



Budget Policy Statement 2018

Submission to	Finance and Expenditure Committee
Regarding	Budget Policy Statement 2018
Submission by	Action for Children and Youth Aotearoa (ACYA) C/- PO Box 200020, Papatoetoe Central 2025
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We request that our submission be heard orally

About Action for Children and Youth Aotearoa

Action for Children and Youth Aotearoa (ACYA) seeks to promote respect for all children and youth and their rights. In order to do this, we

- a) promote understanding and implementation of the United Nations Convention on the Rights of the Child (UNCROC)
- b) promote action on the recommendations of the United Nations Committee on the Rights of the Child for Aotearoa New Zealand
- c) provide reports from non-governmental organisations in Aotearoa New Zealand to the United Nations Committee on the Rights of the Child
- d) promote opportunities for the voice and participation of children and youth to be heard.
- e) do anything else that will further these aims

ACYA's vision is an Aotearoa New Zealand where the rights of children and young people (up to 18 years) are upheld and embedded in law, policy, practice and wider society.

ACYA's international reporting role

ACYA produces and presents the civil society, alternative reports to the UN Committee on the Rights of the Child (UN Committee). We are the country focal point under the parallel NGO/government reporting process. Our role is to raise awareness of the issues which prevent children and young people fully enjoying their rights. ACYA's last [civil society report](#)¹ was in 2015/16 reporting period.

In all, the UN made over [50 recommendations](#) as to how Aotearoa New Zealand could improve implementation of UNCROC, enabling children and young people to access justice and claim their rights. A number of points in the coalition government's 100-day plan are supported by the UN Committee's recommendations.

Thank you for this opportunity to submit on the Budget Policy Statement (BPS). This submission highlights those UN Committee recommendations most relevant to the BPS Priorities, 2018

Scope of this submission

1. This submission focuses on the Government's intention to place children at the heart of its decision-making to lift the wellbeing of all New Zealanders.
2. We agree that sustainable, productive and inclusive growth is important as a means to improve the wellbeing for all New Zealanders. Addressing child poverty by implementing a framework that can endure beyond one-term of government is critical to realising this intention.
3. This submission commends the Government for recognising that New Zealand has both opportunity and a moral obligation to do better and proposes that UNCROC offers an enduring, internationally recognised framework to guide discussions and place all children at the heart of decision-making.

Placing children at the heart of decision-making

4. Children in Aotearoa NZ live in a variety of households and family configurations. Most are loved, remain healthy and get good quality education from an early age but many experience violence and deprivation and have variable life outcomes.

¹ AYCA (2015) [Alternative Report to the UN Committee on the Rights of the Child](#); –2016a *Walk for a bit in my shoes; it isn't actually that easy*; –2016b *Counting what matters- valuing and making visible the lives of children with disabilities*;

5. Aotearoa New Zealand has been a party to UNCROC for almost 25 years (the anniversary of ratification is 6 April 2016). Yet successive governments have not addressed the majority of issues raised by the UN Committee's recommendations. Many children's lives have been and remain harsher as a result.
6. There is widespread agreement that we can and should do better for all children in Aotearoa New Zealand. The difficulty is agreeing on how best to ensure that all children's rights to wellbeing are fulfilled. In this submission we propose that the Government consider using UNCROC as the basis for a framework that places children at the heart of its decision-making.

Developing a strategy based on the UN Convention on the Rights of the Child

7. As a party to UNCROC, Aotearoa New Zealand has an obligation to be mindful of children. UNCROC is a mechanism for factoring children's interests into decision-making and it provides opportunities to engage in dialogue nationally and internationally about how to ensure children reach their potential and have safe, fulfilling childhoods.
8. UNCROC covers all those aged under 18 and is founded on four general principles. These are:
 - non-discrimination (Article 2)
 - to act in the best interests of the child (Article 3)
 - to ensure the child's right to life, survival and development (Article 6)
 - to respect the views of the child (Article 12)

Article 5, which acknowledges the role of parents and families, is often included in the above suite.

9. Of significance to this submission is Article 4 which states that governments have a responsibility to **take all available measures** to make sure children's rights are respected, protected and fulfilled "**to the maximum extent of their available resources**"².

Current concerns

10. The UN Committee's [Concluding Observations](#)³ for New Zealand is based on the previous Government's report as well as ACYA's civil society reports⁴. We wish to draw your attention to this document as the Government enters into budget discussions for the 2018 financial year.

² Guidelines to assist states parties interpret and implement Article 4 have been finalised recently. See Committee on the Rights of the Child. *General Comment No.19 (2016) On Public Spending and the Rights of the Child (Article 4)* CRC/C/GC/19. Available from

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11

³ Committee on the Rights of the Child (2016). *Concluding observations on the fifth periodic report of New Zealand* (advance unedited edition) CRC/C/NZL/CO/5) retrieved from http://www.acya.org.nz/uploads/2/9/4/8/29482613/2016_un_committee_oncluding_observations.pdf

⁴ AYCA (2015) [Alternative Report to the UN Committee on the Rights of the Child](#); –2016a *Walk for a bit in my shoes; it isn't actually that easy*; –2016b *Counting what matters- valuing and making visible the lives of children with disabilities*; UNICEF and Save the Children (2016). *Our voices, our rights*. The children's voices report commissioned by ACYA and submitted with the ACYA supplementary information in August 2016 (see <https://www.savethechildren.org.nz/assets/Uploads/Our-Rights-Our-Voices2.pdf>)

11. The UN Committee expressed concern at the growing disparities between children growing up in Aotearoa NZ. This was evident in the number of recommendations about Māori, Pacific, children with disabilities and children living in poverty.

