



**“Walk for a bit in my shoes ... it  
isn’t actually that easy”**

***Supplementary information for the United  
Nations Committee on the Rights of the  
Child***

**Action for Children and Youth Aotearoa**

**August 2016**



## **“Walk for a bit in my shoes ... it isn’t actually that easy”**

### **Supplementary information for the Committee on the Rights of the Child**

---

#### **Contents**

<b>Dedication to Professor Emerita Anne Smith 1940 - 2016</b> .....	<b>iii</b>
Acknowledgements.....	iv
Preface .....	1
Introduction .....	2
General measures of implementation .....	4
Budgeting for children – a move to an investment approach .....	4
Children in Tokelau .....	5
Children and climate change.....	5
Definition of the child.....	6
General principles .....	7
Article 12.....	7
Civil rights and freedoms.....	8
Adoption .....	8
Issues for gender diverse children .....	9
Violence against children .....	10
Abuse and neglect: CYF overhaul.....	10
Comments on the five service areas proposed in the CYF overhaul.....	11
Bullying.....	13
Disability, basic health and welfare.....	14
Children with a disability.....	14
Basic health and welfare .....	14
Preventable diseases .....	15
Pepi-pods and SUDI prevention .....	16
Obesity .....	17
Homelessness .....	17
Social Security Legislation Rewrite Bill.....	18
Education, leisure and cultural activities .....	20
Education Act 1989 update and funding review – two opportunities to meet education rights .....	20
Adequacy of measures to address the impact of poverty and inequality on education .....	20
Special protection measures.....	24



**“Walk for a bit in my shoes ... it isn’t actually that easy”**

**Supplementary information for the Committee on the Rights of the Child**

---

Children in post-earthquake Canterbury .....	24
Youth justice .....	25
Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography .....	26
Overhaul of CYF.....	26
Child marriage.....	26
Child prostitution .....	27



## **“Walk for a bit in my shoes ... it isn’t actually that easy” Supplementary information for the Committee on the Rights of the Child**

---

### **Dedication to Professor Emerita Anne Smith 1940 - 2016**

He kotuku rerenga tahi  
The white heron flies once

Professor Emerita Anne Smith was a tireless and courageous advocate for children’s and young people’s rights. She combined her prodigious scholarship in child development, childhood sociology and childhood studies with solidly grounded, rights-based values to promote and protect children’s wellbeing.

Anne led numerous campaigns, all underpinned by her belief in children’s rights. She was a staunch advocate for quality early childhood education (ECE), recognising early on that access to high quality ECE was not just important for children and their families, it was their right as well. Anne spoke out courageously against the physical punishment of children. She was critical of current social policies which focus on identifying vulnerable children and making their personal details known to ‘providers’ but which ignore the unintended consequences of labelling and potentially stigmatising children as vulnerable<sup>1</sup>. As Anne wrote “emphasising strengths rather than deficits is much more likely to be effective”.<sup>2</sup> Her last book: “Children’s rights. Towards social justice”<sup>3</sup> used examples from around the world to explain why and how children’s rights are relevant, and, in her final chapter, to argue that engagement in reporting to the UN Committee on the Rights of the Child had multiple benefits such as creating awareness within government, reviewing and monitoring progress, and utilising the expertise of Committee members.

Aotearoa New Zealand has lost an exceptional advocate for children. Our thoughts and love go to her family and her close colleagues. We will miss her.

---

<sup>1</sup> Smith, A. B. (2012) Submission on the Green Paper on Vulnerable Children. Unpublished submission provided to UNICEF as part of a collective NGO submission on the Green Paper. The principles outlined in the Green Paper have now been enacted as the Vulnerable Children’s Act, 2014.

<sup>2</sup> Ibid.

<sup>3</sup> Smith, A. B. (2016). Children's rights: Towards social justice. New York, Momentum Press.



**“Walk for a bit in my shoes ... it isn’t actually that easy”**

## **Supplementary information for the Committee on the Rights of the Child**

---

### ***Acknowledgements***

Many people have contributed to this supplementary paper, and to the accompanying background papers, reflecting a widespread commitment to protecting and promoting children’s rights. Some of these people participated in ACYA seminars, some shared information with us as members of organisations in the children’s movement, and some were invited to share their expert opinions on current issues. As well, the ACYA Steering Committee members used their respective networks to search out on-the-ground perspectives about the issues facing children and young people in Aotearoa New Zealand.

The following people made significant contributions and we mention their names out of respect for their expertise and insights and also for their generosity: Peter Shuttleworth; Alison Blaiklock; Nicola Atwool; Mercy Jumo; Jacqui Southey; Robert Ludbrook; Mavis Duncanson; Natalie Thorburn; Tom Haig; Rebecca Matthews-Heron; Charmaine Thompson; Shelly Hughes; Stephanie Mills; Nola Harvey; Barbara McKay; Carmen Dalli; Jennie Ritchie; Clare Wells; Melanie Patterson, Chris Bowden.

In my role as Chair of ACYA, I want to acknowledge the Steering Committee members: John Waldon, Margery Watson, Vanushi Walters, Jen Walsh, Golriz Ghahraman, Trish Grant, Nicki Taylor, Barbara Lambourn, Andrea Jamison and Mereana Ruri. Special acknowledgements for their contributions must be made to Margery Watson, for her formatting skills; Andrea Jamison who took the lead role as co-ordinating writer of the supplementary papers; and, Mereana Ruri, for her skilful co-ordination of the process.

*Sarah Te One*

Sarah Te One, Chair.



## **“Walk for a bit in my shoes ... it isn’t actually that easy” Supplementary information for the Committee on the Rights of the Child**

---

### ***Preface***

Action for Children and Youth Aotearoa (ACYA) welcomes the opportunity provided by the reporting process to promote a rights-based approach to children’s issues in Aotearoa New Zealand (Aotearoa NZ). It is an opportunity to commend the Government for recent child-centred initiatives and also to hold the Government to account for poor decisions and inactivity. Above all, it is an opportunity to reflect on how we can work together to make Aotearoa NZ a society and place in which every child can thrive.

The title of this supplementary paper, “Walk for a bit in my shoes ... it isn’t actually that easy” is 12-year old TA’s response when asked what she would like to say to the Prime Minister about living in a van with her family.<sup>4</sup> ACYA chose TA’s quote as the title for our paper because it accurately reflects how difficult it is for many children to fully enjoy their rights in Aotearoa NZ.

ACYA is deeply concerned about the quality of life and wellbeing of a significant number of children and young people (children) in Aotearoa NZ, especially the disproportionate burden of inequalities borne by Māori, Pacific, disabled and ethnic minority children.

The information and data in ACYA’s 2015 alternative report paints a picture of the pervasive and cumulative effects of poverty and violence on our children.

It highlights a lack of attention to the determinants of child health and wellbeing and concerns about the quality, inclusiveness and cultural responsiveness of education.

Many of these failures to fully respect and realise children’s rights are rooted in inequality. Successive governments have created a 23-year litany of missed opportunities to enhance children's wellbeing, and to mitigate the effects of inequalities, by embedding a children’s rights approach in decision making processes, policies, legislation and practice.

However, there are indications that Aotearoa NZ is at a turning point in the way, as a nation, we regard children and their rights. There is increased focus on ensuring policies, practices and service delivery are child-centred, particularly in relation to the overhaul of the child protection system and update of the Education Act 1989. At the same time there is significant public concern about children in poverty, especially those who are homeless, and children who are hurt and killed by those looking after them.

