



**National Council of
Women of New Zealand**

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Wahine O Aotearoa

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**Submission to the Ministry of Social Development on
UN Convention on the Rights of the Child
5th Periodic Report by the Government of New Zealand 2015**

The National Council of Women of New Zealand (NCWNZ) is an umbrella group representing 288 organisations affiliated at either the national level or to one of our 21 branches. In addition to our organisational membership, about 260 women are individual members of branches. NCWNZ's function is to represent and promote the interests of New Zealand women through research, discussion and action. This submission has been prepared by the NCWNZ Family Affairs Standing Committee after consultation with the membership of NCWNZ.

Introduction

NCWNZ has taken part in nationwide discussions over many years of reporting back to the United Nations. Greater interest in achieving results and what is seen as shortfalls has inspired many to express their views.

NCWNZ will not be preparing a shadow report, but has an opportunity to critique the Government's one. The Ministry of Social Development (MSD) has prepared a Report that outlines the progress the Government has made in improving outcomes for children, implementing the articles of the United Nations Convention on the Rights of the Child (UNCROC), and addressing the 2011 Concluding Observations of the Committee over the reporting period (February 2011 to March 2015). There is a substantial statistical appendix supporting the report.

NCWNZ does not attempt to comment on every aspect of the MSD's report on UNCROC but instead has chosen to focus on a few key issues that members believe are significant for the welfare of New Zealand children.

NCWNZ appreciates the opportunity to submit their members' views.

Section I. Introduction

Given that Te Tiriti o Waitangi is fundamental to politics in Aotearoa New Zealand, it would be expected that mention would be made of this on the first page. In effect, Te Tiriti gets little mention in the UN Periodic report overall. This is a conspicuous oversight given the significance of Te Tiriti as a founding document of this nation and especially given the over representation of Māori children in current negative health, education and poverty statistics.

B. Consultation with civil society, para 5; and

C. Overview, para 18

Consultation with civil society might also mention specifically what consultation would be carried out with Māori.

The report says that “the valuable insights of relevant NGOs” are welcomed, yet the consultation period was over the Christmas and summer holiday period when most of the volunteers that staff the NGOs are taking holidays. Further, this government has a history of not listening to submissions from civil society. For example, NCWNZ (along with other NGOs) argued for a less punitive approach than proposed in the Social Security (Benefits Categories and Work Focus) Amendment Bill of 2012 (S12.31) yet this was not heeded. With the Education Amendment Bill No. 2 of 2014 (S14.08), NCWNZ was one of the overwhelming number of submitters (more than 1500 submissions were received) who disagreed with reducing the number of people on University and Wānanga councils, yet the government reply to why these submissions were ignored was that their fears (about losing academic autonomy) were unfounded. Although this particular example does not relate to children, it gives an example of the way NGO opinion is not as welcomed as the draft UNCROC report suggests.

Section IV. General Principles

A. Non-discrimination, para 66

Members believe that although Māori are enabled in law to participate in decision making and the delivery of health and disability services delivered or contracted by District Health Boards, members believe that progress is slow in some cases even though it is being worked on.

B. Best interests, para 75; and

D. Respect for views of the child, para 81

The Children’s Action Plan launched by the Minister of Social Development in 2012 includes the well being of children in the areas of health ‘education’ and justice are all working towards improving the outcomes for children; however members consider these initiatives are forced to compete against one another for funding and do not give children their own voice to be heard. This is especially noticed for Children who have parents going through the family courts. Children used to have their own council to represent them but no longer do, so they have lost their

chance to be heard. Recent changes to the Family courts do not include children having a neutral voice present to represent them. In addition, the reduction of legal aid available further limits the opportunity to protect vulnerable children and their families.

Members observed that funding of counselling for children has also been reduced which predisposes the children witnessing/experiencing abuse, to have less help available to them. This results in ongoing long term issues for these children.

Overall members believe that children are losing their right to be represented and heard.

Section VI. Family environment and alternative care

A. Alternative care

Grandparents raising Grandchildren Trust NZ had this to say in their 2012 submission to the Governments Vulnerable Children consultation:

...the practical and financial support needed by the children cared for by grandparents is currently insufficient to adequately meet their physical, educational, mental and welfare health needs.

It is a tenet of this submission that the State must do more to support these particularly vulnerable children in terms of providing them with access to free and subsidised health and welfare services and providing greater financial support in the same manner as that conferred upon children being raised in foster care families. To do otherwise is in contravention of the State's obligations under the United Nations Convention on the Rights of the Child.¹

This has been a long-standing issue in Aotearoa New Zealand.

K. Abuse and Neglect, para 148

The MSD has regularly published statistical data, but the last report was in 2012. This data publication appears to have ceased. The Annual Report relates specifically to government targets and objectives, and is therefore not an adequate substitute for a full statistical report.

Section VII. Basic health and welfare

F. Standard of Living

Child poverty is generally seen as one of the biggest issues in social policy in Aotearoa New Zealand, yet it is page 47 of this report before it is mentioned. Diseases such as rheumatic fever (mentioned in para 38, National Plan of Action, and again in para 163, Universal Health Services), are directly correlated with poverty and sub-standard housing. Any government serious about

¹ Page 4, retrieved from <http://www.raisinggrandchildren.org.nz/283180/>

upholding children's rights must make a concentrated effort to ensure minimal numbers of children grow up in poverty. The current government's approach, as outlined in Section 1, para 194-197, is to focus on employment and a minimal 'safety net'. This approach has been thoroughly critiqued by the Child Poverty Action Group (CPAG), who recommend that children – rather than paid employment – be put at the centre of policy decision making².

