

ADVANCE UNEDITED VERSIONDistr.: General
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English, French and Spanish only**Committee on the Rights of the Child****List of issues prior to submission of the sixth periodic report of New Zealand***

1. The State party is requested to submit in writing the information requested below (21,200 words maximum), if possible before 30 June 2021. The replies should take into consideration the Committee's recommendations contained in its concluding observations (CRC/C/NZL/CO/5) adopted on 30 September 2016. The Committee may take up all aspects of children's rights set out in the Convention and its Optional Protocols during the dialogue with the State party.

I. New developments

2. The Committee requests the State party to provide:

(a) Information on the adoption or reform of laws, policies and programmes, and any other measures taken, including the creation or reform of institutions, significant for the implementation of the Convention, its Optional Protocol on the involvement of children in armed conflict and its Optional Protocol on the sale of children, child prostitution and child pornography;

(b) Information, as appropriate, on measures taken to ensure the protection of the rights of children in the context of the COVID-19 pandemic, and to mitigate the adverse impacts of the pandemic, in view of the Committee's COVID-19 statement of 8 April 2020;

(c) Any other information that the State party considers relevant in this regard and that is not covered in the replies to the questions below, including information on obstacles and challenges faced.

3. The Committee also requests the State party to provide information on how the planning, implementation, monitoring and evaluation of measures for achieving the Sustainable Development Goals integrate a child rights-based approach, including with regard to child participation and data collection, and how such measures promote the realization of children's rights under the Convention and its Optional Protocols.

II. Rights under the Convention and its Optional Protocols**A. General measures of implementation (arts. 4, 42 and 44 (6))****Reservations, legislation, policy and strategy**

4. Please provide information about:

* Adopted by the pre-sessional working group intersessionally on 6 July 2020.



- (a) Steps taken with a view to withdrawing its general reservation and its reservations to articles 32 (2) and 37 (c) and extending the application of the Convention to the territory of Tokelau;
- (b) Bringing domestic legislation relating to children in line with the Convention;
- (c) The establishment of the Oranga Tamariki, Ministry for Children in 2017;
- (d) Adopting a comprehensive policy and strategy for the implementation of the Convention and its first two Optional Protocols;
- (e) Implementation of the *Child Impact Assessment: Best Practice Guideline*, and making its use obligatory, including during the allocation of public resources.

Allocation of resources

5. Please inform the Committee about the “wellbeing budget” approach, and on the measures taken to:

- (a) Implement a tracking system covering all child-related expenditures in the elaboration of the State budget and assess the impact of investments for children;
- (b) Ensure public participation, involving children, in the preparation of local and national budgets;
- (c) Ensure that children, in particular those in vulnerable situations, are not affected by regressive measures due to possible consequences of the economic crisis triggered by Covid-19 measures.

Data collection

6. Please inform the Committee about:

- (a) The development and implementation of a comprehensive mechanism for collecting high quality disaggregated data and an information system on all areas of the Convention;
- (b) The use of the data and indicators collected by the ministries concerned for the formulation, monitoring and evaluation of policies, programmes and projects for implementing the Convention;

Children’s rights and the business sector

7. Please inform the Committee about:

- (a) The measures taken to establish and implement regulations to ensure that the business sector complies with human rights and in particular children’s rights;
- (b) The monitoring of child-related essential services provided by private enterprises;
- (c) The consultations with civil society and children before the ratification of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership and how the best children’s interests were given due consideration;
- (d) The adoption of corporate social responsibility parameters, including child rights due diligence, for corporations and other businesses subject to the jurisdiction of the State party.

B. Definition of the child (art. 1)

8. Please inform the Committee on measures taken to define the minimum age of marriage at 18 years for both girls and boys and to extend the scope of the Children, Young Persons and Their Families Act 1989 to cover all persons under the age of 18.

