

In Brief:

UN Child Rights Committee's (CRC) recommendations to New Zealand Oct 2016 *On upholding the rights of all children and young people under 18*

Some Good News: 10 Positive Points

The CRC welcomed:

- the significant progress reported in reducing child mortality
- New Zealand's efforts to preserve Maori identity including through language and television programmes (but maintains they are insufficient)
- New Zealand's efforts to improve access to internet in schools and the development of legislation and resources for children's online safety, including the Harmful Digital Communications Act 2015 and the NetSafe Kit for schools
- New Zealand's efforts to address child abuse and neglect
- the development of a Child Sex Offender Register
- the report of the Children's Commissioner on the State of Care and of the Modernising Child, Youth and Family Expert Panel, and the government's commitment to respond to their recommendations
- the New Zealand Human Rights Review Tribunal decision of March 2016 declaring the Adoption Act 1955 and the Adult Adoption Information Act 1985 discriminatory on the grounds of age, sex, marital status and disability
- the measures undertaken by New Zealand on the rights of children with disabilities, including the Child Disability Allowance, Wraparound Intensive Individualised Support and the Family Whanau Sign Language Facilitator Service
- the public debate and attention given to the prevalence of child poverty in New Zealand including through the appointment of an Expert Advisory Group on solutions to child poverty
- efforts undertaken by government to implement culturally appropriate programs such as Whanau Ora

However:

"The Committee is deeply concerned about the enduring high prevalence of poverty among children, and the effect of deprivation on children's right to an adequate standard of living and access to adequate housing, with its negative impact on health, survival and development, and education."

"The Committee remains seriously concerned about the structural and systematic disadvantages Maori and Pasifika children face in the State party."

On Violence, Abuse and Neglect:

22 & 23(a) Eradicate the use of violence and abuse of children in State care: Ensure all professionals/staff are provided the necessary training and supervision and are subjected to the necessary background checks: **23(b)** Promptly investigate allegations of violence/abuse in state care and ensure children have access to child-friendly reporting channels, physical and psychosocial rehabilitation, health and mental health services: prosecute and duly sanction perpetrators of child abuse in state care: **23(c)** Develop a comprehensive strategy to combat abuse and neglect in all settings* **23(d)** Establish a national database on violence against children in all settings, then undertake a comprehensive assessment of the extent, causes and nature of all that violence: **23(e)** Routinely evaluate child protection policies and programmes including the Vulnerable Children's Plan, the Violence Intervention Programme, the National Child Protection Alert System and any others: **23(f)** Allocate sufficient human, technical and financial resource to adequately respond to reported cases of child abuse: **23(g)** Strengthen awareness-raising and education programmes to prevent and combat child abuse*

Children deprived of a family environment:

27 & 28(a) Ensure reform of the care system takes account of children's best interests and views, has a common understanding of the child-centred approach across the care system, and is regularly monitored for its impact on child outcomes*: **28(b)** Improve cultural capability within the care and protection system and engagement with Maori to address the over-representation of Maori children in State care: **28(c)(f)** Allocate adequate human, technical, financial and organisational resources to the care system and its reform so that children's rights, especially the best interests principle, are fully respected during and after the transition: **28(d)** Improve data collection on children's outcomes, including regarding education, health and well-being, during and after they leave State care: **28(e)** Monitor outsourced care services for compliance with UNCROC

Maori and Pasifika children:

42 Develop a comprehensive cross-sectorial strategy for the full enjoyment of the rights of Maori and Pasifika children, in close cooperation with them and their communities

Juvenile justice:

45(a) Raise minimum age of criminal responsibility to comply with international standards: **45(b)** and raise the age of youth justice coverage to 18 years: **45(c)** Separate all children (males and females) deprived of liberty from adults in all places of detention and remove the age-mixing reservation: **45(d)** Reduce the detention of children in police custody, improve detention conditions and limit detention to a measure of last resort, for the shortest possible time: **45(e)** improve police's cultural capability and investigate racial bias to address the over-representation of Maori and Pacific children in the youth justice system.*

Child Labour:

43 & 44(a) Establish minimum age for employment in line with international standard: **44(b)(c)** Amend Health and Safety laws to ensure young workers are protected from injury, hazardous work and their rights respected in the workplace: **44(d)** Establish minimum wage guarantees: **44(f)** raise awareness of the rights of working children.

[All other recommendations in summary on following page](#)

CRC noted 17 recommendations still outstanding from previous periodic reviews!

