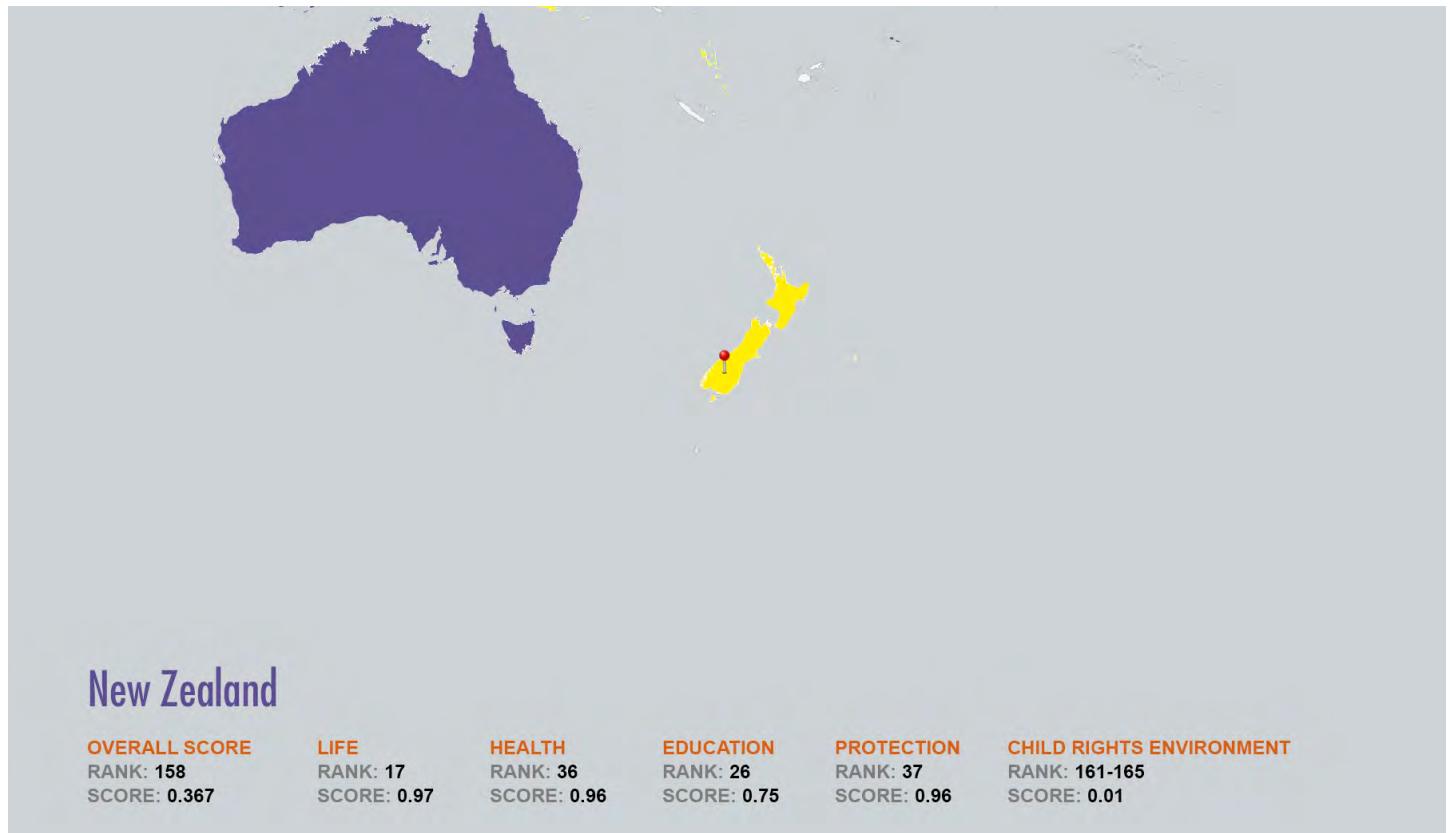


KidsRights Index 2017: New Zealand scores 158th on global ranking on Children's Rights



The KidsRights Index

The KidsRights Index is the annual global index, which ranks how countries adhere to and are equipped to improve children's rights. It consolidates the most crucial general children's rights areas and implementation requirements of the Convention on the Rights of the Child (CRC) for which sufficient data is available. The five domains of the KidsRights Index are:

1. Right to Life
2. Right to Health
3. Right to Education
4. Right to Protection
5. Enabling Environment for Child Rights

The KidsRights Index pools data from two reputable sources: 1. quantitative data published and regularly updated by UNICEF at www.data.unicef.org and 2. qualitative data published by the [UN Committee on the Rights of the Child](http://www.unhcr.org) in its detailed individual country reports (the so-called Concluding Observations) for all states that are parties to the UN Convention on the Rights of the Child. The KidsRights Index makes these data more accessible to the public, in order to encourage dialogue about children's rights.

Domain 5: Enabling Environment for Child Rights

Domain 5, the Enabling Environment for Child Rights, is an important and unique domain within the child rights-based KidsRights Index. It reveals the extent to which countries have operationalized the general principles of the CRC (indicators: *non-discrimination; best interests of the child; respect for the views of the child/participation*) and the extent to which there is a basic 'infrastructure' for child rights policy (indicators: *enabling national legislation; mobilization of the 'best available' budget; collection and analysis of disaggregated data; and state-civil society cooperation for child rights*).

Based on the information in domain 5, the KidsRights Index provides concrete recommendations on what States should do to improve the children's rights situation in their country. The conclusions and recommendations from KidsRights Index domain 5 derive from the Concluding Observations of the Committee on the Rights of the Child.

