

Submission:

United Nations Human Rights Council Universal Periodic Review Process New Zealand June 2013

Preamble

1. This submission is made in the context of UN Resolution 16/21 (as originally set forth in Human Rights Council Resolution 5/1) designed to ensure the participation of all relevant stakeholders, including non-governmental organisations, and national human rights organisations, in accordance with General Assembly resolution 60/251 of 15 March 2006 and Economic and Social Council resolution 1996/31 of 25 July 1996.
2. The Glenn Inquiry established by businessman and philanthropist Sir Owen Glenn in 2012 is an independent, privately-funded Inquiry to address child abuse and family violence in New Zealand.
3. It is the intention of the Inquiry to share its journey, insights and vision with the United Nations Human Rights Council for use in achieving its own goals and objectives.

4. The Inquiry is committed to looking at the issues surrounding Child Abuse and Domestic/Family Violence individually and how they inter-relate. In keeping with the UN perspective, The Glenn Inquiry is cognisant of the inter-linkage between children's rights and women's rights as the 'duty bearer' of care.

A failure To Protect New Zealand's Most Vulnerable

5. The momentum behind the Glenn Inquiry came from Sir Owen Glenn's belief that New Zealand used to better protect the rights of women and children- it was simply a great a place to grow in; rather than the reality he had arrived home to many years later. On his return he commented:
"Remember when people either came to New Zealand, or chose to stay here instead of going off to distance shores, simply to give their children a great environment to grow up in? I do which makes the current appalling statistics on child abuse and neglect—not to mention youth unemployment, crime and suicide—deeply troubling. How on earth did we reach the point where we are now? Despite well meaning rhetoric, policy formulation and enormous amounts of money being thrown at problem areas, we're still going backwards at a frightening rate. "
6. Alarmed and saddened by the insidious record of domestic violence against New Zealand's women and children; spurred on by the wide spread lassitude towards their right to live a life free and safe from domestic abuse, he was moved to help the country make a change.
7. His aim initially was for the government to take ownership of these failures and take active steps to further address the underlying problems. He thought the right vehicle was a Royal Commission of Inquiry. An initial approach to the New Zealand Government to fund a Royal Commission of Inquiry was declined (on the collective view that the country was already "doing enough").
8. Evidence to the contrary encouraged Sir Owen to ask the question: *If New Zealand was leading the world in addressing child abuse and*

domestic violence what would 'that' look like? 'What policies, processes, programs and leadership could be harnessed to eliminate the inter-related problems which have eroded women and children's most basic right to suffer no harm, particularly in their homes.

9. To answer the question himself Sir Owen Glenn felt the need to turn empathy into action. As a result the Glenn Inquiry was formed.

New Zealand—We're Doing A Lot- We're not Achieving Enough

10. New Zealand is certainly expending inordinate resources in time, money and collective 'brain power' to deal with Domestic/Family Violence and Child Abuse. But is it, in the words of the New Zealand Government doing 'enough'? We think the real question is: are we 'achieving enough'? Despite our collective efforts our frightening statistics say we are not.
11. They tell a story of a systemic failure to provide the most basic protection and care to thousands of New Zealand women and children. Put simply there are over 20,000 children considered vulnerable and at risk of harm and every year, up to 30,000 women and their children seek refuge through the organisation Women's Refuge.
12. Between seven and 10 children, on average, are killed each year by someone who is supposed to be caring for them. In 2010, 209 children under 15 years of age required hospital treatment for assault related injuries.
13. In the 12 months to 30 June 2012, 152,800 care and protection notifications (triggered by Police call outs) were made to Child, Youth and Family. After investigation, Child, Youth and Family found:
 - 4,766 cases of neglect
 - 3,249 cases of physical abuse
 - 1,396 cases of sexual abuse

– 12,114 cases of what social workers term ‘emotional abuse’, often children who have witnessed family violence.

