

28 February 2020



Information for the 87th Pre-Sessional Working Group of the Committee on the Rights of the Child: List of Issues Prior to Reporting - New Zealand – March 2020.

## Thematic report: Children in State care

### **Disproportionate discrimination experienced by children in New Zealand state care.**

This thematic report recognises the discrimination experienced by young people with personal or family involvement with New Zealand’s care and protection services.

There are ~6400 children aged 0-18 years in the care of the NZ government, with the majority aged under 10 years. Seven out of ten children in state care are Māori.

More than one-in-four care-experienced Māori young people self-reported being discriminated against by teachers, police and/or health professionals in the previous 12 months.

These Māori children are in the midst of significant family trauma and have fewer family members to help buffer the discrimination perpetuated towards them by adults employed by the State.

Their reporting of discrimination was significantly higher than what Māori young people with *no* care experience reported from these same professionals.

VOYCE - Whakarongo Mai<sup>1</sup> is an independent New Zealand-wide community connection and advocacy organisation for children and young people with state care experience. ‘Whakarongo Mai’ in Māori means “*listen to me*”.

**VOYCE Whakarongo Mai recommends the NZ Government immediately amend our existing Human Rights Act 1993 to include ‘state care-experienced’ as a prohibited ground for discrimination.**

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<sup>1</sup> <https://voyce.org.nz/>

Established in 2017, VOYCE Whakarongo Mai believe children and young people in state care need to be listened to, and their voices kept at the centre of all decisions made about them. We exist to empower care-experienced children and young people and ensure that their voice is heard. VOYCE Whakarongo Mai promotes their individual and collective voices so that care-experienced children and young people can influence the state care system to meet their needs and realise their aspirations. We are a national organisation. In the Māori language, ‘Whakarongo Mai’ means “listen to me”.

In 2019 there were 6429 children and young people aged 0-18 years in state care in Aotearoa-New Zealand. Indigenous Māori comprise 4422 (69%) of these children.

VOYCE Whakarongo Mai **commissioned a report from the University of Auckland’s Adolescent Health Research Group** to understand the health and wellbeing of young people who have had family involvement with child protection services. The Adolescent Health Research Group are a multi-disciplinary team of researchers committed to promoting the healthy development of young people in New Zealand<sup>2</sup>.

Findings were drawn from data collected as part of a nationally representative survey of secondary school students in 2012 with 8,500 randomly selected secondary school students from 91 randomly selected secondary schools. Participation in the survey was completely voluntary. Notable features of the survey include:

- Young people have actively participated in designing the survey and interpreting the findings
- Survey available in both English and Māori languages (in audio and written)
- Survey purposefully frames questions in a strengths-based manner
- All students anonymously self-report their answers, via individual tablets
- The large sample size ensures that significant subgroups of the population, such as Māori and Pacific young people, are purposefully represented.

The Adolescent Health Research Group report highlighted that more than one in four (28%) care-experienced Māori young people aged 12-18 years self-reported racial discrimination from teachers, police, and/or health professionals compared with 18.5% Māori youth *not* involved with child protection services<sup>3</sup>. **This difference – which is statistically significant - pivots upon Māori youth being care-experienced<sup>4</sup>.**

The majority (55%) of 0-18 year olds in state care are aged under 10 years. Whilst living in the midst of significant and sustained trauma and due to their young age, these children are less emotionally robust and less developmentally-able to constructively manage and/or understand this discrimination.

Compounding this situation is that these children have fewer protective factors - such as available family members - to buffer the discrimination perpetuated towards them.

Thus, the onset of **exposure to multiple government departments occurs much earlier in the lives of children and young people in the care of the state** than for other children and young people who might ordinarily interact more with the State as they transition into adulthood (ie., beyond attending public schools from age 5 years).

