

18th Session of the Human Rights Council – UNIVERSAL PERIODIC REVIEW

ECPAT Child ALERT; New Zealand

Submission

June 2013

B. The basis of our submission to this Review is:

- An acknowledgement of the progress made by the State with the strengthening of legislation around sentencing and the effective law enforcement carried out by the Police, Internal Affairs and Customs.
- Our experience in working with vulnerable children in Aotearoa New Zealand and internationally.
- The human rights considerations we have taken into account when making submissions on legislation through the New Zealand Government Select Committee process.
- The premise that the New Zealand Government has obligations in regard to the United Nations Convention on the Rights of the Child (UNCROC) and in particular Articles 3, 4, 19, 34, 35 and 39.

ECPAT Child ALERT appreciates the opportunity to comment on New Zealand's record of respecting the rights of the child. For the purposes of this submission, we will limit our comment to some key areas in which are of specific concern.

C. Submissions:

1. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/263 of 25 May 2000; entered into force on 18 January 2002.

New Zealand ratified 20 September 2011

Article 9 of this Optional Protocol states -

“States Parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol. In fulfilling their obligations under this article, States Parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programmes, including at the international level.”

ECPAT Child ALERT recommends that:

- **The full obligations of the State are not being met and there is a need for proactive measures to be demonstrated to fulfil Article 9. There needs to be a more proactive approach to the aspects of public awareness, education, training and community participation regarding the preventive measures and the harmful effects of the offences referred to in this Protocol. ECPAT Child ALERT recommends –**
 - ✓ **For the State to include educational modules on this topic in its secondary school curriculum**
 - ✓ **For the State to conduct a child protection campaign involving mass media for public awareness plus ensuring that every school has a robust Child Protection Policy in place and being monitored.**

2. Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OPIC)

The Optional Protocol to the Convention on the Rights of the Child on a communications procedure was adopted at the sixty-sixth session of the General Assembly of the United Nations by resolution 66/138 of 19 December 2011, opened for signature in Geneva, Switzerland, on 28 February 2012 and remains open for signature thereafter at United Nations Headquarters in New York.

Article 5 of this protocol states –

“Communications may be submitted by or on behalf of an individual or group of individuals, within the jurisdiction of a State party, claiming to be victims of a violation by that State party of any of the rights set forth in any of the following instruments to which that State is a party:

(a) The Convention;

(b) The Optional Protocol to the Convention on the sale of children, child prostitution and child pornography;

(c) The Optional Protocol to the Convention on the involvement of children in armed conflict.

Where a communication is submitted on behalf of an individual or group of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.”

ECPAT Child ALERT recommends that:

- **The State should favourably consider signing and ratifying the Protocol in order to harmonise their obligations relating to the Convention on the Rights of the Child. Further that by supporting this Protocol the State would align with the international efforts being made to ensure children are suitably protected from all forms of sexual exploitation and are able to participate fully in their own right to seek justice.**
- **In relation to this it is also recommended that the state provide the resources to enable a toll-free, 24-hour child helpline (three- or four-digit telephone numbers) to be accessible for child victims from everywhere in the country.**

3. The New Zealand Plan of Action to Prevent People Trafficking

On behalf of the State, the Department of Labour, in conjunction with a number of other government departments, released the Plan of Action to Prevent People Trafficking in 2009. The Plan resulted from wide consultation and is monitored by the Interagency Working Group on People Trafficking.

The Plan of Action Introduction states -

People trafficking is a serious transnational crime that abuses the human rights of its victims.

ECPAT Child ALERT recommends that:

- **The State broaden its understanding and definition of people trafficking within the Plan of Action limited to transnational trafficking to include situations within the boundaries of New Zealand that otherwise meet the same criteria.**

4. CSEC – Data Collection and preventing sexual exploitation of migrant girls

The Concluding observations of the Committee on the Rights of the Child; Fifty-sixth session 17 January – 4 February 2011 included:

52. The Committee recommends that the State party take adequate measures to combat the exploitation of migrant girls in prostitution and that it intensify its efforts to collect data on the extent of sexual exploitation and abuse of children, which is essential for the preparation of adequate responses to combat these phenomena.

ECPAT Child ALERT recommends that:

- **The State strengthens its policy and practice in relation to both the prevention of sexual exploitation of migrant girls and provides a process and resources for the comprehensive surveying, data collection and reporting on the extent of the sexual exploitation and abuse of children in New Zealand.**

5. National Plan of Action to Prevent the Sexual Exploitation of Children

The New Zealand Government released a New Zealand National Plan of Action Against the Commercial Sexual Exploitation of Children "*Protecting our Innocence*" in 2001. This was subsequently reviewed jointly by the Ministry of Justice and ECPAT in 2006 dubbed "*The Stocktake*". Since that date there has not been a national review of the Plan to ascertain if the goals and objectives have been achieved or are progressing.

ECPAT Child ALERT recommends that:

- **The State instigate a survey of the 2001 & 2006 documents relating to the New Zealand's National Plan of Action Against the Commercial Sexual Exploitation of Children and take the necessary steps to fulfil its goals and objectives. It is recommended that this review should consider developing a new plan taking into account New Zealand's ratification of the Optional protocol against the sale of children (OPSC) in 2009 to ensure ongoing monitoring, reporting and action to strengthen its approaches to its obligations.**

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17 June 2013

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