

Save the Children Submission on the Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill, supported by the Children's Rights Alliance Aotearoa NZ

Organisation Name:	Save the Children New Zealand (SCNZ)
Geographical location	National and international
Target group/focus	Children
Contact Person Name:	Jacqui Southey, Director of Child Rights Advocacy and Research
Phone number:	04-381 7576
Email address:	Jacqui.southey@scnz.org.nz
Date:	07 January 2024

About Save the Children New Zealand

Our Organisation: Save the Children was founded in 1919 and is the world's leading independent organisation for children. We work in 120 countries to save and improve the lives of children around the world.

Vision: Save the Children's vision is a world in which every child attains the right to survival, protection, development and participation.

Mission: We work to inspire breakthroughs in the way the world treats children and to achieve immediate and lasting change in their lives.

Save the Children New Zealand was established in 1947 in Christchurch. We work to uphold the rights of children both in New Zealand and overseas.

Our Ambition: We commit to doing whatever it takes to ensure by 2030 ALL children, especially the most marginalised and deprived, survive, learn, and are protected.

Save the Children New Zealand (SCNZ) has a vested interest in ensuring the rights and wellbeing of children in Aotearoa are understood, respected, and protected for all children under 18 years of age. This includes ensuring children's rights are protected and upheld in New Zealand legislation, including when children are in conflict with the law. The Convention on the Rights of the Child defines children as all individuals under 18 years of age.

This submission is supported by the Children's Rights Alliance Aotearoa New Zealand.

About the Children's Rights Alliance Aotearoa New Zealand

In 1993, as signatories to the United Nations Convention on the Rights of the Child (UNCRC), Aotearoa New Zealand promised to respect and uphold the rights of every

child and to take all appropriate legislative, administrative and other measures to make children's rights real.

CRAANZ is a membership-based organisation. Our members include individuals and non-government organisations. We have a vision for an Aotearoa New Zealand that actively respects and realises the rights of all tamariki, in all settings.

Our mission is to promote and advance the rights of all tamariki in Aotearoa New Zealand and mobilise civil society to monitor the Government's implementation of the UNCRC. Learn more about us [here](#).

Save the Children New Zealand (SCNZ) welcomes the opportunity to provide a written submission, supported by the Children's Rights Alliance Aotearoa New Zealand, to the Social Services and Community Committee on the Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill (the Bill).

Oral Submission: We request the opportunity to make an oral submission on the Bill.

Save the Children New Zealand (SCNZ) opposes the Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill (the Bill). We call for the Bill to be withdrawn, and that it does not proceed past the Select Committee stage.

1. SCNZ does not support the Bill due to serious concerns we hold about the potential harmful impact of the Bill on young vulnerable children aged 14-17 years old.
2. The intent of the Bill is to establish a young serious offender (YSO) declaration and a new military style academy order in the Oranga Tamariki Act 1989 (the Act) that would fast track children in conflict with the law toward harsher and more serious penalties.
3. We oppose the establishment of the new young serious offender (YSO) declaration as it is a highly punitive response that could see higher numbers of children in conflict with the law saddled with a label that has serious criminal connotations and may lead to long term stigmatisation that pushes children toward, rather than away from, criminal behaviours. Additionally, the YSO could see higher numbers of children detained in youth justice facilities that are essentially jails for children. The evidence is overwhelming; children should be directed away from the formal criminal justice system and incarceration should always be a last resort.¹
4. We oppose the establishment of Military Style Academies (MSAs) as a youth justice intervention. The evidence is clear that this form of coercive youth justice intervention is an outdated methodology,² has been tried before in New Zealand³, has little to no effect in preventing youth offending and may even increase rates of reoffending.⁴ The inclusion of allowing, the '*Detention authority for the use of reasonable physical force by the chief executive (including a delegate or subdelegate)*,⁵' is completely unacceptable and breaches children's