The seminal ‘*Investing in New Zealand’s Children and their Families’ Expert Panel Final Report<sup>5</sup>* (2015) noted that care-experienced children’s testimonies to the Expert Panel “demonstrate how ordinary citizens either discriminated or improved the life of a child in care and how this had a longer-term impact” upon the child’s outcomes (p.69).

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<sup>2</sup> [www.youthresearch.auckland.ac.nz](http://www.youthresearch.auckland.ac.nz)

<sup>3</sup> [Utter, Mason & Clark \(2019\). Health and wellbeing of young people who have had family involvement with NZ’s Child Youth and Family Department \(unpublished\)](#) Uploaded as Annex to this report.

<sup>4</sup> Updated Adolescent Health Research Group findings from equivalent surveying undertaken in 2019 will be available in May 2020. These results will be made available to the Committee.

<sup>5</sup> <https://www.ms.govt.nz/about-msd-and-our-work/work-programmes/investing-in-children/eap-report.html>

Multiple and successive reports authored by government<sup>6,7</sup>, academic<sup>8,9</sup>, Māori<sup>10</sup> and other community leaders<sup>11,12</sup> have identified institutional racism as a continuous and deep problem within state departments' policy, services, staffing and communications. This is an extremely heavy load for care-experienced Māori children and young people to carry on top of their pre-existing trauma.

Seen in combination, **our findings underline the double-jeopardy of NZ's care and protection system:** that many Māori children and young people in state care must absorb discrimination directed towards them by the very adults (health professionals, police, teachers) charged with caring and protecting our country's most vulnerable citizens.

This is an extremely perverse outcome which can only further deplete a child's recovery from spiralling family circumstances that are completely beyond their control.

Any discrimination against any children is unacceptable.

Any discrimination against indigenous Māori children is unacceptable.

**Disproportionate discrimination experienced by Māori children in state care from teachers, police and/or health professionals is absolutely unacceptable and must be addressed by the State.**

**VOYCE Whakarongo Mai recommends** the NZ Government immediately amend our existing Human Rights Act 1993 to include 'state care-experienced' as a prohibited ground for discrimination [Part 2.21(1)].

VOYCE Whakarongo Mai is unaware of any jurisdiction in the world which has undertaken this recognition in a domestic Human Rights framework.

We believe that this landmark legal step will make visible the relentless discrimination and stigma that care-experienced children endure from a very early age - experiences which only continue to marginalise and profoundly disadvantage care-experienced peoples, young and old today.

By omission or default, many thousands of care-experienced childhoods are legally invisible in NZ's existing Human Rights Act which enables this reported discrimination to continue, unchecked.

**Being visible matters:** Aotearoa-New Zealand is a country which proudly boasts many worldwide "firsts". This legal 'naming' of state care-experienced people in overarching legislation which defines human dignity would demonstrate momentous global and domestic leadership.

**Being named matters** in New Zealand's Human Rights Act as this would signal a very real sense of visibility and recognition for many care-experienced people and their families, going forwards.

**Our Question to the New Zealand Government is:** When will "state care-experienced" be named as a prohibited ground for discrimination within New Zealand's Human Rights Act 1993?

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<sup>6</sup> <https://www.orangatamariki.govt.nz/news/hawkes-bay-practice-review/>

<sup>7</sup> <https://library.nzfvc.org.nz/cgi-bin/koha/opac-detail.pl?biblionumber=5000>

<sup>8</sup> Māori with Lived Experience of Disability Part I for the Waitangi Tribunal Stage Two of the Wai2575 Health Services and Outcomes Kaupapa Inquiry. Paula Therese King. 2019. Wellington

<sup>9</sup> <http://www.maramatanga.co.nz/node/1153>

<sup>10</sup> <https://e-tangata.co.nz/comment-and-analysis/moana-jackson-understanding-racism-in-this-country/>

<sup>11</sup> <https://www.justspeak.org.nz/ourwork/justspeak-idi-research-a-justice-system-for-everyone>

<sup>12</sup> <https://whanauora.nz/maori-inquiry/>