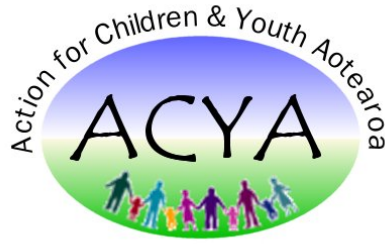


18th Session of the Human Rights Council – UNIVERSAL PERIODIC REVIEW

2nd UPR Report on Aotearoa New Zealand's Human Rights Performance

Submitted 17 June 2013

COVER PAGE



Action for Children and Youth Aotearoa (ACYA) is a coalition of non-governmental organisations, families and individuals promoting the rights and wellbeing of our children and youth through education and advocacy based on evidence and Aotearoa New Zealand's human rights commitments. ACYA was founded in 1996.

ACYA's website is <http://www.acya.org.nz>. Contact details are: Alison Cleland, ACYA Steering Committee, c/o Faculty of Law, University of Auckland, 9 Eden Crescent, Auckland, New Zealand, alison.cleland@auckland.ac.nz telephone (day) 00-64-9-373-7599, (evening) 00-64-22-0612434.

Underpinned by the values encapsulated in the UN Convention on the Rights of the Child (UNCROC), Te Tiriti O Waitangi and the wider human rights framework, ACYA promotes:

- accountability by providing reports from NGOs in Aotearoa New Zealand on Aotearoa's compliance with UNCROC to the UN Committee on the Rights of the Child (UNCRC Committee)
- understanding and implementation of UNCROC
- action on the recommendations of UNCROC Committee to Aotearoa New Zealand;
- opportunities for the participation of children and youth and for their voices to be heard

ACYA's principal work is the production and publication of Aotearoa New Zealand's Alternative NGO (non-governmental organization) Report to the UNCROC Committee on Aotearoa's implementation of UNCROC. Aotearoa ratified UNCROC 6 April 1993. The alternative reports are submitted as part of the formal periodic reporting process under Article 44 of UNCROC. ACYA most recently produced and published *Children and Youth Aotearoa 2010*, the NGO sector's third and fourth periodic report on Aotearoa New Zealand's implementation of UNCROC. The report and its working papers were presented to the Committee in Geneva, 7 October 2010.

ACYA has made numerous reports on New Zealand's compliance with other human rights treaties and on proposed legislation and policy that impact upon children. Between 2004 and 2009 ACYA was represented on the UNCROC Advisory Group to the Ministry of Social Development and most recently sits on the UNCROC Monitoring Group co-ordinated by the Office of the Children's Commissioner. All the work of ACYA is done by volunteers. ACYA receives no government funding.

In preparing this submission, ACYA has consulted with its members on the key breaches of children and young people's human rights that are of concern. This submission presents **recommendations** that address the most serious breaches of children's and young people's rights referred to by ACYA members. Many of these breaches are also referred to and discussed in the UPR submissions of other leading children's and young people's rights and welfare organisations in Aotearoa New Zealand. The recommendations are gathered together in an appendix to the submission.

Methodology and consultation process

1. Action for Children and Youth Aotearoa (ACYA) consulted with our members on issues of concern regarding children's and young people's human rights in Aotearoa New Zealand. In May 2013, supported by the Human Rights Commission, we held a workshop on the Universal Periodic Review, attended by individual and organisational members. A draft report was produced, consulted on and amended in the light of our members' comments.
2. ACYA contributed to UPR consultation meetings held by the Human Rights Commission during 2013. We work with the other members of the non-governmental sector monitoring group on implementation of Aotearoa New Zealand's obligations under the UN Convention on the Rights of the Child (UNCROC). This monitoring group was set up in February 2011 by the Office of the Children's Commissioner. The recommendations in this report have been informed by the knowledge and expertise of the other members of that group: UNICEF NZ, Save the Children NZ, Child Poverty Action Group (CPAG) and Every Child Counts.
3. ACYA asks that the Human Rights Council, in considering this report and those from other NGOs and stakeholders, accept that one of the key themes from this sector is discrimination in the realisation of human rights. In addition, we hope that the Council will question the government regarding the plight of the children and young people of Christchurch, affected by the earthquakes there.¹

