



NEW ZEALAND

SUBMISSION TO THE UN COMMITTEE ON THE RIGHTS OF THE CHILD,
87TH PRE-SESSIONAL WORKING GROUP, 1-5 JUNE 2020, LIST OF
ISSUES PRIOR TO REPORTING

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1. INTRODUCTION

Amnesty International welcomes the United Nations Committee of the Rights of the Child's (the Committee) review of New Zealand under the United Nations Convention on the Rights of the Child (CRC). It presents an important opportunity for New Zealand to assess its progress in implementing the CRC nearly 30 years on from its ratification in 1993.

This submission outlines Amnesty International's concerns and associated recommendations with respect to the implementation of the CRC in New Zealand. It includes concerns relating to the domestic children's rights framework, family environment and alternative care, juvenile justice, health and standards of living, and issues facing marginalised children, including indigenous Māori children and children with disabilities. Amnesty International encourages New Zealand to fully honour the aspirational vision of the CRC in which every child can grow, learn, play, develop and flourish with dignity.

1.1 THE DOMESTIC CHILDREN'S RIGHTS FRAMEWORK (ARTICLES 2, 3, 4, 12 AND 42 OF THE CRC)

Amnesty International reiterates that in order to implement the rights contained in the CRC and ensure that children's rights are fully respected,¹ States have the obligation to:²

“undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the (...) Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources (...)”.

This includes ensuring that children and adults are aware of the provisions and principles of the CRC³ and that the government is publicly and regularly reporting the progress made on child rights.⁴

Both UNICEF New Zealand⁵ and the civil society Monitoring Group responsible for the Government's implementation of the CRC⁶ have emphasised that given New Zealand does not have a written constitution, “a key part of implementing the Children's Convention requires governments to incorporate the relevant articles into domestic law”, so that children's rights are more likely to shape future policy making.⁷

¹ The four General Principles of the Convention on the Rights of the Child represent the foundational requirements for any and all rights to be realised. These are: non-discrimination (Article 2), the best interests of the child (Article 3), the right to life, survival and development (Article 6) and respect for views of the child in “all matters affecting the child” (Article 12).

² UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, article 4.

³ CRC, article 42.

⁴ CRC, article 44.6.

⁵ UNICEF NZ, R. Ludbrook and A. Jamison, *Kids Missing Out*, 2013, tewhareporahou.files.wordpress.com/2015/08/kids-missing-out-a4-document.pdf

⁶ The Children's Convention Monitoring Group, *Getting It Right: Building Blocks: Building the foundations for implementing the Children's Convention in Aotearoa*, April 2018, p. 9, www.occ.org.nz/assets/Uploads/Getting-It-Right-Building-Blocks-Apr-2018.pdf

The Children's Convention Monitoring Group monitors how the New Zealand Government is implementing the Children's Convention and its Optional Protocols, as well as how the Government responds to [recommendations from the United Nations Committee on the Rights of the Child](#). The group is convened by the Office of the Children's Commissioner and includes representatives from the [Human Rights Commission](#), [Action for Children and Youth Aotearoa](#), [UNICEF New Zealand](#) and [Save the Children New Zealand](#).

⁷ The Children's Convention Monitoring Group, *Getting It Right: Building Blocks: Building the foundations for implementing the Children's Convention in Aotearoa*, April 2018, p. 9, www.occ.org.nz/assets/Uploads/Getting-It-Right-Building-Blocks-Apr-2018.pdf

1.2 THE CONVENTION ON THE RIGHTS OF THE CHILD AND DOMESTIC IMPLEMENTATION IN 2020

Despite ratifying the Convention on the Rights of the Child in 1993, New Zealand still lacks a coherent approach when it comes to implementing the CRC into New Zealand legislation.⁸

Policy and practice impacting on children's rights remains ad hoc. There are many pieces of legislation and government departments can choose different approaches when addressing children's rights.⁹ For example, legislation that governs custody arrangements, economic, social and cultural rights, child protection and juvenile justice all have different underlying mechanisms and purposes that impact rights differently.¹⁰

Amnesty International welcomes that since the last review of New Zealand, there has been some positive progress with more explicit references to the CRC in domestic legislation and strategy, such as:

- a. The Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017, which makes improvements to the child protection and juvenile justice systems;
- b. The Children's Amendment Act 2018, which enabled the development of the Child and Youth Wellbeing Strategy in August 2019.¹¹

The "Child Impact Assessment Tool" also seeks to help government and non-government organisations in New Zealand to assess whether policy proposals will improve the wellbeing of children and young people, including templates to test proposals on consistency with the CRC. However, Amnesty International has concerns that the actual use of the tool and knowledge of the CRC across government institutions remains very low.¹²

This is evident in the limited inclusion of the provisions of the CRC in domestic legislation and some front-line practice. Limited inclusion in legislation has also tended towards "guiding principles" which makes the obligations under the CRC optional.

