

PART 5 FAMILY ENVIRONMENT AND ALTERNATIVE CARE

- 5.1 Families have the earliest and most lasting influence on children. All New Zealand's social policies and social legislation acknowledge family influence and are designed to build on families' strengths and to support families to do the best job they can. But there are often circumstances when families cannot look after their children, and in these situations, the State or others are required to assume responsibility for the children's care.

ALTERNATIVE CARE

CRC/C/15/Add.216: Para 32

The Committee recommends that the State party continue its efforts to strengthen the system of child protection by:

- (a) improving the qualifications of social workers and personnel working in the child protection system and enacting measures to retain qualified and specialized staff**
- (b) taking effective measures to improve co-ordination between the Department of Child, Youth and Family Services and organizations delivering services to children**
- (c) increasing the financial resources allocated to alternative care, while ensuring that institutional care is used only as a last resort**
- (d) strengthening efforts to guarantee that all children placed in care have a periodic review of their treatment and all circumstances relative to their placement, in accordance with article 25 of the Convention.**

Strengthening the child protection system

- 5.2 Each year, Child, Youth and Family interacts with thousands of children, young people and their families and seeks to achieve the best outcomes for them. It aims to help families find the support they need to care for their children and assist children needing care to find secure, long-term homes with family, whānau, caregivers or adoptive parents. If possible, a child will be kept with his or her parents, and a support plan developed drawing on both extended family and/or community resources.
- 5.3 Child, Youth and Family has developed a number of initiatives to better meet the needs of children and their families. These have been developed to facilitate an overall more responsive and effective service, which seeks to move, as much as possible, to a preventative model with interventions occurring as and when they are needed. Improved capacity and capability following the baseline review and merger with the Ministry of Social Development has enabled a stronger focus on its core business of care and protection and youth justice services.
- 5.4 Government directed the 'First Principles Baseline Review' of the former Department of Child, Youth and Family Services in 2002. This review was in response to ongoing concerns with the Department's ability to meet the care and protection needs of New Zealand children despite increases in baseline funding – from \$206.70 million at the end of 1999 to \$314.90 million at the end of 2002.

5.5 As a result of this review, the following steps have been taken to improve care and protection services by:

- establishing Family and Community Services, as a service line within the Ministry of Social Development with responsibility for funding family and community support initiatives, allowing Child, Youth and Family to focus on its core business of care and protection and youth justice
- directing early intervention supports to families before care issues escalate to crisis level
- developing a differential response model that provides additional response options to better meet families' needs and assist them to access services and supports
- introducing a health and education assessment framework to support collaboration between health services, schools and other education agencies and care and protection services to ensure the health and education needs of children and young people coming into care are identified and addressed to the greatest extent possible
- introducing a permanency policy, designed to support staff and caregivers in achieving good quality enduring placement outcomes for children in care, preferably within the family or family group of origin where this is consistent with the best interests of the child
- improving capacity and capability through Child, Youth and Family becoming a service line of the Ministry of Social Development coupled with additional funding of \$412 million in 2008/2009, increasing care and protection services 100 percent since 1999
- developing a joint Ministerial Statement outlining government expectations of how health, education and social service agencies will collaborate to meet the holistic needs of children and young people in state care
- introducing a Service Charter to provide all those coming into contact with Child, Youth and Family a clear understanding of their rights, and an enhanced complaints process.

"We have the right to be placed in a caregiver placement that is safe, stable, supportive and caring. Please make sure that you choose caregivers and our placements well. If you do, we have more of a chance to blossom"
[Kenneth, 17, youth presenter from Care to Independence Youth Council at the Australasian Conference on Child Abuse and Neglect, Wellington 2006]

Children's rights in state care

5.6 Child, Youth and Family has developed a Children's Charter to encourage children in state care to understand their rights and know what to do if they have a complaint. This builds on the Children's Charter for all children in New Zealand which was developed by the Children's Commissioner to provide a simpler, more accessible version of the UNCROC.

5.7 All children in the care of the Chief Executive of the Ministry of Social Development have received a copy of the Children's Charter, as have social workers in Child, Youth and Family, and Child, Youth and Family caregivers.

Improving social workers' qualifications

5.8 The Social Workers Registration Act was enacted in 2003 and came into force in 2004. Since then, Child, Youth and Family has progressively rolled out social work registration among its staff to ensure it has a qualified and skilled workforce.

