



Are the rights of children experiencing poverty in Aotearoa New Zealand being observed?

An analysis of child poverty through the lens of the United Nations Convention on the Rights of the Child (2016-2023)

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POVERTY
ACTION
GROUP

Our mission

Founded in 1994, the Child Poverty Action Group is an independent, registered charity working to eliminate child poverty in Aotearoa New Zealand through research, education and advocacy.

Our work

CPAG produces research about the causes and effects of poverty on children and their whānau and families, and uses this to inform public discussion and promote evidence-based responses.

CPAG is funded entirely by grants from charitable trusts and donations from the public. Our members across New Zealand include leading academics, doctors, teachers, health workers, community workers and many others.

Our work covers issues such as health, housing, education, taxation, disability, employment and income support.

Our focus on children

CPAG focuses on eliminating poverty for children because:

Overall effects of poverty are worse for children - Child development is adversely affected by poverty, and can lead to detrimental effects for an entire life.

Children are more likely to experience poverty - Children are over-represented among those in deprived households.

Children don't get a say - Decisions affecting children are made without their input; state democracy involves only adults.

Acknowledgements

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EXECUTIVE SUMMARY

This report provides an analysis of child poverty through the lens of the Articles of the United Nations Convention on the Rights of the Child (UN Convention). The concerns of the UN Committee on the Rights of the Child 2016 and 2023 are discussed. Using a human rights framework we examine the success (or shortfalls) of the Child Poverty Reduction Act 2018 and Child and Youth Wellbeing Strategy adopted in 2019, before proposing next steps and recommendations. Poverty is a complex multifaceted problem, and solutions will range across traditional boundaries spanning social, cultural, environmental, health, political, indigenous rights, and economic solutions.

We acknowledge steps taken in recent years to reduce child poverty, but there remain significant inequities in child poverty rates for Māori, Pasifika, children with a disability and children of sole parents. The disparities in child poverty rates based on ethnicity and disability signal a failure to fully recognise the rights of the child consistent with the Articles of the UN Convention. The United Nations Committee on the Rights of the Child has criticised New Zealand in its latest reporting (February 2023) stating:¹

The Committee is however seriously concerned that a significant proportion of children live in poverty and experience food insecurity and severe housing deprivation, including homelessness, insecurity of tenure, and overcrowding, resulting in poorer health and education outcomes, disproportionately affecting Māori and Pasifika children.

The Child Poverty Action Group is concerned that for groups of children who have been ‘left behind’ in recent attempts to reduce poverty, more needs to be done urgently. This report asks two central questions:

Question 1. Has there been a significant reduction in child poverty since 2016?

Question 2: What areas are in need of further improvement to recognise the rights of the child under the UN Convention?

The conclusion we draw is that while some systemic improvements have been made, more needs to be done urgently to reduce disparities in poverty rates. We recommend a new approach that transcends local and central government, and enables the voices of those with lived experience of poverty to be part of the discussion and planning for the future.

The voices of tamariki and rangatahi should be heard and their input sought into both the design and review of child poverty reduction responses. CPAG proposes the government adopt a closer working relationship with iwi, hapu and whānau in recognition of the high rates of poverty for tamariki Māori and the unique obligations to them under te Tiriti o Waitangi.

We make eight recommendations on pages 29-30.

INTRODUCTION

In its concluding observations in 2016, the UN Committee on the Rights of the Child (UN Committee) voiced serious concerns in relation to New Zealand's observation of rights under the UN Convention:²

While welcoming the public debate and attention given to the prevalence of child poverty in the State party, including through the appointment of an Expert Advisory Group on Solutions to Child Poverty, the Committee is deeply concerned about the enduring high prevalence of poverty among children, and the effect of deprivation on children's right to an adequate standard of living and access to adequate housing, with its negative impact on health, survival and development and education. It is particularly concerned about the continuing disparities faced by Māori and Pasifika children with regard to the enjoyment of these rights. It is further concerned about the impact of recent welfare and benefit sanctions reforms on children living in benefit-dependent households.

In early 2023 the UN Committee reconsidered New Zealand's commitment to the UN Convention, and reassessed whether the government was meeting its obligations to children. This followed an intensive process involving reporting by the government and civil society. As part of this process the Child Poverty Action Group (CPAG) wrote a thematic report for the United Nations Committee on the Rights of the Child "Child Poverty in Aotearoa"³ and co-wrote a report with others "The Basic Health and Welfare Rights of Children 0-5 years of age in Aotearoa New Zealand".⁴ Dr Dana Wensley, Researcher with CPAG was invited to appear before the UN Committee in September 2022 to answer additional questions on poverty, and provided updated material for the UN Committee late in 2022.

The result of this reporting was a suite of updated observations from the UN Committee in February 2023.⁵ The UN Committee detailed some good news and bad news in relation to children's rights in New Zealand. On one hand, advances had been made. The UN Committee specifically welcomed the 'wide-ranging measures' to reduce child poverty such as the Child Poverty Reduction Act 2018, the four Wellbeing Budgets, the Child and Youth Wellbeing Strategy 2019 and the Families Package (2018). It was, however, still concerned with significant rates of child poverty and housing deprivation. Additionally, the UN Committee picked up on a new concern raised by CPAG in its reporting, that of food insecurity and hunger experienced by children in New Zealand. The Committee stated:⁶

The Committee is however seriously concerned that a significant proportion of children live in poverty and experience food insecurity and severe housing deprivation, including homelessness, insecurity of tenure, and overcrowding, resulting in poorer health and education outcomes, disproportionately affecting Māori and Pasifika children.

The conclusion from this review process is that while systemic improvements have been made, more needs to be done to reduce disparities in poverty rates. This report details the extent to which the recommendations of the UN Committee in 2016 have been implemented, and comments on new areas of concern raised by the UN Committee in its 2023 concluding observations. While this analysis focuses on the UN Convention, when it comes to reducing inequities experienced by tamariki Māori, we consider

that alongside the UN Convention it is also essential to recognise that the ultimate responsibility of the government is to ensure that for tamariki Māori their unique rights under te Tiriti o Waitangi are also achieved.

The UN Convention must not be read in isolation. Additional international instruments must be considered, and their alignment assessed. This analysis focuses on the UN Convention, but the issues raised should also be considered in light of the following:

The Convention on Rights of Persons with Disabilities (adopted 2006, which came into force 2008) was ratified by New Zealand on 25 September 2008 with no reservations. Article 7 provides that States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children. It also recognises the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realisation of this right without discrimination on the basis of disability.

The United Nations Declaration on the Rights of Indigenous Peoples (adopted 2007) was endorsed in New Zealand in 2010 (New Zealand has not yet ratified this Declaration). Article 2 provides the right to be free from any kind of discrimination in the exercise of their rights. Article 2 states the right to the improvement of economic and social conditions which includes the obligation to the State to take effective measures (including special measures) to ensure continuing improvement of Indigenous economic and social conditions (with particular attention to the rights and special needs of youth, children and persons with disabilities).

New Zealand is also a signatory to the 17 Sustainable Development Goals which recognise ending poverty as a priority. These goals transcend strategies to reduce inequality, improve health and encourage economic growth.

In the preparation of this report we considered the comprehensive regulatory, law, and policy framework for child poverty in New Zealand. We reviewed the following background reports:

- Committee on the Rights of the Child, 'Concluding Observations on the Sixth Periodic Report of New Zealand' CRC/C/NZL/CO/6 6 Feb 2023
- Committee on the Rights of the Child, 'List of issues prior to submission of the sixth periodic report of New Zealand' CRC/C/NZL/QPR/6 (Adopted intersessionally by the pre-sessional working group on 6 July 2020)
- Committee on the Rights of the Child, 'Concluding observations on the fifth periodic report of New Zealand' CRC/C/NZL/CO/5 (Adopted by the Committee at its seventy-third session 13-30 September 2016)
- The Convention on the Rights of the Child (Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989), and entered into force 2 September 1990. New Zealand ratified the UN Convention on 6 April 1993

- Replies of New Zealand to the list of issues in relation to its sixth periodic report (Covering the period May 2015 to April 2021 which follows on from the fifth periodic report submitted in 2015)
- The Children’s Rights Alliance Aotearoa New Zealand, ‘Comprehensive Alternative Report on Aotearoa New Zealand: Written Inputs to State Report (SRP)’ (Submitted to the United Nations Committee on the Rights of the Child for the 93rd pre-session (August, 2022)
- The Child and Youth Wellbeing Strategy (the Strategy) and its Programme of Action for the January - December 2021 period.



RIGHTS OF CHILDREN EXPERIENCING POVERTY 2016-2023

Systemic Approach to Child Poverty and National Definition of Poverty

The UN Committee, in its report of 21 October 2016, urged the government of the time to implement a systemic approach to addressing child poverty (in particular for Māori and Pasifika children) and establish a national definition of poverty.

CPAG considers that the strategy and policy around child poverty has been significantly strengthened since 2016, and acknowledges the comprehensive steps taken to unify different limbs of central government to address child poverty. The enactment of the Child Poverty Reduction Act 2018 and the Child and Youth Wellbeing Strategy has introduced a robust and rigorous means of defining poverty. The Child and Youth Wellbeing Strategy is now a statutory policy and there exist strict procedures for amendment or review. It now provides additional protection for children, that transcend the 3 year election cycle.

The improved systemic approach was recognised by the UN Committee in its 2023 observations:⁷

The Committee welcomes the wide-ranging measures introduced to reduce child poverty including the Child Poverty Reduction Act 2018, the four Wellbeing Budgets since 2019, the Families Package (2018), and the Child and Youth Wellbeing Strategy (2019).

