

## VICTIM CHILD - SHAME ON NEW ZEALAND

*A second Rotorua child - a 12 week old baby is in Starship Hospital with suspicious head injuries. Last week a 3 year old was flown to the children's hospital in Auckland with serious head and abdominal injuries, allegedly caused by months of abuse, which included being put in a tumble dryer (NZ Herald 30 July)*

*We are committed to ensuring that New Zealand is a great place to bring up children and that all young people are able to reach their full potential (Plus Five, Government response to "A World Fit for Children, June 2007).*

### 1. INTRODUCTION

The Second topic chosen for this series of reviews based on the action areas in "New Zealand's Agenda for Children" is action area 4 "Addressing violence in children's lives" The opening words in this action area are:

*"The Agenda for Children aims to address violence in children's lives. This includes child abuse, sexual abuse, witnessing family violence, violent offending by young people, bullying and victimisation, discrimination such as racism and sexism and lack of personal safety in neighbourhood and community"*

What forms of violence are children in New Zealand subject to?

The Families Commission's *Families Voice* Issue 7 June 2007 has under an article "preventing violence" the following:

*"We asked what sort of actions constituted family violence and the list was long, with members (Couch members) agreeing that things like yelling, swearing, humiliating, kicking, biting, hitting, threatening with a weapon, unwanted or forced sexual contact, throwing, smashing, hitting or kicking things were all acts of family violence"*

### 2. AGENDA FOR CHILDREN

*The body of an 18 month old girl was found dumped at Parua Bay, Northland. A 30 year old woman was charged with abandonment of a child.*

Included in the text is a list of "actions underway":

- Crime reduction strategy
- Prevention of family violence
- Services for at risk children
- Prevention of child abuse

- “Building tomorrow” website
- Education on avoiding physical punishment of children
- Reduction of youth offending

Surprisingly, and somewhat shamefully, is the fact that the “look to the future” section of the Agenda for Children concentrates almost solely on bullying. While bullying is important the lack of specific focus on other areas of violence to children was regrettable.

In the 5 years since the Agenda was launched there have been the inevitable “disappearing strategies” and “new directions” and tracking and reporting on the implementation and impact of the “actions underway” is an enormous task. This paper simply identifies some of the action currently being undertaken by the government and society to address the protection of children.

### **3. A SIGNIFICANT ACHIEVEMENT REPEAL OF SECTION 59 CRIMES ACT 1961**

*A 10 year old girl was left distressed and crying after her mother slapped her at least five times during an argument about a baby’s nappy change. The mother admitted she’d starting drinking at 8 am*

Since World War II, the formation of the United Nations has seen steady progress in enacting numerous conventions to set the scene for an understanding, implementation and monitoring of human rights. In recent years violence to children has received attention. In the 2003 UN Committee on the Rights of the Child recommended to the government that Section 59 of the Crimes Act be repealed to remove the statutory defence available to parents who applied corporal punishment to children. Thanks to Sue Bradford’s Private Members Bill, some unique parliamentary rapport, much lobbying from EPOCH NZ and many others the amending legislation has been passed and is now in effect. There is a definite need for much education of parents and caregivers about the new law and about positive alternatives to physical discipline. The impact of the law and its interpretation by the courts also need to be monitored.

### **4. THE CURRENT SITUATION**

*.....the beatings, administered with several weapons, including a baseball bat, were sparked by incidents such as the 3 year old soiling his pants( NZ Herald extract from article on sentencing for death of Ngatikauri Ngati)*

Where violence to children is concerned we cannot say with any confidence that there has been a reduction of the amount of violence to children in the last five years or that services to assist their rehabilitation

are adequate. Until use of illegal drugs is substantially reduced, social inequity removed, gangs involved in crime disbanded, domestic violence reduced, attitudes changed, adequate resources allocated, and interdepartmental coordination improved there is little hope for clear evidence of children's lives becoming less violent.

So what do we know about how we are doing?

### ***INNOCENTI REPORT***

Report Card 7 under the title "An overview of child well-being in rich countries" issued by UNICEF IN 2007 has under Dimension 2 Health and Safety ranked New Zealand **24<sup>th</sup>** (Australia **14<sup>th</sup>**) out of **25** (USA **25<sup>th</sup>**) countries. Note these places use data around 2002/3. Looking at Figure 2, NZ stands out in a dreadful light. The three factors used were:

- Health: infants dying before age 1 (ignoring abortions by definition) and low birth rate
- % of children 12-23 months immunized
- deaths from accidents 0-19

Figure 2.1a shows NZ **22<sup>nd</sup>** (Australia **16<sup>th</sup>**) of **25** places for infant mortality rate. In respect of deaths from accidents under 19 years NZ ranked **24<sup>th</sup>** (Australia **17<sup>th</sup>**) of **24** countries.