People in Aotearoa NZ continue to work diligently and passionately in the hope they can make a difference in our children’s lives.

It remains to be seen how well the rhetoric and the levels of concern translate into legislation, policy settings and practices that enable children to fully realise their rights under the United Nations Convention on the Rights of the Child (CRC). There is a risk that the piecemeal and ad hoc approach that has, up until now, been taken to implementing the CRC will continue.

We trust this supplementary information will assist the United Nation’s Committee on the Rights of the Child (UN Committee) in its constructive dialogue with the Government in September 2016.

---

4 See <http://www.radionz.co.nz/national/programmes/checkpoint/audio/201803743/'it's-not-actually-that-easy'>



## **“Walk for a bit in my shoes ... it isn’t actually that easy”**

### **Supplementary information for the Committee on the Rights of the Child**

---

#### ***Introduction***

Using the cluster headings, this paper outlines relevant developments in Aotearoa NZ since the alternative report was submitted in November 2015 and, where appropriate, responds to the List of Issues and addresses outstanding questions from the February 2016 pre-sessional.

Accompanying this paper, we also submit:<sup>5</sup>

- Our Voices. Our Rights.
- Child rights and climate change in New Zealand: a background paper
- Counting what matters - valuing and making visible the lives of children living with disability.

ACYA welcomes the increased reference by the Government to being child-centred and believes this means implementing the United Nations Convention on the Rights of the Child (CRC) – ensuring the protection, participation, and provision rights of all children are respected.

The overarching recommendation in the ACYA [Alternative Report](#) is that Aotearoa NZ adopt a child rights framework<sup>6</sup> to protect and promote the wellbeing and inherent dignity of all children through policy development, public spending and practice that:

- is underpinned by the general principles of non-discrimination, best interests, maximum development, and participation
- encourages data collection, research and monitoring of indicators to ensure well informed decision-making
- gives effect to the principles of proportionate universalism
- has a clear focus on prevention and equity.

This recommendation was based on four themes identified in the alternative report:

- there is inconsistent and incomplete data about children
- greater cohesion and co-ordination is needed between legislation, policy and practice as well as across sectors and agencies
- universal and proportionally targeted responses are required to meet all children's needs
- spending needs to be planned, enacted, implemented and accounted for in a manner that advances children's rights.

Some children, particularly children with a disability, Māori, Pacific and migrant and refugee children, face significant barriers to the full enjoyment of their rights. To progress implementation of the CRC, Aotearoa NZ must, as a matter of priority:

---

5 These accompanying papers will be available on the ACYA website ([www.acya.org.nz](http://www.acya.org.nz))

6 ACYA believes a child rights framework would enhance policy for children through Government articulating, based on the rights in the CRC, a common set of values, aspirations and processes that apply across all areas of government. It would enable a common ground for discussing and developing policies for children. As Tobin (2011) commented "the mainstreaming of children's rights is a deeply political project with potentially transformative consequences for the way in which children are viewed and engaged with by all actors in society..." (cited in Smith, 2016, p.164).



## **“Walk for a bit in my shoes ... it isn’t actually that easy”**

### **Supplementary information for the Committee on the Rights of the Child**

---

- Improve the standard of living for the 29% of children living in poverty.<sup>7</sup> Three areas underpinned by an inadequate standard of living are of significant concern. These are:
  - homelessness
  - income levels – for many families these are too low to provide for living conditions necessary for the child’s development (examples include those families who are subject to benefit sanctions, or who are ineligible for tax credits or are not earning a living wage)
  - the continued prevalence of preventable diseases and ill-health, associated with inequality.
- Do more to prevent and protect children from abuse and neglect.
- Include 17 year olds within the youth justice system.
- Reform our 1955 Adoption law.

Children in Aotearoa NZ need greater access to justice and fairness, including the ability to claim their rights. There are limited mechanisms for this at present. While this is an issue across all areas of children’s rights, establishing a more robust accountability structure around decision-making that affects a child’s right to education should be made a priority. This must include the establishment of an Independent Education Tribunal.<sup>8</sup>

---

7 <http://www.childpoverty.co.nz>

8 Please see: paragraph 235 of the alternative report; <http://www.youthlaw.co.nz/wp-content/uploads/Out-of-School-Out-of-Mind-web1.pdf>



## **General measures of implementation**

### **Budgeting for children – a move to an investment approach**

The Government is moving to a social investment approach for the delivery of social services. In relation to children vulnerable to abuse and neglect this means that *“using actuarial valuations and evidence of what works will identify the best way of targeting early interventions, to ensure that vulnerable children receive the care and support they need, when they need it.”*<sup>9</sup>

The Government does not disaggregate its expenditure on children. Neither does it have clearly articulated criteria for measuring the effectiveness of public spending on children.<sup>10</sup>

UNICEF NZ have commented:<sup>11</sup>

*To maximise the chance that a social investment approach works in New Zealand, and is sustained long term, we need to agree across political parties what the outcomes and quality of life measures are that every child can expect. If we could have this discussion, and have it informed by children's rights, then the data collection and analysis can be designed to measure progress of every child against those life outcomes. Without this framework social investment could simply be another way of measuring government expenditure, without adequately assessing whether children are thriving.*

#### **Questions:**

*How will children’s rights, especially the general principles of the CRC, be incorporated into the Government’s investment approach, including when:*

- *identifying the children to be targeted by programmes (who is included and who is left out)?*
- *developing actuarial valuations and measures?*
- *gathering and analysing evidence?*
- *assessing effectiveness?*

*What steps will be taken to safeguard the Government's CRC duty bearer obligations under its social investment approach?*

Despite the Government’s response to question 6 of the List of Issues,<sup>12</sup> ACYA questions how the Government will safeguard its obligations as duty bearer under the CRC within a social investment approach – especially if services are outsourced and/or devolved to non-government agencies.

<sup>9</sup> Paragraph 31 of the Government’s response to the List of Issues; <https://www.msd.govt.nz/about-msd-and-our-work/work-programmes/investing-in-children/index.html>

<sup>10</sup> Alternative report, paragraph 24

<sup>11</sup> <https://www.unicef.org.nz/news/2016/may/budget-2016-an-opportunity-to-put-children-first>

<sup>12</sup> Paragraphs 34-37 of the Government’s response to the List of Issues

### Children in Tokelau

ACYA notes the updated information provided by the Government in the List of Issues response.<sup>13</sup>

Children in Tokelau are particularly vulnerable to climate change despite Tokelau leading the world on climate action (e.g. it is the world's first nation to produce all of its electricity from solar energy). Climate change threatens Tokelau's existence and Tokelauan children's rights to survival, identity and culture. This issue is covered in more depth in *Child rights and climate change in New Zealand: a background paper*

Addressing climate change must therefore be part of Aotearoa NZ's commitment to continuing work with Tokelau. As its constitutional partner, the Government must ensure the provisions and protections afforded children in Tokelau match those guaranteed to Aotearoa NZ children under the CRC.

ACYA recommends that children’s rights be placed at the centre of New Zealand’s domestic and international climate change adaptation and mitigation strategies, policies and programmes. Special attention must be given to the rights of those children most vulnerable to the effects of climate change, including the children of Tokelau.