Developments that affect children's and young people's human rights since previous review (2009)

4. The government of Aotearoa New Zealand has ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as recommended by 2009 UPR (3). It has made no progress on ratification of other optional protocols to UNCROC. In particular, there has been no consideration yet of ratification of the Optional Protocol on a Communications Procedure that would allow the consideration of individual complaints about breaches of UNCROC and its protocols.
5. The government of Aotearoa New Zealand has consistently indicated to the UN Committee on the Rights of the Child that it will withdraw its reservation to UNCROC which states that it can distinguish between children according to their legal authority to be in New Zealand. This reservation has not been withdrawn. The result is that many non-resident children are missing out on vital health care. This is a violation of these children's fundamental human rights to health, to development, to non-discrimination and to their right to have actions taken in their best interests. **ACYA recommends that the government immediately withdraw its reservation to the UNCROC, so that health care is provided to resident and non-resident children equally.**

¹ Please refer to Joint Stakeholder Submission on the Human Rights Impact of the Canterbury Earthquakes.

6. In August 2011, a report² published by Every Child Counts demonstrated the effects of poverty on Māori and Pasifika children. In December 2012, a report³ published by the Expert Advisory Group on Solutions to Child Poverty showed that 270,000 children are living in poverty in Aotearoa New Zealand. Despite the 2009 UPR (26) recommendation that Aotearoa New Zealand “take targeted action to eliminate the socio-economic disparities that persist among its population”, child poverty has not been tackled adequately. One conspicuous failure is the continuation of the policy that attempts to incentivise work by using a measure to alleviate child poverty which is paid to the caregiver of the children. Caregivers in low income families receive significantly more state assistance for their children when supported by paid work for the required hours and are not on a benefit. This discriminates against 230,000 children of the poorest children on the basis of their parents’ work status. This “In Work Tax Credit” is the subject of a Child Poverty Action Group challenge in the Court of Appeal
7. In 2010, Youth Justice legislation was amended⁴, to allow prosecution of children aged 12 and 13 years old in Youth Court. These children previously appeared in Family Court only. This lowering of the age of prosecution took place in the context of Aotearoa New Zealand’s refusal to raise the age of criminal responsibility from age 10 to an internationally acceptable age, despite UPR 2009 recommendation (48). Aotearoa New Zealand also breaches UNCROC by recognising young people up to age 17 only within its youth justice system, when UNCROC defines children as those up to the age of 18 years.
8. Government’s own figures⁵ indicate that police apprehension rates of Māori children and young people continue to be more than five times those of Pacific or New Zealand European children and young people. The 2009 UPR recommendation (34) that Aotearoa New Zealand should “continue efforts to ensure that people belonging to minority groups are not discriminated against in the criminal justice system” has not been implemented.
9. In 2010, a report⁶ published by the New Zealand Law Foundation and the Institute of Public Policy showed that child witnesses in criminal courts in Aotearoa New Zealand were not receiving justice. Children wait 15 months before their cases are heard and are subjected to inappropriate and forensically unsafe cross examination. Such practices indicate that children and young people who are the victims of, or witnesses to, crime – often sexually abusive crimes – are not being given the opportunity adequately to give evidence against their alleged abusers.

² Manuka Henare et al *He Ara Hou: The Pathway Forward: Getting it Rights for Aotearoa New Zealand’s Māori and Pasifika children* (August 2011, Every Child Counts), available at <http://www.everychildcounts.org.nz>

³ Office of the Children’s Commissioner *Solutions to Child Poverty in New Zealand: evidence for action* (December 2012) available at <http://www.occ.org.nz>

⁴ The principal legislation, the Children, Young Persons, and Their Families Act 1989 was amended by the Children, Young Persons, and their Families (Youth Court Jurisdiction and Orders) Amendment Act 2010.