14. Despite these figures appearing inflated for a country with a population of just over 4.4 million, it is estimated that only between 18-20% of actual Domestic/Family Violence (and often including Child Abuse cases) are notified to Police and other authorities.
15. Recorded offences for various forms of violence toward children increased by nearly 11% between 2010/11 and 2011/12, this on the back of a 21% increase the previous year.
16. For the five years to June 2012, violent offences toward children increased by a staggering 84%.
17. Since June 2007, the number of recorded assaults on children grew 161%. Between 2010/11 and 2011/12, the number of recorded assaults on children increased by 15% to 2570 offences, with just over 66% resolved in some way.
18. In the same period, recorded cases of neglect and ill treatment of children rose 13% to 675 cases. In the five years to June 2011, this was a 112% increase. Resolution of these offences fell from 75% to 71% over the five year period.
19. Sexual offences on children rose 4% to 1912 offences between 2010/11 and 2011/12. Over the five year period between 2006/07 and 2011/12, there was an increase of 27%. Resolution of these offences by the Police fell from 66% to 59%.
20. Children subject to violence are more likely than children who have not experienced any form of family violence to grow up to become perpetrators or victims of family violence, thus continuing the cycle.
21. More recent estimates of the financial cost to the country were published in 2008 by the Family Violence Death Review Committee. It estimated that family violence affected one in seven New Zealanders,

with a total estimated cost of between \$1.2 billion to \$5.8 billion per annum.

22. While there is no indication of the degree of overlap with these figures, child abuse and neglect cost New Zealand around \$NZ2 billion or over 1% of Gross Domestic Product each year. This figure includes the direct costs of health care and child welfare services, ongoing costs related to long run health and crime impacts and also the indirect cost of lost productivity.
23. Lifetime estimates of child abuse suggest 4-10% of New Zealand children experience physical abuse, and 24% of girls and 11% of boys experience sexual abuse.
24. Adding to the costs outlined above, child physical abuse increased the risk of a range of mental health problems by around two to four times; suicide attempts by up to four times; alcohol abuse by around two times; and impaired relationships by around four times.
25. Attempted suicide rates were about four times higher among young people who have witnessed family violence. This could account partly for why New Zealand's suicide rate for 15-19 year olds is the highest in the OECD and double that of neighbouring Australia.
26. A new UNICEF report launched in April 2013, which looked at the state of children in the world's most advanced economies, also showed that a 'great deal more' could be done to improve child wellbeing in New Zealand.
27. Report Card 11, the latest in the series from UNICEF's Innocenti Office of Research, also highlighted that government policy is significant across the industrialised world in determining many aspects of child wellbeing. The report card made the point that some countries were doing much better than others at protecting their most vulnerable children.

28. While not totally aligned to the core focus of the Glenn Inquiry per se, some comparative statistics relative to New Zealand are indicative of the hierarchy of challenges facing the country in terms of its statistical 'place' in the world.

29. NZ is ranked:

- 32 out of 34 countries for young people who are not in any form of education, training or employment;
- 21 out of 35 countries for levels of child poverty, above Italy and Canada but below the UK and Australia;
- 24 out of 35 countries for general homicide (deaths per 100,000) which has an impact on children's safety and development. Australia, the UK and most European countries have fewer homicides per 100,000 than New Zealand; and
- 25 out of 35 countries for child health and safety (includes infant mortality and low birth weight, national immunisation levels and death rate of children and young people).

30. New Zealand suffers the fifth worst child abuse rates in the OECD.

31. If New Zealand, in fact, were doing nothing to address these pressing problems then the on-going malaise might be understandable. To the contrary, the country has committed very significant resources in an attempt to correct the balance and counter the flow.

32. Child protection became a national issue with the passage in 1908 of the Infants Act that made specific provision in Part IV for the protection of children. Other significant legislation was passed over the years - the 1982 Domestic Protection Act; the 1989 Children and Young Persons and their Families Act; the 1994 Amendments to this Act and the passage of the Domestic Violence Act. Much of this legislative and policy

enactment came in the face of high profile cases that brought the nature of problems into the public arena.

33. One of these, The Report of the Ministerial Committee of Inquiry into Violence (1987) (commonly referred to as the Roper Report) formed the view that violence in the home could account for up to 80 per cent of all violence in New Zealand society. A conservative estimate of the potential economic cost of family violence in New Zealand was \$1.2 billion a year at that time. The Roper Report summarised the state of affairs in New Zealand with the comment that: *The public through the submissions made to this Committee, has expressed its concern at the increase in violence and has called on it to find solutions. It is not unfair to say that the public now has the community it deserves. No one can afford to be complacent about the problem. Violence occurs by acts of commission and omission and we are all responsible.*
34. In 1996, the Director-General of Health approved a National Protocol Agreed by Crown Health Enterprises and Child, Youth and Family to guide the voluntary reporting of child abuse in the health system. This was supplemented by a short guide to practice (*Let's Stop Child Abuse Together*), which remained in print and was updated in 2011 (*Working Together to Keep Children and Young People Safe*).
35. In 2004 Family/Domestic violence was identified as one of five Government priorities. New Zealand's responsibility toward reducing violence had been recognised in terms of the international human rights framework, the international policy framework and the New Zealand legislative and policy framework (New Zealand Parliamentarians' Group on Population and Development 2005).
36. In 2006 a report from the Children's Commissioner led to a national Memorandum of Understanding on the safety of children in hospital with suspected or confirmed non accidental injury between Government agencies. Ironically, this Memorandum expired one year after signing.

