

GETTING IT RIGHT

ARE WE LISTENING?

CHILDREN'S PARTICIPATION RIGHTS
IN GOVERNMENT POLICY

The Children's Convention
Monitoring Group

JUNE 2019



The Children’s Convention Monitoring Group

The [Children’s Convention Monitoring Group \(CMG\)](#) monitors the New Zealand Government’s implementation of the United Nations Convention on the Rights of the Child (the Children’s Convention), its Optional Protocols and the Government’s response to recommendations from the United Nations Committee on the Rights of the Child (the UN Committee). In addition to a monitoring role, we advocate for the adoption of processes that embed the Children’s Convention across government, such as collecting good information, listening to children, raising awareness of the Children’s Convention and planning to advance children’s rights. The Office of the Children’s Commissioner convenes this group under the Children’s Commissioner’s statutory mandate to advance and monitor the application of the Children’s Convention by departments of State and other instruments of the Crown (see Children’s Commissioner Act 2003).¹ Permanent members include [Action for Children and Youth Aotearoa \(ACYA\)](#), [the Human Rights Commission](#), [Save the Children New Zealand](#) and [the United Nations Children’s fund New Zealand \(UNICEF\)](#).

The Getting it Right series

This is the second thematic report in a series of reports prepared by the CMG prior to New Zealand’s next review by the UN Committee in 2021. These reports highlight where New Zealand is making progress and identify areas where action is still needed. The UN Committee last reviewed New Zealand in 2016 and made 105 recommendations to improve the rights of children in Aotearoa. This first thematic report in the series, [Building Blocks \(April 2018\)](#), focussed on the steps required to enable the implementation of the Children’s Convention (described in the Children’s Convention as the General Measures of Implementation).

Acknowledgements

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CONTENTS

1.	Message from the Children's Commissioner	5
2.	Are we listening? Overview	7
3.	What is children's participation and why is it important?	9
3.1	What we mean by children and young people's participation	9
3.2	Benefits of involving children and young people in the policy process	10
4.	Children's participation rights and Te Tiriti o Waitangi	12
5.	Are we getting it right? Progress since 2016	14
5.1	Children's participation and the Children's Convention work programme	14
5.2	Tools and training to understand and support children's participation	15
5.3	Participation rights protected in legislation	16
5.4	Children's participation in reviews and inquiries	18
5.5	Children's participation in policy development	19
5.6	Examples of children's participation in policy development	21
6.	Improving children's participation in policy and legislative development	25
6.1	10 ideas for action	26
Appendix 1	Questions sent to government agencies	28
Appendix 2	Government agencies that responded to the questionnaire	28
Appendix 3	Resources to support children's participation	29
Endnotes		30

DEFINITIONS

Children: All children and young people under 18 as set out in Article 1 of the Children's Convention.

Children's Convention Monitoring Group (CMG): The author of this report. We monitor the New Zealand Government's implementation of the Children's Convention, its Optional Protocols and the Government's response to recommendations from the UN Committee. We advocate for the adoption of processes that embed and implement the Children's Convention across government, such as collecting good information, listening to children, raising awareness of the Convention and planning to advance children's rights. The Office of the Children's Commissioner convenes this group under the Commissioner's statutory mandate to advance and monitor the application of the Convention by departments of State and other instruments of the Crown.² Permanent members include Action for Children and Youth Aotearoa (ACYA), the Human Rights Commission, Save the Children New Zealand and the United Nations Children's fund New Zealand (UNICEF).

Concluding Observations: Concluding Observations are issued by the UN Committee (see below) after the examination of State reports every five years. The UN Committee last reviewed New Zealand in 2016 and made 105 recommendations to improve the rights of children in Aotearoa.

General Comments: General Comments are interpretations of the provisions of human rights treaties. There are 21 General Comments to the Children's Convention.

General Principles: The four General Principles of: non-discrimination (Article 2), the best interests of the child (Article 3), survival and development (Article 6) and respect for views of the child (Article 12), represent the foundational requirements for realisation of any and all rights of children.

Optional Protocol: An additional legal instrument that adds to a treaty. Countries choose whether or not to independently ratify a Protocol. The Children's Convention has three Optional Protocols. The first two have been ratified and relate to: (1) the involvement of children in armed conflict; and (2) the sale of children, child prostitution and child pornography. New Zealand is yet to ratify the third Optional Protocol, on a communication procedure for international complaints of child rights violations.

United Nations Committee on the Rights of the Child (the UN Committee): The UN Committee is the body of independent experts that monitors and reports on the implementation of the Children's Convention (see below).

United Nations Convention on the Rights of the Child (Children's Convention): The international treaty setting out the minimum standards and norms for protecting and promoting children's rights. New Zealand ratified the Convention in 1993, meaning it applies to all children in Aotearoa and the Government has obligations to implement the Children's Convention in practice (except those who fall under our general reservation with regards to children unlawfully in New Zealand).³

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP): An international instrument which defines the individual and collective rights of indigenous people. UNDRIP also establishes a universal framework of minimum standards for the survival, dignity, and wellbeing of indigenous people, which draws upon and expands on existing human rights and standards, but explicitly applies them to indigenous people.

1. MESSAGE FROM THE CHILDREN'S COMMISSIONER



Nothing is more rewarding in my role as Children's Commissioner than meeting with and listening to children and young people. It constantly leaves me convinced of their insight, empathy and authenticity. Just like adults, children and young people are citizens and participants in our society, with human rights that must be respected and protected.

The right of every child to have their views heard and respected is protected under the United Nations Convention on the Rights of the Child (the Children's Convention). It is well past time we re-prioritised our commitment to hearing from children. Try as we might, we can never see our children's lives from the inside.

Thousands of school students taking to the streets to demand urgent action on climate change is a vivid example of children and young people finding radical and creative ways to have their voices heard by decision-makers about issues that affect them.

"Every single one of these young people here today is playing a key part in democracy. These young people are the hope we have been waiting for."

'School Strike 4 Climate NZ' Coordinator Sophie Hanford⁴

These children and young people have no vote and are often locked out of democratic processes designed by and for adults. It remains to be seen if decision-makers will attach value to the demands of the School Strike for Climate Action movement or meaningfully consider their views in the development of climate change legislation or policy. What we do know is that children and young people are informed and passionate. They are unapologetically participating in democracy without adult permission or an invitation to do so.

The tragic events in Christchurch – earthquakes and the recent act of terrorism – have sharpened our nation's focus on the rights of children and the integral role they play in conversations about resilience, peace and non-discrimination in a changing world. It is often children and young people who are at the forefront of leading these discussions, but we have to get much better at listening to them, taking them seriously, and making sure their ideas can be translated into meaningful action. It is vital to ensure children and young people have the spaces and opportunities to develop and share their views about their experiences. It is vital too that their concerns and suggestions are factored into decision-making.

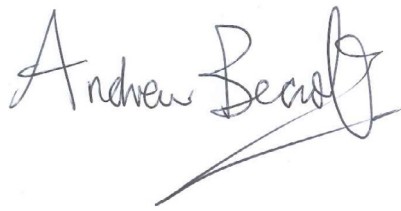
This thematic report, the second in the *Getting it Right* series produced by the CMG, has a focus on children's participation rights in the development of central government policy. In implementing the Children's Convention, the Government has a responsibility to embed the rights of children through our laws and policies, as well as encouraging and enabling others to support children's participation.