¹ The Committee on the Rights of the Child. (2019). General Comment No.24 (2019) on children's rights in the child justice system. Retrieved from <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsqIkirKQZLK2M58RF%2F5F0vEnG3QGKUxFivhToQfjGxYjV05tUAlgP0wHQJsFPdJXCiixFSrDRwow8HeKLLh8cgOw1SN6vJ%2Bf0RPR9UMtGkA4>

² Royal Commission of Inquiry. (2024). Boot Camp: Te Whakapakari Youth Programme. A case study of State-funded violence and abuse of children and young people needing care and protection. Available at <https://www.abuseincare.org.nz/reports/whanaketia/case-studies/case-study-whakapakari/executive-summary>

³ Ibid.

⁴ Ludbrook, M. (2012). Youth Therapeutic Programmes. A Literature Review//2012. Retrieved from https://www.corrections.govt.nz/_data/assets/pdf_file/0013/10723/COR_Youth_Therapeutic_Program_WEB.pdf

⁵ Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill, available at https://www.parliament.nz/en/pb/sc/make-a-submission/document/54SCSSC_SCF_58C619F0-9C1F-4CE0-DF81-08DD076D450C/oranga-tamariki-responding-to-serious-youth-offending

rights to be protected from all of forms of violence (Article 19)⁶ . This inclusion poses a real risk that children will be harmed by physical force that, in real terms, is the use of physical violence to subdue a child.

5. In addition to the research, testimony provided by survivors of Abuse in State Care as part of the Royal Commission of Inquiry into Abuse in State Care and Faith Based Care⁷ clearly shows that children have been violently abused and traumatised in State-funded boot camp style institutions in New Zealand. The harm and trauma to children in these institutions has been life-long and linked to further harm and trauma throughout their adult lives.
6. As recently as 2004 Te Whakapakari Youth Programme (Te Whakapakari) was a fully State-funded boot camp style programme where children were sent as social welfare care and protection or youth justice sentencing options. Te Whakapakari claimed to promote drug abuse rehabilitation, self-esteem and skills development, Māoritanga and confidence building, underpinned by military style discipline. Instead, the children that were sentenced to Te Whakapakari suffered cruel, violent and inhumane treatment including, extreme psychological, physical and sexual abuse.⁸ A former Minister of Child, Youth and Family, Hon Ruth Dyson, was quoted as saying, "A lot of government money was put into that programme and in the end it resulted in the State funding violence and abuse towards children and young people."⁹

Child and Youth Justice Responses are required to uphold the rights of children including when in conflict with the law.

7. We are deeply concerned that establishing a young serious offender (YSO) declaration and the Military Style Academy (MSAs) will not be effective in preventing child or youth offending and will likely breach their rights under the Bill of Rights Act¹⁰, the Convention on the Rights of the Child (the Convention)¹¹, and for tamariki and rangatahi Māori their rights under Te Tiriti o Waitangi.

⁶ The Convention on the Rights of the Child (1989), available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

⁷ Royal Commission of Inquiry. (2024). Boot Camp: Te Whakapakari Youth Programme. A case study of State-funded violence and abuse of children and young people needing care and protection. Available at <https://www.abuseincare.org.nz/reports/whanaketia/case-studies/case-study-whakapakari/executive-summary>

⁸ Ibid.

⁹ Ibid.

¹⁰ The New Zealand Bill of Rights Act (1990), available at <https://www.legislation.govt.nz/act/public/1990/0109/latest/DLM224792.html>

¹¹ The Convention on the Rights of the Child (1989), available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