F. Standard of Living, para 195, third prong

NCWNZ members are aware that substandard housing is seen as one of the major reasons for children's poor health. The current Government policy to sell state housing stock is threatening the capacity for families to live in safe, healthy, affordable housing. Many implications follow this policy such as families overcrowding to share expenses; this reduces protection for renters to ensure that their home is safe, fit to live in, warm, dry, maintained and affordable. These outcomes all add to a child's vulnerability to remain well and secure.

Lack of insulation in private rentals, the high cost of power and lack of building maintenance are all issues that limit low income families' ability to keep their children well, especially during winter when overcrowding results in cross infection and illness's spreading. The government has shown little commitment to ensuring all rental properties are well maintained and safe to live in.

Members believe that the Government initiative to help fund insulation in housing is only being used by those landlords who are proactive in maintaining their properties and not those who know there is no law to enforce them to do so. Less state housing available means that fewer people are going to be able to find affordable accommodation. Members consider that high cost rentals in the private sector are already in great demand because of lack of suitable, available low cost rentals. This situation leaves children vulnerable to ill health, inadequate shelter and less stability. Families are often forced to move frequently and this results in children's education being disrupted, more health issues and unstable family relationships. Members consider that with no watchdog in place to ensure private rentals are affordable and safe, there is nothing to improve this state of housing.

Members feel that achieving results following new initiatives to improve the well being of children are too slow and in some cases have shown little or no improvement. Immunisation rates, dental care, youth suicide, bullying, child abuse and changes to the Family Courts are seen as significant areas where positive results are lacking.

Section VIII. Education, leisure and cultural activities

A. Provision of education, para 221

The government policy is that state education is free to all children age 5-19. It is not. The government allows for schools to set donations to cover 'extras', but the government and the schools differ widely on what counts as 'core education' and what counts as 'extras'. ASG

² e.g. St John, S. (2013). Preventing, mitigating or solving child income poverty? Policy Quarterly, 9(2), page 47-55

recently carried out a survey on average school costs for a child's schooling³. It shows how not-free education in Aotearoa New Zealand is. Parents will pay such donation/fees because they often feel great loyalty to their schools, and sometimes because there is no suitable alternative school. To state that parents do not have to pay is to ignore the impact of community spirit. One member stated that she believes that the government should focus more on reviewing the formula for funding schools rather than putting effort into enforcing the 'donation' status of the set fees.

Another point is that, apart from para 212 regarding ECE, there is no mention of the government's controversial policy on Kura hourua/Partnership schools. This is another example of where the government has not listened to civil society who were predominantly against the concept (see NCWNZ submission on the Education Amendment Bill no 1, 2013 – S13.01). The government has promised that these schools will be an answer to what is known as the "long tail of underachievement" with many students not gaining useful qualifications from schooling – so why are they not mentioned in this report?

C. Education including vocational training and guidance, para 218

This paragraph boldly states that "New Zealand is a world leader in providing inclusive education." However, there has been at least one embarrassing conflict in this area over the last few years. In 2012 the Minister of Education, during a review of special education services, decided that the Salisbury School, a national residential school for girls, would be closed in favour of 'wrap around' services. The Trustees of the school took the Minister to court to overturn the decision (and won), because of their concern for their students who are known to be "uniquely vulnerable to abuse". The Trustees, and the parent community, were concerned that the wrap-around service would not be sufficient to protect the girls⁴. NCWNZ supported their position. However, I have heard since that through a process of restricting referrals to the school, the numbers of students are dropping and when the continuation of the school comes up for review, it is less likely to remain open. This appears to be a case of achieving by stealth what could not be achieved directly. I have heard that the Board of Trustees of Salisbury School do have information to back this up; unfortunately I do not have such information to hand.

IX. Special protection measures

B. Sexual exploitation and abuse, para 237

This part of the report attempts to take adequate measures to combat the exploitation of migrant girls in prostitution etc but does not include any mention of underage marriage which members consider is a form of sexual exploitation of migrant girls

Paragraph 107 of the New Zealand Governments (2012) draft guidelines for The Better Public Services Results for Supporting Vulnerable Children has guidelines to help the Police in

³ <http://www.asg.co.nz/edcosts>

⁴ <http://www.educationreview.co.nz/magazine/january-2013/the-salisbury-story/#.VOQbgj4-5IA>

responding to forced and underage marriage in a culturally appropriate manner; however it is considered that education for police in enforcing these guidelines needs to be increased and targeted. Members believe little action is being taken as this is seen as a culturally sensitive area and little enforcement is carried out.

H. Children belonging to minority groups, para 266

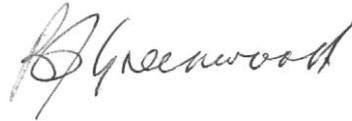
Members believe that although District Health Boards have draft policies being written in relation to improving and protecting Māori health and increasing Māori participation, members think that progress is slow even though it is being worked on. It is critical that local Iwi are given the opportunity to identify specific needs and gaps in available services.

Conclusion

NCWNZ thanks the Government for the opportunity to express our views on the UN Periodic Report. NCWNZ has canvassed many women throughout New Zealand for their input on some key aspects of the report. NCWNZ believes this is an important vehicle for New Zealand women to comment on and contribute to improve the well being of New Zealand children.



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