development. Its operating budget for the 2007/2008 financial year is \$1.938m (excluding GST), and it has net assets of \$0.704m as at 1 July 2007.
- 1.48 As well as the monitoring and investigative functions, the Children's Commissioner produces a wide range of resources, mostly on children's rights, as well as in-depth reports. Reports often relate to issues arising from the monitoring and investigative functions or canvas topical issues such as the recent report on child poverty 'A fair go for all children: Actions to address child poverty in New Zealand'.

RESOURCES FOR CHILDREN (article 4)

CRC/C/15/Add.2.16: Para 15:

The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups, "to the maximum extent of ... available resources". The Committee further recommends that the State party gather disaggregated data on budget allocations for children and systematically assess the impact of all its economic policy initiatives on children.

- 1.49 Significant investment has been made during the reporting period in increasing resources for children. Examples of funding that will benefit children and young people include:

- 2004, \$56 million to assist with youth transitions; creating additional modern apprenticeship places, boosting delivery of vocational opportunities in school, provision of youth transitions services and additional career services
- 2004, an extra \$250 million over four years to implement the Mental Health Blueprint, improving the workforce and services
- 2005, \$30.7 million to increase spending on assessments, and support for children with special education needs
- 2005, \$3.23 million for Community Action on Youth and Drugs
- 2006, \$162 million to provide 20 hours free early childhood education and care to all three and four year olds and boost the number of qualified staff
- 2006, \$11.5 million for Family Violence Prevention initiatives
- 2006, \$67 million for Mission On; a package of initiatives to encourage healthy eating and healthy activity in children and young people
- 2007, \$133.4 million for 702 extra year 1 teachers to bring the teacher to pupil ratio down to 1:18 by mid 2008 – with the aim of boosting foundational literacy and numeracy for younger students and progress towards a 1:15 ratio
- 2008, \$446 million to strengthen the community based child, youth and family sector.

1.50 These are just a few examples of increased expenditure, and do not include other major initiatives described throughout the report such as increased funding for primary healthcare as part of the Primary Health Care Strategy, investment in Working for Families, increased salaries for primary and secondary school teachers, and increased baseline funding to address the capacity and capability of Child, Youth and Family.

1.51 Government is continually monitoring expenditure to ensure that it is being effectively used, and that both old and new policy initiatives are achieving their stated aims. Assessing where money is allocated, and who benefits, is an ongoing process. The impact any policy has on different segments of society including children and young people, is always part of these considerations.

1.52 No single project has gathered disaggregated data on budget allocations for children over the reporting period. The matter was investigated but it proved too difficult to get the full picture across different government funding streams. In some areas such as Health - where there has been substantial investment over the last five years - specific expenditure on children and young people is difficult to quantify.

INTERNATIONAL CO-OPERATION (article 4)

Aid and development programme

1.53 Government commissioned an independent review of New Zealand's aid programme in 2000. As a result the New Zealand Agency for International Development (NZAID) was created in September 2001. Its core focus is poverty elimination with a regional focus on the Pacific. This reflects the government's commitment to being a good international citizen and neighbour.

1.54 NZAID aims to improve quality of life by protecting and promoting human rights as set out in the Universal Declaration of Human Rights and all core international human rights instruments, including UNCROC.

Overseas development assistance

- 1.55 In 2007/08, NZAID's development programme budget was \$412.65 million. New Zealand is moving progressively towards the Overseas Development Assistance Millennium Development Goal target of 0.7 percent of Gross National Income. In August 2003, the government re-affirmed this commitment to 0.7 percent as and when resources permit. In 2008, the government announced that New Zealand's aid budget would increase to 0.35 percent of Gross National Income by 2010/11 – projected to be \$600 million. This represents the largest dollar increase ever for New Zealand's development assistance programmes.
- 1.56 New Zealand targets around 18.4 percent of its total Overseas Development Assistance to the work of the United Nations and Commonwealth agencies, the World Bank, the Asian Development Bank, and the Red Cross. NZAID's Multilateral Engagement Strategy prioritises engagement with ten 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 Office of the High Commissioner for Human Rights (OHCHR).
- 1.57 The Pacific is the key focus area for New Zealand's aid and development assistance. In addition to initiatives that fund education and health services for children and young people, recent initiatives that directly impact on children include:
- funding over three years of approximately \$900,000 to the Pacific Youth Stars initiative, through NZAID's strategic partnership with UNICEF. The programme focuses on building 'life skills' (including HIV and sexual and reproductive health issues) into education curricula
 - funding in the area of HIV and AIDS, for Marie Stopes International to institute large scale Condom Social Marketing Campaigns in Fiji, Tuvalu and Samoa. The initiative is youth-focused and trains young people to sell condoms in villages
 - contributing \$550,000 to the Talavou Youth Development Programme addressing self-esteem, community development and livelihood issues for youth in Samoa
 - funding a three year 'children/youth in conflict with the law' project in the Solomon Islands, through Save the Children. The project's goal is to protect children and youth in conflict with the law by strengthening the system to promote and protect children's rights
 - funding of \$6.4m per year for the Secretariat of the Pacific Community. A portion of this is for their Pacific Human Development Programme which is the regional mechanism for co-ordinating the Pacific Youth Strategy to 2010. NZAID actively engages with the Programme on youth issues in the region
 - funding of \$95,000 per year for the Commonwealth Youth Programme, which is used to support regional youth programmes, an office in the Solomons and youth participation
 - funding of \$2.3 million with Save the Children New Zealand towards the provision of health services, including a focus on HIV/AIDS in Papua New Guinea.
- 1.58 In addition, New Zealand contributes to a wide range of initiatives outside the Pacific, in partnership with non-government organisations and the United Nations agencies, such as UNICEF, with a focus on health and well-being of women and children through providing health and education services.

DATA COLLECTION

CRC/C/15/Add.2.16: Para 17:

The Committee recommends that the State party develop a system of data collection that covers all areas of the Convention, paying particular attention to disaggregated data on indigenous children, and ensure that all data and indicators are used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention.

- 1.59 Since the last report, there has been significant improvement in the availability and the accessibility of data on children and young people, with an emphasis on having in place robust frameworks for collection across a range of domains (health, social well-being, education, employment). There has also been an increase in funding for research on children and young people. Better information on the position and well-being of children in New Zealand is important in improving the quality of advice and decision-making on children and young people's issues.
- 1.60 Data provided in this report is the most up-to-date information about children in New Zealand (at the time of writing). Where possible, data provided meets the requirements of UNCROC related to disaggregation by indigenous population, sex and age. Where up-to-date data is available as standard output from the relevant data source, this has been provided. Where data is not available in the required detail and format, the closest alternative is provided and the population covered by the data and its breakdown are specified.
- 1.61 There are however, some constraints on the use and reporting of data especially with the disaggregation of data due to the size of New Zealand's population, where small differences can be magnified and trends can be misleading. It is important to maintain confidentiality with disaggregated data and minimise data volatility regarding trend reporting. This is particularly important when dealing with sensitive data requests, such as child abuse statistics and youth suicide.
- 1.62 A number of child and youth-specific data collection initiatives have been instigated since the last report:
- in 2001, Youth 2000, the first major survey of secondary school students' health and well-being, provided a wealth of information on young people's health and well-being. The survey of around 10,000 students aged 12 to 18 was repeated in 2007 and is scheduled to take place again in 2011.
 - in 2003 the Child Health Information Strategy was published and is an overarching plan to guide the development, collection and use of information about children and young people's health. The Strategy's primary goal is to achieve better health for children in New Zealand by making clinically useful, appropriate, up-to-date, and accurate health information available at every contact between a child and a health professional.
 - in 2004, the Ministry of Social Development published Children and Young People: Indicators of Wellbeing in New Zealand. The report focused on 35 indicators of social well-being, within 10 social outcome domains, from health and economic security, through to education, justice and social connectedness. An updated report with an expanded number of indicators was published in 2008.

- since 2004, the Ministry of Social Development has annually published the Social Report which covers many of the same indicators as the Children and Young People: Indicators of Wellbeing in New Zealand but is across all age groups.
- in 2005, the Ministry of Education launched Education Counts, a web resource designed to increase information availability and accessibility to education statistics and research. It includes: demographic information specifically tailored for use in the education sector; various collections of statistical information including achievement data, participation, and resourcing; education information analysis, including education sector indicators and detailed examination of key education themes.
- in mid-2007 the Department of Labour released its inaugural Youth Labour Market Outcomes Report which monitors young people's participation in the labour market. This will be a regular report published on its website www.dol.govt.nz. In 2008 regional specific reports were produced.
- in 2007, the Ministry of Justice started publishing an annual report on Youth Justice statistics.

1.63 The government approved the Programme of Official Social Statistics in November 2003. It provides a coherent system of official social statistics across the government sector and is led by Statistics New Zealand. While this programme is not specifically focused on UNCROC, it provides an opportunity to improve data collection on children and expand the range of well-being indicators. The programme covers social statistics across 12 domains measuring population, knowledge and skills, paid and unpaid work, standards of living, housing, health, safety and security, culture and identity, human rights, social connectedness, leisure and recreation, and the environment. Much of this data is used for the Ministry of Social Development's annual Social Report and provides a wealth of information and the ability to monitor trends.

1.64 Statistics New Zealand continues to work on improving the quality and relevance of official statistics on Māori. The Māori Statistics Framework was developed to align official statistics collection and reporting with Māori issues and concerns. It is part of a larger strategy to enable Māori statistical needs to be met. Statistics New Zealand is developing a strategy for surveying Māori within the Programme of Official Social Statistics - including a dedicated Māori survey. The five-yearly Census is the most comprehensive single source of Māori statistical information. Because it is a total population count, it allows trends for Māori and their sub-groups to be analysed with changes monitored over time.

1.65 In addition, Statistics New Zealand is currently developing a Family Survey. A 2007 Review of Official Family Statistics identified key unmet information needs for family structure and support information. The Family Survey will focus on families with children and aim to report on family, shared care child arrangements, and the nature and extent of support which occurs between family members living in different households. Much of the survey content has not been collected in New Zealand official statistics before, so there will be new information available to inform family and children-related policy, academic research, and future family statistics collections.

Research

1.66 Hand in hand with improved data is an increased focus on research and evaluation in order to have robust evidence to support policy development and improved service delivery. Research

about children and young people is funded by government through research funding agencies, tertiary organisations, and a number of government departments.

- 1.67 The Social Policy Evaluation and Research Committee, convened by the Ministry of Social Development, is a cross-agency group of central government social policy departments established in 2001 to oversee and provide leadership on government's investment in social policy research and evaluation. It aims to enhance knowledge production and dissemination necessary to underpin future social policy. The Social Policy Evaluation and Research Committee hosts a conference every two years, and in 2007, had a youth research stream.

Research projects

- 1.68 Investment in child and youth-focused research has increased. A new longitudinal study (see below) was launched in 2008 and will begin collecting information about children from before their birth and over their life course. The Ministry of Research, Science and Technology provides ongoing funding for research on children and young people. This is administered through its funding agency, the Foundation for Research Science and Technology. As part of its social research output, there is a dedicated outcome focused on "Children and Young People Participating and Succeeding - All children and young people have the opportunity to participate, to succeed and to make contributions that benefit themselves and others." The outcome is part of the Foundation for Research, Science and Technology and has guided research investment in this particular area since 2005.
- 1.69 A key project funded under this research priority is Massey University's Pathways to Resilience, which commenced in July 2008. Pathways to Resilience is a five-year research programme that will offer a unique opportunity to generate policy and practice-relevant evidence on pathways that children and young people travel leading to involvement with the youth justice, child protection, specialist educational and community support systems. The Pathways to Resilience Programme will inform policy and practice development on key individual and ecological differences between those who overcome adversity (resilient), those who do not, and the types of service configurations that most enhance resilience.
- 1.70 A new longitudinal study of 7,600 children in the Auckland/Waikato region is being commissioned by the Ministry of Social Development and undertaken by a consortium of researchers led by the University of Auckland. Government has invested \$6 million in new funding over two years and \$7.416 in re-prioritised funds in the study.
- 1.71 This study supplements the world-leading Christchurch and Dunedin longitudinal studies which began in the 1970s, and will provide valuable information for policy development by following children from before birth and across their life course. Demographics have changed significantly since the 1970s and a greater representation of Māori, Pacific and other ethnicities is needed to reflect today's society. First results are expected in 2010. A Pacific families' study, the first longitudinal study of Pacific Island children and families, is also currently taking place and involves a thousand children born in 2000.

TRAINING AND DISSEMINATION OF THE CONVENTION (articles 42 and 44)

CRC/C/15/Add.2.16: Para 19:

The Committee recommends that the State party:

- (a) undertake public awareness campaigns, including through the mass media, on children's rights aimed at the general public and specifically at children
- (b) carry out systematic education and training on the principles and provisions of the Convention for all professionals working with and for children, in particular teachers, judges, parliamentarians, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, health personnel, including psychologists, and social workers.

Dissemination

- 1.72 The Ministry of Youth Development is the government agency responsible for co-ordinating government work on UNCROC, but shares with the Human Rights Commission and the Children's Commissioner responsibility for publishing and disseminating information on children and young people's rights.
- 1.73 The Ministry of Youth Development has a dedicated "rights" section on its website, which hosts all the core UNCROC documents. To support web-based information both the Ministry of Youth Development and the Office of the Children's Commissioner publish a range of UNCROC-related material, including child and youth friendly versions.
- 1.74 A number of other dedicated channels are used to distribute information about UNCROC, including the Ministry of Youth Development's bi-monthly 12-24 magazine. The magazine has a readership of approximately 5,000 across a variety of youth work organisations, young people's networks, non-government organisations and other interested parties. Editions of the magazine have included profile-raising articles about UNCROC, and information on getting involved with the public consultation on the present periodic report.

How are we supposed to stand up for our rights when we don't even know what they are?" [female 15, UNCROC Forum, 2006]

Training

- 1.75 Education and training in human rights, in particular in avoiding discrimination, is one of the Human Rights Commission's core functions. The Commission has education facilitators based in each of its three offices, an 'Infoline' telephone information service and 'Enquiries and Complaints' service. Key education projects are identified in Part 5.
- 1.76 There has been a marked improvement in incorporating an understanding of children and young people's rights into training across a number of professions. Where appropriate, training in how to work with children and young people includes express reference to UNCROC, or an overview of the rights within UNCROC. Police and Probation officers receive this training. The curriculum for primary and secondary schools includes human rights. This means that teachers will now receive human rights training, including reference to children's rights.
- 1.77 Youth workers, Corrections staff and all recruits in the Armed Forces receive information on UNCROC. Social and Youth Justice workers, and the Judiciary receive information relevant to the rights they deal with. Army recruits also receive information on the Laws of Armed Conflict and the Optional Protocol to the Convention on the Involvement of Children in Armed Conflict.

FACTORS AND DIFFICULTIES

- 1.78 There has been an increasing focus and higher level of investment in New Zealand's children and young people over the reporting period. The emphasis in expenditure over this time has seen significant investment in raising incomes for working families, large investments in health promotion, and early childhood education. Particular attention has been paid to improving the health and well-being of the most vulnerable children.

PART 2 DEFINITION OF THE CHILD

DEFINITION OF THE CHILD (article 1)

CRC/C/15/Add.2.16: Para 21:

The Committee recommends that the State party review the age limits set by different legislation affecting children to ensure its conformity with the principles and provisions of the Convention. The Committee also specifically recommends that the State party:

- (a) raise the minimum age of criminal responsibility to an internationally acceptable level and ensure that it applies for all criminal offences
- (b) extend the Children, Young Persons and Their Families Act of 1989 to all persons under the age of 18
- (c) set a minimum age or minimum ages of admission to employment.

Minimum age for criminal prosecution (Article 40 (3) b)

- 2.2 New Zealand notes the Committee's recommendation regarding the current minimum age of criminal responsibility, which is 10 years old and applies to all offences. During the reporting period consideration was given to both the age of criminal responsibility and age of criminal prosecution.
- 2.3 With the exception of the offences of murder and manslaughter, children under the age of 14 cannot be prosecuted for offending. Instead, the offending may be dealt with in the Family Court as a care and protection matter if the number, nature, or magnitude of the offences is such to give serious concern for the well-being of the child. The offending must be proved to the criminal standard of proof, and the Court must be satisfied that the child knew the act or omission constituting the offence was wrong or that it was contrary to law. Where a child aged 10-14 years is prosecuted for murder and manslaughter, the matter is dealt with in the High Court in the same manner as a charge against an adult, although the preliminary hearing takes place in the Youth Court.
- 2.4 New Zealand notes the Committee's ongoing concern about the presumption that a child aged 10 years may have the capacity to offend with criminal intent and the concern about the appropriateness of using the adult justice system to deal with serious offences committed by children, including testing capacity.
- 2.5 During the reporting period the government has reviewed the minimum ages of criminal responsibility and prosecution on several occasions. Following advice in 2003 and 2005, which included consideration of raising the minimum age of criminal prosecution for murder and manslaughter to 12 years of age, the government decided not to proceed with any adjustment. Instead work commenced on improving effective responses to children's offending and, where possible, using alternatives to prosecution. As a result, Police and Child, Youth and Family staff received joint training, and the Child Offenders Manual (a guide to successful interventions with child offenders) was revised.
- 2.6 In 2006, a Members Bill - the Young Offenders (Serious Crimes) Bill was introduced to the House of Representatives. In the case of serious offences, the Bill proposed lowering the age of criminal prosecution from age 14 to 10 and to remove the current requirement that a court

must be satisfied that the child knew either that the act or omission constituting the offence was wrong or that it was contrary to law before it may convict a child between the 10 – 13 years. The Law and Order Select Committee considered this Bill and tabled its report in November 2007. The report did not support the proposed changes as drafted. The Select Committee noted that the proposed changes could contravene New Zealand's compliance with UNCROC and the International Covenant on Civil and Political Rights. The Bill was defeated when introduced to the House for a second reading.

- 2.7 In 2007 public submissions were sought on proposed updates to the Children, Young Persons and Their Families Act 1989. The proposals also canvassed opinions on lowering the age from 14 to 12 years for criminal prosecution for serious or persistent offending. The majority of submitters who commented on this issue opposed lowering the age. Current proposals in the Children, Young Persons and Their Families Amendment Bill (No. 6) that was before the House of Representatives when Parliament was dissolved on 3 October 2008, do not change the minimum age of prosecution. However, some amendments aim to provide more effective responses to child offending.

The Children, Young Persons and Their Families Act 1989

- 2.8 Steps have been taken to align the definition of “young persons” under the Children, Young Persons and Their Families Act 1989 with UNCROC. The Children, Young Persons and Their Families Amendment Bill (No. 6) proposes to include 17 year olds within the definition of “young persons”, thus bringing it into line with UNCROC. The Bill was before the House of Representatives when Parliament was dissolved on 3 October 2008. It may be re-instated in the next Parliamentary session, should the House resolve to do so.

Minimum age(s) of admission to employment

- 2.9 As identified in Part 1 under the reservation on Child Labour, New Zealand has not legislated a minimum age for admission to employment as it considers that the current framework, which is governed by the Education Act and Health and Safety legislation and supporting regulations, is sufficient and complies with UNCROC.

Age at which people can marry without consent

- 2.10 During the reporting period, the Marriage Amendment Act 2005 lowered the age at which people can marry without parental consent from 20 years to 18 years. Prior to the passage of this Act, people who were 18 and 19 needed consent to marry. The Marriage Act 1955 does not allow a person to marry until they are 16, and 16 and 17 year olds must have parental, guardian or Family Court consent before they can marry.

Age at which guardianship ends

- 2.11 During the reporting period, the Care of Children Act 2004 set out a new framework for resolving disputes about the care of children in New Zealand, and it replaced the Guardianship Act 1968. The Act provides that parenting orders (setting out day-to-day care of the child) cease when the child turns 16. No parenting orders can be made for children over 16, unless there are special circumstances. In addition, the age at which guardianship obligations end was reduced from 20 to 18 years of age, with guardianship ending sooner if a

child aged 16-17 marries or enters a civil union or lives with another person as a de facto partner.

Age to enter prostitution

2.12 During the reporting period, the Prostitution Reform Act 2003 was passed, decriminalising prostitution. The Act makes it an offence to facilitate or receive payment for the commercial sexual services from a person under 18 years of age. It is also an offence to arrange or receive commercial sexual services from a person under 18. It is not an offence for persons under the age of 18 to engage in prostitution, rather, they are considered to be victims. A five-year review of the Act, tabled in Parliament in May 2008, found no evidence of an increase in the numbers of under-age persons used in prostitution since the Act came into force.

Youth minimum wage

2.13 During the reporting period, the youth minimum wage was abolished and replaced with a new entrants wage. The new entrants wage provides for 16 and 17 year olds to receive 80 percent of the minimum wage for the first 200 hours of work, or the first three months, whichever occurs first. However, if the 16 or 17 year old is undertaking a supervisory role they are eligible for same minimum wage adults are entitled to.

Age of voluntary recruitment to the armed forces

2.14 During the reporting period the age of voluntary recruitment to the Navy, Army, and the Air Force was reviewed. Legislation and regulations were amended to state 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.” Further details are outlined in Part 10 of this report, responding to the Committees’ concerns on the Optional Protocol to the Convention on the Rights of the Child Involvement of Children in Armed Conflict.

FACTORS AND DIFFICULTIES

2.15 During the reporting period, the government considered a proposal to review minimum age inconsistencies in all New Zealand legislation, but considered there were significant concerns as to size, appropriateness and benefits of the task. New Zealand recognises the important role that minimum ages can play, but also acknowledges that evidence regarding teenage brain development shows that becoming an adult is ‘stage of development’ rather than an age that determines ‘readiness.’ The size and scope of the exercise was considered to be disproportionate to the benefit that a review could/would achieve. Furthermore, a number of age-related matters (e.g. the age of purchasing alcohol) are subject to conscience votes in the New Zealand Parliament. It is therefore considered appropriate to take a more cautious approach when reviewing definitions of children regarding age thresholds, and to do so in the context of the growing research evidence and subject matter as a whole. This ensures that all related issues are canvassed at once.