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

9. Please provide information on the measures taken to:

(a) Decrease the gap in accessing education, health, care and protection services and a minimum standard of living by Maori and Pasifika children and children with disabilities;

(b) Combat negative attitudes towards children in vulnerable situations, in particular Maori and Pasifika children, children belonging to ethnic minorities, asylum-seeking, refugee and migrant children, children with disabilities, lesbian, bisexual, gay, transgender, intersex children and children living with persons from those groups, including any affirmative actions taken;

(c) Address cases of discrimination against children by applying disciplinary, administrative or penal sanctions, where appropriate.

Best interests of the child

10. Please provide information about the measures taken to:

(a) Amend legislation to include an explicit requirement to comply with the best interests of the child;

(b) Ensure that the best interests of the child is consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, in particular with regard to family law, social security, children in care (particularly Maori children), sentencing of parents and in the refugee determination process;

(c) Develop procedures and criteria to provide guidance to all relevant professionals for determining the best interests of the child and giving it due weight as a primary consideration.

Right to life

11. Please inform the Committee about measures taken to identify, prevent and address the root causes of child suicide, especially among Maori children.

Respect for the views of the child

12. Please provide information on the measures taken to:

(a) Amend legislation, to ensure the child's right to be heard in cases affecting him or her;

(b) Develop toolkits for consulting with children on issues of national policy development affecting them, and any results.

C. Civil rights and freedoms (arts. 7, 8 and 13–17)

Right to identity

13. Please inform the Committee about the measures taken to ensure that all information about the child's biological parents is registered and filed and that children born through assisted reproductive technologies will have access to information about their origins.

Right to privacy

14. Please provide information about the measures taken to:

(a) Protect children's right to privacy in the use of the Approved Information Sharing Agreement for Improving Public Services for Vulnerable Children adopted in 2015;

(b) Ensure that any legislation enabling the collection, storage and sharing of personal information about children and their families explicitly requires the consideration of the best interests of the child;

(c) Ensure that the Privacy, Human Rights and Ethics framework governing predictive risk modelling is made public and is referenced in all relevant legislation;

(d) Carry out a child-rights impact assessment on the implementation of surveillance for law enforcement and intelligence gathering purposes.

Access to appropriate information

15. Please inform the Committee about:

(a) The coverage of Internet services for children living in rural areas;

(b) Measures taken to protect children, particularly aged 14 to 17, from harmful information and material, including advertisements.

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Freedom of the child from all forms of violence

16. Please provide information on:

(a) Measures taken to eradicate the use of violence and abuse of children in State care, including in the form of restraints and detention; and to conduct background checks and provide the adequate training and monitoring to professionals and staff working with and for children;

(b) Investigations conducted into incidents of violence, including sexual abuse, and abuse of children, including in State care, the prosecutions carried out and sentences delivered, and the protection and redress provided to child victims;

(c) Availability and use by children of child-friendly reporting channels, physical and psychological recovery and health services, including mental health services;

(d) Development of a comprehensive strategy to combat child abuse, including sexual abuse, and neglect, in all settings, with particular attention to Maori and Pasifika children and children with disabilities, and measures to involve children in the development of the strategy;

(e) Carrying out of a study on the extent, causes and nature of violence against children;

(f) Establishment of a national database on all cases of violence, including sexual abuse, against children in all settings;

(g) Results of the Vulnerable Children's Plan, the Violence Intervention Programme and the National Child Protection Alert System in preventing and addressing child abuse and neglect, and other policies and programmes against child abuse and neglect.

(h) Allocation of sufficient human, technical and financial resources to front-line services to respond appropriately to cases of child abuse.

Harmful practices

17. Please provide information on the measures taken to:

(a) Stop child marriages, and to raise awareness of the negative effects of such marriages on the physical and mental health and well-being of children, especially girls, with a view to ending this harmful practice;

(b) Develop and implement a rights-based health-care protocol for intersex children to ensure that no child is subjected to unnecessary surgery or treatment, that the child's free, prior and informed consent is obtained for necessary interventions; and to

educate medical and psychological professionals on the negative consequences of unnecessary medical interventions on intersex children.

E. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

Family environment

18. Please inform the Committee about the measures taken to provide support to parents and caregivers in the performance of their child-rearing responsibilities, including counselling, services for the treatment of alcohol or drug-related problems and, in the case of Maori and Pasifika populations, culturally appropriate services.