### ***SOCIAL REPORT 2006***

Page 104 addresses number of children under age 15 who have died as a result of intentional injury. In the 5 years 1999/2003 38 children died as a result of maltreatment down from 50 in the previous 5 year period, a noticeable reduction in the previous 15 year period. The most vulnerable age is 0-4 with male children 100% more exposed than female. Maori children for the 1999/2003 period were 100% higher risk than non Maori.

Road casualties are of concern with road injuries age under 15 years at 130 per 100,000 population raising to 793 per 100,000 for 15-24 year bracket, with average at 352 for all ages. Deaths are **3.5** under 15, **22.3** age 15-24 with an average of **9.9** for all people per 100,000. There has been a dramatic decline over 20 years, which is heartening.

The 2007 report is due to be published.

### ***CHILDREN AND YOUNG PEOPLE: INDICATORS OF WELL BEING***

This report issued in December 2004, includes data on care and support pages 42-47 and safety, pages 65-74. In respect of child abuse the figures for 1997-2003 are given in five age blocks and in the key ages 0-14 the rate at

around 7 per 1,000 is showing increases since 2001. The initial notifications to CYF have risen dramatically in recent years. Increased reporting does not necessarily reflect increased child abuse rates because it may only reflect increased awareness and willingness to report (2005 was in the region of 53,000).

In respect of Intentional injury mortality rate, these increased substantially in 1986-90 period and average out around 10 deaths per year at 2000. In respect of bullying 30% of children interviewed stated they had been bullied in school in 2001, with 7% being bullied once a week. This was before texting!

## 5. POLICY WORK

*A two year old Waiuku girl as admitted to Starship Children's Hospital with skull fractures and died two days later.*

### **CONVENTION ON THE RIGHTS OF THE CHILD WORK PLAN**

The Convention has a long list of articles relevant to violence to children

<b><u>Article</u></b>	<b><u>Protection</u></b>
3	Best interests of the child
6	Inherent right to life/ survival and development
9	Separation from parents/ abuse or neglect
16	Privacy/honour/reputation
19	Physical or mental violence/injury or buse/neglect/maltreatment/ Sexual abuse within family; programmes for support/prevention
33	Protection from narcotic drugs/psychotropic substances/trafficking
34	Sexual exploitation/sexual abuse/prostitution/ pornography
35	Sale and traffic of children
36	Other forms of exploitation
37	Cruel, inhuman or degrading treatment or punishment; deprivation of liberty, humane treatment/access to assistance
38	Measures for physical and psychological recovery & reintegration

In their 2003 Concluding Observations the UN Committee made observations and made recommendations, as numbered:

- 13. The relationship between Office of the Commissioner for Children (and their resources) and Human Rights Commission needs to be defined.*

The unspoken issue is that both organisations use their skills to carry out either through investigation or enquiries the protection of children. It will be difficult to judge how successful they are at achieving their aims.

17. *Collection of disaggregated data to ensure policy and programmes are effective.*

One of key difficulties of understanding the issues affecting children is the different age blocks used by Government departments and the lack of detail to hone in on specific areas.

19. *Systematic training of all professions dealing with children.*

The issue here is with the capability of handling children and their rights in difficult circumstances. No evidence has been produced to address the response to this issue.

23. *Removal of discrimination.*

Risk factors for Maori and Pasifika children remain much higher than for the all children.

24. *Removal of racial discrimination.*

This repeats comments under 23 above.

26. *Care of children bill, and other legislation to hear the voice of children.*

When written the bill was not law but is legislation. The Evidence Act has been written to respect the rights of children.

28. *Expand services to assist victims of abuse/ programmes to prevent abuse.*

No evidence is available to show increase in resources.

30. *Ban corporal punishment, and provide education for non physical correction*

As expressed in Paragraph 3 this has been addressed through new legislation. There is a need for continuous education, such as the SKIP programme.

32. *Improve quality of social workers and provision/resources of services; periodic review for all children in care to protect their interests.*

No evidence available.

- 36b. *Address high rates of infant mortality and injury.*

No improvement.

38a. *Youth suicide.*

Showing some recent reduction.

52. *Ratification of Optional Protocol for sale of children, child prostitution, and child pornography.*

Signed in 2001, awaiting changes to Adoption Act.

The Ministry of Development includes some (but not all) of these areas in its Five Year Work Programme in response to the Committee's observations and recommendations.

