

## **SUMMARY OF THE THIRD AND FOURTH CONSOLIDATED PERIODIC REPORT TO THE UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD**

New Zealand became a party to the United Nations Convention on the Rights of the Child (UNCROC) in 1993. Since that time, as required under the Convention, New Zealand has submitted two reports - in 1995 and 2000 - to the UNCROC Committee. In response to New Zealand's last report, the Committee made twenty-six recommendations in areas where it considered compliance with the Convention could be improved and invited New Zealand to submit its third and fourth periodic reports in consolidated form in November 2008.

New Zealand's report has now been prepared. It provides a comprehensive record of activity undertaken by the Government over the last eight years to improve the wellbeing of New Zealand's children and young people. Some has been undertaken in direct response to the Committee's recommendations. But the majority of the initiatives reported here have been part of the Government's wider agenda to enhance the present and future prospects of all New Zealanders. The Government's five year UNCROC Work Programme 2004–2008, which was put in place to respond to the Committee's recommendations, has provided the framework for progress. This is a summary of the full report.

### **PART 1: GENERAL MEASURES OF IMPLEMENTATION**

#### *What this section covers*

This section provides a broad overview of the main legislative, administrative and resource changes that have been put in place to improve children and young people's economic, social and cultural rights. It indicates areas where significant additional expenditure has been made in children's health and social services, and in research and improved data collection. It draws attention to the resourcing of the office of the Children's Commissioner and the role of the Human Rights Commission. It also outlines progress towards withdrawing New Zealand's three reservations to UNCROC - on the rights of children unlawfully in New Zealand; on instituting a minimum age of access to employment; and on the prevention of age-mixing of children and adults in detention.

**Article 4** – Governments should implement the rights contained in UNCROC.

**Article 42** – Governments should make UNCROC widely known.

**Article 44** – Governments should report to the United Nations on their implementation of UNCROC.

## *The UNCROC Committee's concerns*

The Committee was disappointed that New Zealand's progress with respect to withdrawal of the reservations to UNCROC has been slow and recommended that New Zealand harmonise its legislation with the provisions of UNCROC. The Committee was concerned with the levels of resourcing for the Office of the Children Commissioner. It recommended that budgetary allocations be prioritised, particularly towards children from economically disadvantaged groups. The Committee recommended New Zealand systematically assess the impact of its economic policies on children.

## *Actions that New Zealand has taken*

### **Progress on the withdrawal of the reservations**

Over the reporting period significant progress has been made towards the withdrawal of each of the reservations. Although no reservation can yet be withdrawn, children and young people's rights have been enhanced as progress towards compliance is made.

- *Children Unlawfully in New Zealand – Article 2*

Significant progress has been made to identify and address impediments that may deny services to children due to their immigration status. Since 2001, access to health care for children and expectant mothers has been aligned with the provisions of UNCROC. Children unlawfully in New Zealand have access to compulsory education through an interim measure - in place until the passing of a new Immigration Bill - for the provision of education to children seeking to regularise their status in New Zealand. Access to housing and social assistance requires further consideration.

- *Deprivation of Liberty – Article 37(c)*

This reservation originally focused only on prison settings, and was referred to as “age-mixing in prisons”. In practice, however, children and young people may be deprived of their liberty in a number of settings. Following investigation of all settings in which children and young people may be deprived of liberty; New Zealand has been found to be compliant in situations of detention in prisons, at New Zealand borders, under military law, and where children are in compulsory care and mental health facilities. Detention of immigrant minors will be compliant when the proposed Immigration Bill is passed. However, before the reservation can be lifted, further work is required in relation to police transportation of young people and for custody before court appearances.

- *Child Labour – Article 32 (2)*

The International Labour Organisation (ILO) Convention 138 is considered a proxy for Article 32(2), with both requiring legislating for a minimum age of employment. New Zealand considers that its current legislative framework is sufficient to protect children's welfare and that further legislation is unnecessary. Negotiations with the ILO, with the aim of ratifying ILO 138 within existing legislative settings, have continued for a number of years without progress. The Minister of Labour has recently sent correspondence to the ILO Secretary General requesting reconsideration of New Zealand's position.

### **Independent monitoring**

Since last reporting, resources and powers available to the office of the Children's Commissioner have been increased and strengthened. Resourcing for the Office has doubled since 2000/01. Commissioners are appointed by the Governor General and report to the Minister of Social Development and Employment. The Office of the Children's Commissioner has dedicated functions in relation to UNCROC and is supported by activities of the Human Rights Commission. Both have high profile roles in their promotion of children and young people's rights and in their advocacy for children.