5.9 There is deep commitment across Child, Youth and Family to support workforce professionalism and provide for greater public safety and accountability. This includes backing registration and putting practices in place to ensure social workers are competent to practice and are professionally accountable. Registration is incorporated into training, supervision and professional development for all social work staff. Individual staff are provided with targeted support to complete registration, and policy is in place to ensure registration is an expectation of professional practice.

“Every young person you give your attention and support to become resilient, the stronger our society will become” [Janelle, 16, youth presenter from Care to Independence Youth Council at the Australasian Conference on Child Abuse and Neglect, Wellington 2006]

5.10 Between October 2004 and 30 May 2008, Child, Youth and Family have registered a total of 1,072 social workers. The recruitment, retention and support of qualified staff to undertake registration has also been a key focus within the organisation. An internal pathway has been established for staff completing qualifications as Child, Youth and Family employees. This pathway approach provides individualised study plans, support with assignments and case work, funding to attend external courses, and a planned transition to an external degree-level course. Awards are available to assist with the costs of study.

PARENTAL GUIDANCE (article 5)

5.11 Over the reporting period, the government has made a strong commitment to better support families to provide for their children, recognising the critical role and influence the family has in the life of a child. This has been achieved by legislative and institutional change and policy and practice integration across health, education and social services known to be effective in improving outcomes. There has been a particular focus on addressing the needs of families with children under the age of six, in light of the critical developmental needs of children of this age, and the importance of intervening early.

5.12 The early intervention approach is based on: providing a co-ordinated continuum of support depending on the needs of the families; integrated assessment and planning; and families and communities identifying their own needs and developing solutions. The range of services provided include: universal services such as antenatal services and early childhood education; targeted services such as services for teenage parents and their children; parental support services such as Strategies with Kids-Information for Parents; intensive home-based visiting services such as Family Start and Early Start; and statutory care and protection services. Some of these services are described below.

5.13 Family and Community Services, a service line of the Ministry of Social Development, was established in July 2004 to lead and co-ordinate government and non-government actions to support families and communities. Family and Community Services focuses on prevention and early intervention to build the capability and resilience of families and communities, and to reduce the number of families who are affected by family violence. Family and Community Services has a range of programmes which aim to support families through parental support initiatives. These include:

- **SKIP** – Strategies with Kids - Information for Parents: The SKIP vision is that all children will be raised in a positive way. This involves parents loving and nurturing their children,

as well as setting boundaries to guide and teach them. SKIP supports parents to bring up their children in a positive way by:

- funding and supporting community organisations to develop collaborative projects that support and inform parents
 - developing resources for parents and the organisations that support them
 - working in partnership with national organisations to build their capacity to support parents.
- **Family Start** was established in 1998 as part of a wider strategy to strengthen families. It provides intensive, home-based support services for families with high needs, to ensure that their children have the best possible start in life.
 - **Toddlers Without Tears** is an early intervention initiative being piloted by Family and Community Services and Well Child providers. This project is officially known as 'Parent Support to Complement Well Child' The programme provides free support to parents, beginning before their babies become toddlers. The aim is to help parents to understand and manage toddler behaviour well, so as to reduce the possibility of behavioural problems developing as children grow.
 - **Strengthening Families** is a cross-sectoral, whole-of-government initiative which uses a structured process of government agencies and community organisations working together to improve outcomes for vulnerable families. Strengthening Families provides co-ordinated support for families/whānau with children under 17 who are working with two or more government or community agencies. The agencies work together with the family to provide support and develop joint solutions to issues, rather than each agency dealing with one part of the problem and never seeing the bigger picture.

Families Commission

5.14 The Families Commission provides an example of further institutional support for families. Established in 2004, it provides a voice for New Zealand families and whānau. The Families Commission undertakes research, provides policy advice, consults the public and provides information to families and those who work with them. The Families Commission is an Autonomous Crown Entity under the Crown Entities Act 2004 with its role established under the Families Commission Act 2003.

5.15 The specific functions under the Families Commission Act 2003 are to:

- encourage informed debate about families
- increase public awareness and promote better understanding of matters regarding the interests of families
- play a part in shaping government policies that promote or serve the interests of families
- consider any matter regarding the interests of families referred to it by any Minister of the Crown
- stimulate research into families, for example by funding and undertaking research
- consult with, or refer matters to, other official bodies or statutory agencies.

