

Feedback to the Ministry of Education on the Health and PE curriculum review

Introducing Mana Mokopuna – Children's Commissioner

Mana Mokopuna – Children's Commissioner is the independent Crown entity with the statutory responsibility to advocate for the rights, interests, participation and well-being of all mokopuna¹ (children and young people) under 18 years old in Aotearoa New Zealand and, including young persons aged over 18 but under 25 years of age if they are, or have been, in care or custody. The Children's Commissioner is Dr Claire Achmad.

We independently advocate for and with mokopuna within the context of their whānau, hapū, iwi and communities, based on evidence, data and research, including the perspectives of mokopuna.

Our work is grounded in the United Nations Convention on the Rights of the Child (the Children's Convention), Te Tiriti o Waitangi and other international human rights instruments. We are a National Preventative Mechanism under the Optional Protocol to the Convention Against Torture, meaning we monitor places where mokopuna are deprived of their liberty, including in the care and protection, youth justice, youth mental health and intellectual disability spaces.

We have a statutory mandate to promote the Children's Convention and monitor the Government's implementation of its duties under the Convention, and to work in ways that uphold the rights of mokopuna Māori including under Te Tiriti o Waitangi. We place a focus on advocating for and with mokopuna who are experiencing disadvantage, and we recognise and celebrate the diversity of mokopuna in all its forms.

Our moemoeā (vision) is Kia kuru pounamu te rongo – All mokopuna live their best lives, which we see as a collective vision and challenge for Aotearoa New Zealand.

When it comes to the rights of mokopuna, we focus advocacy on four strategic areas:

- A strong start in life (first 2000 days)
- Growing up safe and well (free of all forms of child maltreatment in all circumstances; thriving mental health and wellbeing)
- Thriving families and whānau (living free of poverty, with resources needed to support mokopuna to thrive), and
- Participating in what matters to me (mokopuna have told us, for example, about the importance of participating in their education, culture and identity, sport and recreation, and caring for the natural environment).

¹ At Mana Mokopuna we have adopted the term 'mokopuna' to describe all children and young people in Aotearoa New Zealand. 'Mokopuna' brings together 'moko' (imprint or tattoo) and 'puna' (spring of water). Mokopuna describes that we are valued descendants and members of families. We acknowledge the special status held by mokopuna in their families, whānau, hapū and iwi and reflect that in all we do. Referring to children and young people we advocate for as mokopuna draws them closer to us and reminds us that who they are, and where they come from, matters for their identity, belonging and well-being at every stage of their lives.



For more information
please contact:
Matt Langworthy
Manager Rights,
Insights & Advice
Matt.Langworthy@
manamokopuna.org.nz

Outline of our submission on the New Zealand Curriculum refresh

The New Zealand Curriculum (NZC) refresh will necessarily engender a wide range of submissions from professional teachers and curriculum researchers, and hopefully ākonga who are affected by the decisions. We recognise other submitters will be better able than us to comment on childhood development and scientific evidence about mechanisms and sequences of learning.

Our submission is based on the rights of the child, and focused on one curriculum area – Health and Physical Education (Health and PE) because this area significantly contributes to the role of education articulated in Article 29 of the Children's Convention (described under heading A below). We do not include the evidence about *why* Health and PE are so important – such as New Zealand's comparatively high rates internationally of bullying, youth suicide, family violence, obesity, or growing rates of poor mental wellbeing among rangatahi etc. We assume the evidence underpinning this area is understood.

Our submission is focused on three points, and presented under these headings:

- A. The Government has obligations within education to uphold children's rights, and needs to put greater emphasis on doing so throughout all its decision-making.
- B. The New Zealand Curriculum design affects how children's rights are met – not just in education, which is an enabling right, but also rights articulated in many other articles of the Children's Convention.
- C. The Health and PE curriculum area needs to be strengthened and made more holistic, both in content and how it is delivered.

Summary of our recommendations

1. Re-develop policy to enable schools to allocate adequate time to Health and PE, including engaging ākonga, their families, communities, iwi, and hapū in partnership, because this area is fundamental to upholding children's rights, both under the Children's Convention and Te Tiriti o Waitangi.
2. Explicitly include more description of diversity in the 'Relationships – Self and Others' knowledge topic, to widen understanding of human diversity. To support this, ensure evidence-based resources sustain the learning area. Supplement the current Relationship and Sexuality Education Guidelines with information about diverse sexualities and gender identities to ensure inclusive attitudes are fostered in the classroom..
3. Provide resources useful for classroom teaching and learning, to raise awareness of how children can stay safe, both online and not online.
4. Enable flexibility in how the curriculum is delivered, enabling adequate time for hauora including daily physical activity and play, as well as local curriculum benefiting from local resources and relationships particularly with tangata whenua.