<p>Reservations & Tokelau</p> <p>5!(a)(b) Withdraw all reservations & extend UNCROC application to Tokelau</p>	<p>Legislation, Policy & Strategy</p> <p>6!& 7!(a)(b)(c) Bring NZ law in line with UNCROC, adopt a comprehensive children's, policy and strategy for UNCROC's implementation encompassing all rights and all children, in consultation with children. Change the new Ministry's name and conduct child impact assessments</p>	<p>Coordination</p> <p>8 Ensure Social Sector CEs provided with enough resources to effectively coordinate UNCROC's implementation</p>	<p>Resources, Data & Monitoring</p> <p>9!10 & 11! ensure adequate allocation of resources, data collection and independent monitoring of children's rights</p>
<p>Definition of child</p> <p>Raise minimum age of marriage and address gaps in UNCROC coverage</p>	<p>Private Sector</p> <p>13!(a)(b)(c)(d) Establish and implement regulations & CSR parameters for the business sector and ensure both TPPA & private enterprise provision of child related services are compliant with UNCROC</p>	<p>Best Interests of Child</p> <p>14 & 16 Ensure the best interests principle is consistently interpreted and applied. Amend the Family Dispute Resolution Act 2013 to ensure the right of the child to have his/her best interests taken as primary consideration</p>	
<p>Non-Discrimination</p> <p>15!(a)(b)(c) * Urgently address disparities in education and health, ensure a minimum standard of living, combat negative attitudes among the public, and ensure all cases of discrimination against children are addressed effectively</p>	<p>Right to Life, Survival, & Development</p> <p>17! Prevent non-accidental injuries: Prevent & address root causes of youth suicide</p>	<p>Respect Views of Child</p> <p>18!(a)(b) Ensure the child is heard in cases affecting him/her and standardize inclusiveness & participation</p>	<p>Access to Information</p> <p>21(a)(b) Ensure internet access for rural children and protections for children from material harmful to well-being</p>
<p>Identity</p> <p>19 Intensify efforts to: promote & foster Te Reo, ensure access of adopted tamariki by non-Maori parents to information about their cultural identity, ensure all govt agencies take into account the collective dimension of Maori cultural identity and the importance of whanau for tamariki</p>			<p>Privacy</p> <p>20 Take all measures to protect children's privacy</p>
<p>Sexual Exploitation & Abuse</p> <p>24!(a)(b)(c) Combat sexual abuse of children, establish a comprehensive data system on incidents of sexual abuse, ensure child-friendly and effective reporting channels</p>	<p>Harmful Practices</p> <p>25(a)(b)(c)(d)(e) Develop awareness raising campaigns & programmes on the harmful effects of early marriage, develop & implement a health care protocol for intersex children that ensure no one is subjected to unnecessary medical treatments during infancy and childhood, extend free access to treatments to intersex children aged 16-18</p>		

<p>Family Environment</p> <p>26! Render appropriate assistance to parents and legal guardians *</p>	<p>Adoption</p> <p>29!(a)(b)(c)(d) Promptly review the adoption legislation, ensure the child's view is heard in adoption process & ensure adopted child's access to information about their biological parents, culture & identity</p>	<p>Health & Health Services</p> <p>31!(a)(b)(c) & 32! Ensure adequate health services to all children * & reproductive health services and education for adolescents: take action to reduce infectious diseases & exposure to secondhand smoke</p>	
<p>Children with Disabilities</p> <p>30 (a)(b)(c)(d)(e)(f)(g) Adopt a comprehensive approach to the fulfilment of the rights of children with disabilities: strengthen efforts to combat their marginalization and discrimination * : develop and give priority to inclusive education: implement anti-bullying programs: prohibit sterilization</p>		<p>Breastfeeding</p> <p>33 Increase number of infants < 6 mths that are exclusively breastfed</p>	<p>Climate Change</p> <p>34 Consider the views, interests and impact on health of children in climate change & disaster risk management</p>
<p>Education, including vocational training and guidance</p> <p>37!(a)(b)(c)(d) and 38(a)(b) Ensure the ongoing review of the Education Act complies with UNCROC in consultation with children: Ensure budget is adequate and protected: Develop & implement adequate normative framework for alternative education and undertake regular quality assessments: Take measures to end over-representation of Maori, Pasifika and children with disabilities in disciplinary processes and only use exclusion as a last resort: Ensure all children have effective access to quality early childhood care and education * including free access * for children from low socio-economic backgrounds: ensure personnel are adequately trained including on Maori and Pasifika cultures</p>			
<p>Rest, Leisure, Play</p> <p>39 Strengthen efforts to improve all children's access to rest, play and leisure*</p>	<p>Asylum-seeking & Refugee children</p> <p>40! Amend Immigration leg to ensure family reunification & promote integration</p>	<p>Canterbury Earthquakes</p> <p>46 Adequately fund to mental health and counselling for children in Canterbury: ensure children's rights (especially their views and best interests) are considered in the rebuild.</p>	<p>Optional Protocols</p> <p>47! Explicitly prohibit the recruitment and use in hostilities of persons <18 48 Ratify Communications procedure to strengthen UNCROC</p>
<p>International Human Rights Instruments</p> <p>49 Ratify the Convention on Protection of Rights of all Migrant Workers & their families</p>	<p>Cooperation with Regional Bodies</p> <p>50 Cooperate with the ASEAN Commissions on the Promotion & Protection of the Rights of Women & Children</p>	<p>Follow up and Dissemination & Next Report</p> <p>12!(a)(b)55 ensure UNCROC is widely known by general public & strengthen training efforts . Disseminate the recommendations and associated information as widely as possible in all languages of NZ 52 & 53 6th Periodic Report is due by May 2021. New Zealand is also invited to submit an updated core document on reporting under all international human rights treaties</p>	