PARENTAL RESPONSIBILITIES (article 18)

5.16 The Care of Children Act 2004 defines a child's guardian as someone who legally has essentially all the same duties, rights, responsibilities and powers as a parent has in bringing up that child. Although most parents will be guardians of their children, others can be guardians too.

- 5.17 The inclusion of parental responsibilities is new and underscores one of the Act's aims of encouraging ongoing co-operation between parents following separation. When parents have separated, both should continue to have a significant role in their children's upbringing, even if one of them is no longer living with the children.
- 5.18 The words used in the new Act reflect this change. Instead of 'custody' of their children, the Act provides for parents or other caregivers to have day-to-day care of their children, and replaces custody orders and access orders with parenting orders. Parents or guardians may share day-to-day care, splitting the time in a way that works best for the children and the family's circumstances.
- 5.19 An application for a parenting order must include a statement about whether and how the order can and should provide for any other person or persons to have the role of providing day-to-day care for, or contact with, the child. If the Court proposes to make a parenting order that does not give a parent the role of providing day-to-day care for a child, the Court must consider whether and how the order can and should provide for the parent to have contact with the child.
- 5.20 The Act also recognises different arrangements for caring for children. Children in New Zealand are brought up in many types of family arrangements. For example, children may be cared for by both their parents, by members of their whānau or wider family group, or by same-sex partners. The Act makes it clear that it is important for children to keep and strengthen their links with their wider family, including whānau, hapū, iwi and other family groups. It also encourages members of whānau and other wider family groups to participate in the care and upbringing of children.
- 5.21 In addition, a person who is not a parent can become a guardian by being appointed by the Family Court. This might be a family member, for example, a grandparent. The Court can appoint a guardian after being asked by someone to do so, or it can do so at the same time as it decides to remove a guardian. Anyone can apply to the Court asking it to appoint a guardian. In particular, the Act expressly provides for circumstances in which a new partner of a parent may be appointed as a guardian of a child.

Supporting working parents to meet their responsibilities

- 5.22 Balancing work and caring for children are issues faced by many working parents. To help people live, care and work in ways that suit them, and to help attract and retain staff, many employers and unions are working to create workplaces that support parents and carers. Government initiatives have included:
- expanding early childhood education and out-of-school services
 - introducing government-funded paid parental leave and extending entitlement for working parents up to 14 weeks when they take leave from their job(s) after the birth or adoption of a child.
- 5.23 In August 2006, the government launched a major initiative 'Choices for Living, Caring and Working' recognising the importance of enabling parents and other carers to make choices about their caring roles and work. This initiative's vision is of a society that provides parents and carers with real choices for living, caring and working that suit their needs and to:

- achieve quality outcomes for children, families and others who require care
- achieve greater fairness in opportunities for men and women to participate in high-quality work
- enable people to balance their work and other aspects of their lives
- increase productivity and economic growth.

5.24 The Employment Relations (Flexible Working Arrangements) Amendment Act 2007 provides eligible employees with the right to request flexible working arrangements to enable them to care for someone, for example children and young people. Young workers who have caring responsibilities and who meet the eligibility criteria of the Act will also be able to request a flexible working arrangement.

SEPARATION FROM PARENTS (article 9)

Children's contact with parents who are in prison

5.25 All new prisoners are asked whether they are financially or custodially responsible for any children so as to determine whether there is a need for care and protection services because of the parent's prison admission. As at 27 February 2007, 14 percent of male prisoners and 30 percent of female prisoners had indicated on admission to prison that they were caring for at least one child before being imprisoned.

5.26 The Corrections (Mothers with Babies) Amendment Act 2008 raises the age limit for babies allowed to be accommodated in prisons with their mothers from six to 24 months. This applies to all female prisoners regardless of their security classifications, or whether or not they have been convicted or sentenced.

Children separated from their parents and placed in care and protection

5.27 Child, Youth and Family is guided by the objectives and principles of the Children, Young Persons and Their Families Act 1989, and the Care of Children Act 2004, which emphasise the need to protect and strengthen connections between children, young people and their families, whānau, hapū, iwi and other family groups. In New Zealand there has been a relatively steady increase in the number of children and young people in care. There are an increasing proportion of care placements with family or whānau (kinship care) rather than with unrelated foster families, as this generally enhances permanency and stability for the young person.

