

Submission to the
Department of the Prime Minister and Cabinet
on the

Child and Youth Wellbeing Strategy

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He mihi

Kia mihi te mano tini kua mene ki Hawaiki nui, ki Hawaiki roa, ki Hawaiki pāmamao. Ki a rātou te tūtūtanga o te puehu, te whiunga o te kupu i ngā wā i takatū ai rātou, haere atu rā. Ki a tātou te urupā o rātou mā, ngā waihotanga mai e hāpai nei i ō rātou wawata, tūmanako hoki, tēnā tātou.

We acknowledge the thousands who have gathered together in great Hawaiki, in long Hawaiki, in far-distant Hawaiki. To them, who were the stirrers of dust and the orators of renown while they were alive, we say, 'depart'. To you, who are the living legacy of the departed and their dreams and aspirations, greetings.

Thank you for the opportunity to provide feedback on the Child and Youth Wellbeing Strategy. It is important that the strategy demonstrates a solid long-term commitment to investing in uplifting the aspirations of all children while continuing to address the multiple impacts.

This submission provides key information and recommendations to assist any future settings and discussions concerning the implementation of the Child and Youth Wellbeing Strategy.

Background – UNICEF NZ

UNICEF NZ is mandated by the United Nations General Assembly to advocate for the protection of children's human rights, to help meet their basic needs and to expand their opportunities to reach their full potential, with the UN Convention on the Rights of the Child (UNCROC) (ratified by New Zealand in 1993) to be utilised as a platform for advocacy, and to uphold children's rights in policy, practice and in law.

Domestically UNICEF NZ continues to raise funds that support the international humanitarian aid and projects by appealing for donors to support the work we do internationally. While continuing to provide global support and relief, UNICEF NZ has taken advantage of UNICEF strength-based humanitarian global approach and expanded on this by focusing on the domestic capability and capacity that UNICEF could provide to better understand the issues that impact tamariki (children), rangatahi (young people) and whānau (families and wider relations). It is about effecting long-term sustainable change to the systems that create poor outcomes for those most affected.

For UNICEF to better understand the impacts on whānau and families, requires engaging and collaborating with a range of stakeholders at all levels and more specifically at a flax-root level such as with local iwi, hapū, whānau and family groups and communities. This meant changing the way UNICEF approached engagement domestically, as a result, the incorporation of a te ao Māori perspective underpinned by the values and principles Te Tiriti o Waitangi has enabled UNICEF to build meaningful relationships. In doing so the child rights advocacy team has increased its capability by co-designing and supporting the development of a new strategy and framework Te Hiringa Tamariki – The Vitality of Children.

At a civil governance level, UNICEF NZ is a permanent member of the Children's Convention Monitoring Group (CMG) that monitors the New Zealand Government's implementation of UNCROC. An integral part of this membership is to collectively advocate for the adoption of processes that embed the Children's Convention across Government, capture children's voices through listening and observing, collect robust information, raise awareness of the UNCROC but also draw attention to other international conventions such as UNDRIP (UN Declaration on the Rights of Indigenous Peoples), SDGs (Sustainable Development Goals) and UNCRPD (UN Convention on the Rights of Persons with Disabilities), and advance children's rights.

UNICEF NZ civil position lends it's learning by adopting the role of advocacy in New Zealand to ensuring good healthy, safe and fulfilling lifestyles for all tamariki, rangatahi and whānau. More recently, UNICEF NZ key priority is to focus on understanding the wellbeing of tamariki Māori and contribute to influencing government and system level changes through simply increasing our domestic presence and advocacy. Therefore, we welcome the opportunity to provide comments and suggested recommendations in response to New Zealand's Child and Youth Wellbeing Strategy.

The role of UNICEF NZ

UNICEF is in over 190 countries globally ensuring that children who are in most need of help get support. Our global whānau of children who are in desperate need, usually as a result of a severe humanitarian crisis where not only food is needed, but life-saving water and safe spaces away from the impacts of things like war and natural disaster. In some countries like parts of South America and in Europe we provide programmes that support child and youth development by engaging young people through sports, education and health projects.

UNICEF is a well-respected organisation with a global reputation recognised by governments and decision makers. Along with the development of the Te Hiringa Tamariki framework as part of work to grow our domestic advocacy function, there has also been an increasing interest in this new work stream to contribute to informing decision makers on matters that involve the well-being of tamariki, rangatahi and whānau through channels such as:

- Government select committees with submissions on important bills being presented
- Informing policy development in government social sector departments
- Producing communications content for mainstream and social media
- Supporting initiatives that create opportunities for rangatahi to develop their voice.

Globally UNICEFs kaupapa (purpose/plan) is to be there for those children most likely to miss out. In NZ that starts with tamariki, rangatahi and whānau Māori. We understand that a core 80,000 to 100,000 live in poverty. We know that poverty increases the vulnerability for children to be exposed to the multiple complexities of abuse and neglect. UNICEF NZ seeks to participate in the national action plan for improving outcomes for tamariki and rangatahi and to better understand the context of Aotearoa New Zealand in eyes of those that are most affected by the impacts of poverty.

This new direction that is informing UNICEF NZ approach is grounded in a te ao Māori and embodies values that are committed to improving tamariki, rangatahi and whānau well-being. Te Hiringa Tamariki framework is assisting to inform that lens and therefore increases and improves UNICEF NZ domestic engagement strategy and national/regional reach.