**Questions:**

*How are the rights of children in Tokelau taken account of in:*

- *decisions on development assistance and budget support to Tokelau?*
- *the development of Aotearoa NZ’s domestic and international climate change adaptation and mitigation strategies, policies, and programmes?*

### Children and climate change

Climate change impacts on the rights of all children, but some groups of children in Aotearoa NZ are disproportionately affected. Yet consideration of the best interests or views of children is absent in the Government’s climate policies, and the Government’s progress in taking the climate-related actions necessary to respect, protect and fulfil the rights of children is slow and ambivalent.

Aotearoa NZ is both a wealthy country and a high per capita emitter of greenhouse gases. It could and must do far better. Taking well-designed climate action would mean that Aotearoa NZ substantially increases opportunities for children, now and in the future, to enjoy their rights. Please see *Child rights and climate change in New Zealand: a background paper* for specific recommendations.

**Questions:**

*How are children's rights being taken into account in work to prevent and mitigate the effects of climate change in Aotearoa NZ, the South Pacific region and globally?*

*What evidence is the Government gathering about the impact of climate change on children and what are the implications of this?*

<sup>13</sup> Paragraphs 1-4 of the Government’s response to the List of Issues

### ***Definition of the child***

Inconsistent definitions of the child mean children are treated differently in different circumstances.<sup>14</sup>

In relation to their care and protection rights, how a child is defined depends on whether they come to the Government's attention through the Vulnerable Children's Act 2014, the care and protection system or the youth justice system.

The review of Child Youth and Family (CYF) provides an opportunity to align the upper age limit for children in the care and protection and youth justice systems to ensure consistency with the CRC, as well as the Vulnerable Children's Act and the Care of Children Act 2004. The Government must include 17 year-olds in the youth justice system by raising the upper age limit of the Children, Young Persons and Their Families Act 1989 (CYPFA). Excluding these children raises a [number of issues](#)<sup>15</sup>. (See paragraph 45 of ACYA's alternative report)

Ensuring consistency between various pieces of legislation and the CRC is crucial. The Government needs to ensure that Aotearoa NZ's existing legislation and any proposed amendments protect the rights contained in the CRC and applies to all those aged under 18.

In addition to CYPFA changes, other legislation where the Government needs to consider issues of consistency includes:

- Substance Addiction (Compulsory Assessment and Treatment) Bill
- Mental Health (Compulsory Assessment and Treatment) Act 1992
- Intellectual Disability (Community Care and Rehabilitation) Act 2003.

#### ***Questions:***

*Will the Government include 17 year-olds in the youth justice system?*

*Why is the Government using different definitions of the child in the care and protection and youth justice systems?*

*How will the Government:*

- *ensure consistency in the definition of the child?*
- *address current inconsistencies?*

*How can the Government guarantee equal respect for the rights of all children regardless of which system they are accessing services under?*

---

<sup>14</sup> For a summary for a range of the different legal ages affecting children in Aotearoa NZ please see: <http://www.youthlaw.co.nz/information/human-rights/legal-ages/>

<sup>15</sup> <http://justspeak.org.nz/including-17-year-olds-youth-justice-system-facts/>



## **“Walk for a bit in my shoes ... it isn’t actually that easy” Supplementary information for the Committee on the Rights of the Child**

---

### **General principles**

#### **Article 12**

ACYA welcomes the Minister of Social Development's intention to include children's voices in the design of systems and services in the new operating model to replace [CYF](#). We also commend the Government's intention to establish an independent youth advocacy service. However, while willingness to listen to children is commendable giving meaningful effect to Article 12, 13 and 17 participation rights will require resources, training about children's rights, and the time to consult with and listen to children on a regular basis in decision-making processes.

In its response to the List of Issues, the Government cited the Office of the Children's Commissioner (OCC) process for consulting with children as establishing compliance with its Article 12 obligations. Delegating responsibilities to the OCC risks marginalising children's rights to the realm of experts only. It circumvents the Government's obligation to raise awareness about the CRC and to train duty bearers about how to meet their CRC obligations. Both are fundamental government responsibilities in implementing a child-rights framework.

ACYA notes that, in consultation with the UNCROC Monitoring Group (UMG), the Ministry of Social Development (MSD) has developed guidelines for consulting with children.<sup>16</sup>

It is crucial that these guidelines are distributed across government, as well as to private contractors and the public generally, and their implementation supported with training and resourcing.

In the absence of a child rights framework, government consultations with children will continue to occur on an ad hoc basis. In addition there is a risk the consultations will become merely an issue of procedure and compliance.

#### **Questions:**

*Consulting with children is a responsibility across government. How will officials be trained to understand children's participation rights in particular and children's rights more generally? How will this be resourced?*

*What steps are being taken to ensure consultations are inclusive and that a diverse range of children from across the country, including those with disabilities, can have their views heard?*

---

<sup>16</sup> Paragraphs 7 and 41 of the Government's response to the List of Issues.

## ***Civil rights and freedoms***

### **Adoption**

In March 2016, the Human Rights Tribunal declared adoption legislation discriminatory, on the grounds of age, sex, marital status, and disability. The Minister of Justice is now required to advise Parliament of the declaration so that Parliament may consider what steps should be taken to remedy the discriminatory provisions. The Minister has not yet given any indication of the Government’s intentions regarding such reform.

**Question:**

*When will adoption legislation be reformed and how?*

The decision adds to longstanding calls for reform to replace the out-of-date Adoption Act 1955 and other adoption-related laws, to bring them into line with other Aotearoa NZ legislation and children’s rights instruments where children’s best interests are paramount. This includes the CRC, the Hague Convention on Inter-country Adoption, the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990.<sup>17 18</sup>

Concerns have been raised by members of the Māori community about the monocultural nature of the Adoption Act and the fact that Māori children who are adopted by non-Māori have their family and cultural links with members of their whānau, hapū and iwi severed by the adoption order, thus denying the child access to information about their ancestors (tipuna) and tribal identity (whakapapa). Three separate claims have been made to the Waitangi Tribunal on this issue.<sup>19</sup>

Currently:

- No moves have been made to remove the discriminatory provisions of adoption legislation and to bring adoption laws into line with Aotearoa NZ’s obligations under the CRC. The Adoption Act 1955 is 61 years old and is contrary to current attitudes and values. In particular, adopted children can have their legal and family ties with their natural family severed by an adoption order made without their knowledge or consent and can thus have their personal and cultural identity irreparably damaged.
- Children do not have to be advised of or give their consent to an application for their adoption. They are not a party to adoption proceedings and have no right to a say or legal representation on the proposed adoption.

---

17 Despite a series of reviews starting with a comprehensive review by the Law Commission in 2010, and followed by detailed Ministry of Justice reviews in 2003 and 2006 and a draft Adoption Bill prepared by Parliamentary Counsel in 2006, no progress has been made with adoption reform. For more information, including a chronology of calls for reform please see <http://adoptionaction.co.nz>

18 In 2000 the Law Commission report Adoption and Its Alternatives made a number of recommendations for adoption law reform that continue to reflect the current issues relating to adoption legislation and provide guidance and options for legislative reform. The recommendations can be found here: <http://adoptionaction.co.nz/wp-content/uploads/2013/03/The-Law-Commissions-Recommendations-for-the-legislative-reform-of-the-Adoption-Act-1955.pdf>

19 Claim Wai 0286 by BET Tai-Jones (27 March 1992); Claim Wai 0634 BY T A R Waitai (22 August 1996); Claim Wai 0879 by PP C-P (16 September 1996).