FAMILY REUNIFICATION (article 10)

5.28 In 2001, the Department of Labour introduced the Dependent Child Policy, which provides for parents who are either New Zealand citizens or residents to apply for residence for dependent children. In 2007, the government agreed that this policy would no longer form part of the general residence quota, and that the Department grant priority to any such applications. This removed the limitation on the total number of children who could join their New Zealand citizen or resident parent in New Zealand.

Transitional immigration policy

5.29 Government's transitional immigration policy that came into effect in October 2000 enabled some well-settled overstayers and their immediate families to regularise their immigration status prior to new immigration laws coming into effect. Overstayers had from 1 October 2000 until 30 March 2001 to lodge an application for a two-year work permit. A total of 12,588 applications have been decided, of which 10,938 were approved. Of these, 1,917 were decisions applicable to people aged up to 19 years of age, with 1,645 gaining approval.

The refugee family support category

5.30 The Refugee Family Support Category became operational from 1 October 2007. It facilitates family reunification for refugees with extended family members (who do not have to be refugees themselves). The Refugee Family Support Category replaces the 2002 Refugee Family Quota category which used a ballot system.

5.31 The Refugee Family Support Category, which has 300 places available annually, provides a clearer prioritisation mechanism for applications. It uses a two-tiered registration system: Tier One prioritises and queues sponsorship applications for eligible close family members of refugees who are alone: Tier Two deals with other applications and it fills residual places (if any) by ballot.

5.32 Tier One sponsors can also now apply to sponsor a family under the Refugee Family Support Category from the time the sponsor is granted residence in New Zealand. Previously the Refugee Family Quota policy required a three-year waiting period.

RECOVERY OF MAINTENANCE FOR THE CHILD (article 27)

5.33 Inland Revenue administers the child support scheme. Significant amendments to the Child Support Act 1991 in 2006:

- allowed Inland Revenue to write off some penalty debt if a liable parent entered and maintained an arrangement to pay both current child support liability and an agreed amount of arrears of liability
- allowed Inland Revenue to initiate an administrative review of child support liability if it considers that the amount of child support payable by a liable parent does not accurately reflect that parent's ability to provide financial assistance for his or her child(ren)
- introduced a permanent exemption from liability for victims of sex offences and a temporary exemption for liable parents under the age of 16 years.

International arrangements

5.34 New Zealand and Australia reached a formal agreement to exchange child support cases for enforcement effective 1 July 2000, an important development in light of the movement of citizens between our two countries. The reciprocal agreement applies when one party lives in each country. The country where the custodian resides assesses the child support obligation and refers it to the other country for enforcement when necessary.

- 5.35 In the calendar year 2007, New Zealand sent Australia 1,497 cases for enforcement bringing the number of cases which they enforce under the reciprocal agreement to 8500. Australia sent New Zealand 1,185 cases for enforcement, bringing the number of cases New Zealand enforces to 5,000.
- 5.36 New Zealand also administers about 200 court orders under two other international child support provisions – United Nations Convention on the Recovery Abroad of Maintenance (UNCRAM) and the Commonwealth Scheme.
- 5.37 The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance was concluded in the Netherlands in November 2007. When the explanatory note to this Convention has been finalised, New Zealand officials will undertake a national interest analysis and identify any legislative changes required for New Zealand to ratify.

ADOPTION (article 21)

CRC/C/15/Add.216: Para 34

In considering the reform of its legislation on adoption, the Committee recommends that the State party pay particular attention to article 12 and the right of children to express their views and have those views be given due weight in accordance with the age and maturity of the child.

In particular, the Committee recommends that the State party:

- (a) require that children of a certain age consent to their adoption**
- (b) ensure the right of adopted children to access, as far as possible, information about their biological parents**
- (c) ensure the right of children, as far as possible, to maintain one of their original first names.**

- 5.38 The government has begun the process for a comprehensive reform of adoption laws with the Ministry of Justice conducting targeted consultation in 2003. A key objective in reviewing adoption legislation is to update the legal frameworks to better align with modern adoption practices, contemporary society structures, and values and obligations contained in international instruments. Due to other work programme priorities, the review was placed on hold for a period. Work on the reform recommenced in 2006. A considered and comprehensive approach is being taken to reviewing these complex issues.

Inter-country adoption

- 5.39 Over the reporting period, new adoption agreements that operate in accordance with the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption, have been formed with Lithuania and Chile. The Ministry of Social Development has also accredited two private agencies to facilitate placements as per the Hague Convention standards.