This report highlights that while there may be a shift in how we view children and value what they have to say, there is still a lot of room for improvement when it comes to how we promote and protect children's right to participate in our legislation and policy development processes. It challenges us to ensure we are applying children's

rights in the context of Te Tiriti o Waitangi and the United Nations Declaration on the Rights of Indigenous Peoples.

Legislation like the Children's Act 2014 is ground-breaking. It embeds in law for the first time a requirement on the Government to consult with children, in this case in the creation of a national child and youth wellbeing strategy. This is significant and should become an obligation in all legislation affecting children.

When children express their views, when they are listened to, and when their views are taken into account, it is not only good for children and good for policy, it is good for us all.



Children's Commissioner, Judge Andrew Becroft



Children and young people protesting outside Parliament, 15 March 2019 (Credit: Office of the Children's Commissioner)

2. ARE WE LISTENING? *Overview*

“I am a library, quiet but filled with knowledge – it’s dumb [that I’m not asked].”

A Māori student in an alternative education unit, Education Matters to Me report, 2018⁵

Are we Listening? reports on how well government is implementing the Children’s Convention, in relation to children’s participation rights. It is the second thematic report in the CMG’s *Getting it Right* series.

The report briefly discusses what children’s participation is (see section 3) and presents the benefits of considering children’s views in policy. It then looks at how government is currently considering children’s views in policy development, and highlights opportunities where more can be done, including how children’s rights must be applied in the context of Te Tiriti o Waitangi and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

In 2011, and again in 2016, the UN Committee observed that the views of children in New Zealand are not adequately respected, they do not have the means to express their views in the public domain and their views are not systematically considered in the formulation of laws and policies.⁶

In 2019, we are seeing signs of change. There has been an upswing in interest from government agencies in considering the views of children and some recent positive legislative changes. This gives us reason to hope that New Zealand’s approach to ensuring child participation in the policy process will continue to evolve and improve.

To inform this report, we sent government agencies a questionnaire and asked them to share their stories about how they are embedding children’s participation in their policy development and practice. The examples of current government practice that we received varied in the level to which children’s participation is truly meaningful and valued, but overall they indicate a good start. The results of our questionnaire also helped identify what is getting in the way of progress. The report includes 10 ideas for strengthening children’s participation in the Government policy process, to ensure policies are influenced and shaped by children, consistent with their rights.

This report has a focus on central government because it is responsible for implementing the Children’s Convention nationally and embedding children’s rights in law and policy. Central government also plays an important role in enabling and supporting the people who make decisions in children’s lives – like parents, whānau, teachers, local government and service providers – to listen to children.

We hope this report will contribute to building momentum to seek out, listen to and consider children’s views in laws, policies, and the everyday decision-making that has an impact on children’s lives.

The report seeks to encourage policy-makers to consider how laws and policies impact on children’s ability to share their views about the issues that affect them such as climate change, bullying, transport, or decision-making at school.

We challenge the Government to be bold; listen to children and consider their views when making decisions. Ultimately, this report aims to progress current efforts focused on collecting the voices of children, to a place where decision-makers are listening and meaningfully drawing on those voices to shape policy and achieve better outcomes for children.

10 IDEAS FOR ACTION TO IMPROVE CHILDREN'S PARTICIPATION IN THE DEVELOPMENT OF POLICY AND LEGISLATION

We have developed 10 ideas for the New Zealand Government to action to improve children's participation in the development of policy and legislation. These have been informed by the results of a questionnaire of government agencies and our independent insights.

More detail about each of these 10 ideas can be found on pages 26-27.

1. Show leadership and champion children's participation
2. Honour Te Tiriti o Waitangi
3. Protect children's participation rights in law
4. Embed children's participation rights in policy development
5. Commit to acting on what we hear
6. Plan and budget for children's participation
7. Develop, promote, and support the ongoing use of tools
8. Develop and facilitate ongoing training
9. Utilise expertise in children's participation
10. Establish a cross-government group of child rights champions



Children participating in climate strikes in 2019 (Credit: School Strike 4 Climate NZ)

3. WHAT IS CHILDREN'S PARTICIPATION AND WHY IS IT IMPORTANT?

3.1 What we mean by children and young people's participation

The term 'participation' has evolved over time and is now widely used to describe a process in which children and young people are actively involved and have genuine influence in decision-making on matters that affect them. Making sure children have the right information, are able to engage in dialogue, have their views seriously considered and are involved in understanding the outcomes of their involvement are all part of the ongoing process of children's participation.⁷

This interpretation is consistent with Article 12 of the Children's Convention which states:

- (1) States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*
- (2) For this purpose, the child shall in particular 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, in a manner consistent with the procedural rules of national law.*

As well as having the right to have their own opinions, children also have the right to express those views, and to be listened to and taken seriously. This means children have the ability to influence decisions affecting them. Considering children's views does not mean automatically endorsing those views. Ensuring children's perspectives influence the development of policy, particularly if their views do not align with other stakeholders, takes courage and commitment. But listening to the views of children and then ignoring what they have to say can undermine the whole process altogether. An important aspect of respect for children's participation rights is letting children know what decision has been made and why.

"We need to be included in conversations with adults instead of being told we're too young."

A young person from the LGBTQIA+ community, 'What Makes a Good Life?' report⁸

Participation includes but is not limited to having a say and being listened to. The rights to freedom of expression (Article 13 of the Children's Convention); freedom of thought, conscience and religion (Article 14); association and peaceful assembly (Article 15); privacy (Article 16); and access to information (Article 17) all support children's participation. Participation must always be voluntary and children must have the opportunity to consent to participating, having understood why their views are being sought and how they will be considered. Children do not have to express their opinions if they do not wish to and should not be pressured or manipulated to do so.

While being listened to and having views respected is a right in itself, it is also central to children experiencing their other rights. Ensuring children's views are respected is a 'guiding principle' of the Children's Convention which means it helps to enable all other rights and is mutually reinforcing of all rights. For example, in order to establish what is in the best interests of a child (Article 3), it's important to hear what that unique child thinks. At the same time, enabling a child to actively participate is part of acting in their best interest.

All children have the right to participate

There is no age limit on the right to be heard. All children have the right to participate – from the youngest age and in multiple ways. The right to participate acknowledges the diversity of abilities and experiences that impact on the way in which children are able to participate. For example, very young children can communicate their views through play or song. Children with disabilities may use other cues or may need specific supports in place to enable them to share their views.⁹ Ensuring the participation rights of indigenous and minority groups must also be prioritised (see section 4)

3.2 Benefits of involving children in the policy process

“When it comes to issues concerning children, their views hold additional importance, given that they will be affected by the outcomes, and can offer essential information only known to children. This can provide adults with opportunities to bridge the gap between their perceptions of children's lives, and the reality experienced by the children themselves.”

KidsRights Report 2014¹⁰

Participation leads to better policies and services

Children and young people are affected by government policy every day. For example, decisions made in education, health and transport policy impact how children experience life at school, the quality of health care they receive, or their ability to safely and independently travel or play outside. Not only do children have the right to participate in decisions that inform these policies, their input can often lead to better policy and improved services.