⁵ See *Trends for Children and Young People in the New Zealand Justice System* (Ministry of Justice, Wellington, 2012) and *Youth Apprehension Rates by Ethnicity* (Ministry of Justice, Wellington, 2004)

⁶ Kirsten Hanna, Emma Davies et al. *Child Witnesses in the New Zealand Courts: A Review of Practice and Implications for Policy* (2010, New Zealand Law Foundation/Institute of Public Policy) available at <http://www.aut.ac.nz>

- 10.** Children and young people's rights to equality of opportunities, to privacy and integrity of the person and to adequate education (including human rights education) are put at risk by the Education Amendment Bill 2012. The Bill establishes a new class of publicly funded school (Partnership/Kura Hourua). These schools will be supported by public funds, yet will not be accountable in terms of expulsion, curriculum or other policies. These schools will be able to employ unqualified people as teachers. The Bill also contains provisions allowing surrender and retention of items from pupils. The operation of potentially police-like searches, undertaken by those without clear authority under the law to carry these out in schools, is a matter of deep concern.
- 11.** The Family Court Proceedings Reform Bill which is currently before Parliament will, if enacted in its present form, severely restrict children and young people's rights to participate in Care of Children Act proceedings. The reform presently provides that a lawyer for child will be appointed in only those cases where there is an issue relating to the child or young person's safety. This is a breach of UNCROC article 12, which requires that children and young people be given an opportunity to express views in all matters affecting them. The Reform Bill also contains provision for a pre-Court compulsory mediation process. There is no requirement that this process take account of the views of the children and young people whose families are involved. **ACYA recommends that the government amend the Family Court Proceedings Reform Bill to retain appointments of lawyer for child in all Care of Children Act cases and to require that children and young people's views be taken into account in all pre-Court compulsory mediation processes.**
- 12.** In March 2013, the Minimum Wage (Starting-Out Wage) Amendment Bill was passed. From May 2013, the starting-out wage, which is 80% of the adult minimum wage, may be paid: to 16 and 17 year olds for their first 6 months with a new employer; to 18 and 19 year olds who have been on a social welfare benefit for six months or more; and to 16-19 year olds who are in training and who are taking at least 40 credits in a recognised industry course. The starting-out wage is discriminatory and cannot be justified. Young people in Aotearoa New Zealand are deemed old enough to marry and to drive at age 16 and to join the armed forces at 17 and to be deployed at 18, yet they are regarded as less worthy than employees aged 20 or over, to be given the protection of the minimum wage. **ACYA recommends that the government remove the discriminatory starting-out wage and invest in training schemes for young employees and in incentives for employers to take on young employees.**

Promotion and protection of human rights on the ground: implementation of international human rights

- 13.** For children and young people's human rights to be protected, promoted and implemented, there needs to be explicit recognition of those rights in legislation, Parliamentary processes and policy frameworks. It is important for legislators, policy makers and those in positions to recognise and implement the human rights of children and young people, to acknowledge that those under the age of 18 do not vote and are

not fully recognised in terms of their capacities as citizens until they reach the age of majority – currently age 20 – in Aotearoa New Zealand.

- 14. ACYA endorses the HRC recommendation that there be full and effective incorporation of ratified international human rights instruments into domestic legislation, including through explicit statutory recognition of economic, social and cultural rights.** These rights are crucial in relation to a government’s commitment to and prioritisation of tackling child poverty. It is ACYA’s submission that continuing child poverty and the failure to deliver economic, social and cultural rights are the biggest barriers to the delivery of children and young people’s human rights. Poverty affects health and education outcomes for vulnerable children and young people and increases significantly these children’s risk of child abuse, neglect and domestic violence.
15. Aotearoa New Zealand is required under UNCROC to promote knowledge and awareness of children’s and young people rights under UNCROC. Aotearoa New Zealand accepted 2009 UPR recommendation (14) (Brazil) to accomplish progressively the goals of HRC resolution 9/12 and indicated that the State Party “is already implementing or making good progress in accomplishing all of these goals”, but little or no progress has been made on goal (f): “Adoption and implementation of programmes of human rights education, such as the World Programme for Human Rights Education, in all learning institutions, including capacity-building programmes for law enforcement professionals, in order to advance a culture of respect for human rights.” **ACYA recommends that Aotearoa New Zealand develop and implement a human rights education strategy as envisaged by the World Programme for Human Rights Education (2005-), and as recommended in 2003 and 2011 by the Committee on the Rights of the Child.** This will ensure that young people – and those responsible for supporting them – know their human rights, that development of policy and legislation is informed by a human rights approach and that decision making is consistent with Aotearoa New Zealand’s human rights obligations.
16. During the 2009 UPR New Zealand accepted recommendation 14 to accomplish progressively the goals of HRC resolution 9/12 and indicated that the State Party “is already implementing or making good progress in accomplishing all of these goals”, ie including goal (e): “Elaboration of national human rights programmes and plans of action to strengthen the capacity of States to promote and protect human rights.” Aotearoa New Zealand has no unifying, comprehensive national human rights strategy, or cross-sectoral coordination of implementation.
- 17. ACYA recommends that Aotearoa New Zealand develop and implement coordinated human rights policy and strategy (involving comprehensive data collection, indicators and targets), monitoring and reporting mechanisms (involving both governmental and non-governmental agencies) as recommended by the human rights treaty bodies.**
18. In a democratic process that does not yet provide voting rights to those under age 18, it is essential that children and young people’s rights are placed in the mainstream for policy makers and legislators. One way measurably to improve children’s lives through mainstreaming their rights is to require that green and white papers and all draft

