

GETTING IT RIGHT

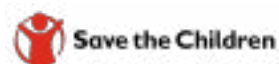
BUILDING BLOCKS

**Building the foundations
for implementing the
Children's Convention
in Aotearoa**

The Children's Convention
Monitoring Group

April 2018

www.occ.org.nz



The Children’s Convention Monitoring Group

The Children’s Convention Monitoring Group (the Monitoring Group) monitors the New Zealand Government’s implementation of the UN Convention on the Rights of the Child (the Children’s Convention), its Optional Protocols and the Government’s response to recommendations from the UN Committee on the Rights of the Child (the Committee). In addition to a monitoring role, we advocate for the adoption of processes that embed the Children’s Convention across Government, such as collecting good information, listening to children, raising awareness of the Convention and planning to advance children’s rights.

The Getting it Right series

This is the first of a series of thematic reports prepared by the Children’s Convention Monitoring Group prior to New Zealand’s next review by the Committee in 2021. The Committee last reviewed New Zealand in 2016 and made 105 recommendations to improve the rights of children in Aotearoa. This report focuses on the steps required to enable the implementation of the Children’s Convention (described in the Children’s Convention as the General Measures of Implementation). It highlights where New Zealand is making progress and identifies areas where action is still needed. It is imperative that these “building blocks” be put in place; only then can the Children’s Convention be properly implemented.

ISBN 978-0-473-43569-1

MESSAGE FROM THE CHILDREN'S COMMISSIONER



Twenty-five years ago this month, the New Zealand Government ratified the United Nations Convention on the Rights of the Child (the Children's Convention). In doing so, the Government agreed to promote, respect, protect and fulfill the rights of all children. It agreed to do this by including these rights in our laws, policies and practices, and to report publicly what it is doing to ensure children are safe, healthy and thriving.

Yet here we are in 2018, and children in Aotearoa are still not on a level playing field. In fact, despite relative economic stability and consistent GDP growth in the last 10 years, New Zealand has seen increasing inequality, disadvantage and poverty affecting children.

There are 1.1 million children and young people under 18 years old in Aotearoa, that's almost one in four New Zealanders. Most of them are doing well. Across a range of indicators, about 70% do well in their overall well-being. However, 20% do much less well; and 10% are really struggling with issues ranging from abuse and neglect, material deprivation and poor health to difficulties learning at school.

These challenges align with some of the recommendations from the UN Committee on the Rights of the Child, which in 2016 called on the New Zealand Government to urgently address issues including:

- Persistently disproportionate negative outcomes for Māori children, Pasifika children and children with disabilities;
- Unacceptably high rates of violence, abuse and neglect of children, particularly for those in State care and in secure detention;
- The lack of a strategy to address increasing rates of child poverty and inadequate housing and social protection measures.

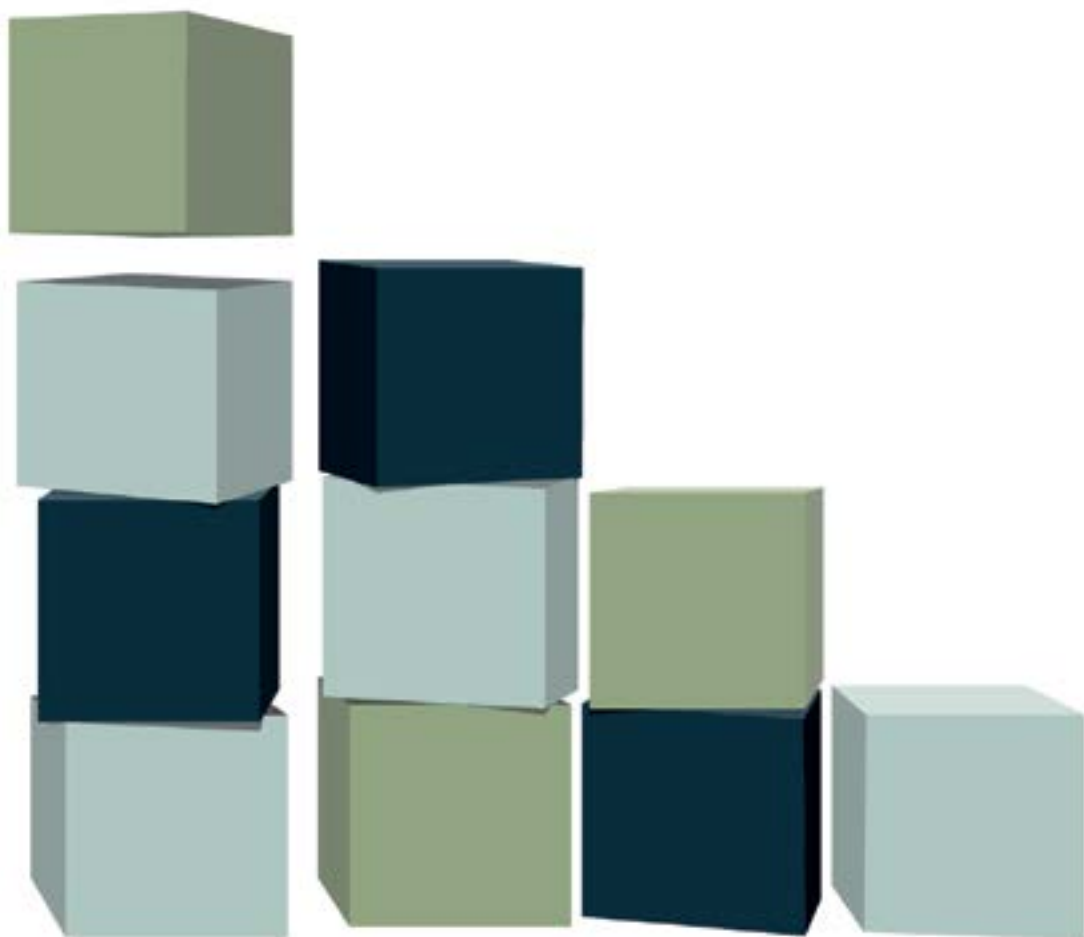
We are currently witnessing significant political commitment to reducing child poverty and promoting child well-being. I hope this translates to changes that mean all children in Aotearoa can enjoy all their rights and entitlements on an equitable basis. In my view, for the last twenty five years at least, New Zealand has not been sufficiently child focused in the development of policy. We cannot continue to make policy for children on an ad hoc basis.

This report focuses not on the content of the Children's Convention, nor our specific compliance. Rather it analyses what steps the Government first needs to take to ensure the Convention is understood, and what preliminary foundations need to be put in place to allow the Convention to be implemented. Without these foundations being built, there is little chance of the Convention ever being comprehensively put into effect in New Zealand.

Twenty-five years after we have ratified it, for the first time in our history we have an opportunity to fully embed the Children's Convention into our laws and policies as well as in a national strategy for all children. The Children's Convention Monitoring Group will continue to monitor the extent to which these building blocks are in place, to deliver on our promise to New Zealand children.