Giving children and young people a say in how policies and services are developed, provided, evaluated, monitored and improved will ensure that those policies and services meet their needs, and unmet needs are recognised. Whether policies are explicitly directed at supporting children or not, children are a significant stakeholder group that requires consideration, given they will likely be affected by the majority of policies and services in some way.

Contemporary experiences of childhood are changing rapidly in the 21st century due to factors such as technological advances, environmental changes and rising inequality. Ensuring the participation of people who are children now is essential for the creation of government policies that are relevant, fit-for-purpose and responsive to population needs now and in the future.

Participation has a positive impact on children's development

"It makes me feel very special that me and other kids with potential can make something so amazing. Adults don't always think we can – we can! Adults often only listen to other adults they should also listen to kids!"

Participant in an Avon Ōtākaro Network regeneration project, aged 10¹¹

Hearing and incorporating the views of children and young people in policy helps to develop their capacity to act independently, make their own choices and actively participate as citizens. Through participating and being listened to, children develop a greater sense of responsibility, which in turn can have a positive impact on their development, as well as on the realisation of other rights – including economic, social and cultural rights. Participation can promote pro-social behaviour and build childrens' practical skills such as teamwork, problem solving, good decision-making and reasoning.¹²

Involving children in the policy process provides opportunities for them to get involved in real issues and shows young people that their skills, ideas and views are valued.

Participation promotes citizenship and social inclusion

"I would argue that young people know more about certain aspects of politics: we are the ones living out changes to NCEA and breathing the air others have polluted. We should be able to have an impact on the school we attend every day, or the bus that takes us home, in the form of a vote."

Azaria Howell, youth journalist and activist¹³

Supporting children and young people to have a role in influencing decision-making builds a broader base of citizen involvement and creates stronger, more inclusive communities.¹⁴ Children and young people move from being passive recipients of adult decisions to 'rights holders' who are able to assist in shaping their lives and their society.¹⁵ Having opportunities to participate can also bring benefits to children and young people who might otherwise be excluded from the social, cultural, economic and political life of their communities.

4. CHILDREN'S PARTICIPATION RIGHTS AND TE TIRITI O WAITANGI

In Aotearoa, the Children's Convention needs to be implemented in the context of Te Tiriti o Waitangi.

Te Tiriti o Waitangi, te ao Māori (a Māori world view), the historical adoption of British laws and views of childhood, and the impact of colonisation provide a unique setting in which children's rights – including participation rights – are adopted and implemented in New Zealand law and practices.

Tamariki Māori, as tangata whenua, have a right under Te Tiriti o Waitangi to be involved in decision-making that affects them. Partnership is a key principle of Te Tiriti o Waitangi and places an obligation on the Government to respect the tino rangatiratanga (the right of self-determination for Māori) to seek informed consent on issues of concern to Māori. How the partnership principle applies to tamariki Māori specifically is yet to be fully explored. However, it follows that the Government's duty under Te Tiriti o Waitangi to meaningfully involve Māori in decision-making extends to ensuring tamariki Māori are actively engaged and can genuinely influence decisions on matters that affect them.

Te Tiriti o Waitangi, the Children's Convention and UNDRIP can be seen to be complementary frameworks that reinforce the rights of tamariki Māori to participate.

The Children's Convention and UNDRIP also include specific rights of tamariki Māori as indigenous children. The UN Committee has stated governments should design specific strategies to guarantee the participation rights of indigenous children, in close consultation with indigenous children and their communities. The UN Committee affirms that indigenous communities should be consulted about legislation, policies and programmes affecting indigenous children. These consultations should include meaningful participation of indigenous children, and be conducted in a culturally sensitive way.¹⁶

Given this context, tamariki and rangatahi Māori rights to culture, religion and language affirmed in the Children's Convention should be recognised in policy-making as follows:

"In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language."¹⁷

Additionally, UNDRIP also recognises the right of indigenous peoples, including children, to take part in decision-making in matters affecting them. This includes the rights of indigenous peoples to select who represents them and to have indigenous decision-making processes respected. Governments must seek indigenous peoples' views and opinions and work together with them through their chosen representatives in order to gain their free, prior and informed consent before laws are passed or policies or programmes are put in place that will affect indigenous peoples.¹⁸

Governments must take unique measures to ensure tamariki and rangatahi Māori have their individual and collective rights as indigenous children fulfilled.¹⁹

Part of respecting the participation rights of tamariki and rangatahi Māori is recognising the importance of hearing the voices of children within the context of their whānau. In its Concluding Observations on New Zealand's fifth periodic report, the UN Committee emphasised that all government agencies developing legislation and policies affecting tamariki Māori must take into account the collective dimension of Māori cultural identity, which includes extended whānau.²⁰

Effective tamariki, rangatahi and whānau participation is especially important given persistently disproportionate negative outcomes for too many Māori children reflected in many of our national socio-economic wellbeing indicators.²¹

Better and more equal opportunities for tamariki Māori to participate in policy development are necessary, and there is a need to strengthen efforts to ensure that these opportunities take place in the context of whānau. There is also a need to better understand and frame how indigenous rights could lead to greater participation, rangatiratanga, non-discrimination and equality for tamariki Māori. Ensuring tamariki and rangatahi Māori are included in the consultation process for the plan of action for implementing UNDRIP is an upcoming opportunity.



Tamariki participating in Te Ra festival (Credit: UNICEF)

5. ARE WE GETTING IT RIGHT? *Progress since 2016*

The Government's last report to the UN Committee in 2015 listed initiatives delivered by the Ministry of Youth Development and provisions for children's participation in court proceedings as the only examples of children's participation in legislation and policy development.²² Since then, there have been a number of developments that point to a greater understanding and valuing of children's participation in New Zealand society and in the government policy process.

5.1 Children's participation and the Children's Convention work programme

The Government's 2014 'UNCROC work programme' included two priorities specifically aimed at improving the fulfilment of children and young people's right to have their views considered in the development and formulation of legislation and policies as follows:

- Improving the input of children and young people's views in the formulation of legislation and policies associated with their rights
- Facilitating consideration of children's rights in the development of major policy and legislative initiatives, to ensure that New Zealand's obligations under the Children's Convention are taken into account.²³

While there has been some progress in recent years in progressing these 2014 work programme goals on participation – particularly in the care and protection and youth justice systems – there is still a need to embed mechanisms that can consistently facilitate and effectively provide ongoing support to enable children to have their views heard, and to ensure those views are considered.

The Children's Convention work programme was refreshed in 2018 and is now overseen by the Children's Convention Deputy Chief Executives Group, the Government's designated coordinating mechanism for the implementation of the Children's Convention.²⁴

While the 2018-2021 Children's Convention work programme does not include priorities that directly relate to children and young people's participation, it does include developing training for public servants on children's rights and implementing the use of a Child Impact Assessment tool across government (see section 5.2).²⁵ It is anticipated the delivery of these two work programme items by 2021 will help build a foundation for better understanding children's participation and the benefits of listening to children's voices as part of policy development. Through these work programme items, it is further anticipated that public servants will have access to better guidance on how to involve children in meaningful ways in the policy process.