legislation carry Child Rights Impact Assessments. **ACYA recommends that the government commit to requiring all draft policies and legislation to carry Child Rights Impact Assessments (CRIAs).** CRIAs should consider (1) whether children and young people in general, or a particular group of children and young people in particular, as disproportionate affected by the proposed legislation (2) whether there could be any unintended consequences for children and young people flowing from the proposed legislation; and (3) whether the proposed legislation is in the best interests of children and young people, particularly Māori. The use of CRIAs will require increased training and awareness of children and young people's rights, particularly in respect of policy work. This will help to mainstream children and young people's rights.

- 19.** There is no formal mechanism that currently allows treaty body reporting or concluding observations from UN bodies to be reported back to Parliament and debated. Nor is there a specific human rights select committee that enhances Parliamentary oversight and strengthens accountability on human rights matters. **ACYA endorses the HRC recommendation that the government commit to (a) formal tabling of all concluding observations from UN treaty bodies in Parliament; and (b) establishing a human rights select committee or designating an existing select committee or committees to conduct comprehensive human rights analysis of all legislation both primary and secondary.**

Identification of challenges and constraints in relation to the implementation of recommendations and the development of children's and young people's human rights

- 20.** The recommendations in the above section deal with changes to legislative, policy and Parliamentary processes that would better recognise children's and young people's human rights generally. The remainder of ACYA's recommendations deal with specific challenges and barriers to the full realisation of children's and young people's human rights in Aotearoa New Zealand.
- 21.** Child poverty is a reality in Aotearoa New Zealand. The 270,000 children and young people affected by poverty have their human rights to health, education, social security and to safe and secure upbringings detrimentally affected. **ACYA recommends that the government immediately affirms the principle of equality of treatment of all low income children in the tax benefit system and extends the In Work Tax Credit to all low income families. ACYA further recommends that the government implements certain recommendations in the Experts Advisory Group's report on Solutions to Child Poverty. In particular, enact child poverty legislation to ensure the proper and regular measurement of child poverty, the periodic setting of government targets to reduce child poverty, the setting of child poverty-related indicators and targets for selected indicators and the annual reporting to Parliament of progress towards the achievement of the designated targets.**
- 22.** Aotearoa New Zealand has the fifth worst child abuse record of 31 OECD countries. On average, one child is killed every 5 weeks in Aotearoa and 90% of those deaths are

caused by someone known to the child. A 2008 report⁷ for Every Child Counts highlighted the extremely limited resources made available for prevention and treatment of child abuse and neglect. The White Paper on Vulnerable Children⁸ and the accompanying Children's Action Plan⁹ will result in considerable amendment to the existing care and protection regime in New Zealand. The proposed changes include a Vulnerable Kids Information database, increased information sharing about children who may be at risk and the introduction of special protection measures in the form of Child Abuse Protection Orders.¹⁰ All of the proposed amendments have the potential to improve the human rights of children and young people, but we cannot comment further on these, as the Vulnerable Children Bill has not yet been introduced to Parliament. However, we are concerned that while the proposed changes may improve identification of, and targeting of services for, children and young people who have been abused, the government has consistently failed to make new money available for services that specifically address prevention of abuse and neglect and that provide treatment and counselling to allow children and young people to recover from the trauma they have suffered. **ACYA recommends that the government commit to ring fencing resources of the equivalent of 1% of GDP to provide services that will assist in the prevention of child abuse and neglect and that will work with children and young people who are victims of child abuse and neglect, to provide trauma counselling and recovery services.**

