

Recommendations to the Committee on the Rights of the Child - United Nations Day of General Discussion 2021 on Strengthening Kinship Care in Aotearoa, New Zealand



INTRODUCTION

This submission examines the particular vulnerable groups and the important role whānau care (family or kinship care) in New Zealand can play in reducing unnecessary separation of children from families and placement in state care. It is based on consultations with local non-governmental organisations (NGOs) working on alternative care in New Zealand. The NGOs have a deep understanding of the current concerns prevailing in the country. It also includes a review of recent reports. Importantly, we have sought to include the voices of the often underrepresented tamariki (children) and rangatahi (young people) with lived experience of the state care system or who are cared for within whānau, often following State intervention. Their views are crucial and were accessed through organisations who work directly with them.

The consultations highlighted the damaging effect of family separation due to placing a child in state care. It also includes the impact on children when one or both parents are in prison, and the children are left behind with an uncertain future. Whānau care can significantly reduce the need to separate children from their families and provide a vital supportive and caring family for children. However it is imperative that the state recognises the specific needs of tamariki, grandparents and other whānau caregivers who have tamariki under their care. This requires financial, practical, emotional and legal support to be readily available.

For Māori – 'whānau' encompasses the members of their immediate and extended family group through which there is a physical, emotional and spiritual dimension that is based on their whakapapa (genealogical links). This extension of the concept of whānau also encompasses their extended whānau grouping (hapu) and tribe (iwi) through which the child has these whakapapa links and a sense of belonging and identity.

The recent Māori inquiry into Oranga Tamariki (New Zealand Ministry for Children) is referenced to help provide a comprehensive understanding of the situation with clear recommendations.

The paper also highlights the impact of COVID-19 on families especially on children in alternative care. These children clearly articulated the need to improve the quality of their lives and reduce the impact of COVID-19 on their education.

CONTRIBUTING ORGANISATIONS

Grandparents Raising Grandchildren (GRG) is a charitable trust supporting grandparents and whānau kin carers who have children in their full-time care throughout New Zealand. It is the only organisation providing information, advice, support and advocacy for full-time grandparent caregivers.

VOYCE – Whakarongo Mai is an independent charity organisation that is co-designed by tamariki and rangatahi with care experience. They advocate for the nearly 6000 tamariki currently in State care (including residential placements as well as whānau and non-whānau foster care).

Te Whānau o Waipareira supports positive life changes for Māori families. For over 30 years, they have provided services covering health, housing, social justice and education.

Pillars is a registered charity that supports tamariki who have a parent in prison. They do this via a range of programmes across mentoring for the children, and wrap around services for the families, caregivers and whānau.

Family for Every Child is a global alliance of currently 40 local civil society organisations in 36 countries. All members are deeply-rooted where they work, so their models for change grow directly out of the needs of their unique communities.

THE CONTEXT

According to [Family for Every Child's 2019](#) study, kinship care represents a paradox. It is the most widely used and valued form of care when children cannot be looked after by parents, yet it is also frequently neglected by those seeking to support vulnerable children who are separated from parents. In global policy debates, kinship care receives only peripheral attention. Kinship care cannot continue to be ignored. It is one of the most valuable resources available to the most vulnerable children in the world. It provides better outcomes for children than many other forms of care.



Family for Every Child's briefing paper, [Prioritising kinship care in responses to COVID-19](#) further shows how COVID-19 exacerbates the vulnerabilities of kinship care households. Further, [Children's Rights Alliance's June 2020 report](#) has shown the pandemic has had an ongoing significant impact on children and their rights in New Zealand; highlighting existing inequities and, in some instances, worsening these inequities. The lack of focus on children will have created unintended and, as yet, unquantifiable and unknown consequences and impacts for children which is deeply concerning.