5.2 Tools and training to understand and support children's participation

The Ministry of Social Development (MSD) refreshed and proactively released a [Government Child Impact Assessment tool](#) in 2018. The tool aims to help policy-makers consider the impacts of decisions on children and to consider differential impacts on certain groups of children. The tool prompts users to find out what children and young people have to say and to consider their views but does not provide guidance on how to go about seeking those views.

While the Child Impact Assessment tool is an encouraging and positive step, a recent questionnaire conducted by MSD found that only 5% of respondents had used it in their work.²⁶

The questionnaire also showed that knowledge of the Children's Convention, and children's rights in general, is low across central government agencies. Seventeen per cent of people who responded had not heard of the Children's Convention, while 36% had heard of it but didn't know anything about it.²⁷

The CMG is encouraged that many of the questionnaire respondents were keen to learn more about children's rights. MSD, with support from the Office of the Children's Commissioner, is currently developing an online children's rights learning module for public servants which will include links to the Child Impact Assessment tool. This is an exciting initiative and the CMG looks forward to providing input into the development, testing and delivery of the tool in 2019.

The CMG encourages the Children's Convention Deputy Chief Executives Group to champion the Child Impact Assessment tool and call for it to be embedded into the legislative and policy development process. We also call for other government tools and guides such as the Cabinet Manual, the Legislative Guidelines and various policy frameworks to be updated to better reflect the children's right to participate in policy and legislative development.

The Office of the Children's Commissioner is well placed to assist government agencies with *how* to facilitate seeking the views of children, and there are many resources available to support this (see appendix three).



Children and young people giving their views for 'What Makes a Good Life?' (Credit: Office of the Children's Commissioner)

5.3 Participation rights protected in legislation

While there has been little progress in prioritising children's rights in a consistent manner across legislation, there have been some changes since 2016 which bring our legislative framework closer to advancing children's participation rights.

The Oranga Tamariki Act 1989

The most significant progress in legislative reform related to children's views being heard and considered can be seen in the amendments to the Oranga Tamariki Act 1989, which substantially embeds children's participation rights. The amendments to the Act reinforce that decisions affecting children and young people should consider their views taking into consideration the child's age, maturity, identity, cultural connections, education and health. The rights of children to be able to express their views, and for those views to be taken into account, permeates the Oranga Tamariki Act 1989, in particular sections 5 and 11.²⁸

Amendments include requirements for any court or other person exercising powers under the Act to respect the child's or young person's rights, including those rights set out in the Children's Convention, when exercising powers under the legislation.²⁹ The changes to the Act mean that frontline workers will be expected to ensure children and young people are supported to participate in decisions that affect them, and that their views are better represented, for example, in court and in Family Group Conferences.

The specific incorporation of the Children's Convention (and the UN Convention on the Rights of Persons with Disabilities) into the principles section (section 5) of the Oranga Tamariki Act 1989 opens up further possibilities for how the judicial system and all decision-makers under the Act might better consider children's rights.

The Children's Act 2014

For the first time in New Zealand legislation, the Children's Act 2014 requires children and young people to be consulted in the development and ongoing implementation of a Child and Youth Wellbeing Strategy, to ensure that children's views are taken into account.³⁰ This is strongly welcomed, as a strategy for child and youth wellbeing would have little value if the very people it seeks to support are not involved in helping to shape its contents.

This Children's Act 2014 and the accompanying Strategy, which is currently under development, provide an important opportunity to create what New Zealand child rights advocates and the UN Committee have long called for, a comprehensive strategy for the implementation of the Children's Convention and its Optional Protocols, supported by policies that give effect to children's rights.³¹

The Department of Prime Minister and Cabinet contracted the Office of the Children's Commissioner and Oranga Tamariki, the Ministry for Children (Oranga Tamariki) to undertake extensive public engagement on the strategy in 2018, including hearing from more than 6,000 children and young people (see the *What Makes a Good Life?* example in section 5.6). This is helping to inform the direction and content of the Child and Youth Wellbeing Strategy, due to be released later in 2019.

The Children's Act 2014 also includes a requirement that an 'Oranga Tamariki Action Plan' is developed and adopted, which will set out how government agencies will work together for the wellbeing of children who come into contact with Oranga Tamariki. This plan is required to promote the best interests of children including "increasing their participation in decision-making about them, and their contribution to, and participation in, society."³²

The Family Violence Act 2018

The Family Violence Act is another new piece of legislation that includes the provision that “if the child expresses views on any matters related to [protection and property order] proceedings, the court must take account of those views.”³³

The three examples above point to positive progress in embedding children’s participation rights in legislation since 2016. However, they are the product of an ad hoc approach. The reasons why provisions for children’s rights to participate are included in some laws but not others remains unclear.

Upcoming changes to legislation in education, justice, mental health and the strengthening of the independent oversight of children’s issues and the Oranga Tamariki system provide opportunities to ensure the Government is meeting its obligations to ensure children’s participation rights are adequately embedded.

The CMG calls for the embedding of processes in legislative design to ensure children’s participation rights are consistently protected in legislation.

An opportunity to ratify the Optional Protocol on a Communications Procedure

Ratifying the [Third Optional Protocol to the Children’s Convention](#) would offer another option for children’s participation in matters affecting them, in line with their rights.

The Third Optional Protocol provides an international complaints procedure for child rights violations. It enables children to have the option of bringing complaints about violations of their rights directly to the UN Committee if they are not able to find a solution to their complaint in New Zealand. It offers an additional avenue for children to have their concerns heard, and to participate in the promotion and protection of their human rights guaranteed under international law.

The Third Optional Protocol was adopted in 2011 and came into effect in 2014. At the time of writing, 44 countries around the world are parties to the Third Optional Protocol. However, New Zealand has not yet acceded to the Protocol. This means that currently, a New Zealand child is unable to complain to the UN Committee if they believe their human rights have been violated. Acceding to or ratifying the Third Optional Protocol is an important way for New Zealand to show that it takes children’s rights seriously and is committed to ensuring their participation in all matters affecting them.

5.4 Children's participation in reviews and inquiries

Since 2016, there have been several government-led inquiries and reviews as part of ongoing reform of various sectors and systems including schooling, health, welfare and justice. The topics of these reviews are of great significance to the lives of children.

Reviews and inquiries are an opportunity to specifically seek out and listen to the views of children and consider those views in the development of new laws, policies and practices. This is important because these reviews will likely lead to systemic changes that will impact children. However, there are few clear examples of deliberate efforts to seek and consider the views of children in the reviews and inquiries that have taken place since 2016. The methods used to seek feedback from the public in most cases are generic and designed by and for adults, which can discourage children and young people from taking part and having their say.

For example, the Terms of Reference for the Mental Health and Addiction Inquiry included recognising and respecting the needs of different population groups which included 'youth' but not 'children'.³⁴ While the final report notes concerns raised by some children who did engage with the Inquiry, there was no general adaptation of the Inquiry's engagement processes to ensure that children were easily able to participate. Inquiry and review findings should show strong evidence that children and young people have been listened to – which includes communicating how children have influenced recommendations.