UNICEF NZ vision for 2020 includes: sustaining strong partnerships with Māori; providing a key voice to government for Māori tamariki and rangatahi; Incorporating Te Tiriti o Waitangi through increasing tikanga values and principles internally and in practice linking te Tiriti with UNCROC and Te Hiringa Tamariki; growing our Pasifika engagement strategy to initiate future partnerships.

Part of achieving our future goals is ensuring our domestic capability is guided fairly and effectively by legislative reform and operational changes. As stated in the Child Wellbeing Strategy – Scope and Public Engagement Process paper you note that *‘children are our taonga’* in that same token the strategy recognises that New Zealand needs to *“take responsibility for our failings”*.¹ It is important the strategy holds strongly to that statement so as to ensure that multiplicity of influencing factors that continue to hinder particular populations such as Māori and Pasifika, are recognised and solutions put in place to tackle those issues.

We commend the Child Poverty Reduction Bill setting out requirements for the strategy to address improving wellbeing for all children by reducing child poverty and mitigating impacts of child poverty and of socio-economic disadvantage experienced by children. This reassures UNICEF that apart from the commitment to recognise UNCROC, other constitutional conventions and legal instruments such as Te Tiriti o Waitangi and the UNDRIP provides basis to give effect to the Crown and government agencies to increase effectiveness of the Child and Youth Wellbeing Strategy for whānau Māori and their tamariki. Similarly, this can be done through reform of the Public Finance Act 1989 and State Sector Act 1988. There is a valid opportunity to leverage off these changes to improve the design of government policies and legislative processes/systems through related work programmes and reporting mechanisms such as the mahi we are hoping to achieve through Te Hiringa Tamariki.

Te Hiringa Tamariki – The Vitality of Children

UNICEF NZ and research and advocacy partner Oranui, in consultation with iwi Māori (Te Atiawa, Ngāti Kahunungu and Ngāi Tahu) are administering psychometric survey designed to measure wellbeing which is to inform and strengthen the Te Hiringa Tamariki framework. Te Hiringa Tamariki similarly provides a multiplicity of Māori values into four broad categories or tikanga, with associated capabilities and measures that recognise the diversity of Māori identities. The following domains represent and illustrate certain dimensions of wellbeing and ways of measurement: Karakia (spiritual dimension), whakawhānaungatanga (connectedness), Ako (to flourish) and Wehi (to excel). Te Hiringa Tamariki accounts for a diversity of Māori identities and aims to measure wellbeing using those dimensions.

With the increasing body of knowledge focused on kaupapa Māori models of wellbeing that describe Māori values as the path forward for tamariki Māori wellbeing and development. Te

¹ Cabinet Social Wellbeing Committee paper – Child Wellbeing Strategy – Scope and Public Engagement Process paper, paragraph 3 page 1 refers.

Hiringa offers a positive step forward that transverses thinking in ways that are different from the traditional settings applied when measuring wellbeing. Te Hiringa Tamariki is mana enhancing as it affirms the resilience nature and attitudes and behaviours of tamariki Māori of today.

Development of Te Hiringa Tamariki has enabled UNICEF NZ to grow and strengthen its engagement with iwi and Māori stakeholder organisations. UNICEF NZ intention through this submission process is to inform the evolvement of the Child and Youth Wellbeing strategy and to recommend any amendments UNICEF NZ believe need to be considered in the Aotearoa New Zealand current landscape.

Part of the scoping process for the capabilities of Te Hiringa Tamariki is to further strengthen the analysis of strength-based approaches that will contribute to the robust breadth of knowledge. The validity of data captured in the survey can be a mechanism to ensure the responsiveness to the needs of tamariki and their whānau are met. Significant efforts have been made to identify the extent of engagement required.

Developing a completely unique operating model provides an opportunity to start thinking differently about how we evaluate and measure wellbeing particularly for Māori children and young people. New quantitative models such as Te Hiringa Tamariki builds a strong holistic evidence-base that can inform and support future investment decisions, whilst encouraging the sector and government to look beyond the norms of development.

The 2019 report will be made available online for organisations and government agencies to access. UNICEF NZ will continue to work on the framework with iwi and Māori stakeholders. Note this is still an iterative process where we will be informed along the way. Any relevant feedback on the framework will also be considered before conducting each annual survey. UNICEF NZ will harness that feedback and relationships with iwi to inform its ongoing advocacy work and will continue to engage with government agencies and the Department of the Prime Minister and Cabinet and share findings and outcomes to help inform whole-of-government and sector child wellbeing approach.

Contributing factors and barriers to the over-representation of Māori tamariki and whānau in the social welfare system

Systems challenges

A combination of factors may challenge the ability of vulnerable whānau to parent their children and in extreme cases, this may lead to child maltreatment and the subsequent removal of tamariki. These factors include parental problems, challenging child characteristics, family characteristics, and previous experiences of abuse/neglect. Effective interventions to reduce child maltreatment are therefore needed.