“I believe it’s fair for everyone to be taxed at the same rate and I don’t think we should discriminate on the basis of age, or at all, because that just leads to problems”. {Nicholas Mitchell, 17 Youth Parliament 2007}

PART 3 GENERAL PRINCIPLES

NON-DISCRIMINATION (article 2)

CRC/C/15/Add.2.16: Paras 23 & 24:

The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.

The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).

Measures and actions taken by New Zealand to promote diversity and non-discrimination relevant to children and young people

- 3.1 The New Zealand Curriculum emphasises respect for, and understanding of, difference. A core tenet of the Ministry of Education's work in curriculum, pedagogy and governance is that both early childhood services and schools must cater for the full range of diverse students.
- 3.2 The New Zealand Curriculum requires schools to develop programmes that help students to value:
 - diversity as found in our different cultures, languages and heritages
 - equity through fairness and social justice
 - community and participation for the common good
 - integrity which involves being honest, responsible and accountable and acting ethically
 - respecting themselves, others and human rights.
- 3.3 The Ministry is also developing a climate survey tool for schools to assess bullying and harassment, a behaviour strategy and anti-bullying guidelines. It is also assisting schools to implement the new curriculum with its strong emphasis on values and valued behaviours.
- 3.4 New Zealand recognises the education system's role in fostering diversity and promoting tolerance and understanding of New Zealanders' origins. New Zealand is committed to fostering a curriculum and culture in our education system that equips children for life in a diverse society. This includes recognition of their own language, culture and beliefs, knowledge of the cultures and beliefs of others, and respect for the rights of all.
- 3.5 The New Zealand Action Plan for Human Rights highlighted actions required to ensure every child and young person in New Zealand has equitable access to appropriate quality education services. The key priority identified was piloting the concept of early childhood education centres and schools as human rights communities. This priority reflected the importance of having a comprehensive approach to the right to education, rather than ad hoc responses to problems and barriers to participation and achievement.

- 3.6 The Building Human Rights Communities in Education initiative (www.rightsined.org.nz) is a coalition of the Human Rights Commission, the Office of the Children's Commissioner, Amnesty International, the Development Resource Centre and the Peace Foundation. Its vision is that schools and early childhood centres will become communities where human rights are known, promoted and lived. As part of the initiative, a baseline study was commissioned in 2006 about human rights education in New Zealand's early childhood education centres and schools.
- 3.7 The initiative's 2007 publication *Building Human Rights Communities in Education: He Whakatū Tika Tangata-ā-lwi Whānui* made recommendations to increase understanding and better integrate human right obligations across the education sector, including national guidelines and curriculum. This initiative is now established as a stand-alone trust with the Human Rights Commission continuing to provide funding and staff resource.
- 3.8 The Human Rights Commission will continue to monitor access to education especially for vulnerable groups of students such as children and young people with disabilities, from poor communities, and from same-sex attracted, trans-sexual and intersex students. This will include analysing enquiries and complaints to the Commission about the right to education, and monitoring policy settings and initiatives that impact on their participation and achievement.
- 3.9 New Zealand's human rights framework also includes an independent Race Relations Commissioner, appointed to comment, provide guidance, accept complaints, monitor and promote harmonious race relations in New Zealand.

Youth voices research

- 3.10 The Foundation for Research, Science and Technology is funding Youth Voices: Youth Choices, a two-year project beginning in July 2008, which aims to identify the drivers and determinants of success and participation in Chinese, Pacific and Muslim youth. The project, to be run by the University of Victoria, Wellington will address two key questions:
1. how do these youth construct their identities and negotiate issues pertaining to cultural maintenance and participation in the wider society?
 2. what strategies or interventions promote positive identity, integration, cultural and social connectedness, and leadership within and between ethnic/Muslim communities?
- 3.11 The findings will be used by a range of agencies to inform strategies and policy on social cohesion, connecting diverse communities, and strategic directions for youth and, in turn, will support New Zealand's efforts to build and sustain an inclusive society.

BEST INTERESTS (article 3)

- 3.12 New Zealand continues to affirm the principle of the best interests of the child. A key development during this reporting period was the passage of the Care of Children Act 2004 which modernises the framework for resolving disputes regarding care arrangements for children within families. The Act expressly states that the best interests of the child are a paramount consideration in all matters affecting the child.

- 3.13 The Act also states that decisions affecting a child should be made and carried out within a time frame that fits with the child's sense of time. It sets out some key principles that the Court must consider, where relevant, when deciding what is in the best interests of the child:
- parents and guardians should take the main responsibility for looking after children and making arrangements for their care, development and upbringing
 - there should be continuity in the arrangements for the child's care, development and upbringing
 - links between the child and their whānau or other wider family group should be preserved and strengthened
 - there should be co-operation between parents, guardians and others who are involved in looking after the child
 - the child must be kept safe and protected from all forms of violence
 - the child's identity, including their culture, language and religion, should be preserved and strengthened.
- 3.14 The other key Act relating to children - the Children, Young Persons and Their Families Act 1989 - also makes the welfare and interests of the child or young person the first and paramount consideration in care and protection matters. Relevant principles are set out in sections 5, 6, 13 and 208 of the Act. These Acts provide a model for other child-related legislation and policies in New Zealand on recognising the 'best interests of children' principle.

THE RIGHT TO LIFE, SURVIVAL AND DEVELOPMENT (article 6)

- 3.15 New Zealand aims to provide every child in New Zealand with the best start in life. From prior to birth through to five years of age, each child is entitled to an integrated programme of health care and early childhood support. Since 2001, government has put significant resources into health, welfare, education, training and employment initiatives for children and young people. These are discussed in more detail in Parts 5, 6 and 7.

RESPECT FOR THE VIEWS OF THE CHILD (article 12)

CRC/C/15/Add.2.16: Para 26:

The Committee recommends that the State party undertake a review of legislation and regulations affecting children, including proposed legislation such as the Care of Children Bill, to ensure that they appropriately integrate and apply the right of each child to be heard and have his or her views taken into account in accordance with article 12.

- 3.16 Increasing emphasis has been placed on recognising the right of children and young people to have their voices heard in matters that impact upon them, whether in legislation, policy advice development or service and research design.

Involving children in judicial processes

- 3.17 Having a right to be heard was considered to be ground breaking when it was incorporated as a core element of the Child, Young Persons and Their Families Act 1989. The Act also has important provisions for telling children what decisions have been made and actions to be

taken, a duty on the Court and counsel to explain proceedings, and a duty on the Court to encourage and assist a child participate in proceedings. Since then a number of Acts have included the right for a child to express his or her views and have them taken into account.

- 3.18 One of the stated purposes of the Care of Children Act 2004 is to recognise certain rights of children, including respecting their views and, in certain cases, recognising their consent or refusal to consent to medical procedures. The Act strengthens a child's involvement in Family Court proceedings recognising that decisions under the Act may have significant effects on a child's daily life and their long-term relationships with their parents. A child is given reasonable opportunities to express their views on what should happen, and have these views taken into account on matters which are important to guardianship, day-to-day care and contact.
- 3.19 Under the Act, the Family Court continues to appoint an independent lawyer to act for a child if a dispute affecting them seems likely to go to a Court hearing. The role of the lawyer is to:
- represent the child through the Court process and in any negotiations between the parents or other parties to the case
 - find out the child's views and make the Judge aware of them
 - make sure the child's best interests and all issues affecting their welfare are put before the Court for it to consider
 - explain the Court process to the child and, at the end of the process, explain the Judge's decision.
- 3.20 A child may make various applications to the Family Court, including to place themselves under the Court's guardianship, to seek review of a guardian's decision or refusal to give consent (if the child is aged over 16 years), to vary or discharge an order or to appeal a Family Court decision.
- 3.21 The Family Court Matters Act, passed in 2008, introduces into the Care of Children Act 2004 counselling for children and family mediation to take better account of children's views. Children will be able to speak to a counsellor, or take part in a joint session with their parents, when their parents are attending counselling. Children will also be able to take part in family mediation (at the mediator's discretion) and receive counselling to help them take part. Where proceedings have been filed, a lawyer for the child may be appointed to take part in the mediation.
- 3.22 Further legislative changes that enhance a child's involvement in the judicial process were included in the Evidence Act 2006. These changes take into account the special needs and vulnerabilities of child complainants and witnesses.
- Under section 107 it is mandatory for a court to hear an application on how all child complainants are to give their evidence in both summary and indictable proceedings. Directions given cover cross-examination as well as examination in chief of the child.
 - Section 105 of the Act provides alternative ways in which a judge can direct a witness (including a child witness) to give their evidence so that the witness cannot see the accused (e.g. use of screens), from an appropriate place outside the court, or by a video recording made before the hearing.
 - Section 79 of the Act also provides that the court can direct that a child witness be accompanied by one or more supporters when they give evidence.

Placing children at the centre of policy-making

- 3.23 In 2007 the government included 'placing children at the centre of policy-making' in its UNCROC Work Programme 2004 - 2008. A report to Cabinet in 2008 found that there has been an increase in young people's involvement in the policy process. It also noted that improving younger children's participation will require ongoing effort.
- 3.24 Child impact assessments were identified as a possible tool to give effect to placing children at the centre of policy-making. In 2007, the Ministry of Social Development commissioned a report on child impact assessment use and effectiveness in overseas jurisdictions. The report concluded that there may be a case for selective use of child impact assessments where there is significant impact on children. The Ministry's continues to look at the merits of adopting similar approaches in New Zealand, including looking at learnings from the new health impact assessment process in New Zealand, and child impact assessments in local government policy-making.
- 3.25 In 2007, the Children's Commissioner also commissioned a study on child impact assessments and local authorities to examine the viability of local government agencies using a child impact assessment framework in project and policy development.

*"This stuff we've been talking about looks really good on paper, but the complexity is too much for us...sometimes the basic problems are ignored."
[male, 14, youth stream, UNCROC Forum 2006]*

Children and young people's participation in the policy process

- 3.26 It is important to involve children and facilitate their participation in decision-making fora and policy work and in designing and advising on research and services. Effective youth participation is an integral part of the Ministry of Youth Development's work programme and the positive youth development approach outlined in the Youth Development Strategy Aotearoa.
- 3.27 As part of the work arising from the Agenda for Children, tools were developed to encourage children's participation. These include: Involving Children: A Guide to Engaging Children in Decision-making (2003); a web-based toolkit for local government officials; and a 2006 guide for Children, Youth and Family staff on involving children and young people in decision-making.
- 3.28 The Ministry of Youth Development has a number of different ways of engaging with young people. These include regular fora that connect young people directly with Ministers. Recent forum topics have included transport, diversity, educational achievement and connecting young and old.
- 3.29 The Ministry also hosts a range of web-based channels that enable young people to network with each other as well as providing opportunities to directly engage with government decision-makers and to participate in government processes. Channels include Provoke National Youth Network, National Youth Councils Network, National Student Decision-makers Network and National Youth Health Network. The channels are actively supported through tailored youth-friendly resources, online discussion fora and regional training sessions. The Police recently used the Ministry of Youth Development networks for the Police Act Review, as did the Ministry of Education for 'Schools Plus' – a new policy initiative which aims to keep young people connected to school, education or training until the age of 18.

- 3.30 Activate is a youth advisory group convened by the Ministry of Youth Development. It provides advice on policy initiatives and has drafted and presented submissions to Select Committees on a range of Bills including: the Sale of Liquor (Youth Alcohol Harm Reduction) Amendment Bill, Crimes (Abolition of Force as a Justification for Child Discipline) Amendment Bill, Employment Relations (Probationary Employment) Amendment Bill and Minimum Wage (Abolition of Age Discrimination) Amendment Bill.
- 3.31 Youth Week is an annual event organised by New Zealand Aotearoa Adolescent Health and Development, which seeks to break down negative stereotypes and celebrate youth. In 2008, there were over 200 events nationwide, many of them organised by youth for youth. The Ministry of Youth Development hosted Young Person's Question Time as part of Youth Week, to provide young people between 12 and 15 years of age with the opportunity to address questions to Ministers about issues concerning them.
- 3.32 In 2007, the Ministry of Youth Development hosted the fourth successful Youth Parliament (the third was held in 2004). The event had its own youth press gallery and 24 international observers from seven Pacific nations, who were learning about Youth Parliament so they could organise similar events in their own countries.
- 3.33 In 2007, the Ministry of Social Development facilitated a workshop with a group of young people aged between 15 and 17 with experience of the care and protection and youth justice systems. The purpose of the workshop was to seek their views on how the Children, Young Persons and Their Families Act 1989 should be updated. These young people's views were considered in developing the Children, Young Persons and Their Families Amendment Bill (No. 6).
- 3.34 In 2007, New Zealand attended the United Nations General Assembly High Level Plenary Session to commemorate the fifth anniversary of the World Fit for Children programme of action. The two young New Zealanders who attended the 2002 United Nations World Fit for Children Special Session represented New Zealand again. They brought continuity to the event and were able to provide insight and guidance to youth delegates from other countries because of their previous experience. One of our young people gave a speech to the General Assembly on behalf of the New Zealand delegation (a formal document was also tabled). His speech received significant attention.

Local government and youth consultation

- 3.35 Territorial Local Authorities are very experienced in engaging with their communities. Councils use a range of mechanisms to solicit views and many have youth councils to advise them and to provide opportunities for young people to participate in, and contribute to their communities. Many councils also have youth policies and child/youth advocates or workers.
- 3.36 A nationwide initiative to engage children in council processes and activities is the Kids Voting project. A resource has been developed for use in schools to help young people understand how decisions are made in their communities, with the aim of increasing young people's active engagement with local

"I became a youth councillor because I wanted to make a change in Wanganui. As I had recently moved from Australia I was already bored and so were my friends, so I decided I could use my skills and ideas to help to bring some youth life to Wanganui and stop the weekend boredom" [Youth Councillor, 15]

government.

FACTORS AND DIFFICULTIES

- 3.37 Involving young people in policy development that impacts on them is becoming more commonplace at central and local government level. There has been much progress over the reporting period in providing young people opportunities to express their views, and in encouraging government agencies to listen. The challenge remains for agencies, both inside and outside government, to go beyond listening and to act on young people's concerns. Further work is required to extend such opportunities for active participation and decision-making into the wider community and the non-government sector.

PART 4 CIVIL RIGHTS AND FREEDOMS

NAME AND NATIONALITY (article 7)

New citizenship by birth provisions

- 4.1 In January 2006, new provisions of the Citizenship Act 1977 came into force. These allow a child born in New Zealand from that date to be a New Zealand citizen if at least one parent is a New Zealand citizen, or is entitled to remain in New Zealand indefinitely (for example, is a permanent resident). For citizenship purposes, New Zealand includes the Cook Islands, Niue, Tokelau and the Ross Dependency. Under the new provisions, a child born in New Zealand who is not a New Zealand citizen is deemed to hold the most favourable immigration status of either parent.
- 4.2 To ensure compliance with the United Nations 1961 Convention on the Reduction of Statelessness, the Citizenship Act provides that any child born in New Zealand will be a citizen at birth if he or she would otherwise be stateless. In addition, a child will be deemed to be a citizen by birth if he or she is found abandoned and investigations fail to establish the identity of at least one parent.

Registered births

- 4.3 The Births, Deaths, Marriages and Relationships Registration Amendment Act enters into force in January 2009 and requires both parents to sign the notification form when registering their child's birth. This will help improve the accuracy of the information provided and reduce claims that a person has been wrongly named as a parent.
- 4.4 This Act provides an exemption to allow only one parent to sign in cases where the other parent is missing, unknown, unable to sign the form because of a medical condition, has died, or where unwarranted distress would result from trying to get the second parent's signature. In most of those cases, the details of both parents can be registered but only one parent would be required to sign the form. In cases where there is only one parent at law - for example, where the child has been conceived as a result of an assisted reproductive procedure and born to a mother who does not have a partner - only the mother's details would then be registered.

PRESERVATION OF IDENTITY (articles 30 and 8)

- 4.5 New Zealand recognises the right of a child to preserve his or her identity. A wide range of legislative changes that impact on identity have been passed over the reporting period that recognise the legal, biological and cultural dimensions to identity. Encouraging and promoting the revitalisation of the Māori language has been a vital part of enhancing the cultural heritage of Māori young people and celebrating New Zealand's diverse ethnic, religious and cultural communities.

Cultural identity of Māori

- 4.6 The government is committed to fostering and protecting the cultural identity of Māori through initiatives such as Māori language revitalisation programmes and a dedicated Māori television channel. This has led to an increased number of people, particularly children and young people, speaking Māori, and also an increased awareness and positive attitude amongst Māori and non-Māori to using Māori language in public.
- 4.7 The Māori Language Strategy sets the direction for a whole-of-government approach to Māori language revitalisation and a plan of action for government agencies. Government continues to monitor the health of the Māori language with large-scale sociolinguistic surveys having been undertaken in both 2001 and 2006. This research indicates that, in that five-year period, the health of the Māori language has improved. Māori is increasingly used in day-to-day life in the home and community domain, not just in ceremonial settings. This is positive as it indicates potential for intergenerational transmission to occur, an important component of language revitalisation.
- 4.8 The Māori Language Strategy identifies broadcasting and the arts as two core functions that contribute to ongoing revitalisation of the Māori language. Over the reporting period a number of measures have been taken in these areas, including the establishment of the Māori Television Service in 2004. The Service broadcasts 21 hours a day with at least 60 percent of programming content in Māori. A specific function of the Service, as outlined in the Māori Television Act 2003, is to ensure its programming has regard for the needs and preferences of children participating in Māori immersion education.

Legal parenthood

- 4.9 The legal status of parent-child relationships needs to keep pace with increasing diversity in family form arising from social change and new birth technologies. In 2003, government asked the Law Commission to review the legal rules that determine parenthood. In 2004, the Commission published a report *New Issues in Legal Parenthood*. This report canvassed a wide range of issues and in particular noted the impact of social change and assisted human reproductive procedures on children and family forms, establishing and accessing information on genetic parentage and assigning legal parenthood. After considering the Law Commission's report, government recognised further research on these matters was required before policy decisions could be made. The Ministry of Justice is scoping a work programme to address legal parenthood issues.

Human Assisted Reproductive Technology Act

- 4.10 In November 2004, the Human Assisted Reproductive Technology Act was passed. The Act established an advisory and an ethics committee to replace the National Ethics Committee on Assisted Human Reproduction referred to in New Zealand's previous report.
- 4.11 The Advisory Committee on Assisted Reproductive Technology is guided by the following principles relevant to children and young people:
- The health and well-being of children born as a result of performing an assisted reproductive procedure or an established procedure should be an important consideration in all decisions about that procedure.

- Donor offspring should be made aware of their genetic origins and be able to access information about those origins.
- The needs, values, and beliefs of Māori should be considered and treated with respect.
- The different ethical, spiritual and cultural perspectives in society should be considered and treated with respect.

- 4.12 The Act established a register (operating since 22 August 2005) so that people born from donated embryos, sperm or eggs can find out about their genetic heritage and other genetically-related siblings born from the same donor. Donors, donor offspring and their guardians involved in embryo, egg or sperm donation at a fertility clinic on or after this date are automatically named on the register. Donors, offspring and guardians involved prior to 22 August 2005 can opt to have their information included on the register. Access to information held on the register is restricted. Generally, only the people named on the register, or the guardians of offspring under 18 years, can access the information. A donor offspring who is 16 or 17 can apply to the Family Court to be treated as though they were an 18 year old where they want to include their information on the Register, or access information about a donor or related donor offspring who share the same donor. Approval is only given if the Judge is satisfied it is in their best interests to provide or access Register information.
- 4.13 The Human Assisted Reproductive Technology Act 2004 also introduced protection against commercialising surrogacy, human embryos, sperm and eggs.

FREEDOM OF EXPRESSION (article 13)

- 4.14 New Zealand recognises a child's right to freedom of expression, and the importance of ensuring children can express their views. Refer to Part 3 for an outline of government initiatives aimed at supporting children to express their opinions on matters that affect them.

FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION (article 14)

- 4.15 New Zealand's National Statement on Religious Diversity is a project of Te Ngira, the New Zealand Diversity Action Programme. It is a response to New Zealand's increased religious diversity and the wider context of regional and global conflicts involving religion. The statement was endorsed by the National Interfaith Forum in 2007 and emphasises:
- that all faiths and beliefs should be treated equally before the law
 - the right to freedom of expression of faith and belief
 - the right to safety and security for those of all faiths and beliefs
 - the need for our public services and workplaces to accommodate diverse beliefs and practices
 - the importance of education in promoting understanding.

FREEDOM OF ASSOCIATION AND OF PEACEFUL ASSEMBLY (article 15)

- 4.16 Children and young people have the same rights as adults to assemble and protest.

PROTECTION OF PRIVACY (article 16)

Review of privacy law

- 4.17 The Law Commission is proceeding with a comprehensive review of issues relating to privacy in New Zealand, scheduled to be completed in 2009. In a study paper already released, the Commission noted particular issues regarding young people's privacy and has noted new issues arising from young people's increasing use of communications technologies. Government awaits the Law Commission's report with interest and will respond after the report has been tabled in Parliament. The government has already taken steps to protect children and young people's privacy in light of concerns raised by new technologies, including legislative measures and a broadcasting code of practice.

The Crimes (Intimate Covert Filming) Amendment Act 2006

- 4.18 The Crimes (Intimate Covert Filming) Amendment Act 2006 applies to the intimate visual recording of all people, including young persons. The Act helps protect the interests of young persons in light of their vulnerability. It states that everyone is liable to imprisonment for a maximum of three years who intentionally or recklessly makes an intimate visual recording of another person, or who knowingly possesses such a recording and publishes, imports, exports or sells it.

Unsolicited Electronic Messages Act 2007

- 4.19 The Unsolicited Electronic Messages Act 2007 is New Zealand's response to the worldwide proliferation of spam. An objective of the Act is to promote a safer and more secure environment for using information and communications technologies in New Zealand. Spam is a delivery mechanism for objectionable material and fraudulent activity and, it is anticipated that children and young people as major users of technology will benefit from any reduction in spam. The Department of Internal Affairs is responsible for enforcing this legislation.

