

Submission from Unicef New Zealand for 2nd UPR Report on New Zealand's Human Rights Performance.  
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UNIVERSAL PERIODIC REVIEW



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## **This submission is from UNICEF New Zealand (UNICEF NZ).**

*UNICEF NZ is also a contributor to the submission from ACYA (Association of Children and Youth Aotearoa) and is supportive of all points and recommendations of that submission. We have also been consulted and have commented on the submission from the Human Rights Commission and endorse its recommendations. We also support and endorse the comments made in the submission from the UNCROC Monitoring Group.*

*Our comments in this submission are restricted to those matters that are specific to UNICEF NZ's mandate to advocate for the United Nations Convention on the Rights of the Child (UNCROC) and its progressive implementation into domestic law.*

### **Introduction**

1. The primary role of UNICEF NZ is to raise funds for UNICEF's international work but it also has a domestic advocacy role – this is increasingly a function of UNICEF agencies in developed countries.
2. New Zealand ratified the UNCROC in 1993 and is bound to conform to its directives and to report to the UN on progress with implementation every five years. The Ministry of Social Development (MSD) is responsible for coordinating the report. The most recent report was submitted in late 2008 and response from the UN Committee on the Rights of the Child (UNCRC) was delivered in its fifty-sixth session: *Concluding observations: New Zealand* in February 2011. The New Zealand House of Representatives affirmed its unanimous commitment to the UNCROC on the 20<sup>th</sup> anniversary of ratification on 20 March 2013.
3. UNICEF is mandated by the UN General Assembly to advocate for the protection of children's rights with the UN Convention on the Rights of the Child as its platform for advocacy. UNCROC is the most widely ratified human rights treaty in world history.
4. UNICEF New Zealand is an active stakeholder in the government's stated commitment to progressively implement the UNCROC.
5. UNICEF NZ works in collaboration with other non-governmental organisations to produce information and to monitor and advise the government of the day on its compliance with and implementation of the UNCROC.
6. UNICEF NZ is represented on the UNCROC Monitoring Group, convened by the Office of the Commissioner for Children (OCC) in 2011, to engage with government in respect of effective co-ordination of the implementation of the Convention throughout State Party agencies.
7. Information for this submission is drawn from a range of reports focused to children's wellbeing, needs and rights including international reports which rank New Zealand against other developed nations in accordance with agreed wellbeing indicators.

## Developments affecting children's and young people's human rights since previous review (2009)

Follow up to UNCROC Review: UNCRC 56<sup>th</sup> Session – Concluding observations New Zealand (February 2011)

We bring attention to the following concerns:

- The UNCRC and UNICEF NZ remain concerned that **awareness of the UNCROC is very limited**, and it is not used as a framework for development of specific policies and strategies in government. This is particularly evident in the shaping of legislation, currently in development and resulting from the government's White Paper on Vulnerable Children (October 2012), designed to respond to child abuse and neglect. Our enquiries confirm that UNCROC has not been a feature of discussions scoping the project for core competencies for a safe and competent workforce for children.
- An audit of State agencies by UNICEF NZ (2011) and submitted to the Ministry of Social Development made known that **little, if any, training/awareness of the UNCROC was apparent among officials**. A training proposal, prepared by a group of NGO UNCROC stakeholders, to rectify this situation was submitted to MSD, at its request, in early 2012 but to date there has been no activity concerning a systematic UNCROC training programme.
- Recommendations of the UNCRC (12, 13) with respect to an **effective, permanent coordinating mechanism specific to children's rights**, with full representation of all State agencies, including representation from the Treasury and Local Authorities, are yet to be fully realised. We acknowledge the effort made to recognise and engage with UNCROC stakeholders through an established forum of senior officials from social sector agencies chaired by the Ministry of Social Development.
- There has been **no formal response from Government in respect of the recommendations of the UNCRC** and note, in particular, that recommendations 60 and 61 regarding bringing attention to the recommendations, through "*all appropriate measures*" to relevant political, administrative and judicial bodies have not been regarded. Advice from UNICEF and other NGOs to government is that such an action would support recommendation 19 aiming to strengthen and expand awareness-raising and make the provisions of the UNCROC more widely known.
- **No mechanism within the legislative or policy process assesses the impact of proposed legislation on the rights of children and young people**. We propose that Child Rights Impact Assessments (CRIA) are introduced and embedded in the machinery of government. The goal is to measurably improve the lives of children and would assess and document (1) the risk or benefit of children and young people in general, or particular groups of children and young people, being negatively or positively affected by the proposed legislation (2) the risk of unintended consequences for children and young people resulting from the proposed legislation; and (3) whether the proposed legislation is in the best

interests of children and young people, with attention to diverse and specific interests such as Māori.

- 8 **We support the recommendation of the Human Rights Commission (Recs 29a and b) and ACYA (13) that government formally table all concluding observations from UN treaty bodies in Parliament: and establish a human rights select committee to conduct comprehensive analysis, with particular attention to the impact on children, through a mandatory impact assessment process, in development of all legislation.**

### **Challenges and constraints**

- 9 **Child Poverty:** 270,000 (one in four) children and young people in New Zealand are affected by poverty with opportunities to achieve their full potential severely constrained. Their rights to health, education, social security and to safe and secure upbringings are adversely affected.
10. **UNICEF NZ supports the recommendation from ACYA (15. Page 3) that the government immediately accepts and implements the recommendations of the Experts Advisory Group's report on Solutions to Child Poverty delivered to Government in December 2012.** We maintain that solutions to poverty require legislative authority to define and ensure the proper and regular measurement of child poverty and cross-sectoral, cross-party political support to avoid the vagaries of political ideology destabilising any long term plan to reduce child poverty.
11. **National Plan for Children:** Government has not responded to the recommendation of the UNCRC (15) for a national plan for the implementation of the UNCROC, in cooperation with the public and private sectors involved in promotion and protection of children's rights, based on a children's rights approach.
- 12 **The widely promoted Government Green Paper** (October 2011) was restricted to 20,000-30,000 "vulnerable children" although its stated vision was for "all children thriving, belonging and achieving" and suggested that children's rights would "underpin" resulting actions. The programme resulting from the Green Paper is not explicitly informed by the UNCROC.
- 13 The Green Paper did not address the specific issue of discrimination against groups of children, noted by the UNCRC (25), such as Maori and Pacific children, refugee children, migrant children, children with disabilities and lesbian, bisexual, gay and transgender children and children living with people from these groups.