A handwritten signature in black ink that reads "Andrew Becroft". The signature is written in a cursive, flowing style.

Judge Andrew Becroft, Children's Commissioner



BUILDING THE FOUNDATIONS FOR IMPLEMENTING THE CHILDREN'S CONVENTION IN AOTEAROA

When children play with building blocks, they quickly figure out that for their tower to stand tall and steady, the first layer of blocks must be positioned correctly. Good structures need strong foundations. In order to build a society that provides for the rights of all children, we know it's critical to get the right building blocks in place first.

This report focuses on what the UN calls the *General Measures of Implementation* or the steps governments are expected to take in order to enable the implementation of the Children's Convention. In this report we call these 'measures' building blocks.

This report focusses on ten building blocks that are required to enable the implementation of the Children's Convention as follows:

1. The Children's Convention in law
2. A plan for all children
3. Coordination
4. Training and tools
5. Data
6. Budgeting
7. Monitoring
8. Children's participation
9. Raising awareness
10. Withdrawing reservations and acceding to the Third Optional Protocol

This report will acknowledge recent progress in some of these areas; will highlight where we have fallen short as a country in laying the proper foundations needed to implement the Children's Convention; and will make 15 key recommendations for progress.

We call on the Government to put their words into action and to invest in the infrastructure that is needed to ensure the Children's Convention is embedded in Aotearoa so that all children can flourish and thrive.

RECOMMENDATIONS*



1. THE CHILDREN'S CONVENTION IN LAW

- 1.1 Develop robust systems and processes to ensure that legislation incorporates, and is consistent with, the principles and provisions of the Children's Convention.



2. A PLAN FOR ALL CHILDREN

- 2.1 Develop a national strategy that implements the Children's Convention. Make sure it is resourced, it benefits all children and it is developed with key stakeholders, including children, young people and tangata whenua.
- 2.2 Ensure that the planning process for a Child Well-being Strategy embeds children's rights, in particular the four General Principles. Ensure the Strategy is co-designed with children and young people and tangata whenua, it benefits all children, and it is closely connected with the Children's Convention work programme.



3. COORDINATION

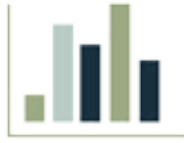
- 3.1 Ensure the Children's Convention Deputy Chief Executives Group has the adequate authority and resources to fulfill its obligations to drive the cross-agency implementation of the Convention.



4. TRAINING & TOOLS

- 4.1 Ensure all public servants receive training on child rights and are equipped with the knowledge and tools needed to carry out quality child impact analyses.
- 4.2 Embed the use of the Child Impact Assessment tool into the legislative and policy development process.

*For a full list of detailed recommendations see pages 28-29.



5. DATA

- 5.1 Develop a child rights and Sustainable Development Goals (SDG)-compliant data infrastructure that generates high quality disaggregated data which is used to inform policies, legislation and practices.
- 5.2 Ensure the collection, storage and sharing of information about children is consistent with their privacy and information rights, views and best interests.



7. MONITORING

- 7.1 Sufficiently resource the Office of the Children's Commissioner to effectively fulfill its mandate and functions to monitor and advance child rights.



9. RAISING AWARENESS

- 9.1 Resource the promotion of children's rights education in schools and raise awareness of the Children's Convention across all sectors.
- 9.2 Table in Parliament the Concluding Observations from the UN Committee on the Rights of the Child and the Government responses to them.



6. BUDGETING

- 6.1 Transparently and regularly track and measure resource allocation and spending on child rights and well-being. Assess the impact of investments for children in line with the principles and provisions of the Convention.
- 6.2 Amend the Public Finance Act to take into consideration specified or targeted spending that will uphold children's rights to ensure their well-being.



8. CHILDREN'S PARTICIPATION

- 8.1 Government agencies setting policy and designing services for children should systematically seek out and consider children's views in decision making using a child-centred, rights based approach.



10. WITHDRAW RESERVATIONS AND ACCEDE TO THE THIRD OPTIONAL PROTOCOL

- 10.1 Increase compliance with the Children's Convention by withdrawing reservations and acceding to the Communications Procedure Optional Protocol.

*For a full list of detailed recommendations see pages 28-29.

DEFINITIONS AND GLOSSARY

Children: All children and young people under 18 as set out in Article 1 of the Children's Convention.

Children's Convention Monitoring Group (the Monitoring Group): The author of this report. We monitor the New Zealand Government's implementation of the Children's Convention, its Optional Protocols and the Government's response to recommendations from the UN Committee.

Concluding Observations: Concluding Observations are issued by the UN Committee after the examination of State reports every five years.

General Measures of Implementation: Steps governments are expected to take in order to enable implementation of the Children's Convention and ensure children's rights are fully respected, based on:

- **ARTICLE 4**, obliging countries to undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the Children's Convention. With regard to economic, social and cultural rights, countries shall undertake such measures to the maximum extent of available resources.
- **ARTICLE 42**, obliging countries to ensure children, parents and relevant professionals know about the principles and provisions of the Convention.
- **ARTICLE 44.6**, requiring governments to ensure their reports about progress on child rights are widely available to the public.

General Principles: The four General Principles of: non-discrimination (article 2), the best interests of the child (article 3), survival and development (article 6) and respect for views of the child (article 12), represent the foundational requirements for any and all rights to be realised.

Optional Protocol: An additional legal instrument that adds to a treaty. The Children's Convention has three Optional Protocols on: the involvement of children in armed conflict; the sale of children, child prostitution and child pornography; and a communication procedure for international complaints of child rights violations. Countries choose whether or not to independently ratify a Protocol.

Reservation: A reservation allows a State to ratify a Convention as a whole, but to place a specific exception on part of it.

UN Committee on the Rights of the Child (the Committee): The UN Committee is a body of independent experts that monitors and reports on the implementation of the Convention.

UN Convention on the Rights of the Child (Children's Convention):

The international treaty setting out the minimum standards and norms for protecting and promoting children's rights. New Zealand ratified the Convention in 1993, meaning it applies to all children in Aotearoa and the Government has obligations to implement the Convention in practice.

UN Sustainable Development Goals (SDGs): The 2030 Agenda for Sustainable Development includes 17 SDGs that apply to all UN member States, including New Zealand. The SDGs address the social, economic and environmental dimensions of sustainable development.



Incorporate the Children's Convention into New Zealand law

A key part of implementing the Children's Convention requires governments to incorporate the relevant articles into domestic law. When countries do this, child rights are more likely to be taken into account when developing new policies or legislation.

The 2013 UNICEF New Zealand report *Kids Missing Out* points out that because New Zealand does not have a written constitution, the obligation to undertake all appropriate measures for the implementation of the Children's Convention could most effectively be met by enshrining the various articles of the Convention in New Zealand's domestic law.¹

Review existing legislation to analyse compliance

In order to fully incorporate the Children's Convention into domestic law in New Zealand, existing legislation should be reviewed to analyse how the principles and provisions of the Convention are considered and can be adequately embedded. This has not yet happened.