ILLICIT TRANSFER AND NON-RETURN (article 11)

The Hague Convention on the Civil Aspects of International Child Abduction

- 5.40 As set out in the previous report, New Zealand acceded to the Hague Convention on the Civil Aspects of International Child Abduction on 31 May 1991. The Convention is implemented through the Care of Children Act 2004. The Central Authority is the Secretary for Justice.
- 5.41 To secure and protect children pending the outcome of an application, the Ministry of Justice ensures that all applications are processed expeditiously. This includes legal assistance to make an application and provide documents required by overseas states. The Central Authority also appoints and funds senior counsel to represent the Central Authority, and liaises with other agencies such as Police, including Interpol, and Child, Youth and Family. Legal aid may also be available in some cases.
- 5.42 It is also possible to apply for an order or a warrant preventing wrongful removal of children from New Zealand under section 77 of the Care of Children Act 2004 where there are reasonable grounds to believe a child is about to be taken out of New Zealand.

The United Nations Convention on Transnational Organised Crime

- 5.43 On 19 July 2002, New Zealand ratified the United Nations Convention on Transnational Organised Crime, as well as its related Protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the Protocol against the Smuggling of Migrants by Land, Sea and Air. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, complements the Hague Convention by providing additional protection to victims of trafficking and assisting in their recovery from trauma.

Trafficking in New Zealand

- 5.44 New Zealand has legislation prohibiting trafficking that carries severe penalties, for example a prison term not exceeding 20 years, or a fine not exceeding \$500,000, or both. Other legislative changes have broadened and increased the penalties for a range of associated immigration and passport offences. Police powers have been increased to prosecute those guilty of trafficking, while protecting the rights of the trafficked people.
- 5.45 The Department of Labour is to develop a 'Plan of Action to Prevent People Trafficking' by March 2009 and released a discussion document entitled 'Consultation on a Plan of Action to Prevent People Trafficking' in 2008. The discussion document highlighted government's anti-trafficking work, and sought input from interested parties on the plan's proposed approach, development and implementation.
- 5.46 New Zealand's border security and immigration efforts incorporate stringent anti-trafficking objectives and operations. These measures have been stepped up over the past year with a number of immigration investigations having been carried out to specifically identify whether trafficking offences have occurred. Still no evidence of trafficking has been found. All immigration compliance staff have received additional training in trafficking identification, witness protection processes and victim interviewing skills.

ABUSE AND NEGLECT (article 19), INCLUDING PHYSICAL AND PSYCHOLOGICAL RECOVERY AND SOCIAL REINTEGRATION (article 39)

CRC/C/15/Add.2.16: Para 28

The Committee recommends that the State party:

- (a) expand services and programmes aimed at assisting victims of abuse, and ensure that they are provided in a child-sensitive manner which respects the privacy of the victim**
- (b) increase programmes and services aimed at the prevention of child abuse in the home, schools and institutions and ensure that there are sufficient numbers of adequately qualified and trained staff to provide these services**
- (c) continue to improve the coordination of services for vulnerable families and victims of abuse.**

Ill-treatment and the abuse of children

5.47 The government is committed to protecting children and young people from all forms of exploitation, abuse and neglect, and has put considerable resources and effort into safeguarding them through policy platforms and initiatives and domestic legislation. However, notifications of suspected child abuse or neglect have increased since 2004, as have the number of substantiated cases. What is not clear is whether this trend reflects population growth, higher actual levels of child abuse or a lower tolerance of child abuse among the community, and a greater willingness to report suspected abuse.

5.48 Over the reporting period, measures have been taken to improve service co-ordination for child victims of ill-treatment and abuse, including:

- Differential response system – providing a wider range of options than available previously for responding to Care and Protection reports, and enabling closer collaboration with community service providers
- Family Violence Inter-Agency Response System – co-ordinating Women’s Refuge, Police and Child, Youth and Family responses to family violence and ensuring appropriate responses to both victims and offenders
- Family Safety Teams – created to strengthen the criminal justice response to family violence and encourage better use of services such as protection orders, counselling, income, housing, education and health support, by matching family needs to locally available services
- Health and education assessment and planning frameworks – for use with all children and young people when they enter care
- Government has invested in a range of services for children who witness family violence, an initiative that focuses on ensuring children’s safety and well-being, and that they are well supported and able to access child-focused services.