Similarly, while we are aware of some steps to seek the views of children in the family justice, family violence and criminal justice reform processes, more could have been done – and could still be done – to ensure these engagements are designed with methods suited to children's needs and which enable their participation, and to ensure the resulting reports and recommendations show evidence of listening.³⁵

In the education sector, the CMG notes a demonstrated shift towards including children and young people in engagements and conversations about large scale reform (see the children's participation in education reform example in section 5.6).

International reviews are another situation where children and young people's views should be proactively sought and considered. For example, children should be involved in learning about the United Nations Sustainable Development Goals (SDGs) and in planning and monitoring New Zealand's progress towards meeting them.³⁶ Ensuring tamariki and rangatahi Māori are included in the consultation process for the plan of action for implementing UNDRIP is an upcoming opportunity.

The CMG encourages those commissioning reviews and inquiries to ensure they are designed from the very start to proactively include children. Ideas to give genuine effect to children's participation include: building in specific and resourced plans to seek and consider the views of children; including them as a key stakeholder group in terms of references; and adapting engagement tools and submission processes so they are accessible to children.

In order to measure performance, improve accountability, build an evidence base of good practice and inspire others, we encourage government agencies to communicate when and how they enable children to participate as well as how children have influenced, or been considered in, outcomes of reviews or inquiries.

5.5 Children's participation in policy development

Government policy is a critical lever in achieving better outcomes for children. Many policy frameworks, like the ones promoted by the Department of the Prime Minister and Cabinet's Policy Project, advise policy-makers to consult with consumers and citizens. They encourage user-centred engagement, and increasingly, co-design.³⁷ Children and young people are one of the largest stakeholder groups who are impacted by government services. Education and health are two key examples of this.

Without mechanisms in place to measure if children's participation is happening, or whether or not children's views are being considered in the policy process, it is difficult to gauge to what degree children's participation is taking place.

The CMG sent a questionnaire to 15 government agencies in April 2019 to identify examples of recent policy practice that has included listening to children and considering their views (see appendix one).

We asked agencies how listening to children changed the approach to or outcome of their work, and what processes or tools agencies used to ensure children and their views are being considered. We received responses from 13 agencies (see appendix two).

Our analysis of the responses to the questionnaire, as well as an independent search for examples of policy initiatives incorporating the views of children, showed there are some small pockets of good practice. There is a marked increase in the interest of agencies in seeking out the views of children. However, there is limited support for and resource allocated for agencies on how to do this. Our analysis points to limited knowledge about the reasons for involving children in policy design as well as a lack of support to enable best practice.

What is getting in the way?

The government agencies who responded to the questionnaire talked about barriers which prevent or limit the inclusion of children's participation in policy development.

Many said they did not know how to go about seeking the views of children while others did not feel equipped to engage directly with children, identifying issues such as safety, consent and cultural considerations. Some agencies noted challenges exist for them in engaging with particular cohorts of children such as children with disabilities or children who have English as their second language. Others talked about not knowing how to balance children's views with those of parents, whānau, hapū, and iwi.

Practical challenges included not having enough time or money to design and carry out quality engagements to enable children's participation. Others didn't know where to go for advice or how to find existing information on children's views on certain topics.

Overarching themes that emerged from the responses we gathered include:

- a limited understanding of the benefits of considering the views of children
- a limited awareness of the drivers for considering the views of children – promoting and protecting children's rights does not appear to be a driver
- a lack of planning and resource allocation to enable children's participation
- limited knowledge and confidence of staff to initiate and/or facilitate children's participation
- a lack of leadership within agencies to support best practice.

Are we listening?

While there are some notable exceptions, most agencies we asked were unable to provide clear examples of policy development processes informed by the views of children. Some agencies have undertaken one-off consultations or have established youth advisory groups. For example, the Office of Film and Literature Classification, in partnership with the New Zealand Police, have established a youth advisory panel to incorporate the views of young people on a variety of projects.

Other agencies said they planned to use the Child Impact Assessment tool to consider how their policy initiatives would impact on children. Some agencies discussed upcoming opportunities and plans to engage with children in future. However, overall there was little evidence of shifting practice towards ongoing participation of children in policy development.

The CMG is encouraged by the recent increase in interest, and some action, from government agencies in seeking and considering children's views in the policy and legislation process. However, responses to the questionnaire coupled with a scan of recent policy development shows an inconsistent approach across government agencies to seeking and considering the views of children. The challenge is how to ensure the momentum for valuing children's participation isn't undermined by a lack of support for how to do it well.



Children planting trees as part of the climate strikes in 2019 (Credit: School Strike 4 Climate NZ)

5.6 Examples of children's participation in policy development

The following nine examples demonstrate different ways government agencies are seeking and considering the views of children in policy development. Some of them are sourced from responses to the CMG questionnaire and some from our own scan of the policy environment. This is not an exhaustive list but a selection to show the various methods being used and some impacts of children's participation in policy development.



Children's voices in the transformation of the care and protection and youth justice systems

Oranga Tamariki

This example shows that children and young people are experts in their own lives and their knowledge and experiences can inform policy and legislative settings.

The lead up to the 2017 establishment of Oranga Tamariki and the ongoing modernisation programme to build a more child-centred care and protection system set in motion a number of changes that have supported children's participation rights.

Between 2015 and 2017, two youth advisory panels of care-experienced young people advised the Minister for Social Development on the redesign of the care and protection and youth justice operating models. For example, children's voices were instrumental in influencing changes such as striving to keep siblings together in care and protection cases and including 17-year-olds in state care and youth justice.

The views of these young people were also considered in the establishment of VOYCE – Whakarongo Mai, an independent connection and advocacy service for children and young people in state care. VOYCE aims to support children and young people in care to express their views about matters that are important to them and relate to their experiences of Oranga Tamariki services.

A Deputy Chief Executive Voices of Children (Tamariki Advocate) role has been established within Oranga Tamariki to ensure the voices of children and young people, including those with care-experience, are included in the work of Oranga Tamariki. The CMG is also aware of other efforts to support children and young people to contribute to the development of a range of other changes, for example new enhanced transition services.



National Care Standards

Oranga Tamariki

This example shows how listening to children and considering their views can inform policy development including changes to guidance and improved practice.

The National Care Standards, which come into effect 1 July 2019, set out the standard of care every child and young person in state care is entitled to expect.³⁸ This includes requirements to take into account the views of children and young people in developing their care plan and providing them with information about their rights, advocacy services and how to make a complaint, in a manner that is appropriate to their age, development and ability.

Children and young people participated by developing and testing practice guidance and tools to support social workers when engaging with them. They also participated in developing policy around what personal belongings mean to them, how they want their belongings stored, and how Oranga Tamariki could maintain a record of the important events in their lives.



A longitudinal survey to improve children's experiences of state care

Oranga Tamariki

This example shows how ongoing children's participation can be embedded in a way that can influence systems and processes. It also shows how children can be involved at different stages of a project cycle to inform ongoing quality policy development.