“The risk of maltreatment increases when children and their families face disadvantage (poverty, unemployment, poor housing) and community disadvantage (socially excluded, disadvantaged, dangerous), which marginalizes them from full participation in society”.²

² 2012 Families Commission Safety of Subsequent Children Māori whānau and children

Social-economic determinants are a key driver of whānau vulnerability and the inability to participate fully in society. Poverty continues to be a major contributing risk factor for tamariki. Compared to European/others, Māori is more disadvantaged on a range of economic indicators and experience poorer access to, and outcomes from, universal services such as health and education. The families commission also identified the denial of Māori access to the world of Māori as a root cause of the over-representation of whānau with the social welfare system.

It is estimated that one in 20 children in New Zealand has been maltreated by age five.³ Early intervention is the most effective approach to reduce the likelihood of long-term harm.⁴ Māori whānau needs culturally responsive prevention and early intervention programmes and services.⁵ The families commission identified some overarching principles of Māori prevention and early intervention programmes. They tend to be delivered by Māori cultural traditions, values and beliefs and on principles of individual and collective healing, which require time and long-term support.⁶

It is known that the development of appropriate services to support the parenting and caregiving roles for whānau are those that teach whānau transformative practices sourced from Māori culture and delivered in a culturally appropriate way. Examples of such prevention strategies include parent education, respite care and involving kaumatua. The longitudinal study *'Growing Up in New Zealand'* has identified some promising policy developments, particularly for Māori. This study of a cohort of 7,000 tamariki has identified factors that expose tamariki to a risk of vulnerability, and the resilience and protective factors that mitigate against poor child outcomes.

In 2017, a report prepared for the Ministry of Health on the Health status of Māori children and young people in New Zealand found that young Māori are “significantly less likely than non-Māori and non-Pacific young people to have had a visit to any service for a mental health problem.”⁷ Despite being less likely to visit services for mental health problems, data collected in 2014 demonstrated that both Māori and non-Māori children aged 0-12 years were seen by mental health services at roughly the same rate. Yet for those aged from 12-15 years, the Māori rate began to rise significantly, meaning that from age 12 onwards Māori was seen by mental health services at a higher rate than their non-Māori and non-pacific peers. At age 14, the Māori rates fell, levelling off, and then rose again from 21 to 24 years. Overall the report states that “in 2014 the rate of being seen by mental health services was significantly higher for Māori than non-Māori non-pacific 0-24-year olds.”⁸

³ Superu What Works: effective parenting programmes 2015:1

⁴ Centre on the Developing Child (2010) The foundations of Lifelong Health are Built in Early Childhood. Cambridge, MA: Centre on the developing Child www.developingchild.harvard.edu.

⁵ Families Commission The Safety of Subsequent Children report: Māori whānau and children 2012:13

⁶ Ibid 14

⁷ Simpson J, Duncanson M, Oben G, Adams J, Wicken A, Pierson M, Lilley R, and Gallagher S. *Te Ohonga Ake The Health of Māori Children and Young People in New Zealand Series Two*. Dunedin: New Zealand Child and Youth Epidemiology Service, University of Otago; 2017.

⁸ Simpson J, Duncanson M, Oben G, Adams J, Wicken A, Pierson M, Lilley R, and Gallagher S. *Te Ohonga Ake The Health of Māori Children and Young People in New Zealand Series Two*. Dunedin: New Zealand Child and Youth Epidemiology Service, University of Otago; 2017: 96.

The over-representation of tamariki/rangatahi Māori and their whānau in the statutory child protection and youth justice systems has serious consequences for tamariki and their whānau:

- Abused and neglected tamariki are at greater risk of poor psychosocial outcomes than their peers over the short and long term.⁹
- Tamariki placed in state care experienced unacceptable levels of re-abuse and re-victimisation, had poor long-term in health, education, employment and in living crime-free lives.¹⁰
- About 230,000 tamariki under 18 years may experience vulnerability¹¹ at some point during their childhood; six out of ten in this group are likely to Māori.¹²

Maltreated and neglected tamariki are at risk of poor psychosocial outcomes findings relating to child maltreatment and neglect show that tamariki Maori made up just over half (51%) of the notifications received by Child Youth and family (CYF) in 2010. It also reported that they are twice as likely to be notified to CYF compared to the total population¹³ and are 4.5 times more likely than non-Māori, and non-Pacific children to have a finding of neglect.¹⁴

Statistics relating to tamariki in the care of Oranga Tamariki at any given time experience poor short and long-term outcomes, half of the 5000 children in care are Māori. Each year approximately 300 siblings of tamariki in the care of Oranga Tamariki are subsequently placed in care. About 1,274 notifications of concern about unborn tamariki of all ethnicities resulted in 54 custody orders: 39 of these had siblings previously placed in out of home care by Oranga Tamariki. Just under half (45%) of tamariki Māori who had custody orders taken in 2010, had a sibling previously removed.¹⁵

The over-representation of Māori in the child welfare system is not new and has been recognized in numerous systems reviews and reports over the past 40 plus years. Despite this, the recommendations and strategies from these reviews to address cultural racism and to eliminate deprivation have made little progress in re-dressing the over-representation.¹⁶

In the review of the CYF operating system in 2015, the Modernising CYF Expert Panel (the Expert Panel) recognized the disparities for Māori and the failure of successive reviews of CYF to empower or deliver change for Māori. The Expert Panel identified potential causes of Māori over-representation in the statutory system as higher level of deprivation in Māori whānau, conscious

⁹ Superu *What Works: effective parenting programmes* 2015:1

¹⁰ Modernising Child, Youth and Family: Expert Advisory Panel report 2015

¹¹ Oranga Tamariki define “vulnerable children” as those children at significant risk of harm now and into the future as consequence of their family environment and their own complex needs and young people who have offended or may offend in the future.