Incorporate the Children's Convention into the legislative and policy development process

While there have been ad hoc additions to legislation over time, there is little evidence of consistent and progressive implementation of the Children's Convention into domestic law in the last 25 years.

Government agencies are obliged to address international obligations as part of the development of government policy. Some examples of guidance to assist policy makers to do this include:

- *Legislative Design Advisory Committee guidelines* that set out obligations to develop legislation that is consistent with international treaty obligations.²
- *Government Expectations for Good Regulatory Practice* provided by Treasury that advise regulatory agencies to include "existing domestic and international requirements" in their impact and risk analysis.³
- *CabGuide and the Cabinet Manual* which include advice for Ministers to confirm that Bills comply with legal principles and obligations, including international obligations.⁴

While guides, such as those listed above, recommend compliance with international obligations, some recent legislation shows an inconsistent approach.

For instance, the 2017 update of the Education Act 1989, which includes significant changes for one of the most fundamental services for all children in New Zealand, did not go nearly far enough in ensuring the views of children were sought and considered. Nor did the update incorporate the principles of the Children's Convention, including principles to address discrimination against children with disabilities.⁵

Progress - *The Oranga Tamariki Act (1989)*

The most significant progress in legislative reform for children since 2016 has been amendments to, and the renaming of, the newly titled 'Children's and Young People's Well-being Act (1989) Oranga Tamariki Act (1989)' - referred to in this report as the Oranga Tamariki Act. Significant changes for children include:

- Raising the care and protection age for children to 21 years (with transition support and advice available up to 25) and including 17-year-olds in State care and youth justice (from 1 July 2019).
- New obligations to improve outcomes for Māori children, including stronger provisions to whakamana and to support Māori children, and their whānau, hapū and iwi, who are affected by the care and protection and/or youth justice systems.⁶
- Embedding child participation rights through the redesign of the care and protection and youth justice systems and reinforcing that decisions affecting children and young people should be made with a holistic approach that takes into consideration the child's age, identity, cultural connections, education and health.
- Explicit reference in the principles section of the Oranga Tamariki Act to the Children's Convention (and the Convention on the Rights of Persons with Disabilities).

The specific incorporation of the Children's Convention and the Convention on the Rights of Persons with Disabilities into Section 5 of the Oranga Tamariki Act opens up possibilities for how the judicial system (in particular) and all decision makers under the Act might better consider child rights and New Zealand's international obligations. Section 5 of the Act sets out principles to be applied in the exercise of powers under the Act as follows:

Oranga Tamariki Act, Section 5 - Principles to be applied in exercise of powers under this Act

"(1) Any court that, or person who, exercises any power under this Act must be guided by the following principles:

- (a) a child or young person must be encouraged and assisted, wherever practicable, to participate in and express their views about any proceeding, process, or decision affecting them, and their views should be taken into account:
- (b) the well-being of a child or young person must be at the centre of decision making that affects that child or young person, and, in particular,—
 - (i) the child's or young person's rights (including those rights set out in UNCROC and the United Nations Convention on the Rights of Persons with Disabilities) must be respected and upheld, and the child or young person must be—
 - (A) treated with dignity and respect at all times:
 - (B) protected from harm:⁷

It remains to be seen how the inclusion of the Children’s Convention into the Oranga Tamariki Act will lead to judges, or those exercising powers under the legislation, making decisions differently. However, the opportunity now exists to argue the Convention’s application in almost all issues before the courts arising under the Act.

A way forward

Consistently embedding the principles and provisions of the Children’s Convention, supported by robust systems and processes that include respecting the views and participation of children, will ensure the Convention is implemented in New Zealand law in a way that protects and advances the rights of children.

The Child Poverty Reduction Bill and the Family and Whānau Violence Legislation Bill are examples of legislation currently under consideration that would benefit from such an approach.

Requiring policy makers and Select Committees to conduct child impact analyses is an example of a system change that could contribute to better legal and policy outcomes for children.

Recommendations

1.1 Develop robust systems and processes to ensure that legislation incorporates, and is consistent with, the principles and provisions of the Children’s Convention.

1.1.1 Review existing legislation to analyse compliance with the Children’s Convention and ensure the Convention’s provisions and principles are adequately embedded.

1.1.2 Update resources like the Cabinet Manual and other guides to make explicit and comprehensive reference to the Children’s Convention and how to use it.

Note: also see Recommendation 4.2.



The Children's Convention work programme

The Ministry of Social Development is currently leading a process to refresh the cross-agency Children's Convention work programme to give effect to New Zealand's obligations under the Convention.⁸

A work programme to deliver on the Children's Convention is an important tool for galvanising and focusing support, resource, action and accountability on measurable outcomes for children and the implementation of the Convention. Examples of other similar plans include:

- The New Zealand Disability Strategy, overseen by the Office for Disability Issues that is underpinned by: Te Tiriti o Waitangi; the Children's Convention; the Convention on the Rights of Persons with Disabilities; and the participation of people with disabilities in decision making.⁹
- The National Plan of Action developed by the Human Rights Commission that monitors action in response to recommendations from the Universal Periodic Review and is underpinned by a human rights framework.¹⁰

The Monitoring Group has provided advice to the Ministry of Social Development on the updating of the work programme. In that advice, we have urged the Government to ensure that the programme addresses the urgent Concluding Observations of the UN Committee, specifically: violence, abuse and neglect; children deprived of a family environment; standard of living; children belonging to minority or indigenous groups; child labour and youth justice.¹¹ The plan also needs to acknowledge and address the persistently disproportionate negative outcomes experienced by tamariki Māori, Pasifika children, and children with disabilities.

We recommend further consideration be given to how the work programme links with other work across government that has the potential to advance children's rights. For example, the current focus on child poverty reduction and a child well-being strategy, the continued roll out of Oranga Tamariki, the foreshadowed obligation on a group of Chief Executives to develop an Oranga Tamariki Action Plan, education reform and transformation of the Disability Support System all offer opportunities for upholding and advancing children's rights. A national strategy for children could include all these developments.

At the time of writing, the Ministry of Social Development is preparing advice for Ministers on the proposed work programme, and once agreed it will be published on the Ministry of Social Development's website.

Child Well-being Strategy – the way forward?

The inclusion of a Child Well-being Strategy in the Child Poverty Reduction Bill (introduced in January 2018), is an opportunity to drive the design of a national strategy for all children which embeds the Children's Convention.

The Bill requires the Government to adopt, publish, and review a government strategy for improving the well-being of children; and ensure that children's agencies work together to improve the well-being of particular groups of children.

The Bill does not explicitly refer to the Children’s Convention, but as it stands would contribute greatly to meeting obligations such as Article 27 which requires governments to recognise the rights of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development. The changes in the Bill are intended to support a strong preventative focus and reflect an aspirational approach for children.