A. The Government has obligations within education to uphold children's rights

The Government, as a State party to the Children's Convention, has an international legal obligation to uphold all children's rights for all children at all times, to the maximum extent possible. In addition, the Crown and schools as Crown entities have obligations under Te Tiriti o Waitangi, particularly to mokopuna Māori.

We refer you to previous submissions we have made that provide more detail on New Zealand's obligations on the rights of the child in relation to education - including under the Children's Convention, and Te Tiriti o Waitangi - and how to use a child-rights based framework for decision-making². The government has endorsed a child rights impact assessment process stored on the Ministry of Social Development's web pages, that Ministry of Education staff have used in policy development.³ Few decisions affect all mokopuna more than those relating to their Education. Therefore, we recommend the use of this tool to ensure a child rights framework is implemented in final decision making.

It is appreciated that children and young people have been afforded opportunities to submit on this review consistent with Article 12 of the Children's Convention. Their voices must be prioritised, taken seriously and given due weight in decisions that affect them, in order to fully uphold their rights under Article 12. This is particularly important for mokopuna Māori, whose voices have historically been excluded from education design and decision-making.

“ [My hopes are] that we actually try to explain thoroughly to children that they have a say in the spaces that they're learning in.”

(Mokopuna from the Youth Voices Group, Wānanga with Mana Mokopuna, 2023)⁴

Education in general, and the NZC review in particular, should uphold Government's obligations under the Children's Convention that defines the role of education in Article 29:

1. States Parties agree that the education of the child shall be directed to:
 - a. the development of the child's personality, talents and mental and physical abilities to their fullest potential
 - b. the development of respect for human rights and fundamental freedoms and for the principles enshrined in the Charter of the United Nations
 - c. the development of respect for the child's parents, their own cultural identity, language and values, for the national values of the country in which the child is living, the country from which they may originate, and for civilizations different from their own
 - d. the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of the sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin, and
 - e. the development of respect for the natural environment.
2. That people can establish educational institutions providing they observe the principles above, and comply with minimum standards of the State.

The Health and PE curriculum area is key to fostering a child's personal and physical development (1.a), to teaching human rights (1.b), cultural values (1.c) and relationships, tolerance, and equity (1.d). This curriculum area is fundamental to children's rights being upheld, consistently with the Children's Convention.

² [May 2025, Feedback to Min. Ed on draft RSE Framework.](#) [June 2025, Submission on ETA Amendment Bill No2 on NELPs.](#) [Sept 2025, Submission to Min. Ed. on proposal to replace NCEA.](#) [July 2025 Submission on ETA Amendment Bill on ECE, and how to apply child rights frameworks.](#)

³ <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/resources/child-impact-assessment.html>. This CIA tool was used to analyse implications of proposed 'social media age restrictions' legislation, that has been [announced](#) would be introduced by the end of the current government term.

⁴ [Youth Voices Group Wānanga - December 2023 on Vimeo.](#)

It is also essential that decisions around the NZC review are consistent with Te Tiriti o Waitangi. Considering the curriculum in general and the Health and PE area in particular we note that:

1. Article One – Kāwanatanga – mokopuna and their whānau have rights to good governance of their education and partnership in how it is run. This is expressed in the requirement for schools to engage with their communities to consult on the health part of the Health and PE curriculum and its delivery. It should also imply a partnership approach with tangata whenua that can enable 'local' curriculum, to benefit from the use of the mātauranga me ngā pūrākau (knowledge and stories) of mana whenua (local people and places).
2. Article Two – Tino rangatiratanga – the autonomy and independence to participate in the design, delivery and in-class choices associated with the curriculum. This is reflected in the rights of parents to keep their mokopuna away from certain classes. It is also reflected in common practices of teachers to engage ākonga in decisions about their own learning.
3. Article Three – Ngā tikanga katoa rite tahi – all children experiencing all the rights and privileges equally and having equitable outcomes. This implies options for participation that are inclusive and support mokopuna Māori to learn as Māori, grounded in whakapapa, mātauranga Māori, and cultural identity.
4. Article Four (the unwritten promise) – Ngā whakapono katoa, te ritenga Māori tiakina – that all mokopuna may express their religious faiths and cultural practices, providing they do not impair the rights of others. It is also reflected in the Children's Convention and goals of the curriculum - to develop in the child respect for all peoples and attitudes of inclusion and non-discrimination, learning "in a safe, inclusive, and supportive environment."⁵

Giving effect to these articles requires genuine partnership with whānau, hapū and iwi, and the integration of mātauranga Māori as a foundational part of curriculum design and delivery. These would provide the foundations for reducing inequities for mokopuna Māori.