8. The Regulatory Impact Statement (RIS)¹² developed by Oranga Tamariki alongside Ministry of Justice and with support from New Zealand Police, clearly states that the Bill establishes a regime that will likely be in breach of the rights and freedoms of children and young people.
9. According to the RIS¹³ the proposed regime under the Bill would impact on the Crown's responsibilities under Te Tiriti o Waitangi due to the overrepresentation of Māori within the youth justice system.
10. Numerous reports have highlighted the need for fully resourced and funded culturally appropriate youth justice interventions to support tamariki and rangatahi Māori in conflict with the law to achieve better outcomes and reduce rates of reoffending.¹⁴ For example, research by the Henwood Trust that reviewed rangatahi Māori aged 14 to 16 years, involved in criminal justice, highlighted concerns about young people on long remand stays in secure youth-justice residences while waiting for Youth Court, placement or resolution (with increases in the number on such remand, and their length of stay between 2011 and 2016), along with a lack of quality community placement options for Māori youth with complex needs. The report recommended the growing Rangatahi Court innovations and the "Remand Options Investigation Tool" (ROIT) as culturally appropriate tools. Additionally, a range of iwi based, local, community and or NGO solutions exist, but require greater funding and genuine partnership with iwi to deliver on the scale needed.¹⁵
11. Culturally appropriate youth justice interventions are limited and are needed in response to Aotearoa New Zealand's culturally diverse population. Currently there is a paucity of information on culturally appropriate youth justice interventions in New Zealand. Interventions continue to be sourced from Western worldview models of theory and practice.¹⁶ This is an area in need of further development.

¹² Available at <https://www.orangatamariki.govt.nz/assets/Uploads/Youth-justice/Military-Style-Academies/Regulatory-Impact-Statement-Serious-Youth-Offenders-andmilitary-style-academies-June-2024.pdf>

¹³ Ibid.

¹⁴ Gluckman, P. (2018). It's never too late, never too early: A discussion paper on preventing youth offending in New Zealand. Office of the Prime Minister's Chief Science Advisor: Online. Retrieved from <https://www.dpmc.govt.nz/sites/default/files/2021-10/pmcса-its-never-too-early-Discussion-paper-on-preventing-youth-offending-in-NZ.pdf>

¹⁵ Ibid.

¹⁶ Gluckman, P. (2018). It's never too late, never too early: A discussion paper on preventing youth offending in New Zealand. Office of the Prime Minister's Chief Science Advisor: Online. Retrieved from <https://www.dpmc.govt.nz/sites/default/files/2021-10/pmcса-its-never-too-early-Discussion-paper-on-preventing-youth-offending-in-NZ.pdf>

12. New Zealand is bound by international obligations to uphold the Convention on the Rights of the Child for all children in New Zealand up to 18 years of age, including if they are in conflict with the law.¹⁷
13. New Zealand ratified the Convention in 1993, according all children in New Zealand their rights under the Convention, and reaffirmed New Zealand's commitment in 2019. In terms of child and youth justice, the Convention provides special protections for children and young people, including in relation to arrest, detention, and imprisonment.¹⁸

There has not been a thorough consultation with all effected stakeholders on this Bill.

14. According to the RIS, the policy was developed at pace based on direction of the Ministers and the 100 Day plan and party manifestos therefore limiting the options that officials were able to consider.¹⁹
15. The limited timeframes did not allow for consultation beyond Government agencies involved in implementing proposals. These included New Zealand Police, Crown Law, New Zealand Defence Force, and the Department of Corrections. There was limited consultation with the Youth Court Judiciary as to the workability of proposals, and officials obtained information and experiences from three Australian states that have similar regimes to YSO declarations.
16. We are concerned that there has been no engagement with young people and their families, who would be most affected by the proposals. It has been reported that there was no engagement with rangatahi and whānau Māori, or with strategic iwi Māori partners of Oranga Tamariki to understand the impacts on Māori and to identify mitigations. There has also been no consultation with other impacted populations, including victims.

¹⁷ The Committee on the Rights of the Child. (2019). General Comment No.24 (2019) on children's rights in the child justice system. Retrieved from

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsqIkirKQZLK2M58RF%2F5F0vEnG3QGKUxFivhToQfjGxYjV05tUAlgPQwHQJsFPdJXCiixFSrDRwow8HeKLLh8cgOw1SN6vJ%2Bf0RPR9UMtGkA4>

¹⁸ Ibid.