KEY ISSUES

1. OVERREPRESENTATION OF MĀORI CHILDREN IN STATE CARE

To understand the background specific to New Zealand it is useful to provide an overview of Oranga Tamariki—the Ministry for Children that was launched in April 2017. The importance of whānau relationships is embedded in the Oranga Tamariki Act 1989 (Children's and Young People's Well-being Act 1989). This includes the principle that "the child's or young person's place within their family, whānau (extended family), hapū (kinship group), iwi (tribe), and family group should be recognised", and "wherever possible, these relationships should be maintained and strengthened". However, these principles have not always been adhered to. Māori overrepresentation in care and accusations that Oranga Tamariki have not allowed for Māori families to care for children, in instances where this was the best option, are still to be addressed. These accusations were raised amid a damning [report](#) into child removals by Oranga Tamariki.

Māori voices

“When our tamariki are uplifted into state care, they are not just being taken away from mum or dad, but from a whole ecosystem made up of a rich whāriki (tapestry) of wider whānau, culture, history and ancestry, which are all things we know to be vital to the positive growth and development of any child.”

Source: Ko Te Wā Whakawhiti, It's time for change. A Māori Inquiry into Oranga Tamariki: Report 2020

In 2017, the Ministry was tasked with transforming the care and protection system of New Zealand by 2022. The vision of the new Ministry was to put the safety and wellbeing of tamariki and rangatahi first by ensuring they get access to the care and support they need, and have a say in decisions that affect them.

In some cases, children are granted interim state custody without parents and the whānau having the opportunity to be heard. At times the children are taken into custody soon after birth which was brought to public attention through media's reporting of the Hawke's Bay incident when the agency attempted to uplift a newborn infant from a Māori mother.

The impact of this separation is most traumatic on children with long-lasting negative consequences on their development. Children become cut-off from the rich history, culture and tradition of the kinship ecosystem. The family, especially the mother, feels a great intensity of grief immediately following the removal and has to endure this loss for a very long time. It has created unspeakable agony to thousands of children and their families.

2. DIFFICULTIES FACED BY AT RISK AND VULNERABLE EXTENDED FAMILIES

Children often come into grandparents' care having experienced difficult situations. These can range from issues including developmental problems often leading to them having significant disabilities such as ADD/ADHD, fetal alcohol syndrome, behaviour disorders, cerebral palsy and learning disabilities, which affect health, education and social development and can require high levels of care (Kresak et al)

According to GRC's [report](#), grandparents and whānau carers are facing significant social and economic challenges. Grandparents love having the children in their care but they need to be provided with appropriate support to enable them to fulfill the care responsibilities of children placed with them. There are also several difficulties including the processes to access the Unsupported Child Benefit causing financial difficulties for most families

Grandparents often take on the care role through the Hui-a-whānau process, a meeting that aims to use Māori protocols, facilitated by either Māori families or Oranga Tamariki staff for the placement of the child. In practice, these meetings do not meet the state's objectives or follow Māori protocols, instead becoming informal meetings at which decisions are quickly and often loosely made for the placement of a child. As a result, there is often no financial or professional support from the State for the child or their grandparent. This is because they are assessed to be in a "safe placement". In most of these cases there are no orders defining the grandparents' legal status of care and no eligibility for the foster care allowance*.

Voices from the community

“ When we do things with our family and friends, that's when I feel like I can do better and achieve my goals because I see us all doing it. ”

Rangatahi from Tūranganui-a-Kiwa

Source: What Makes a Good Life? Tamariki and Rangatahi Māori Mai World Cohort Summary report, Office of the Children's Commissioner, November 2019

3. CHILDREN OF INCARCERATED PARENTS

According to Pillars, children of incarcerated parents are the most vulnerable in the community. The findings of a [Pillars study](#), emphasise the difficulties that these groups face throughout childhood. They are more at risk of physical, mental and emotional health problems. Their education is likely to be disrupted and many do not complete schooling. Most are brought up in benefit-led households, often implying that they live in a household below the poverty line. Because of these cumulative factors, by adolescence they are highly at risk of forming poor peer relationships leading to alcohol and drug abuse, risky practices and crime.