- 23.** Children and young people in who are in the care of the state and who are transitioning out of state care need particular help and support to ensure that their basic human rights are delivered. At any one time, there will be around 5,500 children and young people in the care of Child Youth and Family.¹¹ Of these children, around 1,000 will be in residential or group homes and 1,500 in non-kinship foster homes. These children and young people's rights to safe and secure homes are put at risk by frequent changes in placements. Their rights to education and equality of opportunities are limited. Almost all will be discharged from the care of the state prior to their 17th birthday, when they are still defined as children under UNCROC. As former Principal Family Court Judge Boshier has noted,¹² these vulnerable young people are regarded as too old to fall under the protective arm of the care and protection legislation, but too young to be appropriately assisted via adult legislation. Guardianship orders may continue until a young person reaches age 20, however the reach of the legislation has been interpreted to exclude the making of care arrangements for young people who have reached the age of 17. Without any statutory entitlement to aftercare services, many of these young people do not have adequate supports when leaving care and are at risk of becoming homeless. These young people need special assistance and support to ensure their right to an adequate standard of living. **ACYA recommends that the government update its**

⁷ Every Child Counts *The nature of economic costs of child abuse and child neglect in New Zealand: a report prepared by Infometrics Ltd for Every Child Counts* (2008) available at <http://www.everychildcounts.org.nz>

⁸ Available at <http://www.childrensactionplan.govt.nz/the-white-paper>

⁹ Available at <http://www.childrensactionplan.govt.nz/children-s-action-plan>

¹⁰ These are noted in <http://www.msd.govt.nz/documents/about-msd-and-our-work/work-programmes/policy-development/white-paper-vulnerable-children/white-paper-for-vulnerable-children-summary-actions-chart.pdf>

¹¹ Statistics obtained from <http://www.msd.govt.nz>

¹² P Boshier and J Wademan "Youth Aging out of Foster Care – International Perspectives" 2010 *Family Court Review* 48(2) 294-304.

care and protection legislation to comply with its obligations under UNCROC and commit to a significant allocation of resources for support services for children and young people in care and transitioning from care.

24. Aotearoa continues to breach international standards with regard to the age of criminal responsibility and the age at which young people involved in offending are referred to adult court. Māori continue to be significantly over-represented in the youth justice system. **ACYA recommends that the government (a) raise the age of criminal responsibility to 12; (b) redefine “young person” for the purposes of the youth justice system as anyone below the age of 18 and (c) commit to resourcing best practice initiatives, including Rangatahi Courts and intensive monitoring programmes for high risk young offenders.**
25. To promote children and young people’s human rights, it is necessary that the government and the New Zealand police address issues of police treatment of children and young people. The Joint Thematic Review of Young Persons in Police Detention¹³, carried out by The Human Rights Commission, the Children’s Commissioner and the Independent Police Complaints Authority (IPCA) was published in 2012. It contained 24 recommendations and found that in 2011, 213 young people were detained in police custody, 46 per cent of whom were eventually granted bail. This demonstrates that police custody is not being used as a last resort for young people. The review recommended (recommendation 6) that Child Young and Family Services review and develop a coherent strategy around the provision of suitable facilities for the safe detention of young people, so that social workers have a range of options when looking for placements for young people accused of offending. **ACYA recommends that the government invest in suitable detention facilities for children and young people, which avoid the need for detention in police custody or for detention with adults accused of offending.**
26. Children and young people who are the victims of offences – particularly sexual offences perpetrated by trusted adults – face enormous difficulties in telling their stories and being believed. Evidence presented in the report referred to in paragraph 9 above shows clearly that Aotearoa New Zealand’s justice system is currently failing child victims. **ACYA recommends that the government amend the Evidence Act (a) to allow for the pre-recording of child witnesses’ entire evidence before trial to reduce delays and (b) to provide for an intermediary system to be used in all criminal trials involving child witnesses, to improve questioning practices.**
27. International evidence¹⁴ suggests that children affected by disabilities are some of the most vulnerable members of a society. There are presently no adequate figures or research that quantify the numbers and circumstances of children with and affected by disabilities in Aotearoa. Estimates suggest¹⁵, however, that there are likely to be around