A strategy to enhance the overall well-being of all children is a welcome development. Based on what is currently included in the Bill regarding a Child Well-being Strategy, we recommend that the Child Well-being Strategy:

- Makes explicit reference to the Convention, and embeds in particular the four General Principles of: non-discrimination (article 2), the best interests of the child (article 3), survival and development (article 6) and respect for views of the child (article 12).
- Is co-designed with, and considers the views of, children and young people and tangata whenua.
- Serves all children in New Zealand – including (but not limited to): Māori children, Pasifika children, children with disabilities, children from minority and refugee communities, and children of diverse sexual orientation, gender identity and sex characteristics.
- Includes a clear definition of well-being that is consistent with children’s rights and is closely connected with the cross-agency Children’s Convention work programme.

Recommendations

- 2.1 Develop a national strategy that implements the Children’s Convention. Make sure it is resourced, it benefits all children and it is developed with key stakeholders, including children, young people and tangata whenua.
- 2.2 As outlined above, ensure that the planning process for a Child Well-being Strategy embeds children’s rights, in particular the four General Principles. Ensure the Strategy is co-designed with children and young people and tangata whenua, it benefits all children, and it is closely connected with the Children’s Convention work programme.



Clear responsibility for coordinating and implementing the Children’s Convention is essential. In New Zealand, the Ministry of Social Development is responsible for coordinating the Children’s Convention and its Protocols.

The Children’s Convention Deputy Chief Executives Group (DCE Group), chaired by the Ministry of Social Development, is the new ‘permanent coordinating mechanism’ for the Children’s Convention. The DCE Group replaces the Social Sector Board which, at the time of New Zealand’s last report to the UN in 2016, was identified as the coordinating mechanism. The Social Sector Board disbanded in July 2017.

The DCE Group is responsible for driving the cross-agency implementation of the Children’s Convention, which includes addressing the recommendations made by the UN Committee.

The DCE Group has a Terms of Engagement with the Monitoring Group, which notes the roles of both parties, how they will interact and the principles of their partnership. The Terms of Engagement aims to strengthen the relationship between the two groups and embed a system of governance and monitoring which is stable and effective.

With a refreshed mandate to implement the Children’s Convention, we hope the newly formed DCE Group will have the resources and sufficient authority to drive the cross-agency implementation of the Convention, in addition to the priority items identified in the work programme.

Recommendations

3.1 Ensure the Children’s Convention Deputy Chief Executives Group has the adequate authority and resources to fulfill its obligations to drive the cross-agency implementation of the Convention.



Training

Professionals who work directly with and for children and young people receive training and resources that incorporate children's rights. For example, teacher trainees are required to study the Children's Convention as part of their qualification; professional development for social workers includes training on children's rights; and the NZ Defence Force has a training module which includes a discussion on children's rights and in particular the Optional Protocol on the Involvement of Children in Armed Conflict.¹²

While training for professionals working directly with children is essential, there should also be systematic training for all public servants on taking a child rights approach to legislation and policy. In 2011, UNICEF New Zealand found that there were pockets of knowledge about the Convention in the public service, but that many public servants had little knowledge of the Government's obligations and were not using the Convention as a framework to guide policy development or to inform practice.¹³ We welcome the intention of the Ministry of Social Development to develop and deliver training for public servants on child rights and the Convention.

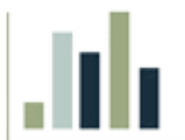
Child Impact Assessment

A Child Impact Assessment tool designed by the Ministry of Social Development is another positive development that aligns with the UN Committee recommendations and international best practice. The Child Impact Assessment tool supports better policy advice and child-centred practice by helping policy makers consider impact of the policy on children and young people. The tool is currently being tested by government agencies and will be published on the Ministry of Social Development's website once it is finalised.

We recommend that the DCE Group champions the use of the Child Impact Assessment tool in their organisations and that it is included as a component of the child rights training programme. We recommend that the use of the Child Impact Assessment not be limited to use by central government agencies but that this tool be adapted and used in the legislative development process, by Select Committees, local government, service providers and the private sector.

Recommendations

- 4.1 Ensure all public servants receive training on child rights and are equipped with the knowledge and tools needed to carry out quality child impact analyses.
 - 4.1.1 Have the DCE Group champion the uptake of training and tools in their organisations.
- 4.2 Embed the use of the Child Impact Assessment tool into the legislative and policy development process.



How data on children is collected

Official government data collected on children comes mainly from the Census (which is the primary tool for collecting information on children under 15); the Household Labour Force Survey; the Household Economic Survey; and the General Social Survey.

Other sources of information about children include surveys by government agencies covering areas such as education and health - for example the New Zealand Health Survey.

Funded research such as the Growing up in New Zealand longitudinal study, the Youth 2000 survey, and the Well-being@School survey provide valuable information on topics such as attitudes towards immunisation and the intergenerational use of Te Reo Māori.

Disaggregation is important

In order to get a clearer picture of what is happening for children in New Zealand, we recommend data is further disaggregated, by age, gender identity, disability, geographic location, ethnic origin, nationality and socioeconomic background. This will help strengthen analysis on the situation of all children, and particularly Māori and Pasifika children, children in care, children with disabilities, children living in poverty, refugee, asylum-seeking and migrant children, and children in situations of vulnerability.¹⁴

We also recommend that data and indicators align with those required to achieve the Sustainable Development Goals (SDGs).

Using data effectively

Used effectively, data on children can help inform and evaluate policies and practices and assess where children's needs and rights are being met, and where improvements are required. For example, the Child Poverty Monitor has helped highlight the prevalence of child poverty in New Zealand.

Work is taking place at Oranga Tamariki to develop a Lifetime Well-being Model which will assess how well-being during childhood connects to later adult outcomes. This work shows promise, but is incomplete.¹⁵ The Child Poverty Reduction Bill has clear obligations to set targets and to report on child poverty and well-being.

While these examples demonstrate how data can be used to help address children's rights, what is lacking is an overarching, comprehensive approach to data collection and an information system on all areas of children's rights and well-being.

We recommend a coordinated and sustained approach to collecting data about children that includes greater disaggregation, and monitoring and evaluation of indicators that can inform policy, legislation and the design of services.

Privacy and information rights

The volume and type of data held by public and private sector organisations is growing exponentially. This has implications for the privacy and information rights of children.

The Data Futures Partnership and the work to progress reforms to New Zealand's privacy laws demonstrates a commitment by Government to protecting people's personal information and helping businesses and organisations to safeguard and handle data appropriately. The reforms (detailed in a new Privacy Bill), aim to encourage private and public sector agencies to identify risks and prevent incidents that could cause harm. These changes are timely given legislative reforms like the updated Oranga Tamariki Act, which includes new information sharing provisions intended to promote a culture of child-centred information sharing.

While the data environment rapidly changes, it is critical to ensure that the collection, storage and sharing of information about children is consistent with their privacy and information rights, views and best interests.

Recommendations

- 5.1 Develop a child rights and SDG-compliant data infrastructure that generates high quality disaggregated data which is used to inform policies, legislation and practices.
- 5.2 Ensure the collection, storage and sharing of information about children is consistent with their privacy and information rights, views and best interests.