Children deprived of a family environment

19. Please also provide information about:

(a) How the best interests of the child and children's views were taken into account in the reform of the care system, and the impact of the reform on children's outcomes, particularly Maori children and children with disabilities;

(b) The implementation of the recommendations of the Children's Commissioner's 2015 report entitled "State of Care", with a view to addressing the overrepresentation of Maori children in State care, including babies;

(c) The measures taken to improve the data collection on children's outcomes, including regarding education, health and well-being, while they are in care and after they leave care, and any reports on outcomes that have been produced;

(d) The outsourcing of State care to private care service providers, the applicable regulations and monitoring mechanisms;

(e) The timeline to phase-out residences and place children in families and small community-based options.

Adoption

20. Please inform the Committee on the measures taken to amend the adoption legislation with the view to aligning it with the Convention, including the rights to non-discrimination, best interests, to be heard and preserve identity.

F. Children with disabilities (art. 23)

21. Please provide information about:

(a) The Disability Action Plan 2019-2023, and in particular how it includes the rights of children with disabilities, the decrease of poverty among those children, their access to services and the consultations carried out with children with disabilities during its development;

(b) Awareness-raising campaigns to combat the stigmatization and marginalisation of children with disabilities, to combat prejudice against them and promote a positive image of these children;

(c) Results of the assessment into the district inspectors' investigations of violations of the rights of children with disabilities placed in compulsory residential care under the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003;

(d) The prohibition of the sterilization of children with disabilities without their free, prior and informed consent.

G. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**Health, mental health and health services**

22. Please provide information about the current extent of children's accessibility to adequate health services, including age-appropriate mental health services, across the State party's territory, and about measures taken to:

(a) Reduce the prevalence of preventable and infectious diseases, especially for Maori, Pasifika and children living in poverty;

(b) Promote a healthy lifestyle for adolescents and reduce the prevalence of children exposed to second-hand smoke;

(c) Provide sexual and reproductive health services and education to children in view of the still high rate of teenage pregnancy and increasing rates of sexually transmitted diseases;

(d) Increase the number of infants up to 6 months of age that are exclusively breastfed, in particular Maori infants;

(e) Provide mental health and counselling services to children in Canterbury following the earthquakes and children affected by Mosque Attacks in Christchurch.

Climate change

23. Please inform the Committee to what extent policies or programmes addressing the issues of climate change and disaster risk management integrate the special vulnerabilities and needs of children as well as their views, in particular Maori and Pasifika children and children living in low-income settings.

Standard of living

24. Taking into consideration the adoption of the Child Poverty Reduction Act in 2018, and the Child and Youth Wellbeing Strategy of 2019, please provide information about:

(a) Establishing a national definition of poverty with a view to decreasing child poverty;

(b) Increased allocation of resources to tackle child poverty in the short-, medium- and long-term;

(c) Protect budgetary lines for children in situations of poverty, even in situations of economic crisis, natural disasters or other emergencies;

(d) Impact of the "Families Package" and other initiatives to decrease child poverty, increase food security and provide safe adequate housing to all children, noting the extreme shortage of affordable and accessible housing;

(e) Take into account the best interests of the child when investigating and prosecuting cases of benefits fraud in order to avoid further distress and higher level of poverty among children whose parents are prosecuted;

(f) Consultations with families, children and children's rights civil society organizations to inform the Child Poverty Reduction Act of 2018.

