

Working for Families breaches international law

Wednesday, 2 July 2008, 3:18 pm
Press Release: Public Health Association

2 July 2008

Working for Families breaches international law: policy research

Policy research from the University of Otago Wellington has found that in the initial development of Working for Families (WFF) (2002-May 2004) the Government failed to consider children's rights, including their right to health, breaching binding international law.

Dr Janine Mardani presented the findings of her thesis at the Public Health Association Conference in Waitangi today. Her evaluation found that despite New Zealand being a signatory to the United Nations Convention on the Rights of the Child (UNCROC), the Convention was not considered during policy development for Working for Families.

Dr Mardani found that in the development of WFF the New Zealand Government failed to apply the key UNCROC principles: participation of the policy's stakeholders, equality and freedom from discrimination, the best interests of children as a primary consideration and the right to life with healthy development.

The evaluation reviewed policy development documents obtained under the Official Information Act and interviewed key external stakeholders. "I couldn't find a single piece of evidence to indicate they had taken on board UNCROC or its principles," she says.

The research shows that in developing WFF, the Government not only neglected to consult appropriate stakeholders, but it refused to allow participation of key child advocates, the Child Poverty Action Group. The Government presented WFF as a 'fait accompli' to external stakeholders at the end of policy development, within days of its public release.

"Despite a human rights complaint already laid against the Crown for the Child Tax Credit, the developers didn't consult the Human Rights Commission or the Office of the Commissioner for Children.

"The Government has subsequently described in the UNCROC work programme how the WFF package is an initiative to improve the social wellbeing of disadvantaged children in New Zealand," said Dr Mardani.

She found, although the package benefited many thousands of children, it cannot be seen as a package primarily for vulnerable children because it discriminates against those most at risk; children who have parents reliant on state benefits. The package not only offers them little or no advantage, but a relative disadvantage compared to less vulnerable children.

“Vulnerable children with parents reliant on state benefits did not have their best interests prioritised,” said Dr Mardani. Rather than using UNCROC’s principle that the best interest of the child should be a primary consideration, policy makers’ stated priority was that of economic performance. The new benefits were aimed squarely at working families earning \$25,000-\$45,000 prioritised above families on an income of \$15,000-\$25,000.

WFF also failed to take into account UNCROC’s principle of recognising children’s right to healthy development which includes access to the determinants of health like an adequate income. “Any child impact analysis would have told the policy makers that while WFF was going to help a number of families it would make others relatively worse off, and you would expect this to increase relative health inequalities.”

In the last two UN reviews of the New Zealand Government’s adherence to the Rights of the Child, it has requested the Government reviews all legislation affecting children and takes the necessary measures to harmonise legislation with the principles and provisions of the Convention.

In her conclusions, Dr Mardani recommends that UNCROC be recognised in legislation so that under New Zealand law, the rights of children are not disregarded in policy development.

“Even the Human Rights Act allows discrimination against children on the basis of age,” she said.

ENDS

<http://www.scoop.co.nz/stories/PO0807/S00026.htm>