Recommendation 1. Re-develop policy to enable schools to allocate adequate time to Health and PE, including engaging ākonga, their families, communities, iwi, and hapū in partnership, because this area is fundamental to upholding children's rights, both under the Children's Convention and Te Tiriti o Waitangi.

The New Zealand Curriculum design affects how children's rights are met

Education is a fundamental right of the child that empowers children to have many other rights met. Upholding the rights of all children to education *without discrimination*, is consistent with [Article 2](#) of the Children's Convention, and the Government's Child and Youth Strategy.⁶

As mentioned in a previous submission on the Ministry's review of the Relationships and Sexuality Education Guidelines, we also briefly point out the critical framing of the Health and PE curriculum affects children's rights to:

- [life, survival and development – Article 6](#) (a General Principle of the Children's Convention)
- [identity and self-expression – Article 8](#)
- [be heard – Article 12](#) (a General Principle of the Children's Convention)

⁵ Described in the *main objective of schooling* under the [new proposed curriculum](#).

⁶ [Child and Youth Strategy 2024-27 Priority 1](#).

- [information and freedom of expression – Article 13](#)
- [protection from harm – Article 19](#) - explicitly family and sexual harm and online harm, and
- [freedom from exploitation and harmful practices – Article 36](#).

The contents in the curriculum contain many aspects that support the rights and needs of mokopuna in their holistic development. However, there are many important aspects that have been lost from the previous curriculum. In particular, a core component of the previous NZC Health and PE area that is currently missing from the proposed Health and PE curriculum is learning about mental health and wellbeing, known as [Hauora](#).

Mokopuna have told us that mental health is very important to them.



What matters most to me is children's mental health, ... So, increasing mental health programmes would help decrease mental health issues."

(Mokopuna, 2024)⁷

The proposed curriculum misses key aspects of hauora such as spiritual or mental wellbeing, and learning about mental health. Mental wellbeing is minimally mentioned in the Health and PE curriculum and only in terms of being an 'expected positive outcome' from: self-care (year 4), nutrition (year 5), staying safe online (year 9), and physical exercise (year 10). However, there is no explicit curriculum design relating to learning about mental health. The Mental Health Foundation is also concerned about this omission.⁸

The benefits to children from what is included in the Health and PE curriculum largely depends on how they are interpreted by educators, and what resources are used. For example, Mokopuna have the right to learn in environments where they feel safe, respected, and included. The curriculum knowledge goal of '*using inclusive language that reflects real understanding*' (relationships, year 7-8) would, for many people, mean using preferred pronouns for mokopuna who are exploring their gender identity at this age. However, this concept is no longer included in the Relationships and Sexuality Education Guidelines that were shared for consultation and reviewed in 2025.

When mokopuna can see themselves and their diverse school-friends reflected in their education, they are likely to develop a better 'sense of belonging' and improved mental wellbeing, social cohesion, friendship and tolerance. The NZC needs strengthening in the area of stereotypes, (introduced in year 4) including, in appropriate years, reference to gender diversity and sexuality, alongside cultural and religious diversity. Currently this is absent from all learning phases. Promoting the use of inclusive language is a critical teaching mechanism to foster recognition and respect for diverse gender identities, sexualities, abilities, and ethnicities in the classroom and the world beyond – thereby upholding children's rights articulated in Article 29 1.d.

The 2024 ERO review⁹ of relationships and sexuality education found it plays a key role in helping students to navigate life, citing online safety risks, misinformation, and harmful attitudes. These risks are contrary to children's rights including under the principles in Article 29

⁷ Mana Mokopuna November 2024 ["You need to get in early, as soon as you see people struggling": Understanding the life-course journey](#)

⁸ [Draft education curriculum reverses over 30 years of progress | Mental Health Foundation](#)

⁹ [Let's talk about it: Review of relationships and sexuality education – Summary](#).

above, for example “preparing a child for a life in the spirit of equality of the sexes and friendship among all peoples.”

The current NZCER review¹⁰ of submissions on the proposed revised Relationships and Sexuality Education guidance found divergent views on gender diversity also described by some as ‘gender ideology’. Those opposed to it (labelled the ‘lesser and later’ group) wanted more education about family values and more focus on parental discretion. However, it is common knowledge that parents are able to exclude their children from health classes when it comes to relationship and sexuality teaching and learning, if they prefer to take charge of it themselves. This option is consistent with guaranteeing religious freedom (the unwritten fourth article of Te Tiriti o Waitangi and a fundamental right) and tino rangatiratanga - self-determination. The other group (labelled the ‘more and earlier’) generally agreed with education about gender diversity and were supported by many youth submissions and a volume of evidence about better mental health and wellbeing of mokopuna.