H. Education, leisure and cultural activities (arts. 28–31)**Education and early childhood care and development**

25. Please inform the Committee about:

(a) The process of reviewing the Education Act 1989, whether the curricula include teaching about human rights and children's rights, and the consultations carried out with children to hear their views in this regard;

- (b) Promote and foster Maori language, cultural identity and history in education and increase enrolment in Maori language classes;
- (c) Measures taken to ensure that children are enabled to have a say about decisions that affect them at school, including in school governance, and take account of their views at all levels of education;
- (d) Protection afforded to the budget lines for education in situations of economic crisis, natural disasters or other emergencies;
- (e) Measures taken to provide inclusive education and ensure that inclusive education is given priority over placement in separate schools;
- (f) Provide individual support and all due attention to children with learning support needs;
- (g) Measures taken to decrease the gap between educational outcomes of boys and girls;
- (h) Normative framework for alternative education, the monitoring mechanisms of alternative education institutions, including the newly established partnership schools;
- (i) Measures taken to end the overrepresentation of children with disabilities, Maori and Pasifika children in schools' disciplinary processes;
 - (a) Anti-bullying programmes to prevent the occurrence of bullying in schools;
 - (b) Measures taken to provide early childhood care and education to children from low socioeconomic backgrounds, and to train care personnel on Maori and Pasifika cultures.

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

Asylum-seeking, refugee and migrant children

26. Please provide information on the measures taken to:
- (a) Amend the 2013 Immigration (Mass Arrivals) Amendment Act to ensure respect for the right of the child to family reunification;
 - (b) Consider the child's best interests as a primary consideration in the issuance of permanent residence permits;
 - (c) Ensure that children's views and best interests are taken into account in the refugee status determination process;
 - (d) Strengthen its efforts to promote the integration of and access to services by asylum-seeking and refugee children, with particular attention for those with disabilities.

Children belonging to minority or indigenous groups

27. Please inform the Committee about the measures to take into account the importance of the Maori culture for Maori children's identity when developing legislation and policy. Please provide information about the development and implementation of a comprehensive, cross-sectorial strategy for the full enjoyment of the rights of Maori and Pasifika children, in close cooperation with them and their communities. Please also provide information about the measures taken to provide Maori children adopted by non-Maori parents with access to information about their cultural identity.

Economic exploitation, including child labour

28. Please provide information about the measures taken to:
- (a) Set a definition of a minimum age of admission to employment in line with international standards;

- (b) Amend the Health and Safety at Work Act to ensure respect for children's rights under any type of contract, including casual contracts;
- (c) Protect children under 18 years of age from hazardous work in the draft regulation number 54;
- (d) Establish minimum wage guarantees for working children under 16 years of age;
- (e) Raising awareness on the rights of working children.

Administration of child justice

29. Please provide information on the measures taken to:

- (a) Raise the minimum age of criminal responsibility for all offence categories and ensure a non-discriminatory full application of the child justice system to all persons below the age of 18 years at the time of the offence, in the light of the Committee's [general comment No. 24 on children's rights in the child justice system](#);
- (b) Ensure that all children, male or female, deprived of liberty are separated from adults in all places of detention;
- (c) Avoid detention of children in police custody, limit the use of all forms of detention to a measure of last resort and for the shortest period of time, and improve conditions of detention where its use is unavoidable;
- (d) Address the overrepresentation of Maori and Pasifika children and adolescents in the child justice system, as well as their overrepresentation concerning suicide in closed institutions.

J. Optional Protocol on the sale of children, child prostitution and child pornography

30. Please inform the Committee about the measures taken to implement the recommendations contained in CRC/OPSC/NZL/CO/1 and, in particular:

- (a) Establish a comprehensive data collection system covering all areas of the Optional Protocol;
- (b) Define and criminalize the sale of children, child prostitution and child pornography, including attempt and complicity to commit any of these acts, in accordance with articles 2 and 3 of the Optional Protocol;
- (c) Provide the Children's Commissioner and the National Human Rights Commission with the mandate to promote and monitor the implementation of the Optional Protocol, to receive complaints and refer them for criminal investigation and prosecution;
- (d) Conduct a study on the nature and root causes of the sexual exploitation of children and the measures taken for the prevention of all forms of exploitation as defined in the Optional Protocol;
- (e) Hold all legal persons liable, including corporations, for offences under the Optional Protocol;
- (f) Establish and exercise extraterritorial jurisdiction over all offences covered by the Optional Protocol;
- (g) Remove the limits on extradition for offences under the Optional Protocol;
- (h) Establish mechanisms and procedures for the early detection and identification of child victims of offences prohibited under the Optional Protocol; and ensure that child victims have access to victim support services under the Victims' Rights Amendment Act (2014), from the date that the complaint was made;
- (i) Enact the Evidence Amendment Bill to allow child victims and/or witnesses to provide evidence via alternative ways;

(j) Promptly investigate reports of offences covered by the Optional Protocol, to prosecute the accused and punish the perpetrators, and to provide adequate support and redress for child victims;

(k) Prevent and combat the sale and sexual abuse and exploitation of children committed online.