37. In 2006 the Ministry of Social Development launched a major, five-year, inter-agency initiative titled *The Taskforce for Action on Violence within Families*. The Taskforce was convened on the basis that “New Zealand’s rates of child abuse and neglect, levels of domestic violence, deaths of children and women, and the rate of elder abuse are shameful.”
38. In the same year a team of senior Government Ministers formed the Family Violence Ministerial team aimed at improving collective capacity to eliminate family violence in New Zealand.
39. In 2010 Child, Youth and Family and Police again entered into a national Memorandum of Understanding to better collaborate their efforts to address domestic violence. They also signed the Child Protection Protocol (CPP) regarding the management of serious child abuse.
40. More recently, in 2012 the Ministry of Social Development’s *The White Paper for Vulnerable Children* set out what will be done to protect vulnerable children who are at risk of maltreatment. A central theme of this policy is the onus it places on parents and caregivers to raise and protect their children. It suggests that it is the responsibility of families, extended family, iwi (tribal grouping), and communities to support parents and caregivers and when basic needs were not being met, support failed, and children became unsafe, the Government had to step in.
41. The government has set a target for the public service to halt the ten year rise in children experiencing physical abuse and reduce current numbers by 5% by 2017. Meeting this 5% target would mean bringing the projected numbers (4,000) down by 25% (1,060). Given the rising numbers and projections, without further intervention, the target is considered by the government to be ‘extremely ambitious’.
42. The question remains, why is the target set so low. Is this really the best we can do for our most vulnerable? The Glenn Inquiry is adamant that

this is not the best we can do. As a nation we must do better, we cannot afford to fail.

Glen Inquiry-A Safe Country To Raise Our Children

43. The Glenn Inquiry is committed to our most vulnerable citizens and asking how we can do more as a nation to keep them safe and protect them from harm. We are committing to bringing their voices and their stories to bear; so we can learn about what didn't work; and find out what could work better.
44. We aim to identify solutions through the development of a world class blue print so we can address those issues that blight our record as a safe country to raise our children.
45. In function, the work of the Glenn Inquiry is not unlike that of a Royal Commission although, in this case, the mandate is from a people-driven, grass roots perspective rather than through official channels.
46. Operating with an open mind and open agenda, the Glenn Inquiry orientation is two-fold. Initially the focus is on investigating what has led to the current status of New Zealand's response to child abuse and domestic violence. Sources of information will include hundreds of face-to-face interviews with those affected, as well as front line workers. In simple terms, they are being asked: "what has worked, what hasn't worked, what improvements could/should have been made, and what would you do to help deal with the problem?"
47. In addition, 94 New Zealand-focussed reports—published by Government, Government Agencies and Ministries, universities, public and private bodies, and individuals—related to the issues of Domestic/Family Violence and Child Abuse are being analysed.
48. The Inquiry is engaging with a select group of New Zealand-based and international experts to help assess and develop policies and practices

that are effective and sustainable and that will change our domestic abuse record.

49. It will embody all the material assessed and collected and will serve as a possible and viable way forward for action and change. This Blueprint will be developed under the direction of a Governing Panel.
50. The Blueprint will be aimed at addressing specific human rights issues as they pertain to New Zealand but will also be a resource available for replication in other places.
51. The Glenn Inquiry is still very much in the information collection and analysis stage but it is envisaged that one aspect of the Blueprint will be looking at solutions based on a 'rights' model and framework. In that regard, the Inquiry logic and methodological framework will seek to articulate the respective rights as they apply to child abuse and domestic/family violence; qualify the failure of these rights and motivate those who have respective duties to resolve or correct the situation that is impinging on those rights.
52. To achieve this, the Inquiry aims to analyse the capacity, resource and development needs of these parties and to link this to the implications for social policy change, in order to build capacity.
53. The Inquiry is also mindful of the need for increasing public awareness of human rights and the need for social and attitudinal change. A social awareness building campaign Count Me In aims to enlist hundreds of thousands of New Zealanders who, like Sir Owen Glenn, want to draw a 'line in the sand' and who will stand up for our children and women living in violence.