There are more than 23,000 tamariki and rangatahi with a mother, father or both in prison. Many are living a precarious existence with complex health and social needs. Many of the families, especially Māori and Pacific families, are very much impacted by intergenerational trauma and its hold on their lives and direction. Social workers at Pillars, support these families to understand the impact and address it.



* The Foster Care Allowance is paid to approved caregivers where the Chief Executive of Oranga Tamariki has a guardianship and custody order for the child under the Oranga Tamariki Act 1989

4. COVID-19 AND ITS IMPACT ON CHILDREN IN ALTERNATIVE CARE

COVID-19 pandemic is having a significant impact on the lives of children. GRG surveys highlighted the challenges being faced by caregivers in the provision of quality care to the children. Key emerging issues are related to the learning capacity of children as schools continue to run online, inaccessibility to devices and the internet, difficulties managing troubling behaviour pertaining to children with past experiences of trauma. COVID-19 represented a further triggering experience for these children that caused increased stress and anxiety for caregivers. Key findings from the GRG's June 2021 survey (cf: May 2020 Survey) are:

- 67% of the respondents reported being worried about the ongoing impact of the pandemic on themselves and their whānau. Up 7% from the May 2020 survey.
- 20% reported that there aren't enough devices in their homes for everyone who needs them, especially children for attending online classes. Down 5% from the May 2020 survey
- 28% of the caregivers agreed that they are struggling to manage the children's behaviour during this time. Up 3% from the May 2020 survey



Community voices

“ The most difficult aspect of lockdown was the school learning. It was poorly managed and disjointed, unengaging and very socially isolating for the younger children. Our grandchild's anxiety around learning went through the roof and managing mental health became the priority. ”

GRG survey response

RECOMMENDATIONS

The paper stresses that “positive change towards better outcomes for tamariki Māori and whānau Māori is a multi-layered process and requires attention to short, medium and long-term actions in order to support robust and transformative change”. This involves inclusive, wrap-around ‘by Māori, with Māori, for Māori’ services that are designed from the true lived experiences of whānau, and which offer long term solutions for all tamariki and their whānau to flourish.

For any child at risk of harm and in need of care and protection, the most effective approach to ensuring their wellbeing and good outcomes, is to place the child at the earliest opportunity into the care of a member of their whānau who can respond to the child's needs for safety and security and promote the child's wellbeing and sense of belonging and identity within the whānau.

For kinship care to be safe and effective, children, grandparents and whānau caregivers must have financial, practical and emotional support, and help with schooling. The caregivers need timely referral to support and advocacy assistance such as that provided by GRG. Mechanisms must be put in place to protect children from abuse and discrimination, and to help manage relationships with birth parents and support reintegration. The needs of other children in the household must also be recognised and addressed. Appropriate attention needs to be given to the health and social needs of children of incarcerated parents. Their carers must be provided practical information like the one provided by one of Pillars fact sheets on [how to care for children whose parents are in prison](#).

Children have the right to put their views forward, to be consulted and participate in decisions about their care according to their emerging capability. That is why it is important to listen to VOYCE who makes children's opinions count.

Effectively responding to kinship care specially during the COVID-19 pandemic requires providing a full package of support for children and caregivers that reflects these multiple vulnerabilities. This in turn involves collaborations among a range of sectors including child protection, social protection, education, health and justice.

The need of the hour is not a top-down approach but to work through localised solutions.

Submission to the Committee on the Rights of the Child

Submitted by: **Family for Every Child**, a global Alliance of local CSOs



INTRODUCTION

Family for Every Child is a diverse, global alliance of 40 local civil society organisations in 36 countries. We work with millions of children in extended family care, alternative care, detention, and those on the move or without adequate care in their own families. Our goals are to prevent family separation, strengthen families, ensure high quality alternative care when needed, and protect children outside of any adult care. Our members are deeply-rooted where they work, so their models for change grow directly out of the needs of their unique communities. Together, we achieve collaborative projects that deliver impact and change at a larger scale than our members could do separately. These include global campaigns and advocacy, international research, and programme pilots to achieve change in multiple countries.