K. Optional Protocol on the involvement of children in armed conflict

31. Please inform the Committee about the measures taken to implement the recommendations contained in CRC/C/OPAC/CO/2003/NZL/1 and CRC/C/NZL/CO/5, and in particular to:

(a) Explicitly prohibit and criminalize the recruitment and use in hostilities of persons under 18 years of age by non-State armed groups;

(b) Establish extraterritorial jurisdiction for crimes covered by the Optional Protocol on the involvement of children in armed conflict.

III. Statistical information and data

32. The statistical information and disaggregated data provided by the State party should cover the period since the consideration of its previous reports on the implementation of the Convention and its Optional Protocols. The data should be disaggregated by age, sex, type of disability, ethnic origin, national origin, geographical location and socioeconomic status.

33. The provision of tables presenting trends over the reporting period is recommended. Explanations of or comments on significant changes that have taken place over the reporting period should also be provided.

A. General measures of implementation (arts. 4, 42 and 44 (6))

34. Please provide information on the budget lines regarding children and social sectors by indicating the amount and the proportion allocated to each budget line in terms of the total national budget.

B. Definition of the child (art. 1)

35. Please provide data, disaggregated as described in paragraph 32 above, on:

(a) The number and proportion of children under 18 years of age living in the State party;

(b) The number of children under 18 years of age who were married in the State party or whose marriage abroad was recognized by the State party.

C. General principles (arts. 2, 3, 6 and 12)

36. Please provide data, disaggregated as described in paragraph 32 above, on the number of cases of discrimination against children and the type of sanction delivered (disciplinary, administrative or penal).

37. Please provide data, disaggregated as described in paragraph 32 above, on the number of children under 18 years of age who died by suicide.

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

38. Please provide data, disaggregated as described in paragraph 32 above, on:

(a) The number of reported cases of violence and abuse of children, including sexual abuse, the investigations conducted, the prosecutions carried-out and sentences delivered. The data should be further disaggregated by type of offence, whether it occurred in State care, and if the child had a disability;

(b) The number of intersex children who have undergone surgery or treatment related to their sexual characteristics.

E. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

39. Please provide data, disaggregated as described in paragraph 32 above, on

(a) The number and proportion of families and children receiving economic and other types of support services, including counselling, services for the treatment of alcohol or drug-related problems;

(b) The number of children in institutional care and the average number of days of stay;

(c) The number of children in family- and community-based care;

(d) The number of children adopted domestically and internationally;

F. Children with disabilities (art. 23)

40. Please provide data, disaggregated as described in paragraph 32 above, and by type of disability, on the number of:

(a) Children with disabilities;

(b) Children with disabilities living with their families;

(c) Children with disabilities living in institutional care and in family- and community-based care;

(d) Children with disabilities who have been sterilized.

G. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

41. Please provide data, disaggregated as described in paragraph 32 above, on:

(a) The number of paediatric and mental health services and professionals specialized in young children and adolescents, disaggregated by municipality;

(b) The number and proportion of children living below the poverty line and in extreme poverty;

(c) The number and proportion of teenage pregnancies;

(d) The extent of sexually transmitted diseases among adolescents;

(e) The number and proportion of infants up to 6 months of age that are exclusively breastfed.

H. Education, leisure and cultural activities (arts. 28–31)

42. Please provide data, disaggregated as described in paragraph 32 above, on the number of:

(a) Children attending regular and partnership schools;

(b) Children with disabilities enrolled in inclusive education and in separate schools;