### **Increased expenditure on children and young people**

There has been an increasing focus and higher levels of investment in New Zealand's children and young people over the period since the last report was provided. The emphasis in expenditure over this time has been on policies and programmes directed to the early years, with large investments in health promotion, primary health care and early childhood education. Particular attention has been paid to improving the health and wellbeing of the most vulnerable children. Programmes with the specific aim of reducing health inequalities are given priority in health funding. Families experiencing the highest level of need are provided with intensive support.

Government is continually monitoring expenditure to ensure that it is being effectively used, and that both old and new policy initiatives are achieving their stated aims. Assessing where money is allocated, and who benefits, is an ongoing process. The impact any policy has on different segments of society including children and young people, is always part of these considerations.

### ***Challenges that remain***

While significant new investment has been made in policies and programmes directed at children and young people across all sectors of government, disparities still remain in health and educational achievement among New Zealand's young people, particularly among children and young people who live in the most disadvantaged neighbourhoods, and among Māori and Pacific young people. New Zealand has a strong commitment to continue to make the investment needed to reduce these disparities.

## **PART 2: DEFINITION OF THE CHILD**

### ***What this section covers***

This section outlines the steps New Zealand has taken to bring its legislation into conformity with the definition of the child under UNCROC.

**Article 1** – UNCROC applies to everyone under-18 years

## *The UNCROC Committee's concerns*

The Committee recommended that New Zealand review the age limits set by different pieces of legislation affecting children and young people. It specifically recommended that New Zealand raise the minimum age of criminal responsibility, and that it extend the Children, Young Persons and Their Families Act 1989 to all persons up to the age of 18.

## *Actions that New Zealand has taken*

### **Review of age limits in legislation**

During the reporting period the Government considered a proposal to review minimum age inconsistencies in all New Zealand legislation. The size and scope of the exercise was found to be disproportionate to the benefit that a review could/would achieve. It was decided that each issue should be treated in its own context, taking account of the growing evidence base and the social context surrounding the issue at the time.

Some legislative amendments have been made to align New Zealand legislation with UNCROC including the age of entry to prostitution, the age of consent for marriage, and the age at which guardianship ends.

### **Raising the age of criminal responsibility**

This issue has been considered by Government on two occasions over the reporting period. While it was decided not to proceed with proposed adjustments, considerable work has gone into improving responses to children's offending, and where possible, to using alternatives to prosecution.

### **Raising the age that applies in the Children, Young Persons and Their Families Act**

Steps have been taken to align the definition of "young persons" under the Children, Young Persons and Their Families Act 1989 with UNCROC. The Children, Young Persons and Their Families Amendment Bill (No. 6) proposes to include 17 year olds within the definition of "young persons", thus bringing it into line with UNCROC. The Bill was before the House of Representatives when Parliament was dissolved on 3 October 2008.

## *Challenges remaining*

The challenge in setting a minimum age is in balancing young people's right to engage in particular activities with the need to protect them from potential harm. In many situations, where the balance should be set is the subject of debate within communities and among researchers.

## **PART 3: GENERAL PRINCIPLES**

### *What this section covers*

UNCROC requires that in all actions concerning children, the best interests of the child should be taken into account, there should be no discrimination against the child for any reason, and that

children have a right to be heard. This section covers New Zealand's initiatives that affirm these principles of UNCROC.

**Article 2** – UNCROC applies to all children, no matter who or where they are. The Government is responsible for protecting them from any form of discrimination.

**Article 3** – All actions that involve children should consider their best interests. The Government should look after children when their parents or anyone else responsible for looking after them cannot or does not.

**Article 6** – All children have the right to life. Governments should ensure that children survive and develop healthily.

**Article 12** – Children have the right to give their opinion in matters that affect them, and to have their opinion taken into account.

### ***The UNCROC Committee's concerns***

The Committee was concerned that some children in New Zealand may be subject to discrimination and recommended New Zealand's take a proactive approach to tackling racism and eliminating discrimination, particularly against vulnerable groups. The Committee recommended that the rights of children to be heard be integrated into and applied in relevant legislation.