The Voices of Children and Young People team at Oranga Tamariki have engaged with care-experienced children and young people to develop 'The Children's Experiences Survey', which will be rolled out regionally from late 2019. The survey will be delivered annually to children and young people in care aged 10 to 17 and will give them the opportunity to express their views on the quality of care they are receiving, and how it could be improved. Sixty three children and young people were involved in developing the survey approach and questions through a series of workshops and interviews undertaken by Oranga Tamariki. The responses obtained from the survey and ongoing engagements with children and young people over time will help monitor and evaluate the quality of care services and help inform improvements to state care. This process also aims to give children and young people in care a collective voice.



Asking children for their views on transforming respite care

Ministry of Health

This example shows how seeking the views of children about a service resulted in different insights to those that came from adult consultations. The children consulted in this example had very specific ideas and strong views about the level of input they wished to have in their experiences in respite care. It also demonstrates how different methods of engagement can be used for children with disabilities and that all children, with the right support, can and should have a say and be listened to.

In 2017, the Ministry of Health (Disability Support Services) heard from 61 children and young people with disabilities, aged 4-21 years, about their experiences of respite services. The engagement was informed by a Children's Engagement Plan based on information provided by the Office of the Children's Commissioner. Engagement methods included teacher assisted focus groups held at schools for children who were non-verbal, had multiple disabilities, or had high and complex needs, and an online survey for children and young people with autism. The views shared by children and young people were different to those received from adults. These views contributed to the insights gathered to inform the improvement of the way respite services are delivered for children and young people with disabilities and their families. In particular, the children and young people indicated; there needs to be a supportive community around their respite services, they need to be given a say on the type of activities they are offered while in respite care, and their parents need to be supported and welcomed into the service.



Rangatahi Development and Leadership Policy Project

Te Puni Kōkiri

This example demonstrates the importance of considering children in the context of their whānau.

In 2018, Te Puni Kōkiri established a four-year Rangatahi Development and Leadership Policy Project to create a strategic approach to reflect the needs and aspirations of rangatahi, with the voice of rangatahi at the centre. At the time of writing, Te Puni Kōkiri had engaged with over 200 rangatahi across Aotearoa to obtain a

range of perspectives to help identify policy options and assist in the development and implementation stages of the strategy. An analytical framework which uses a 'whānau voice' approach was developed to interpret the information gathered through rangatahi engagements. Engagement methods varied for different regions, and featured one or more of focus groups, wānanga, conference settings, one on one interviews, handwritten, and online surveys. It is anticipated the project will influence an all-of-organisation commitment to including the voice of rangatahi. Te Puni Kōkiri noted there were differences between what the Project Team thought was important and what the rangatahi thought was important.



What Makes a Good Life?

The Office of the Children's Commissioner and Oranga Tamariki

This is an example of a large scale engagement using multiple participation methods on a complex topic. It demonstrates that children and young people have valuable insights that we can learn from which can be meaningfully drawn upon to develop government strategies and policy.

In October and November 2018, the Office of the Children's Commissioner and Oranga Tamariki collected the views of over 6000 children and young people on issues of importance to their wellbeing, to help inform the Child and Youth Wellbeing Strategy.³⁹

The scale of the engagement led to robust results which continue to influence the development of the Child and Youth Wellbeing Strategy. An online survey captured the broad views of children and young people across all regions, school deciles, ethnicities and circumstances. Face-to-face interviews and group engagements were targeted at children and young people known to be experiencing greater challenges. Children and young people were asked, the questions: what makes a good life, what helps to achieve it, and what gets in the way? As well as the Child and Youth Wellbeing Strategy, [insights from the engagement](#) are informing other government policies and the practices of community stakeholders.



Education Matters to Me

The Office of the Children's Commissioner and the New Zealand School Trustees Association

This example shows how voices of children and young people have had significant influence in policy development.

In 2017 the New Zealand School Trustees Association and the Office of the Children's Commissioner engaged with 1,678 children to hear their views on education. The concluding report, [Education Matters to Me](#)⁴⁰, included a recommendation that consultation with children and young people be embedded as part of the Government's standard process for developing the Statement of National Education and Learning Priorities (NELP). One of the key findings was that many children and young people face racism and discrimination at school. This finding has influenced the development of the Child and Youth Wellbeing Strategy. Education Matters to Me has also contributed to the NELP, which will set out the Government's educational priorities for the early childhood and schooling sectors.



Children's participation in education reform

Ministry of Education

This example shows how the views of children and young people can be obtained by using a variety of engagement methods to inform large scale legislative and policy reform.

The Ministry of Education has carried out a number of significant consultations to inform a range of reforms under the three-year Education Work Programme.⁴¹ The main vehicle for children and young people to have their voices heard in this process has been via the Education Conversation Kōrero Mātauranga online survey, where 8% of the responses were from children and young people aged 5-18.⁴² Other initiatives included two national education summits that included student representation, and regular engagement with a youth-focussed advisory group set up by the Minister of Education to inform development of education policy and practice. Efforts have been made in these initiatives to proactively seek the views of a range of children and young people for whom the current system is not working well, including tamariki and rangatahi Māori, Pacific children, children with disabilities, and children and young people who identify as LGBTQIA+. Views from these children and young people have informed key initiatives such as the NCEA Review and the draft Learning Support Action Plan.



Young people viewing sexual violence in media

Office of Film and Literature Classification

This example demonstrates that when children and young people are safely supported using appropriate methods in the right environment, they can participate in discussions and give their views on sensitive and challenging topics.

The Office of Film and Literature Classification engaged with young people aged 13 to 17 years of age as part of research to help understand how to address the classification of depictions of sexual violence in media.⁴³ The engagements were part of a larger research project to inform the entertainment content regulation law reform process, and to contribute to an improved understanding of the social drivers of sexual violence in New Zealand.

Three types of engagements were used: groups of young people; paired interviews between young people known to each other; and, workshops with adult professionals working with young people in sexual violence prevention, education, treatment or research. Age-appropriate clips from mainstream films and television programmes depicting consensual and non-consensual sexual behaviours were shown to groups of participants. Young people were asked what they thought about the way sexual violence is presented in entertainment, what the potential harms are, things that may mitigate the impact of these harms, and what restrictions or warnings should be used for entertainment that includes depictions of sexual violence. The Office found paired interviews were much better at obtaining honest and open responses, and made participants feel more comfortable with the sensitive subject matter compared to when the group consultations were used. Overall, the young people indicated it was important the correct warnings be showed before screenings involving depictions of sexual violence, particularly before scenes involving rape, which can be harmful to viewers.

6. IMPROVING CHILDREN'S PARTICIPATION IN POLICY AND LEGISLATIVE DEVELOPMENT

"I think too often we make this assessment that in order to have an impact you have to be of voting age. That is just not the case."

Prime Minister Jacinda Ardern⁴⁴

It is encouraging to discover that efforts are taking place in different areas across government to involve children and have their views shape the development of policy. However it is still only happening in small pockets. More effort is needed to support children's participation in a consistent and genuine manner across government.

We recognise that seeking and considering children's views in policy development is a relatively new idea. It can be challenging to do well. Children's participation needs to be diverse, inclusive, and focused on the children most affected.

The barriers raised by agencies in our questionnaire and in other conversations with officials over the past several years suggest the key elements to enable participation are:

- **Commitment**
- **Resources**
- **Expertise**

The ten ideas that follow are based on reinforcing these three elements to improve children's participation in policy and legislative development in Aotearoa.