¹³ *Joint thematic review of young persons in Police detention* (Human Rights Commission, Children’s Commissioner and Independent Police Complaints Authority, Wellington, October 2012). Review available at <http://www.ipca.govt.nz/Site/media/2012/2012-October-23-Joint-Thematic-Review.aspx>

¹⁴ See, for example *The State of the World’s Children 2013 – Children with Disabilities* (2013, UNICEF, May 2013) available at <http://www.unicef.org/sowc2013/report.html>

¹⁵ Office of the Children’s Commissioner *Solutions to Child Poverty in New Zealand: evidence for action*

107,000 such young people in Aotearoa. Children with disabilities are more likely to live in poverty¹⁶ and are at high risk of abuse and lack of adequate educational facilities.

ACYA recommends that the government (a) commission research into the numbers, circumstances and needs of children and young people affected by disability and (b) commit resources to provide services and facilities for this group.

- 28.** Access to educational resources are fundamental to realisation of children and young people's human rights. Educational outcomes for Māori and Pasifika young people continue to be significantly worse¹⁷ than for Pakeha, European and Asian children and young people. The Education Amendment Bill demonstrates a lack of commitment to tackling educational outcome inequality in Aotearoa. The introduction of Partnership/Kura Hourua schools will draw public funding from schools that need resources and will create schools that are not required to meet educational standards in respect of staff, curriculum or policies. **ACYA recommends that the government (a) withdraw public funding from Partnership/Kura Hourua and commit to investing in achieving better outcomes for Māori and Pasifika young people in the state education sector and (b) confirm that pupils' human rights to integrity of the person cannot be violated by search for and retention of items in schools.**
- 29.** Aotearoa New Zealand ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in September 2011. Article 9 of the optional protocol requires that states parties take steps towards public awareness of, education, training and community participation regarding the harmful effects of the offences referred to in the Protocol. **ACYA recommends that the government commit to conducting a public information media campaign highlighting child protection and threats to children's safety, and to supporting the campaign with the promotion of national child protection guidelines and policies in health, education and child care agencies.**
- 30.** Aotearoa New Zealand has not ratified yet the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure. This protocol recognises the difficulties faced by individual children and young people in having their experiences listened to and taken seriously by legislative, legal and administrative procedures. Ratification of this protocol would demonstrate a serious commitment to listening to the voices of vulnerable, abused and exploited children and young people. **ACYA recommends that the government immediately ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure.**
- 31.** Children and young people have the right, as part of their human right to dignity and identity, to recognition and respect for their sexuality and gender. In Aotearoa New Zealand, suicide rates among youth are high and discrimination on the basis of sexuality

(December 2012) at p8.

¹⁶ See, for example N Reichman et al. "Impact of child disability on the family" 2008 *Maternal Child Health Journal* 12, 678-83.

¹⁷ For discussion of ways in which outcomes for Maori and Pasifika students can and should be improved, see R Bishop and T Glynn *Culture Counts: Changing Power Relations in Education* (1999, Dunmore Press) and BP Ferguson et al *Literature Review of the Experiences of Pasifika Learners in the Classroom* (2008, Ministry of Education, Wellington) available at <http://www.educationcounts.govt.nz/>

and gender will contribute to young people's feelings of alienation and worthlessness. In respect of intersex children in particular, genital-normalising surgery which occurs without informed consent has recently been recognised internationally as a violation of children's rights.¹⁸ **ACYA recommends that the government (a) pass legislation prohibiting non-consensual surgical procedures on children aimed solely at correcting genital ambiguity and (b) commit to funding for educational and health counselling and support services for young people around sexuality and gender.**

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On behalf of the ACYA
17 June 2013

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See over for appendix of all recommendations

¹⁸ International NGO Council on Violence against Children, October 2012 available at <http://www.crin.org/violence/NGOs> and Feb 2013 report by UN Special Rapporteur on Torture's available at <http://www.ohchr.org/EN/Issues/Torture/SRTorture/Pages/SRTortureIndex.aspx>