Broadcasting Standards Authority: code of practice

- 4.20 In 2006, the privacy principles in the Broadcasting Standards Authority's code of practice were updated to provide increased protection for children and young people's privacy. The code now includes the following statement about children:

"Children's vulnerability must be a prime concern to broadcasters, even when informed consent has been obtained. Where a broadcast breaches a child's privacy, broadcasters shall satisfy themselves that the broadcast is in the child's best interests, regardless of whether consent has been obtained."

- 4.21 Under these Principles, a 'child' is defined as someone under the age of 16 years. For a person aged 16 years or over, their evolving capacity is recognised and they can give consent to broadcasts that would otherwise breach their privacy, whereas younger children cannot consent.

ACCESS TO APPROPRIATE INFORMATION (article 17)

4.22 New Zealand recognises the importance of access to information and the valuable role it can play in promoting a child's social and educational development. With the rising use of the internet as an electronic source of information, internet safety has become increasingly important in protecting children from inappropriate information and material.

Internet safety

4.23 Investment has been made in developing education resources for children and young people regarding inappropriate information from electronic sources such as the internet. The most significant suite of tools is available from NetSafe, which provides cybersafety education for all New Zealanders including children, parents, schools, community organisations and businesses. NetSafe's aim is to educate all New Zealanders about safe, secure and responsible use of information and communication technology, with their website containing a wealth of information.

4.24 NetSafe provides a specific range of internet safety resources for children and schools:

- an interactive website, **Hector's World**, which teaches children how to stay safe online through practical guidance on mitigating risks while positively reinforcing the importance of ethical and responsible behaviour. The website has a safety button that encourages them to get adult help when they feel threatened or uncomfortable with a website's content.
- 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.

4.25 The Department of Internal Affairs has the role of investigating New Zealand internet websites and newsgroups to enforce censorship legislation. It takes a proactive role in prosecuting New Zealanders who trade objectionable material via the internet. If a publication is categorised as 'objectionable' it is automatically banned by the Films, Videos and Publications Classification Act 1993. The Department of Internal Affairs has a range of information to guide and monitor safe internet use and to inform users of what constitutes objectionable material, or breaches censorship.

Broadcasting and children

4.26 The Television New Zealand Act 2003 sets out a Charter for State-funded broadcasting by Television New Zealand. The Charter requires Television New Zealand to feature programmes that provide for children and young people's informational, entertainment and educational needs and participation.

4.27 New Zealand's Free-to-Air Television Code was revised in December 2004. The code sets out specific guidelines for public and private free-to-air broadcasting regarding children. The guidelines relate to the appropriateness of content and the rights of children not to be exploited, humiliated or unnecessarily identified. Guidance is also provided under the revised pay-television code (2006) that "broadcasters should ensure that child viewers are protected from unsuitable content."

Advertising and marketing to children: health issues

- 4.28 The Advertising Standards Authority's Code for Advertising to Children was updated in April 2006. Under its Code for Advertising of Food, Principle 3 states that advertisements directed at children should observe a high standard of social responsibility.
- 4.29 The Health Select Committee presented its final report to Parliament in August 2007 on its "Inquiry into Obesity and Type 2 Diabetes in New Zealand". The Committee's report contained recommendations about advertising unhealthy foods to children and young people, setting targets for reducing advertising, marketing and promotion of unhealthy foods and the need to monitor the current self-regulation model for the advertising industry.
- 4.30 In anticipation of the Select Committee Inquiry's recommendations, the Ministers of Health and Broadcasting agreed to a five point plan with the New Zealand Television Broadcasters' Council aimed at promoting children's health, nutrition and exercise through regulating the food products that can be advertised during children's programming and producing programming aimed at healthy eating and exercise practice.
- 4.31 The new Children's Food Classification system will be phased in from 1 July 2008. It is based on the Ministry of Health's Food and Beverage Classification system which was developed as guidelines for food catering in schools.

THE RIGHT NOT TO BE SUBJECTED TO TORTURE OR OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT, OR PUNISHMENT (article 37(a))

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

- 4.32 New Zealand submitted its fifth periodic report to the Committee against Torture under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) in January 2007. This provides an outline of New Zealand's compliance with the obligation to ensure that no-one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- 4.33 A significant development since the submission of New Zealand's fifth periodic report is that New Zealand ratified the Optional Protocol to the Convention. The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which came into force on 13 April 2007, is primarily concerned with preventing torture for people detained in New Zealand.
- 4.34 When New Zealand ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it set up National Preventive Mechanisms to monitor places of detention. A number of bodies have specific monitoring responsibilities and have been designated as National Preventive Mechanisms under section 26 of the Crimes of Torture Act 1989, including the Office of the Children's Commissioner.
- 4.35 The Office of the Children's Commissioner is responsible for monitoring Child, Youth and Family residences and youth justice facilities. It has two primary functions: to examine detention conditions and treatment of children and young people, and make recommendations

for improvements where necessary. The Office has completed two, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment monitoring visits to Child, Youth and Family residences and has a full monitoring programme planned for the 2008/2009 financial year.

Detention in police cells

- 4.36 As part of the focus on young people in police custody, Child, Youth and Family convenes a regular meeting with key agencies and interested parties including the Office of the Children's Commissioner to monitor young people's length of stay in police cells. In addition to actively monitoring the data and identifying any trends, the purpose of these meetings is to remedy bottlenecks and assist in addressing any cases of concern. The impact of actively managing this process has been to reduce the length of time youth spend in cells.

FACTORS AND DIFFICULTIES

Preservation of identity

- 4.37 A wide range of legislative changes that impact on identity, have been passed since last reporting. There are legal, biological and cultural dimensions to identity, and New Zealand has been doing a great deal of work to ensure young people's rights across all these dimensions. In the New Zealand context, the challenges come as much from the preservation of cultural identity as they do from assuring the child's legal or biological identity. Encouraging and promoting the revitalisation of the Māori language has been a vital part of enhancing the cultural heritage of Māori young people.

Freedom of expression and association and protection of privacy

- 4.38 Maintaining the balance between protecting young people's rights and ensuring their (and others') safety is an ongoing challenge. Governments often deal with calls from sections of the population to curtail young people's rights – particularly rights to associate. Balancing community concerns with the appropriate level of response is an issue that stimulates much debate. Enabling children and young people to explore their worlds while protecting them from exploitation and manipulation is an ongoing challenge in an increasingly sophisticated society. New Zealand continues to monitor advertising standards and internet safety and provide support to parents to improve the safety of children and young people.

PART 5 FAMILY ENVIRONMENT AND ALTERNATIVE CARE

- 5.1 Families have the earliest and most lasting influence on children. All New Zealand's social policies and social legislation acknowledge family influence and are designed to build on families' strengths and to support families to do the best job they can. But there are often circumstances when families cannot look after their children, and in these situations, the State or others are required to assume responsibility for the children's care.

ALTERNATIVE CARE

CRC/C/15/Add.216: Para 32

The Committee recommends that the State party continue its efforts to strengthen the system of child protection by:

- (a) improving the qualifications of social workers and personnel working in the child protection system and enacting measures to retain qualified and specialized staff**
- (b) taking effective measures to improve co-ordination between the Department of Child, Youth and Family Services and organizations delivering services to children**
- (c) increasing the financial resources allocated to alternative care, while ensuring that institutional care is used only as a last resort**
- (d) strengthening efforts to guarantee that all children placed in care have a periodic review of their treatment and all circumstances relative to their placement, in accordance with article 25 of the Convention.**

Strengthening the child protection system

- 5.2 Each year, Child, Youth and Family interacts with thousands of children, young people and their families and seeks to achieve the best outcomes for them. It aims to help families find the support they need to care for their children and assist children needing care to find secure, long-term homes with family, whānau, caregivers or adoptive parents. If possible, a child will be kept with his or her parents, and a support plan developed drawing on both extended family and/or community resources.
- 5.3 Child, Youth and Family has developed a number of initiatives to better meet the needs of children and their families. These have been developed to facilitate an overall more responsive and effective service, which seeks to move, as much as possible, to a preventative model with interventions occurring as and when they are needed. Improved capacity and capability following the baseline review and merger with the Ministry of Social Development has enabled a stronger focus on its core business of care and protection and youth justice services.
- 5.4 Government directed the 'First Principles Baseline Review' of the former Department of Child, Youth and Family Services in 2002. This review was in response to ongoing concerns with the Department's ability to meet the care and protection needs of New Zealand children despite increases in baseline funding – from \$206.70 million at the end of 1999 to \$314.90 million at the end of 2002.

5.5 As a result of this review, the following steps have been taken to improve care and protection services by:

- establishing Family and Community Services, as a service line within the Ministry of Social Development with responsibility for funding family and community support initiatives, allowing Child, Youth and Family to focus on its core business of care and protection and youth justice
- directing early intervention supports to families before care issues escalate to crisis level
- developing a differential response model that provides additional response options to better meet families' needs and assist them to access services and supports
- introducing a health and education assessment framework to support collaboration between health services, schools and other education agencies and care and protection services to ensure the health and education needs of children and young people coming into care are identified and addressed to the greatest extent possible
- introducing a permanency policy, designed to support staff and caregivers in achieving good quality enduring placement outcomes for children in care, preferably within the family or family group of origin where this is consistent with the best interests of the child
- improving capacity and capability through Child, Youth and Family becoming a service line of the Ministry of Social Development coupled with additional funding of \$412 million in 2008/2009, increasing care and protection services 100 percent since 1999
- developing a joint Ministerial Statement outlining government expectations of how health, education and social service agencies will collaborate to meet the holistic needs of children and young people in state care
- introducing a Service Charter to provide all those coming into contact with Child, Youth and Family a clear understanding of their rights, and an enhanced complaints process.

"We have the right to be placed in a caregiver placement that is safe, stable, supportive and caring. Please make sure that you choose caregivers and our placements well. If you do, we have more of a chance to blossom"
[Kenneth, 17, youth presenter from Care to Independence Youth Council at the Australasian Conference on Child Abuse and Neglect, Wellington 2006]

Children's rights in state care

5.6 Child, Youth and Family has developed a Children's Charter to encourage children in state care to understand their rights and know what to do if they have a complaint. This builds on the Children's Charter for all children in New Zealand which was developed by the Children's Commissioner to provide a simpler, more accessible version of the UNCROC.

5.7 All children in the care of the Chief Executive of the Ministry of Social Development have received a copy of the Children's Charter, as have social workers in Child, Youth and Family, and Child, Youth and Family caregivers.

Improving social workers' qualifications

5.8 The Social Workers Registration Act was enacted in 2003 and came into force in 2004. Since then, Child, Youth and Family has progressively rolled out social work registration among its staff to ensure it has a qualified and skilled workforce.

5.9 There is deep commitment across Child, Youth and Family to support workforce professionalism and provide for greater public safety and accountability. This includes backing registration and putting practices in place to ensure social workers are competent to practice and are professionally accountable. Registration is incorporated into training, supervision and professional development for all social work staff. Individual staff are provided with targeted support to complete registration, and policy is in place to ensure registration is an expectation of professional practice.

“Every young person you give your attention and support to become resilient, the stronger our society will become” [Janelle, 16, youth presenter from Care to Independence Youth Council at the Australasian Conference on Child Abuse and Neglect, Wellington 2006]

5.10 Between October 2004 and 30 May 2008, Child, Youth and Family have registered a total of 1,072 social workers. The recruitment, retention and support of qualified staff to undertake registration has also been a key focus within the organisation. An internal pathway has been established for staff completing qualifications as Child, Youth and Family employees. This pathway approach provides individualised study plans, support with assignments and case work, funding to attend external courses, and a planned transition to an external degree-level course. Awards are available to assist with the costs of study.

PARENTAL GUIDANCE (article 5)

5.11 Over the reporting period, the government has made a strong commitment to better support families to provide for their children, recognising the critical role and influence the family has in the life of a child. This has been achieved by legislative and institutional change and policy and practice integration across health, education and social services known to be effective in improving outcomes. There has been a particular focus on addressing the needs of families with children under the age of six, in light of the critical developmental needs of children of this age, and the importance of intervening early.

5.12 The early intervention approach is based on: providing a co-ordinated continuum of support depending on the needs of the families; integrated assessment and planning; and families and communities identifying their own needs and developing solutions. The range of services provided include: universal services such as antenatal services and early childhood education; targeted services such as services for teenage parents and their children; parental support services such as Strategies with Kids-Information for Parents; intensive home-based visiting services such as Family Start and Early Start; and statutory care and protection services. Some of these services are described below.

5.13 Family and Community Services, a service line of the Ministry of Social Development, was established in July 2004 to lead and co-ordinate government and non-government actions to support families and communities. Family and Community Services focuses on prevention and early intervention to build the capability and resilience of families and communities, and to reduce the number of families who are affected by family violence. Family and Community Services has a range of programmes which aim to support families through parental support initiatives. These include:

- **SKIP** – Strategies with Kids - Information for Parents: The SKIP vision is that all children will be raised in a positive way. This involves parents loving and nurturing their children,

as well as setting boundaries to guide and teach them. SKIP supports parents to bring up their children in a positive way by:

- funding and supporting community organisations to develop collaborative projects that support and inform parents
 - developing resources for parents and the organisations that support them
 - working in partnership with national organisations to build their capacity to support parents.
- **Family Start** was established in 1998 as part of a wider strategy to strengthen families. It provides intensive, home-based support services for families with high needs, to ensure that their children have the best possible start in life.
 - **Toddlers Without Tears** is an early intervention initiative being piloted by Family and Community Services and Well Child providers. This project is officially known as 'Parent Support to Complement Well Child' The programme provides free support to parents, beginning before their babies become toddlers. The aim is to help parents to understand and manage toddler behaviour well, so as to reduce the possibility of behavioural problems developing as children grow.
 - **Strengthening Families** is a cross-sectoral, whole-of-government initiative which uses a structured process of government agencies and community organisations working together to improve outcomes for vulnerable families. Strengthening Families provides co-ordinated support for families/whānau with children under 17 who are working with two or more government or community agencies. The agencies work together with the family to provide support and develop joint solutions to issues, rather than each agency dealing with one part of the problem and never seeing the bigger picture.

Families Commission

5.14 The Families Commission provides an example of further institutional support for families. Established in 2004, it provides a voice for New Zealand families and whānau. The Families Commission undertakes research, provides policy advice, consults the public and provides information to families and those who work with them. The Families Commission is an Autonomous Crown Entity under the Crown Entities Act 2004 with its role established under the Families Commission Act 2003.

5.15 The specific functions under the Families Commission Act 2003 are to:

- encourage informed debate about families
- increase public awareness and promote better understanding of matters regarding the interests of families
- play a part in shaping government policies that promote or serve the interests of families
- consider any matter regarding the interests of families referred to it by any Minister of the Crown
- stimulate research into families, for example by funding and undertaking research
- consult with, or refer matters to, other official bodies or statutory agencies.

PARENTAL RESPONSIBILITIES (article 18)

5.16 The Care of Children Act 2004 defines a child's guardian as someone who legally has essentially all the same duties, rights, responsibilities and powers as a parent has in bringing up that child. Although most parents will be guardians of their children, others can be guardians too.

- 5.17 The inclusion of parental responsibilities is new and underscores one of the Act's aims of encouraging ongoing co-operation between parents following separation. When parents have separated, 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.
- 5.18 The words used in the new Act reflect this change. Instead of 'custody' of their children, the Act provides for parents or other caregivers to have day-to-day care of their children, and replaces custody orders and access orders with parenting orders. Parents or guardians may share day-to-day care, splitting the time in a way that works best for the children and the family's circumstances.
- 5.19 An application for a parenting order must include a statement about whether and how the order can and should provide for any other person or persons to have the role of providing day-to-day care for, or contact with, the child. If the 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 Court must consider whether and how the order can and should provide for the parent to have contact with the child.
- 5.20 The Act also recognises different arrangements for caring for children. Children in New Zealand are brought up in many types of family arrangements. For example, children may be cared for by both their parents, by members of their whānau or wider family group, or by same-sex partners. The Act 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.
- 5.21 In addition, a person who is not a parent can become a guardian by being appointed by the Family Court. This might be a family member, for example, a grandparent. The Court can appoint a guardian after being asked by someone to do so, or it can do so at the same time as it decides to remove a guardian. Anyone can apply to the Court asking it to appoint a guardian. In particular, the Act expressly provides for circumstances in which a new partner of a parent may be appointed as a guardian of a child.

Supporting working parents to meet their responsibilities

- 5.22 Balancing work and caring for children are issues faced by many working parents. To help people live, care and work in ways that suit them, and to help attract and retain staff, many employers and unions are working to create workplaces that support parents and carers. Government initiatives have included:
- expanding early childhood education and out-of-school services
 - introducing government-funded paid parental leave and extending entitlement for working parents up to 14 weeks when they take leave from their job(s) after the birth or adoption of a child.
- 5.23 In August 2006, the government launched a major initiative 'Choices for Living, Caring and Working' recognising the importance of enabling parents and other carers to make choices about their caring roles and work. This initiative's vision is of a society that provides parents and carers with real choices for living, caring and working that suit their needs and to:

- achieve quality outcomes for children, families and others who require care
- achieve greater fairness in opportunities for men and women to participate in high-quality work
- enable people to balance their work and other aspects of their lives
- increase productivity and economic growth.

5.24 The Employment Relations (Flexible Working Arrangements) Amendment Act 2007 provides eligible employees with the right to request flexible working arrangements to enable them to care for someone, for example children and young people. Young workers who have caring responsibilities and who meet the eligibility criteria of the Act will also be able to request a flexible working arrangement.

SEPARATION FROM PARENTS (article 9)

Children's contact with parents who are in prison

5.25 All new prisoners are asked whether they are financially or custodially responsible for any children so as to determine whether there is a need for care and protection services because of the parent's prison admission. As at 27 February 2007, 14 percent of male prisoners and 30 percent of female prisoners had indicated on admission to prison that they were caring for at least one child before being imprisoned.

5.26 The Corrections (Mothers with Babies) Amendment Act 2008 raises the age limit for babies allowed to be accommodated in prisons with their mothers from six to 24 months. This applies to all female prisoners regardless of their security classifications, or whether or not they have been convicted or sentenced.

Children separated from their parents and placed in care and protection

5.27 Child, Youth and Family is guided by the objectives and principles of the Children, Young Persons and Their Families Act 1989, and the Care of Children Act 2004, which emphasise the need to protect and strengthen connections between children, young people and their families, whānau, hapū, iwi and other family groups. In New Zealand there has been a relatively steady increase in the number of children and young people in care. There are an increasing proportion of care placements with family or whānau (kinship care) rather than with unrelated foster families, as this generally enhances permanency and stability for the young person.

FAMILY REUNIFICATION (article 10)

5.28 In 2001, the Department of Labour introduced the Dependent Child Policy, which provides for parents who are either New Zealand citizens or residents to apply for residence for dependent children. In 2007, the government agreed that this policy would no longer form part of the general residence quota, and that the Department grant priority to any such applications. This removed the limitation on the total number of children who could join their New Zealand citizen or resident parent in New Zealand.

Transitional immigration policy

5.29 Government's transitional immigration policy that came into effect in October 2000 enabled some well-settled overstayers and their immediate families to regularise their immigration status prior to new immigration laws coming into effect. Overstayers had from 1 October 2000 until 30 March 2001 to lodge an application for a two-year work permit. A total of 12,588 applications have been decided, of which 10,938 were approved. Of these, 1,917 were decisions applicable to people aged up to 19 years of age, with 1,645 gaining approval.

The refugee family support category

5.30 The Refugee Family Support Category became operational from 1 October 2007. It facilitates family reunification for refugees with extended family members (who do not have to be refugees themselves). The Refugee Family Support Category replaces the 2002 Refugee Family Quota category which used a ballot system.

5.31 The Refugee Family Support Category, which has 300 places available annually, provides a clearer prioritisation mechanism for applications. It uses a two-tiered registration system: Tier One prioritises and queues sponsorship applications for eligible close family members of refugees who are alone: Tier Two deals with other applications and it fills residual places (if any) by ballot.

5.32 Tier One sponsors can also now apply to sponsor a family under the Refugee Family Support Category from the time the sponsor is granted residence in New Zealand. Previously the Refugee Family Quota policy required a three-year waiting period.

RECOVERY OF MAINTENANCE FOR THE CHILD (article 27)

5.33 Inland Revenue administers the child support scheme. Significant amendments to the Child Support Act 1991 in 2006:

- allowed Inland Revenue to write off some penalty debt if a liable parent entered and maintained an arrangement to pay both current child support liability and an agreed amount of arrears of liability
- allowed Inland Revenue to initiate an administrative review of child support liability if it considers that the amount of child support payable by a liable parent does not accurately reflect that parent's ability to provide financial assistance for his or her child(ren)
- introduced a permanent exemption from liability for victims of sex offences and a temporary exemption for liable parents under the age of 16 years.

International arrangements

5.34 New Zealand and Australia reached a formal agreement to exchange child support cases for enforcement effective 1 July 2000, an important development in light of the movement of citizens between our two countries. The reciprocal agreement applies when one party lives in each country. The country where the custodian resides assesses the child support obligation and refers it to the other country for enforcement when necessary.

- 5.35 In the calendar year 2007, New Zealand sent Australia 1,497 cases for enforcement bringing the number of cases which they enforce under the reciprocal agreement to 8500. Australia sent New Zealand 1,185 cases for enforcement, bringing the number of cases New Zealand enforces to 5,000.
- 5.36 New Zealand also administers about 200 court orders under two other international child support provisions – United Nations Convention on the Recovery Abroad of Maintenance (UNCRAM) and the Commonwealth Scheme.
- 5.37 The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance was concluded in the Netherlands in November 2007. When the explanatory note to this Convention has been finalised, New Zealand officials will undertake a national interest analysis and identify any legislative changes required for New Zealand to ratify.