¹⁹ Available at <https://www.orangatamariki.govt.nz/assets/Uploads/Youth-justice/Military-Style-Academies/Regulatory-Impact-Statement-Serious-Youth-Offenders-and-military-style-academies-June-2024.pdf>

17. The lack of consultation is a breach of children's rights under the Convention on the Rights of the Child, where children (up to 18 years of age) have the right to share their views on decisions that will impact them and have their views taken into account by decision makers (Article 12).²⁰

18. This Bill directly impacts children aged 14-17 years, it is a Bill solely about children, yet they have never been consulted, therefore breaching their rights under the Convention.²¹

19. In addition to lack of consultation, we are concerned that the Bill appears to be heavily influenced by models implemented by some Australian states, yet the review of the Victorian YSO regime found that Victoria's serious youth offence categorisation regime was "*a blunt tool and not well tailored for the policy objectives it is designed to achieve*".²²

Coercive Youth Justice Responses have little to no effect in the prevention of youth offending or reoffending.

20. New Zealand and international evidence indicates that coercive youth justice responses of increased surveillance and discipline interventions such as military style academies are largely ineffectual. Military style academies have been tried previously in New Zealand with limited to no effect in preventing offending occurring or being effective in preventing reoffending.^{23 24}

21. Given that evidence has found that establishing harsher reactive penalties does not serve as an effective deterrent to crime, there is a risk that public safety will not be improved as a result of this bill.

If New Zealand is to be truly effective in preventing youth crime, we need to be serious about preventing harm to children occurring in the first place.

²⁰ The Convention on the Rights of the Child (1989), available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

²¹ Ibid.

²² Cited in, Department of Justice and Community Safety. (2022). Review of the Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017. Retrieved from Youth Justice Reform Act Review Report (2022).pdf

²³ Ludbrook, M. (2012). Youth Therapeutic Programmes. A Literature Review//2012. Retrieved from https://www.corrections.govt.nz/_data/assets/pdf_file/0013/10723/COR_Youth_Therapeutic_Program_WEB.pdf

²⁴ Gluckman, P. (2018). It's never too late, never too early: A discussion paper on preventing youth offending in New Zealand. Office of the Prime Minister's Chief Science Advisor: Online. Retrieved from <https://www.dpmc.govt.nz/sites/default/files/2021-10/pmcasa-lts-never-too-early-Discussion-paper-on-preventing-youth-offending-in-NZ.pdf>

22. Most young offenders are victims themselves, having experienced high rates of criminal abuse, neglect, and violence, often from infancy.²⁵
23. Children and young people who offend often come from highly disadvantaged backgrounds. They – and their families / whānau – are normally known to government agencies prior to the alleged offending. Research suggests that more than 80 percent have experienced family harm.²⁶
24. Youth offenders are three times more likely than non-offenders to have experienced a traumatic head injury during childhood.²⁷
25. Seventy five percent of women in prison have experienced sexual and family violence. A history of sexual abuse is the strongest predictor reoffending by young females.²⁸
26. Strong families matter. Programmes and investment to strengthen families, particularly those struggling is important to ensure good outcomes for children in both the short and long term. Robust family/whānau support, or lack thereof, is known as a driver or limiting factor of offending behaviour.²⁹
27. A life course approach is recommended as potentially the most effective way to reduce serious crime rates in the longer term, and subsequently reduce the use of imprisonment. An effective prevention programme would link up policy and practice in child development, child health, social services, education, youth justice and adult justice.³⁰ The New Zealand Government has recently established the revised Child and Youth Wellbeing Strategy.³¹ This strategy has the potential to lay the groundwork for reducing child harm in the short term that would serve to reduce youth offending in the longer term should the outcomes of the Strategy be achieved. Investment in policies and practices

²⁵ Ibid.

²⁶ Lambie, I., Reil, J., Becroft, A., & Allen, R. (2022). *How we fail children who offend and what to do about it: A breakdown across the whole system*.