### ***Actions that New Zealand has taken***

#### **Addressing discrimination and racism**

New Zealand is tackling discrimination and the positive implementation of human rights in a comprehensive manner - from legislation through to education. The Human Rights Commissioner and the Race Relations Conciliator take the lead in monitoring discrimination and in educating New Zealanders on discrimination. The Human Rights Commission has recently published an Action Plan for Human Rights that specifically refers to "achieving harmonious relations among New Zealand's diverse communities".

In schools and in early childhood education, the curriculum emphasises respect for and understanding of difference. Schools are required to develop programmes that help students to value diversity, equity and respect – for themselves and for the rights of others.

#### **Assuring the best interests of the child**

The Care of Children Act 2004 is an example of legislation that has core elements supporting the best interests of the child and the child's right to be heard in matters that impact on them. The Children, Young Person's and Their Families Act 1989 also makes the interest of the child the first and paramount consideration in care and protection matters. Both Acts provide a model for other child-related legislation and policies in recognising the principle of the "best interests of the child."

## Listening to young people

There has been much progress over the reporting period in the provision of opportunities for young people to express their views, and in encouraging government agencies to listen. Involving young people in the development of policy that impacts on them is becoming more commonplace both at central and local government levels.

## Challenges remaining

The challenge remains, for agencies both inside and outside government, to go beyond listening and to act on young people's concerns. Further work is required to extend such opportunities for active participation and decision-making into the wider community and the non-government sector.

Activate is a youth advisory group convened by the Ministry of Youth Development. It provides advice on policy initiatives and has drafted and presented submissions to Select Committees on a range of Bills including: the Sale of Liquor (Youth Alcohol Harm Reduction) Amendment Bill, Crimes (Abolition of Force as a Justification for Child Discipline) Amendment Bill, Employment Relations (Probationary Employment) Amendment Bill and Minimum Wage (Abolition of Age Discrimination) Amendment Bill.

## PART 4: CIVIL RIGHTS

### What this section covers

This section covers the steps New Zealand has taken to ensure that every child has a name, knows their parents, and has access to their cultural heritage. It also covers measures taken to protect young people's right to free speech, their right to access a wide range of information, to practice their religion, and to associate freely.

**Article 7** – All children have the right to a name and a nationality when they are born, and, as far as is possible, to know and be cared for by their parents.

**Article 8** – Government's should respect and protect each child's right to a name, nationality and connection to family.

**Article 13** – All children have a right to express their own views, to get information and to share that information, so long as it is not damaging to themselves or others.

**Article 14** – Children have the right to think and believe what they want and to practice their religion as long as it does not stop other people from enjoying their rights. Parents should guide children in this respect.

**Article 15** – Children have a right to meet with others and to join or form groups or organisations in so far as it does not stop the enjoyment of other people's rights.

**Article 16** – Children have a right to privacy. The law should protect children from attacks against their way of life, their honour and reputation, their family and their home.

**Article 17** – The Government should make sure that children have access to information and material from a wide range of sources. The Government should encourage the media to produce and distribute information that is good for children, and take steps to protect children from harmful material.

**Article 37** – Children who break the law should not be treated cruelly and should be protected from harm and exploitation. Children should not be put in prison with adults and should be able to stay in contact with their family.

## ***The UNCROC Committee's concerns***

No specific concerns have been raised by the Committee.

## ***Actions that New Zealand has taken***

### **Ensuring children's rights to legal, biological and cultural identity**

A range of legislative changes that impact on identity have been passed since New Zealand last reported. These include new legislation to govern citizenship, births, deaths and marriages, as well as technology-assisted reproduction. Adoption law reform, where identity issues are raised, has yet to make substantial progress.

Maintaining and being confident in your cultural identity is important. Intrinsic to this is the maintenance of language. Encouraging and promoting the revitalisation of the Māori language has been central to a number of Government initiatives. These include the establishment in 2004 of a Māori television channel; the implementation of a Māori Language Strategy (being reviewed in 2008) and the funding of two large scale socio-linguistic surveys to monitor the health of the Māori language. In addition, the Government has many other initiatives underway to support and celebrate New Zealand's diverse ethnic, religious and cultural communities, e g celebrating diwali.

### **Balancing protection of children while enabling access to a wide range of information**

Significant work has been done on protecting children and young people from harm from new technology, particularly in the area of internet safety. Targeted marketing to children is becoming increasingly sophisticated. Good practice guidelines and regulatory frameworks are in place to ensure that advertising does not exploit children and young people. Maintaining the balance between protecting young people's rights and ensuring their (and other people's) safety is an ongoing challenge.