- The child’s welfare and interests are only one consideration<sup>20</sup> not the paramount consideration in adoption decisions.
- An adoption order severs legal links with parents, grandparents, siblings and other relatives. Other family members do not have the right to propose in-family care, and the adopted child has no right to information about their natural parents, siblings and extended family until the age of 20 years.

In 2003 the UN Committee welcomed Aotearoa NZ’s assurances that it intended to reform adoption legislation.<sup>21</sup> However in its 5th Periodic Report the Government advised that “A review of adoption law is on hold because of competing priorities for law reform in the justice sector. The matters raised by the UN Committee will be considered when the legislation is reviewed”.<sup>22</sup>

### **Issues for gender diverse children**

There is no national plan or strategy for services for gender diverse children and young people. Rainbow Youth, a charity supporting gay, lesbian and gender diverse children, wants a cohesive approach across schools to gender neutral bathrooms and uniforms.<sup>23</sup> In 2016, some schools in Aotearoa NZ have provided gender-neutral facilities at the suggestion of students.<sup>24</sup>

**Question:**

*What guidance is provided to schools, and other services, to ensure they cater for gender diverse children?*

---

<sup>20</sup> Section 11(a) of the Adoption Act 1955.

<sup>21</sup> CRC/C/15/Add 216 3 October 2003.

<sup>22</sup> Government’s 5<sup>th</sup> periodic report, paragraph 102.

<sup>23</sup> <http://www.radionz.co.nz/news/national/303991/schools-need-same-gender-neutral-policies-charity>

<sup>24</sup> Please see, for example: <http://www.stuff.co.nz/dominion-post/news/wellington/77457959/Wellington-High-Onslow-College-get-gender-neutral-bathrooms>



## ***Violence against children***

### **Abuse and neglect: CYF overhaul**

The CYF overhaul aims to ensure “the child and their need for a stable and loving family is at the centre”<sup>25</sup> of government decisions about the supports and services they require. This is a significant development for children in Aotearoa NZ and there is widespread support for changes to keep children safe and improve their life experiences and outcomes.

However, many questions remain about how the new entity will work and whether it is the best way to achieve the Government’s stated aim.<sup>26</sup> For the overhaul to be successful there will need to be:<sup>27</sup>

- a substantial level of financial investment
- sustained investment (financial and training) for education and health professionals and social workers to ensure they are adequately equipped to work in a new way in the new entity
- changes in the organisational culture of agencies in other government sectors (e.g. education and health)
- training and support (especially in the differences in organisational and systems culture) for current employees of CYF and MSD who move to work in the new entity.

The new model will not operate within the context of a national plan of action for children as successive governments have failed to implement one. There is no consistent, holistic, child rights based approach to the interface between government sectors (especially health, education and social development) on issues affecting children. Nor is there adequate recognition of the interdependent and indivisible nature of children's rights.

#### ***Questions:***

*How will the principles and aspirations of the current legislation and Puaoteata-tu be incorporated into the new operating model?*

*How will any new system ensure whānau are provided with culturally appropriate and responsive support to care for their own children in the first instance?*

*As the CYF overhaul proceeds, what support will be provided to the existing workforce to ensure consistency and quality of services for children:*

- *during the transition phase from the old to the new system?*
- *in adjusting and contributing to the culture of the new organisation?*

*Is 'evidence-based decision making' and the 'use of assessment tools' (paragraphs 14-15 in the Government's response to the List of Issues) a form of predictive risk modelling? And:*

- *what evidence does the Government have that these tools will be effective in protecting children from abuse and neglect?*
- *what measures will be taken to protect children’s privacy?*

<sup>25</sup> Expert Panel Final Report: Investing in New Zealand’s Children and their Families (2015), page 8

<sup>26</sup> See, for example, <http://www.reimaginingocialwork.nz/2016/04/the-road-not-taken/#more-708>

<sup>27</sup> <http://www.scoop.co.nz/stories/GE1504/S00014/anzasw-media-release-modernising-child-youth-family.htm>



## **“Walk for a bit in my shoes ... it isn’t actually that easy” Supplementary information for the Committee on the Rights of the Child**

---

For example, along with the right to be kept safe, the new operating model will need to take into account children’s rights:

- to participation
- to know, be guided and cared for by wider family and community
- to language and cultural identity
- to health and wellbeing
- to education that develops their personality and abilities to the fullest potential.

As the overhaul progresses, ACYA remains deeply concerned by the lack of concurrent attention being given to the wider social and economic context. This context influences the complex interaction of predisposing, perpetuating and precipitating factors that contribute to child maltreatment. Examples include policies that lead to: poor living standards; over-crowding and poor housing; socioeconomic inequality or instability; social and cultural norms that promote violence and physical punishment of children and that diminish the status of the child in parent-child relationships; availability of and societal attitudes towards drugs and alcohol; social isolation and lack of appropriate or responsive supports and services.<sup>28</sup>

In ACYA’s view the many current policy platforms have exacerbated these factors.

Past learnings and aspirations, such as those in [Puao-te-ata-tu](#)<sup>29</sup> and in the current legislation, should not be overlooked or forgotten.

### **Comments on the five service areas proposed in the CYF overhaul**

#### ***Prevention***

Successful prevention by investing early in children and families will depend on:

- appropriate training for all frontline workers so they fully understand their role and responsibilities
- organisational support for frontline workers to ensure access to relevant information and advice when there are concerns
- realistic and manageable caseloads, that enable prevention work
- provision of a range of culturally appropriate services to ensure timely access
- investment in the co-location of services and the use of schools as community hubs to provide active outreach to families.

#### ***Intensive intervention***

The threshold between prevention and intensive intervention is not well defined yet, so it is unclear who will be responsible for the intensive intervention work. The work may be funded by government and undertaken by statutory social workers or government may purchase services from non-government providers. It is unclear what range of services will be available to be purchased or what caps there will be on spending.

---

<sup>28</sup> Centre for Social Research and Evaluation. 2008. *Preventing physical and psychological maltreatment of children in families: review of research for campaign for action on family violence: summary of findings*, Wellington: Author. pp. 4-5.

<sup>29</sup> <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/archive/1988-puaoteatatu.pdf>



Reference to the early identification of an alternative care giving family if intervention is unsuccessful suggests the potential for more children to be permanently placed outside their birth family. It will be critical, therefore, that there is sufficient support for families to address their complex, and often intergenerational difficulties and assurance that the new system will work in genuine partnership with whānau, hapū and iwi for the early identification and involvement of supportive kin for Māori children.

### **Care support**

There is overwhelming evidence of poor outcomes for children in the care and protection system. A potential concern is whether current barriers to the recruitment of caregivers, such as adequate remuneration, support, training, provision of therapeutic foster care, greater legal security for permanent placements and the prospect of ongoing financial support where necessary, will be addressed.

It is not clear whether care support will be direct funded or contracted out. If it continues to be provided by statutory social workers then steps will need to be taken to ensure current poor practice is not imported into the new entity. If it is contracted out, robust and adequately resourced systems for monitoring will be essential to ensure high quality services.