Appendix of all recommendations contained in ACYA submission

- **ACYA recommends that the government immediately withdraw its reservation to the UNCROC, so that health care is provided to resident and non-resident children equally.**
- **ACYA recommends that the government amend the Family Court Proceedings Reform Bill to retain appointments of lawyer for child in all Care of Children Act cases and to require that children and young people's views be taken into account in all pre-Court compulsory mediation processes.**
- **ACYA recommends that the government remove the discriminatory starting-out wage and invest in training schemes for young employees and in incentives for employers to take on young employees.**
- **ACYA endorses the HRC recommendation that there be full and effective incorporation of ratified international human rights instruments into domestic legislation, including through explicit statutory recognition of economic, social and cultural rights**
- **ACYA recommends that Aotearoa New Zealand develop and implement a human rights education strategy as envisaged by the World Programme for Human Rights Education (2005-), and as recommended in 2003 and 2011 by the Committee on the Rights of the Child.**
- **ACYA recommends that Aotearoa New Zealand develop and implement coordinated human rights policy and strategy (involving comprehensive data collection, indicators and targets), monitoring and reporting mechanisms (involving both governmental and non-governmental agencies) as recommended by the human rights treaty bodies.**
- **ACYA recommends that the government commit to requiring all draft policies and legislation to carry Child Rights Impact Assessments (CRIAs).**
- **ACYA endorses the HRC recommendation that the government commit to (a) formal tabling of all concluding observations from UN treaty bodies in Parliament; and (b) establishing a human rights select committee or designating an existing select committee or committees to conduct comprehensive human rights analysis of all legislation both primary and secondary.**
- **ACYA recommends that the government immediately affirms the principle of equality of treatment of all low income children in the tax benefit system and extends the In Work Tax Credit to all low income families. ACYA further recommends that the government implements certain recommendations in the Experts Advisory Group's report on Solutions to Child Poverty. In particular, enact child poverty legislation to ensure the proper and regular measurement of child poverty, the periodic setting of government targets to reduce child poverty, the setting of child poverty-related indicators and targets for selected indicators and the annual reporting to Parliament of progress towards the achievement of the designated targets.**

- ACYA recommends that the government commit to ring fencing resources of the equivalent of 1% of GDP to provide services that will assist in the prevention of child abuse and neglect and that will work with children and young people who are victims of child abuse and neglect, to provide trauma counselling and recovery services.
- ACYA recommends that the government update its care and protection legislation to comply with its obligations under UNCROC and commit to a significant allocation of resources for support services for children and young people in care and transitioning from care.
- ACYA recommends that the government (a) raise the age of criminal responsibility to 12; (b) redefine “young person” for the purposes of the youth justice system as anyone below the age of 18 and (c) commit to resourcing best practice initiatives, including Rangatahi Courts and intensive monitoring programmes for high risk young offenders.
- ACYA recommends that the government invest in suitable detention facilities for children and young people, which avoid the need for detention in police custody or for detention with adults accused of offending.
- ACYA recommends that the government amend the Evidence Act (a) to allow for the pre-recording of child witnesses’ entire evidence before trial to reduce delays and (b) to provide for an intermediary system to be used in all criminal trials involving child witnesses, to improve questioning practices.
- ACYA recommends that the government (a) commission research into the numbers, circumstances and needs of children and young people affected by disability and (b) commit resources to provide services and facilities for this group.
- ACYA recommends that the government (a) withdraw public funding from Partnership/Kura Hourua and commit to investing in achieving better outcomes for Māori and Pasifica young people in the state education sector and (b) confirm that pupils’ human rights to integrity of the person cannot be violated by search for and retention of items in schools.
- ACYA recommends that the government commit to conducting a public information media campaign highlighting child protection and threats to children’s safety, and to supporting the campaign with the promotion of national child protection guidelines and policies in health, education and child care agencies.
- ACYA recommends that the government immediately ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure.

- **ACYA recommends that the government (a) pass legislation prohibiting non-consensual surgical procedures on children aimed solely at correcting genital ambiguity and (b) commit to funding for educational and health counselling and support services for young people around sexuality and gender.**