The Department of Internal Affairs has the role of investigating New Zealand internet websites and newsgroups to enforce censorship legislation. It takes a proactive role in prosecuting New Zealanders who trade objectionable material via the internet. If a publication is categorised as 'objectionable' it is automatically banned by the Films, Videos and Publications Classification Act 1993. The Department of Internal Affairs has a range of information to guide and monitor safe internet use and to inform users of what constitutes objectionable material, or breaches censorship.

### **Balancing young people's rights to associate freely with the rights of other citizens to be safe**

New Zealand's Government has had to deal with calls from sections of the population to curtail young people's rights to associate, specifically in relation to congregating in cars and street racing. Legislation has been passed to curtail this particular activity. Like other countries, New Zealand faces challenges from youth gang cultures and their anti-social behaviour. New Zealand is taking action to tackle the root causes that lie behind the formation of gangs.

### **Protecting the rights of young people in custody**

The protection of the right of young people in custody or in care to speak out must be continually safeguarded. In law, young people have access to Ombudsmen, the Prison Inspectorate and the Human Rights and Race Relations Commissioners. A number of procedures are in place to

monitor young people in prisons and cells, to ensure that they are being dealt with fairly and are safe.

### *Challenges remaining*

In the New Zealand context, the challenges come as much from the preservation of cultural identity as from assuring the child's legal or biological identity. An ongoing challenge in an increasingly sophisticated world is to allow children and young people to explore their worlds while protecting them from exploitation and manipulation.

## **PART 5: FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

### *What this section covers*

This section acknowledges that families have primary responsibility for care and nurturing of children and that those families need to be supported to provide a safe and nurturing environment. Where children are unable to live with their families, children have the right to the provision of quality care and protection.

**Article 5** – The Government must respect the rights and responsibilities of families to provide guidance for their children in a way that suits each family.

**Article 9** – Children have the right to live with their parents, unless it is not in their best interests. Children have a right to maintain contact with both parents if they are separated from them, unless it is likely to cause harm.

**Article 10** – families who live in different countries should be allowed to move between those countries to reunite with their family and/or maintain relationships.

**Article 11** – The Government should take necessary steps to ensure children are not taken out of their own country illegally.

**Article 18** – Parents are jointly responsible for raising their child/ren and should always do what is best for each child. Governments should provide appropriate help and services to support parents to do this.

**Article 19** – Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents or anyone else who looks after them.

**Article 20** – Governments should provide special protections for children who do not or cannot grow up with their family, or who have to stay with someone else for a while. This alternative care arrangement needs to respect the child's cultural background and beliefs.

**Article 21** – Adoption should only be allowed when it is in the best interests of the child and there are appropriate safeguards to protect the child.

**Article 25** – Children who are placed away from their parents to get the care and protection they need are entitled to have that placement reviewed regularly.

**Article 27** – Children have a right to a standard of living that is adequate for their physical, mental, spiritual, moral and social development. Parents have the primary responsibility for providing this, but the Government should provide support for parents who need it.

## **The UNCROC Committee's concerns**

The Committee recommended that New Zealand continue to strengthen its system of child protection. It recommended an increase in financial resources allocated to alternative care, and effective measures to improve co-ordination among agencies delivering services to children. It also recommended improving the qualifications of social workers and other personnel working in the care and protection sector.

## **Actions that New Zealand has taken**

### **Strengthening the child protection system**

Ensuring the safety and enhancing the wellbeing of children in State care has been a major focus over the reporting period. There have been considerable challenges: the increasing level of identified abuse of children has stretched the Child, Youth and Family 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% 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 have 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.

*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 years who are linked with two or more government or community agencies. The agencies work closely together with the family to provide support and develop joint solutions to meet the family's needs, rather than each dealing with parts and never seeing the bigger picture.

### **Improving social workers' qualifications**

The Social Workers Registrations 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. Between October 2004 and May 2008, Child, Youth and Family registered a total of 1,072 social workers.

## **Challenges remaining**

The relatively poor health status of young people in care is an issue which is currently being addressed.

## **PART 6: BASIC HEALTH AND WELFARE**

### **What this section covers**

This section covers actions New Zealand has taken to ensure children and young people have access to health care and a reasonable standard of living as well as social assistance and childcare services and facilities.

**Article 6** – All children have the right to life. Governments should ensure that children survive and develop healthily.