Although advances have been made, in its 2023 observations the UN Committee expressed concern that the response to child poverty did not go far enough, and it was: ‘seriously concerned that a significant proportion of children live in poverty.’⁸ Moreover it singled out disparities in poverty rates as an area in need of attention.

CPAG echoes these concerns. Disparities in child poverty rates are one of the most concerning aspects of New Zealand’s child poverty profile. The 2021/22 child poverty rates show that European / Pākehā children are generally meeting government targets, whereas their Māori and Pasifika counterparts are not.

In the 2020/21 survey year the Child Poverty Reduction Act’s first primary target, reducing to 10.5% children living in households with equivalised disposable income before housing costs below 50% of the contemporary median, was not met (actual 13.6%). The Child Poverty Monitor report disaggregated this figure further by ethnicity, and clearly demonstrated that while European / Pākehā children did meet this target, others did not.⁸⁴

The second primary target, reducing to 18.8% children living in households with equivalised disposable income after housing costs below 50% of the fixed line median, children overall met the government target (16.3%). However, according to the Child Poverty Monitor:⁸⁴

Overall, approximately 187,300 children (16.3%) still live in households below this poverty line and a gap remains between European children and those identifying with other ethnic groups,

and between disabled children and non-disabled children. (European children 14.1%; tamariki Māori 17.8%; Pacific children 16.3%. Disabled children 17.6%; non-disabled children 16.2%).

Finally, the third primary target, reducing material hardship to 10.3% children was not met either (actual 11%). Once again, however, the Child Poverty Monitor observed “...there remains a persistent high level of disparity between population groups”. It is concerning once again to see European/ Pākehā children are meeting primary targets with little progress for others. According to the Child Poverty Monitor:⁸⁴

The 2020/21 targets (9.0%) were met for European and non-disabled children. (European children 7.8%; tamariki Māori 20.2%; Pacific children 24%. Disabled children 20.5%; non-disabled children 9.7%).

In CPAG’s view further steps should immediately be taken to address disparities in child poverty rates. We call for a revised programme of action to reduce disparities in poverty rates for Māori, Pasifika, and children with a disability to be implemented as a priority.

Increased allocations to tackle child poverty and budgetary lines with affirmative measures

In its 2016 reporting the UN Committee urged the government to include increased allocations to tackle the rates of child poverty, including budgetary lines for children in disadvantaged vulnerable situations that may require affirmative social measures which the UN Committee stated “should be protected even in situations of economic crisis natural disasters or other emergencies”.⁹

CPAG acknowledges that the Child Poverty Reduction Act introduced an amendment to the Public Finance Act 1989 to require the government to publish a child poverty report as part of its annual Budget reporting. This has been a helpful step forward to enhance understanding of Budget announcements and their potential impact on child poverty reduction. CPAG considers that a further breakdown and modelling, with specific reference to age of the child and potential impacts on child development, would strengthen the current approach.

In its 2023 observations the UN Committee called for a reallocation of resources with specific timeframes to end child poverty. It further suggested prioritising those groups most at risk:¹⁰

...specifically prioritising groups disproportionately impacted by poverty, including Māori children, Pasifika children and children with disabilities.

CPAG supports this recommended approach and calls for a revised programme of action to reflect this, with adequate resources and short, medium and long term goals to address the disparity in child poverty rates.¹¹

We note a failure to fully implement the UN Committee’s suggestion in 2016 that there be distinct budgetary lines to address disadvantage, and that ‘affirmative social measures’ may be required ‘even in situations of economic crisis, natural disasters or other emergencies’.¹²

In 2023 the UN Committee identified the need for additional resources to be directed to address child poverty, recommending the government undertake a comprehensive review of the budget with a focus on the needs of children. This was necessary in the UN Committee's view to give effect to Article 4 of the UN Convention and for the "implementation of children's rights under all areas of the Convention."¹³

The UN Committee recommended that the views and impact of children be included in the process of setting budgets through the following:

- participatory budgeting processes that are accessible to children and all interested parties,
- publishing the results of the Treasury's tracking system on the allocation and use of resources for children through the annual budget process, and,
- assessing how investments in any sector may serve the best interests of the child.

Additionally, it called for the government to ensure measures of child poverty were linked to clear timeframes and allocated resources to clarify the response to child poverty and measure the effectiveness of any policy impact.

Taking note of the recommendations of the United Nations Special Rapporteur on the Right to Housing arising from her mission to New Zealand in February 2020, including the development of a human rights-based housing strategy, and recalling targets 1.1, 1.2 and 1.3 of the Sustainable Development Goals, the Committee urges the State party to:

Ensure that measures taken to end child poverty are linked to expected timeframes, allocated adequate resources, and are assessed with a view to ensuring that such measures are impactful, comprehensive and comply with a child rights-based approach, specifically prioritising groups disproportionately impacted by poverty, including Māori children, Pasifika children and children with disabilities;

Raise awareness and promote public debate on the annual government Child Poverty Report published through the annual Budget process

Finally, and of particular relevance following the Auckland floods of late January 2023 and the devastating effects of Cyclone Gabrielle in February 2023 the UN Committee stressed that financial obligations to children and commitments under the UN Convention must be observed even in times of crisis and national emergency, calling on the government to:¹⁴

Define budgetary lines for all children, with special attention given to those in disadvantaged or vulnerable situations that may require special measures, such as Māori and Pasifika children, children in out-of-family care, and children with disabilities, and make sure that those budgetary lines are protected **even in situations of economic crisis, natural disasters or other emergencies.**



Strengthen social protection mechanisms and intensify efforts to provide housing

The UN Committee in 2016 requested the government take steps to strengthen protection mechanisms for children, specifically in relation to safe affordable housing. Safe housing remains a significant problem in New Zealand and affordability is increasingly problematic for low income families and those renting.

House affordability is categorised (for the purposes of the Child Poverty Reduction Indicators within the Child Poverty Reduction Act) as the proportion of children aged 0 to 17 years who are in households that spend more than 30% of their disposable income on housing costs.¹⁵

House quality, a second but equally important housing issue, is also problematic in New Zealand, and is measured as a Child Poverty Reduction Indicator. Data on house quality is taken from the Household Economic Survey where respondents are queried about their house, and asked to describe the level of dampness or mould on a scale ranging from 'major' problem, 'minor' problem, to 'no' problem.

In 2020/21 reporting, 6% of children and young people lived in households with a major problem with dampness or mould. This was a downward trend since previous reporting.¹⁶ Not surprisingly, children from low income households scored poorly with 10% of children in the lowest income quintile (quintile 1) living in houses with major damp or mould compared with only 1% in the highest income quintile (quintile 5).

Māori and Pacific children experience the greatest barriers to quality housing with 10% of Māori and 12% of Pacific children experiencing a household with a major problem with dampness or mould (compared with 6% of children overall).¹⁷

Rates were also higher for children of sole parents (11%) and for children with disabilities or who live in a household with a disabled person (10%).¹⁸

Measures such as the Healthy Homes Guarantees Act 2017 and the Healthy Home Standards 2019 (which introduced minimum requirements for heating, ventilation, moisture, insulation, and draught stopping) into residential rental properties have contributed to the downward trend and will continue to make a difference to the lives of children experiencing poverty in the forthcoming years. These initiatives were acknowledged by the UN Committee.

Home ownership continues to be a problem in New Zealand. Statistics New Zealand's report "Housing in Aotearoa" shows that home ownership rates were the lowest in 2018 since the 1950's, falling to 64.5% of households across all regions, with the largest falls in Auckland.¹⁹ Considerable inequities exist in home ownership rates with Māori and Pacific persons less likely to own their own home. By 2018 just over 1.4 million people lived in houses they didn't own, accounting for 120,000 children under five years of age.²⁰

Rates of severe deprivation in relation to housing were highest for Pacific peoples and young Māori with data suggesting that severe housing deprivation rates for Māori were close to 6 times that of the European rate, and for Pacific peoples were close to four times the rate for Europeans.²¹

Access to State housing is limited for those with disabilities. Given the high impact of housing costs on household expense, it should be a priority for the government to ensure that people living in poverty with a disability have equitable access to public housing. Currently only 2% of public housing meets accessibility standards and only 15% of new builds of state housing are aimed to be accessible.²²

In relation to housing demands for families of children with disabilities the UN Committee urges the government:²³

Take measures to reduce poverty among families of children with disabilities including by strengthening community-based support and care services provided to these children and their families, prioritizing those from low-income households, including carer support and respite care for parents of children with disabilities, as well as access to affordable quality housing.

For other groups falling behind in housing, the UN Committee took note of the United Nations Special Rapporteur on the Right to Housing and the Sustainable Development Goals New Zealand urged the government to specially address the housing crisis. It called for the government to:²⁴

Specifically address the impact of severe housing deprivation on the health and wellbeing of children by prioritizing children's stable access to adequate housing, ensuring it is allocated along fair and transparent criteria, and by increasing its financial commitment to the construction of social housing units and support of community-led housing initiatives.

Initiate targeted consultations with those affected

In 2016 the UN Committee suggested the government strengthen strategies and measures specifically focusing on consultations with families, children, and children’s rights civil society organisations.

This was taken on board and significant consultation was developed in the lead-up to adopting the Child and Youth Wellbeing Strategy. We acknowledge steps to consult in the development and review of the Strategy, and note the commitment to engage with children and youth contained in the Children and Young People’s Commission Act 2022, section 22 of which provides for the Commission to encourage participation of children and youth.

Due to the complex and multifaceted nature of poverty, we call on the forthcoming Children and Young People’s Commission to prioritise engagement with youth and those with lived experience of poverty to inform policy responses and action plans that best meets their needs. This is consistent with the new recommendation in February 2023 from the UN Committee that urged the government to consult more with children in both the design and implementation of its policies and the operational practice of government programmes:²⁵

It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.