ADOPTION (article 21)

CRC/C/15/Add.216: Para 34

In considering the reform of its legislation on adoption, the Committee recommends that the State party pay particular attention to article 12 and the right of children to express their views and have those views be given due weight in accordance with the age and maturity of the child.

In particular, the Committee recommends that the State party:

- (a) require that children of a certain age consent to their adoption**
- (b) ensure the right of adopted children to access, as far as possible, information about their biological parents**
- (c) ensure the right of children, as far as possible, to maintain one of their original first names.**

- 5.38 The government has begun the process for a comprehensive reform of adoption laws with the Ministry of Justice conducting targeted consultation in 2003. A key objective in reviewing adoption legislation is to update the legal frameworks to better align with modern adoption practices, contemporary society structures, and values and obligations contained in international instruments. Due to other work programme priorities, the review was placed on hold for a period. Work on the reform recommenced in 2006. A considered and comprehensive approach is being taken to reviewing these complex issues.

Inter-country adoption

- 5.39 Over the reporting period, new adoption agreements that operate in accordance with the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption, have been formed with Lithuania and Chile. The Ministry of Social Development has also accredited two private agencies to facilitate placements as per the Hague Convention standards.

ILLICIT TRANSFER AND NON-RETURN (article 11)

The Hague Convention on the Civil Aspects of International Child Abduction

- 5.40 As set out in the previous report, New Zealand acceded to the Hague Convention on the Civil Aspects of International Child Abduction on 31 May 1991. The Convention is implemented through the Care of Children Act 2004. The Central Authority is the Secretary for Justice.
- 5.41 To secure and protect children pending the outcome of an application, the Ministry of Justice ensures that all applications are processed expeditiously. This includes legal assistance to make an application and provide documents required by overseas states. The Central Authority also appoints and funds senior counsel to represent the Central Authority, and liaises with other agencies such as Police, including Interpol, and Child, Youth and Family. Legal aid may also be available in some cases.
- 5.42 It is also possible to apply for an order or a warrant preventing wrongful removal of children from New Zealand under section 77 of the Care of Children Act 2004 where there are reasonable grounds to believe a child is about to be taken out of New Zealand.

The United Nations Convention on Transnational Organised Crime

- 5.43 On 19 July 2002, New Zealand ratified the United Nations Convention on Transnational Organised Crime, as well as its related Protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the Protocol against the Smuggling of Migrants by Land, Sea and Air. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, complements the Hague Convention by providing additional protection to victims of trafficking and assisting in their recovery from trauma.

Trafficking in New Zealand

- 5.44 New Zealand has legislation prohibiting trafficking that carries severe penalties, for example a prison term not exceeding 20 years, or a fine not exceeding \$500,000, or both. Other legislative changes have broadened and increased the penalties for a range of associated immigration and passport offences. Police powers have been increased to prosecute those guilty of trafficking, while protecting the rights of the trafficked people.
- 5.45 The Department of Labour is to develop a 'Plan of Action to Prevent People Trafficking' by March 2009 and released a discussion document entitled 'Consultation on a Plan of Action to Prevent People Trafficking' in 2008. The discussion document highlighted government's anti-trafficking work, and sought input from interested parties on the plan's proposed approach, development and implementation.
- 5.46 New Zealand's border security and immigration efforts incorporate stringent anti-trafficking objectives and operations. These measures have been stepped up over the past year with a number of immigration investigations having been carried out to specifically identify whether trafficking offences have occurred. Still no evidence of trafficking has been found. All immigration compliance staff have received additional training in trafficking identification, witness protection processes and victim interviewing skills.

ABUSE AND NEGLECT (article 19), INCLUDING PHYSICAL AND PSYCHOLOGICAL RECOVERY AND SOCIAL REINTEGRATION (article 39)

CRC/C/15/Add.2.16: Para 28

The Committee recommends that the State party:

- (a) expand services and programmes aimed at assisting victims of abuse, and ensure that they are provided in a child-sensitive manner which respects the privacy of the victim**
- (b) increase programmes and services aimed at the prevention of child abuse in the home, schools and institutions and ensure that there are sufficient numbers of adequately qualified and trained staff to provide these services**
- (c) continue to improve the coordination of services for vulnerable families and victims of abuse.**

Ill-treatment and the abuse of children

5.47 The government is committed to protecting children and young people from all forms of exploitation, abuse and neglect, and has put considerable resources and effort into safeguarding them through policy platforms and initiatives and domestic legislation. However, notifications of suspected child abuse or neglect have increased since 2004, as have the number of substantiated cases. What is not clear is whether this trend reflects population growth, higher actual levels of child abuse or a lower tolerance of child abuse among the community, and a greater willingness to report suspected abuse.

5.48 Over the reporting period, measures have been taken to improve service co-ordination for child victims of ill-treatment and abuse, including:

- Differential response system – providing a wider range of options than available previously for responding to Care and Protection reports, and enabling closer collaboration with community service providers
- Family Violence Inter-Agency Response System – co-ordinating Women’s Refuge, Police and Child, Youth and Family responses to family violence and ensuring appropriate responses to both victims and offenders
- Family Safety Teams – created to strengthen the criminal justice response to family violence and encourage better use of services such as protection orders, counselling, income, housing, education and health support, by matching family needs to locally available services
- Health and education assessment and planning frameworks – for use with all children and young people when they enter care
- Government has invested in a range of services for children who witness family violence, an initiative that focuses on ensuring children’s safety and well-being, and that they are well supported and able to access child-focused services.

5.49 In addition to the above national services, Puāwaitahi was established in November 2002 to service New Zealand’s largest metropolitan area, Auckland. Puāwaitahi is an inter-agency, multi-disciplinary partnership, committed to providing a co-ordinated and effective response to the abuse and neglect of children and young people. The key components of Puāwaitahi are: child protection; health; policing; mental health; and therapeutic services. There is also a

liaison position, working across all the services and building collaborative internal and external relationships. Recently, the Auckland District Health Board family violence co-ordinator and specialist trainers have co-located to this site. Also located within the centre is a Child, Youth and Family social worker, jointly funded by the Auckland District Health Board and Child, Youth and Family, to assist in the interface between the two organisations.

Family violence

- 5.50 Family violence is a complex social issue that occurs between family members of all cultures, classes, backgrounds and socio-economic circumstances. The government is committed to eliminating family violence and recognises that this is a long-term goal that requires a co-ordinated and sustained effort from government, non-government, communities and individuals.
- 5.51 Work towards a steady and significant reduction in levels of family violence builds on earlier work outlined in the government strategy *Te Rito – New Zealand Family Violence Prevention Strategy*, released in February 2002. It sets out key goals and objectives and a framework to work towards the vision of families living free from violence.
- 5.52 In the 2004 Budget, the government expanded its family violence prevention programme with a new service within the Ministry of Social Development to support case managers working with clients who disclose family violence. The programme includes processes for screening clients for family violence and for referral to community service providers as appropriate.
- 5.53 Each year, from 2003 to 2007, the government has announced increased funding and new initiatives in the family violence area. Many of these initiatives are outlined in the New Zealand Family violence clearing house website. For further information, please see www.nzfvc.org.nz
- 5.54 Despite this progress, the government's 2004 Opportunity for All New Zealanders report identified family violence as a critical social issue requiring sustained inter-agency attention. As a consequence the Family Violence Ministerial Team, consisting of six Cabinet Ministers and the Chairperson of the Open Hearing into the Prevention of Violence against Women and Children was established. Its role is to provide leadership across the state sector, promote public debate, and demonstrate government's commitment to addressing this critical social issue.
- 5.55 In June 2005, the Taskforce for Action on Violence within Families was established to advise the Family Violence Ministerial Team on how to make improvements to the way family violence is addressed, and how to eliminate family violence in New Zealand. The Taskforce consists of Chief Executives, decision-makers from the government and non-government sectors, the judiciary and Crown agencies. The Taskforce supersedes and builds on the vision and progress made under the Te Rito Strategy.
- 5.56 The Taskforce members are significantly committed to working together to provide leadership to end family violence and promote stable, healthy families. This cross-sectoral approach is particularly unique because of the judiciary's presence in the group.
- 5.57 The Taskforce published its First Report in July 2006, setting out its vision and programme of action for 2006/2007 and beyond. Its vision is that "All families and whānau have healthy,

respectful, stable relationships, free from violence". The Taskforce launched its Ongoing Programme of Action in February 2008. This sets out the Taskforce work programme for 2007/2008 and beyond, and builds on the same principles outlined in the First Report.

- 5.58 The Taskforce is also placing a great deal of emphasis on prevention and early intervention. Quality intervention services that support young children and their families can significantly improve health, education and social outcomes. They can help all children, particularly those who are vulnerable, to reach their full potential and to live lives free from abuse, neglect, violence or non-accidental injury.
- 5.59 A key focus of work for the Taskforce in 2008-2009 is on child abuse within the family setting. This work is being led through the Programme of Action on the Prevention of Child Maltreatment.
- 5.60 To ensure that our actions are culturally relevant for Māori and Pacific peoples and to develop specific programmes of action for Māori and Pacific peoples, the Māori Reference Group and the Pacific Advisory Group (established by the Ministry of Social Development) have worked with the Taskforce to develop specific programmes of action for Māori and Pacific peoples.
- 5.61 The nationwide Campaign for Action on Family Violence launched in September 2007 and led by the Ministry of Social Development and the Families Commission, is one of the Taskforce's most visible initiatives. The campaign promotes the message that family violence is not OK, but it is OK to ask for help.
- 5.62 The results of a reach and retention survey on the effectiveness of the advertising campaign show that it has been extremely effective to date in engaging with all New Zealanders (including Māori and Pacific communities). Based on a survey conducted in March – April 2008, 89 percent of those surveyed recall the TV adverts, with one in five of those people reporting taking action as a result. This is consistent with the survey results from the December 2007 survey. In addition, Police statistics released in April 2008 show a 31.5 percent increase in reported domestic violence, indicating that efforts to encourage people to report family violence are effective.

Domestic Violence Act 1995

- 5.63 In 2005, the Ministry of Justice undertook an issues-based review of the Domestic Violence Act 1995 to determine if amendments were required to improve its effectiveness. A discussion document was released for public consultation in December 2007 and considered possible amendments to the Domestic Violence Act 1995 and the Care of Children Act 2004. The possible amendments that relate to children are:
- improving access to programmes for respondents, protected persons and their children
 - ensuring further consistency between the Domestic Violence Act and the Care of Children Act 2004 in regard to dealing with psychological abuse
 - the use of lawyers for the children
 - increasing the definition of the age of a child to 18 years
 - reviewing contact issues when temporary protection orders are made.
- 5.64 Legislation is currently being drafted to give effect to these proposals.

CORPORAL PUNISHMENT (article 19)

CRC/C/15/Add.216: Para 30

The Committee recommends that the State party:

- (a) amend legislation to prohibit corporal punishment in the home**
- (b) strengthen public education campaigns and activities aimed at promoting positive, non-violent forms of discipline and respect for children's right to human dignity and physical integrity, while raising awareness about the negative consequences of corporal punishment.**

- 5.65 The Committee has previously expressed concern with Section 59 of the Crimes Act 1961 that allows physical force against children as a punishment within the family setting provided the force is reasonable in the circumstances.
- 5.66 Section 59 of the Crimes Act 1961 was repealed in June 2007 and was replaced with section 59(1), abolishing the legal use of parental force for the purposes of correction. This legislative change meets the Committee's previous recommendation that New Zealand review this piece of legislation as a means of effectively banning all forms of physical or mental violence, injury or abuse within the family setting.
- 5.67 Under the new section 59, Police have the discretion not to prosecute complaints against a parent of a child, or person in the place of a parent of a child, regarding an offence involving the use of force against a child. This discretion is used in circumstances where the offence is considered to be inconsequential and there is no public interest in proceeding with a prosecution.
- 5.68 As indicated earlier, the government has in place a large number of positive parenting programmes and services available – many delivered by non-government organisations, including Māori and Pacific providers. Increased funding has been provided to these programmes and services over the last few years. This is in addition to services provided by the non-government sector in its own right.
- 5.69 Organisations like the Office of the Children's Commissioner provide information and guidance on good parenting practice. In addition, District Health Boards and local authorities provide information to parents such as 'parent packs' that provide them with information on where to seek advice.

FACTORS AND DIFFICULTIES

- 5.70 Ensuring the safety and enhancing the well-being of children in state care has been a major focus for Child, Youth and Family over the reporting period. There have been considerable challenges. The increasing level of identified child abuse has stretched the service's resources and there have been some high profile systems failures. In response, the government has consolidated Child, Youth and Family into the Ministry of Social Development and has increased funding for the service by 100 percent since 1999. Systems are in place to ensure that relevant and robust information is gathered to help improve services to keep children and young people safe. Workforce training and increased professionalism has been

given high priority. However, building up such expertise and capability takes time, particularly in an environment where there has been considerable change at both an operational and strategic level over a period of time.

FACTORS AND DIFFICULTIES

Preservation of identity

- 4.1 A wide range of legislative changes that impact on identity, have been passed since last reporting. There are legal, biological and cultural dimensions to identity, and New Zealand has been doing a great deal of work to ensure young people's rights across all these dimensions. In the New Zealand context, the challenges come as much from the preservation of cultural identity as they do from assuring the child's legal or biological identity. Encouraging and promoting the revitalisation of the Māori language has been a vital part of enhancing the cultural heritage of Māori young people.

Freedom of expression and association and protection of privacy

- 4.2 Maintaining the balance between protecting young people's rights and ensuring their (and others') safety is an ongoing challenge. Governments often deal with calls from sections of the population to curtail young people's rights – particularly rights to associate. Balancing community concerns with the appropriate level of response is an issue that stimulates much debate. Enabling children and young people to explore their worlds while protecting them from exploitation and manipulation is an ongoing challenge in an increasingly sophisticated society. New Zealand continues to monitor advertising standards and internet safety and provide support to parents to improve the safety of children and young people.

PART 6 BASIC HEALTH AND WELFARE

CHILD HEALTH

6.1 New Zealand aims to provide every child in New Zealand with the best start in life. From conception through to five years of age, each child is entitled to an integrated programme of health care and early childhood support as set out in the Well Child Tamariki Ora Framework. A growing network of school and community-based youth health services provide support for adolescents' developmental needs. There are particular programmes – such as Family Start – that deliver additional support to children and families in less-advantaged communities. Over the period since the last report, government has initiated a range of policies designed to reduce inequalities and improve the health and well-being of young New Zealanders. As was noted earlier, 70 per cent of children under six now have access to free health care and all children are entitled to free hospital care.

CRC/C/15/Add.216: Para 36

The Committee recommends that the State party:

- (a) allocate sufficient human and financial resources to implement the Child Health Strategy**
- (b) take all necessary measures to ensure universal immunization coverage and develop preventive health care and guidance for parents and families that effectively address the relatively high rates of infant mortality and injuries**
- (c) take all necessary measures to address disparities in health indicators between ethnic communities, in particular the Maori population.**

Child and youth health strategies

6.2 The Ministry of Health's 2004 Child and Youth Health Toolkit builds on the 1998 Child Health Strategy. It is aimed at District Health Board funders and planners, doctors, nurses, managers, primary health organisations, community providers, and other individuals and groups wanting to improve child and youth health. The toolkit provides up-to-date evidence-based information and guidance on:

- the best way to reduce inequalities between different groups of children, and to achieve health gains for all children
- a range of indicators for measuring progress in improving the health of all children
- useful tools and directions for District Health Boards, managers, clinicians and primary health organisations.

6.3 In 2007, the Minister of Health introduced ten health targets for District Health Boards to focus on. Five of these relate to child and adolescent health:

- increase in immunisation coverage
- increase in infants fully and exclusively breastfed
- reduction in admissions to hospital for preventable illnesses (children under five)
- improvement in adolescent oral health
- increase the number of Year Ten students who have never smoked.

- 6.4 Youth Health: A guide to action was published in 2002 following extensive consultation with the youth health sector and with young people. The plan sets out practical steps that need to be taken to improve young people's physical and mental health, and to build up knowledge and expertise around young people's health and well-being. District Health Boards are expected to use this guide to draw up their own youth health plans.

Resources for child health

- 6.5 In 2001, government introduced one of its flagship policies: the Primary Health Care Strategy. The Strategy is designed to re-focus the health sector's attention and resources on 'getting ahead' of illness. It has delivered a considerably increased proportion of funding into primary health care. Between 2002 and 2008, an additional \$2.2 billion (a 20 percent increase in the total Health vote) has been directed into lowering the cost of visiting the doctor and into providing more innovative approaches to health care, particularly for children under six, and communities with higher health needs.
- 6.6 The most recent New Zealand Health Survey (2006/2007) reports that less than one percent of children were unable to see a General Practitioner because of cost, and there has been a significant decline in the number of children attending accident and emergency departments in hospitals.
- 6.7 The Well Child Tamariki Ora Framework was introduced in 2002 to co-ordinate previously fragmented services for young children and their families. Well Child services provide a screening, education and support service to all New Zealand children and their families or whānau from birth to five years. Well Child services are provided by registered nurses and community health workers (kaiāwhina) with specific training in child health. Well Child includes 12 health checks, with first-time parents offered additional support.
- 6.8 A 'B4 School' check for all new entrants to primary school has been phased in from February 2008. This is aimed at ensuring children are adequately prepared for school entry. The check includes vision, hearing, growth and development assessment, as well as assessment of personal and social issues, and the child's ability to learn and communicate. Families with four year olds will be contacted and invited to have a free B4 School check from a registered nurse with training in child health.
- 6.9 New Zealand children's health is benefiting from investment in programmes that focus on better nutrition and greater levels of physical activity. For school-aged children, healthier eating habits are being encouraged through school canteen policies, social marketing strategies and a range of other school-based programmes. This includes the 'Fruit in Schools' scheme which provides fresh fruit each day to students in disadvantaged neighbourhoods. The latest New Zealand Health Survey found that between 2002 and 2006/2007 there was no increase in the proportion of New Zealand school-aged obese children.
- 6.10 The Ministry of Health has developed a work programme targeted at encouraging breastfeeding among new mothers, and increasing the proportion of infants exclusively and fully breastfed for at least six months.

Measures to reduce infant mortality rates

- 6.11 In 2001, the government established a National Child and Youth Mortality Review Committee to systematically review all deaths of children and youth (six weeks to 24 years of age). The Committee reports annually to the Minister of Health and publishes a report with recommendations to help inform policy and planning to reduce child death.
- 6.12 In its most recent report, the Committee notes that infant mortality rates have remained largely static over the past 10 years. Infections and Sudden Unexplained Deaths in Infancy (SUDI) account for the majority of deaths. The Committee has recommended that the Ministry of Health evaluate its current SUDI prevention messages and consider ways that effective health promotion about baby-safe environments can be implemented, particularly on safe sleeping practices and smoking during pregnancy. As the Committee points out, these strategies need to be effective in Māori and Pacific communities.
- 6.13 The Ministry of Health is currently reviewing the Well Child Framework to see whether it is meeting the needs of children in the most vulnerable families, and if better linkages can be made between maternity services and other primary health care providers.
- 6.14 A review of maternity service provision is also currently under way. While most New Zealand women report being satisfied with current maternity care, a small but growing minority of expectant mothers is having difficulty finding a Lead Maternity Carer as a result of workforce shortages combined with an unexpected rise in the birth rate. The Ministry of Health has developed a Maternity Action Plan to address key issues with maternity services and will seek public feedback to assist with the development of an implementation plan.

Immunisation initiatives

- 6.15 In 2007, the Ministry of Health set specific targets to focus resources and improve health, including increasing immunisation coverage. The national target for immunisation is for 95 percent of two year olds to be fully immunised. The figure is currently around 71 percent, but immunisation rates tend to be lower among Māori and Pacific infants. A National Immunisation Register has been developed and is now being used to monitor immunisation coverage and follow up. Particular challenges include keeping track of infants whose families move between districts. Better linkages between Primary Health Care Organisations are being encouraged in order to address this issue.
- 6.16 In 2004, a mass immunisation programme campaign was implemented to protect New Zealanders under 20 years old from the New Zealand-specific strain that causes the most cases of meningococcal disease. That programme ended in 2006, although the vaccine continued to be offered to pre-schoolers until 2008 and is still available for people considered to be at heightened risk of contracting meningococcal disease. During the programme, more than 1.1 million young New Zealanders received the MeNZB™ vaccine.
- 6.17 New Zealand girls aged 12 to 18 years are now offered a free vaccine to prevent the most common infections that can lead to cervical cancer. New Zealand's HPV (human papillomavirus) Immunisation Programme started in September 2008 and the HPV vaccine will be administered through nurses in schools, or family doctors for girls no longer at school.

HIV/AIDS antenatal screening

- 6.18 New Zealand was one of the first countries in the world to experience a decline in HIV and AIDS incidence. Between 1999 and 2007, 12 children were born HIV-positive in New Zealand. Government guidelines recommend universal screening of pregnant women for HIV. Universal screening is carried out in the Waikato District Health Board and a further 11 district health boards plan to start screening in early 2009.

Measures to prevent deaths from injury

- 6.19 Mortality rates in the one to four year- age group continue to decline, but the number of deaths by drowning and motor vehicle accidents remain high. In light of these concerns, strategies to reduce drowning and effective messages about water safety continue to be promoted.
- 6.20 Nearly half the Police Youth Education Service's activity is devoted to school road safety education. One strategy is the operation of the School Traffic Safety Teams which provide safe places for children to cross roads to and from school. Police operate Road Safe Series programmes in all schools. They are a co-ordinated and integrated series of programmes throughout primary and secondary school that teach young people appropriate road safety skills at each level of their schooling. Police have also developed a resource that provides parents and caregivers with practical things they can teach their children to keep them safe on the road. The resource is available in Chinese, Samoan, Tongan and Korean languages.
- 6.21 The 'Speed Kills Kids' campaigns were launched on 7 February 2006 in an effort to reduce the road toll among school children. Police launched a road safety campaign with the aim of getting drivers to slow down near schools, thus reducing the risk of collisions occurring.