¹² Modernising Child, Youth and Family: Expert Advisory Panel 2015:6

¹³ Modernising Child, Youth and Family: Expert Advisory Panel 2015:5

¹⁴ 2010 Mardani

¹⁵ Kerslake, Anne and Katie Stevens Families Commission Research and Evaluation Team 2012 Safety of Subsequent Children: International Literature review, Companion report 2012:7

¹⁶ 2012 Families Commission Safety of Subsequent Children Māori whānau and children

and unconscious bias in the system, and a lack of strong, culturally appropriate models for strengthening families and child development.¹⁷

The Expert Panel recommended strongly that the future operating system take a partnership approach to work with iwi and Māori organisations to provide appropriate wrap-around services for vulnerable whānau, making better use of their capability and capacity.¹⁸

Key statistics for Māori tamariki in and out state care

It is estimated that 57 percent of children seen by Oranga Tamariki (Child, Youth and Family) by the time they are five years old are Māori.¹⁹ This is compared to the demographic profile of New Zealand is that nearly 30 percent of all children born in New Zealand are Māori. Māori children are disproportionately represented in families with high levels of need and disadvantage.

For example, Māori children are nearly four times more likely to have a parent who was involved with Oranga Tamariki (Child, Youth and Family) as a child and four times more likely to have a mother who has been dependent on a benefit. The representation of Māori children increases the further they become involved in the system with six out of every 10 children in care being Māori.

Key data points include²⁰:

- As of 30 June 2016, 60 percent of all distinct children and young people in custody were Māori²¹
- As at 30 June 2016, 60 percent of all distinct children and young people in 'out of home' placements were Māori
- For the period 1 July 2015 – 30 June 2016, 64 percent²² of total admissions to Care and Protection residences were Māori children and young people
- For the period 1 July 2015 – 30 June 2016, 71 percent⁶ of total admissions to Youth Justice Residences were Māori youth.

Figure 1: Children and young people in custody and out-of-home placements as at 30 June 2016 and admissions to residences for the period 1 July 2015 – 30 June 2016

¹⁷ Ibid²⁰

¹⁸ Modernising Child, Youth and Family: Expert Advisory Panel report 2015:11 -

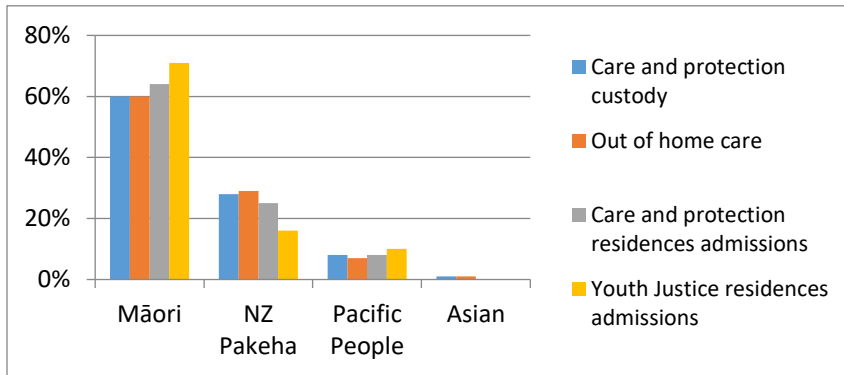
<https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/corporate/expert-panel-cyf/investing-in-children-report.pdf>

¹⁹ Modernising Child, Youth and Family Expert Panel: Interim Report, page 34.

²⁰ Source: Child, Youth and Family Key Statistics <http://www.cyf.govt.nz/about-us/key-statistics/kids-in-care.html>

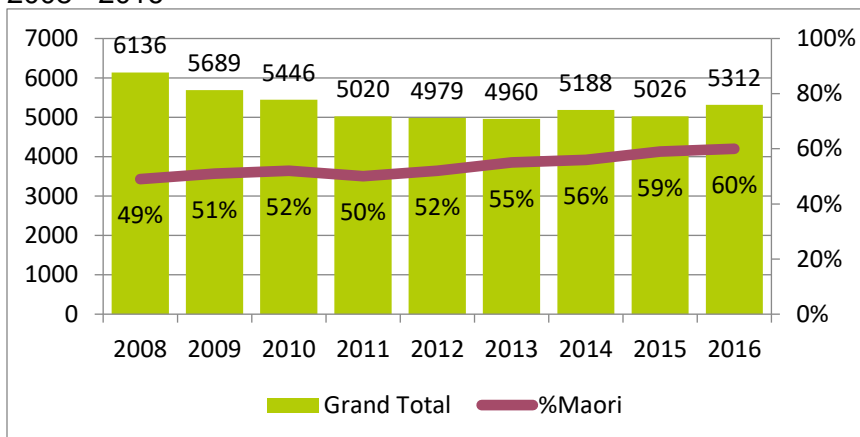
²¹ This is a count of children and young people who have identified Māori as their primary ethnic group (does not include children and young people who identify Māori as a secondary ethnic group).

²² The data shows the total number of admissions to these residences. A child or young person may have more than one admission to these residences during the same time period (e.g. if they transferred between residences). It is not a count of distinct children and young people.