Domestic legislation in compliance with the UN Convention

In 2016 the UN Committee urged the government to bring domestic legislation into alignment and compliance with the UN Convention.²⁶ The UN Committee suggested a comprehensive children’s code and mechanisms be put in place to ensure that any new legislation and amendments to the Children, Young Persons and their Families Act (1989) were consistent with the principles and provisions of the UN Convention.

The Child Poverty Action Group’s thematic report to the UN Committee in August 2022 contained significant details of the gaps in integration of the UN Convention into domestic legislation, with a focus on the best interests of the child. Our recommendation in that report was that New Zealand needs to take immediate steps to “Enshrine ‘the best interest of the child’ as a matter of primary consideration in all relevant legislation.”²⁷

CPAG has significant concerns that New Zealand has not taken sufficient steps to incorporate the UN Convention into domestic law, and there is no comprehensive ‘code of compliance’ that has been developed to ensure that new legislation is consistent with the provisions and principles of the UN Convention.

Consideration should be given to strengthening domestic law and policy to incorporate the UN Convention, particularly in relation to ‘best interests of the child’, the Social Security Act, and the Working for Families Package.

We note that with the enactment of the Children and Young People's Commission Act 2022, the newly formed Commission (which replaces the Commissioner for Children on 1 July 2023) is required to 'have regard to' the UN Convention (section 17) in exercising and performing its functions and duties.

The UN Convention will play a crucial role in the new Commission's obligations under the Children and Young People's Commission Act 2022. It has functions spanning educative responses and raising awareness in the general public (section 21(a)), to advocating or monitoring the application of the UN Convention (section 21(b) and (c)) across government departments. This should be strengthened by adopting a 'Code of Compliance' and ensuring all legislation is fully compatible with the UN Convention. Articles of the UN Convention should take precedence in cases of conflict with domestic legislation, and the Children and Young People's Commission should be well resourced to achieve its functions.

In its 2023 recommendations and observations the UN Committee recommended the government fully incorporate the UN Convention into law and strengthen training around the UN Convention with the development of a Children's Rights and Wellbeing Hub.

Strengthen the Office of the Commissioner for Children

The most significant shift for New Zealand in the oversight of child rights has been the removal of the Office of the Children's Commissioner (to take effect 1 July 2023) and the replacement of this sole position with a board structure. The UN Committee in 2016 reinforced the need to strengthen the independence and capability of the Office of the Children's Commissioner to ensure that the Children's Commissioner has "adequate human, technical and financial resources to advance and monitor the application of the Convention..."²⁸ and that the independent role of the Commissioner is strengthened.²⁹

Significant changes to the functioning of the Children's Commissioner following the Children and Young People's Commission Act 2022 have occurred since the last United Nations reporting. The proposed legislative changes will repeal the position of Children's Commissioner, and replace the Commissioner with a board to oversee the UN Convention. The new board will be composed of 3 – 6 members with expertise spanning children's and young people's issues, knowledge and understanding of te Tiriti o Waitangi, and leadership expertise. (Section 13).

The Commission is required to act independently and is an entity under the Crown Entities Act 2004. This new environment signals a change in approach for New Zealand. In response to these changes the UN Committee issued a recommendation that the new board is sufficiently resourced and mandated to represent children and their interests under the UN Convention and optional protocols. It also recommended a streamlined process that was accessible for children to navigate to ensure they had the ability to know and seek redress for violations of their rights.

The UN Committee made the following observations and recommendations:³⁰

The Committee notes the removal of the complaints handling and investigation functions of the Children's Commissioner as a result of the coming into force of the Children and Young People's Commission Act 2022 and the Oversight of the Oranga Tamariki System Act 2022, effectively replacing the Children's Commissioner with the Children and Young

People's Commission and mandating the Ombudsman to receive complaints and undertake investigations on child rights violations. The Committee recommends that the State party

Ensure that the Children and Young People's Commission, when implemented, has sufficient human, technical and financial resources to monitor the implementation of the Convention and its three Optional Protocols, has the mandate to receive, investigate and process complaints from children or concerned individuals or organisations, and that its independence is guaranteed, ensuring that its mandate can be fulfilled autonomously in full compliance with the Paris Principles

Streamline and facilitate children's ability to report violations of all their rights guaranteed to them under the Convention.

Ratification of Optional Protocol on Communication Procedure

The UN Committee previously recommended that the government ratify the Optional Protocol to the Convention on a communications procedure to strengthen the fulfilment of children's rights.

This has now been ratified, which is a significant step forward in the ability of children (or those representing them) to seek redress for any breaches of the Articles of the UN Convention. On 22 September 2022 the Government adopted the Optional Protocol on a Communications Procedure (OPCP)³¹ which is an advancement in the implementation and recognition of the UN Convention. This now provides children (or representatives) with the potential for communications directly to the UN Committee to challenge a violation of their rights under the Articles of the UN Convention.

Two potential procedures are now enabled: (a) communications procedure pursuant to which complaints about violations can be brought to the UN Committee; (b) an inquiry procedure for suspected serious violations of rights in which case the UN Committee can examine these. Note that all domestic remedies must have been exhausted.

The protocol came in to force 22 December 2022. The UN Committee acknowledged this positive step forward and recommended that the powers to children under this protocol be publicised and promoted, recommending:³²

It further recommends the dissemination of information about the Optional Protocol on a communications procedure to children and persons working with and for them, and to actively promote access to justice for children.

Child Impact Assessments

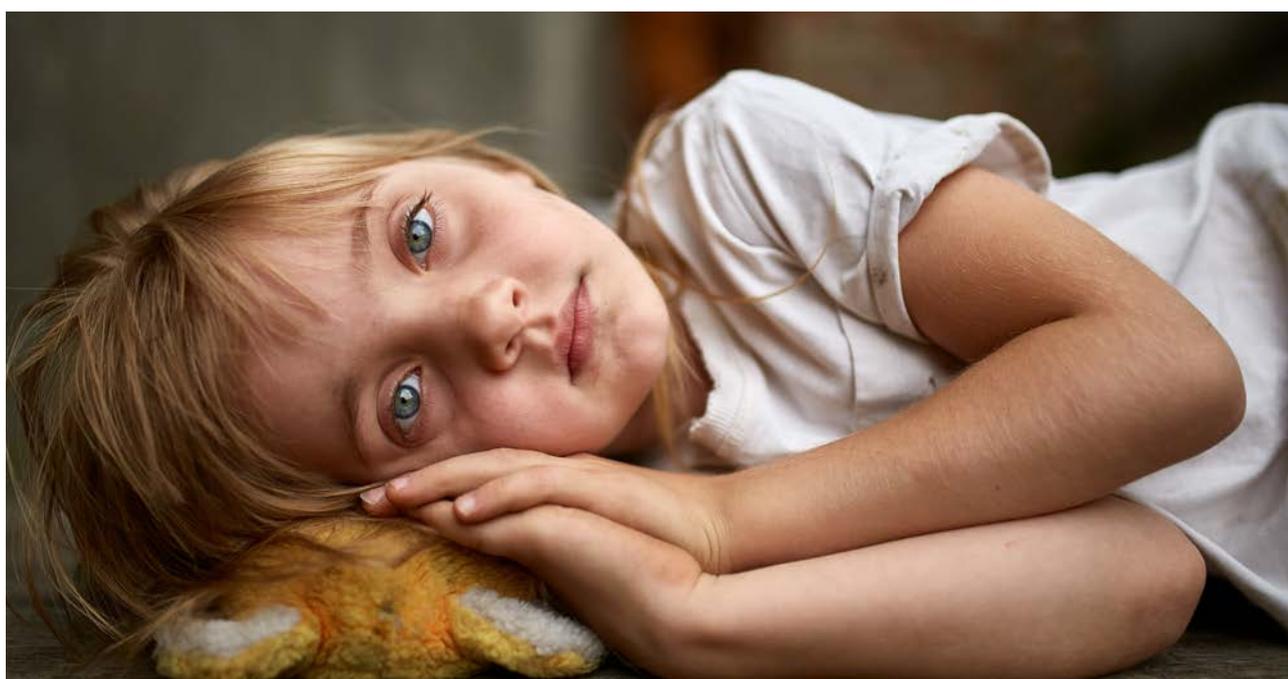
In 2016 the UN Committee recommended the government finalise and implement child impact assessment reports to be used as best practice guidelines, "and make its use obligatory, including during allocation of public resources".³³

We note that since 2016 the New Zealand government has developed a Child Impact Assessment Tool to assist departments in assessing whether a policy or new legislation will improve the wellbeing

of children and young people.³⁴ We can find no analysis of how this is utilised in practice and the tool does not appear to form a mandatory part of decision-making. Child Impact Assessment is part of the government's obligations as signatories to the Convention, and aims to ensure that the best interests of the child are incorporated into legislation and policy as a primary concern (Article 3).

We wait to see the direction the new Child and Young Person's Commission adopts after 1 July 2023 when it takes on the role of oversight of the UN Convention. We call on the government to ensure the new Children and Young People's Commission is adequately resourced to strengthen and monitor the use of the Child Impact Assessment tool and promote the Articles under the UN Convention. The UN Committee stressed the importance of Child Impact Assessments and called for this to become a compulsory part of policy development:³⁵

Make compulsory the application of the Child Impact Assessment Tool in the development of policy and legislation affecting children, ensuring that government officials, legislators, and non-government service providers are trained on its use.