*Young people preparing for the Race Unity Hui in 2019, in response to the 15 March terrorist attacks
(Credit: [Ben Parkinson](#))*

6.1 10 IDEAS FOR ACTION

COMMITMENT

1. Show leadership and champion children's participation

Enabling children's participation in policy and legislative development requires leadership at all levels. The Children's Convention Monitoring Group recommends the Children's Convention Deputy Chief Executives Group (as the permanent coordinating mechanism for the implementation of the Convention) champion this report and the ideas below to ensure children's right to participate is incorporated into the policy process.

2. Honour Te Tiriti o Waitangi

Ensure the participation rights of tamariki and rangatahi Māori are applied both in the context of Te Tiriti o Waitangi and their specific rights as indigenous children under the Children's Convention and the United Nations Declaration on the Rights of Indigenous Peoples. Respect the rights of tamariki and rangatahi Māori individually, as indigenous children, and collectively, as tangata whenua. Ensure special strategies are designed to provide for better and more equal participatory opportunities and recognise the importance of hearing the voices of children within the context of their whānau. Include tamariki and rangatahi Māori in the consultation for the plan of action for implementing UNDRIP.

3. Protect children's participation rights in law

(a) Develop robust systems and processes to ensure that new and amended legislation adequately incorporates children's right to participate and have their views heard and considered on issues that affect them. Updates to the Mental Health Act 1992 and the Children's Commissioner Act 2003 are two examples of planned legislative changes that provide an opportunity to strengthen the rights of children to have their view listened to and considered in decisions that affect them.

(b) Accede to the Optional Protocol on a Communications Procedure, to complement current developments underway to strengthen children's complaints processes and to ensure children can utilise all available avenues to participate in promoting and protecting their rights in Aotearoa and internationally.

4. Embed children's participation rights in policy development

Government agencies setting policy and designing or making changes to services for children need to systematically seek out and consider children's views in decision-making using a child-centred, rights based approach. Deliberate efforts must be made to identify the extent to which policies align with and give effect to children's participation rights and build participation in to the policy process from the start.

5. Commit to acting on and sharing what is heard

(a) Listening to children is the first step. People developing policy must consider the views of children in order to make the act of listening meaningful. Commit to acting on what is heard and then going back to children and young people and explaining why decisions have been made.

(b) Government agencies must commit to communicating when and how they enable children to participate as well as how children have influenced or been considered in the outcomes. Including this information as part of public reporting after reviews, inquiries and legislative change would help to measure performance and accountability.

RESOURCES

6. Plan and budget for children's participation

Children's participation will take time and cost money so needs to be considered at the very start of any new activity. Consider children and young people's participation at every stage of the policy cycle including planning, implementation, monitoring and evaluation.

7. Develop, promote, and support the ongoing use of tools

(a) Urgently embed the use of the Child Impact Assessment tool into the legislative and policy development process.

(b) Update the Cabinet Manual, Legislative Guidelines, government policy frameworks and other government tools to ensure children's rights to participate are adequately reflected.

EXPERTISE

8. Develop and facilitate ongoing training

(a) Ensure all public servants receive up-to-date and ongoing training on children's rights and are equipped with the knowledge and tools needed to carry out child impact analyses.

(b) Ensure those designing engagement processes for children and young people and analysing the results of children's engagements, have the skills, training and support required.

9. Utilise expertise in children's participation

Government agencies should commission the services of those with the skills required to engage with children such as Early Childhood Education providers, school teachers, community groups, youth workers or children's engagement specialists ensuring children from specific and minority population groups are adequately considered. The Office of the Children's Commissioner can provide advice on methods for engaging with children and young people about how to access existing information about children's views. There are many resources and guides on how to seek and consider the views of children which should be used (see appendix three).

10. Establish a cross-government group of child rights champions

Establish a cross government group of children's rights champions to provide advice within and across agency teams, on children's participation. The group would be sponsored by the Children's Convention Deputy Chief Executives and the Children's Convention Monitoring Group would assist in connecting it with relevant civil society groups and academics.

APPENDIX ONE

The CMG sent the following set of questions to government agencies on 2 April 2019 to assist us in gathering information for this report.

Questions

1. Please share examples of past (last three years) or current work items in your agency that have considered the child's right to participate. This could include direct or indirect methods used to consider children's views at any stage of a piece of work such as consultation, development, design, implementation or evaluation.
2. Thinking about your answer to the question above, (a) how did the consideration of children's views affect the approach to these work items? and (b) how did it affect the final product/s?
3. What processes, systems or tools does your agency use to ensure that children's views are considered in decision-making processes, the shaping of policies, practices and/or systems that will affect them and their lives?
4. Please share examples of actual and/or potential barriers (internal or external) to ensuring the voices of children are considered in the various areas of work in your agency.
5. What methods of data collection has your agency used or is planning to use, to collect relevant information on or from children? E.g. online surveys, face to face interviews, focus groups etc.
6. Does your agency have plans to engage with children in any future work items? What could this engagement look like? (Please provide specific examples where applicable.)
7. Do you have any other comments on children's participation?

APPENDIX TWO

We sent the questionnaire at Appendix One to 15 government agencies. These are the 13 agencies that responded:

- Department of Internal Affairs
- Department of the Prime Minister and Cabinet
- Ministry for Pacific Peoples
- Ministry of Business, Innovation and Employment
- Ministry of Education
- Ministry of Health
- Ministry of Justice
- Ministry of Social Development
- Ministry of Transport
- New Zealand Police
- Oranga Tamariki - the Ministry of Children
- Statistics New Zealand
- Te Puni Kōkiri

APPENDIX THREE

Some select resources to assist with understanding children and young people's participation are listed below:

- How to engage with children, the Office of the Children's Commissioner <https://www.occ.org.nz/listening2kids/how-you-engage/>
- Child Impact Assessment Tool, Ministry of Social Development <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/resources/child-impact-assessment.html>
- An introduction to Youth Participation – a guide for local government, Ministry of Youth Development (2008) <http://www.myd.govt.nz/documents/resources-and-reports/publications/a-guide-for-local-government-an-introduction-to-youth-participation-2008.pdf>
- Child and youth participation resource guide, UNICEF https://www.unicef.org/adolescence/cypguide/index_programme.html
- Child Participation: from rights to reality, KidsRights Foundation (2014) <https://kidsrights.org/sites/default/files/inline-files/KidsRights%20Report%20-%20Child%20Participation%20v2016.pdf>
- Involving children – a guide to engaging children in decision-making, Ministry of Social Development (2003) <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/archive/2003-involving-children.pdf>
- Lansdown, Gerison, Every Child's Right to be Heard – a resource guide on the UN Committee on the Rights of the Child, General Comment No.12, UNICEF and Save the Children (2011) <https://resourcecentre.savethechildren.net/node/5259/pdf/5259.pdf>
- Lansdown, Gerison, and O'Kane, Claire, Toolkit for Monitoring and Evaluating Children's participation (booklets 1-6), Save the Children (2014) <https://resourcecentre.savethechildren.net/document-collections/toolkit-monitoring-and-evaluating-childrens-participation>
- Listening to the voices of children with disabilities in New Zealand, Donald Beasley Institute (2016) <https://www.odl.govt.nz/assets/Uploads/Voices-of-Children.DBI-Report.pdf>
- Student voice – a guide for supporting good practice at school, Bullying-free NZ <https://www.bullyingfree.nz/schools/student-voice/student-voice-a-guide-for-schools/>
- Wilson, Carla, Effective approaches to connect children with nature, Department of Conservation (2011) <https://www.doc.govt.nz/globalassets/documents/getting-involved/students-and-teachers/effective-approaches-to-connect-children-with-nature.pdf>
- Young Voices: guidelines on how to involve children and young people in your work, The National Children's Office, The Children's Rights Alliance, and The National Youth Council of Ireland (2005) https://www.dcy.gov.ie/documents/publications/31267_Young_Voices_.pdf