5.49 In addition to the above national services, Puāwaitahi was established in November 2002 to service New Zealand’s largest metropolitan area, Auckland. Puāwaitahi is an inter-agency, multi-disciplinary partnership, committed to providing a co-ordinated and effective response to the abuse and neglect of children and young people. The key components of Puāwaitahi are: child protection; health; policing; mental health; and therapeutic services. There is also a

liaison position, working across all the services and building collaborative internal and external relationships. Recently, the Auckland District Health Board family violence co-ordinator and specialist trainers have co-located to this site. Also located within the centre is a Child, Youth and Family social worker, jointly funded by the Auckland District Health Board and Child, Youth and Family, to assist in the interface between the two organisations.

Family violence

- 5.50 Family violence is a complex social issue that occurs between family members of all cultures, classes, backgrounds and socio-economic circumstances. The government is committed to eliminating family violence and recognises that this is a long-term goal that requires a co-ordinated and sustained effort from government, non-government, communities and individuals.
- 5.51 Work towards a steady and significant reduction in levels of family violence builds on earlier work outlined in the government strategy *Te Rito – New Zealand Family Violence Prevention Strategy*, released in February 2002. It sets out key goals and objectives and a framework to work towards the vision of families living free from violence.
- 5.52 In the 2004 Budget, the government expanded its family violence prevention programme with a new service within the Ministry of Social Development to support case managers working with clients who disclose family violence. The programme includes processes for screening clients for family violence and for referral to community service providers as appropriate.
- 5.53 Each year, from 2003 to 2007, the government has announced increased funding and new initiatives in the family violence area. Many of these initiatives are outlined in the New Zealand Family violence clearing house website. For further information, please see www.nzfvc.org.nz
- 5.54 Despite this progress, the government's 2004 Opportunity for All New Zealanders report identified family violence as a critical social issue requiring sustained inter-agency attention. As a consequence the Family Violence Ministerial Team, consisting of six Cabinet Ministers and the Chairperson of the Open Hearing into the Prevention of Violence against Women and Children was established. Its role is to provide leadership across the state sector, promote public debate, and demonstrate government's commitment to addressing this critical social issue.
- 5.55 In June 2005, the Taskforce for Action on Violence within Families was established to advise the Family Violence Ministerial Team on how to make improvements to the way family violence is addressed, and how to eliminate family violence in New Zealand. The Taskforce consists of Chief Executives, decision-makers from the government and non-government sectors, the judiciary and Crown agencies. The Taskforce supersedes and builds on the vision and progress made under the Te Rito Strategy.
- 5.56 The Taskforce members are significantly committed to working together to provide leadership to end family violence and promote stable, healthy families. This cross-sectoral approach is particularly unique because of the judiciary's presence in the group.
- 5.57 The Taskforce published its First Report in July 2006, setting out its vision and programme of action for 2006/2007 and beyond. Its vision is that "All families and whānau have healthy,

respectful, stable relationships, free from violence". The Taskforce launched its Ongoing Programme of Action in February 2008. This sets out the Taskforce work programme for 2007/2008 and beyond, and builds on the same principles outlined in the First Report.

- 5.58 The Taskforce is also placing a great deal of emphasis on prevention and early intervention. Quality intervention services that support young children and their families can significantly improve health, education and social outcomes. They can help all children, particularly those who are vulnerable, to reach their full potential and to live lives free from abuse, neglect, violence or non-accidental injury.
- 5.59 A key focus of work for the Taskforce in 2008-2009 is on child abuse within the family setting. This work is being led through the Programme of Action on the Prevention of Child Maltreatment.
- 5.60 To ensure that our actions are culturally relevant for Māori and Pacific peoples and to develop specific programmes of action for Māori and Pacific peoples, the Māori Reference Group and the Pacific Advisory Group (established by the Ministry of Social Development) have worked with the Taskforce to develop specific programmes of action for Māori and Pacific peoples.
- 5.61 The nationwide Campaign for Action on Family Violence launched in September 2007 and led by the Ministry of Social Development and the Families Commission, is one of the Taskforce's most visible initiatives. The campaign promotes the message that family violence is not OK, but it is OK to ask for help.
- 5.62 The results of a reach and retention survey on the effectiveness of the advertising campaign show that it has been extremely effective to date in engaging with all New Zealanders (including Māori and Pacific communities). Based on a survey conducted in March – April 2008, 89 percent of those surveyed recall the TV adverts, with one in five of those people reporting taking action as a result. This is consistent with the survey results from the December 2007 survey. In addition, Police statistics released in April 2008 show a 31.5 percent increase in reported domestic violence, indicating that efforts to encourage people to report family violence are effective.