### **Questions:**

*What evidence does the Government have that outsourcing, as an option for change, will improve the quality of decisions and services provided to children in need of care and protection?*

*If services are outsourced*

- *how will children be involved in decisions?*
- *what criteria will be used to decide whether or not a service is to be outsourced?*
- *what criteria will be used to select providers?*
- *at the case level, how will decisions be made and by whom?*
- *how much will outsourcing options cost the Government compared to the costs for keeping these services within a statutory agency?*
- *will a cap be placed on funding for outsourcing contracts and what contingencies will be put in place so that services provided by the statutory agency will not be impacted by any potential overspend?*
- *What review procedure will be established?*

## **“Walk for a bit in my shoes ... it isn’t actually that easy” Supplementary information for the Committee on the Rights of the Child**

---

### ***Youth Justice Services***

The failure to include 17 year-olds in the youth justice system, as part of the proposed changes, is a major oversight that [must be addressed](#).<sup>30</sup>

Moves to reduce the use of secure facilities for those on remand and effectively address child-offending need to:

- explicitly allocate responsibility for child offenders to youth justice services (currently responses are haphazard and generally only occurring when there are additional care and protection concerns – a significant change in culture for those already working in the sector is imperative)
- invest additional resources in programmes such as supported bail, to increase their availability and geographical spread
- resource therapeutic care.

### ***Supported transitions***

Considerable investment is needed to ensure that all vulnerable young people, including care leavers, have access to supported transitions. The three groups of care leavers identified will require different levels of support:

- Moving on – these young people will need financial support, access to resources to engage in further education or training, and possibly ongoing, therapeutic services to address early trauma.
- Survivors – a higher level of support, possibly including accommodation services, independent financial support and access to education, training and employment will be needed by this group, which will require substantial investment.<sup>31</sup>
- Victims – these young people will need intensive wrap around services, supported accommodation and access to multiple services due to unresolved trauma, histories of multiple placements, early disengagement from education, high mental and physical health needs and high levels of substance abuse and offending.

### **Bullying**

ACYA notes with concern<sup>32</sup> that the Aotearoa NZ 2011 trends in International Mathematics and Science Study showed that almost three-quarters of 4,940 nine year-old students said that they had been bullied in the previous month and that this data is still the most recent available.

#### ***Questions:***

*What steps does the Government intend to take to grow data collection on rates of bullying, especially in primary and intermediate schools?*

*What support is the Government giving to the Youth2000 survey series to ensure continued monitoring of bullying rates in secondary schools over time?*

---

<sup>30</sup> <http://justspeak.org.nz/including-17-year-olds-youth-justice-system-facts/>

<sup>31</sup> It is best if these services are provided by community-based non-government organisations. Currently, there are only two programmes (both in Auckland).

<sup>32</sup> Paragraph 84 of the Government response to the List of Issues report.

## ***Disability, basic health and welfare***

### **Children with a disability**

The Government continues to make decisions and implement policies that marginalise and/or negatively impact on disabled children. This means that relative to their peers, these children are more invisible and therefore more likely to experience poorer life outcomes in the areas of health, education, access to benefits and supports, and care and protection.<sup>33</sup>

The Government is currently making significant changes to its care and protection systems as well as reviewing its delivery and funding of education services. This work provides an opportunity to ensure the specific needs and interests of disabled children are sought, considered and included in the Government’s decision-making and policy development processes.

#### **Questions:**

*What steps will the Government take to ensure that the specific needs of disabled children are accounted for in its reform of Aotearoa NZ’s care and protection and education systems?*

*What actions is the Government taking to ensure disabled children receive the additional supports and specialist services they require, especially regarding their health and education needs?*

*What will the Government do to make the pathways and procedures to supports and specialist services for disabled children more coordinated and less onerous for families?*

### **Basic health and welfare**

Children living in deprived circumstances experience poorer health and life outcomes than their peers. Despite extensive evidence of the impact of social determinants on children’s wellbeing,<sup>34</sup> legislative and policy settings continue to exacerbate challenging living circumstances for many children and their families in Aotearoa NZ. These children and their families are:

- More vulnerable to aggressive marketing campaigns about unhealthy foods. The resulting effect is that they are more susceptible to making poor dietary choices, more vulnerable to

#### **Questions:**

*How is the Government assessing, addressing and monitoring the impact of current housing issues on children, particularly those most in need – those living in their family cars, or in overcrowded and/or unhealthy houses?*

*Given there is such clear evidence that providing support in a child’s early years improves outcomes for children and is therefore cost effective, why did the Government veto a bill seeking to increase paid parental leave from 18 to 26 weeks?*

<sup>33</sup> Please see “Counting what matters – valuing and making visible the lives of children living with disability”, the Supplementary Paper concerning Disabled Children and Young People –and the 2015 alternative report paragraphs 140–146.

<sup>34</sup> The Determinants of Health for Children and Young People in new Zealand 2014; Te Ohonga Ake – the Determinants of Health for Māori children and young people in New Zealand. Available from the NZ Child and Youth Epidemiology Service - <http://dnmeds.otago.ac.nz/departments/womens/paediatrics/research/nzcyes/> and <http://www.childpoverty.co.nz>

poor nutrition and have a greater likelihood of becoming obese.

- Unable to access public services easily (although there are also issues about uneven distribution, provision and quality of services for some children). The resulting effect is that they are exposed to more invasive and intensive treatment regimes including tooth extractions for dental decay; and hospitalisation for preventable diseases (e.g. skin infections and acute rheumatic fever).
- Unable to access the financial resources or budgeting advice (including an adequate wage or government assistance) required to live in affordable and appropriate homes that meet their needs. The resulting effect is that they are living in unsuitable, inadequate and overcrowded accommodation.
- More vulnerable because they are living in temporary accommodation (e.g. in their family car). The resulting effect is that their education outcomes are severely impacted because they are too tired from broken sleeping patterns and inadequate diets to learn; unable to complete homework due to inadequate lighting or limited space and access to computers and resources; unable to attend school due to lack of clean clothes, correct uniform; not having breakfast or lunch or enough money for fuel or public transport to and from school; it is more difficult to maintain personal hygiene because they cannot wash or bathe.

Many disadvantaged children in Aotearoa NZ continue to wait for the Government to intervene on their behalf to provide the necessary resources to improve their quality of life. The Government is aware of the evidence that clearly indicates that the longer they wait to intervene, the more costly it is to repair the damage that can occur in the early years of a child’s life.

### **Preventable diseases**

Immunisation rates in Aotearoa NZ have continued to improve and disparities by ethnicity and area deprivation index score have also reduced. However, ACYA is still concerned that:

- Aotearoa NZ has high rates of serious skin infections compared with other similar countries
- between 2010 and 2014 the hospitalisation rates for serious skin infections of children living in high deprivation areas (deciles nine and ten) were more than four times higher than the rates for children living in low deprivation areas (deciles one and two)
- even though acute rheumatic fever appears to have been virtually eradicated in most developed countries, rates in Aotearoa NZ remain some of the highest reported in a developed country
- between 2010 and 2014 hospitalisation rates for acute rheumatic fever were 70 times higher for Pacific and 33 times higher for Māori children and young people aged 0-24 years compared with their peers.