In 2019, Family for Every Child contributed to the inter-agency efforts behind the UN General Assembly's resolution on children without parental care (CWPC). As an active member of the UNCRC Committee's CSO Task Force, we welcome the 2021 DGD topic. We believe that this discussion is an opportunity for the global community to question what is required to create an environment that places support to families and child wellbeing at the centre of all government policy to ensure more equitable, non-violent and sustainable societies. Our submission stresses the importance of locally rooted responses, as it explores frequently ignored issues including care for sexually exploited children (particularly boys), the role of kinship care, the needs of and care opportunities for children on the move and in detention, re/integration from alternative care, and the impact of COVID-19.

KEY ISSUES AND RECOMENDATIONS

1- Greater investments in preventing family separation of children by supporting kinship care through locally rooted solutions

Prevention starts with identification of children at risk. In any given setting, many children who are at risk are unknown to the child protection system and this needs to be tackled. Investment is needed to ensure that the damaging and often traumatic impact of family separation is avoided, that families are kept together and children are kept out of stranger care and the formal child protection system wherever possible. Prevention needs to be the major focus of care reform but requires recognition of the intense and sustained support needed for highly complex families. Family strengthening efforts can be long and complicated and there is no quick fix solution. This means that the child's best interest needs to be considered.

Kinship care is a highly valued and commonly used traditional response in most cultures. It has proven to be the vital mechanism to ensure children are not placed in stranger care but are kept within their extended family with all the attendant benefits of family bonds, relationships and identity.

Many children are pushed into kinship care as a result of poverty, lack of access to services, abuse and neglect. These children are therefore likely to be more vulnerable than the general population, and caregivers need assistance to help them reach their full potential. These risks are not intrinsic to kinship care- most could be addressed through further investments and are not an indication that that kinship care should be used less or with a high degree of caution. Rather, kinship care families should be provided with proper financial, legal, practical and emotional support. Investments **must be made in order to maximise the potential of kinship care** to enhance children's well-being.

In conclusion, rather than top-down universal approaches being applied to various contexts, investment is needed in the existing informal child protection systems, building on the strengths of traditional approaches and practices that are reflective of their local contexts.

2- Recognition and attention to family care and protection of children on the move and children in detention

The scale of the issues related to these groups of children is far greater than often presented or addressed. Preliminary research on children on the move in a number of contexts finds that support by governments and agencies is largely focused on cross-border movement, and on those at the highest risk such as trafficked*. Attention also needs to be focused on support to children who move within their own countries, which is often neglected. This movement is caused predominantly by rural-urban inequalities, and opportunities and services available in the urban setting. It is often hastened in the more immediate term by family violence, dysfunction and the desire of young people to improve their situation and that of their families.

Sexual violence against unaccompanied boys is more prevalent than is acknowledged and requires specialised prevention and care measures**. Our member Voice of Children (Nepal) reported that many boys who migrate from rural to urban areas find it difficult to obtain gainful employment and out of desperation accept exploitative labour condi-

EXAMPLES OF LOCALLY ROOTED SOLUTIONS FROM OUR MEMBERS

JUCONI (Mexico) - works to build safe relationships with and within families with high levels of domestic violence. It uses an educational and therapeutic process to break intergenerational cycles of violence. 80% of the families successfully complete the programme and end violence in their households. This in turn strengthens family unity.

FSCE (Ethiopia) and Voice of Children (Nepal) work with street-connected children to determine if reintegration back to families of origin including kinship care is appropriate and if not, use alternative care programmes. Interventions that include supportive caregivers have a much greater chance of long-term success. Families can also be helped to provide longer-term support once external services end.

FOST (Zimbabwe) implements the Supporting Orphaned and Vulnerable Children (SOVC) programme in which kinship care is a core component in preventing family separation.



