5 April 2017

CERD Secretariat,  
Geneva,  
Switzerland   
  
By email: [cerd@ohchr.org](mailto:cerd@ohchr.org)

**CERD COMMITTEE 93RD SESSION  
 NEW ZEALAND 21-22nd REPORT  
CIVIL SOCIETY CHILD ADVOCACY**

**ORANGA TAMARIKI**Children in need of State care have been under the direction of Child Youth and Family. From 1 April 2017, following an Expert Panel Report a completely new structure is being introduced that is intended to be child focused.  
  
“Maori children are around 60% of those in care (15% of population) so the new structure is of serious concern for the future. The “Background Briefing Oranga Tamariki” explains the historic position, the reasons for change and the conceptual framework”. There is already serious concern that the new structure will be under severe pressure.Table 102 of the Determinants shows the Maori/Pasifika notification statistics.  
  
Key legislation is before Parliament and a Select Committee has received 303 submissions  
many concerned with cultural issues. This omnibus bill covers a wide range of legislative reforms to support the new operating model for the Ministry for Vulnerable Children, Oranga Tamariki, and will establish the statutory framework required to create a more child-centred operating model to meet the needs of vulnerable children and young persons  
  
The Children’s Commissioner has made two submissions  
  
**VOICE OF CHILDREN- VOYCE WHAKARONGO MAI**One of the many intended improvements arising from the changes in culture of past CYF practice is to give specific attention to the voice of children in need.  
  
“We believe children and young people in care need to be heard and their voices kept at the centre of all the decisions made about them”.  
  
**HISTORIC ABUSE CLAIMS - MEDIA**“We need to hold a full independent inquiry into historic abuse in state care”“Years ago in a small town, a Maori boy was caught stealing lollies at the local Four Square. A report labelled him a "thug" and he was made a state ward. He was 10 years old.

Put in a boy's home where he was physically and sexually abused, he ended up doing very long stretches in isolation. He'd spend months at a time in a single cell. While there his parents died”.

“We know more than 100,000 children and vulnerable adults were put into care over 40 years. The first homes opened in the 50s and by the 70s, almost half of all children in state care were Maori”.

“In 1978 89 per cent of admissions to Hokio were Maori and Pasifika. In 1985, Maori boys made up 78 per cent of all youngsters held in six Social Welfare homes across Auckland. Boys sought the protection of gang affiliations while in care, many of those lost boys tell us the gangs themselves began in boys homes”.

“And for me as Race Relations Commissioner, if I'm to understand why more than half of our prison inmates are Maori then I need to be clear about how they got there in the first place.” **CHILD POVERTY**This is of major concernand Maori/Pasifika children are caught up in the struggle for survival. Specific research and comment is continually available through the Child Poverty Action Group and the finding of the Children’s Monitor.  
  
“Over the period 2011–2013, on average, around 34% of Māori children and 28% of Pacific children lived in poor households, compared to an average of 16% of European children (using the AHC 60% fixed-line measure) [5]. The higher poverty rates seen in Māori children potentially reflect the relatively high proportion of Māori children living in sole parent beneficiary households (during 2007 to 2011 around 43% of domestic purpose benefit (DPB) recipients were Māori). On average, during 2011 to 2013, just under half (48%) of children living in poverty were Māori or Pacific, using the AHC 60% fixed line measure [5]”.ref page 56 the Determinants”.  
1 in 3 Māori and Pacific children are likely to grow up in poverty. This is twice the rate as Pakeha (1 in 6). **HOUSING SHORTAGE**There is a serious housing shortage, particularly in Auckland and social security is under intense pressure both in matters of upkeep and appropriate size for Pasifika families.“Many children live in cold, damp homes. This contributes to a greater burden of disease and poorer outcomes, particularly amongst those who live in lower-income households, amongst one parent families of all ethnicities, and Māori and Pacific children.”