The information for domain 5 'Enabling Environment for Child Rights' derived from the qualitative Concluding Observations is scored on a scale between 1 and 3. The actual score assigned to each indicator is exclusively based on the language used by the CRC Committee in the Concluding Observations.

KidsRights Index Scoring System:

Score 1 'low' = only negative remarks
 Score 2 'average' = negative and positive remarks
 Score 3 'high' = only positive remarks
 NA = not addressed

Color	Meaning
Red	Negative change
Orange	Stayed the same
Green	Positive change

Domain 5: New Zealand (CO data from 2016, six scores available)

Ranked 161-165th on domain 5: Enabling Environment for Child Rights, the KidsRights Index 2016 shows that New Zealand needs to do more to provide the necessary conditions to realize children's rights.

Country	Non-discrimination	Best interests of the child	Respect for the views of the child	Enabling legislation	Best available budget	Collection and analysis of disaggregated data	State-civil society cooperation for child rights
New Zealand 2011	2	NA	1	1	2	NA	NA
New Zealand 2016	1	1	1	1	1	1	NA

New Zealand's record in the 2016 Concluding Observations shows six times the lowest score (on *non-discrimination*, *best interests of the child*, *respect for the views of the child*, *enabling legislation*, *budget*, and *data*). No maximum or average scores are on record. On three indicators the scores of 2016 stayed the same as they were in 2011 (*respect for the views of the child*, *enabling legislation* and *state-civil society cooperation*). On two indicators (*best interests of the child* and *data*) New Zealand's scores improved from non-available to the lowest score. The scores on *non-discrimination* and *budget* dropped from an average to the lowest score. With no score available on *state-civil society cooperation*, which was also not present in 2011, the scores of New Zealand remain incomplete.

Important conclusions and recommendations from the KidsRights Index domain 5 (taken from Concluding Observations 2016: UN CRC Committee):
On non-discrimination (score 1)

There has been insufficient implementation on previous recommendations on non-discrimination. Manifestations of discrimination against the Maori population, including children, remain as evidenced by their unequal access to services.

Recommendations:

- To ensure full protection against discrimination on any ground
- To take urgent measures to address disparities in access to education, health services and a minimum standard of living by Maori and Pasifika children and their families.
- To strengthen its measures to combat negative attitudes among the public and other preventive activities against discrimination and, if necessary, taking affirmative action for the benefit of children in vulnerable situations.
- To take all measures necessary to ensure that all cases of discrimination against children are addressed effectively, including with disciplinary, administrative or penal sanctions. (CO 2016 para. 15)

On best interests of the child (score 1)

The KidsRights Index shows that New Zealand fails to comply the right of the child to have her or his best interests taken as a primary consideration.

Recommendations:

- To amend the Family Dispute Resolution Act 2013 and include an explicit requirement to comply with that obligation.
- To strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative,

administrative and judicial proceedings and decisions. This, in particular with regard to family law, social security legislation, children in care (particularly Maori children), sentencing of parents and in the refugee determination process.

- To develop procedures and criteria to provide guidance to all relevant professionals for determining the best interests of the child in every area and for giving it due weight as a primary consideration. (CO 2016 para. 16)

On respect for the views of the child / child participation (score 1)

The KidsRights Index shows that the views of children are not adequately respected within the family, in schools and in the community and there are no means by which children can express their views in the public domain. New Zealand fails to systematically take into consideration children's views when formulating laws and policies that may affect them and that their right to be heard in judicial and administrative proceedings is not sufficiently respected.

Recommendations:

- Amend its legislation, including the Family Dispute Resolution Act 2013, to ensure the right of the child to be heard in cases affecting him or her.
- Develop toolkits for public consultation on national policy development to standardize such consultation at a high level of inclusiveness and participation, including consulting with children on issues that affect them. (CO 2016 para. 18)

On enabling legislation (score 1)

New Zealand has not implemented all the previous recommendations on enabling legislation.

Recommendations:

- To bring domestic legislation relating to children into compliance with the convention.
- To consider the adoption of a comprehensive children's code in compliance with all the provisions of the Convention and ensure that any new legislation, including the recent and planned amendments to the Children, Young Persons, and Their Families Act (1989), is consistent with the provisions and principles of the Convention. (CO 2016 para. 6)

On best available budget (score 1)

The KidsRights Index shows that the increases in expenditure are not sufficient to eradicate poverty and address inequalities. Also, the budgeting process still does not allow clear identification of allocations for children. This prevents the tracking of expenditure on children by New Zealand and the evaluation of its impact.

Recommendations:

- To adopt a child-rights approach in the elaboration of the State budget by implementing a tracking system covering all child-related expenditures. New Zealand should also use this tracking system for impact assessments on how investments in any sector may serve the best interests of the child. This to ensure that the different impact of such investment on girls and boys is measured.
- To ensure transparent and participatory budgeting through public dialogue, including with children, and for proper accountability of authorities. (CO 2016 para. 9)

On data collection (score 1)

New Zealand has not implemented all the previous recommendations on data collection.

Recommendations:

- To develop a comprehensive mechanism for data collection and an information system on all areas of the Convention. The data should be disaggregated by age, sex, disability, geographic location, ethnic origin, nationality and socioeconomic background, to facilitate analysis on the situation of all children, and particularly children in situations of vulnerability.
- To ensure that the data and indicators are shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention.
- To take into account the conceptual and methodological framework set out in the report of the Office of the United Nations High Commissioner for Human Rights entitled Human Rights Indicators: A Guide to Measurement and Implementation when defining, collecting and disseminating statistical information. (CO 2016 para. 10)



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