²⁷ Gluckman, P. (2018). It's never too late, never too early: A discussion paper on preventing youth offending in New Zealand. Office of the Prime Minister's Chief Science Advisor: Online. Retrieved from <https://www.dpmc.govt.nz/sites/default/files/2021-10/pmcfa-Its-never-too-early-Discussion-paper-on-preventing-youth-offending-in-NZ.pdf>

²⁸ Ibid.

²⁹ Gluckman, P. (2018). It's never too late, never too early: A discussion paper on preventing youth offending in New Zealand. Office of the Prime Minister's Chief Science Advisor: Online. Retrieved from <https://www.dpmc.govt.nz/sites/default/files/2021-10/pmcfa-Its-never-too-early-Discussion-paper-on-preventing-youth-offending-in-NZ.pdf>

³⁰ Ibid.

³¹ Available at <https://www.msd.govt.nz/about-msd-and-our-work/child-wellbeing-and-poverty-reduction/child-youth-strategy/index.html>

that strengthen families and positive childhood outcomes is essential if New Zealand is to achieve these goals.

28. Research³² also suggests that children and young people in youth justice residences are more likely to have:

- a confirmed or suspected mental health or disability-related diagnosis
- self-harmed or attempted to end their life
- learning difficulties
- experience of physical harm
- witnessed violence between adults at home
- a psychiatric disorder
- experience of least two “traumatic events” in their lifetime including sexual abuse, being badly hurt or in danger of being badly hurt or killed, witnessing someone else being severely injured or killed, or experiencing an event they considered “terrifying”.

29. Experts³³ recommend early intervention as a means to disrupt pathways into the prison pipeline. There is considerable evidence of ways to address and treat the effects of children’s trauma (abuse, violence, loss and neglect), issues with mental health and substance use, learning and literacy difficulties, and lack of social, cultural and community engagement and wellbeing.

30. A failure to adequately respond to learning disabilities is costing New Zealand in terms of children having a higher likelihood of entering the youth justice system later in life.³⁴

31. Investing in and adequately addressing the learning, health and mental health needs of children is critical if we are to effectively prevent children from engaging in offending and coming in conflict with the law. Low rates of literacy and numeracy are often due to learning disabilities that have gone untreated leading to low achievement and subsequent poor engagement in school. A prior study (2009) undertaken with 60 youth aged 16 -19 in Christchurch and Rimutaka prison youth units found showed a high prevalence of learning disabilities with 91.7% of offenders showing significant difficulties

³² Ibid.

³³ Gluckman, P. (2018). It's never too late, never too early: A discussion paper on preventing youth offending in New Zealand. Office of the Prime Minister's Chief Science Advisor: Online. Retrieved from <https://www.dpmc.govt.nz/sites/default/files/2021-10/pmcса-its-never-too-early-Discussion-paper-on-preventing-youth-offending-in-NZ.pdf>

³⁴ Retrieved from https://www.corrections.govt.nz/_data/assets/pdf_file/0013/10723/COR_Youth_Therapeutic_Program_WEB.pdf

in at least one area of achievement.³⁵

32. Failure to adequately resource effective support for children with learning disabilities to achieve alongside their peers is a breach of their rights to participate in quality education that develops their abilities and talents to the full (Articles 28 and 29).³⁶
33. A report by The Education Hub (2024) warned that schools and early childhood centres are failing autistic and other neurodivergent children on an epic scale.³⁷ The report revealed that 15-20 % of the population was neurodivergent, meaning they had conditions including autism, ADHD, dyslexia and anxiety, and called for more funding and a law change to force the Ministry of Education and schools to provide support for *all* children with disabilities and learning needs.³⁸ While neurodivergent children have the right to attend school in New Zealand, they don't have the right to receive the resourcing and support they need to succeed and thrive at school.³⁹
34. The Government's own assessment⁴⁰ warns that MSAs are unlikely to work for youth that are victims of violence, have experienced significant trauma, are disabled or neurodivergent.
35. The evidence shows that disabled or traumatised young people are overrepresented in the youth justice population.⁴¹ These insights must not be ignored given the evidence that disabled or traumatised young people are overrepresented in the youth justice population, it is likely that they will also be overrepresented in the YSO and MSA cohort.⁴²