Measures to reduce inequalities in child health

- 6.22 More Māori than non-Māori children in New Zealand experience relatively poorer health and grow up in deprived areas. Targeted programmes to address these disparities are ongoing and an improvement and a reduction in disparity have been shown in some Māori child health indicators, including infant mortality and smoking rates.
- 6.23 The second Māori health action plan, Whakatātaka Tuarua: Māori Health Action Plan 2006–2011, has been published. Priority areas for attention include:
- building quality data and monitoring Māori health
 - developing models based on whānau ora
 - ensuring Māori participation, workforce development and governance
 - improving primary health care.
- 6.24 Ngā Kāwai: Implementing Whakatātaka 2002–2005 outlines milestones and achievements, at both the Ministry of Health and District Health Board level, in the initial three years following the introduction of Whakatātaka Tuarua. These milestones included:
- District Health Boards setting funding targets for investment in Māori health and disability
 - District Health Boards reporting on targets for their regions to increase funding for Māori initiatives
 - including targets in Crown funding agreements
 - including Māori health and whānau ora as key criteria in District Health Board prioritisation, resource allocation and disincentives decisions

- District Health Boards working with their local Māori health partners and Māori communities to design monitoring and audit tools to evaluate progress on Māori health objectives
- developing a Monitoring Framework to assess progress towards whānau ora, following consultation with Māori.

6.25 Pacific children also experience significant disparities in health. The burden of disease among these children is illustrated by their comparatively higher rates of hospital admission and obesity. The Ministry of Health and the Ministry of Pacific Island Affairs have developed a joint Pacific Health Action Plan to address the immediate health issues and the broader social factors affecting Pacific people's health. These include prioritising actions for Pacific children in the Well Child and B4 School checks, as well as tackling issues such as quality housing for Pacific families and training more Pacific people in the health workforce.

ADOLESCENT HEALTH

CRC/C/15/Add.216: Para 38

The Committee recommends that the State party:

- take all necessary measures to address youth suicide, especially among Maori youth, inter alia by strengthening the Youth Suicide Prevention Programme**
- undertake effective measures to reduce the rate of teenage pregnancies through, inter alia, making health education, including sex education, part of the school curriculum, and strengthening the campaign of information on the use of contraceptives**
- undertake effective preventive and other measures to address the rise in alcohol consumption by adolescents and increase the availability and accessibility of counselling and support services, in particular for Maori children**
- strengthen mental health and counselling services, ensuring that they are accessible to, and appropriate for, all adolescents, including Maori children and those in rural areas and in residential institutions.**

Addressing youth suicide

6.26 The government is committed to reducing rates of youth suicide and recognises that this is an ongoing concern. Positive improvements have been seen over the reporting period through a national action plan on preventing suicide, targeted programmes and awareness-raising campaigns. The rate (three year moving average) of suicide among 15 to 19 year olds peaked during 1996-1998 but has since declined by 33.9 percent from 24.5 to 16.2 deaths per 100,000 in the 2003–2005 period.

6.27 Research has been undertaken through the Ministry of Health to explore a range of determinants of suicide and review effective intervention practices. In 2008, the Ministry of Health

“More support places that are designed for young people. Places where we can talk about things anonymously and get help from people IN PERSON! Young people need to know that there ARE people out there who do care about your feelings and opinion. Things need to be advertised more. You could send flyers to every household addressed “to the children of the household”, or something similar.” [female 14, Agenda for Children consultation, 2002]

began funding a number of new research projects as part of a new Suicide Prevention Research Fund.

6.28 In 1998 New Zealand was amongst the first countries in the world to develop a national youth suicide prevention strategy. In 2006, government released a new strategy, the New Zealand Suicide Prevention Strategy 2006-2016, to address suicide across all age groups, not just youth. The New Zealand Suicide Prevention Action Plan 2008 – 2012 was published in March 2008. The Action Plan provides details about how the goals of the Strategy 2006 – 2016 will be achieved over the next five years. It also describes the types of actions required across the range of sectors involved in suicide prevention.

6.29 Some additional recent developments include:

- a national campaign about depression to encourage people to seek help (including a website, a free phone line offering help and information, and radio and TV ads), which includes a specific focus on young people through an interactive website providing information about depression, online and text-based support from trained counsellors, and video clips of young people talking about their experience of depression
- the “Towards Wellbeing” programme aims to protect Child, Youth and Family service clients who are at highest risk of suicide
- school programmes to promote mental health and well-being in secondary schools
- consideration of how to address youth access to primary health care
- new initiatives to support the management of people with common mental health problems seen in primary health care settings
- a new service to support people bereaved by a suicide, and to support communities where a suicide cluster is occurring
- implementation of guidelines for emergency departments on the assessment and management of people who are admitted for a suicide attempt
- establishment of a suicide prevention research fund
- pilot suicide prevention co-ordinators in five district health boards to facilitate the establishment of regional suicide prevention plans.

Measures to reduce the rate of teenage pregnancies

6.30 Since 2002, the birth rate for 15-19 year olds has increased slightly to 28.1 births per 1,000 women in 2006. The recent increase in the birth rate among young women has prompted a renewed focus in this area. Young people under 22 years have access to free sexual health care including contraceptive advice, STI checks, cervical screening and pregnancy tests in many general practices and Family Planning clinics across the country. The Ministry of Health is leading a cross-government Programme of Action to reduce unwanted pregnancies among young people and to support young parents. This brings together a range of initiatives across education, health and other social services.

Sexual health and sexuality education

6.31 Government’s Sexual and Reproductive Health Strategy (2001) and the associated action plan (2003) provide a framework for planning and investment in sexual and reproductive health by New Zealand’s District Health Boards. Through the national network of Family Planning clinics (non-

“Teenage pregnancy is an issue that needs to be looked at more closely. We, the students, need to be educated from the age of 13 on sexual intercourse. The teenagers of today do not realise what drugs and alcohol can do to their bodies”. [Female, 14, Agenda for Children consultation, 2002]

government organisations) and some general practices, young people under the age of 22 have access to free sexual health care including contraceptive advice, checks for sexually transmitted diseases, cervical screening and pregnancy tests. Planning is also under way for a sustained social marketing campaign designed to encourage New Zealanders to think about sexual health issues.

- 6.32 Sexuality education in New Zealand is part of the Health and Physical Education Curriculum. An Education Review Office evaluation in August 2007 highlighted that many programmes were not meeting students' needs effectively. A Ministry of Education-led work programme seeks to address these concerns through:
- a stocktake and evaluation of sexuality education resources
 - identifying best-practice and developing guidelines for sexuality education in schools
 - developing a policy framework for contracting sexuality education
 - investigating the adequacy and effectiveness of professional development for teachers of sexuality education.

Measures to address the rise in alcohol consumption among young people

- 6.33 In late 2007, a review was completed of the sale and supply of liquor to under-18 year-olds. The outcome of the review is a set of targeted proposals to reduce alcohol-related harm to minors, alongside initiatives that provide for more community involvement in the planning of where alcohol can be sold. These are included in the Sale and Supply of Liquor and Liquor Enforcement Bill which was drafted but not tabled prior to the dissolution of Parliament. Additionally, the Law Commission has been commissioned to undertake a first principles review of the Sale of Liquor Act.

- 6.34 Since 2004, the New Zealand Police have been working in partnership with the District Licensing Authorities and Public Health Units in 'Controlled Purchase Operations'. Controlled Purchase Operations test whether licensed premises are complying with laws that prevent selling alcohol to minors. This is done by organising for under-age volunteers to attempt to purchase alcohol from licensed premises under Police supervision. The operations give premises an opportunity to test their procedures for preventing the sale of alcohol to minors and to tighten up their systems where necessary.

- 6.35 Police can issue Liquor Infringement Notices to minors under the Sale of Liquor Act 1989. These Notices provide an efficient administrative tool to deal with infractions by minors, as an alternative to prosecution through the courts. Liquor Infringement Notices can be issued to under-18 year olds who purchase liquor, are in a restricted and supervised area of a licensed premise, and/or are drinking or possess liquor in a public place.

"The ads on TV make drinking look like a fun thing – like adults play with alcohol and kids play with dolls [Male, 14, member of Activate (Ministry of Youth Development-youth reference group), discussion on raising the age of drinking, 2007]

- 6.36 The government has also initiated a wide-ranging review of the self-regulatory system that controls the advertising and promotion of alcohol. Several recommendations have been made, some of which are aimed at minimising overall exposure of alcohol advertising to children and young people under the minimum legal purchasing age. The government will consider the recommendations when the second review on the sale and supply of alcohol is completed.

Measures to increase the availability and accessibility of alcohol and drug counselling and support services, particularly for Māori children

6.37 An increase in drug-related school suspensions, especially among Māori, was one of the driving forces behind the creation of Community Action on Youth and Drugs projects. These projects respond to youth alcohol and drug issues at a local level, with a focus on collaboration between community organisations, local agencies and researchers. The aim is to strengthen community action and overall well-being, particularly through a kaupapa Māori approach to reducing drug-related harm to youth. There are now 24 Community Action on Youth and Drugs projects operating in selected communities throughout New Zealand. The Centre for Social and Health Outcomes Research and Evaluation and Te Rōpu Whāriki recently conducted an evaluation that found evidence of progress in most sites, although these projects are still in an early stage of development.

Measures to strengthen mental health and counselling services for adolescents

6.38 Significant progress has been achieved in the range and coverage of child and adolescent mental health services in New Zealand. All 21 District Health Boards now have specialist Child and Adolescent Mental Health Services, with more than one service funded in the larger centres. District Health Boards also provide outreach services to rural communities.

6.39 Government recognises the ongoing challenge of growing the size and capability of the child and adolescent mental health workforce. In 2003, the Ministry of Health established the Werry Centre for Child and Adolescent Mental Health Workforce Development to support District Health Boards and the health sector to address this challenge. Steady growth has been seen over the reporting period with the funded clinical full-time equivalent workforce increasing from 540 in 1999/2000 to 799.4 full-time equivalents in 2003/2004.

6.40 In 2000/2001, the Mental Health Information National Collection (MHINC) was established and has collected and monitored data on access to specialist Child and Adolescent Mental Health Service.

6.41 Te Tāhuhu – Improving Mental Health 2005-2015 and Te Kōkiri: The Mental Health and Addiction Action Plan 2006-2015 provide the policy foundation for child and youth mental health and alcohol and other drug service provision.

6.42 A project is under way to address the inconsistent provision of mental health services for young people in Child, Youth and Family residences. It is anticipated that by 1 July 2009, all health services for children in care will be provided on site, and be funded by the Ministry of Health.

Measures to reduce adolescent smoking

6.43 Cigarette smoking in the youth age group has fallen significantly over the reporting period from 28.6 percent in 1999, to 12.8 percent in 2007. However, Māori females and Pacific males have the highest rates for cigarette smoking in this age group.

6.44 The government has led a range of initiatives to reduce smoking rates in New Zealand. These include:

- prohibiting smoking in indoor workplaces including bars and restaurants
- banning tobacco advertising and sponsorships
- subsidising nicotine replacement therapy
- providing an additional \$32 million over the next four years to make even greater reductions in smoking rates, and in the number of teens taking up smoking.

STANDARD OF LIVING (article 27)

CRC/C/15/Add.216: Para 42

In accordance with article 27.3 of the Convention, the Committee recommends that the State party take appropriate measures to assist parents, in particular single parents, and others responsible for the child to implement the child's right to an adequate standard of living. In this regard, the Committee recommends that the State party ensure that assistance provided to Maori and Pacific Island families respects and supports their traditional extended family structures.

Measures taken to improve living standards

- 6.45 Over the reporting period, a number of significant measures have been taken to improve the living standards of New Zealand families. One of the most important of these is the Working for Families package rolled out in stages between October 2004 and April 2007. This is a key part of the government's programme to make work pay and reduce child poverty through an integrated programme of initiatives to lift incomes, strengthen work incentives and make housing and child care more affordable.
- 6.46 The Working for Families package aims to achieve long-term, sustained, substantial reduction in child poverty by improving income adequacy and encouraging and assisting people into paid work. The Working for Families package implementation has had a significant effect on families' incomes (including Māori and Pacific families) across New Zealand.
- 6.47 The Working for Families package addressed the costs of raising children through increases to family support (now known as family tax credit), accommodation costs through changes to the accommodation supplement, and child care costs through changes to the child care subsidy and out-of-school care and recreation subsidy.
- 6.48 Working for Families tax credits are paid to qualifying families with children aged 18 years or under to help with the cost of raising a family. The amount that a person can earn and still receive through Working for Families tax credits varies on the age and number of children. Other components include an in-work tax credit (formerly in-work payment) and minimum family tax credit (formerly Family Support).
- 6.49 Supporting initiatives that complement the Working For Families package include:
- primary health care – comprehensive investment that includes reducing the cost of visits to doctors
 - labour market — raising the minimum wage, providing and expanding paid parental leave and flexible working hours

- education – subsidising the cost of early childhood care and expanding provision of after-school-care
- social security – a comprehensive package of initiatives to facilitate personalised and smoother transitions from social security into work
- housing – increasing the provision of affordable housing; this is in addition to increasing access to the accommodation supplement which is a component of Working for Families.

Monitoring and evaluation

- 6.50 The Working for Families Evaluation Team is a collaborative cross-agency team that monitors the impact of Working for Families. The reports that have been produced to date provide information on the national uptake of the main components of Working for Families, specifically tax credits, accommodation supplement and child care assistance. In addition, the evaluation has produced a wealth of quantitative and qualitative data. This enables detailed reporting on the effects Working for Families has had on families, focusing on the impact on net incomes, income poverty and living standards, especially for low and middle-income families with dependent children.
- 6.51 Over the long term, the evaluation will track employment (regarding earnings, wages and hours worked) and examine how effectively the Working for Families components are working together to support employment. Much of this work will follow from observing families prior to, and following, the introduction of the in-work tax credit.

Impact of Working for Families package

- 6.52 Since 2004, Working for Families has significantly increased incomes for low and middle-income New Zealanders, especially families with children. When the full impact of the Working for Families package is more completely captured, further reductions in child poverty rates are expected.
- 6.53 While it is still too early to determine the final outcome, a recent report on Household Incomes in New Zealand shows that on all measures, the poverty rates for children (regardless of household type) declined from 2004 to 2007. This is the first time in two decades that child poverty rates fell on all the standard poverty measures at the same time.
- 6.54 Statistics show that over the period 2001-2007 child poverty fell from 29 percent in 2001 to 16 percent in 2007 using the fixed-line measure used in the Social Report. This represents a total of 130,000 fewer children in households with incomes below the poverty line in 2007 compared with 2001. The child poverty rate also fell from 2004 to 2007 using relative or moving-line poverty measures. This reverses the upward trend that began in the late 1990s, and places New Zealand at the European Union median, using a 60 percent moving line measure in 2007.
- 6.55 Reduction in the child poverty rate has been achieved because of three things:
- extra help to families with children through the Working for Families package
 - the strong economy, with high employment and low unemployment
 - the fall in numbers of children in families whose main source of income is a benefit (40,000 fewer in 2007 compared with 2004).

- 6.56 Over the same period, income inequality reduced for the first time since it began to rise in the late 1980s. Incomes for low to middle-income households grew much more rapidly than for above-average-income households – this is mainly attributed to the Working for Families package.
- 6.57 Working for Families has created a strong financial incentive for work-ready sole parents to move into work. Since the Working for Families package began, numbers receiving the Domestic Purposes Benefit has fallen by over 12,000 – in other words 60 percent of the decrease in these numbers over the past ten years has occurred in the three years since the Working for Families changes were first started.

SOCIAL SECURITY AND CHILD CARE SERVICES FACILITIES (articles 26 and 18)

Social Security paid for, or on behalf of, a child

- 6.58 New Zealand recognises a child's right to benefit from social security in a number of ways. The social security system primarily provides for a child's needs through payment to their parents or caregivers on their behalf (principally the Domestic Purposes Benefit, Orphan's Benefit/Unsupported Child's Benefit, and Independent Youth Benefit). The key means of providing social protection are social security benefits for income support, tax credits and other payments. The benefit rates are adjusted annually to take account of cost of living increases. The principal support for children however, is provided through Working for Families tax credits under the Income Tax Act 2007, rather than through the social security system.
- 6.59 In 2005, the 'child component' amount of main benefits was removed at the same time as the Working for Families tax credit (then called 'family support') rates were increased. In all cases the increase in family tax credit more than offset the removal of the child component.

Domestic Purposes Benefit

- 6.60 The Domestic Purposes Benefit for sole parents provides income support for sole parents with one or more dependent children. Income abatement effectively restricts its availability to those who are not working or only working limited hours.
- 6.61 Following review of the Domestic Purposes Benefit in 2002, a personal development and employment planning requirement was introduced to encourage sole parents to plan for and develop life skills, and social, educational or employment-related skills. These skills will assist the recipient to enter paid employment as this is seen to offer the best opportunity for people to achieve social and economic well-being. This requirement, coupled with an in-work tax credit and additional child care assistance introduced as part of the Working for Families Package, has had strong success in moving work-ready sole parents (predominantly women) into work.

Foster Care Allowance, Unsupported Child's Benefit, and Orphan's Benefit

6.62 The Working for Families package also includes increased assistance for people who care for children who are not their own. The Orphan's Benefit, Unsupported Child's Benefit and Foster Care Allowance rates were increased in 2005 as part of a package of enhancements. The Orphan's Benefit and Unsupported Child's Benefit rates were also increased a further \$10 in 2007. These increases provide enhanced support for caregivers and recognise the support they provide to children whose parents are unable to care for them.

Independent Youth Benefit

6.63 The Youth Benefit under the Social Security Act 1964 is available to young people aged 16 or 17 years who have lost their parents' support through a breakdown in the relationship, or other good reason. Significant changes to the support and services offered to young people between the ages of 16 and 19 came from the 2007 Working New Zealand initiative.

6.64 The shared Government and Mayors' Taskforce for Jobs goal is to have all 15 to 19 year olds engaged in employment, training, education activities or productive activities in their communities. In recognition of this goal, a new activity requirement replaced the work test for young people on the Independent Youth Benefit. Under this new activity requirement, young people may be eligible for an Independent Youth Benefit if they are in secondary education, employment-related training, looking for work, are sick, injured, disabled, pregnant or have lost their parents' support. This change recognises the importance of education and training for young people.

Accommodation supplement

6.65 The Working for Families package included a number of changes to the Accommodation Supplement to improve housing affordability and strengthen work incentives for families and working people, including:

- families on the benefit able to earn income from October 2004 without having their Accommodation Supplement reduced. Changes were also made to increase the amount able to be earned before assistance was reduced.
- the entry threshold (the amount people must pay in housing costs before becoming eligible for the Accommodation Supplement) was lowered to align with that applicable to an Unemployment Benefit beneficiary. This increased the assistance available to non-beneficiary families.
- changes were made to Accommodation Supplement areas from 1 April 2005 to recognise the higher costs of housing in different parts of New Zealand, also the number of areas and maximum rates were increased.

6.66 Families, as well as those without children, benefited from these changes. It was estimated at the time that an extra 15,000 people would be eligible for the Accommodation Supplement, and a further 100,000 would have their Accommodation Supplement increased by an average of \$19 a week.

Child-care assistance

6.67 In the period since 2001, a number of changes have been made to assist people with dependent children to undertake paid work by making child care more affordable. In 2004, the Working for Families package increased the Out-of-School Care and Recreation subsidy

rates, with a further 10 percent increase in 2005. The income thresholds used to determine subsidy eligibility were also raised, making more families eligible for the subsidies.

Out-of-school services

- 6.68 Recent increases in government funding, both to providers of Out-of-School Services and to low and middle-income families using these services, have seen significant growth in the sector. Between 2004 and 2006, the number of approved Out-of-School Service providers and the number of families receiving an Out-of-School Services Subsidy, doubled.
- 6.69 In 2006, the government approved a Five-Year Action Plan for Out of School Services to 'enable parents of school-aged children to access age-appropriate services which are available, affordable, accessible and of good quality'. The Five-Year Action Plan identifies 12 initiatives to improve the supply of quality Out-of- School Services to help families access services so they can take up and stay in work. These initiatives also widen the focus of Out-of-School Services from care and recreation to include the health, education and general well-being of children, young people, families and communities.
- 6.70 One of the initiatives is to establish 12 activity-based Out-of-School Services programmes in urban, low-decile school sites by 2010. The first four of these Extended Services began operating in February 2008.

FACTORS AND DIFFICULTIES

- 6.71 Good health in childhood and adolescence is important for children and families, and is vital for good health in adulthood. Poor child health and development also have an adverse impact on broader social outcomes, including family violence, crime and unemployment. Many of these conditions are intergenerational and, if they are unrecognised and untreated, many child victims will go on to repeat the cycles of disadvantage and illness in their own lives and those of their children.
- 6.72 Good progress has been made towards improving the health status of children in New Zealand. However, there are still disparities to be addressed. Tamariki Māori, Pacific children and children from low-income families and whānau experience comparatively poorer health outcomes than the overall child population. New Zealand is committed to implementing focused policies and initiatives to address these particular concerns.
- 6.73 In June and July 2008, the Human Rights Review Tribunal heard submissions on one of the first proceedings under Part 1A of the Human Rights Act: Child Poverty Action Group Incorporated v Attorney-General. The plaintiff (a non-governmental organisation) alleges that the provision for an in-work tax credit to low to middle- income families discriminates on the ground of 'employment status', as recipients of income-tested benefits are ineligible for the credit. A decision in the case is pending, but not expected until later in 2008.

PART 7 EDUCATION, LEISURE AND CULTURAL ACTIVITIES

EDUCATION

CRC/C/15/Add.2.16: Para 44

The Committee recommends that the State party:

- (a) ensure that all children in the State party have access to free primary education
- (b) enforce legislation on compulsory education and prohibit exclusions on arbitrary grounds such as pregnancy, and ensure that students of the age of compulsory education who have legitimately been excluded from a school are enrolled elsewhere
- (c) take effective measures to address disparities in enrolment and dropout rates between ethnic groups, including by strengthening programmes for bilingual education
- (d) take all necessary measures, including the provision of quality counselling programmes in schools, to address behavioural problems of students while respecting their right to privacy.