In the following graph it appears the proportion of Māori children and young people in custody remained relatively stable from 2008 – 2012, then the proportion increased noticeably until it reaches 60 percent as at 30 June 2016.

Figure 2: Distinct Māori and non-Māori⁶ Children and Young People in Custody as at 30 June 2008 - 2016



When we look closer at the data, the total number of distinct Māori children and young people in custody as at 30 June decreased steadily between 2008 – 2011 from 3007 to 2488 (a decrease of 17 percent). From 2012, the number of Māori children and young people in custody increased each year from 2,607 to 3208 (a 23 percent increase).

The non-Māori population, however, shows a different picture. Total distinct non-Māori children and young people in custody as at 30 June decreased steadily between 2008 – 2011 from 3,129 to 2,532 (a 19 percent decrease) then decreased further from 2,372 to 2,104 (as at June 2016), a decrease of 11 percent.

Figure 3: Distinct Maori and non-Maori Children and Young People in Custody as at 30 June 2008 – 2016

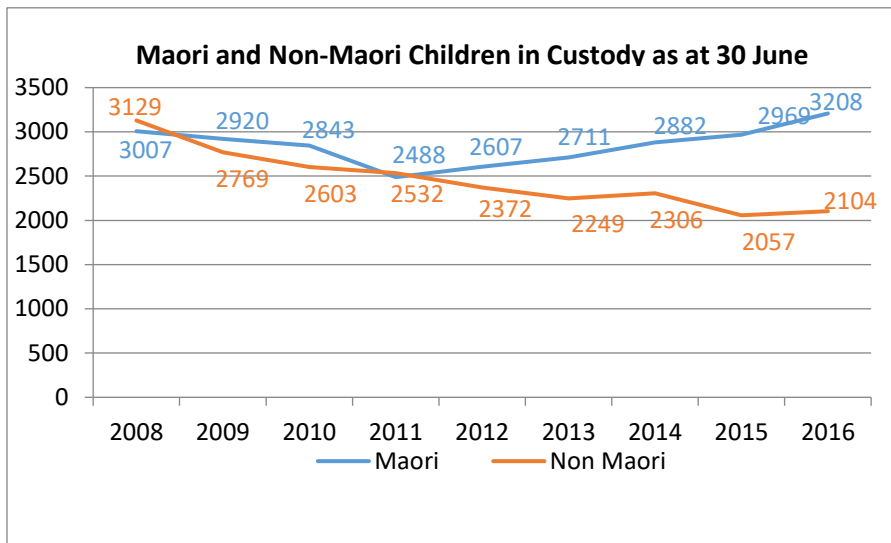


Figure three above shows the period of divergence in trend began in 2012 and continued until 2016. This is where the number of non-Māori children and young people in custody decreased and the number of Māori children in custody increased substantially.

The literature is virtually silent on what needs to happen with parents who have had a child removed, suggesting that once the child is removed the focus goes onto the child rather than working with whānau while they are dealing with the complex issues that have led to the removal of children. Focus on subsequent tamariki tends to be on harm prevention through child-removal. There is little information on the rehabilitation needs of Māori parents who have had tamariki removed.

Research by the Families Commission suggests there is an argument for these parents to continue to receive services after their tamariki have been removed to address the issues that led to the removal and to be helped to cope with the grief of this removal.²³ There evidence that after the removal of a child, parents experience feelings of sadness, alienation, powerlessness, loss and despair. Māori cultural beliefs and practices related to whānau need to be considered in decisions about the support and monitoring of parents who have had a child removed.²⁴

As reported in UNICEF NZ Educational Wellbeing report: Guidance for UNICEF²⁵ factors that build educational equity it is critical for policymakers interested in improving resources in communities and families for the purposes of educational wellbeing, needs to pay attention to the stress effects of specific policies that are used to do so. Reducing stress and working with families self-identified goals (including cultural ones) to achieve wellbeing is key to restructuring opportunities. In translating this to be responsive to cultural, whānau and community connectedness require an understanding of the importance of identity and how that influences wellbeing. Research reported that Māori tamariki who experience a strong sense of

²³ Families Commission 2012 The Safety of Subsequent Children Report: Māori whānau and children

²⁴ Ibid pages 39-45

²⁵ Report prepared by Dr Jess Berentson-Shaw of the Workshop

connectedness in their families and communities experience greater wellbeing including educational wellbeing. Part of this connectedness is cultural. Cultural connectedness can include being strongly affiliated to your ethnic identity.²⁶ The majority culture in New Zealand is Pākehā culture and Pākehā children are more likely to experience cultural connectedness as the default setting in schools.

Te Tiriti O Waitangi – The Treaty of Waitangi

In New Zealand, Te Tiriti o Waitangi, in combination with our legal and constitutional frameworks, is the foundation upon which standards for Māori engagement and participation exist. The principles of the Te Tiriti o Waitangi require that the Crown actively protect Māori interests and act in good faith when making decisions that affect Māori interests. In accordance with these obligations, New Zealand has developed and continues to develop its own distinct processes and institutions that afford opportunities for Māori involvement in decision-making processes that affect their rights and interests. These range from broad assurance of participation in decision making, through to instances in which certain legal requirements must be fulfilled.