**Article 18** – Parents are jointly responsible for raising their child/ren and should always do what is best for each child. Governments should provide appropriate help and services to support parents to do this.

**Article 3** – All actions that involve children should consider their best interests. The Government should look after children when their parents or anyone else responsible for looking after them cannot or does not.

**Article 23** – Children with disabilities have the right to special care and support to help them live a full and independent life.

**Article 24** – All children have the right to good quality health care, clean water, nutritious food and a clean environment.

**Article 26** – Governments should provide social security to provide for the children of families in need of financial support.

**Article 27** – Children have a right to a standard of living that is adequate for their physical, mental, spiritual, moral and social development. Parents have the primary responsibility for providing this, but the Government should provide support for parents who need it.

### ***The UNCROC Committee's concerns***

The Committee raised a number of specific concerns about New Zealand children's health, including resourcing for child health, immunisation coverage, rates of infant mortality and childhood injury, youth suicide, and youth sexual and reproductive health. It expressed concern over the inequalities in health between Māori and non Māori.

In relation to standard of living and basic welfare, the Committee recommended that appropriate measures be taken to support parents and particularly single parents so that children's rights to an adequate standard of living are protected.

### ***Actions that New Zealand has taken***

#### **Resourcing child health**

The Government has invested over \$2.2 billion into primary health care since 2002 and this has considerably reduced the cost of visiting the doctor. Nearly all children under the age of six now have free access to primary health care. The Well Child programme has been further resourced to enable all pre-school children to receive their full Well Child entitlement. There has been new funding for newborn hearing checks and B4 school checks for four year olds. Targets have been set for immunisation coverage with the aim of having 95% of two year olds immunised. A breast feeding strategy has been launched with the aim of increasing the number babies being breastfed at 6 months to 27% or greater.

The 'B4 School' check, for all new entrants to primary school is aimed at ensuring children are adequately prepared for school entry, and has been phased in from February 2008. The check includes vision, hearing, growth and a development assessment as well as an assessment of personal and social issues and the child's ability to learn and communicate.

## **Resourcing adolescent health**

Two major immunisation campaigns to protect young people against meningococcal disease and cervical cancer have been funded in this reporting period. The investment in primary health care has resulted in improved access to health care and the setting up of more “youth-friendly” health centres. Funding to extend school-based health services into low decile schools has been recently announced. Many young people, but not all, have access to free sexual health consultations. Restrictions on the sale of cigarettes and tobacco, and the ongoing promotion of a Smoke Free New Zealand have led to a significant decline in the number of young people who smoke. The youth suicide rate has dropped, but is still high when compared internationally.

## **Reducing health inequalities**

New Zealand’s health care policy, programmes and services all have a “reducing inequalities” focus. Before funding is committed for new initiatives, the question is asked ‘Is this initiative likely to increase or reduce inequalities?’ The outcome is being seen through improvements in health for some groups. Māori infant mortality rates have declined at a faster rate than for the whole population and smoking rates among Māori young people have dropped. However, significant disparities still exist between Māori and Pacific children’s health and the health of the rest of the child population.

## **Improving standards of living**

Over the reporting period a number of significant measures have been taken to improve the living standards of New Zealand families. One of the most important of these has been “Working for Families” which was rolled out between 2004 and 2007. The package acknowledges the costs that families face raising children, and provides tax credits to qualifying families with children up to the age of 18. Other components of the “Working for Families” package include assistance with the cost of accommodation, child care, and after school care. The measures seem to be working: a recent report on household incomes in New Zealand shows that, on all measures, the poverty rates for children (regardless of household type) fell from 29% in 2001 to 16% in 2007. This represents a total of 130,000 fewer households with incomes below the poverty line. This reverses the upward trend that began in the late 1990s and places New Zealand at the European Union median.

## ***Challenges remaining***

Good progress has been made towards improving the health status of children in New Zealand. However, there are still disparities and New Zealand has a way to go before it can be ranked in the top half of OECD countries. Māori and Pacific children and young people, and children and young people from low-income families experience comparatively poorer health outcomes than the overall child and youth populations.

With regard to standards of living, the increase in family incomes, the reversal of trends in child poverty, and the decline in benefit numbers seen over the last five years indicate the level of success of policies implemented. Ensuring that people are better off in work than on a benefit encourages people to look for work and reduces long term benefit dependency. Working families are far more likely to provide positive outcomes for children on a range of indicators, not least their long term health and well being.