“Put money in to things that matter like healthcare and suicide prevention. It is such a big issue in NZ and we are not doing enough about it”

*17 year old student's answer to “What would you do if you were the Prime Minister for a day?”
Office of the Children's Commissioner, Mai World survey 2017*



Quality financial public investment in children is necessary to realise children's rights. Currently, it is difficult to assess how well New Zealand is investing in children without an adequate system to track resource allocation and expenditure on child-related areas.

It is relatively straightforward to see how much public money is spent on big ticket items for children such as education or health services. However, it is more difficult to see how much is being spent on children compared to other population groups, for example senior citizens, or to see how well investments in children are serving their best interests.

Encouraging signs of progress

“By placing well-being at the heart of what we do, we will be able to measure the extent to which our policies and investments are making real improvements to peoples' lives.” *Finance Minister, Grant Robertson, February 2018¹⁶*

The announcement that the Government plans to focus the next Budget on well-being and “move beyond simple measures such as GDP,” signals a step change in the way in which government spending might be planned and tracked. Child poverty is likely to be included in a suite of well-being indicators that are linked with the Treasury's Living Standards Framework. The Child Poverty Reduction Bill would see changes to the Public Finance Act and require the Minister of Finance to report on child poverty reduction at each Budget. These signaled changes along with a planned review of the tax and welfare systems (including looking at the impact of benefit sanctions on children of beneficiaries), are welcomed and we will monitor how they impact on the rights of children.

Recommendations

- 6.1 Transparently and regularly measure and track resource allocation and spending on child rights and well-being. Assess the impact of investments for children in line with the principles and provisions of the Children's Convention.
- 6.2 Amend the Public Finance Act to take into consideration specified or targeted spending that will uphold children's rights to ensure their well-being.



Office of the Children's Commissioner

The Children's Commissioner has a statutory role to advance and monitor the Children's Convention under the Children's Commissioner Act (2003).¹⁷ The Children's Commissioner is responsible for monitoring how the Government applies the Convention to improve outcomes for children. The Commissioner fulfills this role by promoting the implementation of the Children's Convention in legislation, policy and practice, and by coordinating the Monitoring Group.

Human Rights Commission

The Human Rights Commission is New Zealand's national human rights institution. The Human Rights Commission has a statutory role under the Human Rights Act (1993) to promote and monitor New Zealand's implementation of international human rights instruments including the Children's Convention.¹⁸

Children's Convention Monitoring Group (the Monitoring Group)

The Monitoring Group monitors the New Zealand Government's implementation of the Children's Convention, its Optional Protocols and the Government's response to recommendations from the UN Committee. The Office of the Children's Commissioner convenes the group which includes the Human Rights Commission as the national human rights institution; Action for Children and Youth Aotearoa (ACYA) who are New Zealand's coalition organisation for children's rights including non-government reporting to the UN; Save the Children New Zealand; and the United Nations Children's Fund New Zealand (UNICEF NZ).

We meet regularly with Government to share information and ideas about how to progress child rights and to offer support, advice, tools and training. Publishing the Getting It Right series of reports focusing on legal and policy developments for children and young people in New Zealand and how those developments align with the principles of the Children's Convention is one way we fulfill this monitoring role.

The Monitoring Group supports the UN Committee's recommendation that the Office of the Children's Commissioner "has the adequate human, technical and financial resources to advance and monitor the application of the Children's Convention.... [and that the Government should]... consider further strengthening the independence of the Office of the Children's Commissioner, including in the provision of its budget."¹⁹ The current focus on children's rights and well-being, including changes to the care and protection and youth justice systems, raises questions about the adequacy of current monitoring and resourcing to meet these needs.

Recommendations

7.1 Sufficiently resource the Office of the Children's Commissioner to effectively fulfill its mandate and functions to monitor and advance child rights.

“The child who is capable of forming his or her own views [shall have] the right to express those views freely in all matters affecting the child” *Article 12, United Nations Convention on the Rights of the Child*



Respect for the views of the child

Children are dependent on, and are major users of, many services. However, they have little say in the design and delivery of services that affect them. Considering children in decision-making is an important way to uphold children's rights and effectively implement the Children's Convention.

When done well, facilitating the participation of children and young people in decisions that affect them upholds their right to have a say and be heard, advances their best interests and results in better decision making overall.

Examples of children expressing their views and having influence has benefits for everyone. Some recent examples include:

- The views of children and young people experienced in the State care system contributing to the redesign of the care and protection system and informing and influencing Oranga Tamariki legislation and policy.²⁰
- Children aged 5-12 years participating in the engagement and planning for the Ōtākaro Avon River Corridor regeneration in Christchurch. They shared ideas not thought of by adults, which led to more inclusive urban design.²¹
- The public petition, led by Ōtorohanga College students, to remember the New Zealand land wars.²²

“It was good that they asked us as there would be no point putting things there that no-one wanted” *Child participating in Regenerate Christchurch engagement*²¹

In consultations facilitated by members of the Monitoring Group, children have expressed the importance of family, their value of education, and communicated serious concerns about bullying, discrimination and racism taking place in their schools and communities. These views provide evidence of impact and contribute to thinking about how services for children can better meet their needs. Hearing the views of children and young people is a key element of being child-centred which is a way of elevating the interests, well-being and views of children. A child-centered approach acknowledges children in the context of their family, whānau, hapū, and iwi.²³

“Don’t take all of our opinions lightly, some of us may not have the knowledge of older people but most of our opinions are more honest and pure.”

14 year old student, Office of the Children’s Commissioner, Mai World survey 2017

How do you support children to participate?

The Office of the Children’s Commissioner offers guidance on how individuals and agencies can consider the interests, well-being and views of children in decision making on their website.²⁴ They also work with agencies and organisations to provide support and guidance on how best to engage with children. The Ministry of Social Development’s Child Impact Assessment tool provides guidance on obtaining the views of children and considering the impacts of policy and legislation on children.

Recommendations

8.1 Government agencies setting policy and designing services should systematically seek out and consider children’s views in decision making using a child-centred, rights based approach.



The Children’s Convention includes an obligation to make the content of the Convention widely known to both children and adults (article 42) and to make reports on the progress of implementation widely available (article 44(6)).

Raising awareness of the Children’s Convention

The Children’s Commissioner has a statutory responsibility for raising awareness and understanding of the Children’s Convention.²⁵ The Office of the Children’s Commissioner promotes the Children’s Convention through direct engagements with children and young people, speaking engagements, interviews with the media and through online communication.

The Monitoring Group publishes quarterly reports of its activities on the Office of the Children’s Commissioner website and issues reports - such as this one - to promote the Children’s Convention to a broader audience.²⁶

While these are positive steps, more could be done to raise awareness of children’s rights and the Children’s Convention with additional resources.

How do children learn about their rights?

“Make an entire week about learning about human rights so we can say them off by heart” *13 year old secondary student, when asked what they would change if they had control over their school. Office of the Children’s Commissioner, Mai World survey, 2017*

The Sustainable Development Goals include a target to ensure all learners acquire the knowledge and skills needed to promote sustainable development, including through human rights and global citizenship education.²⁷ But there are no specific requirements in the New Zealand Curriculum to teach or receive learning about human rights or children’s rights. While there are some references to ‘rights’ in the Curriculum, there are no specific references to the Children’s Convention itself, or recognition that children are entitled to their rights as accorded by the Convention.