To address this, the government indicated its desire this year to demonstrate a genuine and practical partnership to work with Māori to resolve key challenges and to find new opportunities for more collaborative work. A key priority focus for the government was to reset the way that the Crown engages with Māori. A new framework on engagement to guide public sector agencies in models of engagement including collaboration, partnership and relationship building is as we understand still in progress.

This growing appetite to advancing issues of the more complex and contentious kinds through aligning the articles of Te Tiriti o Waitangi to policy settings and constitutional rights is again more relevant than ever and more so, as article 1 and 3 explicitly provide for equal citizenship while article 2 guarantees rangatiratanga whereby affirming the rights of Māori and protection of their taonga. Children are too seen as a taonga and as the strategy provision provides for ensuring children's agencies work together to improve the wellbeing of particular groups of children through the incorporation of Te Tiriti o Waitangi that requires the duties of the responsible Minister set out in sections 6A(1)(b) and 7BA(2)(a) are imposed to recognise and provide a practical commitment to the Te Tiriti, indicates a growing understanding and recognition of how important the Te Tiriti o Waitangi in the context of not just governance or land but also the welfare of tamariki Māori and non-Maori.

Working in a partnership, the Government, non-government agencies (NGOs) sector and iwi should increase and expand their collaborative approach to best support specific mechanism and strategies so that any government of the day can continue to:

- reduce poverty for tamariki Māori;
- develop a strategy that aligns with the principles of the Te Tiriti o Waitangi.²⁷

²⁶ Stuart, Jaimee, and Paul E. Jose. "The protective influence of family connectedness, ethnic identity, land ethnic engagement for New Zealand Māori adolescents." *Developmental psychology* 50.6 (2014):1817. <http://psycnet.apa.org/buy/2014-12065-001>

²⁷ Durie, M. (2000). Beyond Treaty of Waitangi claims: The politics of positive Māori development.

- enhance any statutory requirements for any strategy such as the Child Wellbeing Strategy to report annually on outcomes progress for tamariki Māori
- provide for the inclusion of a specific reference to Te Tiriti o Waitangi, providing the basis for reporting of Māori poverty and wellbeing levels and outcomes
- ensure the requirement for the Child Wellbeing Strategy to have regard to the principles of early intervention and evidence informed policy.

There is an opportunity to leverage constitutional legal instruments such as te Tiriti o Waitangi to improve design of government policy and legislative processes/systems through related work programmes. Specifically, this demonstrates a more contemporary inclusive approach to Te Tiriti o Waitangi, given the clauses giving effect to Crown obligations through policy intent, such as the reform of the Public Finance Act 1989 and State Sector Act 1988, will explicitly set the tone to focus on increasing effectiveness of the Child Wellbeing Strategy for whānau Māori and their tamariki

United Nations Declaration on the Rights of Indigenous Peoples

Māori children have all human rights of non-Māori children, particularly when considering the domestic responsibilities under the Te Tiriti of Waitangi and the relationship of the provisions set out in UNDRIP. It was reported that as indigenous children face multiple significant challenges to be able to exercise their rights, it is only natural in the context of New Zealand that alongside obligations of UNCROC that Te Tiriti and UNDRIP also inform the core capacity and universal human rights of a child.²⁸

Professor Mason Durie also noted *“that declaration looks forward and backwards and is much about development as restoration. It’s all about the rights of indigenous groups – as tribes or collectives – to form polities within their own cultural context”*²⁹ Article 3 – Self Determination; Article 4 – Autonomy and self-governance; Article 22- Particular attention to the needs of elders...children and disabled people; Article 40 – ensuring indigenous peoples have access to fair procedures... in particular, speak specifically to what Sir Durie was referring to.

Following the March 2016 hui, New Zealand underwent an examination in Geneva, Switzerland, on its implementation of the International Covenant on Economic, Social and Cultural Rights, the Committees recommendation on UNDRIP (para 9(c)) aligned with New Zealand’s prior commitments in international forums to develop concrete measures on the implementation of

In Mikaere, A., & Milroy, S. (Eds.), *Ki Te Ao Marama: Te Huinga Roia o Aotearoa Tenth Anniversary Hui-ā-tau 1998: Conference Proceedings*, (pp. 11-21). Hamilton: University of Waikato.

²⁸ Byrne, J. (2012) Inquiry into the Determinants of Wellbeing for Māori Children, retrieved 3 December 2018 https://www.parliament.nz/resource/en-NZ/50SCMA_EVI_00DBSCH_INQ_11080_1_A226259/8a30cd977ec0d0eeaf60014f4b8c8cee4d41d805

²⁹ Durie, M. (2003) The Treaty of Waitangi, equality of citizenship and indigeneity, p 9, paper accessible online at: www.hrc.co.nz/hrc/worddocs/Mson%20Durie%20presentation.doc

UNDRIP. Building on these prior commitments, the Committee also recommended that New Zealand's concrete measure specifically brings legislation and public policy in line with UNDRIP.

Consistent with New Zealand's support, te Tiriti o Waitangi and New Zealand's other constitutional and legal frameworks define the boundaries of our support for UNDRIP. There is, therefore, an opportunity to develop how New Zealand may demonstrate how its activities and strategic direction across sectors align with the objectives of UNDRIP. This could be built into a process to develop a national plan of action, strategy or another measure on UNDRIP in partnership with Māori or undertaken in parallel.