Domestic Violence Act 1995

- 5.63 In 2005, the Ministry of Justice undertook an issues-based review of the Domestic Violence Act 1995 to determine if amendments were required to improve its effectiveness. A discussion document was released for public consultation in December 2007 and considered possible amendments to the Domestic Violence Act 1995 and the Care of Children Act 2004. The possible amendments that relate to children are:
- improving access to programmes for respondents, protected persons and their children
 - ensuring further consistency between the Domestic Violence Act and the Care of Children Act 2004 in regard to dealing with psychological abuse
 - the use of lawyers for the children
 - increasing the definition of the age of a child to 18 years
 - reviewing contact issues when temporary protection orders are made.
- 5.64 Legislation is currently being drafted to give effect to these proposals.

CORPORAL PUNISHMENT (article 19)

CRC/C/15/Add.216: Para 30

The Committee recommends that the State party:

- (a) amend legislation to prohibit corporal punishment in the home**
- (b) strengthen public education campaigns and activities aimed at promoting positive, non-violent forms of discipline and respect for children's right to human dignity and physical integrity, while raising awareness about the negative consequences of corporal punishment.**

- 5.65 The Committee has previously expressed concern with Section 59 of the Crimes Act 1961 that allows physical force against children as a punishment within the family setting provided the force is reasonable in the circumstances.
- 5.66 Section 59 of the Crimes Act 1961 was repealed in June 2007 and was replaced with section 59(1), abolishing the legal use of parental force for the purposes of correction. This legislative change meets the Committee's previous recommendation that New Zealand review this piece of legislation as a means of effectively banning all forms of physical or mental violence, injury or abuse within the family setting.
- 5.67 Under the new section 59, Police have the discretion not to prosecute complaints against a parent of a child, or person in the place of a parent of a child, regarding an offence involving the use of force against a child. This discretion is used in circumstances where the offence is considered to be inconsequential and there is no public interest in proceeding with a prosecution.
- 5.68 As indicated earlier, the government has in place a large number of positive parenting programmes and services available – many delivered by non-government organisations, including Māori and Pacific providers. Increased funding has been provided to these programmes and services over the last few years. This is in addition to services provided by the non-government sector in its own right.
- 5.69 Organisations like the Office of the Children's Commissioner provide information and guidance on good parenting practice. In addition, District Health Boards and local authorities provide information to parents such as 'parent packs' that provide them with information on where to seek advice.

FACTORS AND DIFFICULTIES

- 5.70 Ensuring the safety and enhancing the well-being of children in state care has been a major focus for Child, Youth and Family over the reporting period. There have been considerable challenges. The increasing level of identified child abuse has stretched the service's resources and there have been some high profile systems failures. In response, the government has consolidated Child, Youth and Family into the Ministry of Social Development and has increased funding for the service by 100 percent since 1999. Systems are in place to ensure that relevant and robust information is gathered to help improve services to keep children and young people safe. Workforce training and increased professionalism has been

given high priority. However, building up such expertise and capability takes time, particularly in an environment where there has been considerable change at both an operational and strategic level over a period of time.

FACTORS AND DIFFICULTIES

Preservation of identity

- 4.1 A wide range of legislative changes that impact on identity, have been passed since last reporting. There are legal, biological and cultural dimensions to identity, and New Zealand has been doing a great deal of work to ensure young people's rights across all these dimensions. In the New Zealand context, the challenges come as much from the preservation of cultural identity as they do from assuring the child's legal or biological identity. Encouraging and promoting the revitalisation of the Māori language has been a vital part of enhancing the cultural heritage of Māori young people.

Freedom of expression and association and protection of privacy

- 4.2 Maintaining the balance between protecting young people's rights and ensuring their (and others') safety is an ongoing challenge. Governments often deal with calls from sections of the population to curtail young people's rights – particularly rights to associate. Balancing community concerns with the appropriate level of response is an issue that stimulates much debate. Enabling children and young people to explore their worlds while protecting them from exploitation and manipulation is an ongoing challenge in an increasingly sophisticated society. New Zealand continues to monitor advertising standards and internet safety and provide support to parents to improve the safety of children and young people.