7.1 There have been a large number of changes across the whole education sector since the last report, from early childhood education and care (see part 6) to compulsory (primary and secondary) and tertiary education. The aim of the changes has been to ensure all New Zealanders have the opportunity to access and receive quality education that is sensitive and responsive to cultural diversity, and delivered in a manner appropriate to an individual student's learning needs and ability.

7.2 The changes recognise the important role education plays in enabling every child to achieve their full potential and the positive contribution it makes to their social and economic well-being. These changes include

- investing in the workforce through increasing remuneration and providing ongoing professional development
- implementing a new and innovative curriculum and achievement system
- implementing a range of strategies to improve educational outcomes for all, with a focus on Māori, Pacific and those with learning difficulties
- creating a new organisation (the Tertiary Education Commission) to plan, fund and monitor the tertiary sector with a mandate to ensure relevant and quality provision, alongside initiatives that reduce student's costs.

Access to education

7.3 The situation remains unchanged from that previously reported. Section 3 of the Education Act 1989 provides that "every person who is not a foreign student is entitled to free enrolment and free education at any state school during the period beginning on the person's fifth birthday and ending on 1 January after the person's 19th birthday". Therefore, all children from the ages of five to 19 are entitled to receive a free education at a New Zealand state-run primary or secondary school. This includes alternative education, teen parent units and correspondence school. International students are charged fees to attend school, as are students attending some integrated (mainly schools with a religious focus) and private schools. Integrated and private schools also receive state funding, as do parents home schooling their children.

- 7.4 Legal access to free education has been extended to children illegally in New Zealand (and whose parents are seeking to regularise their immigration status) under the Limited Purpose Permit regime in 2007, as noted in Part 1.
- 7.5 State-run schools are able to seek fees from parents and do so for a variety of reasons. However, as set down in legislation, non-payment of fees cannot deny an enrolled student access to education.

Teenage parents

- 7.6 The Ministry of Education is unaware of any student excluded or expelled because of pregnancy, and there are a number of options encouraging teen parents to continue their education or to re-engage following the birth of their child. Options include enrolment in Correspondence School while still maintaining enrolment at their local school, or attending one of 17 Teenage Parent Units nationwide. These units include child care facilities and pastoral care for both the parent(s) and the child.
- 7.7 A number of additional supports are in place for teenage parents. For example, the Ministry of Social Development provides eight teen parent co-ordinators throughout the country in areas that have high numbers of teen parents. They ensure that teen parents are aware of the supports available and connect them with the appropriate health, social and education services. Teen parents can access dedicated social assistance, including day-to-day living costs, additional resources to facilitate engagement or re-engagement with education, and costs such as child care, books and travel.

"It's really unfair that you should have to leave school just because you're pregnant, because it's a bad look for the school"
[female, 15, youth stream, UNCROC Forum 2006]

Enrolment

- 7.8 It is compulsory for a student between the ages of six and 16 to be enrolled at and attend school. In 2007, the Ministry of Education implemented a national web-based enrolment register to track individual student enrolments within the school system (ENROL). ENROL also automates the transfer of student information when a student changes school. The Ministry expects to build on the ENROL infrastructure to improve information quality and quantity during students' time at school. ENROL is already helping to faster identify students who have not re-enrolled, allowing them to be located and supported in their return to a suitable education setting earlier.

Truancy

- 7.9 The Education Act 1989 provides the power to prosecute parents for not ensuring their children are attending school. These powers have been actively used as part of the Student Engagement Initiative, with the aim of reinforcing to parents/guardians their obligations to ensure their children attend school. The Ministry of Education contracts truancy services to locate individual students who are either not enrolled, or truant, and supports them to return to school. Police Youth Aid Officers are also involved, as partners in local truancy prevention initiatives, to work with truants and their families.

School exclusions, stand downs and suspensions

- 7.10 As the Committee noted in 2003, concern exists in the high number of students disengaging from school early, either through stand down, suspension, exclusion, expulsion, truancy, or non-enrolment. This problem has disproportionately affected Māori, and more recently, Pacific Island children and young people.
- 7.11 The Education Act 1989 requires a school to notify the Secretary of Education when students are excluded (students under 16) or expelled (students over 16). The Secretary must find a school in which an excluded student can be re-enrolled and has powers to direct the re-enrolment of a student who has been expelled.

Early leaving exemptions

- 7.12 Early leaving exemptions are approved by the Ministry of Education and enable students under 16 to leave school legally. Since 2007, the Ministry of Education has actively managed the issuing of early leaving exemptions, reducing the number of those approved by 50 percent from 4,000 to 2,000.

Student Engagement Initiative

- 7.13 Since 2001, concerted effort and resources have been dedicated to reducing the numbers of students disengaging from school early, with a particular focus on Māori. A range of approaches and actions have been initiated under the Student Engagement Initiative to specifically address this issue, including the Suspension Reduction Initiative and an active use of enforcement provisions under the Education Act 1989 to reduce truancy. Initially 65 schools with high Māori suspension rates, high numbers of early leaving exemptions, or high rates of truancy were targeted. An additional 78 schools became part of the initiative from 2002 to 2007 including some primary schools, while others that successfully reduced and maintained a low suspension rate, moved out of the initiative. In 2007, 91 schools were actively involved.
- 7.14 The Ministry of Education annually monitors these initiatives in partnership with schools. Targeted initiatives under the Student Engagement Strategy have had a significant impact in reducing students' early disengagement from school, with 2007 figures showing reductions in the rates of suspensions, stand downs, exemptions and truancy. However, Māori continue to be disproportionately represented in all categories of disengagement. Complementary strategies are being applied to ensure improved retention and achievement for Māori; these are discussed below.

Schools Plus

- 7.15 In April this year government announced a new initiative called Schools Plus. It seeks to ensure that all students remain engaged either in school, or in some other form of training or education until the age of 18. Currently up to 30 percent of students leave before the age of 17, many without attaining a NCEA Level 1 qualification. Māori students leave school earlier than other students, and are less likely to leave with qualifications.
- 7.16 The initiative actively seeks to reduce student disengagement numbers by creating a range of alternative learning pathways, including vocational learning at an earlier age (youth

“Make [school] work more fun so that students will want to do it”. [Male, 16, Schools Plus Consultation, group meetings hosted by the Ministry of Youth Development, 2008]

apprenticeships), and/or training and education opportunities to under-18 year olds in full-time work. National consultation on Schools Plus has just been completed, and included seeking young people's views. Government is now considering a range of responses including legislative changes, professional development of teachers and improved pathways for students.

Initiatives to encourage Māori

- 7.17 Increasing the success of Māori in all aspects of education, from early childhood to life-long learning, remains a key priority for government. This is to be achieved through a range of initiatives that include: lifting Māori participation in quality early childhood education, compulsory and tertiary education; improving the capability of schools to better meet the needs of Māori students; supporting Māori language teaching in schools, and in bilingual and immersion settings; and recruiting more Māori teachers through increasing the availability of scholarships (TeachNZ).
- 7.18 Over the reporting period a number of significant initiatives have been put in place, the most recent being the 2008 launch of Ka Hikitia – Managing for Success, a strategy for Māori education for 2008 – 2012 (see below). Māori students (160,660 students) comprise around 22 percent of the total student population. By 2020, it is estimated that approximately 40 percent of all primary school children, and 35 percent of all secondary school children, will be of Māori and/or Pacific descent.
- 7.19 There is evidence that a number of previously negative indicators (including retention and achievement) are starting to change. A number of highlights include:
- between 1995 and 2006 the proportion of Māori 16 year olds still in secondary school rose from 72.4 percent to 80.6 percent
 - the proportion of Māori students leaving school with no qualifications fell from 33.4 percent in 1999 to 21.8 percent in 2006
 - the proportion of Māori school-leavers who left school without achieving NCEA Level 1 qualification dropped from 44 percent in 2006 to 35 percent in 2007
 - the percentage of Māori students entering directly into formal tertiary education from high school rose from 31 percent of school leavers in 1998 to 51.2 percent in 2005
 - the percentage of Māori school leavers with a university entrance qualification doubled between 2001 and 2006, from 7.4 percent to 14.8 percent.
- 7.20 The Ministry of Education's comprehensive Ngā Haeata Mātauranga - the Annual Report on Māori Education, 2006/07 sets out in detail significant statistical profiles of Māori participation and achievement in education, with data covering most of the reporting period. Kura kaupapa Māori (and kura teina) are schools that teach using Te Reo Māori. In 2006 there were 6,125 Māori students attending these schools.
- 7.21 The initiative Whakaaro Mātauranga seeks to encourage a more positive image of Māori in education through a public information campaign Te Mana Ki te
- "I feel that we need to keep our thinking caps on in creating strategies to make sure children can succeed in education by giving the right tools, the right funding as well as the professional support so that more students can attend school."
[Te Kerei Moka, (17 and 23 years old) New Zealand representative in 2002 and 2007 at the United Nations General Assembly Special Session on Children: Commemorative High Level Plenary Session 2007]*

Taumata, (Get There with Learning). The initiative aims to increase expectations of educational success and achievement among Māori, the community and education providers, by modelling success and achievement and highlighting career choices available through education.

Ka Hikitia – Māori Education Strategy

- 7.22 Ka Hikitia – Managing for Success: The Māori Education Strategy (2008 – 2012) was developed to focus government, school and teacher practice on lifting the achievement of Māori students through an evidence-based, outcome-focused approach.
- 7.23 Ka Hikitia sets out priorities, goals, actions, targets and outcomes for Māori students over the next five years, and draws together evidence of successful approaches to Māori education. The key elements of the strategy include better supporting the professional learning and capability of educators, responsible and accountable professional leadership, high-quality Māori language education, family, whānau and iwi engagement in education, and government agencies working together.

Pacific students

- 7.24 New Zealand has a significant and growing Pacific population with its own particular educational needs. Pacific students now constitute 9.3 percent of the New Zealand school population, an increase from 7.6 percent in 1997. New Zealand has developed a Pacific Education Plan to ensure the success of Pacific peoples' education. The Plan is designed to help ensure that Pacific children and students receive high-quality education from early childhood to tertiary education. Focusing on the long term, the plan offers a co-ordinated approach compared to past ad hoc initiatives. The Plan recognises that Pacific peoples must be supported to take charge of solving many of the problems themselves, in partnership with government and education providers.
- 7.25 Between 1998 and 2006, the percentage of Pacific students leaving with little or no formal achievement fell from 27.4 percent to 12.2 percent. The proportion of Pacific students leaving school qualified to attend university increased from 11 percent in 1998 to 16.8 percent in 2006, although this is still below the overall rate of 36.3 percent for all school leavers.

Addressing behavioural problems

- 7.26 Schools and families can call on special education services for children and young people with severe behaviour difficulties. The government has focused on ensuring special education services are better co-ordinated and responsive to the needs of students and families. Special education provides extra assistance, adapted programmes or learning environments, and specialised equipment or materials to support children and young people and help them participate in education. Special education support includes specialist teachers, health professionals and Ministry of Education specialists. All schools receive a grant called the Special Education Grant and access school-based resource teachers called Resource Teachers: Learning and Behaviour.
- 7.27 School settings available to students with special education needs include mainstream classrooms, special schools and special education classes within mainstream schools. A child's parent or caregiver has the right to choose which school setting their child attends.

- 7.28 The National Education Guidelines require schools to provide a safe physical and emotional environment. Schools develop behaviour-management policies and procedures to be followed by staff and students. The new Curriculum was launched late in 2007 and includes core competencies such as Managing Self and Relating to Others.
- 7.29 Schools are responsible for managing low-level disruption and “moderate” behaviour which impacts on learning. There is additional funding and support available for teachers, including over 700 resource teachers who can assist with students who have learning and behavioural difficulties. In 2007, the Ministry of Education launched the Interim Response Fund and a website which provides up-to-date information and resources on behaviour issues including bullying. Additional initiatives to combat bullying were announced in July 2008.
- 7.30 There are three national residential schools for children with severe behaviour problems, and two residential schools for students with severe learning, behavioural and/or emotional needs. These schools provide programmes that have a consistent approach to behaviour across the school and residential services. Students are not enrolled at these schools for their entire schools career – the aim is to re-integrate each student back into his or her local school and community as soon as is feasible.

Counselling in schools

- 7.31 Counsellors are available in some secondary schools and a number of primary and secondary schools have a range of support services, including health workers, social workers, youth workers and other such professionals. They are all bound by their professional code of ethics or professional association rules, which include maintaining confidentiality (except if abuse is suspected).

Conduct disorder/severe antisocial behaviour

- 7.32 In 2007, government published the Inter-agency Plan for Conduct Disorder/Severe Antisocial Behaviour, managed by the Ministry of Social Development. This plan outlines action areas for a comprehensive and effective approach to managing and treating behavioural difficulties. Over the next four years the focus will be on ensuring existing services are evidence-based and follow best-practice interventions. A comprehensive behavioural service for three to seven year olds will be established. A group of experts has been set up to advise on best practice in these areas. An inter-agency group will consider the recommendations, review current provisions and propose new and upgraded interventions by the end of 2009. Indicators to monitor the overall effectiveness of the Inter-agency Plan are being established.

EDUCATION GENERAL

- 7.33 The New Zealand education system provides for diversity in schooling options and includes public, private and integrated schools. Further diversity of schooling is provided in certain areas by 73 Kura Kaupapa Māori schools (compared with 59 in 1999). Kura Kaupapa Māori are state schools in which Māori language, culture and values predominate and in which the principal language of instruction is Māori. Forty-six state special schools provide specialist

education services for children with special education needs. Home schooling is available to parents who want to educate their children at home, provided they maintain a standard of education equivalent to that of a registered school.

Early childhood education

- 7.34 Participation in education and training from an early age is important for children and young people, and New Zealand invests significantly in ensuring that children and young people have maximum opportunities to participate. Most under-fives are enrolled in some form of early childhood education, or child care, and participation has increased significantly in recent years. Over 94 percent of children attend early childhood education before beginning school (up from 92 percent in 2002 when this data began). Initiatives to increase participation include:
- twenty hours of free early childhood education introduced for three and four year olds in July 2007. These hours are available to all parents regardless of income
 - the Early Childhood Discretionary Grant Scheme, an annual allocation of grants to eligible community-based groups. The scheme accords priority to those communities with significantly lower early childhood education participation rates than the national average. Funding for this initiative has risen from \$0.5 million in 200/2001 to \$6.2 million in 2007/2008.
 - the Ministry of Education's Promoting Participation Project that targets communities with low early childhood education participation and facilitates access to quality services. The project was developed in 2000 and first implemented in 2001 with ongoing funding of \$2.8 million per annum.

EDUCATION, INCLUDING VOCATIONAL TRAINING AND GUIDANCE (article 28)

- 7.35 New Zealand recognises education in its broadest sense. Over the reporting period, there has been increased recognition of the importance of all levels of education and training, and that vocational pathways are as important as formal academic training. This is reflected in the time and money the government is investing in initiatives aimed at encouraging young people to participate in education and training, and assisting them to make a successful transition from these into work.

Vocational initiatives

- 7.36 Since 2000, there has been a focus on improving vocational opportunities for young people to reduce their risk of 'dropping out', making better links with employment opportunities and encouraging those already disengaged from school to re-enter school or an alternative form of training. In addition, there has been a significant investment in career guidance including new initiatives to improve students' and families' access to information so that they can make informed choices about further education and training.
- 7.37 Youth Training offers foundation-level training to young people under 18 who have left school with few or no qualifications. It is a fully funded, full-time programme (up to 52 weeks) administered by the Tertiary Education Commission and mainly provided by Private Training Establishments. Trainees are expected to be able to progress to further education or into

employment within two months of completing the courses. There were 11,350 youth trainees in 2006, 46 percent of whom were Māori.

- 7.38 The Gateway project is delivered to students at secondary school and is a vocational- based initiative designed for students interested in a particular industry. Students spend one day a week in their workplace where they are assessed and can obtain credits that count towards an industry qualification. In the year to 31 December 2006, approximately 6,680 young people of whom 2,068 were Māori, participated in Gateway.
- 7.39 A new initiative called Modern Apprenticeships was introduced in 2000 and expanded over the following years. It involves work-based learning for young people involved in industry and enables them to gain a qualification. Employers receive support from a co-ordinator to help manage the apprenticeship. The programme is targeted at 16 to 21 year olds who are able to meet the industry's entry requirements and are ready to start working towards a NCEA Level 3 or 4 qualification. As at July 2006 there were 5,490 under-18 year olds involved in the programme.
- 7.40 Youth Apprenticeships is a vocational training programme aimed at assisting young people with low or no secondary school qualifications, to continue with further education, or move into work. Youth apprenticeships is being trialled in 20 schools in 2008 and rolled out to a further 100 schools in 2009. The Tertiary Education Commission is also piloting a post-placement support programme for trainees who have undergone Youth Training.

Designing Careers

- 7.41 Designing Careers was an initial step towards improving career planning for all schools, ending in 2006. Designing Careers laid the groundwork for 'Creating Pathways and Building Lives', or CPaBL, a new programme led by the Ministry of Education and supported by Career Services. CPaBL was initiated in 2007 in 100 secondary schools nationwide, and \$7.6 million over two years has been allocated for its implementation.
- 7.42 CPaBL supports schools to work with their young people to provide them with comprehensive and holistic careers advice and guidance. Each school has a 'school team' tasked with developing and implementing an effective school-wide career education plan that is recognised in the school's governance and reporting arrangements. The school team includes the Principal, any careers staff, a Career Services representative and an advisor from School Support Services (a unit of the Ministry of Education responsible for promoting teachers' professional development). School teams are linked to local Youth Transition Services, the Tertiary Education Commission and the New Zealand Qualifications Authority.

Youth Transition Services

- 7.43 The Youth Transition Services is funded by the Ministry of Social Development and implemented in partnership with the Mayors' Taskforce for Jobs. It is designed to connect with young people and to encourage and support them in thinking about their futures. The goal is to have all 15 to 19 year olds in work, education or training, or other activities that contribute to their long-term economic independence and well-being. Youth Transition Service works with local providers giving support to young people through further education, training or other activities. Many of the young people who have used the service have been supported into quality career and training opportunities, returned to school or tertiary education.

The Mayors' Task Force

- 7.44 The Mayors' Task Force initiative provides government funds for collaboration between central and local government aimed at providing one-year projects with training, education and work outcomes for youth, in particular those aged between 15 and 19 years. These projects predominantly involve local government cadetships and vocational mentoring as well as transitional services.

AIMS OF EDUCATION (article 29) WITH REFERENCE TO QUALITY OF EDUCATION

- 7.45 Government has provided significant additional investment into education, through increasing teachers' salaries (across the board) and providing for ongoing professional development. In addition they have invested in more teachers so that classroom sizes can be reduced. This includes recent funding being invested to ensure that all new entrant classes have a teacher-pupil ratio of no more than one to fifteen. This investment is considered essential so that new entrants can be given the best start, and their learning needs attended to immediately, with appropriate supports put around children who may need additional assistance such as reading recovery.

International benchmarks

- 7.46 Participation in international studies provides New Zealand with benchmarks for comparing our system with those of other countries, and is also a rich source of evidence for developing education policy. The programme of international assessment (PISA) is undertaken every three years and New Zealand is one of 57 countries taking part in this cycle which focuses on scientific literacy but also assesses reading and mathematical literacy. The results of the 2006 survey were released in December 2007 and New Zealand students were ranked seventh out of the 57 countries taking part.
- 7.47 Overall reports indicate that New Zealand is performing as well as, or better than, many other countries in education. The State of Education in New Zealand (2007) which pulls together indicators on participation, achievement, effective teaching, labour market outcomes and resource levels shows that New Zealand is making good progress.

Curriculum

- 7.48 In November 2007, a new curriculum for primary and secondary schools was released providing guidance for schools as they design and review their curriculum delivery. The curriculum complements the new assessment framework for secondary schools.
- 7.49 The new curriculum is outcome-focused and moves away from detailed subject prescription. It sets out a comprehensive and positive vision for children and young people's learning. The vision is underpinned by five key competencies (thinking, using language, symbols and texts, managing self, relating to others, participating and contributing) to support eight learning areas (English, the arts, health and physical education, learning languages, mathematics and

statistics, science, social sciences and technology). There is a parallel document, Te Mātauranga ō Aotearoa, providing the same guidance and framework for Māori-medium schools. Although they come from different perspectives, both start with visions of young people who will develop the competencies they need for study, work and lifelong learning and go on to realise their potential.

- 7.50 The curriculum was developed following a 2000 review of the 1992 curriculum and substantive consultation that included discussions with over 15,000 people including students, teachers, parents and the wider community. Over 10,000 written submissions were received on the draft in 2006. Implementation of the curriculum enables schools and wider communities to tailor education delivery to reflect the interest and needs of students and their wider community and students. Delivery is supported with ongoing professional development for teachers.

National Certificate of Educational Attainment (NCEA)

- 7.51 Another significant change in the education sector during the reporting period has been the introduction of the National Certificate of Educational Attainment (NCEA) for students in Year 11 to Year 13. NCEA can be gained in three levels; students usually work towards NCEA Level 1 in Year 11, Level 2 in Year 12, and Level 3 in Year 13. However, NCEA is very flexible and students may study at a mix of levels during a year.

“If you don’t get NCEA [at school] then at least you have another chance to get qualifications” [unknown, Schools Plus Consultation, group meetings hosted by the Ministry of Youth Development, 2008]

- 7.52 NCEA is about assessing what students know. Students are assessed against pre-set standards. These standards stipulate what a student must be able to demonstrate in order to meet the standard. This means NCEA assessment results explain what a student can do.
- 7.53 In the past, assessment was based on ranking students, where a set proportion of the more highly ranked students passed. After ranking and scaling, there was no guarantee that those who passed knew the subject in sufficient depth, nor that those who failed did not, rather it showed that some students knew more than others did.
- 7.54 Standards are assessed through internal or external assessment. Internal assessment is undertaken at school through different tasks, for example, essays, exams set by teachers, and experiments.
- 7.55 External assessment is undertaken once a year, through national exams sat in November and December. A few externally-assessed standards, such as graphics, require each student to submit a folio or collection of work.