#### **Questions:**

*What actions is the Government taking to reduce disparities in preventable diseases, especially between ethnic groups and for children living in high deprivation areas?*

## "Walk for a bit in my shoes ... it isn't actually that easy" Supplementary information for the Committee on the Rights of the Child

### Pepi-pods and SUDI prevention

Pepi-pods or wahakura have been promoted as one solution to the perceived risks of bed sharing as a contributing factor to SUDI.<sup>35</sup>

In July 2016, the Ministry of Health decided not to fund pepi-pods/wahakura stating there is not enough scientific evidence to support the claims that they help prevent SUDI.

This was despite the fact that Māori have welcomed the use of pepi-pods/wahakura as an indigenous response to SUDI that respects traditional Māori parenting techniques. The Northland District Health Board made the decision to continue to fund pepi-pods/wahakura based on their own data which revealed that SUDI have reduced from ten babies a year prior to 2013 to around three a year since pepi-pods/wahakura were introduced. There have been no cases of SUDI in wahakura or pepi-pods.<sup>36</sup>

In August 2016, the Government decided that wahakura would be funded.<sup>37</sup> While the decision has been welcomed by Māori<sup>38</sup>, the details of how the funding will be implemented have yet to be determined.

#### **Questions:**

*How were the views of Maori and SUDI experts taken into account when deciding whether to fund wahakura/pepi-pods?*

*How will the Government's decision to ensure that all babies, especially Maori babies at risk of SUDI, will have access to funding for wahakura/pepi-pods?*

<sup>35</sup> Please see paragraph 154 in the Alternative Report

<sup>36</sup> For more information please see: <http://www.radionz.co.nz/news/national/309089/northland-dhb-to-continue-to-fund-pepi-pods> and [http://m.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=11674761](http://m.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11674761)

<sup>37</sup> <http://www.radionz.co.nz/news/national/310054/ministry-to-fund-pepi-pods>

<sup>38</sup> <http://www.scoop.co.nz/stories/GE1608/S00026/ministers-u-turn-of-wahakura-welcomed.htm>

### **Obesity**

The Government’s Childhood Obesity Package<sup>39</sup> is made up of targeted interventions to encourage healthy food choices for those who are obese or who are at risk of becoming obese. Little has been done to address the obesogenic environment.

**Questions:**

*What is the Government doing to encourage a healthy food environment and address the obesogenic environment in Aotearoa NZ?*

Studies show that Aotearoa NZ children live in an environment where unhealthy food is more heavily promoted, more accessible and often cheaper than healthy food. Junk food advertising is more prevalent near secondary schools and more than 70% of these advertisements can be classified as unhealthy. This is incompatible with nutritional guidelines for adolescents. Research also suggests advertising and marketing restrictions are needed and that zoning by-laws around schools should be considered.<sup>40</sup>

Salad options are less available in lower socioeconomic areas and there are more junk food outlets closer to these secondary schools. Sugar-rich drinks are cheaper than milk in most supermarkets.

### **Homelessness**

In 2016 (and especially over the winter period), homelessness has emerged as a very significant issue, especially in Auckland and Christchurch. There have been cases of children and their families sleeping in vehicles, including a newborn baby<sup>41</sup> and a 16-year old who was undergoing cancer treatment.<sup>42</sup>

**Question:**

*How will the Government ensure sustainable assistance is available for homeless children and their families?*

*What plans are there to ensure that, in the future, every child has a secure, safe, warm and dry home to live in?*

ACYA is concerned that the Government does not have a clear grasp on the number of children who are homeless in Aotearoa NZ. An Auckland marae, which opened its doors to families who were homeless over winter 2016 has reported helping 156 people, including 83 children.<sup>43</sup>

<sup>39</sup> Paragraphs 110 – 112 of the List of Issues

<sup>40</sup> For more information please see <http://www.otago.ac.nz/profiles/environmentalobesity.html>.

<sup>41</sup> <http://www.radionz.co.nz/news/national/248430/woman-had-to-live-in-car-with-newborn>

<sup>42</sup> <http://www.radionz.co.nz/news/national/307164/16yo-with-cancer-and-family-moving-to-new-home>

<sup>43</sup> <http://www.radionz.co.nz/national/programmes/morningreport/audio/201809626/te-puea-marae-winding-down-help-for-homeless>



**Social Security Legislation Rewrite Bill**

With reference to the Government’s response to 14(c) in the List of Issues,<sup>44</sup> ACYA disputes that the initiatives and provisions cited are in the best interests of individual children because (dealing with each bullet point in turn):

- Supplementary assistance to parents or caregivers with dependent children is mainly provided through Working for Families Tax credits (see footnote 25 of the Government’s response). Successive governments have refused to extend tax credits to children of beneficiaries despite very clear evidence that it is these children who most need the additional assistance.
- Under the sanction regime up to 50% of benefit income can be withheld. One in six working age beneficiaries presently have a deduction under s70A of the Social Security Act 1964. This means that 17,000 children who are already living in financially deprived households are unfairly penalised by the sanction.<sup>45</sup>
- The blanket application of measures of child wellbeing does not allow the particular circumstances or best interests of individual children to be assessed. For example, being at home with a loving and engaged parent is likely to be in the best interests of the child, whereas attending poor quality early education is not.<sup>46</sup>
- The statutory limits on work availability according to the age of the child include a requirement for parents to return to work when their baby turns one, if that baby was born while they were on a benefit. This will not be in the best interests of all benefit dependent children.

**Question:**

*Will the Government repeal its punitive benefit sanction regime by removing clauses 176-178 from the Social Security Legislation Rewrite Bill?*

If passed in its current form, the Social Security Legislation Rewrite Bill (the Bill) will mean both parents with split day-to-day care arrangements for their children will be eligible for sole parent support. However, it will also mean they are both subject to work obligations and sanctions.

Under clause 176 of the Bill, sole parents (usually mothers) who are recipients of a benefit - including a young parent payment – will be penalised for failing or refusing to identify who the other parent is, or for failing or refusing to apply for child support. The sanction will be increased where the sole parent fails or refuses to identify the other parent within 13-weeks of being given notice to do so.

Children living in sole-parent households experience significantly higher poverty rates than children living in two-parent and other family households.<sup>47</sup> Half of all children living in hardship are from sole parent families. The sanction will exacerbate financial hardship

<sup>44</sup> Paragraph 120 of the Government response to the List of Issues

<sup>45</sup> Youth Law submission to the Social Services Select Committee on the Social Security Rewrite Bill, 21 June 2016.

<sup>46</sup> Smith, A. B. (2016). *Children's rights: Towards social justice*. New York, Momentum Press.

<sup>47</sup> Perry, B. (2015) *Household incomes in New Zealand: Trends in indicators of inequality and hardship 1982 – 2014*. Wellington: Ministry of Social Development.



**“Walk for a bit in my shoes ... it isn’t actually that easy”**

**Supplementary information for the Committee on the Rights of the Child**

---

in sole-parent families, and increase the risk that parents will be unable to meet their children’s basic needs (such as food, clothing and adequate housing).

ACYA strongly supports recommendations to remove clauses 176-178 from the Social Security Legislation Rewrite Bill.



## ***Education, leisure and cultural activities***

### **Education Act 1989 update and funding review – two opportunities to meet education rights**

There are two key developments underway, which will shape Aotearoa NZ’s education system for the future and offer opportunities to build an inclusive education system that is available, accessible, acceptable and adaptable.