Sustainable Development Goals

The Global Sustainable Development Goals are universal and as such New Zealand will be required to consider them in policy and practice and to measure progress against the associated targets and indicators. Although ambitious it is about galvanizing action and requires cross-sectoral dialogue and collaboration to be able to deliver on the UNs 17 goals due by 2030. There is a call for action for all aspects of social, economic and environmental sustainability need to be covered and requires a whole-of-society investment and commitment. Many goals already have significant work underway, such as a number of projects we are supporting, other issues require long-term investment and sustainable solutions.

One of those investments includes building respectful and mutual benefits at a crown-Māori relation level. This then transpires in strong partnerships, at varying levels this has and continues to be achieved, and as mentioned is one priority UNICEF NZ is taking seriously, particularly with the Te Hiringa Tamariki mahi. Institutional frameworks informing a Maori-UNICEF partnership aligns to the values and principles of Te Tiriti O Waitangi, that can be aligned to UNCROC, UNDRIP and again SDGs.

In critically examining sustainable development in New Zealand brings us back to facing the problem of intergenerational poverty, especially amongst Māori and Pacific peoples. We are all well aware that we are in a state of national crisis, therefore, it is important that strategies such as the Child and Youth Wellbeing strategy pay close attention to the needs of those populations setting achievable targets to reduce this. In ensuring to keep government on track, UNICEF will continue to monitor and engage on any development and issues relating to the SDGs, particularly given our global mandate.

Specific comments on the strategy vision, principles, domains and priority areas

We appreciate that the government's current focus is rolling out the strategy in order to inform measures of wellbeing and improve multiple complexities that exist in health, education, social systems such welfare and housing, economically - income and culturally - identity. Therefore, this submission provides suggested comments and recommendations on the strategy, with particular emphasis on principle four and six in relation to aligning those principles to specific articles in UNDRIP and Te Tiriti o Waitangi. Other areas of interest include providing additional contextual advice to inform the vision, domains and sixteen potential focus areas.

Vision

Understandably, this vision is driven by Prime Minister's address at the UN conference and positive action of aiming to lead the world stage in achieving equitable outcomes for children and young people – 'as becoming the best place in the world for children and young people'. However, visions that are more realistic and speak directly to meeting the needs of all tamariki in New Zealand would be best received across the agencies, sector, and those whānau and families most affected. The current vision seems very relative and somewhat improbable given the number of adversities affecting tamariki and their whānau.

We recommend during ongoing consultation that you consider rebranding the vision and suggest that during preliminary and post engagement that you test this again with a wide range of different stakeholders including children, young people, care-givers and service providers. We are supportive of the intent and the outline of the strategy visions as it is very future focused. However, we would like to see the vision connect more with the people it is intending to serve for in the immediate and then for the long-term into the future.

Principle section

Principle four – *The foundational role of the Treaty of Waitangi and the importance of the Crown-Māori partnership in work to promote the wellbeing of New Zealand's children and young people*

We commend the inclusion and reference to Te Tiriti o Waitangi in the context of a Māori and Crown partnership to promote wellbeing. However, while the strategy is underpinned by this principle. Given the Crown-Māori relationship yet to be affirmed in cabinet, how is this partnership actually defined and will there be an explicit obligation of agencies and services to adhere to this principle in any operational assessments and development processes.

Strengthen the government of the day to fulfil the Crowns and Tiriti responsibilities and obligations to Māori. To do this means acknowledging strong links and overlaps between Treaty rights and Human rights (explicit child and indigenous rights).³⁰ An example - The relationship between the Declaration and the principles of the Treaty was examined by the Waitangi Tribunal in its 2014 report, *Whāia te Mana Motuhake – Report on the Māori Development Act Claim*.³¹

The Tribunal affirmed and explained that the Declaration informs the interpretation and application of the Treaty principles and identified articles of the Declaration of particular relevance. Many scholars believe the Declaration is a broad statement of customary international law. Furthermore, the Declaration restates a range of binding human rights obligations, as they apply to indigenous peoples.

³⁰Human Rights Commission (2012) *Submission by the Human Rights Commission Inquiry into the Determinants of Wellbeing for Māori Children to the Māori Affairs Select Committee*, Toki, V. (2012, p. 108) 'Rights to water an indigenous right?' in *Waikato Law Review*, v.20: pp. 107-110. Toki is a senior lecturer in Law, at the University of Waikato and a member of the United Nations Permanent Forum on Indigenous Issues. She is Ngāti Wai, Ngāti Rehua, and Ngā Puhī.

³¹ Waitangi Tribunal, *Whāia te Mana Motuhake – Report on the Māori Development Act Claim*, Wai 2417 (2014), pp 51-63. Accessible online at: <http://www.justice.govt.nz/tribunals/waitangi-tribunal/news/report-released-on-crown2019s-review-of-maori-community-development-act-and-role-of-maori-wardens>

Principle six – *The rights contained in the United Nations Convention on the Rights of the Child, which New Zealand*

Although the treaty and UNCROC are referred to in the principles of the strategy, this only goes as far as to focus on the importance of the Crown-Māori partnership to promote wellbeing, while that is important to have a deliberate focus on how the treaty and international conventions can be a strong lever to go that step further in informing the implementation of any new legislation and strategy for government agencies that have legislative duty of care and responsibility for children, while also providing an informed approach to translate at a sector level in terms of best practice. May help to better inform and shape standards of care.

