

Terms of Engagement for Coordinating the Implementation of the UN Convention on the Rights of the Child.

Between: Children's Convention Deputy Chief Executives (CC DCEs)

And: Children's Convention Monitoring Group (CMG)

Date: 29 March 2018

Purpose of engagement

1. The purpose of this document is to formalise the terms of engagement between the Children's Convention Deputy Chief Executives (CC DCEs) and the Children's Convention Monitoring Group (CMG).
2. The CC DCEs and the CMG share a common goal of improving the lives of children in New Zealand by upholding and advancing their rights in accordance with the UN Convention on the Rights of the Child (at times referred to as the 'Children's Convention'). The Children's Convention applies to all children under the age of 18 years.¹
3. The CC DCEs and the CMG will give reasonable and appropriate consideration to alignment with other international human rights treaties, agreements and processes that New Zealand has ratified, agreed to or participates in, as well as relevant government work programmes and portfolios.²

Membership and purpose of Parties to the Terms of Engagement

4. The CC DCEs group is the New Zealand Government's designated coordinating mechanism for the implementation of the UN Convention on the Rights of the Child and its Optional Protocols, and the Government's response to the Concluding Observations of the Committee on the Rights of the Child. As the coordinating mechanism, the CC DCEs group has the authority to coordinate the implementation of the Children's Convention across Government.
5. Core members of the CC DCEs group are from the following agencies: Ministry of Social Development (MSD) – Chair; Ministry of Health; Ministry of Education; Oranga Tamariki; Ministry of Justice; Ministry of Business, Innovation and Employment; New Zealand Police; Statistics NZ; Ministry for Pacific Peoples, Te Puni Kōkiri and the Department of the Prime Minister and Cabinet. In addition to

¹ Article 1 of the Children's Convention states: "For the purposes of the present Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier" <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>. For further discussion on the implementation of the rights of the child during adolescence, see General Comment No.20 (2016): CRC/C/GC/20.

² This includes international instruments such as the UN Sustainable Development Goals. For a list of New Zealand's other international obligations see: <https://www.hrc.co.nz/your-rights/human-rights/international-human-rights-legislation/international-obligations/>.

these core members, others will be invited to participate in the CC DCEs group on a case-by-case basis as is necessary.

6. The CC DCEs group has a relationship with the International Human Rights Governance Group (IHRGG) which is co-chaired by the Ministry of Foreign Affairs and Trade and the Ministry of Justice. The IHRGG has broad oversight of key international human rights treaties New Zealand is a party to, including the Children's Convention.
7. The CMG monitors the New Zealand Government's implementation of the Children's Convention and its Optional Protocols, and the Government's response to the Concluding Observations of the Committee on the Rights of the Child. In addition to its monitoring role, the CMG advocates for the adoption of processes that embed the Children's Convention across Government, such as collecting good information, listening to children, raising awareness of the Convention and planning to advance children's rights.³
8. The CMG is convened by the Office of the Children's Commissioner (OCC) and includes the following permanent members: Action for Children and Youth Aotearoa, the Human Rights Commission, Save the Children New Zealand and UNICEF New Zealand.⁴

Principles of engagement

9. Engagement between the CC DCEs and the CMG will be grounded in the following principles:
 - a. Best interests of the child: in accordance with the Children's Convention, the CC DCEs and the CMG will give primary consideration to the best interests of the child when working together.⁵
 - b. Partnership: the CC DCEs and the CMG will work constructively together to advance shared objectives.
 - c. Good faith: the CC DCEs and the CMG will act with honesty and integrity in all interactions. All dealings between CC DCEs and the CMG, and their respective co-ordinating agencies MSD and OCC, will be conducted in good faith.
 - d. No surprises: in the interests of partnership and good faith, CC DCEs and the CMG, and their respective co-ordinating agencies MSD and OCC, will keep each other informed of plans and activities on a "no surprises" basis.
 - e. Openness: subject to legal requirements, the CC DCEs and the CMG will share any information relevant to the purpose of engagement either proactively or on request, and will openly consider all information shared.
 - f. Confidentiality: any items for discussion or circulation that are subject to confidentiality shall be clearly identified by the party raising that item.
10. Any action by the CC DCEs or CMG members that is inconsistent with these principles may give rise for grounds to review or amend these terms of engagement.

³ Such processes are known as the General Measures of Implementation, as set out in Articles 4, 42, and 44(6) of the Convention. See also the Committee on the Rights of the Child's General Comment 5 on the General Measures of Implementation.

⁴ For more information on the Children's Convention Monitoring Group see <http://www.occ.org.nz/childrens-rights-and-advice/uncroc/uncroc-role/>.

⁵ See the Committee on the Rights of the Child's General Comment No.14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (Art 3, Para 1) CRC/C/GC/14.

Engagement process

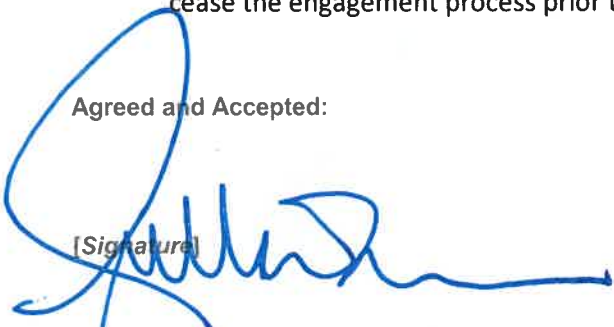
11. The engagement process between the CC DCEs and the CMG is formalised as follows:

- a. The CC DCEs and CMG will meet a minimum of two times a year. The CC DCEs or the CMG may request to meet more frequently in response to issues that arise, such as changes to legislation and/or policy or UN reporting requirements. The expectation is that DCEs, Commissioners and Chief Executives are in attendance at these meetings.
- b. MSD and OCC, in their respective capacities as the co-ordinating agencies of the CC DCEs and the CMG, will meet on a monthly basis in order to:
 - (i) Track the progress of matters arising from the CC DCEs-CMG meetings, including an update of related work programme items;
 - (ii) Agree on an agenda for upcoming CC DCEs and CMG meetings;
 - (iii) Identify any new issues that may arise for placement on the agenda.
- c. MSD will arrange the time and dates for the CC DCEs-CMG meetings, and circulate a draft agenda and any documents that are tabled for discussion or consideration to meeting attendees. MSD will minute each CC DCEs-CMG meeting and will circulate draft minutes to participants for approval after each meeting.

Duration, review, amendment and cessation

- 12. The above engagement process will continue, as a matter of course, through each Children's Convention periodic reporting cycle.
- 13. Should either the CMG or the CC DCEs wish to review, amend or cease these terms of engagement they will inform the other party of their position, via MSD and OCC, with at least three months' notice prior to the following CC DCEs-CMG meeting.
- 14. The party initiating consideration of any review, amendment or cessation of these terms of engagement will provide written reasons for their position. The matter will then be discussed by the parties at the next scheduled CC DCEs-CMG meeting. No decision may be made to review, amend or cease the engagement process prior to this discussion having taken place.

Agreed and Accepted:



[Signature]

[Insert name of representative for CC DCE]

DCE Policy MSD

[Insert title]

Date

29/3/18

Agreed and Accepted:



[Signature]

[Insert name of representative for CMG]

ANDREW BECKETT
Children's Commissioner

[Insert title]

Date

29/3/18