We support ‘more and earlier’ education such as the diversity of sexual, cultural, gender and disability identities, and ensuring children learn topics *before* they need to use the lessons learned. Teachers know their mokopuna and can tell when they would benefit from understanding about things like informed, full consent, before they are exposed to situations when they will need to practice it, to keep themselves safe (see under C below).

Recommendation 2. Explicitly include more description of diversity in the ‘Relationships – Self and Others’ knowledge topic, to widen understanding of human diversity. To support this, ensure evidence-based resources sustain the learning area. Supplement the current Relationship and Sexuality Education Guidelines with information about diverse sexualities and gender identities to ensure inclusive attitudes are fostered in the classroom.

““*Make sure there is proper education surrounding internet safety within schools, teaching them how to manage certain things.*

(Mokopuna age 17, rainbow identity)¹¹

It is important to retain the progressive learning objectives around personal safety, including the topic of Staying Safe Online, but the content about staying safe offline (i.e. in ‘real life’) does not explicitly refer to areas that result in the greatest harm to mokopuna.

‘Staying safe online’ should be expanded, and must be backed up with adequate teaching and learning resources that do explicitly talk about recognising unsafe behaviours such as grooming, learning about informed and affirmative consent, and knowing how to keep each other safe. The Health curriculum should mutually reinforce the training teachers will progressively receive on child abuse and neglect, in advance of any mandatory reporting, which is a government response to the Poutasi Report recommendations¹².

Recommendation 3. Provide resources useful for classroom teaching and learning, to raise awareness of how children can stay safe, both online and not online.

¹⁰ [NZC - Health and Physical Education Phase 2 \(Years 4–6\)](#) – see the download from the bottom of this web page.

¹¹ Mokopuna engaged with in relation to the proposed social media ban - April 2026 (unpublished).

¹² [Final report by Dame Karen Poutasi on the death of Malachi Subecz](#)

C The Health and PE curriculum area should support flexibility in timing and content

Current policy for the NZ curriculum requires a significant focus on Reading, Writing and Maths in primary and early secondary school. This policy appears to leave only 10 hours per week for all other areas including Science, Social Science, Arts, Languages, Technology and Health and PE.

We know that exercise recommendations for physical health alone require an hour of physical activity each day – and for many mokopuna, this occurs during school hours. Similarly, we know that physical activity, preferably outdoors near the start of a learning session can be important for improving concentration, knowledge retention, and mental wellbeing for mokopuna.

However, such activity would neither fit the prescribed learning objectives in the PE curriculum, nor the school day. There should be more flexibility in how teachers support the 'hour a day' each of Reading, Writing and Maths, so they can spend more time on hauora - including opportunities for all mokopuna to engage in physical activity to support their in-class learning.

Also, current curriculum policy reduces the ability of schools to develop relationships with local iwi, hapū, and the school community and benefit from their knowledge, priorities and values. Re-enabling local curriculum flexibility would strengthen learning by ensuring wider school communities are involved and supportive. It can take advantage of local resources such as local mara kai or horticulture for nutrition, or sports facilities for PE. It would empower schools to better uphold Te Tiriti o Waitangi, through allowing schools to develop relationships, particularly with local iwi and tangata whenua and better enable tino rangatiratanga of Māori over the education of mokopuna Māori.

Curriculum flexibility is also needed for mokopuna attending school in Oranga Tamariki residences, who have trust issues due to abuse, neglect and complex relationships. Their learning on Health topics around safety needs to be a forefront component of their learning.

Enabling a local curriculum could enable all schools to adapt the learning, timing and content of Health and PE topics to reflect the specific needs of mokopuna attending their schools.

Recommendation 4. Enable flexibility in how the curriculum is delivered, enabling adequate time for hauora including daily physical activity and play, as well as local curriculum benefiting from local resources and relationships particularly with tangata whenua.

Conclusion

We understand the curriculum refresh policy is based on ensuring more consistent education for ākonga throughout Aotearoa New Zealand which was a risk with a less prescriptive curriculum. However, the strengths of the system that allows local flexibility and curriculum design, to meet the diverse needs of learners, should not be lost. It is an important aspect of honouring Te Tiriti o Waitangi, through local curriculum partnerships with tangata whenua and it offers the benefits of utilising local resources.

The Health and PE curriculum area can uphold several parts of the purpose of education – to fully develop the child – as articulated in Article 29 of the Children's Convention and as such this is an important area of the curriculum.

Although this is not within the remit of the current consultation, the benefits of the Health and PE curriculum area may be lost among school leavers if the curriculum in years 11 to 13 fail to encompass many of the learning topics included in Y 0-10, especially about relationships, consent, non-discrimination, and staying safe, both online and in 'real life', as well as mental health which explicitly needs to be added to the Health and PE curriculum.