Data collection needs to be comprehensive

In CPAG's Thematic Report on Child Poverty we requested further disaggregation of child poverty data and reporting to include more discreet age ranges (rather than the broad 0-17 years age range). We called for a focus on poverty in the first 1000 days where experience of poverty can have long-term adverse effects on developmental potential.³⁶ This was echoed in the co-authored report, "The Basic Health and Welfare Rights of Children 0-5 years of age in Aotearoa New Zealand."³⁷

The UN Committee recommended in 2016 that a ‘comprehensive mechanism for data collection on all areas of the Convention be developed that is “disaggregated by age, sex, disability, geographic location, ethnic origin, nationality and social economic background’.³⁸

In our Thematic Report we were concerned not enough had been done in relation to data collection. The Household Economic Survey has not included children living in emergency housing or other forms of homelessness. We concluded in our thematic report to the UN Committee on child poverty that while significant steps had been taken in relation to data collection and reporting for child poverty, immediate steps should be taken to strengthen the response:

- Ensure that children living in emergency housing and other types of homeless are captured in the Household Economic Survey data.³⁹
- Provide data for the first 1000 days so the poverty profile of children in their most vulnerable developmental phase is captured
- Immediately accelerate the definition of ‘persistent poverty’ and its measurement to enable the extent of children affected by poverty year-after-year to be made visible.



In February 2023 the UN Committee acknowledged that the collection of data was an integral part of implementing the Articles of the UN Convention. It recommended the government’s Data Investment Plan be strengthened to cover all areas of the Convention and it take steps to ensure data was adequately disaggregated particularly in relation to children in situations of vulnerability. The UN Committee made the following observations and recommendations.⁴⁰

The Committee welcomes the legislative obligations to collect and report data on outcomes for children. Recalling its general comment No. 5 (2003) on general measures of implementation, the Committee recommends that the State party consider under its Data Investment Plan strengthening its data collection system to cover all areas of the Convention and its Optional Protocols, ensuring it is disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background in order to facilitate analysis of the situation of all children in the State party, particularly those in situations of vulnerability.

Best interests of the child

The best interests of the child is not sufficiently incorporated into domestic legislation and policy in New Zealand. Article 3 of the UN Convention provides:

Article 3: In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities of legislative bodies, the best interests of the child shall be a primary consideration.

In its 2016 report following the 5th periodic reporting cycle the UN Committee recommended a strengthening of the State's obligations to recognise the best interests of the child, calling for best interests to be:⁴¹

...appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, in particular with regard to family law, social security legislation, children in care (particularly Māori children).

The obligation to act in the best interest of the child does not necessarily mean that this is the overriding test.⁴² For example in *Ye v Minister of Immigration* it was held to be 'a' consideration, but not the 'primary consideration'.⁴³ Justice Glazebrook suggests in her commentary that the UN Convention does not seek to place the best interest as an overriding consideration, but instead "recognises that there will be other considerations that may override the best interests of the child" (in that case the right to control its own borders).⁴⁴

While acknowledging this approach, we consider more can be done to strengthen the best interests of the child in the current response to child poverty. We consider the government's progress on this is slow. We note that this issue was raised by the Commissioner for Children's Expert Advisory Group on Solutions to Child Poverty in 2012.⁴⁵

It is important to consider that in the New Zealand context 'best interests' of the child for tamariki Māori must be understood as being both 'a collective and individual right'.⁴⁶ We endorse the approach suggested by the thematic report for the UN Committee "The Rights of Tamariki Māori in Aotearoa New Zealand" which states:⁴⁷

The Crown is under a duty to recognise and actively protect Māori tino rangatiratanga over our own affairs, whenua, resources, kāinga and taonga. As already noted, the Crown must protect the exclusive right of Māori to determine what is in the best interests of tamariki Māori.

We are concerned with the lack of recognition of the best interest of the child in the Child Poverty Reduction Act. A ‘best interests’ approach would drive monitoring of child poverty indicators that focus on disaggregated age brackets and additional ‘child-specific’ items linked to childhood development and disease.

Additionally, it would strengthen our understanding of the specific experiences of poverty relating to culture and ethnicity, particularly for Māori and Pasifika. In our view, these measures need to be adapted to create a deeper understanding of child poverty and its effect on health, wellbeing and development from the child’s perspective.

An approach to child poverty that sufficiently observed the right to have the best interest of the child a “primary consideration” (Article 3) would:

- Ensure children living in emergency housing are captured in child poverty data.⁴⁸
- Strengthen the child-centric criteria,⁴⁹ for example the Household Economic Survey could include additional questions aimed at younger age groups around access to toys, books, and outdoor play areas/ equipment.
- Disaggregate data and targets for the first 1000 days instead of using broad data-sets ranging from ages 0 – 17 years.
- Ensure the health impacts and health inequities in the first 1000 days are adequately linked to measures of child poverty.⁵⁰
- Reform Working for Families and apply a ‘best interests’ of the child test to the Income Tax Act 2007 to enable all low-income children (irrespective of whether their parents receive welfare benefits or not) to receive the ‘In-Work Tax Credit’.

In 2023 the UN Committee once again called for enhanced response on behalf of the government to ensure that best interests of the child were being recognised in law and policy.⁵¹

Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party develop procedures and criteria guiding all relevant persons in applying the “child-related principles” under section 6C of the Children’s Act 2014 when making decisions under that legislation.



Cross-sectoral coordination between central and local government

In 2016 the UN Committee recommended the government ensure sufficient “human, technical and financial resources” exist to enable implementation of the Convention across national, local and regional levels.⁵²

We do not consider there is sufficient implementation across levels of local and central government in New Zealand. We note the obligation for local authorities in the United Kingdom to monitor and reduce child poverty that existed under the Child Poverty Act 2010. Section 21 of that act required co-operation of local authorities to reduce child poverty, stipulating that arrangements be made to reduce and mitigate the effects of child poverty.⁵³ In the UK local authorities were also required to develop an assessment of the needs of children living in poverty (called a local child poverty needs assessment).⁵⁴ Local authorities were also required to produce a joint child poverty strategy to establish measures and plans to reduce and mitigate the effects of child poverty in their area.⁵⁵

New Zealand has no similar obligations under the Child Poverty Reduction Act. It is beyond the scope of this report to consider this in greater detail, but a unified approach to child poverty that recognises the role local and central government play in reducing and mitigating the effects of child poverty would be beneficial in the New Zealand context.

There is currently a review into the future of local government underway.⁵⁶ We recommend work be undertaken to prioritise local government’s obligations under the UN Convention and seek to strengthen local government measures and responses to child poverty and the implementation of the UN Convention.

The UN Committee in 2023 recommended a ‘whole of government’ approach. This should include local government which has responsibilities for housing, community services, transport, greenspace, zoning and emergency preparedness.

Local government also has obligations under the UN Convention and these need to be strengthened both in terms of adopting a Child Impact Assessment approach to their functions, including long term plans and the provision of operational services like transport, libraries, sports facilities and greenspace. Local government should also be supported and encouraged to adopt and participate towards the outcomes and areas of priority under the Child and Youth Wellbeing Strategy.

The UN Committee’s recommendations were as follows:⁵⁷

The Committee recommends that the State party ensure the Children’s Convention Deputy Chief Executives Group possesses the authority and resources it requires to fulfil its obligations to co-ordinate and lead the whole-of-government implementation of the Convention, including by building the capacity of officials to integrate a child rights approach in policy making and legislative development.

Standard of living— Disparity in Child Poverty Stats Requires Urgent Response

In its concluding observations in 2016 the UN Committee raised concerns specifically in relation to minority or indigenous groups stating that it was “seriously concerned about the structural and systemic disadvantages Māori and Pasifika children face in New Zealand.”⁶³

With specific reference to Māori and their rights under the Articles of the UN Convention the Committee urged the government to develop a cross-sectional strategy that was comprehensive to enable the enjoyment of rights in close cooperation with communities.⁶⁴

In 2023 the UN Committee once again drew attention to disparities in child poverty rates. It identified recommendations for which “urgent measures must be taken”. These were:

- non-discrimination
- violence against children
- children deprived of a family environment
- children with disabilities
- standard of living
- children belonging to minority or indigenous groups
- and administration of child justice

Child poverty is experienced very unevenly across New Zealand. There has been insufficient improvement in this disparity rate since the last UN reporting cycle. The overall rate of poverty for children is considered to be around 1 in 10 children living in poverty, but the rates for Māori, Pasifika, and disabled children are significantly higher. Around one in five Māori children (23%) live in material hardship.⁵⁸ Around one in four Pasifika children (28%) live in material hardship.⁵⁹

Household Economic Survey data allows us to see income statistics by disability status. From this it is clear that material hardship rates for disabled children and those living with a disabled person are unacceptably high, and these have not changed significantly since the introduction of the Child Poverty Reduction Act. Stats NZ data shows disabled children are more likely to live in low income households and experience material hardship at a higher rate (21 % material hardship) more than double that of non-disabled children (10 %).⁶⁰

We acknowledge the progress made towards raising some children out of poverty. However we have serious concern about the lack of progress for Māori, Pasifika, and disabled children.⁶¹

At the moment New Zealand's targets under the Child Poverty Reduction Act are broad, and targets under the Act may be met in the aggregate, but Māori, Pasifika and disabled children are 'left behind'. This raises the question to what extent the government may be failing in relation to Article 2. We note that not all inequities will automatically trigger a breach of the obligations under the UN Convention, but the wording of Article 27 in relation to standard of living is broad and applies to every child living in New Zealand.

Article 27: State Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

This must be read against the obligation in Article 2, which states:

Article 2: State Parties shall respect and ensure the rights ...to each child in their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's...race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

CPAG acknowledges the significant step of enacting the Child Poverty Reduction Act 2018 as a systemic approach to reducing child poverty, but we suggest further response is urgently needed to address inequity in poverty rates for Māori, Pasifika, and children with disabilities.