While there are examples of opportunities for students at secondary schools to learn about citizenship, these are not offered by all schools and are elective, rather than mandatory.²⁸

Without government efforts or programmes to educate the public about children’s rights, non-government organisations like UNICEF New Zealand and YouthLaw Aotearoa play a vital role in providing opportunities for children and adults to learn about children’s rights and the Children’s Convention.

“It could be argued that the more children and young people know about their own human rights, the greater the effect on advancing rights consciousness in New Zealand.” *Human Rights in New Zealand, Emerging Faultlines*²⁹

Sharing New Zealand’s reports on the Children’s Convention

The Government publishes progress reports on the Children’s Convention on the Ministry of Social Development website.³⁰ The Children’s Convention is also referred to on the Ministry of Justice website.³¹

Members of the Monitoring Group publicise official government and UN Committee reports. The Human Rights Commission, as New Zealand’s national human rights institution, also highlights recommendations from the UN Committee in other human rights reporting processes such as the Universal Periodic Review.

Currently, there are no requirements for the Concluding Observations from the UN Committee, or the Government’s responses to them, to be tabled in Parliament. Tabled these periodic reports on New Zealand’s progress for children would demonstrate a commitment to advancing children’s rights.

The idea of a Human Rights Select Committee tasked with reviewing the Concluding Observations and the implementation of the Children’s Convention (and other treaties) is something that has been raised by others and has worked well in other countries.³² Raising awareness and understanding of the Children’s Convention with officials and MPs would help in progressing the implementation of the Convention.

Recommendations

9.1 Resource the promotion of children’s rights education in schools and raise awareness of the Children’s Convention across all sectors.

9.2 Table in Parliament the Concluding Observations from the UN Committee on the Rights of the Child and the Government responses to them.

WITHDRAW RESERVATIONS AND ACCEDE TO THE THIRD OPTIONAL PROTOCOL

“The Committee’s aim of ensuring full and unqualified respect for the human rights of children can be achieved only if States withdraw their reservations.”

UN Committee on the Rights of the Child ³³



Twenty-five years ago New Zealand ratified the Children’s Convention but included reservations to certain articles. Despite an ongoing commitment to ‘progressive realisation’ of full compliance, at the time of writing, the New Zealand Government has no plans to remove its reservations as detailed below.

Respect the rights of *all* children

The New Zealand Government reserves the right to deny some rights to children who do not have the legal right to remain in the country. One of the core principles of the Children’s Convention is that of non-discrimination. This means that all rights outlined in the Children’s Convention be granted to all children irrespective of their immigration status or the status of their parent/s or guardian/s.

We acknowledge that there has been some progress to ensure access to health and education services for children without legal immigration status.³⁴ However, we recommend the reservation to Article 2 on non-discrimination be withdrawn so that the full rights of all children, irrespective of their immigration status, can be respected and protected.

Safety for children who work

Working from a young age is seen as a rite of passage in some communities and cultures in New Zealand. Having a paper run, babysitting, or working on the family farm are typical occupations for some children.³⁵ But apart from a few exceptions, young people’s work is governed by the same legislative protections as for adult workers, which doesn’t allow for children’s rights to special protections to keep them safe. Further steps could be taken to ensure children are not in roles where their physical development or judgement places them at greater risk than adults in the same role, such as handling dangerous chemicals or operating heavy equipment.

The Government of New Zealand considers that the rights of the child to be sufficiently protected from economic exploitation and from performing work that may cause harm are taken care of in existing laws.³⁶ The Government has a Reservation to Article 32, Para 2 and reserves the right to not take additional measures to safeguard children and young people in work.

Despite some progress in Health and Safety codes of practice,³⁷ regulations in the Health and Safety at Work Act 2015 continue to authorise the employment of young people with machinery, hazardous materials and in other high-risk work environments from the age of 15.³⁸

The Monitoring Group remains concerned about the safety of children and young people who work in New Zealand and recommends further measures be taken to ensure they are adequately protected from harm.

Safety for young people who are detained

The Government is not ready to withdraw New Zealand's reservation to Article 37(c), which refers to the right of children to be separated from adults when detained by authorities unless it is considered in the child's best interest not to do so.³⁹

In male prisons, youth units are not restricted to offenders under 18 and some units contain young adult male prisoners aged 18 and 19. Because there are no youth units in women's prisons, all young women under 18 in the adult prison system must mix with adult prisoners. The Department of Corrections explains that age-mixing takes place in some cases because there is a shortage of facilities and at other times because it is in the best interests of the young person who has offended.^{40 41}

The good news is that changes to include 17-year-olds in the Youth Court from 1 July 2019, will mean that few 17-year-olds will remain in the adult corrections system. In the short term, it is estimated this will increase the numbers of young people coming into the youth justice system by up to 40 per cent. In the longer term, the age change is expected to reduce the number of 17-year-olds who go on to reoffend because of prevention, rehabilitation and wraparound services.

Oranga Tamariki aims to partially address the increased volume of sentenced youth offenders by ensuring there are more community-based facilities for young people being held on remand. These facilities will also be an important component to reduce the number of young people held on remand in police cells (where age-mixing is a risk). Oranga Tamariki says it is working closely with Police and is developing a wider suite of community facilities to ensure more young people can be released on bail or remanded to community-based placements rather than held in police cells.

Withdrawing the reservation on age-mixing would mean that the right of detained children to be separated from adults would ensure children's best interests are paramount, and not limited by financial or resource constraints.

Extend the Children's Convention to the Territory of Tokelau

Tokelau is a territory of New Zealand and Tokelauans are New Zealand citizens. New Zealand has assisted the Government of Tokelau to raise the standard of services that are critical to the well-being of children and their families on Tokelau (like education, health and transport), but has not specifically discussed the extension of the Children's Convention with Tokelau in recent years.

We recommend the New Zealand Government prioritise its work with Tokelau to extend the Children's Convention so that children in Tokelau enjoy the same rights as Tokelauan children who live in New Zealand.

Accede to the Optional Protocol on a Communications Procedure

The Third Optional Protocol to the Children's Convention on a Communications Procedure sets out an international complaints procedure for child rights violations. It allows children to bring complaints about violations of their rights directly to the UN Committee if they are not able to find a solution in their own country. The Protocol was adopted in 2011 and came into effect in 2014. However, New Zealand is yet to accede to the Protocol. The Ministry of Social Development is developing advice to Ministers about acceding to the Protocol on a Communications Procedure.

Recommendations

- 10.1 Increase compliance with the Children's Convention by withdrawing reservations and acceding to the Communications Procedure Optional Protocol.
In particular:
 - 10.1.1 Withdraw the general reservation to Article 2 to ensure all children in New Zealand, irrespective of their immigration status, can access their rights.
 - 10.1.2 Align all employment legislation with international standards to ensure the safe employment of young people under 18.
 - 10.1.3 Withdraw reservation to Article 37(c) on age-mixing in detention in all settings.
 - 10.1.4 Encourage and support the application of the Children's Convention to the territory of Tokelau.
 - 10.1.5 Accede to the Optional Protocol on a Communications Procedure.