**JUVENILE JUSTICE**There is an over representation of Maori and Pasifika children brought before the justice system. The 2015/6 Monitoring Places of Detention report has indicative comment.  
  
“Māori are disproportionally detained in all detention contexts. It is clear to all agencies involved in the OPCAT monitoring activities that there are complex issues underpinning this disproportionate detention rate and this issue needs urgent attention.”  
  
”Lack of responsiveness to mokopuna Māori.” **5th UNCROC CONCLUDING OBSERVATIONS**The 73rd session of the Committee on the Rights of the Child issued New Zealand with Concluding Observations, September 2016. While Article 30 is of key importance Maori and Pasifika issues were raised in a number of circumstances.  
  
Paragraphs   
a) Maori and Pasifika  
**42**,(strategy) 10 (a) data, 15 (non-discrimination),) 23(c & g) (abuse), 26 (family environment), 31 (a & b) (health), 34 (climate change), 36 (child poverty), 37 (d) (educational discipline), 38 (early childhood education) & 45 (e ) (juvenile justice over representation),

b) Maori16 (best interests), 17 (suicide), 19 (identity), 28 (state care), 30 (disability), 33 (breastfeeding), **SUSTAINABLE DEVELOPMENT GOALS**No reference was found in two selected reports from the 91st session in respect of the application of Sustainable Development Goals (SDGs).  
  
In respect of the work of this Committee a browse of the UNCROC implications especially Article 30 shows a number of relevant SDGs particularly 4.5, 4.7, 10.2, but also 11.4, 13b and 16.10.Prepared by Peter Shuttleworth  
---------------------------------------------------------------------------------------------------------  
**REFERENCES**  
a) General  
**Government 21-22nd Report and Annex Tokelau with Statistics 93rd Session**  
<http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/SessionsList.aspx?Treaty=CERD>  
 **The Determinants of health for children and young people in New Zealand**  
<https://ourarchive.otago.ac.nz/bitstream/handle/10523/6383/2014%20Determinants%20of%20Children%20and%20Young%20Peoples%20Health%20in%20NZ_FINAL_20160418.pdf?sequence=1&isAllowed=y>  
**Children’s Commissioner**Report November 2015 to CRC re child poverty and social issues for minorities with useful statistical data; The August 2016 report page 6 has a supportive comment  
<http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/NZL/INT_CRC_NGO_NZL_22410_E.pdf>  
b) Topics

**Background Briefing Oranga Tamariki**<https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/corporate/bims/mvcot-bim.pdf>  
  
**Oranga Tamariki**New website  
<https://www.mvcot.govt.nz/>**Voyce Whakarongo Mai**Listening to the voices of children in need[https://www.voyce.org.nz/](https://www.voyce.org.nz/rights)  
**Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Bill  
Submissions and draft legislation**<https://www.parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/00DBHOH_BILL72055_1/children-young-persons-and-their-families-oranga-tamariki>  
<http://www.occ.org.nz/publications/submissions/>  
**Historic abuse of children in State care**Race Relations Commissioner - Dame Susan Devoy<http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11809895><http://newzealandchildabuse.com/>  
 **Child Poverty***Child Poverty Action Group*<http://www.cpag.org.nz/>

*Child Poverty Monitor*  
<http://www.childpoverty.co.nz/>  
  
Technical Report:

Table 3 adverse Maori & Pasifika rates  
<http://www.nzchildren.co.nz/>

**Inadequate Housing in New Zealand and its impact on children.**<http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/NZL/INT_CRC_IFN_NZL_24891_E.pdf>  
**Monitoring Places of Detention**<https://www.hrc.co.nz/files/6414/9082/5210/Monitoring__Places_of_Detention_2016_3.pdf> **5th UNCROC Report September 2016**<http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/SessionsList.aspx?Treaty=CRC> **Sustainable Development Goals and UNCROC**  
<https://www.unicef.org/agenda2030/files/SDG-CRC_mapping_FINAL.pdf>