*Findings from a Family for Every Child literature review on children on the move within and between countries in Africa, 2021 (unpublished)

**[Caring for Boys affected by Sexual Violence](#), Family for Every Child, 2018.

**ACCORDING TO RESEARCH
CARRIED OUT BY FAMILY
FOR EVERY CHILD,
KINSHIP CARE IS OFTEN
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WHO CANNOT LIVE WITH
PARENTS, FOR THE
FOLLOWING REASONS:**

- Children prefer it to other choices such as institutional or foster care, and many children in kinship care are loved and well cared for;
- Kinship care offers continuity and stability for some children, and the opportunity to enhance important social networks for others;
- Kinship care is undoubtedly a better alternative to harmful institutional care;
- Children in kinship care can often maintain relationships with parents;
- Kinship care benefits caregivers, providing companionship, practical support and the satisfaction of helping a much loved child to flourish;
- Kinship care supports household livelihood strategies by enabling migration, and can save the state resources otherwise spent on costly residential or foster care.

tions, where they are at risk of sexual violence. Boys without adequate parental care who experience sexual violence often do not receive the protection, healthcare, education and psychosocial support that they require. Older unaccompanied refugee boys can often be difficult to place in alternative care and are usually placed in shelters with adult men- a situation which poses a risk of sexual violence. Boys without adequate parental care who experience sexual violence often do not receive the protection, healthcare, education and psychosocial support that they require.

Older unaccompanied refugee boys can often be difficult to place in alternative care and are usually placed in shelters with adult men- a situation which poses a risk of sexual violence. Unaccompanied boys need to be identified proactively and offered quality services that they find accessible. These groups of boys should not be accommodated with adult men. Instead, tailored, family placements should be sought or independent living arrangements created and then monitored.

Children on the move who are intercepted often end up in the detention system instead of being immediately re-integrated with family members. This can introduce yet another traumatic experience into the lives of children who have already experienced a significant amount, and the impact of long-term detention can be catastrophic, exacerbating psychological harm and suffering. Government detention of children is a last resort and must be overseen by an independent, child-focused body.

If a parent is in detention, the remaining child will be in need of a supportive temporary living arrangement. Kinship care is often the solution, though still requires specialised support to address any issues that may arise.



3. Strengths and needs-based reintegration or integration into a new community

Reintegration is a process in which children should be engaged at every step, and acting in their best interests should be the primary consideration of all involved. It is necessary to **prepare both children and families**, and intensive work is needed where there is a history of violence, abuse and neglect within the family. In some cases it may not be possible or in their best interests for children to be reintegrated back into their families, or such efforts may fail. Several of our members **work closely and over prolonged periods with children** to determine if reintegration back into families of origin-including kinship care placement- is appropriate, and where it is not, alternative care programmes are used.

Reintegration efforts should involve an understanding of the capacity of the family to support the child, as well as ways of assessing the risk of and preventing further abuse or re-separation. **Families may need to be supported to provide the protection children need, with special attention given to addressing** stigma, discrimination and marginalisation.

Successful reintegration of children affected by sexual exploitation and abuse **requires a specific and holistic approach to ensure that their needs are met**. The idea of acceptance is a key indicator of success for them and it starts with themselves - accepting that they are not to blame for their exploitation, that they are a 'survivor', as well as the acceptance of family members, particularly parents.

Research led by Family for Every Child looked at the importance of independence for boys and girls affected by sexual exploitation in Nepal, and their integration into an urban community of friends and colleagues. In many cases, both boys and girls had moved away from their family home (in the rural area) and were living in the city independently from their families, often with friends. Many had not reintegrated with their families because they had found employment or education in the city and, particularly for the boys, these opportunities were not available in rural communities. The possibility of supporting formerly rural young people to live with their peers and set up integration programmes in urban communities is worthy of research and support.