ENDNOTES

- 1 S12(1)(f), Children's Commissioner Act 2003 <http://www.legislation.govt.nz/act/public/2003/0121/latest/whole.html#DLM230470>
- 2 S12(1)(f), Children's Commissioner Act 2003 <http://www.legislation.govt.nz/act/public/2003/0121/latest/whole.html#DLM230470>
- 3 New Zealand's reservations to the Children's Convention <https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/human-rights/international-human-rights/crc/>
- 4 Lee, K, Tens of thousands of school students demonstrate across NZ calling for action on climate change, Stuff, 16 March 2019 <https://www.stuff.co.nz/dominion-post/news/wellington/111298009/tens-of-thousands-of-school-students-demonstrate-across-nz-calling-for-action-on-climate-change>
- 5 This young person talked about how teachers don't seem to understand her, and were unlikely to ask for her views, as reported in Education Matters to Me: key insights, New Zealand School Trustees Association and the Office of the Children's Commissioner (2018) <https://www.occ.org.nz/assets/Uploads/OCC-STA-Education-Matters-to-Me-Key-Insights-24Jan2018.pdf>
- 6 Para 26-27, Concluding Observations: New Zealand, the Children's Convention (2011), <https://undocs.org/CRC/C/NZL/CO/3-4> and para 18, Concluding Observations on the fifth periodic report of New Zealand, UN Committee on the Rights of the Child, The Children's Convention (2016) <https://undocs.org/en/CRC/C/NZL/CO/5>
- 7 General Comment No.12: the right of the child to be heard, UN Committee on the Rights of the Child, the Children's Convention (2009) <https://www.refworld.org/docid/4ae562c52.html>
- 8 Page 28, What Makes a Good Life? Children and young people's views on wellbeing, the Office of the Children's Commissioner and Oranga Tamariki, 2019 <https://www.occ.org.nz/publications/reports/what-makes-a-good-life/>
- 9 Participation rights of children with disabilities are protected in the United Nations Convention on the Rights of Persons with Disabilities, see <https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx> General Comment No.7: Implementing child rights in early childhood, UN Committee on the Rights of the Child, The Children's Convention (2005) <https://www.refworld.org/docid/460bc5a62.html>
- 10 Child Participation: from rights to reality, KidsRights Foundation (2014) <https://kidsrights.org/sites/default/files/inline-files/KidsRights%20Report%20-%20Child%20Participation%20v2016.pdf>
- 11 Participant in the Avon Otākaro Network funded project to regenerate the Avon River red-zone in Christchurch <http://www.avonotakaronetwork.co.nz/about-us/about-home.html>
- 12 Parkes, A, Children and International Human Rights Law: The right of the child to be heard (2013) <https://resourcecentre.savethechildren.net/document-collections/toolkit-monitoring-and-evaluating-childrens-participation>
- 13 Howell, A, Make it 16: a teenager on why we should lower the voting age, The Spinoff, 29 November 2018 <https://thespinoff.co.nz/society/29-11-2018/make-it-16-a-teenager-on-why-we-should-lower-the-voting-age/>
- 14 Child Participation: from rights to reality, KidsRights Foundation (2014) <https://kidsrights.org/sites/default/files/inline-files/KidsRights%20Report%20-%20Child%20Participation%20v2016.pdf>
- 15 Young Voices, National Children's Office, Children's Rights Alliance, and National Youth Council of Ireland (2005) https://www.dcy.gov.ie/documents/publications/31267_Young_Voices_.pdf
- 16 UN Committee on the Rights of the Child, General Comment No. 11 (2009): Indigenous children and their rights under the Convention [on the Rights of the Child], 12 February 2009 <https://www.refworld.org/docid/49f6bd922.html>
- 17 Article 30, Children's Convention <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>
- 18 Article 18, United Nations Declaration on the Rights of Indigenous People <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>
- 19 UN Committee on the Rights of the Child, General Comment No. 11 (2009): Indigenous children and their rights under the Convention [on the Rights of the Child], 12 February 2009 <https://www.refworld.org/docid/49f6bd922.html>
- 20 Concluding Observations on the fifth periodic report of New Zealand, UN Committee on the Rights of the Child, the Children's Convention (2016) <https://www.occ.org.nz/assets/Uploads/Final-concluding-observations.pdf>
- 21 As above
- 22 Para 70, The Children's Convention: Fifth periodic report by the Government of New Zealand (2015) <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/monitoring/uncroc/reporting.html>
- 23 The previous Children's Convention work programme, Ministry of Social Development (2014-2015) <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/monitoring/uncroc/obligations-under-uncroc.html>
- 24 Terms of Engagement for Coordinating the Implementation of the Children's Convention, Children's Convention Deputy Chief Executives and CMG, 29 March 2018 <https://www.occ.org.nz/assets/Uploads/ToE-CMG-and-CC-DCEs-SIGNED-29-March-2018.pdf>
- 25 See items 3 and 4 of the Children's Convention work programme (2018-2021) <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/monitoring/uncroc/what-is-nz-doing-to-meet-obligations.html>
- 26 MSD survey 2019. For information about the survey, contact MSD at UNCROC@msd.govt.nz.
- 27 As above.

- 28 Oranga Tamariki Act 1989, <http://www.legislation.govt.nz/act/public/1989/0024/127.0/whole.html#DLM149450>
- 29 This legislative change will come into force on 1 July 2019, or earlier by Order in Council. Oranga Tamariki Legislation Bill (2019) <http://www.legislation.govt.nz/bill/government/2019/0121/latest/whole.html>
- 30 S4, and s6A(2), 6C(b), and 6(d), Children's Act 2014 <http://www.legislation.govt.nz/act/public/2014/0040/latest/whole.html>
- 31 The Children's Act 2014 and the accompanying Child and Youth Wellbeing Strategy include specific reference to meeting New Zealand's obligations under the Children's Convention and the United Nations Convention on the Rights of Persons with Disabilities, as well as requirements to respect and uphold children's rights.
- 32 S9(2)(e), Children's Act 2014 <http://www.legislation.govt.nz/act/public/2014/0040/latest/whole.html>
- 33 S63(3) and s141(3), Family Violence Act 2018 <http://www.legislation.govt.nz/act/public/2018/0046/24.0/DLM7159322.html>
- 34 Establishment of the Government Inquiry into Mental Health and Addiction, the Gazette, 31 January 2018 <https://gazette.govt.nz/notice/id/2018-go318>
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