³⁵ Ruckridge, McLean and Bateup (2009), cited in Ludbrook, M. (2012). Youth Therapeutic Programmes. A Literature Review//2012. Retrieved from

https://www.corrections.govt.nz/_data/assets/pdf_file/0013/10723/COR_Youth_Therapeutic_Program_WEB.pdf

³⁶ The Convention on the Rights of the Child (1989), available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

³⁷ Hood, N., and Hume, R. (2024). The illusion of inclusion. The experiences of neurodivergent children and those supporting them in Aotearoa New Zealand's education system. The Education Hub: Online. Retrieved from https://cdn.theeducationhub.org.nz/wp-content/uploads/2024/05/Ed-Hub_Illusion-of-Inclusion-report_v2_low-res.pdf

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Available at <https://www.orangatamariki.govt.nz/assets/Uploads/Youth-justice/Military-Style-Academies/Regulatory-Impact-Statement-Serious-Youth-Offenders-andmilitary-style-academies-June-2024.pdf>

⁴¹ Gluckman, P. (2018). It's never too late, never too early: A discussion paper on preventing youth offending in New Zealand. Office of the Prime Minister's Chief Science Advisor: Online. Retrieved from <https://www.dpmc.govt.nz/sites/default/files/2021-10/pmcса-its-never-too-early-Discussion-paper-on-preventing-youth-offending-in-NZ.pdf>

⁴² Available at <https://www.orangatamariki.govt.nz/assets/Uploads/Youth-justice/Military-Style-Academies/Regulatory-Impact-Statement-Serious-Youth-Offenders-andmilitary-style-academies-June-2024.pdf>

The establishment of the Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill contradicts the evidence on what works to prevent youth offending and reoffending

36. The adolescent brain is immature. It is still developing, prone to impulsivity, and highly susceptible to influence. Scientific evidence shows that development extends into the mid 20s.⁴³ Brain development is an important consideration when developing effective policies related to children and youth. This cognitive stage does not interact well with punishment focused policies as it relies on the adolescent to understand and be 'scared of' of the consequences as the primary deterrent.⁴⁴
37. Grouping high risk youth that have a history or serious and persistent offending appears to be a direct contradiction of recommendations to prevent ongoing and serious offending by young people. Antisocial associates is one of the identified major risk factors for recidivism, "Antisocial associates: Close association with criminal others and relative isolation from anti-criminal others, immediate social support for crime."⁴⁵
38. Whereas reduced association with criminally experienced peers and greater exposure to pro-social peers and positive nurturing role models has been found to be a strong predictor of desisting from reoffending.⁴⁶ *"It is through socialisation, inclusion and connection, not punishment, that young people learn to obtain respect for others by respecting themselves. As a community, we are all invested in growing healthy, respectful and supported young people,"* Dame Sian Elias.⁴⁷
39. Youth reoffending is not easily predictable. Prior research⁴⁸ has found that it is difficult to identify whether a young person will reoffend again and or their reoffending patterns. However, it is known that a child engaging in the criminal

style-academies-June-2024.pdf

⁴³ Gluckman, P. (2018). It's never too late, never too early: A discussion paper on preventing youth offending in New Zealand. Office of the Prime Minister's Chief Science Advisor: Online. Retrieved from <https://www.dpmc.govt.nz/sites/default/files/2021-10/pmcslts-never-too-early-Discussion-paper-on-preventing-youth-offending-in-NZ.pdf>

⁴⁴ Ludbrook, M. (2012). Youth Therapeutic Programmes. A Literature Review//2012. Retrieved from https://www.corrections.govt.nz/_data/assets/pdf_file/0013/10723/COR_Youth_Therapeutic_Program_WEB.pdf