The focus to date has been on addressing issues relevant to the greatest number of people. The challenges that are left regarding long term unemployed, youth, disabled people and people with ill health are much harder to address. The groups that remain are smaller in number, diverse and complex in nature, not least the people who have complex multiple issues linked to their individual circumstances.

## **PART 7: EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### ***What this section covers***

These articles preserve the right of children to education that is free to all; that they have access to general and vocational education in settings that respect the dignity of the child; that the full range of a child's talents are developed and that there is respect for children's cultural and religious differences. This section responds to concerns expressed by the Committee in earlier reporting and expands on new initiatives undertaken by the Government over the reporting period.

**Article 28** – All children have a right to education. Primary education should be compulsory and freely available, and access provided to secondary and higher forms of education. Discipline in schools should respect children's human dignity.

**Article 29** – Education should develop the child's individual personality and talents. It should encourage respect for human rights, the child's parents and their own and others' cultural identity.

**Article 31** – Children have a right to rest and leisure and to participate in appropriate play and recreational activities as they choose.

### ***The UNCROC Committee's concerns***

The Committee expressed concerns about disparities in drop out rates and enrolments among different populations and recommended that all necessary measures be taken to address these, including strengthening the provision of bi-lingual education. The Committee recommended that legislation on compulsory education be enforced and exclusions on arbitrary grounds such as pregnancy are prohibited. The Committee also recommended taking all necessary measures to address students' behavioural problems while respecting their privacy.

### ***Actions that New Zealand has taken***

#### **Improving student retention and engagement**

A wide range of initiatives have been put in place to improve student retention over the reporting period. The Student Engagement Initiative has trialled a number of approaches in schools with high Māori suspension rates, with some success. Across all ages, the average rate of suspensions in these schools has dropped by 17%. Approaches that prove to be successful are being adopted by other schools. A new tracking system for school enrolments (ENROL), allows students to be tracked across the education system and is helping to identify students who have not re-enrolled. Early Leaving Exemptions are being monitored. A strong link between truancy and the granting of Early Leaving Exemptions has been identified.

The Education Act 1989 provides the power to prosecute parents who do not ensure their children are attending school. These powers have been actively used as part of the Student Engagement Initiative, with the aim of reinforcing to parents/guardians their obligation to ensure their children attend school. The Ministry of Education contracts truancy services to locate individual students who are either not enrolled, or truant, and supports them to return to school. Police Youth Aid Officers are also involved, as partners in local truancy prevention initiatives, to work with truants and their families.

### Greater investment in Māori education

Māori students (160,660) comprise around 22% of the total student population. Of these around 6,000 now attend Kura Kaupapa Māori – Māori language immersion schools. Increasing the success of Māori in all aspects of education remains a key priority for the Government. A range of strategies are in place to support this, including improving the capability of schools to better meet the needs of Māori students; supporting Māori language teaching in both bilingual and immersion settings, and recruiting more Māori teachers. Government has also sought to provide more positive messaging around education for young Māori. *Ka Hikitia – Māori Education Strategy 2008-2012* is designed to accelerate success through the implementation of evidence-based practice. Currently, 22% of Māori still leave school with little or no formal attainment.

### Teacher development

There continues to be a focus on professional development to strengthen the role of assessment, improve classroom interaction, and develop subject expertise. The Teacher Professional Learning and Development Best Evidence Synthesis demonstrates that opportunities for teachers to engage in professional learning and development can have a substantial impact on student learning.

### Vocational education

The *Gateway* project is a vocational-based initiative designed for students interested in a career in a particular industry. Students spend a day a week in the workplace. Youth apprenticeships are being trialled in 20 schools in 2008 and will be rolled out to a further 100 schools in 2009.

*Schools Plus* – an initiative announced in 2008 – aims to keep all young people in education or in training until the age of 18 by creating a range of alternative learning pathways. Providing vocational training at an earlier age and enabling students to work and study at the same time are possible options which are currently being discussed.

A new initiative – Modern Apprenticeships – was introduced in 2000 and expanded over the following years. It involved work-based learning for young people involved in an industry and enables them to gain a qualification. Employers receive support from a co-ordinator to help them manage the apprenticeship. The programme is targeted at 16-21 year olds who are able to meet their chosen industry's entry requirements and ready to start working towards NCEA Level 3 or 4 qualifications.