CPAG remains concerned there exist insufficient affirmative social measures (as suggested by the UN Committee) in relation to reducing inequities in the poverty rates between Māori, Pasifika, children with a disability, and others. Previous reporting from the UN Committee has stated that affirmative measures are required, even in situations of economic crisis, to shift poverty for the children left behind.

CPAG calls for accelerated responses to address inequity in poverty rates. The UN Committee in its 2023 observations consider the government's obligations in relation to disparity of rights across different groups of children, stating:⁶²

The Committee is deeply concerned that discrimination persists against children in situations of vulnerability, including Māori and Pasifika children, children in out-of-family care and children with disabilities, noting especially their restricted ability to benefit from basic services including education, health, and protection, and to enjoy an adequate standard of living. It further notes with deep concern their exposure to higher risks of suicide, and of experiencing sexual and domestic violence, school bullying, mental distress, homelessness and transient

housing situations. The Committee further takes note of the information provided that the Bill of Rights Act 1990 and the Human Rights Act 1993 prohibit discrimination based on age from 16 years old only.

Taking note of target 10.3 of the Sustainable Development Goals, the Committee urges the State party to address the structural discrimination against children in situations of vulnerability by leveraging its mandate under the Child and Youth Wellbeing Strategy (2019) to prioritize action against racism and discrimination including by collecting and analysing data on the disparities experienced by these children and developing a strategy to confront the barriers to and measure the progress achieved in respect of improving outcomes for these groups. It also recommends that the State party take measures to ensure that children (below 16 years) who are excluded from the protection of the Bill of Rights Act 1990 and the Human Rights Act 1993 are not unjustly discriminated against on the basis of age.

The Committee is deeply concerned that children with disabilities are at higher risk of violence and abuse, and that their families disproportionately experience deprivation, poverty and inadequate housing conditions. It is further concerned about the significantly high proportion of adolescents with disabilities who are unemployed or are not enrolled in any education or training program. It regrets that limited action in the Disability Action Plan (2019-2023) specifically focus on the needs of children with disabilities and that the Action Plan has limited mention specifically of the rights of children with disabilities, including their right to express their views on all matters affecting them.

In relation to the special obligations to tamariki Māori the UN Committee noted extended measures required for the full enjoyment by Māori of their rights and the UN Committee urged the government to:⁶³

Systematically assess the impact of policies, legislation and government services in addressing the root causes of vulnerability experienced by Māori children and their families, including the higher likelihood of living in deprivation and poverty;

In line with the recent legislative developments strengthen the duties of schools and child protection and youth justice sector decision-makers to recognise and uphold the right to identity of Māori children, systematically ensure that the voices of Māori children are heard and that their views are considered in decisions that affect them also by strengthening support for organizations promoting and protecting their rights and that of their families;

Finalize the National Action Plan Against Racism and the Declaration of the Rights of Indigenous Peoples Action Plan, including the participation of Māori children in their development.

The right to adequate food and nutrition

For the first time in its reporting history the UN Committee in its 2023 review noted food insecurity as a concern for New Zealand children. CPAG's Thematic Report on Child Poverty drew focus to this area and expressed concern with the growing issue of food insecurity in New Zealand.

While the right to food is distinct from the right to be fed, it does encompass (especially in relation to childhood nutrition) the right of children to have their nutritional needs met through the State enabling conditions where parents can meet the nutritional needs of the child.⁶⁴ In New Zealand many families rely on food banks to feed their family. This has been exacerbated by the COVID-19 pandemic, and despite the Government contribution to community food distribution and free school lunches, more needs to be done. Food insecurity must be seen in New Zealand against the context of the inequality and poverty that exists and have existed for decades.⁶⁵

The Government has responded to increasing food costs by creating a new position of a ‘Groceries Commissioner’ to sit within the Commerce Commission.⁶⁶ We welcome this new initiative, but note that there are calls to think more broadly to solve the issue of continuing access to healthy food. In New Zealand, sole parents are struggling to feed their children and provide them with nutritious food. Mothers are going without food to enable their children to eat, and a recent study led by the University of Otago,⁶⁷ states that due to women adapting to sacrifice for the sake of their children, the full extent of the problem is likely to be masked.⁶⁸

It is helpful to categorise food security by the three “A’s”; ‘available’, ‘accessible’, and ‘adequate’.⁶⁹ While food in New Zealand may be readily ‘available’ (eg we are a food producing nation), we note that for many children, food is not ‘accessible’, (which encompasses economic affordability) and neither is the food ‘adequate’ for nutrition needs.⁷⁰

Adequacy means that the food must satisfy dietary needs, taking into account the individual’s age, living conditions, health, occupation, sex. If children’s food does not contain the nutrients necessary for their health and physical and mental development, it is not adequate. Food that is energy-dense and low-nutrient, which can contribute to obesity and other illnesses, could be another example of inadequate food.⁷¹ In early human rights discussions the term ‘food’ was synonymous with ‘nutrition’.⁷² Current thinking, however, sees the right to a nutritious diet as a wider notion than merely the right to food.⁷³ We draw on the United Nations approach to the right to food in our discussion which places the right to food is not merely a right to a ‘minimum ration of calories’but a ‘right to all nutritional elements that a person needs to live a healthy and active life’⁷⁴

Food security is related to the right to food or nutrition.⁷⁵ We note the UN Convention uses the term ‘nutrition’ not merely ‘food’. The word ‘nutrition’ appears twice in the UN Convention at Article 24 (the provision of adequate nutritious foods), and Article 27 (which imposes on State Parties the obligation to “take appropriate measures to assist parentsto implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition. . .”).



The term malnutrition is mentioned in Article 24, which imposes on State Parties the obligation to take appropriate measures to “combat disease and malnutrition” [Article 24 (2)(c)]. We note that Article 24(1) states that “State Parties shall strive” but this must be balanced against Article 24 (2) which states “State Parties shall pursue full implementation of this right, and in particular, shall take appropriate measures.” This approach can be compared with Article 27 which appears to limit the obligation of State Parties with the proviso “and within their means, shall take appropriate measures.” [Article 27 (3)]. CPAG asserts that in the context of New Zealand’s economic profile these provisos cannot be read to limit the obligation of the government to ensure that every child has access to healthy and nutritious food. There exists significant nutrition deficit, particularly among Māori, Pasifika, and children of sole parents.

Around 40% of families experience material hardship at any single time point during the formative first two years. When this occurs, many make sacrifices (household heating, cheaper food choices) in order to pay for other things.⁷⁶

Chair of the Māori Food Network (which supports 38,000 households across Auckland) Hurimoana Dennis calls on the Government to examine more innovative solutions:⁷⁷

We’re looking at some stuff that goes well beyond food banks, well beyond food vouchers, well beyond kai packs. We are over that type of thinking and response to food, it’s a deficit. That is not mana enhancing.

One suggestion is to remove GST off goods like fresh fruit, vegetables, milk, and bread. In the words of one woman:⁷⁸

There needs to be no GST on fresh fruit, meat, milk, yoghurt and bread, and maybe basic baseline cereals ... because why would you buy your child a bottle of milk, when you can buy them three times as much coke for the same price?! It disturbs me, like it’s all backwards!

Children living in households with poverty are most deprived of fresh fruit and vegetables.⁷⁹ Food security is highly linked to debt for many families. One whānau-based survey found that 82% of those who made the choice between food and debt were servicing debt to Work and Income.⁸⁰

Food bank usage continues to be high in New Zealand, rising dramatically in August 2022. Data from the Auckland City Mission shows that food bank usage for August 2022 increased 21.1% up from July 2022 (3,265 parcels in July c.f. 3,953 parcels in August) which equates to food for 15,836 people (at 3 meals a day for four days).⁸¹ In the 2012-13 financial year there were 11,187 parcels distributed, compared with the increased demand 63,638 parcels for the 2021/22 financial year. That is an 468.8% increase in demand in 10 years.⁸²

We note the Annual Report of the Child and Youth Wellbeing Strategy (for the Year Ending 30 June 2021, April 2022) states: “The wellbeing of Pacific children and young people has improved in some areas in the last year. Pacific children experienced a 21% decrease in food insecurity.”⁸³ These results are based on the Annual Update of Key Results 2020/21: New Zealand Health Survey (Ministry of Health), but small numbers were interviewed for this data, and makes us be cautious about the interpretation of these results when read against the high food bank usage and rising food costs in New Zealand.

The Child Poverty Related Indicators Report for the ending 30 June 2021 states there has been a “large and statistically significant” decrease in and rates of children living in food insecure households, which the Government attributes to the combined effects of the Families Package and benefit increases as well as COVID-19 pandemic responses, including \$36 million funding for the food bank providers repurposed during COVID-19 from the Ka Ora, Ka Ako (Healthy School Lunch Programme).



We acknowledge the significant effort that has gone into implementing the Health School Lunch Programme, but COVID-19 and inflationary pressures have created an environment with current high rates of food insecurity and food bank usage. The latest Child Poverty Monitor report paints a concerning picture of food insecurity in New Zealand. It states that over one-third of Pacific children (37.3%) and 26.4% of Māori children lived in households that sometimes or often ran out of food. This is compared with European where the figure was much lower at 10.9%.⁸⁴

More needs to be done to address children going hungry in New Zealand and the issue of ‘hidden hunger’.⁸⁵ The UN Committee made no specific recommendations about this, but noted food insecurity in its report.⁸⁶

The Committee is however seriously concerned that a significant proportion of children live in poverty and experience food insecurity and severe housing deprivation, including homelessness, insecurity of tenure, and overcrowding, resulting in poorer health and education outcomes, disproportionately affecting Māori and Pasifika children.