<u>UN COMMITTEE Recommendation</u>	<u>MYD Action area</u>	<u>UN COMMITTEE Recommendation</u>	<u>MYD Action area</u>
13	-	17	15
19	20	23	9, 15
24	-	26	-
28	13, 24	30	7
32	13	36b	16
38a	28	52	27

The MYD website with detail is: [www.myd.govt.nz](http://www.myd.govt.nz) *select* Rights

### **MAKING IT HAPPEN**

The NGO response to Agenda for Children published six months after the Agenda for Children identified four key areas:

- ✓ Evaluation of Te Rito: NZ Family Violence Prevention Strategy
- ✓ Increased support for children traumatised by violence and neglect
- ✓ Repeal of Section 59 Crimes Act
- ✓ Reduce children's exposure to violence in media

### **SUSTAINABLE DEVELOPMENT FOR NEW ZEALAND PROGRAMME OF ACTION**

Issued in 2003 this deals with Investing in Child and Youth development in pages 23-26. On page 25 it addresses children and violence and proposes on page 26 seven areas to be addressed, all of a general nature with no timescales or funding suggestion.

## **CARE AND PROTECTION BLUEPRINT 2003**

This is a 40 page document which opens up as “a strategy for enhancing the services provided to children and young people who are at risk of, or who have suffered from abuse and neglect”.

- takes a broad view of the care and protection community, from primary services aimed at improving child wellbeing through to ‘core’ child protection services
- reflects the underlying principles of the Treaty of Waitangi, the Children, Young Persons, and Their Families Act 1989 and the United Nations Convention on the Rights of the Child
- responds to key issues facing the care and protection community
- is focused on building on the strengths of the care and protection community
- is consistent with other cross-sector strategies such as *Te Rito - New Zealand Family Violence Prevention Strategy*, the *Youth Offending Strategy* and *New Zealand’s Agenda for Children*.

## **PROTECTING OUR INNOCENCE 2006**

Subtitled “a Stocktake of the National Plan of Action against Commercial Sexual Exploitation of Children”. Another 40 page document, setting out five years experience. The Introduction contains the following second paragraph:

*“New Zealand is a State Party to the United Nations Convention on the Rights of the Child (UNCROC). The mandate for the Plan of Action can be found in Articles 34, 35 and 39 of the Convention. Articles 34 and 35 state the need to protect children from child prostitution, child pornography and from being trafficked for sexual purposes. Article 39 creates an obligation on state parties to take all appropriate measures to promote the physical and psychological recovery and social reintegration of child victims. These themes have been incorporated into the Plan of Action under thirteen objectives.”*

Link: [www.justice.govt.nz](http://www.justice.govt.nz) – search “stocktake”

Pages 34-39 set out the 13 objects. There are 40 activities, with a lead agency for each and a stage status showing 9 completed, the remainder “ongoing”.

## **TASKFORCE FOR ACTION ON VIOLENCE WITHIN FAMILIES-THE FIRST REPORT JULY 2006**

The vision is quoted as “all families and whanau have healthy, respectful, stable relationships, free from violence”. Four areas of action are identified:

1. Leadership
2. Changing attitude and behaviour

3. Safety and accountability
4. Effective support services

Page 32 lists some disturbing statistics:

In 2005, Women's Refuge supported 17,212 women and 9,904 children.

In 2005, 29 of 61 murders were family related.

Between 2004/5, CYF received 53,097 notifications of which 43,460 needed follow up. Updates are available at [www.msd.govt.nz](http://www.msd.govt.nz)

The New Zealand Family Violence Clearinghouse is an outcome of the programme and a source of information: [www.nzfvc.org.nz](http://www.nzfvc.org.nz)

## **OPTIONAL PROTOCOL FOR THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

The UN Committee in 1997 urged the Government to sign and ratify this Protocol. The document was signed in 2001. Several pieces of important legislation have been enacted but 10 years later it is still not ratified. In 2006 the government was to review legislative requirements. Later advice was given that the Adoption Act needed to be reviewed. This has been under review for 10 years and still no progress. Now advice has been received that the Evidence Act 1908 needs to be amended. It is difficult to understand why the government, which in several respects seems serious in protecting children, has not ratified this convention.

## **6. CONCLUSION**

The problems that led to the 3-month old Mangere East twins (Kahui) being fatally injured are complex and need a complex solution (Tahu Kukutai NZ Herald<sup>4</sup> July 2006). Clearly when it considered New Zealand's last NGO and Government reports the UN Committee had significant concerns in regard to New Zealand's performance in regard to children's protection children from violence and their rehabilitation following violence. Statistics tell us we still have cause for concern. Policy initiatives continue to include a focus on reducing violence to children but their effectiveness is unclear.

## **ACKNOWLEDGEMENT**

Although Action for Children and Youth Aotearoa Incorporated has violence a key issue, members may not agree with particular points raised in this piece. The author is responsible for the text. He expresses his appreciation to Beth Wood for her support.

P. Shuttleworth  
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