Firstly, the Education Act 1989 is being updated. The revised legislation should include education goals that:

- embed children’s rights within the education system, based on the CRC (particularly Article 23, 28 and 29 rights)
- attend to participation rights, particularly Article 12 rights, and establish mechanisms, which ensure children are involved in the design and development of policy about the governance and administration of early childhood services and schools.

Secondly, a review of funding is being undertaken. This has the potential to mitigate the impact of poverty and inequality on children’s access to quality education. However, there is also a risk that changes to the structure of education funding may undermine the strong universal provision of education services.

#### ***Questions:***

*What consideration is being given to children’s rights as part of the Education Act 1898 review and the Education Funding review including, but not limited to, their participation rights?*

*How will the Government ensure that children are not excluded or denied educational opportunities because of their socioeconomic status or location?*

### **Adequacy of measures to address the impact of poverty and inequality on education**

Issues associated with poverty, such as the lack of affordable housing, impact on children’s ability to learn at school, and on their wellbeing and overall development, which also impacts on their ability to learn. The Government’s current focus on priority learners reflects well-documented links between poverty and poor educational outcomes. Yet policy tends to be narrowly focused on attendance and attainment, not reducing inequalities. The Programme for International Student Assessment (PISA) shows that socioeconomic factors have a larger impact on attainment for children in Aotearoa NZ than in some other countries.

The impact of inequalities on children’s education rights are compounded by a number of factors:

- Governance and management of Aotearoa NZ schools is highly devolved, and schools in poorer communities often have fewer people with the necessary time, skills and experience available for their Boards of Trustees. Data from the Education Review Office shows that schools in low socioeconomic communities find it harder to meet their governance and management responsibilities.
- Principals report that recruiting and retaining teachers is more problematic for schools in low socioeconomic communities.

- Data from the Education Review Office shows that schools in low socio-economic communities find it harder to meet various performance measures.<sup>48</sup>
- Schools that serve poorer communities raise significantly less funding from local sources than schools in wealthier areas. In 2014, schools in the top three deciles raised \$275 million whereas schools in the lowest three deciles raised \$90 million.

There is a component of school funding intended to overcome educational disadvantage for children in socioeconomically deprived communities but this is minimal. It ranges from around 8% of total funding at the lowest decile schools to 1% at the highest.

### **Budget 2016**

The 2016 Budget [failed to deliver](#) any significant increases in funding for education and undermined universal provision of quality education in the following ways:<sup>49</sup>

- funding is not indexed to inflation, which means increased [costs](#) are likely to be passed onto parents
- increased targeted educational funding for students who have spent a significant proportion of their life in a benefit-dependent household, while welcome, was at the cost of an overall increase to school funding and is likely to add to pressure to raise funds locally
- there were no moves to redress the 2010 [cuts to quality measures](#) such as employing fully trained, registered teachers in early education
- increased funding for children with [special needs](#) is not available to those in early education
- funding was cut for the [Parents as First Teachers](#) programme, a home based education programme supporting families deemed at risk of poor child wellbeing outcomes. (Family Start programmes, while similar, are not universally available so access to home-based, culturally responsive programmes can no longer be guaranteed).

### **Recent research on the issue of school donations**

Some schools do not make it clear that parental donations are voluntary and are able to be claimed as [tax rebates](#).<sup>50</sup> Some children whose parents have not paid the voluntary donation have been publicly identified and, in some situations, [denied access](#) to school balls, school magazines and even NCEA examination admission slips. Participants in the research reported feeling anxious that their child/children would be actively discriminated against if donations were not paid.

---

<sup>48</sup> This evidence is based on the Youth2000 survey series conducted in 2001, 2007 and 2012 [www.youthresearch.auckland.ac.nz](http://www.youthresearch.auckland.ac.nz) The future of this very valuable data tracking of secondary school students is uncertain because funding is not secured.

<sup>49</sup> See <http://www.stuff.co.nz/business/budget-2016/80521594/Budget-fails-early-childhood-education-Auckland-Kindergarten-Association-says>; <http://www.nzkindergarten.org.nz/announcements/budget-a-big-disappointment>; <http://www.nzkindergarten.org.nz/announcements/funding-cuts-take-effect>; and <http://www.nzkindergarten.org.nz/announcements/where-is-the-funding-for-young-children-with-additional-learning-needs>

<sup>50</sup> Gasson, R, Pratt, K, & Smith, J. 2015, “The Impact of Cost on Children’s Participation in School – Based Experience: Parents’ Perceptions” University of Otago College of Education, unpublished paper. Available on request.

## **Building an inclusive education system that respects article 28 and 29 rights**

### **New Initiative: Communities of Learning**

Communities of Learning<sup>51</sup> are being positioned as structures that will be used to deliver regulatory and legislative changes, such as recommendations from the Special Education Update<sup>52</sup> and professional learning and development. While schools, services and their communities are best placed to determine local needs, it is still a government

responsibility to ensure Article 28 and 29 rights are met. Communities of Learning are funded only for the compulsory sector and do not include early childhood services. A brief scan of the current Community of Learning agreements with Government noted that they all articulated a child-centred focus but only one had included children’s participation in its charter agreement with the Government.

#### **Question:**

*How will the Government ensure Article 23, 28 and 29 rights are equitably distributed to benefit all children, but especially those with special education needs, those already experiencing disadvantage, or who are outside mainstream education?*

### **Special education**

Current resourcing levels are insufficient to meet special educational needs and, because of this, not all children are able to participate fully in their local school or early childhood education (ECE) service. Access to special education services in rural and remote areas is generally not as good as those in the main centres. The Ministry of Education Special Education Update is well intentioned, but teachers, whānau and children find it very difficult to [access special education](#) support.

### **Meeting the rights of those outside mainstream education – alternative education and partnership schools**

Approximately 1800 students between 14 and 16 years are disengaged from mainstream education. Whether they are in alternative education centres, charter or partnership schools, ACYA’s concern is that unlike their peers in the compulsory education system, these students are not being taught by certified teachers.

Since 2013, alternative education providers have had a teacher holding a current practising certificate as their lead professional (pedagogical leader). However, most of the teaching and work with the students is done by youth workers or other people who are not trained or qualified as educators. The outcomes for this group are poor, with a 2009 report by the Education Review Office showing only 37% went from alternative education to employment, or back into education or training, and there is little indication that this has improved since then. Alternative education is not able to provide the quality of education required for the 3,500 – 4,000 at-risk teenagers attending at any one time.

Partnership schools do not require teachers to hold current certification or registration.

---

<sup>51</sup> <http://www.education.govt.nz/ministry-of-education/specific-initiatives/investing-in-educational-success/#CosAcrossTheCountry>

<sup>52</sup> <http://www.education.govt.nz/ministry-of-education/specific-initiatives/special-education-update/>



**“Walk for a bit in my shoes ... it isn’t actually that easy”**

## **Supplementary information for the Committee on the Rights of the Child**

---

While most of the existing partnership schools do choose to employ teachers who hold certification, the practice of using less skilled teachers with students who are identified as at risk of not achieving is recognised internationally as contributing to poor outcomes. Funding for seven new partnership schools was allocated in the 2016 Budget and this has [not been well received](#). The use of limited public funds to promote a [political agenda](#) is questionable. Children’s experiences in these schools, while well documented internationally, are undocumented in Aotearoa NZ. We have concerns about children’s rights to trained, qualified teachers, and to fair and open disciplinary processes, and transparent review.