### Increasing the opportunities for teen parents to stay engaged in education

There a number of options for young women who are pregnant or parenting to stay engaged in education. Options include staying in their school, enrolling in the Correspondence School or enrolling in one of the 17 teen parent schools around the country. These Teen Parent Units provide child care facilities and pastoral support for the young women who are enrolled. A strategy has been put in place to ensure that the quality of education at these schools is not compromised by the high level of pastoral care that the schools provide.

## **Working with communities**

Schools work under the strategic guidance of members of their own community and other professionals able to contribute relevant skills and expertise. Boards of trustees work in partnership with the government and are accountable to both the government and the community. This collaborative school governance is an important contributor to the quality of schooling provided in New Zealand and the outcomes for students.

## **Challenges remaining**

International studies show that New Zealand students continue to perform well when compared with students in other countries. However there are groups of students who continue to underachieve compared with their peers. For example, 22% of Māori leave school with little or no formal attainment. The challenge remains to ensure that the New Zealand education system is flexible, responsive and creative enough to support and develop the potential of the diverse range of students that make up the New Zealand population in the twenty-first century.

## **PART 8: SPECIAL PROTECTION MEASURES**

### **What this section covers**

This section covers the provisions that New Zealand has in place to protect the most vulnerable young people, including refugees, young workers, young people in conflict with the law, and young people at risk of sexual exploitation.

**Article 22** – Refugee children, or children seeking refuge, should be given special protection and receive the same rights as children born in the country of refuge.

**Article 32** – The Government should protect children from work that is dangerous or which might harm the child's health or education.

**Article 33** – The Government should protect children from dangerous and illicit drugs.

**Article 34** – The Government should provide protection for children against all forms of sexual exploitation and abuse.

**Article 35** – The Government should ensure that children are not abducted or sold.

**Article 36** – The Government should protect children from any activities that may harm their development.

**Article 37** – Children who break the law should not be treated cruelly and should be protected from harm and exploitation. Children should not be put in prison with adults and should be able to stay in contact with their family.

**Article 38** – Children under the age of 16 should be prohibited from joining the army. Children in war zones should receive special protections.

**Article 39** – The Government should provide special support and protections for children who have been subject to abuse and/or neglect and help foster their health, self respect and dignity.

**Article 40** – Children who break the law should receive legal help. Prison sentences for children should only be used for the most serious offences.

## **The UNCROC Committee's concerns**

The Committee was concerned that New Zealand's efforts to integrate refugee children into society may not be fully effective in achieving their stated objective of integration. The Committee was also concerned that juvenile offenders are not separated from adults, and recommended that New Zealand ensure the availability of sufficient youth facilities to separate juvenile offenders from adult offenders. The Committee also recommended that a systematic evaluation of the use of Family Group Conferences in youth justice settings be undertaken.

## **Actions that New Zealand has taken**

### **Resettlement of refugee children**

A current review of aspects of refugee resettlement recognises that refugee children and youth face additional resettlement challenges to their adult counterparts and services need to be responsive to this. A report on the experiences of migrant youth has recently been completed and provides a generational analysis of migrant youth experiences. The programme *Settling In* works directly with members of refugee and migrant communities to help them find solutions to their own needs. *Settling In* operates in eight regions, and a number of these regions have youth-focused projects or projects that involve children in the context of their families.

### **Additional support for language programmes**

The level of funding for English as a Second Language programmes has significantly increased to recognise the more intensive provision required for migrant and refugee children in their first years in New Zealand schools. The period for eligibility for this funding has also been extended, recognising that consolidating the language for learning in schools may take at least five years.

### **Separation of young people in custody from adult prisoners**

There are four specialist units for young offenders within men's prisons across the country. In general all offenders under the age of 18 are held in these units. Where prisoners are at risk of self harm, they are placed in an At-Risk Unit. Because there are so few women prisoners under the age of 18 in custody there are no specialist facilities for them. All young women under the age of 18 are carefully assessed for vulnerability and may be kept separate from other women.

### **Family Group Conferences**

Family Group Conferences are a crucial element of the youth justice process. Strategies to enhance practice and performance in this area are ongoing. Recent changes in reporting lines for Family Group Conference Co-ordinators changed, bringing them into the mainstream management line. This is designed to remove barriers to collaboration, and enhance joint decision making. Specialist training on Family Group Conference procedure is available to youth justice staff.

## **PART 9: DISABILITIES**

### ***What this section covers***

This section covers New Zealand's initiatives in respect to children and young people with disabilities and their integration into mainstream society.