CONCLUSION

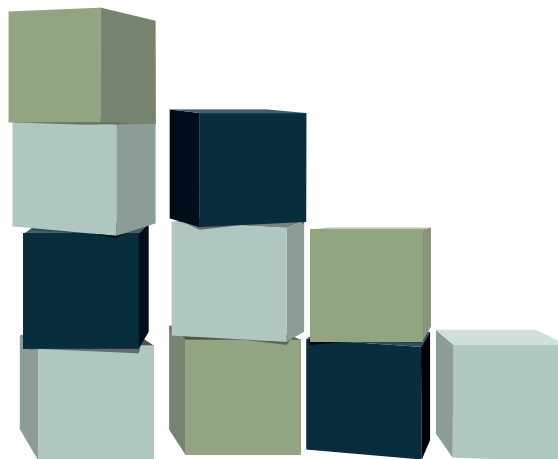
Progress in embedding the Children’s Convention into New Zealand’s laws, policies and processes has been slow and patchy over the last 25 years.

Our legislation remains out of step with international standards and there is a structural mismatch between the processes required to ensure implementation of the Convention and the way our laws and policies are developed. There is no overarching strategy for children or mechanisms to ensure that we do things like collect data or spend public money in ways that respect, protect and fulfill children’s rights.

However, new commitments to coordinating and implementing a work plan for the Children’s Convention, supported by child rights training and the use of a child impact assessment tool are encouraging. Amendments to recent legislation demonstrate a commitment to the provisions and principles of the Children’s Convention, particularly the ability of children to participate and have their voices heard.

The recommendations included in this report seek to shift the Government’s approach to the Children’s Convention from one of progressive (but ad hoc) realisation and compliance to one of comprehensive and proactive implementation.

Twenty-five years after we have ratified it, for the first time in our history we have an opportunity to fully embed the Children’s Convention into our laws and policies as well as in a national strategy for all children. The Children’s Convention Monitoring Group will continue to monitor the extent to which the building blocks required to enable implementation of the Children’s Convention are in place to deliver on our promise to all New Zealand children.



KEY AREA	A) CONVENTION ARTICLE B) 2016 UN RECS C) SDG	PROGRESS SINCE LAST UN REVIEW (2016)	RECOMMENDATIONS
The Children's Convention in law	A) Art 4 B) Para 6 C) SDGs: 1.3 10.3 16.B	Progress slow and inconsistent. Oranga Tamariki Act is a positive example.	<p>1.1 Develop robust systems and processes to ensure that legislation incorporates, and is consistent with, the principles and provisions of the Children's Convention.</p> <p>1.1.1 Review existing legislation to analyse compliance with the Children's Convention and ensure the Convention's provisions and principles are adequately embedded.</p> <p>1.1.2 Update resources like the Cabinet Manual and other guides to make explicit and comprehensive reference to the Children's Convention and how to use it.</p>
A plan for all children	A) Art 4 B) Para 7(a)	Well-being Strategy in the Child Poverty Reduction Bill is an opportunity.	<p>2.1 Develop a national strategy that implements the Children's Convention. Make sure it is resourced, it benefits all children and it is developed with key stakeholders, including children, young people and tangata whenua.</p> <p>2.2 Ensure that the planning process for a Child Well-being Strategy embeds children's rights, in particular the four General Principles. Ensure the Strategy is co-designed with children and young people and tangata whenua, it benefits all children, and it is closely connected with the Children's Convention work programme.</p>
Coordination	A) Art 4 B) Para 8	Establishment of Children's Convention DCE group shows commitment.	<p>3.1 Ensure the Children's Convention Deputy Chief Executives Group has the adequate authority and resources to fulfill its obligations to drive the cross-agency implementation of the Convention.</p>
Training and tools	A) Art 4 B) Para 7(c), 12(b)	Child Impact Assessment is encouraging.	<p>4.1 Ensure all public servants receive training on child rights and are equipped with the knowledge and tools needed to carry out quality child impact analyses.</p> <p>4.1.1 Have the DCE Group champion the uptake of training and tools in their organisations.</p> <p>4.2 Embed the use of the Child Impact Assessment tool into the legislative and policy development process.</p>
Data	A) Art 4 B) Para 10 C) SDGs: 6.10 17.8 and 17.9	A rapidly changing space. Changes to the Privacy Act will be important	<p>5.1 Develop a child rights and Sustainable Development Goal-compliant data infrastructure that generates high quality disaggregated data which is used to inform policies, legislation and practices.</p> <p>5.2 Ensure the collection, storage and sharing of information about children is consistent with their privacy and information rights, views and best interests.</p>

Budgeting	<p>A) Art 4 B) Para 9 C) SDGs: 16.6 1.3</p>	<p>No progress but positive signals to update the Public Finance Act.</p>	<p>6.1 Transparently and regularly track and measure resource allocation and spending on child rights and well-being. Assess the impact of investments for children in line with the principles and provisions of the Children's Convention. 6.2 Amend the Public Finance Act to take into consideration specified or targeted spending that will uphold children's rights to ensure their well-being.</p>
Monitoring	<p>A) Art 4 B) Para 11</p>		<p>7.1 Sufficiently resource the Office of the Children's Commissioner to effectively fulfill its mandate and functions to monitor and advance child rights.</p>
Children's participation	<p>A) Art 12 B) Para 18 C) SDG 16.7</p>	<p>Strong interest from government in this space. Recent progress by Oranga Tamariki.</p>	<p>8.1 Government agencies setting policy and designing services for children should systematically seek out and consider children's views in decision making using a child-centred, rights based approach.</p>
Raising awareness	<p>A) Art 42, 44.6 B) Para 12 C) SDG 4.7</p>	<p>Small steps in the secondary education space.</p>	<p>9.1 Resource the promotion of children's rights education in schools and raise awareness of the Children's Convention across all sectors. 9.2 Table in Parliament the Concluding Observations from the UN Committee on the Rights of the Child and the Government responses to them.</p>
Withdraw reservations and accede to the Third Optional Protocol	<p>A) Arts 4, 2, 32(2), 37(c) B) Para 5</p>	<p>No progressive realisation on withdrawing reservations since Convention signed in 1993.</p>	<p>10.1 Increase compliance with the Children's Convention by withdrawing reservations and acceding to the Communications Procedure Optional Protocol. In particular: 10.1.1.1 Withdraw the general reservation to Art. 2 to ensure all children in New Zealand, irrespective of their immigration status, can access their rights. 10.1.1.2 Align all employment legislation with international standards to ensure the safe employment of young people under 18. 10.1.1.3 Withdraw reservation to Art. 37(c) on age-mixing in detention in all settings. 10.1.1.4 Encourage and support the application of the Children's Convention to the territory of Tokelau. 10.1.1.5 Accede to the Optional Protocol on a Communications Procedure.</p>