Amnesty International believes that a co-ordinated and more consistent rights-based approach is required to ensure all domestic legislation is compatible with the CRC and that there is appropriate coordination of policy affecting children within and between all levels of government and with non-government service providers, particularly given the inherent indivisibility of children's rights.

New Zealand has also not yet acceded to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and still maintains several reservations to the CRC.

1.3 RECOMMENDATIONS

Amnesty International therefore recommends that New Zealand:

- a. **Update government tools and guides such as the Cabinet Manual, the Legislative Guidelines and various policy frameworks to better reflect New Zealand's obligations under the CRC;**
- b. **Further embed the use of the Child Impact Assessment tool across Parliament, the Public Service and non-government service providers, including front-line worker practice;**

⁸ N. Lynch, et al, *Children's Rights in Aotearoa New Zealand: Reflections on the 30th Anniversary of the Convention on the Rights of the Child*, December 2019, p. 5. It is a collection of reflections from the Victoria University of Wellington symposium "Children's Rights – National and International Contexts", held in August 2019.

⁹ These include the Children's and Young People's Well-being Act 1989 (Oranga Tamariki Act 1989, until recently the Children, Young Persons, and Their Families Act 1989), the Care of Children Act 2004, the Children's Act 2014 and the Status of Children Act 1969. Children's law is also found in legislation such as the Family Dispute Resolution Act 2013 the Child Support Act 1991, the Children's Commissioner Act 2003 and the Adoption Act 1955.

¹⁰ N. Lynch, et al, *Children's Rights in Aotearoa New Zealand: Reflections on the 30th Anniversary of the Convention on the Rights of the Child*, December 2019, p. 5.

¹¹ The New Zealand Government, *Child and Youth Wellbeing Strategy 2019*, August 2019, childyouthwellbeing.govt.nz/sites/default/files/2019-08/child-youth-wellbeing-strategy-2019.pdf

¹² The Children's Convention Monitoring Group, *Getting It Right: Are We Listening? Children's Participation Rights in Government Policy*, June 2019, p. 15, HYPERLINK "<https://www.occ.org.nz/assets/Uploads/CMG2019-Online-FINAL-full2.pdf>"

- c. Accede to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure;
- d. Withdraw its reservations to the CRC;
- e. Encourage and support the application of the CRC to the territory of Tokelau;
- f. Ensure that all domestic legislation is compatible with the CRC and that there is appropriate coordination of policy affecting children within and between all levels of government as recommended by the Committee in its Guidelines for Initial Reports.¹³

2. FAMILY ENVIRONMENT AND ALTERNATIVE CARE (ARTICLES 3, 5, 9, 10, 12, 18-21, 23-31, 34, 37 AND 39)

Amnesty International remains concerned at the persistent high levels of violence, abuse and neglect that children in New Zealand experience.¹⁴

Amnesty International acknowledges that since the last review in 2016, New Zealand has:

- a. Raised the eligibility age for state care and protection to 21 years (with transition support and advice available up to age 25);
- b. Sought to embed child participation rights through the redesign of the care and protection and youth justice systems and reinforce that decisions affecting children and young people should be made with a holistic approach that takes into consideration the child's age, identity, cultural connections, education and health.

However, a 2019 report by the independent Commissioner for Children that sought the views of children and young people in state care found that across a range of wellbeing indicators, children and young people in state care generally fare worse than their peers.¹⁵ The areas that showed the largest disparity between children in care and those who are not included being able to make decisions, having opportunities to build skills and knowledge for the future, feeling a sense of belonging at school and time with extended family.