Explicit reference to UNDRIP in particular article 7, 14, 17, 22 as a legislative lever to meet desired outcomes for the strategy's domains and priority areas, could better position agencies and organisations reset and mitigate any threat that might hinder any reduction in child poverty and socio-economic disadvantages for particular vulnerable groups such as Māori and Pacific.

Domains and priority areas

Wairuatanga

Part of the mahi UNICEF NZ aims to achieve with Te Hiringa Tamariki is to provide a place and space for 'Wairuatanga' and how this can inform the bicultural framework.

As we understand wairuatanga can take many forms and is entrenched in the Māori culture. In fact, it embodies a Māori worldview that does not separate the physical world from the spiritual, they are inherently connected/intertwined. It is for that very reason that the health from a Māori perspective must include the spirit or wairua of a person, not merely the physical, mental and social. Dr Rangimarie Rose Pere explains that the term *wairua* comprises of 'wai' meaning 'water', and 'rua' meaning 'two'. We recommend the inclusion of wairuatanga (spirituality) into the connectedness domain that informs the desired outcomes.

Furthermore, other Māori models of health and wellbeing such as Sir Durie's whare tapawha and Te Pae Mahutonga, Dr Pere Te Wheke and Dr Meihana clinical assessment model all encapsulate a person's physical, social, mental and spiritual wellbeing. If one dimension is missing the very foundation of a person's wellbeing is compromised. In this proposed strategy the forth wellbeing domain '**children are happy and healthy**', a child's physical, mental and social wellbeing is represented clearly and explicitly. The gap is present in the desired outcomes explanation and definition. Following consultation with Māori organisations and rangatahi one area they felt was missing was 'wairuatanga' and the conceptual respect for Karakia. Karakia in practice is used to open and close everything tikanga Māori do and spirituality for Māori is a way of life and a connection to the natural world. We recommend that you take more interest into a Childs wairuatanga and alongside the other three dimensions of hauora to further strengthen this framework.

Equity

Another significant area we think could be a focal point that featured in the domains and priority areas of the Development Domain is 'Equity'. Particularly in the broad context of social and cultural values and issues arising. Under the 16th focus priority area of this model, it states that all children and young people have an equal chance to gain skills, knowledge and capabilities for success. UNICEF NZ sees this as very presumptive and does not go as far as to address Aotearoa's New Zealand's current institution and unconscious bias culture and landscape.

Equal chances for all are a great aspiration, but it fails to acknowledge that in this current state of living, certain marginalized groups do not receive or seek the same opportunities or aspirations. We know that whānau living in poverty find it hard to get to the services or participate for that matter. If we do not acknowledge this in the wellbeing strategy, we fear that there will continue to be an imbalance that will deprive a number of groups equal access to these desired outcomes based on current circumstance. We recommend DPMC consider incorporating a domain that raises the value in recognizing inequities through the inclusion of incorporating an equity approach to manage equal opportunities at all levels that are threaded throughout the strategy and protective outcomes it aims to achieve.

UNICEF NZ High-level Recommendations

- ensuring that all policies and services of the department recognise the values of all cultural and ethnic groups, have regard for the values, culture and beliefs of Māori, have regard to the views of children and young persons, support the role of families and family groups, and avoid the alienation of children and young persons.
- ensuring the department's policies and practices set measurable outcomes for Māori and Pacific children and young persons who come to the department's attention, and have regard to the mana and whakapapa of Māori children and young persons and the whānaungatanga responsibilities of their whānau, hapū and iwi
- ensuring that the department seeks to develop strategic partnerships with iwi and Māori organisations
- Equip all New Zealanders with knowledge of their human rights and how to ensure those rights are upheld – including through legal and judicial avenues. This includes Te Tiriti o Waitangi, UNCROC and UNDRIP training.
- reporting to the public annually on the measures taken to give effect to the duties relating to Māori children and young people. These roles are in addition to the expectation on the Oranga Tamariki Bill to focus on building a culture and approach which sees everyone taking responsibility for ensuring the best possible outcomes for tamariki and rangatahi Māori and Pacific are achieved.
- Continue to progressively implement all the Government's commitments under the UNCROC and the Committee on the Elimination of All Forms of Discrimination Against Women, through coordinated Government work plans. Use these Conventions and other

relevant international instruments - including the SDGs - to underpin policy, set standards and guide the evaluation of outcomes.

- Include the 'best interests' of the child in law to ensure that children's interests and wellbeing are paramount. Review current legislation to ensure consistency with the best interest's test.
- Strengthen Government partnerships with communities, including Iwi, hapū, religious dominations/churches, employers/ businesses, local government and schools to build a child and youth-friendly cities and communities that build local solutions.

Conclusion

UNICEF NZ is confident that through well designed, coordinated and resourced measures, the Government and communities can greatly improve the wellbeing of tamariki, rangatahi, whānau and families. Our recommendations focus on strengthening the strategy to equip the system to be more responsive and move beyond the boundaries of traditional institutional settings.

As the UN agency for children, our submission primary focus is on the needs of our future citizens and more so on those most affected by adversities such as Māori Tamariki.

Any questions please feel free to contact myself or Andre.

Ngā mihi māhana
Mauri ora

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