## ***Special protection measures***

### **Children in post-earthquake Canterbury**

#### **Through children’s eyes**

UNICEF NZ has worked with 24 Christchurch children to give them the opportunity to share, through digital photography, their experiences of life in Canterbury after the earthquakes. The photographs illustrate the disruption and change to children lives; schools, play areas, and neighbourhoods. They also show a determination to find ways to do the things they enjoy despite the disruption.<sup>53</sup>

#### **Support for children still needed**

Anecdotal and [media](#)<sup>54</sup> reports suggest that initially children in Canterbury were well supported by the adults around them - parents, schools, teachers, and counsellors. However, five years on, there has been a substantial increase in the numbers presenting to health services with anxiety, distress and inability to cope with difficulties.

Children in Canterbury have experienced multiple events and chronic trauma, which has a longer-term impact than a one-off event. There has been ongoing stress for children as families and communities fight to get their houses, schools and neighbourhoods fixed properly. Sometimes children have had to move homes and schools multiple times making it hard to play and socialise.<sup>55</sup> There are questions about the long-term impact of this type of chronic stress on children’s developing brains.

Canterbury District Health Board’s clinical director for child, adolescent and family services, Dr Harith Swadi, said counselling is needed in schools to support children, and health and other support services must be sustainable. Dr Swadi has also noted that a

#### **Questions:**

*What ongoing support is planned for children in Canterbury, as the impact of the earthquakes on them continues and how are children being included in that planning?*

*What is being done to learn from the Canterbury recovery and ensure that after any future natural disaster children will be prioritised:*

- *immediately after the event through, for example, planning to establish child friendly spaces and temporary learning centres?*
- *through inclusion in decision-making about recovery?*

---

<sup>53</sup> View a power point presentation of the children's photographs [https://www.unicef.org.nz/\\_data/assets/powerpoint\\_doc/0005/6764/Christchurch-SeeThroughmyEyes.ppt](https://www.unicef.org.nz/_data/assets/powerpoint_doc/0005/6764/Christchurch-SeeThroughmyEyes.ppt) or see the photos taken by the children <http://www.flickr.com/photos/unicefnz/sets>

<sup>54</sup> <http://www.radionz.co.nz/national/programmes/insight/audio/201805595/insight-canterbury-health-on-shaky-ground>

<sup>55</sup> <http://www.radionz.co.nz/news/regional/296721/christchurch-kids-struggling-with-ptsd> and <http://www.stuff.co.nz/the-press/news/christchurch-earthquake-2011/9674021/Quake-stress-hurting-our-young>

---



**“Walk for a bit in my shoes ... it isn’t actually that easy”**

## **Supplementary information for the Committee on the Rights of the Child**

---

sense of hope is vital as it means less stress and less demand on services, “But at the moment, and for some time, that sense of hope is not there.”<sup>56</sup>

A recently released [study](#) by the Principals Association found that the poorly handled closure and merger of schools created additional trauma following the earthquake.<sup>57</sup>

### **Youth justice**

As part of planned changes to the CYPFA 1989, the youth justice age should be raised to 18 so that 17 year olds are included in the youth justice system. (Please see page 6 above, Definition of a Child).

---

<sup>56</sup> Ibid

<sup>57</sup> <http://www.radionz.co.nz/news/national/308671/quake-hit-school-closures-'created-trauma'>

## ***Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography***

### **Overhaul of CYF**

The overhaul of CYF is an opportunity to strengthen implementation of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC).

ACYA would like to see a stronger focus on preventing children becoming vulnerable to the offences covered by the OPSC. Social determinants need to be addressed as well as ensuring appropriate therapeutic responses are available and accessible to children who have been exposed to trauma, including abuse.

With reference to the List of Issues, ACYA is concerned that there are between two to three reports each week of self-generated child exploitation material.<sup>58</sup> ACYA is also concerned that systems for compiling data available to agencies involved in child protection matters under the OPSC appear to be limited to three areas of Aotearoa NZ (Hamilton, Canterbury and Counties Manukau).<sup>59</sup>

### **Child marriage**

The Marriage Act 1955 allows 16 and 17 year-olds to marry with parental consent, thus providing a loophole for children to be coerced into marriage. Based on marriage registration data from the Department of Internal Affairs, the number of marriages involving a person under the age of 18 is relatively small (2009, 82; 2010, 78; 2011, 67; 2012, 37; and 2013, 57). Nevertheless, [media](#)<sup>60</sup> and anecdotal reports suggest a review of the Marriage Act is overdue to ensure those aged under 18 are protected

#### **Questions:**

*How is the OPSC, including Article 9, being taken into account in the CYF overhaul:*

- *in the structure and function of the new agency?*
- *during transition to the new agency?*

*What measures, based on what evidence, are being taken to:*

- *protect children particularly vulnerable to offences under the OPSC?*
- *prevent and respond to self-generated material?*

*What data is collected on children who are vulnerable to offences under the OPSC but who live in areas where there is not a Children’s Team?*

#### **Questions:**

*What systems does the Government have in place so it will know if there are cases of early and forced marriage?*

*What is being done to protect children from early and forced marriage?*

*Will the Government close the loophole in the Marriage Act 1955 to prevent children being coerced into marriage?*

<sup>58</sup> Paragraph 1 of the New Zealand Government response to the list of issues in relation to the Initial report under the Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

<sup>59</sup> Ibid, paragraphs 4-11.

<sup>60</sup> <http://www.stuff.co.nz/national/crime/68721673/police-get-guidelines-on-investigating-forced-marriages.html>



from forced marriage.

### **Child prostitution**

There is limited information about child prostitution in Aotearoa NZ. A recent study of eight young people aged between 12 and 16 years engaged in sex work found the children came from families experiencing poverty and dysfunction. Most families did not know that their children were engaged in paid sex. Participants had been encouraged into sex work by friends and to meet their personal needs arising out of deprivation and exposure to trauma in childhood.<sup>61</sup>

The study found that wider social factors contribute to involvement in under-age sex work and that those involved need “accepting, empathetic, genuine therapeutic connections that address past harm.”<sup>62</sup>

The gaps and challenges are:

- lack of public awareness about the issue
- children feeling they had nowhere to turn and feeling shamed and judged by social services they went to for help
- the need for training in this area for all frontline staff in statutory and non-statutory settings including mental health professionals, social workers, and teachers
- there are no safe houses for affected teenagers.

#### **Questions:**

*How are children involved in sex work identified and helped?*

*What is being done to protect children from prostitution?*

*Will the Government provide training to frontline workers on recognising and responding to child prostitution?*

*How do Police:*

- *monitor street prostitution to identify those working underage?*
- *demonstrate commitment to prosecuting people who purchase sexual services from young people?*

---

<sup>61</sup> Thorburn, N *Consent, coercion and autonomy: underage sex work in Aotearoa New Zealand* Social work 28(1), 34 -42

<sup>62</sup> Thorburn, N and de Haan, I. *Connecting through chaos: escape behaviour among sex-working adolescents in Aotearoa New Zealand*. Kōtuitui: New Zealand Journal of Social Sciences Online, available at <http://dx.doi.org/10.1080/1177083X.2016.1188133>, page 7.