Gifted children

- 7.56 Responsibility to meet the needs of gifted students lies with individual schools. In 2005, government amended the National Education Guidelines to require schools to demonstrate how they are meeting the needs of their gifted and talented learners, as they are required to do for students who are not achieving, who are at risk of not achieving, and who have special needs.
- 7.57 To support this change, a range of professional supports has been put in place:

- in-depth professional development through School Support Services advisors
- a handbook – Gifted and Talented Students: Meeting their Needs in New Zealand Schools
- a range of online and hard-copy materials, including resources on Te Kete Ipurangi and the Ministry of Education website
- research into effective approaches to meeting the needs of gifted and talented learners.

7.58 The Funding Pool for Developing Gifted and Talented Students takes applications from clusters of schools, and not-for-profit community groups and national organisations who are working to facilitate the learning needs of groups of students who exhibit characteristics of giftedness or talent.

The literacy and numeracy strategy

7.59 Government has a number of initiatives in place to improve child and adult literacy. These are organised under the Ministry of Education's Literacy and Numeracy Strategy. The Literacy and Numeracy Strategy sits alongside the Ministry's Adult Literacy Strategy, Pacific Literacy Strategy and Te Reo literacy strategy.

7.60 The Literacy and Numeracy Strategy does not comprise a single, discrete literacy project. Instead, the strategy acts as a device to provide alignment and consistency for a range of policies, programmes and projects all focused on improving literacy achievement.

7.61 The strategy provides a common set of evidence-based principles to underpin policies and practice. Three key themes have been used as an organising framework. They are:

- raising expectations for learners' progress and achievement
- lifting professional capability throughout the system so that everyone plays their part in ensuring that the interaction between teacher and learner is as effective as possible
- developing community capability – encouraging and supporting family, whānau and others to help learners.

7.62 The emphasis of the strategy is on both:

- improving first practice, because the most appropriate and effective literacy programme for most learners is an everyday classroom programme that purposefully integrates all aspects of literacy learning
- ensuring that specific interventions for learners with specific, well-identified needs beyond the classroom are timely, appropriate, and well-supported back in the classroom programme.

7.63 The Literacy Professional Development Project (LPDP) began in March 2004. The LPDP has a focus on improving teacher content knowledge in literacy, pedagogy and practice, and building effective professional learning communities. The project provides schools with an evidence-based professional development programme which aims to improve student learning and achievement in literacy. A total of 288 schools (3,288 teachers) have participated in the project to date. Schools work within the project for two years.

7.64 An independent evaluation of LPDP was commissioned and undertaken by the New Zealand Council for Educational Research (NZCER) in collaboration with the University of Canterbury. The final evaluation report was received by the Ministry in August 2007. Overall, the

evaluation finds that the gains in reading and writing achievement by students from schools in the LPDP were greater than could be expected for those schools without the intervention.

The Pacific literacy initiative

- 7.65 The Pacific Literacy initiative, launched in December 2000, is focused on achieving the goals of the Pacific Education plan across the school sector and is an integral part of the Literacy and Numeracy Strategy.
- 7.66 While it was initially targeted at raising Pacific student achievement, schools involved in the programme have been able to involve other ethnic/language communities in co-operative, collaborative partnerships.
- 7.67 Given the success of the programme the original folder of materials has been re-designed as an inclusive model for all schools to use in developing and strengthening the Home-School Partnership Programme described below.

The Home-School Partnership Programme

- 7.68 The Home-School Partnership Programme aims to raise student's achievement within the New Zealand curriculum, by training teams of teachers and parents to deliver sessions for parents and families. These sessions will empower them to help their children to develop their language and learning skills. All members of the school community are kept informed and are involved with the programme. This helps to develop a mutually beneficial partnership between home and school.
- 7.69 The teachers learn about the children's language and culture and how to incorporate this prior learning in school programmes. The parents learn the school culture, its processes and expectations.
- 7.70 The programme was evaluated by the New Zealand Council for Educational Research. The focus of the evaluation was concerned with four key aspects of the Home-School Partnership Programme:
- how schools went about implementing the programme
 - the nature of the partnerships between parents/whānau and schools that have evolved as a result of the programme
 - the literacy impacts of the programme on students, parents' understandings, and teachers' literacy programmes
 - issues concerning sustainability of home-school partnerships in schools that have completed the programme.
- 7.71 The successes of the programme on literacy were:
- eighty percent of schools reported parental involvement had a positive impact on children's opportunities to learn
 - approximately three quarters of the surveyed schools reported that it had a minor positive impact on students' engagement, attitudes, confidence and literacy achievement.
- 7.72 In spite of the promising findings, there are still some challenges within the programme to bring about greater literacy impacts. These were identified as:

- increasing parents' confidence to engage with session leaders about their home literacy practices
- shifting teachers' thinking so they realise the importance of learning from parents about children's home literacy experiences and practices
- increasing teachers' abilities to incorporate students' out-of-school literacy experiences into classroom programmes and practices.

Te Tere Auraki – Māori in mainstream

- 7.73 Te Tere Auraki - Māori in Mainstream – captures the wider development of evidenced-based frameworks that explore, and make explicit, the key dimensions of quality teaching for diverse students. This research and professional development strategy is focused on improving teaching and learning for Māori students in mainstream schools.
- 7.74 The four discrete but overlapping professional development strands of work co-ordinated by the strategy are:
- **Te Mana Kōrero** – professional development packages and workshops facilitated through School Support Services
 - **Te Kotahitanga** – Years 9 and 10 research and professional development project
 - **Te Kauhua Māori in Mainstream** – professional development project
 - **Te Hiringa i te Mahara** – developing Māori secondary teacher capability and addressing workload.

Education Review Office

- 7.75 The Education Review Office is a government department whose purpose is to evaluate and report publicly on the education and care of students in schools and early childhood services. It is an integral part of the steps taken to ensure the delivery of quality education for all children.
- 7.76 The Education Review Office findings inform decisions and choices made by parents, teachers, managers, trustees and others, at the individual school and early childhood level, and at the national government level. The Office carries out different types of reviews - education reviews of individual schools, home school reviews, cluster reviews of education institutions and services, and national evaluations of education issues. It also provides contract evaluation services. Findings are made widely available.
- 7.77 In addition to regular, local level reviewing of individual schools, a number of reviews have national implications and inform policy development. Examples over the reporting period include reviews on the effectiveness of teaching (and learning) for teen parents in teen parent units, Māori (in mainstream schools), Pacific Island and home-schooled students. Curriculum topics that have been reviewed and require further consideration as a result, include the effectiveness of sex and drug education in schools.
- 7.78 Student participation in school decision making was reviewed with recommendations that schools have more formal processes in place to facilitate more, and a wider range of student participation. All secondary school boards of trustees are now required to have a student representative.

REST, LEISURE, RECREATION AND CULTURAL ACTIVITIES (article 31)

Rest, leisure and recreation

- 7.79 Sports and recreation facilities are provided by schools and in community settings where they are managed by either local authorities or charitable organisations. A number of local councils have developed specific policies aimed at children and young persons and are involved in projects that focus on providing social and recreational activities for youth. Youth information networks have also been initiated by some councils to provide information about events, opportunities, funding and support for young people.
- 7.80 Sport and Recreation New Zealand (SPARC) is the Crown Entity responsible for sport and recreation. SPARC was established on 1 January 2003 under the Sport and Recreation New Zealand Act 2002. The previous functions of the Hillary Commission, the New Zealand Sports Foundation and the policy arm of the Office of Tourism and Sport were incorporated into the new organisation.
- 7.81 SPARC provides leadership in research and policy development and implementation. It provides advice, guidance, and support to schools and sporting organisations and nurtures talented individuals. It has recently run a successful social marketing campaign, 'Push Play', to encourage physical activity and participation. SPARC is also a substantial contributor to Mission-On – a broad-based package of initiatives which give young New Zealanders and their families the tools to improve their nutrition and increase physical activity.
- 7.82 The Department of Conservation encourages New Zealanders to participate in conservation activity and to use the facilities they provide to enjoy the outdoors. From July 2008, hut and campsite fees for children and young people aged under 18 are free on New Zealand's nine Great Walks, reducing the cost for families wanting to walk New Zealand's National Parks. This initiative improves access to the outdoors, and implements the government's wider work to tackle obesity, foster recreation and tourism, and enhance the time working people have to spend with their families.

FACTORS AND DIFFICULTIES

- 7.83 International studies show that New Zealand students continue to perform well when compared with students in other countries. However, there is a group of students who continue to under-achieve compared with their peers: 22 percent of Māori still leave school with little or no formal attainment. The government recognises this ongoing challenge, and as detailed above is committed to addressing the education needs of Māori students and their whānau.
- 7.84 Although most New Zealand school students are actively engaged in their learning, educators are challenged by the need to engage all students, including disruptive, truant and gifted students, as well as those with serious behavioural issues and special needs.

PART 8 SPECIAL PROTECTION MEASURES

CHILDREN IN SITUATIONS OF EMERGENCY (articles 22, 38 and 39)

CRC/C/15/Add.2.16: Para 46

The Committee recommends that the State party continue its efforts to integrate refugee children into society and undertake an evaluation of current programmes, in particular language training, with a view to improving their effectiveness.

Measures to support the integration of refugee children into New Zealand society

- 8.1 The Department of Labour (Immigration) is reviewing aspects of the refugee resettlement policy as a work item under the New Zealand Settlement National Action Plan. The review's purpose is to provide a common direction (at national level) to support ongoing collaboration by government agencies, local government, non-government organisations and communities, in refugee resettlement. It also aims to progress better refugee resettlement outcomes. The review recognises the absence of end-to-end sector co-ordination, leadership and accountability, and an inconsistent approach among stakeholders to refugee resettlement in New Zealand. It seeks to address these issues by improving service provision, co-ordination and administrative efficiencies.
- 8.2 The review recognises that refugee youth and children can face additional resettlement challenges to those faced by adult counterparts, to which policy and services must be responsive. Unaccompanied children resettled under the refugee quota programme are placed under the care of Child, Youth and Family.
- 8.3 A Settlement Interdepartmental Committee (IDC) of senior officials was convened in 2006/2007 and provides a quarterly forum for government agencies to co-ordinate refugee (and other migrants) policies and service delivery.
- 8.4 The Department of Labour's Workforce Research and Evaluation team is undertaking a programme of research on migrant and refugee youth settlement and social inclusion. This programme aims to build a picture of migrant and refugee youth in New Zealand and to identify factors which facilitate or act as barriers to settlement and social inclusion. Two projects in this research programme have recently been completed. The first is an annotated bibliography of New Zealand literature on migrant and refugee youth, summarising the themes emerging from the research and identifies main gaps. The second report is entitled 'The Experiences of Migrant Youth: a 'Generational Analysis' and is part of the larger International Comparative Study of Ethno-cultural Youth. This report provides a generational analysis of migrant youth experiences and, where appropriate, comparisons between migrant and national youth.
- 8.5 In 2003/2004, the government initiative 'Settling In' was announced in response to longstanding issues inhibiting good settlement outcomes in New Zealand, as identified by refugee and migrant communities. The project aims to assess refugee and migrant communities' social needs and lead inter-sectoral work to address those issues based on a rights and strengths-based approach. It works directly with members of the refugee and

migrant community to help them find solutions to their own needs by building knowledge and capacity.

- 8.6 The principal focus of the project is on refugees and migrants and the interface between their communities and the wider host community. It draws on expertise of the local co-ordinators who have a broad knowledge of community development and excellent inter-sectoral networks and relationships.
- 8.7 'Settling In' operates in eight New Zealand regions, providing flexibility to deal with the unique regional settlement needs given differing community demographics, existing opportunities, and networks and services within those areas. This is achieved by harnessing existing resources, supporting relationships across all sectors and supporting communities to participate in a more meaningful way. A number of the regions have youth-focused projects or projects that involve children within the context of their families.

Language training

- 8.8 In 2004, the level of English as a Second Language (ESOL) funding for students from migrant and refugee backgrounds significantly increased, from \$14.274 million in 2004/5 to \$24.242 million in 2007/8. During the reporting period, a five-year entitlement to ESOL support has been phased in for all migrant and refugee students. These increased funding levels recognise the importance of more intensive language training provision for migrant and refugee students in their first years in New Zealand schools. The longer period of eligibility recognises research findings that consolidating the necessary language for learning may take at least five years. Higher rates of funding for secondary school students acknowledges the added challenges of learning new skills across a range of curriculum areas.

CHILDREN IN ARMED CONFLICTS (article 38), INCLUDING PHYSICAL AND PSYCHOLOGICAL RECOVERY AND SOCIAL REINTEGRATION (article 39)

Age of recruitment into the armed services

- 8.9 It is prohibited by statute for any person younger than 17 years of age to be recruited into the Armed forces. Section 33(1) of the Defence Act 1990 was amended in 2001 and states: 'No person who is under 17 years may be appointed to, or enlisted or engaged in, the Navy, the Army or the Air Force'. Further detail is provided in Part 10.

International commitments

- 8.10 New Zealand has been at the forefront of international efforts to negotiate a new convention that would prohibit cluster munitions that cause unacceptable harm to civilians, within the framework known as the Oslo Process. Children are disproportionately represented among cluster munitions victims, as they are more likely to be attracted to the often colourful and interesting design of the unexploded sub-munitions. According to the UN, children on average make up 40 percent of all civilians killed or injured by cluster munitions.
- 8.11 Reflecting the humanitarian concerns that we have with cluster munitions, New Zealand hosted an international conference of the Oslo Process in February 2008, which succeeded in

advancing discussions on a draft convention text. The key outcome of that Conference was the Wellington Declaration, which reinforced the political commitment to negotiating a new convention. Negotiations for a new convention were finalised in Dublin where the Diplomatic Conference for the Adoption of a Convention on Cluster Munitions was agreed on 30 May 2008.

CHILDREN IN CONFLICT WITH THE LAW (articles 37, 39 and 40)

Juvenile justice

CRC/C/15/Add.2.16: Para 50

The Committee reiterates its recommendation contained in paragraph 21, and further recommends that the State party:

- (a) Ensure the full implementation of juvenile justice standards, in particular articles 37, 39 and 40 of the Convention as well the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and in the light of the Committee's discussion day on the administration of juvenile justice in 1995 (CRC/C/69)
- (b) Ensure the availability of sufficient youth facilities so that all juveniles in conflict with the law are held separately from adults in pre- and post-trial detention
- (c) Undertake a systematic evaluation of the use of family group conferencing in juvenile justice.

THE ADMINISTRATION OF JUVENILE JUSTICE (article 40)

The rights of children alleged to have, or recognised as having, committed an offence

8.12 In response to the new Evidence Act 2006, Police have developed guidelines for officers questioning young people, to ensure their rights are upheld. All officers have also been issued with an updated 'rights' card that advises young people of their rights. A new information sheet has also been prepared for the adult that the youth nominates to accompany them in any interview.

Rehabilitation

8.13 Youth units (see below for more information) are purpose-built to cater for the special needs of youth in prisons, providing a structured and supportive environment, which is normalised as much as is possible in a prison setting.

8.14 Prison Services has specific operating policies and procedures for staff working in a youth unit, which are subject to audit and review. The policies and procedures aim to reduce re-offending among youth by providing access to a range of educational, vocational, psychological and recreational activities.

- 8.15 Non-core programmes and activities (for example parenting skills, life skills, art, music) are available as appropriate to the prisoners' needs, local conditions and available funding. The units provide various vocational training across the sites such as joinery, motor mechanics, catering and other work skills. Units provide physical fitness training at no cost. Youth units meet the Department of Corrections responsibilities under the Education Act 1989 requiring all under 16-year olds to be involved in full-time education. Sixteen to 19 year-olds may also undertake secondary education if they so choose.

Enhancing provision of Family Group Conferences

- 8.16 Family Group Conferences are a crucial element of Child, Youth and Family practice. Strategies to enhance practice and performance in this area are ongoing.
- 8.17 In early 2007, reporting lines for the Family Group Conference Co-ordinators changed, bringing them into the mainstream management line. This was designed to enhance the youth justice practice and process by removing barriers to collaboration, enhancing joint decision-making and improving integration across staff. Changes are also underway to establish a central co-ordinating point for complaints from those participating in Family Group Conferences. This will provide a clearer picture of gaps in the system and opportunities for improvements.
- 8.18 Given that victims' voices are a central component of the Youth Justice Family Group Conference, it is important to ensure victims feel able to attend. The Children, Young Persons and Their Families Amendment Bill (No. 6) seeks greater consideration of victims' needs in the Family Group Conference process.

Research

- 8.19 New Zealand's second periodic report referred to planned pieces of research focusing on measuring outcomes for young offenders. The completed research [appended] is as follows:
- *Police Youth Diversion: Final Report*, This research describes Police processes in different New Zealand locations and analyses the effect of aspects such as offence characteristics, offending history and age on the type of diversion they receive (Family Group Conference, diversion or warning).
 - *The Impact of Police Responses to Young Offenders with a Particular Focus on Diversion*, This report provides a summary of research on Police diversion in New Zealand, including information about re-offending levels after different types of intervention, as well as interviews with young people about their experiences of Police diversion. Overall the report shows that intervening lower in the system leads to less re-offending.
 - *Diversionary Policing of Young People in New Zealand: A Restorative Approach*, This report gives figures for the number of young people exclusively dealt with by the Police, and the number referred to court or Family Group Conference, and focuses on warnings and developing a diversionary plan over a 10-year period.
 - *Achieving Effective Outcomes in Youth Justice*: This cross-departmental research project identified factors associated with effective outcomes in the youth justice system, and assessing the extent to which the goals of the Children, Young Persons and Their Families Act 1989 were being met. The research confirmed the importance of providing early interventions, building positive relationships in both the school and family environment; diverting young people from appearing in the Youth Court; keeping the

severity of outcomes at the lowest level possible; and undertaking family group conferences.

CHILDREN DEPRIVED OF THEIR LIBERTY, INCLUDING ANY FORM OF DETENTION, IMPRISONMENT OR PLACEMENT IN CUSTODIAL SETTINGS (article 37)

- 8.20 Charges against those aged between 14 and 17 are laid in the Youth Court. Most young people will then be dealt with under the youth justice system, which cannot impose sentences of imprisonment. Only those under 17 who are charged with murder or manslaughter (they are automatically transferred to the adult jurisdiction) and others who have been transferred from the youth jurisdiction for other serious offending, can be imprisoned in facilities for adults. The majority of youth offenders under the age of 17 are accommodated under measures provided for in the Children, Young Persons and Their Families Act 1989.
- 8.21 Children and young people can be admitted to a Child, Youth and Family residence when they have been: arrested by the Police; remanded in custody by the Court; ordered by the Youth Court placing them in a residence for three months (Supervision with Residence Order); or sentenced to imprisonment. The majority (912) spent fewer than 99 days in a residence. The average length of stay for this group was 43 days.
- 8.22 The Department of Corrections runs four specialist units for young offenders within four 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. Remand prisoners are also sometimes housed temporarily in other prisons where Court appearances require it.
- 8.23 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 the older women, or kept separate from the older women if the risk of mixing outweighs the isolating effects of separation.
- 8.24 As discussed earlier, New Zealand is a party to the UN Convention against Torture and therefore does not practise Capital Punishment.

CHILDREN IN SITUATIONS OF EXPLOITATION, ABUSE AND NEGLECT INCLUDING PHYSICAL AND PSYCHOLOGICAL RECOVERY AND SOCIAL REINTEGRATION (articles 32 – 36 and 39)

CRC/C/15/Add.2.16: Para 48

The Committee recommends that the State party expedite the ongoing process of reviewing and strengthening legislation protecting all persons under the age of 18 who are employed, and encourages the State party to ratify ILO Convention No. 138.

Economic exploitation, including child labour (Article 32)

- 8.25 New Zealand's existing policy and legislative framework provides for effective age thresholds for entry into safe work (see Part 1).

DRUG ABUSE (article 33)

- 8.26 The Police have been active in developing and promoting drug education programmes aimed at school children, young people, their schools and parents/caregivers. Drug education programmes are subject to independent evaluation and then re-written to incorporate evaluation recommendations. The latest to be evaluated was the Choice (pre-user) programme evaluated by Victoria University in 2007.
- 8.27 The Christchurch Youth Drug Court offers an example of therapeutic jurisprudence which aims to facilitate better service delivery to young people to reduce offending, including treatment for their alcohol and other drug dependency. The scheme has:
- facilitated early identification of young offenders with alcohol and other drug dependency that contributes to their offending
 - reduced time delays in service delivery and facilitated immediacy of response
 - facilitated more effective inter-agency co-ordination
 - monitored young people more closely to facilitate their treatment process.
- 8.28 While the evaluation of the Christchurch Drug Court showed that re-offending was reduced, similar outcomes were achieved by young people subject to normal Youth Court processes.

SEXUAL EXPLOITATION AND SEXUAL ABUSE (article 34)

Child prostitution.

- 8.29 The Prostitution Reform Act 2003 decriminalised prostitution in New Zealand and continued and expanded the criminal sanctions for using children and young people in prostitution. Sections 20 – 23 of the Act prohibit under-18 year olds from being used in prostitution. Any offence in breach of these provisions is punishable by a term of imprisonment.
- 8.30 Child, Youth and Family works closely with the Police in situations where young people under 17 years are identified or suspected of engaging in underage prostitution, and they will address care and protection concerns.

Sexual abuse images on the internet

- 8.31 The Censorship Compliance Unit in the Department of Internal Affairs proactively investigates the distribution of images of child sexual abuse on the internet. Information is provided to other jurisdictions through multilateral and bilateral arrangements for prosecuting offenders, and identifying and rescuing victims.