### ***The UNCROC Committee's concerns***

The Committee was concerned that not all disabled children and young people are fully integrated into all aspects of society and that services can be difficult for families with disabled children to access. The Committee recommended New Zealand ensure that adequate human and financial resources are allocated to implement the New Zealand Disability Strategy, particularly as it relates to the integration of disabled children and young people into both education and wider society.

### ***Actions that New Zealand has taken***

#### **Participation of disabled children in mainstream education**

Since the 2001 Disability Survey, the proportion of children participating in mainstream education has increased significantly. In 2006, 88% of disabled children aged 5–14 were in mainstream classes compared to 74% in 2001. Every school receives a Special Education Grant as part of its operational funding. Students with disabilities are supported through a combination of student- and school-targeted resourcing and direct service provision from the Ministry of Education. Some students require support from specialists and specialist teachers to adapt the content of the curriculum because of their rate or style of learning.

#### **Participation of disabled children in society**

The Ministry of Health provides funding so that the necessary equipment and personal support is available to enable disabled young people to move around, participate and communicate. Each young person has an assessment of their needs carried out by a specialist assessor. Specific attention is paid to the special needs relating to the sexuality of adolescents with disabilities. Sexual and reproductive health services are available on an equitable basis.

Attention is paid to addressing the needs of students with disabilities transitioning to employment. Sixty-five organisations were contracted in 2008 to provide transition services for disabled young people from over 300 secondary schools nationwide.
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### ***Challenges remaining***

Evidence is clear that children and young people with disabilities face additional challenges. Significant progress has been made in integrating disabled children into mainstream education. There will always be tension between securing adequate resourcing and ensuring that it is fairly allocated. Ensuring that young people with disabilities get all the opportunities accorded to other young people requires constant assessment and monitoring.

## **PART 10: OPTIONAL PROTOCOLS TO THE CONVENTION ON THE RIGHTS OF THE CHILD (OPAC)**

### ***What this section covers***

This section covers the Optional Protocols to the Convention on the Rights of the Child, and in particular New Zealand's implementation of the Optional Protocol on the Involvement of Children in Armed Conflict, which New Zealand ratified in 2003.

### ***The UNCROC Committee's concerns***

The Committee was concerned that the Defence Force Orders seemed to implicitly allow for the active service of soldiers under the age of 18, inside New Zealand. The Committee recommended that New Zealand amend the Defence Force Orders to expressly prohibit active service both inside and outside New Zealand by soldiers under the age of 18. The Committee also recommended that a minimum age for voluntary recruitment of 17 be set in legislation, with consideration given to increasing this to 18.

### ***Actions that New Zealand has taken***

#### **Optional Protocol on the sale of children, child prostitution and child pornography.**

New Zealand has signed the Optional Protocol to the Convention on the Sale of Children, Child Prostitution and Child Pornography, and has taken significant steps towards ratification over the reporting period. One further legislative amendment is required before the Optional Protocol can be ratified which is the addition of a new offence of improperly inducing consent as an intermediary, for the adoption of a child. This is intended to be progressed as part of a broader review of adoption laws.

#### **Use in hostilities**

The Defence Force Orders for Personnel Administration (DFO 4) have been amended to expressly prohibit active service, both within and outside New Zealand, by members of the Armed Forces who are under the age of 18 years. In addition, the Defence Act 1990 has also been amended to ensure that no person under 18 years serving in the Armed Forces is liable for active service.

#### **Voluntary recruitment**

In 2001, Section 33(1) of the Defence Act 1990 was amended and now sets the minimum age of appointment, enlistment or engagement at 17 years. A minimum age of recruitment of 17 years has also been provided for in the Care of Children Act 2004 (which replaces the repealed Guardianship Act 1968). This prohibits the recruitment of any person under 17 years of age into the Armed forces.

The possibility of increasing the age of recruitment to 18 has been considered, however in reviewing the age of recruitment, the New Zealand Defence Force has determined that the age of voluntary recruitment should remain at 17. The New Zealand Defence Force has, however, worked to strengthen the safeguards that ensure such recruitment is not forced or coerced.

### **Training/dissemination of the Optional Protocol**

Leaders and managers in the New Zealand Cadet Forces go through a training module specifically on UNCROC during the Advanced Leaders Course. In addition, the Cadet Forces and the NZDF's Directorate of Legal Services are in the final stages of developing a detailed training module for all cadets on the Laws of Armed Conflict, UNCROC and the Optional Protocol.