Family reintegration for children affected by armed conflict presents particular challenges. In Colombia, many children recruited by armed

EXAMPLES OF LOCALLY ROOTED SOLUTIONS FROM OUR MEMBERS

The Detained Immigrant Children's Project - run by our US member, **Legal Services for Children** - provides a model for attending to the psychosocial needs of children (with support from social workers) as well as providing legal representation to those who have been released and are now beginning the integration process in their new community.

Our Greek member **METAdrasi** developed the **foster care programme** in which refugee and migrant children are placed in foster care with families who wish to take care of unaccompanied children on either a short-term or long-term basis. The aim is to prevent children from being placed in detention centres or camps in which they would be exposed to further trauma.

Interventions should include addressing harmful social norms relating to masculinity and sexual violence, such as Family for Every Child's 'Blue Umbrella Day' awareness campaign. Through this locally embedded campaign our members aim to raise awareness of families and communities to protect their boys, along with girls, from any harm including sexual violence.



CHILDREN'S EXPERIENCES DURING COVID-19 AS SHARED WITH FAMILY FOR EVERY CHILD

These along with their creative expressions will be available through a virtual exhibition from July 2021

'When I heard about coronavirus, I didn't feel good and I was scared for my family, me and my siblings' Boy, 13, from Syria living in a shelter home for unaccompanied minors in Greece

'My parents income diminished and I am afraid for my studies', Boy, 14, Senegal, living with grandparents

"During COVID-19 I live as a prisoner in my home' Girl, 13, Senegal, living with parents

'The situation was not good at all [...] But everyone learned something good during this time. Firstly, gratitude for having a home, a place of safety, and a family to spend these difficult times with, unlike many other people who didn't have a place to protect themselves, or a family to support them, or a job to earn a living.' Girl, 16, Colombia

groups have come from violent homes, and after witnessing and being forced to commit violence themselves in **the context of armed conflict, these children need specialised reintegration support.** Taller de Vida uses a psychosocial intervention based on art and music therapies with high levels of success.

METAdrasi's Supported Independent Living prepares young people (16-18) to make a smooth transition to independent living, adulthood, and integration into Greek society. Along with an appropriate level of care and supervision, its model supports the young person's self-reliance, along with their acquisition and development of life skills.

Globally, LGBTQI+ children are particularly likely to face family separation, and are also at a higher risk of being sexually abused and exploited. When given a choice, many of these children opt for independent living and community integration, rather than family reintegration. LGBTI+ children need to be listened to, as this autonomy can be deeply protective and is to be encouraged.

4- Covid-19 local issues and responses

COVID-19 has exacerbated the challenges of reintegration. Decision makers are having to choose between leaving children in risky situations or pushing them through rushed, ineffective and uncertain reintegration processes. School closures due to lockdown have impacted not only children's education but also their lack of protection. COVID is also leading to a significant rise in number of children in absolute and relative poverty, and this is leading to increase in child labour, child marriage and child trafficking.

Coordination and collaboration with community-based actors is essential where decision-making has moved to virtual processes in many areas. Our member in Guatemala - CONACMI - worked in alliance with government agencies in the face of the overcrowding and closures of institutions, using the inter-agency global Reintegration Guidelines for assessing and effectively reintegrating children back into families.

Processes of integration and reintegration in many countries have stalled due to the closure of services, and border closures have left many children stuck in protracted and precarious states of 'limbo' in asylum and refugee camps. It is essential that **during a period of cri-**



crisis, children requiring alternative care receive it in a timely manner whether they are still in care or trying to live back with their family. Unfortunately, the stress associated with the pandemic is leading to more domestic violence and abuse within the home; as explained in Family for Every Child's paper on reintegration and COVID-19, this is directly affecting the reintegration of children. Efforts must be made to assess and attempt to address risk before children return home.

In conclusion, Family for Every Child argues strongly that locally grown solutions should be recognised and invested in to ensure relevant and sustainable solutions are provided to uphold children's rights.