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Dame Sian Elias, cited in Gluckman, P. (2018). It's never too late, never too early: A discussion paper on preventing youth offending in New Zealand. Office of the Prime Minister's Chief Science Advisor: Online. retrieved from <https://www.dpmc.govt.nz/sites/default/files/2021-10/pmcslts-never-too-early-Discussion-paper-on-preventing-youth-offending-in-NZ.pdf>

⁴⁸ Ibid.

justice system is more likely to reoffend than if the child is diverted away from the formal system and receives therapeutic interventions that are developmentally appropriate for their age and stage, recognise and incorporate their health or mental health needs, and are proportionately appropriate to the offence they have committed.⁴⁹ ⁵⁰

40. Increasing education and skill development opportunities are also known to be effective in supporting children to be directed away from continued offending toward another chance for a positive future.⁵¹

Conclusion

Save the Children and the Children's Rights Alliance Aotearoa New Zealand are both strongly opposed to the Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill.

As stated in our submission, the Bill risks harming already highly vulnerable children under 18 years of age, most of whom have been victims of harm and/or crimes themselves, and/or have complex needs.

The Bill fails to address the persistent and complex drivers of child and youth offending, and instead takes a punitive and reactive approach after offending has already been committed.

The Risk Impact Statement developed by Oranga Tamariki, with support of Justice and New Zealand Police, clearly shows that the Bill is driven by the views and wishes of Government Ministers and is contradictory to evidence based on a growing body of existing research both here in New Zealand and international contexts. It is unacceptable to subject already vulnerable children to flawed political ideology that ignores strong and compelling evidence of what works for children.

The growing body of research shares clear and compelling recommendations that coercive youth justice responses such as harsher penalties, and military style

⁴⁹ Gluckman, P. (2018). It's never too late, never too early: A discussion paper on preventing youth offending in New Zealand. Office of the Prime Minister's Chief Science Advisor: Online. Retrieved from <https://www.dpmc.govt.nz/sites/default/files/2021-10/pmcса-lts-never-too-early-Discussion-paper-on-preventing-youth-offending-in-NZ.pdf>

⁵⁰ The Committee on the Rights of the Child. (2019). General Comment No.24 (2019) on children's rights in the child justice system. Retrieved from <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsqIkirKQZLK2M58RF%2F5F0vEnG3QGKUxFivhToQfjGxYjV05tUAlgPowHQJsFPdJXCiixFSrDRwow8HeKLLh8cgOw1SN6vJ%2Bf0RPR9UMtGkA4>

⁵¹ Gluckman, P. (2018). It's never too late, never too early: A discussion paper on preventing youth offending in New Zealand. Office of the Prime Minister's Chief Science Advisor: Online. retrieved from <https://www.dpmc.govt.nz/sites/default/files/2021-10/pmcса-lts-never-too-early-Discussion-paper-on-preventing-youth-offending-in-NZ.pdf>

academies are likely to have limited impact, may even worsen the potential for reoffending, and therefore unlikely to enhance public safety.

The RIS clearly states that the Bill contravenes child and youth justice recommendations by the Committee on the Rights of the Child, would likely see a breach of children's rights under the Convention on the Rights of the Child, the New Zealand Bill of Rights Act, and Te Tiriti o Waitangi.

It is concerning and deeply disappointing that Bill seeks to reintroduce harmful practices already tried in New Zealand that subjected children to violent abuse and trauma with lifelong consequences. Furthermore, despite the recent Government apology, the Bill completely disregards evidence of survivors of abuse in care provided to the Royal Commission of Inquiry into Abuse in State and faith-based care, and the subsequent recommendations of the RCI.

We call for the Bill to be withdrawn and not to proceed past the Select Committee stage.

This submission has been developed on behalf of Save the Children by Jacqui Southey, Child Rights Advocacy and Research Director, Save the Children New Zealand, and is supported by the Children's Rights Alliance Aotearoa New Zealand. For any inquiries related to this submission contact Jacqui Southey jacqui.southey@scnz.org.nz