Indigenous Māori children and young people continue to be overrepresented in state care. Around 25% of all children are Māori, yet, in June 2019, there were 4,424, or 69%, of all children and young people in state care who identified as Māori (70% in 2018). This is an increase over the past six years, from the 3,104 (63%) in 2013.¹⁶ In 2020 the independent Commissioner for children highlighted figures which show that numbers of Māori children being taken into state care before the age of 3 months had reduced in 2018 and 2019, but that Māori infants were still being taken into state care at five times the rate of other infants.¹⁷

It is essential that the government recognises the CRC and the United Nations Declaration on the Rights of Indigenous Peoples as central frameworks for the current reform of New Zealand's care and protection

¹³ UN Committee on the Rights of the Child, *General Guidelines regarding the form and content of initial reports to be submitted by states parties under article 44, paragraph 1 (a), of the Convention*, CRC/C/5, 30 October 1991.

¹⁴ The Salvation Army, *State of the Nation Report 2020*, February 2020, p. 10.

Also see: New Zealand Police Victims and Offenders data base, *Victimisations Demographics*, www.police.govt.nz/about-us/publications-statistics/data-and-statistics/policedatanz/victimisations-demographics

¹⁵ The Office of the Children's Commissioner and Oranga Tamariki (Ministry for Children), *What Makes a Good Life? Follow Up Report: Views of children and young people in care on wellbeing*, November 2019, p. 19.

¹⁶ The Salvation Army, *State of the Nation 2020*, p. 10.

¹⁷ The Office of the Children's Commissioner, *Infographic: Pēpi Māori 0-3 Months and the Care and Protection System*, January 2020, <https://www.occ.org.nz/assets/Uploads/20200116-OCC-Infographic2.pdf>

system, including the right to non-discrimination, the right to preserve identity, nationality and family connections,¹⁸ and the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child.¹⁹

The majority of children in state care in New Zealand are placed with foster carers or extended family. However New Zealand maintains several 'secure' care and protection institutions which are locked facilities for children to prevent them from absconding from the residence, or from "behaving in a manner likely to cause physical harm to that child or young person or to any other person."²⁰ Monitoring visits to five of these secure residential care facilities between August 2017 and September 2018 by the independent Commissioner for Children recorded problems raised by some of the children interviewed, including alleged injuries from the use of restraints by staff, bullying, unsanitary conditions and not having their perspectives heard in decisions about their placement.²¹ Concerns were also raised about processes, fairness and effectiveness in the use of grievance procedures, restraints and behaviour management systems.

Amnesty International recalls the 2018 comments of the Special Rapporteur on the right to the highest attainable standard of physical and mental health specifically in relation to children deprived of liberty:²²

"The scale and magnitude of children's suffering in detention and confinement call for a global commitment to the abolition of child prisons and large care institutions alongside scaled-up investment in community-based services."

Amnesty International welcomes indications from the Government that it is seeking to phase out large scale care and protection residence and replace them with smaller, open community-based options.

2.1 RECOMMENDATIONS

Amnesty International urges New Zealand to:

- a. Expedite the alternative care reforms;
- b. Ensure that the design and practices of the alternative care system is strictly in line with the CRC, the UN Guidelines for the Alternative Care of Children²³ and other international human rights laws and standards.

3. JUVENILE JUSTICE (ARTICLES 2, 3, 12, 30, 37 AND 40)

3.1 MINIMUM AGE OF CRIMINAL RESPONSIBILITY

Amnesty International welcomes that since the Committee's last review in 2016, New Zealand has raised the age that a person is tried within the adult criminal justice system to 18 in order to include 17-year olds in its alternative youth justice system.

¹⁸ Article 8 of the United Nations Convention on the Rights of the Child.

¹⁹ Annex of the United Nations Declaration on the Rights of Indigenous Peoples.

²⁰ Oranga Tamariki Act 1989 section 368(1)(b).

²¹ Office of the Children's Commissioner, *A Hard Place to be Happy: Voices of children and young people in care and protection residences*, Wellington, October 2019.

²² *Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health*, UN Human Rights Council, UN Doc. A/HRC/38/36 (10 April 2018) para. 53.

²³ UN General Assembly, *Guidelines for the Alternative Care of Children*, A/RES/64/142, 24 February 2010.

However, New Zealand currently maintains a minimum age of criminal responsibility of 10 years old,²⁴ well below the recommended international minimum of 14.²⁵ This is despite multiple recommendations from the Committee to raise the minimum age of criminal responsibility. Following New Zealand's Universal Period Review in 2019, the government has agreed to consider amending this age requirement, but action is yet to be taken.