ENDNOTES

- 1 Ludbrook R, Jamison A, Kids Missing Out, UNICEF NZ (2013), Available at <https://tewhareporahou.files.wordpress.com/2015/08/kids-missing-out-a4-document.pdf>
- 2 Legislation Advisory Committee Guidelines (2014) www.ldac.org.nz/guidelines/lac-revised-guidelines/chapter-8/
- 3 Government Expectations for Good Regulatory Practice (2017), Page 4, www.treasury.govt.nz/regulation/informationreleases/pdfs/good-reg-practice.pdf
- 4 Cabinet Manual (2017), Section 7.65(d), www.dPMC.govt.nz/sites/default/files/2017-06/cabinet-manual-2017.pdf
- 5 Making Disability Rights Real - Whakatūturu ngā tika hauātanga: Report of the Independent Monitoring Mechanism of the Convention on the Rights of Persons with Disabilities, (2014), p 79.
- 6 Whānau, hapū and iwi (2017) www.occ.org.nz/publications/reports/whanau-hapu-and-iwi/
- 7 Oranga Tamariki 1989 Children and Young People's Well-being Act 1989 www.legislation.govt.nz/act/public/1989/0024/latest/whole.html#DLM149457
- 8 Update on the Current United Nations Convention on the Rights of the Child work programme, MSD www.msd.govt.nz/about-msd-and-our-work/publications-resources/monitoring/uncroc/obligations-under-uncroc.html
- 9 New Zealand Disability Strategy 2016-2026 www.odi.govt.nz/nz-disability-strategy
- 10 New Zealand's National Plan of Action, Human Rights Commission <http://npa.hrc.co.nz>
- 11 Concluding Observations on the Fifth Periodic Report of New Zealand, Committee on the Rights of the Child (2016), Para 4, http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/NZL/INT_CRC_COC_NZL_25459_E.pdf
- 12 United Nations Convention on the Rights of the Child, Fifth Periodic Report by the Government of New Zealand (2015), Para 51, www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/monitoring/uncroc/nz-fifth-periodic-report-under-the-united-nations-convention-on-the-rights-of-the-child.pdf
- 13 Eldridge N, Education and training for professionals working with and for children in NZ, UNICEF NZ, (2011).
- 14 Concluding Observations on the Fifth Periodic Report of New Zealand, Para 10 http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/NZL/INT_CRC_COC_NZL_25459_E.pdf
- 15 This model is based on cross agency data against a number of domains of well-being like safety, security, wellness, development and stability. Oranga Tamariki Strategic Intentions 2017-2022 (2017) www.orangatamariki.govt.nz/assets/Uploads/Documents/Strategic-Intentions-2017-2022.pdf
- 16 Finance Minister Grant Robertson promises to deliver NZ's first 'wellbeing' budget, NZ Herald, (13 February 2018), www.nzherald.co.nz/business/news/article.cfm?c_id=3&objectid=11993716
- 17 Children's Commissioner Act (2003) www.legislation.govt.nz/act/public/2003/0121/latest/DLM230429.html
- 18 S5(2)(kc) of the Human Rights Act (1993) www.legislation.govt.nz/act/public/1993/0082/latest/DLM304212.html
- 19 Concluding Observations on the Fifth Periodic Report of New Zealand, Para 11, http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/NZL/INT_CRC_COC_NZL_25459_E.pdf
- 20 Te Whānau Aroha : an example of youth engagement, Office of the Children's Commissioner, (2018), www.occ.org.nz/assets/Uploads/2018-Feb-Te-Whanau-Aroha-case-study-formatted-FINAL.pdf
- 21 Children's Views on the Ōtakaro Avon River, Office of the Children's Commissioner, (2017), www.occ.org.nz/publications/reports/childrens-views-on-the-otakaro-avon-river/
- 22 A petition to remember the New Zealand Land Wars (2015) www.hrc.co.nz/news/petition-remember-nz-land-wars/
- 23 Being Child Centred, Office of the Children's Commissioner, (2017), www.occ.org.nz/assets/Publications/Being-Child-Centred.pdf
- 24 Being Child Centred, Office of the Children's Commissioner website, www.occ.org.nz/listening2kids/child-centred/
- 25 S12 (1) (d) of the Children's Commissioner Act 2003.
- 26 Our role in the Children's Convention, Office of the Children's Commissioner website, www.occ.org.nz/childrens-rights-and-advice/uncroc/uncroc-role/

- 27 Target 4.7, Sustainable Development Knowledge Platform, <https://sustainabledevelopment.un.org/sdg4>
- 28 An initiative in social studies since 2013 has been the NCEA 'personal social action' achievement standards. These allow students in Years 11–13 to undertake and reflect on social action on an issue of their choice. Wood, B. (2017) www.victoria.ac.nz/news/2017/05/young-kiwis-more-engaged-as-citizens-than-we-think
- 29 Page 115, Human Rights in New Zealand, Emerging Faultlines, McGregor J, Bell S and Wilson M (2016)
- 30 United Nations Convention on the Rights of the Child (UNCROC), Ministry of Social Development website, www.msd.govt.nz/about-msd-and-our-work/publications-resources/monitoring/uncroc/
- 31 UN Convention on the Rights of the Child, Ministry of Justice website, www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/human-rights/international-human-rights/crc/
- 32 Page 115, Human Rights in New Zealand, Emerging Faultlines, McGregor J, Bell S and Wilson M (2016)
- 33 General Comment No 5 (2003), Para 13, <http://www.refworld.org/docid/4538834f11.html>
- 34 United Nations Convention on the Rights of the Child, Fifth Periodic Report by the Government of New Zealand (2015), Para 19-20
www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/monitoring/uncroc/nz-fifth-periodic-report-under-the-united-nations-convention-on-the-rights-of-the-child.pdf
- 35 Anderson, D. "Safe enough? The working lives of New Zealand children, (2010) p3.
- 36 These laws include the Education Act 1989, the Prostitution Reform Act 2003 and the Sale of Liquor Act 1989.
- 37 Guidance on safe use of quad bikes, Worksafe, <https://worksafe.govt.nz/topic-and-industry/quad-bikes/safe-use-of-quad-bikes-fs/>
- 38 Part 4 of the Health and Safety at Work (General Risk) Regulations 2016 generally sets age 15 as a threshold for working in forestry, construction, manufacturing, using machinery and plant, and lifting heavy loads.
- 39 Article 37(c) UN Convention on the Rights of the Child www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx
- 40 Office of the Children's Commissioner, Supplementary Report to the UN Committee on the Rights of the Child (2016), www.occ.org.nz/publications/reports/supplementary-report-to-the-united-nations-committee-on-the-rights-of-the-child/
- 41 United Nations Convention on the Rights of the Child, Fifth Periodic Report by the Government of New Zealand (2015), www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/monitoring/uncroc/nz-fifth-periodic-report-under-the-united-nations-convention-on-the-rights-of-the-child.pdf

