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To: Social Services Select Committee
Parliament Buildings
Wellington

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Submission: Children, Young Persons, and Their Families (Advocacy, Workforce, and Age Settings) Amendment Bill

Child Poverty Action Group (CPAG) thanks the Select Committee for the opportunity to submit on this Bill.

Child Poverty Action Group (CPAG) is an independent charity working to eliminate child poverty in New Zealand through research, education and advocacy. CPAG believes that New Zealand's high rate of child poverty is not the result of economic necessity, but is due to policy neglect and a flawed ideological emphasis on economic incentives. Through research, CPAG highlights the position of tens of thousands of New Zealand children, and promotes public policies that address the underlying causes of the poverty they live in.

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We wish to speak to our submission.

Overview

Childhood experiences are critical for shaping outcomes throughout life.¹ The introduction to the Bill² states:

This bill extends State responsibility for the care and protection of vulnerable young persons, ensures that vulnerable children and young persons are able to have their views considered as part of decision making and the development of departmental services and

¹ Gluckman, P., & Hayne, H. (2011). *Improving the Transition: Reducing Social and Psychological Morbidity During Adolescence. A report from the Prime Minister's Chief Science Advisor*. Wellington: Office of the Prime Minister's Science Advisory Committee.

² See https://www.parliament.nz/en/pb/sc/make-a-submission/document/51SCSS_SCF_00DBHOH_BILL69214_1/children-young-persons-and-their-families-advocacy

policy, and enables enhanced access to appropriate specialist skills and expertise to respond to the needs of vulnerable children and young persons.

New Zealand ratified the United Nation's Convention on the Rights of the Child (UNCROC)³ in 1993. Although existing and new legislation is bound to incorporate those principles, it has made little measurable difference so far to the wellbeing of children in this nation. For example, *Article 27* requires governments to recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. If the parent(s) or others responsible for the child are unable to provide that, then the government must provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

Yet New Zealand has a shameful record amongst OECD countries for high rates of child poverty,⁴ harm to children and their self-harm, and hospitalisations from health problems and injury. The risks of harm, whether injury, self-harm, or ill-health, increase measurably and dramatically when associated with deprivation:

The New Zealand Child and Youth Epidemiology Service has identified a number of injury types and medical conditions seen in children for which hospitalisation or mortality rates are correlated to scores on the NZDep index of deprivation. These conditions are said to have a social gradient: children living in the most deprived areas of New Zealand (areas with high NZDep scores) are about twice as likely or more to be hospitalised or die from these conditions than children living in the least deprived areas.⁵

For young people to flourish, they need a supportive, equitable and fair society that provides genuine opportunities.

Relevant UNCROC principles are included in the submissions and discussion below.

CPAG submits:

Submission 1: CPAG strongly endorses and welcomes the revision of the definition of young persons and therefore extending the provisions of the statutory care and protection system to young persons aged up to 17 years.

Discussion: *Article 1* of UNCROC states that “a child means every human being below the age of eighteen years”. This change should have effect on criminal investigations and criminal proceedings.

In addition: CPAG submits that for consistency of policy, and meeting the spirit of UNCROC, this revision of the definition of young persons be extended to health provision, so that free 24 hour, 7 day healthcare access is available to all persons below the age of 18 years. *Article 24* recognises the duty of the government to ensure that no child is deprived of his or her right of access to health care services.

Submission 2: CPAG urges the Select Committee to recognise the causative link between deprivation (poverty) and child risk and therefore recommends that Government take a preventative approach by ensuring all families with children have incomes adequate to meet their basic needs.

Discussion: *Article 4* of UNCROC binds governments that are signatories to undertake all appropriate measures for the implementation of the rights recognized in the Convention,

³ For all UNCROC Articles, see <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

⁴ Perry, B. (2015). *Measuring and monitoring material hardship for NZ children: MSD research and analysis used in advice for the Budget 2015 Child Hardship package*. Ministry of Social Development. Wellington

⁵ Simpson J, Duncanson M, Oben G, Wicken A, & M, P. (2015). *Child Poverty Monitor 2015 Technical Report*. Dunedin: NZ Child & Youth Epidemiology Service, University of Otago.

including, with regard to economic, social and cultural rights, undertaking such measures to the maximum extent of their available resources.

Article 26 recognizes the right of every child to benefit from social security, including social insurance. This is to ensure every child is protected from income poverty and avoidable hardship and deprivation.

Submission 3: CPAG strongly endorses the Bill embedding the views of children and young persons at a systemic and an individual level.

Discussion: *Article 12* affirms the child's right to express their views in all matters affecting them, and that those views will be given due weight in accordance with the age and maturity of the child. In particular, the child will be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body.

Submission 4: CPAG urges that the Bill also embeds as a first principle that all matters pertaining to the child shall be carried out in the best interests of the child.

Discussion: *Article 12* states that, in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, a primary consideration shall be best interests of the child.

Article 12 also states that governments must ensure that the institutions, services and facilities responsible for the care or protection of children conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Submission 5: CPAG submits that the independent advocacy services whose establishment is supported under the Bill be adequately funded, and be measured for cultural competency in addition to their other requirements.

Discussion: The Bill places a duty on the chief executive of the department administering the CYPF Act to ensure that, for children and young persons subject to the Act, independent advocacy services are available that provide an opportunity for them, and support them, to express their views. In addition, the recent review of Child Youth and Family (CYF) stressed an increased emphasis on Kaupapa Māori approaches in CYF's redevelopment.⁶

Article 30 recognises the right of indigenous children to use their own language. To meet the needs of Māori and Pacific peoples, cultural competency is crucial.⁷

Submission 6: CPAG submits that more robust attention be given to the government's duty of care so that abuses of children in their care do not occur.

Discussion: *Article 20* states that a child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

In addition, *Article 25* requires governments to recognize the right of a child placed in care, protection or treatment a periodic review of all circumstances relevant to his or her placement.

Article 19 requires governments to take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse,

⁶ See <http://www.radionz.co.nz/national/programmes/ninetonoon/audio/201799251/cyf-review-must-better-address-maori-says-researcher>.

⁷ Ryan, D., Beckford, N., & Fitzsimons, M. (2010). *Lalaga. Pacific Providers Making a Difference*. Wellington: Pacific Health. Pacific Innovations. Sector Capability and Innovation Directorate.

while in the care of any other person who has the care of the child. Such protective measures should include effective procedures for forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement. Also, *Article 34* requires governments to protect the child from all forms of sexual exploitation and sexual abuse.

Attention has been brought to the abuse of children in care.⁸ Prevention of such abuse of the child is a duty of the Ministry and the executive officer.

Submission 7: CPAG submits that the government has a duty to ensure the mass media (and researchers) do not disseminate pejorative and/or prejudicial reports attributing child poverty to consequences of ethnicity, or parental behaviours including smoking, alcohol consumption or gambling.

Discussion: *Article 17* requires governments to recognize the important function performed by the mass media and to ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, the government will encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being.

⁸ See <http://www.stuff.co.nz/national/politics/71484166/children-in-state-care-are-being-abused-and-cyf-is-failing-them--report>.