3.2 DEPRIVATION OF LIBERTY

Amnesty International also recalls New Zealand's inaction in response to the Committee's recommendations to withdraw its reservation to article 37(c) of the CRC regarding separation of children deprived of liberty from adults in all places of detention. New Zealand still maintains its reservation:²⁶

“...not to apply article 37 (c) in circumstances where the shortage of suitable facilities makes the mixing of juveniles and adults unavoidable; and further reserves the right not to apply article 37(c) where the interests of other juveniles in an establishment require the removal of a particular juvenile offender or where mixing is considered to be of benefit to the persons concerned.”

New Zealand legislation also still enables children aged 14 to 17 to be remanded in police custody after their first court appearance in the juvenile justice system, without a limit on the length of time in detention. The independent Children's Commissioner, Amnesty International and other children's rights advocates have consistently expressed concern that this option breaches children's rights under the CRC, including the conditions of detainment in police cells, length of time in custody, risk of solitary confinement, and interaction with adult remand prisoners. Several instances of self-harm by children in youth justice facilities or police custody were recorded between 2014 and 2019.²⁷

Amnesty International particularly notes the 2019 General Comment of the Committee regarding children's rights in the justice system which provides a contemporary guide for states towards a holistic implementation of child justice systems that promote and protect children's rights. This includes the following principles particularly relevant to deprivation of a child's liberty, including pre-trial detention:²⁸

- a. The juvenile justice system should provide ample opportunities to deal with children in conflict with the law by using social and/or educational measures, and to strictly limit the use of deprivation of liberty, and in particular pre-trial detention, as a measure of last resort;
- b. Legislation should clearly state the conditions that are required to determine whether to place or keep a child in pre-trial detention, and the duration of pre-trial detention should be limited by law and be subject to regular review.
- c. Every child deprived of liberty is to be separated from adults, including in police cells. The permitted exception to the separation of children from adults stated in article 37(c) of the Convention – “unless it is considered in the child's best interests not to do so” – should be interpreted narrowly and the convenience of the States parties should not override the child's best interests;
- d. States parties should establish separate facilities for children deprived of their liberty that are staffed by appropriately trained personnel and that operate according to child-friendly policies and practices;
- e. Expanding the use of non-custodial measures to ensure that detention of children is a measure of last resort.

²⁴ Section 22 of the Crimes Act 1961.

²⁵ UN Committee on the Rights of the Child, *General Comment No. 24(2019) on children's rights in the child justice system*, CRC/C/GC/24 (2019) para. 21.

²⁶ MINISTRY OF JUSTICE, *CONSTITUTIONAL ISSUES & HUMAN RIGHTS: UN CONVENTION ON THE RIGHTS OF THE CHILD*, MAY 2018, WWW.JUSTICE.GOV.T.NZ/JUSTICE-SECTOR-POLICY/CONSTITUTIONAL-ISSUES-AND-HUMAN-RIGHTS/HUMAN-RIGHTS/INTERNATIONAL-HUMAN-RIGHTS/CRC/

²⁷ Radio New Zealand, *'Horrifying' numbers of self-harm incidents in youth justice facilities*, 2 September 2019, www.rnz.co.nz/news/national/397928/horrifying-numbers-of-self-harm-incidents-in-youth-justice-facilities

²⁸ *General comment No. 24 (2019) on children's rights in the child justice system*, UN Committee on the Rights of the Child, UN Doc. CRC/C/GC/24 (18 September 2019) p. 14. tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f24&Lang=en

3.3 INDIGENOUS CHILDREN

Indigenous Māori children are still overrepresented in the juvenile justice system. Over the past ten years, nearly two thirds of those under 17 years old who were charged with offences were Māori.²⁹ In 2019, the Human Rights Commission reported that Māori made up 80% of the youth justice residence population.³⁰ The appearance rate of Māori youth in the Youth Court is 9.4 times that of non-Māori, and Māori reoffending rates are almost one third higher.³¹

3.4 RECOMMENDATIONS

Amnesty International recommends that New Zealand:

- a. Immediately raise the minimum age of criminal responsibility to at least 14;
- b. Withdraw its reservation to Article 37(c) and ensure separate facilities for children deprived of their liberty, which include child-centered personnel as well as distinctive child-friendly policies and practices that take in consideration the best interests of the child;
- c. Ensure that a child is deprived of his or her liberty only as a measure of last resort and for the shortest appropriate period of time and alternatives to detention are expanded, including community-based alternatives;
- d. Continue to strengthen its efforts to address the overrepresentation of Māori and children in the juvenile justice system, including by:
 - i. providing culturally-appropriate community-based alternatives to detention;
 - ii. investigating allegations of racial biases;
 - iii. Establishing rules, regulations or protocols which enhance equal treatment of child offenders and provide redress, remedies and compensation.