SALE, TRAFFICKING AND ABDUCTION (article 35)

- 8.32 On 19 July 2002, New Zealand ratified the United Nations Convention against Transnational Organised Crime and its supplementary Protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol); and the Protocol against the Smuggling of Migrants by Land, Sea and Air (Smuggling Protocol).
- 8.33 New Zealand enforcement authorities have yet to uncover any evidence or indication of people trafficking despite a number of investigations by both Police and Immigration officials. However, New Zealand continues to develop a plan of action to prevent people trafficking. It aims to develop and enhance international and domestic processes for prosecuting people traffickers and assisting trafficking victims. This work is being led by an inter-agency working group.
- 8.34 New Zealand has amended the Crimes Act 1961 to prohibit and criminalise sexual exploitation and related trafficking and to impose a maximum penalty of up to 20 years imprisonment, a fine not exceeding \$500,000, or both. Further provisions criminalise dealing in people under the age of 18 years for sexual exploitation, removal of body parts or engagement in forced labour. These provisions came into force on 14 June 2006.

CHILDREN LIVING OR WORKING ON THE STREET

- 8.35 Although there are thought to be some homeless children on the street, there is very little evidence of the numbers concerned, and research has been commissioned recently on young people at risk of homelessness. Reception centres are available to protect children without a safe place to go. These centres provide safe, short-term accommodation for children and young people in the youth justice system and/or in need of care and protection, and are picked up by the Police after-hours and at the weekend. The centres supervise children and young people until their family is located and/or the home situation is made safe, or until a longer-term placement can be found.
- 8.36 Access to income for under-18 year olds may be available through income support, such as the Independent Youth Benefit, Invalids Benefit or Emergency Maintenance Benefit, if they meet the criteria.

FACTORS AND DIFFICULTIES

- 8.37 Offending by young people is of great concern to New Zealanders, and there is perception that serious and violent offending by young people is increasing. Latest Ministry of Justice statistics on youth offending point to an increase in violent offending by 14 to 16 year olds but crime rates have decreased overall for this group. Despite the decrease in offending, crime rates remain too high and more can be done to bring offending rates down further. The government remains committed to ensuring our young people who come in contact with the justice system and their families, are supported to help them stop further re-offending, and to achieve positive outcomes for them and their families.

- 8.38 A collaborative approach is already underway across several government initiatives and projects to assist young people to turn their lives around. Improving outcomes for young people is, however, difficult and time-consuming work that requires significant, long-term investment and collaboration across a range of groups and government agencies. It needs to include action across all life stages and in all domains of the young person's life, including their family members and the wider community.
- 8.39 As New Zealand's population ages, there will be an increasing demand placed on the youth population to provide both economic and social support. Ensuring our young people are well-placed to contribute positively in the economic and social life of New Zealand is vital.
- 8.40 Issues of youth offending are linked to wider social concerns such as poverty, disengagement from school, inadequate housing, unemployment, lack of social and coping skills, family violence and substance abuse. By reducing risk factors and building protective factors to help children resist risky and anti-social behaviour, we are emphasising a strengths-based approach. This approach includes a range of services and activities. Some of these are family-focused, participatory (e.g. holiday activities, after-school activities, community projects, mentoring and volunteering), empowering, educative, and focused on problem-solving. Many of the interventions to address the risk factors and strengthen the protective factors are already happening through, for example, Family Start and Social Workers in Schools.

PART 9 DISABILITY

CRC/C/15/Add.2.16: Para 40

The Committee recommends that the State party ensure that adequate human and financial resources are allocated to implement the New Zealand Disability Strategy, in particular those aspects relating to the integration of children with disabilities into mainstream education and other aspects of society.

Overview

- 9.1 New Zealand considers that it is more appropriate to deal with the issues relating to children with a disability in one place in this report.
- 9.2 Considerable progress has been made with implementing the New Zealand Disability Strategy in the period since the last report. Agencies are required to report annually on their achievements to progressively realise the vision of the Strategy that New Zealand is a society “that highly values our [people with impairments] lives and continually enhances our full participation”. Implementing the Disability Strategy has led to a shift away from associating disability with ill-health to a focus on what persons with a disability can do.
- 9.3 A number of important achievements should be noted that contribute to young persons with disabilities’ lives. Some of these achievements include:
- a dedicated Minister for Disability Issues (2000) and an Office for Disability Issues (2002) that operate within the Ministry of Social Development
 - New Zealand ratified the Convention on the Rights of Persons with Disabilities in September 2008
 - in October 2006, the last of the institutions for people with physical and intellectual disabilities was closed, meaning that persons with disabilities live in the community like other New Zealanders
 - **The Disabled Persons Employment Promotion Act** was repealed in 2007, giving disabled people access to the same employment conditions, rights and entitlements as other New Zealanders
 - In 2006 sign language became an official language of New Zealand under the **New Zealand Sign Language Act (the Act)**. This Act recognises the language and culture of the Deaf community and gives Deaf people a right to use New Zealand Sign Language in legal proceedings giving them better access to the justice system and other government processes
 - Deaf, hearing-impaired and speech-impaired New Zealanders can now use standard telephone services. In 2004, the Telecommunications Relay Service was set up nationally to provide a service based around text phones and relay assistants to complete calls. Work is now under-way to trial a video component to this service so that deaf people will be able to make telephone calls using New Zealand Sign Language, with the services of an interpreter.
- 9.4 Objective 13 of the New Zealand Disability Strategy focuses specifically on enabling “disabled children and youth to lead full and active lives”. It outlines the actions that agencies will take to ensure that children and young people with disabilities are integrated into society as a whole.

This objective reflects the view that disabled children achieve better outcomes when they attend mainstream schools and are integrated with their non-disabled peers.

- 9.5 Since the 2001 Disability Survey, the proportion of children participating in mainstream classes has increased significantly between 2001 to 2006. Eighty-eight percent of children with disabilities, aged five to fourteen years, attended only mainstream classes in 2006, compared to 74 percent in 2001.
- 9.6 The following activities by the Ministry of Education are contributing to the achievement of objective 13:
- **Better Information to Address Barriers to Learning** – seeks to help children achieve improved learning outcomes (including social and cultural outcomes) by providing classroom resources to enable teachers to identify and address barriers to learning
 - **Resources for parents, carers, and teachers to improve learning for children and young people with Autism Spectrum Disorders (ASD)** – this includes an evidence-based Guideline for Autism Spectrum Disorder, emphasis on early interventions, information and education for parents and carers, and ongoing professional development for teachers and other professionals
 - **Better Outcomes for Children Action Plan 2006 – 2011** – to raise achievement and improve services for children eligible for special services through Group Special Education
 - **Professional development of the Special Education workforce** – to enhance capacity and capability of the workforce, including study awards, workforce planning and contracts to ensure training is accessible
 - improving access to Out-of-School Services for disabled children by developing a five-year action plan to ensure these services are reliable, conveniently located and accessible. Improving access to such services will increase disabled children's opportunities for participation and social inclusion, and increase support and choices for their families.

Education initiatives – supporting children and young people into mainstream education

- 9.7 The Education Act 1989 gives people who have special educational needs the same rights to enrol and receive education at State schools as people who do not have such needs. In 2000, a new system of resourcing special education in schools was fully implemented. This is based on the principle of allocating equivalent resourcing for similar levels of need, regardless of disability type or educational setting. Since 2000, resourcing for special education has increased by \$448 million (or a 50 percent increase) as the system is refined and improved. Every school receives a special education grant as part of its operational funding. This is to be used to support children's and young people's special education needs within the school.
- 9.8 The **Ongoing and Reviewable Resourcing Schemes (ORRS)** provide specific resources for the small group of school students throughout New Zealand who have the highest need for special education. This resource is additional to standard staffing allocations and operational grants.
- 9.9 Some students require intervention from specialists and specialist teachers to adapt the New Zealand Curriculum content because of their rate and/or style of learning. Other students

simply need equipment/technology (e.g. hearing aids) and/or specialised teaching strategies (e.g. signing).

- 9.10 The Ministry of Education requires all students receiving ORRS funding to have an Individual Education Plan (IEP). An IEP sets out the student's individual learning programme and the cycle of assessment, planning, provision and evaluation surrounding a student's learning. The Ministry strongly recommends that all other special education needs students have an IEP.
- 9.11 There are established services to support teachers who have students with vision impairment. These services include Resource Teachers Vision, Developmental Orientation and Mobility specialists, Ministry of Education special education teams and associations that will assist in providing information and resources.
- 9.12 Most Deaf and hearing impaired students are in regular early childhood education centres and local schools. There are support services and equipment available to help these students access the curriculum. Guidelines on using New Zealand Sign Language in the New Zealand Curriculum were released by the Ministry of Education in 2007. They set the direction for teaching and learning New Zealand Sign Language.
- 9.13 Attention has also been paid to addressing the needs of students with disabilities in transitioning from education to employment. Sixty-five organisations have been contracted from 2008 to provide transition services for disabled young people from over 300 secondary schools around the country. Eligibility for transition funding for very-high-needs students has been lowered from age 21 to the minimum school leaving age (16) so that students can make the transition to the adult world at an age which is appropriate to them.

Review of long- term disability support

- 9.14 An interdepartmental review of support available to people with disabilities was prompted in 2007 by concerns about inequities in support for disabled people. In March 2008, the government endorsed the review's recommendations, which sought greater emphasis on holistic approaches to disabled people's needs, and more effective tailoring of services to meet those needs. It also emphasised the importance of early support for families with disabled infants and children.

Children in care

- 9.15 Most children or young people in New Zealand who have a disability are able to live with their parents or, failing that, in an alternative family setting. Even if a child or young person with a disability is in the custody of the Chief Executive of the Ministry of Social Development, in most cases they would not be put into 'residential care', but instead placed into an alternative family setting. There are very few children or young people with disabilities in New Zealand who are in an institutional setting because of their disability.
- 9.16 Agreements for out-of-home care of disabled children are governed by the Children, Young Persons and Their Families Act 1989. The Act provides for agreements to be a maximum of two years, but may be extended by a family group conference agreement. There are proposals to reduce the maximum length of an agreement to one year to provide for a more regular review of these placements.

- 9.17 These agreements are funded through the Ministry of Health's Needs Assessment and Service Co-ordination service (NASC). Disability support provision follows on from the NASC assessment, and is reviewed six monthly.

FACTORS AND DIFFICULTIES

- 9.18 Significant progress has been made to integrate children and young people with disabilities into the education system, and for their health needs to be more adequately met. There will always be issues around sufficient resources and their effective and fair allocation. There has been a significant increase in funding for special education services in recognition that costs are high and that rules associated with some more specialised funds do not sufficiently address or meet the users' needs.
- 9.19 Mainstreaming and de-institutionalisation have been major milestones in New Zealand's history. Reporting on, and monitoring of, the Disability Strategy has facilitated positive and noticeable changes across a range of areas however there will always be room to improve. Evidence is clear that children and young people with disabilities face additional challenges at various transition points. Ensuring that children and young people with disabilities receive all the opportunities accorded others, are matters that need to be continually monitored and addressed.

PART 10 OPTIONAL PROTOCOLS TO THE CONVENTION ON THE RIGHTS OF THE CHILD (OPAC)

FOLLOW-UP: CONCLUDING OBSERVATIONS ON 2ND PERIODIC REPORT

CRC/C/15/Add.2.16: Para 52:

The Committee recommends that the State party ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

- 10.1 New Zealand has signed the Optional Protocol to the Convention on the Sale of Children, Child Prostitution and Child Pornography, and has taken significant steps towards ratification over the reporting period. A number of legislative amendments have been made or are planned to enable ratification of the Protocol.
- 10.2 The Films, Videos and Publications Classification Amendment Act 2005 came into effect on 22 February 2005. Offences and penalties under the Act will assist compliance with the Protocol's requirements regarding child pornography. The Crimes Amendment Act 2005 implemented the necessary legislation to ratify the Protocol's requirements regarding child prostitution and the sale of children. The Evidence Act 2006 has drawn together the statutory provisions and common law rules of evidence into one comprehensive Act, providing better protections for children giving evidence in sexual abuse cases.
- 10.3 One further legislative amendment is required before the Optional Protocol can be ratified which is the addition of a new offence of improperly inducing consent as an intermediary, for the adoption of a child. This is intended to be progressed as part of a broader review of adoption laws.

FOLLOW-UP: CONCLUDING OBSERVATIONS ON INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

Use in hostilities

CRC/C/15/Add.2.16: Para 5

The Committee recommends that the State party amend the Defence Force Order to expressly prohibit active service in and outside of New Zealand by soldiers under the age of 18.

- 10.4 The Defence Force Orders for Personnel Administration (DFO 4) have been amended to expressly prohibit active service, both within and outside New Zealand, by members of the Armed Forces who are under the age of 18 years. Specifically, paragraph 2.11 of DFO 4 states:

“Service members are not to be posted on active service unless they have reached the age of 18 years. In addition, Service members under 18 years of age are not to be posted on operational service outside New Zealand.”

10.5 In addition, section 37 of the Defence Act 1990 has been amended by deleting the word 'overseas' from the heading and now states that no person serving in the Armed Forces who is under 18 years is liable for active service.

10.6 The effect of these amendments is to ensure that members of the New Zealand Defence Force (NZDF) who have not reached the age of 18 years do not take a direct part in any hostilities, irrespective of whether the deployment meets the definition of active service or not.

Voluntary recruitment

CRC/C/15/Add.2.16: Paras 7 & 8

The Committee recommends that the State party amend the Defence Act and the Guardianship Act to specify a minimum age of voluntary recruitment of 17 years for all persons. The Committee further recommends that the State party consider the possibility of increasing the minimum age for voluntary recruitment to 18 years.

With regard to incentives for recruitment, and in light of the fact that a significant proportion of new recruits in the armed forces come from the cadet forces, the Committee requests the State party in its next report to include information on the cadet forces, in particular on how the activities of the cadet forces accord with the aims of education as recognized in article 29 of the Convention and in the Committee's general comment No. 1, and on recruitment activities undertaken by the armed forces within the cadet forces.

10.7 In 2001, Section 33(1) of the Defence Act 1990 was amended and sets the minimum age of appointment, enlistment or engagement at 17. A minimum age of recruitment of 17 years has also been provided for in the Care of Children Act 2004 (which replaces the repealed Guardianship Act 1968). This prohibits the recruitment of any person under 17 years of age into the Armed forces.

10.8 The possibility of increasing the age of recruitment to 18 has been considered and rejected for the reasons given to the Committee in New Zealand's initial report of 15 July 2003. In reviewing the age of recruitment, the New Zealand Defence Force has determined that the age of voluntary recruitment should remain at 17. In coming to this decision, the following factors were taken into account:

- recruitment in the Armed Forces has offered young people, particularly from lower socio-economic groups, the opportunity to succeed in an environment where all recruits start on an equal footing. Ground level entry and skill development provided by the Armed Forces is often not readily available on the same level elsewhere in New Zealand
- raising the minimum age to 18 years could disadvantage school leavers who wish to take up indentured trades within the Armed Forces, therefore preventing minors from having a right to pursue the career of their choice. There is, therefore, the risk of losing those school leavers to other areas of employment or study which do not impose age restrictions
- since 2002, over 1700 under-18 year olds have enlisted in the regular forces. A move to restrict recruiting to those aged 18 years or older would prevent an average of 24% of potential recruits from joining the Armed Forces.

- 10.9 In maintaining the minimum age of recruitment at 17 years, the New Zealand Defence Force has worked to strengthen the safeguards that ensure such recruitment is not forced or coerced. As well as stating the minimum age for recruits, Chapter 2 of Defence Force Orders for Personal Administration requires that:
- reliable proof of age be provided
 - recruitment be genuinely voluntary
 - personnel under the age of 18 be fully informed of the duties involved in military service
 - service members are not to be posted on active service until they have reached the age of 18 years
 - service members are not to be posted on operation service outside New Zealand until they have reached the age of 18 years.
- 10.10 The New Zealand Cadet Forces (NZCF) is a voluntary youth training organisation. It is not part of the NZDF, but is directed by the Chief of the Defence Force (CDF) on behalf of the Minister of Defence. It is also supported by the NZDF in partnership with the community. The organisation aims are to:
- foster a spirit of adventure and teamwork, and to develop those qualities of mind and body essential for good citizens and leaders
 - provide challenging and disciplined training activities, which will be useful in either service or civilian life
 - promote an awareness of the Armed Forces and the role they play in the community.
- 10.11 These aims are accomplished by activity and practical-based training programmes undertaken in a secure and safe environment which emphasises personal development through acquiring skills and achieving goals. While the NZCF is not an educational organisation, or provider of education per se, the aims and values of the organisation and the Code of Behaviour under which all cadet activities and training are conducted, is entirely consistent with and in accordance with the principles of Article 29 of the Convention.
- 10.12 The suggestion that a significant portion of recruits into the Armed Forces are from the NZCF is an overstatement, but unfortunately statistics are not available to quantify the statement either way. Anecdotally, the figure is around the 20% level. While a number of cadets do go on to join one of the Services, recruitment for the NZDF is not one of the aims of the NZCF. However, Armed Forces recruiters do, when requested by cadet units, visit when in the local area to provide presentations and information on careers available in the Services.

Assistance for physical and psychological recovery

CRC/C/15/Add.2.16: Para 9

The Committee requests the State party to provide information in its next report on refugee and migrant children within its jurisdiction who may have been involved in hostilities in their home countries and on the assistance provided for their physical and psychological recovery and social reintegration.

- 10.13 Refer to Part 8 on refugee and migrant children for services the government provides for them.

Training/dissemination of the Optional Protocol

CRC/C/15/Add.2.16: Para 10

The Committee recommends that the State party undertake systematic education and training on the provisions of the Convention for all relevant professional groups, in particular military personnel. In addition, the Committee recommends that the State party make the provisions of the Optional Protocol widely known to children, through, inter alia, school curricula.

- 10.14 Leaders and managers in the New Zealand Cadet Forces go through a training module specifically on UNCROC during the Advanced Leaders Course. In addition, the Cadet Forces and the NZDF's Directorate of Legal Services are in the final stages of developing a detailed training module for all cadets on the Laws of Armed Conflict, UNCROC and the Optional Protocol. Specific information on the Optional Protocol is not generally provided to children, however information on rights are.
- 10.15 All personnel in the Armed Forces are instructed and assessed on the Laws of Armed Conflict. This training syllabus includes sections on UNCROC and child soldiers. All personnel are required to pass assessment, which is one of the prerequisites to completing basic training.

Dissemination of documentation

CRC/C/15/Add.2.16: Para 11

In light of article 6, paragraph 2, of the Optional Protocol, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the State party consider publishing the report, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organisations.

- 10.16 Full copies of UNCROC, the Optional Protocol to UNCROC on Armed Conflict, all received copies of the Committee comments and concerns and all New Zealand reports are available on the Ministry of Youth Development website. These can be accessed through www.myd.govt.nz and www.uncroc.govt.nz.
- 10.17 A list of interested non-government organisations and individuals are distributed hard copies on request and when new information comes available, including receipt of Committee reports. In addition NZDF personnel receive copies of relevant material during training on the Laws of Armed Conflict as do New Zealand Cadet Forces.

GLOSSARY

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

Benefit: a non-repayable grant paid by the state to individuals, usually at regular intervals, to provide them with financial support. Examples are the Unemployment Benefit, for job-seekers, and the Domestic Purposes Benefit, for those who are unable to work due to care-giving responsibilities for children or other dependents. Most benefits in New Zealand are paid through Work and Income.

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

Diversion: Diversion is a scheme which provides an opportunity for New Zealand Police to deal with some offences and/or offenders without going through formal court prosecution. Diversion involves an offender agreeing to fulfil certain conditions in exchange for the charges being withdrawn. The charges are withdrawn only once the conditions have been fulfilled. The benefit of this scheme is that it provides an incentive for non-recidivist offenders involved with low level offending to be punished and take responsibility for their actions without receiving a conviction.

Early Leaving Exemption: an exemption from compulsory schooling (usually mandatory to age 16) on the grounds of emotional or behavioural problems, granted by the Ministry of Education to parents or guardians of students aged 15 years and over. The applicant is required to give details about training programmes or employment that the student would move on to in the event of the exemption being granted.

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

English speakers of other languages (ESOL) - learners who are identified as still in the process of acquiring English as a second language; they may not speak English at all or, at least, do not speak, understand, and write English with the same facility as their classmates because they did not grow up speaking English.

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 hapu is a division of a Māori iwi often translated as 'sub-tribe'. Membership is determined by genealogical descent; a hapu is made up of a number of whānau (extended family) groups.

Inactivity (Not in Employment, Education or Training or NEET): “not engaged in employment, formal or informal education, training or care-giving duties”. There are many ways of characterising inactivity, and some identify at-risk young people better than others. The nature of young people’s transitions between education and employment, and between different jobs in the early part of a career, means that at any one time, a proportion of the youth population will be “inactive”. Inactivity only becomes a risk factor for long-term negative outcomes when it is prolonged or when the inactive young person is not well-prepared to engage in employment, education or training.

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.

Kaiāwhina: Helper or worker

Kaupapa Māori: has a specific Māori theme or focus.

Kura: School.

Kura Kaupapa Māori: are state schools in which Māori language, culture and values pre-dominate and in which the principal language of instruction is Māori.

Kura Teina: An applicant school accepted into the preparation and assessment process for establishment as a Section 155 (of the Education Act) kura kaupapa Māori. Each kura is an off-site satellite unit of, and is mentored by, an existing kura Kaupapa Māori called a kura tuakana.

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

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

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

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

National Certificate of Educational Achievement (NCEA): the main national qualification toward which young people first earn credits as part of their compulsory schooling. Level 1 of the NCEA represents the first qualification earned by most young people, being assessed in Year 11 of their compulsory schooling (age about 15).

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

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

Pacific peoples/Pacific Islander/Pasifika/Polynesian: 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: 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.

Private Training Establishments: non-state-owned tertiary institutions offering a wide range of academic and, in particular, vocational studies, many of which are registered to provide qualifications on the National Qualifications Framework.

Tamariki Māori: Māori children.

Te Reo: the Māori language.

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

Wānanga: Māori tertiary training institutions.

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 are used for the purposes of this report, they refer to those aged 12-18 years.