Food insecurity is associated with malnutrition— which includes hunger and undernourishment, micronutrient deficiencies and obesity.⁸⁷ We call on the government to adopt a broad look at food insecurity in New Zealand, including further supports for a circular economy in relation to food networks.⁸⁸ Community led approaches should be supported. The Mana Kai Initiative explores the food system taking a Te Ao Māori approach.⁸⁹ It notes that New Zealand has a unique food system for a developed country, in that it plays a key role in nourishing those who live here, but also contributes to economic prosperity. The need to balance these two realities is the challenge that any government faces. While we acknowledge any government needs to balance competing concerns, we urgently request the government to prioritise ending children going hungry.

CONCLUSION

Urgent approaches needed to strengthen New Zealand's implementation of UN convention to address child poverty

CPAG acknowledges the commitment shown by the government to address a range of recommendations contained in the UN Committee's previous reporting. The current government has lifted benefits and incomes and shown a dedicated effort to provide healthy homes with innovative legislation such as the Health Homes Act 2017.⁹⁰ A cautious and careful progressive implementation of the rights under the UN Convention has been adopted. The enactment, with close to full political support, of the Child Poverty Reduction Act 2018 and the Child and Youth Wellbeing Strategy (2019) have been significant steps forward in the progress towards ending child poverty.

A commitment to child poverty must surely be read against the context of New Zealand's pledge and commitment to the 17 Sustainable Development Goals, which is an ambitious strategy to end poverty, promote prosperity and peace and safeguard the planet. This collaborative effort on behalf of members of the United Nations has its number one goal of ending poverty in all its forms everywhere by 2030.⁹¹

We note that in the last decade there have been two independent investigations into child poverty and welfare inequity in New Zealand. One was initiated and led by the Commissioner for Children (Expert Advisory Group on Solutions to Child Poverty, 2012),⁹² and the other initiated by the Government and led by the now current Governor General, Professor Cindy Kiro (Whakamana Tāngata: Restoring Dignity to Social Security in New Zealand, 2019).⁹³ The full recommendations from these reports have not been implemented. If they were implemented, CPAG consider further crucial gains would have been made, and New Zealand would be closer to fully recognising the rights of the child as guaranteed under the Articles of the UN Convention.

CPAG remain concerned with disparities in child poverty rates and call for significant affirmative social measures (as suggested by the UN Committee) in relation to reducing inequities in the poverty rates between Māori, Pasifika, children with a disability, and others. Previous reporting from the UN Committee has stated affirmative measures are required 'even in, natural disasters or other emergencies' to shift poverty for the children left behind. This is of significance to New Zealand in the wake of natural disasters most recently the Auckland floods and devastating effects of Cyclone Gabrielle.

We conclude that while advances have been made to measure and reduce child poverty since the last UN reporting cycle, high levels of child poverty, especially for Māori, Pasifika, children with disabilities and children of sole parents, require immediate attention. Our recommendations are outlined below.

RECOMMENDATIONS

1. AFFIRMATIVE MEASURES REQUIRED TO URGENTLY ADDRESS INEQUITY ON POVERTY RATES

We acknowledge the significant step of enacting the Child Poverty Reduction Act 2018 as a systemic approach to reducing child poverty, but we suggest further urgent response is needed to address inequities in poverty rates for Māori, Pasifika, children of sole parents, children with disabilities, or who live in a household with a disabled person. CPAG remain concerned that there is a lack of significant affirmative social measures (as suggested by the UN Committee) in relation to reducing inequities in the poverty rates.

2. STANDARD OF LIVING: AFFORDABLE HOUSING

We consider access to housing a key component of 'adequate standard of living' (Article 27), and call on the government to reduce house unaffordability so that no child has to live in a car, tent, or unsafe housing. Current building is not keeping pace with demand. We call on the government to accelerate the supply of public housing to reduce those numbers of children living in emergency accommodation.

3. STANDARD OF LIVING: QUALITY OF HOUSING

Measures undertaken by the government (such as the Healthy Homes Guarantees Act 2017 and the Healthy Home Standards 2019) are positive steps towards improved house quality. Despite this, we remain concerned that significant disparities in access to healthy homes exist in New Zealand. Māori and Pacific children, children of sole parents, and children with disabilities (or who live in a household with a disabled person) experience the greatest barriers to quality housing. We call on the government to accelerate programmes to address disparities in house quality with a priority on families with children.

4. UN CONVENTION AND DOMESTIC LEGISLATION

New Zealand must accelerate steps to incorporate the UN Convention into domestic law. A comprehensive code of compliance should be adopted to ensure new legislation is consistent with the provisions and principles of the UN Convention. We call for the monitoring and auditing of the UN Convention across central and local government to be strengthened and for government to ensure the new Children and Young People's Commission is adequately resourced to promote the Articles under the UN Convention.

5. DATA COLLECTION

Significant steps have been taken in relation to data collection and reporting for child poverty, but we recommend three immediate steps be taken to strengthen the response:

- Ensure that children living in emergency housing are captured in the HES data.
- Provide data for the first 1000 days of life so poverty profile of children in most vulnerable developmental phase is captured
- Immediately accelerate the definition and measurement of ‘persistent poverty’ to ensure that no child is left behind experiencing poverty over cumulative years.

6. LOCAL GOVERNMENT OBLIGATIONS TO CHILDREN

There is currently a review into the future of local government underway. Local government has responsibilities for public transport, greenspace, parks and reserves, community facilities, and housing. We note that local government responsibilities in some jurisdictions outside New Zealand include obligations under the UN Convention. We recommend work be undertaken to prioritise local government’s obligations under the UN Convention and seek to strengthen local government measures and responses to child poverty.

7. FOOD INSECURITY

Over one-third of Pacific children (37.3%) and 26.4% of Māori children lived in households that sometimes or often ran out of food. This is compared with European children where the figure dropped to 10.9%. We consider that food security is related to both the right to food *and* the right to food that is nutritious and meets the child’s dietary needs. Children living in households with poverty are most deprived of fresh fruit and vegetables. Disparities related to lack of access to healthy and nutritious food can have long-term adverse effects over the life-course of the child. We call on the government to further support children who experience food insecurity by expanding the Healthy School Lunch Programme. We recommend central and local government consult and work closely with community organisations and local communities to develop innovative healthy and nutritious access to food networks, including further supporting a circular economy in the food network.

8. BEST INTERESTS OF THE CHILD

An approach to child poverty that sufficiently observes the ‘best interests’ of the child as a “primary consideration” should be adopted. This would require the government to immediately:

- Ensure the health impacts and health inequities in the first 1000 days are adequately linked to measures of child poverty.
- Reform Working for Families and apply a ‘best interests’ of the child test to the Income Tax Act 2007 to enable all low-income children (irrespective of whether their parents receive welfare) to receive the ‘In-Work Tax Credit’.

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References

- 1 Committee on the Rights of the Child, 'Concluding Observations on the Sixth Periodic Report of New Zealand' CRC/C/NZL/CO/6 6 Feb 2023
- 2 Committee on the Rights of the Child, 'Concluding observations on the fifth periodic report of New Zealand' CRC/C/NZL/CO/5 (Adopted by the Committee at its seventy-third session 13-30 September 2016) <https://digitallibrary.un.org/record/856035?ln=en> At p 12
- 3 Dana Wensley (Child Poverty Action Group), 'Thematic Report for the United Nations; Child Poverty in New Zealand' (August 2022) <https://static1.squarespace.com/static/608737f129c8f67c2c6932b2/t/638fae665b4b9b026221c472/1670360693745/Child+Poverty+Thematic+CPAG+appendices+incl.+%5B10%5D.pdf>
- 4 Natasha Chandra, Whānau Āwhina Plunket; Jacqui Southey, Save the Children; Dr Dana Wensley, Child Poverty Action Group; Melanie Wilson, New Zealand Council of Christian Social Service "The Basic Health and Welfare Rights of Children 0-5 years of age in Aotearoa New Zealand" August 2022 <https://static1.squarespace.com/static/608737f129c8f67c2c6932b2/t/638e7f0470f72700e299b8c6/1670283018611/Full+Report+-+Under+5s+Basic+Health+and+Welfare+Thematic+Report%5B45%5D.pdf>
- 5 Committee on the Rights of the Child, 'Concluding Observations on the Sixth Periodic Report of New Zealand' CRC/C/NZL/CO/6 6 Feb 2023
- 6 Committee on the Rights of the Child, 'Concluding Observations on the Sixth Periodic Report of New Zealand' CRC/C/NZL/CO/6 6 Feb 2023, p 11.
- 7 Committee on the Rights of the Child, 'Concluding Observations on the Sixth Periodic Report of New Zealand' CRC/C/NZL/CO/6 6 Feb 2023, p 11.
- 8 Committee on the Rights of the Child, 'Concluding Observations on the Sixth Periodic Report of New Zealand' CRC/C/NZL/CO/6 6 Feb 2023, p 11.
- 9 Committee on the Rights of the Child, 'Concluding observations on the fifth periodic report of New Zealand' at p 12.
- 10 Committee on the Rights of the Child, 'Concluding Observations on the Sixth Periodic Report of New Zealand' CRC/C/NZL/CO/6 6 Feb 2023, p 11.
- 11 As suggested by the UN Committee. See also Committee on the Rights of the Child, 'List of issues prior to submission of the sixth periodic report of New Zealand' CRC/C/NZL/QPR/6 (Adopted intersessionally by the pre-sessional working group on 6 July 2020), question 24 (b) at p 6
- 12 Committee on the Rights of the Child, 'Concluding observations on the fifth periodic report of New Zealand' p 12
- 13 Committee on the Rights of the Child, 'Concluding Observations on the Sixth Periodic Report of New Zealand' CRC/C/NZL/CO/6 6 Feb 2023, p3.
- 14 Committee on the Rights of the Child, 'Concluding Observations on the Sixth Periodic Report of New Zealand' CRC/C/NZL/CO/6 6 Feb 2023, p3.
- 15 This is calculated as a ratio of gross housing costs (which includes a wide range of financial costs such as rates, insurance, rent, mortgage, and rent) to household disposable income. Many families spend more than 30% of their disposable income on housing costs, and in recognition of this, the Child Poverty Reduction Indicator also provides data on those spending more than 40% and 50% of disposable income on housing costs. Department of the Prime Minister and Cabinet, 'Child Poverty Related Indicators Report for the ending 30 June 2021' (published April 2022) p 7.
- 16 Department of the Prime Minister and Cabinet, 'Child Poverty Related Indicators Report for the ending 30 June 2021' (published April 2022) p 14.
- 17 Department of the Prime Minister and Cabinet, 'Child Poverty Related Indicators Report for the ending 30 June 2021' (published April 2022) p 14.
- 18 Department of the Prime Minister and Cabinet, 'Child Poverty Related Indicators

Report for the ending 30 June 2021' (published April 2022) p 15.