4. HEALTH AND STANDARD OF LIVING (ARTICLES 6, 18.3, 23, 24, 26, 27 AND 28)

4.1 STANDARD OF LIVING

Amnesty International welcomes that New Zealand has prioritised child well-being and poverty reduction in New Zealand since the Committee's last review in 2016. This has resulted in the Child Poverty Reduction Act 2018, which creates four primary and six supplementary indicators of child poverty to be regularly measured and reported on, and also includes additional funding for social support to children.³² Future reporting will reveal what progress has been made. New Zealand's first Child Wellbeing Strategy was also released in August 2019, which addresses "poverty and material hardship of children". Since the last review, national legislation has been passed to improve housing security and property standards for rental properties.

²⁹ The Salvation Army, *State of the Nation 2020*, p. 11.

³⁰ Human Rights Commission, *Monitoring Places of Detention 2017/2018: Annual report of activities under the Optional Protocol to the Convention Against Torture (OPCAT)*, April 2019, p. 1.

³¹ The Salvation Army, *State of the Nation Report 2020*, February 2020, p. 11.

³² In the previous review, the New Zealand Government acknowledged that there was not, and had never been, an official measure of child poverty. See: *United Nations Convention on the Rights of the Child Fifth Periodic Report by the Government of New Zealand 2015*, 5 May 2015, para. 173.

However, relative child poverty persists as a serious issue in New Zealand, with around 250,000 children (22.8% of all children) still living in households with below 50% of median income for New Zealand after housing costs in 2017/2018.³³ Despite some improvements, the number of children living in what the government categorizes as “deepest poverty” has not significantly decreased over the past 10 years, impacting on their ability to access their rights, including to adequate standards of living, health, and education.

4.2 INADEQUATE HOUSING

Lack of access to adequate housing also continues to impact children and their rights in New Zealand, including homelessness, insecurity of tenure, overcrowding, residential mobility, and a lack of social housing.³⁴ This is also resulting in negative impacts on health, such as health issues relating to poor housing conditions and overcrowding, and poorer educational outcomes due to insecurity of tenure.³⁵

4.3 IMPACTS OF CLIMATE CHANGE

Amnesty International is concerned about the harmful impacts of climate change on the rights of children in New Zealand, particularly the right to the highest attainable standard of health, to an adequate standard of living, and the unequal impacts on particular groups of children, including Māori and Pasifika children, children living in low-income settings, and children living in coastal and low-lying areas. Government and local council reports have begun to identify the impacts of climate change, including the “unequal distribution of impacts, with those such as the elderly, the very young, those living in poverty or with chronic health issues more likely to be negatively affected.”³⁶ However, the Ministry of Environment also identified in 2017 that “there is very little research on which groups and locations in New Zealand are at the greatest risk from climate change impacts,” and that “this is an information gap.”³⁷

4.4 RECOMMENDATIONS

Amnesty International recommends that New Zealand:

- a. Increase substantially the budgetary allocations necessary to fully realise the right of children to an adequate standard of living, including for marginalised children in very low-income households;
- b. Implement a human-rights compliant national housing strategy that guarantees the right to adequate housing;
- c. Ensure that the rights of children are taken into account in assessing impacts of, and developing policies in relation to, climate change, with particular attention to marginalised groups of children most likely to be affected.

³³ Below 50% of the median income in New Zealand after housing costs. The New Zealand Government, *Budget 2019: Budget at a Glance*, 2019, www.budget.govt.nz/budget/2019/at-a-glance/child-poverty-report.htm

³⁴ The Office of the Children’s Commissioner, *Third Universal Periodic Review of New Zealand’s Human Rights Performance Submission from the Office of the Children’s Commissioner*, 12 July 2018, p. 4.

³⁵ The Office of the Children’s Commissioner, *Third Universal Periodic Review of New Zealand’s Human Rights Performance Submission from the Office of the Children’s Commissioner*, 12 July 2018, p. 4.

³⁶ Auckland City Council *The Auckland Plan 2050*, <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/auckland-plan/environment-cultural-heritage/Pages/climate-change.aspx>

³⁷ Ministry of Environment, *Adapting to Climate Change in New Zealand*, 31 May 2017, p. 40.