Strengthening a strategic approach using UNCROC

12. Throughout the UN Committee's report, there are budgetary implications but these are generalised in the following recommendation:
- (a) Adopt a child-rights approach in the elaboration of the State budget by implementing a tracking system covering all child-related expenditures. The State party should also use this tracking system for impact assessments on how investments in any sector may serve the best interests of the child, ensuring that the different impact of such investment on girls and boys is measured;
 - (b) Ensure transparent and participatory budgeting through public dialogue, including with children, and for proper accountability of authorities (CRC/C/NZL/C/5/ para 9).
13. Several other UN Committee recommendations have budget implications, including those suggesting the Government should consider ways and means to:
- bring domestic legislation relating to children into compliance with the UNCROC by adopting a comprehensive children's code and ensure that any new legislation is also compliant (CRC/C/NZL/C/5/para 6)
 - adopt a comprehensive policy and strategy for implementing the UNCROC in the public and private sectors, in consultation with children and this policy should include "clear and adequate budgetary allocations and a time frame as well as follow-up and monitoring mechanisms" (CRC/C/NZL/C/5/ para 7a).
 - allocate public resources to finalise and implement the child impact assessment best practice guidelines (CRC/C/NZL/C/5/ para 7c)
 - ensure the UNCROC Monitoring Group, the coordinating mechanism of the Social Sector Board Deputy Chief Executives is accorded sufficient authority and adequately resourced so as to be effective in its role (CRC/C/NZL/C/5/ para 8).
14. Further recommendations address children's rights and the business sector⁵. Developing a sustainable and robust economy requires active support and involvement from all sectors in society. Not enough is known about children and work. There is a general lack of awareness about UNCROC and its implications for responsible business practices and the impact of working on children. In addition to a priority recommendation regarding the rights of children who work in Aotearoa New Zealand⁶ the UN Committee recommended that the Government
- (a) Establish and implement regulations to ensure that the business sector complies with international and national human rights, labour, environment and other standards, particularly with regard to children's rights;
 - (b) Ensure that the provision of child related essential services by private enterprises is in compliance with the provisions of the Convention;

⁵ General Comment 16 outlines business sector responsibilities and child rights. See Committee on the Rights of the Child. *General comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights*. Available from <http://undocs.org/CRC/C/GC/16>

⁶ Above, n3, Paragraph 44

(c) Ensure that the Trans Pacific Partnership (TPP) Trade and Investment Treaty is in compliance with the provisions of the Convention and that its ratification is preceded by consultations with civil society and children to ensure that the best interests of the child are given due consideration;

(d) Adopt corporate social responsibility parameters, including child rights due diligence, for the operations at home and abroad of New Zealand corporations and other businesses subject to the jurisdiction of the State Party in line with, inter alia, the UN Guiding Principles on Business and Human Rights.

What do children have to say?

15. When the UN was developing guidelines about implementing Article 4⁷ (General Comment 19), they undertook an extensive consultation with children and young people. The messages from children to public budgetary decision makers included:

(a) Plan well. There should be enough money in the budget to provide for all rights of children;

(b) It is impossible for you to invest in us if you do not ask us what to invest in! We know; you should ask;

(c) Do not forget to include children with special needs in your budgets;

(d) Spend money fairly and wisely. Don't spend our money on something that is useless — be efficient, save money;

(e) Investing in children is a long-term investment, and it generates a lot, so remember to think of it;

(f) Investment in our families is also an important way of securing our rights;

(g) Make sure there is no corruption;

(h) Recognize the rights of all citizens, both young and old, by listening to people's opinions on matters of governance;

(i) I would like the Government to be more accountable and transparent;

(j) Publish records of how the money is spent;

(k) Provide budget information to all children in ways that are easily understood and in media that are popular with children, like social media⁸.

Now is the time: embracing an opportunity to do better for all children

16. Now is an opportune time to genuinely engage with all children and young people about budget decisions and, at the same time, put all children's and young people's interests at the heart of decision making. We have the will and there is expertise within the public

⁷ See Committee on the Rights of the Child. *General Comment No.19 (2016) On Public Spending and the Rights of the Child (Article 4)* CRC/C/GC/19. Available from http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11

⁸ *ibid*

sector and civil society about how to do this ethically, appropriately and effectively. At the moment, there is a structural mismatch between processes required to ensure implementation of children's rights and the way legislation, policy and practice is developed in Aotearoa New Zealand. There is no overarching strategy for children, or mechanisms to ensure that the public spend on children respects, promotes, protects and fulfils their rights.

17. The election debates revealed both political and public interest in children's wellbeing. There is currently a willingness to address inequities and build a meaningful intergenerational society where the rights of all children are respected.

What we recommend:

18. We recommend using UNCROC to protect and promote the wellbeing and inherent dignity of all children to enable common ground for discussing and developing policies and practices for children.
19. There is an obvious synergy between the language used in BPS and UNCROC. Effectiveness, efficiency, equity, sustainability and transparency express the common values to articulate the moral obligations of a government to its young citizens.
20. The Budget Policy Priorities are consistent with ACYA's overarching recommendation to implement and embed UNCROC to protect and promote the wellbeing and inherent dignity of all children. This will require:
 - **Consulting, listening and informing children** about budgetary decisions
 - More **consistent and complete data** about children;
 - **Greater cohesion and co-ordination** between legislation, policy and practice as well as across sectors and agencies;
 - **Universal and proportionally targeted responses** so all children's needs are met;
 - **Spending that is planned**, enacted and accounted for in a manner that advances children's rights.