- 19 Stats NZ, 'Housing in Aotearoa'(2020) <https://www.stats.govt.nz/reports/housing-in-aotearoa-2020>
- 20 Non-owner occupiers have less secure tenure and move more often, and those renting spent a higher portion of income on housing costs. Affordability was an issue identified in the data with Māori, Pacific peoples, low income earners, non-owner occupied, recent immigrants, unemployed and disabled people, together with those with no qualifications and Aucklanders, all more likely to rate their housing as unaffordable. See Stats NZ, 'Housing in Aotearoa'(2020) <https://www.stats.govt.nz/reports/housing-in-aotearoa-2020>
- 21 Stats NZ, 'Housing in Aotearoa' (2020) <https://www.stats.govt.nz/reports/housing-in-aotearoa-2020>
- 22 While the numbers of children living with a disability vary, current estimates are that around 11% of children (aged 0-17 years) live with a disability and 30% are in households with one (or more) disabled person. Child and Youth Wellbeing Strategy, 'Annual Report for the year ending 30 June 2021' (Released 2022) p 18. The Youth-19 Survey for 12 -18 years of age put the figure at 9%, and the 2013 Disability Survey (0-14 years) put it at 12%.
- 23 Committee on the Rights of the Child, 'Concluding Observations on the Sixth Periodic Report of New Zealand' CRC/C/NZL/CO/6 6 Feb 2023, p 9.
- 24 Committee on the Rights of the Child, 'Concluding Observations on the Sixth Periodic Report of New Zealand' CRC/C/NZL/CO/6 6 Feb 2023, p 11.
- 25 Committee on the Rights of the Child, 'Concluding Observations on the Sixth Periodic Report of New Zealand' CRC/C/NZL/CO/6 6 Feb 2023.
- 26 Committee on the Rights of the Child, 'Concluding observations on the fifth periodic report of New Zealand' at para 11
- 27 Dana Wensley (Child Poverty Action Group), 'Thematic Report for the United Nations; Child Poverty in New Zealand' (August 2022) <https://static1.squarespace.com/static/608737f129c8f67c2c6932b2/t/638fae665b4b9b026221c472/1670360693745/Child+Poverty+Thematic+CPAG+appendices+incl.+%5B10%5D.pdf>
- 28 Committee on the Rights of the Child, 'Concluding observations on the fifth periodic report of New Zealand' at point 11 (a)
- 29 Committee on the Rights of the Child, 'Concluding observations on the fifth periodic report of New Zealand' at point 11(b)
- 30 Committee on the Rights of the Child, 'Concluding Observations on the Sixth Periodic Report of New Zealand' CRC/C/NZL/CO/6 6 Feb 2023, p 3.
- 31 Available at https://treaties.un.org/doc/source/signature/2012/CTC_4-11d.pdf
- 32 Committee on the Rights of the Child, 'Concluding Observations on the Sixth Periodic Report of New Zealand' CRC/C/NZL/CO/6 6 Feb 2023, p 2.
- 33 Committee on the Rights of the Child, 'Concluding observations on the fifth periodic report of New Zealand' at p 2
- 34 Child Impact Assessment Tool, <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/resources/child-impact-assessment.html>
- 35 Committee on the Rights of the Child, 'Concluding Observations on the Sixth Periodic Report of New Zealand' CRC/C/NZL/CO/6 6 Feb 2023, p 2.
- 36 Committee on the Rights of the Child, 'Concluding Observations on the Sixth Periodic Report of New Zealand' CRC/C/NZL/CO/6 6 Feb 2023, p 14.
- 37 Natasha Chandra, Whānau Āwhina Plunket; Jacqui Southey, Save the Children; Dr Dana Wensley, Child Poverty Action Group;

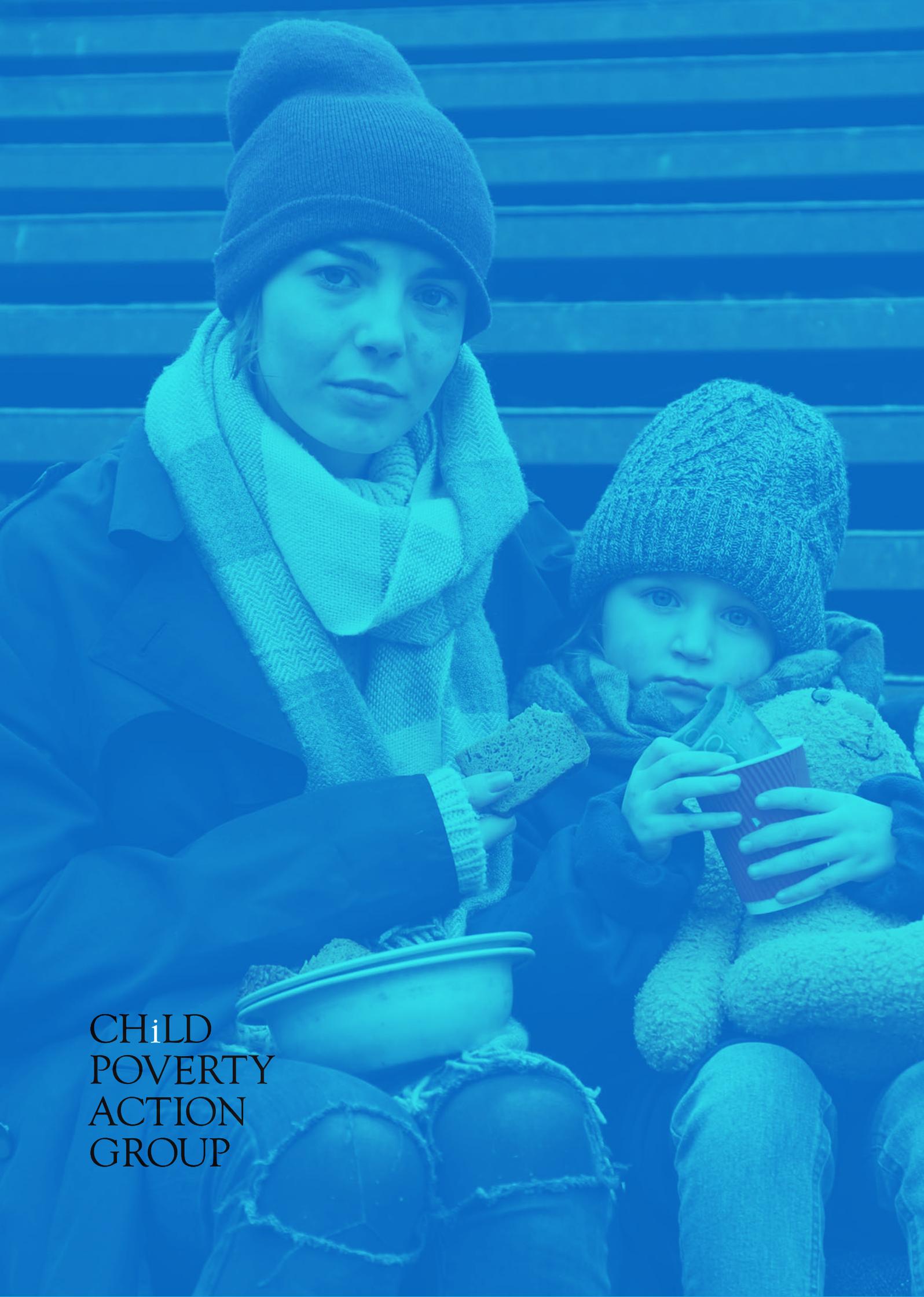
Melanie Wilson, New Zealand Council of Christian Social Service “The Basic Health and Welfare Rights of Children 0-5 years of age in Aotearoa New Zealand” August 2022 <https://static1.squarespace.com/static/608737f129c8f67c2c6932b2/t/638e7f0470f72700e299b8c6/1670283018611/Full+Report+-+Under+5s+Basic+Health+and+Welfare+Thematic+Report%5B45%5D.pdf>, p5.