5. SPECIAL PROTECTION MEASURES (ARTICLES 2, 3, 12, 22, 23 AND 39 OF THE CRC)

5.1 REFUGEE AND MIGRANT CHILDREN

Amnesty International commends the government on increasing the Refugee Quota Programme from 1000 places to 1500 places from July 2020 and running a successful Community Sponsorship of Refugees pilot programme. All of these changes allow more children to find a safe home in New Zealand.

Some children migrate to New Zealand with their families and some come independently as international students. However, New Zealand maintains its reservation to the CRC which enables it still to deny some rights to children whose parent's immigration status is unclear.³⁸ Whilst they are able to access some health and education services, certain practical barriers can remain, such as the fear of being identified as being unlawfully in New Zealand.

5.2 CHILDREN WITH DISABILITIES

Children with disabilities are more likely to live in poverty and are still facing barriers to the full enjoyment of the rights enshrined in the CRC, including the right to the highest attainable standard of health, adequate housing, education, care and protection services.³⁹

In 2016, the Committee recommended to New Zealand to:⁴⁰

“Adopt a comprehensive, child rights and participatory approach to the rights of children with disabilities and ensure that the Disability Action Plan takes into account the needs of these children.”

Amnesty International welcomes that in November 2019, New Zealand launched the Disability Action Plan, which seeks to address some issues relevant to children with disabilities including:⁴¹

- a. Ensuring data is disaggregated by disability;
- b. Exploring the framework that protects the bodily integrity of children and adults with disabilities against non-therapeutic medical procedures;
- c. A Funded Family Care policy change;
- d. Improving physical accessibility across the New Zealand housing system;
- e. Reducing the use of seclusion and constraint in the health and corrections system.

However, the Action Plan still has limited mention specifically of the rights of children with disabilities and does not specify how the voices of disabled children will contribute to the shaping of policies that affect them.

³⁸ The Children's Convention Monitoring Group, *Getting It Right: Building Blocks: Building the foundations for implementing the Children's Convention in Aotearoa*, April 2018, p. 24, www.occ.org.nz/assets/Uploads/Getting-It-Right-Building-Blocks-Apr-2018.pdf

³⁹ <https://www.cpag.org.nz/assets/150317ChildDisability.pdf>

⁴⁰ UN Committee on the Rights of the Child, *Concluding observations on the fifth periodic report of New Zealand*, UN Doc. CRC/C/NZL/C/5 (2016) para. 30

⁴¹ Office for Disability Issues Administered by the Ministry of Social Development, *Disability Action Plan 2019–2023: Putting the New Zealand Disability Strategy into action*, November 2019, www.odi.govt.nz/assets/Uploads/ODI-Disability-Action-Plan-2019-9-WEB-SINGLES.pdf

5.3 RECOMMENDATIONS

Amnesty International recommends that New Zealand:

- a. Establishes the Community Organisation Refugee Sponsorship as a permanent programme so that this complementary protection pathway for refugee children can continue;
- b. Withdraws its general reservation to the Convention on the Rights of the Child and ensure all children in New Zealand, irrespective of their immigration status, can access their rights.
- c. Enacts the Committee recommendation “to adopt a comprehensive, child rights and participatory approach to the rights of children with disabilities”, including with the Disability Action Plan;⁴²

⁴² UN Committee on the Rights of the Child, *Concluding observations on the fifth periodic report of New Zealand*, UN Doc. CRC/C/NZL/C/5 (2016) para. 30.

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NEW ZEALAND

SUBMISSION TO THE UN COMMITTEE ON THE RIGHTS OF THE CHILD, 87TH PRE-SESSIONAL WORKING GROUP, 1-5 JUNE 2020, LIST OF ISSUES PRIOR TO REPORTING

Amnesty International welcomes the United Nations Committee of the Rights of the Child's (the Committee) review of New Zealand under the United Nations Convention on the Rights of the Child (CRC). It presents an important opportunity for New Zealand to assess its progress in implementing the CRC nearly 30 years on from its ratification in 1993.

This submission outlines Amnesty International's concerns and associated recommendations with respect to the implementation of the CRC in New Zealand. It includes concerns relating to the domestic children's rights framework, family environment and alternative care, juvenile justice, health and standards of living, and issues facing marginalised children, including indigenous Māori children and children with disabilities.