

Supreme Court no route to Justice for 230,000 kiwi kids

30 September 2013

Child Poverty Action Group has decided not to pursue its long-running human rights case in the Supreme Court but will continue to battle for the rights of New Zealand's poorest children.

Spokesperson Associate Professor Susan St John says, "There is little to encourage us to think the answer at the Supreme Court would be different to that of the Court of Appeal."

"We have concluded that the courts are not ready or equipped to give a rational decision on justification, other than on the same grounds of narrow case reasoning without a real understanding either of how so many children are seriously harmed and their rights ignored, or of the economics of in work benefits and their proper design."

Child Poverty Action Group has decided not to pursue its long-running human rights case in the Supreme Court but will continue to battle for the rights of New Zealand's poorest children.

Earlier this year CPAG sought a declaration from the Court of Appeal that the In Work Tax Credit (IWTC), worth at least \$60 a week for the support of children in low-income families, unjustifiably discriminates against families on benefits.

While the Court of Appeal found the IWTC is discriminatory and causes material harm to the families who miss out, they were not prepared to rule that it is unjustified because it incentivised paid work. Spokesperson Associate Professor Susan St John says, "There is little to encourage us to think the answer at the Supreme Court would be different to that of the Court of Appeal."

"We have concluded that the courts are not ready or equipped to give a rational decision on justification, other than on the same grounds of narrow case reasoning without a real understanding either of how so many children are seriously harmed and their rights ignored, or of the economics of in work benefits and their proper design."

St John says parenting is challenging and expensive work, even for the well-resourced. "It is hard to imagine any justification to depart from the principle of treating all children in low income families equally for all child-related payments. This is especially true when the discriminatory treatment perpetuates child poverty."

"Our case has raised awareness of serious harm to around 230,000 of the most disadvantaged children in New Zealand. Unfortunately the damage continues and is tragic for the families and our society." It is shameful that policies that contravene treaties that New Zealand is signatory to, like United Nations Convention on the Rights of the Child (UNCROC) can be ignored by policymakers, with the courts not yet prepared to hold them to account. It is clear that the IWTC is a payment for children to alleviate poverty that is denied to the poorest children and this falls foul of our international and domestic human rights obligations.

CHiLD
POVERTY
ACTION
GROUP

The politicians will no longer be able to sidestep questions on the IWTC by saying that it is still before the courts and this issue will clearly be one for the election."

Working for Families is a tax-funded child-related fortnightly payment to the caregiver. The full package, including the IWTC, has been successful in reducing child poverty for families in paid work. To quote the Ministry of Social Development's own report on household incomes 2012:

"The fall in child poverty rates from 2004 to 2007 for children in one-full time, one-workless two parent households was very large (28% to 9%), reflecting the Working For Families impact, especially through the In-work Tax Credit. "For those who missed out on the IWTC however, the Ministry itself says "From 2007 to 2012, [the poverty rates were] around six to seven times higher for children in workless households. This to a large degree reflects the greater WFF assistance for working families than for beneficiary families."CPAG will continue to fight for the rights of New Zealand's poorest children says St John.

"The most effective way to reduce child poverty is to give children's payments to all low-income children on the same basis. A policy that relies on paid work cannot be a solution to child poverty in all families."