- 38 Committee on the Rights of the Child, ‘Concluding observations on the fifth periodic report of New Zealand’ at p 3
- 39 The HES does not include the families in Emergency Housing. See Bryan Perry, ‘Child Poverty in New Zealand’ (June 2021) p 15
- 40 Committee on the Rights of the Child, ‘Concluding Observations on the Sixth Periodic Report of New Zealand’ CRC/C/NZL/CO/6 6 Feb 2023, p 3.
- 41 Committee on the Rights of the Child, ‘Concluding observations on the fifth periodic report of New Zealand’ p 5
- 42 See for example discussion of best interest principle in *Ye v Minister of Immigration*[2009] NZSC 76, [2010] 1 NZLR 104.
- 43 See discussion Justice Susan Glazbrook, Statutory Interpretation in the Supreme Court, <https://www.courtsofnz.govt.nz/assets/speechpapers/sisc.pdf>
- 44 See discussion Justice Susan Glazbrook, Statutory Interpretation in the Supreme Court, <https://www.courtsofnz.govt.nz/assets/speechpapers/sisc.pdf>, p 16.
- 45 Recommendation 6, Children’s Commissioner’s Expert Advisory Group on Solutions to Child Poverty, ‘Solutions to Child Poverty in New Zealand: Evidence for Action’ (2012), p 39
- 46 Te Puna Rangahau o Te Wai Ariki / Aotearoa NZ Centre for Indigenous Peoples and the Law, ‘Thematic Report: The Rights of Tamariki Māori in Aotearoa New Zealand’ (2022) p 11
- 47 Te Puna Rangahau o Te Wai Ariki / Aotearoa NZ Centre for Indigenous Peoples and the Law (2022) at p 6
- 48 Bryan Perry, ‘Child Poverty in New Zealand’ (June 2021) p 15
- 49 There are alternative child-centred measures that could be asked such as whether the child has access to books, whether the child is exposed to bullying as a result of poverty, whether the child has to leave school to support the household, or move houses often thereby causing lack of deep personal relationships. See alternative datasets at Dataset <https://ec.europa.eu/eurostat/documents/3888793/5853037/KS-RA-12-018-EN.PDF>
- 50 See for example issues raised in NHS, Scotland, ‘Child Poverty in Scotland: Health Impact and Health Inequalities’ <http://www.healthscotland.scot/media/2186/child-poverty-impact-inequalities-2018.pdf>
- 51 Committee on the Rights of the Child, ‘Concluding Observations on the Sixth Periodic Report of New Zealand’ CRC/C/NZL/CO/6 6 Feb 2023, p 4.
- 52 Committee on the Rights of the Child, ‘Concluding observations on the fifth periodic report of New Zealand’ at p 2
- 53 Child Poverty Act 2010 UK section 21(2)
- 54 Child Poverty Act 2010 UK section 22
- 55 Child Poverty Act 2010 UK section 23
- 56 Review into the Future of Local Government <https://www.futureforlocalgovernment.govt.nz/>
- 57 Committee on the Rights of the Child, ‘Concluding Observations on the Sixth Periodic Report of New Zealand’ CRC/C/NZL/CO/6 6 Feb 2023, p 2.
- 58 See Bryan Perry, ‘Child Poverty in New Zealand’ (Ministry of Social Development, Wellington) October 2022, p 33.
- 59 See Bryan Perry, ‘Child Poverty in New Zealand’ (Ministry of Social Development, Wellington) October 2022, p 33.
- 60 See Table B.6, Bryan Perry, ‘Child Poverty in New Zealand’ (Ministry of Social Development, Wellington) October 2022, p 45.

For the year ended June 2021, the annual household disposable income for disabled people was \$42,239 which is lower than the average household equivalised disposable income for non-disabled people of \$51,683. However, the costs associated with disability are high. <https://www.stats.govt.nz/information-releases/household-income-and-housing-cost-statistics-year-ended-june-2021>. Given the high impact of increased housing costs on household expenses, it must be a priority for the government to ensure that people living in poverty with a disability have equitable access to public housing.

- 61 Child Poverty Action Group, 'Bold Policy Change Needed to Support Stagnant Child Poverty Rates' Feb 24, 2022 <https://www.cpag.org.nz/media-releases/bold-policy-changes-needed-urgently-to-shift-stagnant-child-poverty-rates>
- 62 Committee on the Rights of the Child, 'Concluding Observations on the Sixth Periodic Report of New Zealand' CRC/C/NZL/CO/6 6 Feb 2023, p 4.
- 63 Committee on the Rights of the Child, 'Concluding Observations on the Sixth Periodic Report of New Zealand' CRC/C/NZL/CO/6 6 Feb 2023, p 12.
- 64 See distinction discussed in The Right to Adequate Food, United Nations Fact Sheet 34, p3 <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet34en.pdf>
- 65 See O'Brien, M, 'Privatizing the right to food: Aotearoa New Zealand' in G Riches & T Silvasti (Eds), First world hunger revisited: Food charity or the right to food? (Palgrave MacMillan 2014) pp 102–116
- 66 <https://www.beehive.govt.nz/release/new-supermarket-watchdog-latest-action-give-kiwis-fairer-deal>
- 67 Grace C. Macaulay, Jean Simpson, Winsome Parnell & Mavis Duncanson, 'Food insecurity as experienced by New Zealand women and their children' Journal of the Royal Society of New Zealand, 2022 DOI: 10.1080/03036758.2022.2088574
- 68 https://www.newshub.co.nz/home/new-zealand/2022/07/cost-of-living-single-mothers-struggling-to-feed-children-due-to-food-insecurity-study.html?fbclid=IwAR0e1_qXYJcQvmIc0FxSiNfYIyiKoiWjABJGTcYYb8vftC4GcOsVPoNPzql
- 69 The Right to Adequate Food, United Nations Fact Sheet 34, p3 <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet34en.pdf>
- 70 The Right to Adequate Food, United Nations Fact Sheet 34, p3 <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet34en.pdf>
- 71 The Right to Adequate Food, United Nations Fact Sheet 34, p3 <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet34en.pdf>
- 72 Jonsson, Urban, 'Nutrition and the United Nations Convention on the Rights of the Child', Innocenti Occasional Papers, Child Rights Series (1993) no. 5, p1
- 73 Jonsson, Urban, 'Nutrition and the United Nations Convention on the Rights of the Child', Innocenti Occasional Papers, Child Rights Series (1993) no. 5, p1
- 74 The Right to Adequate Food, United Nations Fact Sheet 34, p 2 <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet34en.pdf>
- 75 Food security exists "when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life." The Right to Adequate Food, United Nations Fact Sheet 34, p4 <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet34en.pdf>
- 76 Growing up in New Zealand, 'Key Findings' <https://www.growingup.co.nz/about-growing>
- 77 <https://www.nzherald.co.nz/nz/call-for-new-ideas-on-helping-low-income-households-with-high-kai-costs/76STM23S40JFZFQE43B7YTHTRU/>
- 78 Grace C. Macaulay, Jean Simpson, Winsome Parnell & Mavis Duncanson, 'Food insecurity as experienced by New Zealand women and their children' Journal of the Royal Society of New Zealand, 2022, DOI: 10.1080/03036758.2022.2088574 J
- 79 Bryan Perry, 'Child Poverty in New Zealand' (Ministry of Social Development, Wellington) October 2022, p 153

- 80 Report for Kore Hiakai/ Zero Hunger Collective 'Exploring the Ongoing Need for Food Assistance' (April 2022) p 8
- 81 Auckland City Mission provides food parcels to New Zealand's largest city of Auckland which was the most severely hit by the COVID-19 lockdowns. Data provided to the writer from Auckland City Mission 21 September 2022.
- 82 Data provided to the writer from Auckland City Mission 21 September 2022
- 83 'Annual Report for the Year Ending 30 June 2021', Child and Youth Wellbeing Strategy, New Zealand Government April 2022 <https://www.childyouthwellbeing.govt.nz/sites/default/files/2022-04/cyws-annual-report-year-ended-june-2021.pdf> at p 16
- 84 M Duncanson, Roy M, van Asten, et al, 'Child Poverty Monitor: Technical Report' 2022, Dunedin. New Zealand Child and Youth Epidemiology Service, University of Otago, p 31.
- 85 See discussion Elaine Rush, "Aotearoa, Land of the Long Wide Bare Cupboard— Food Insecurity in New Zealand: Fat, Famished or Starved in a Land of Plenty" Child Poverty Action Group August 2019 <https://static1.squarespace.com/static/60189fe639b6d67b861cf5c4/t/61396b34792ea73bf2ed9b41/1631152952190/191107+CPAG+Food+Poverty+Part+2+FINAL+WEB.pdf>
- 86 UN Committee on the Rights of the Child, 'Concluding Observations on the Sixth Periodic Report of New Zealand' CRC/C/NZL/CO/6 6 Feb 2023, p11.
- 87 Dana Wensley and Elaine Rush, 'Child Poverty Needs Attention Right Now' NZ Herald 15 February 2023 <https://www.nzherald.co.nz/nz/wensley-and-rush-child-poverty-needs-attention-right-now/BVL2TQT43JBFDP3HWROZLV7S4E/>
- 88 See for example work undertaken by the New Zealand Food Network <https://sustainable.org.nz/circular-economy-directory/solutions/new-zealand-food-network/>
- 89 See Mana Kai Initiative <https://www.theaotearoacircle.nz/mana-kai-initiative>
- 90 <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/working-papers/wp-total-incomes-of-msd-main-benefit-clients-as-at-april-2022.pdf>
- 91 United Nations Sustainable Development Goals, Goal One: End Poverty in All its Forms Everywhere, <https://www.un.org/sustainabledevelopment/poverty/>
- 92 Children's Commissioner's Expert Advisory Group on Solutions to Child Poverty, 'Solutions to Child Poverty in New Zealand: Evidence for Action' (2012)
- 93 Kia Piki Ake/ Welfare Expert Advisory Group, 'Whakamana Tāngata: Restoring Dignity to Social Security in New Zealand' (2019)



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