

Children's Convention Monitoring Group (CMG)
Terms of Reference
(Adopted April 2017, updated September 2019)

1. Preamble

The Children's Convention Monitoring Group (CMG), (formerly known as the UNCROC Monitoring Group or UMG), was formed in February 2011 to monitor the New Zealand Government's implementation of the United Nations Convention on the Rights of the Child (the Convention) and its Optional Protocols, and the Government's response to the Concluding Observations (COs) of the Committee on the Rights of the Child (CRC). The CMG is convened by the Office of the Children's Commissioner (OCC) in line with the statutory responsibility placed on the Children's Commissioner in the Children's Commissioner Act (2003) to raise awareness and understanding of the Convention; and to advance and monitor the application of the Convention by departments of State and other instruments of the Crown.¹

2. Philosophy and Guiding Principles

The CMG and its members are unequivocally committed to a child-rights approach and to the application of the UN Convention on the Rights of the Child.

The CMG recognises Te Tiriti o Waitangi as the founding document of Aotearoa New Zealand.

¹ Section 12(1)(d) and (f), Children's Commissioner Act (2003)

The CMG will give reasonable and appropriate consideration to alignment with other relevant international human rights treaties, agreements and processes that New Zealand has ratified, agreed to or participates in.²

3. Purposes

- a) To advance and monitor the application of the Convention in Aotearoa New Zealand by departments of State and other instruments of the Crown in line with the statutory responsibilities of the Children's Commissioner as outlined in the Children's Commissioner Act (2003).³
- b) To monitor, and advocate for the adoption of processes that embed the Convention across Government. These processes include listening to children and considering their views, collecting robust information and data, tracking and measuring resource allocation, ensuring national strategies for children are rights-based, raising awareness of the Convention, and ensuring our laws are compliant with the Convention.⁴
- c) To particularly focus on the Government's response to the most recent COs, and outstanding COs from previous reviews of New Zealand's compliance with the Convention.
- d) To draw opportunities to advance the Convention and COs through legislation and policy to the attention of the Government and relevant departments of State.
- e) To raise with the Government and relevant departments of State any potential non-compliance with the Convention and COs in legislation and policy.

² For a list of New Zealand's international obligations see: <https://www.hrc.co.nz/your-rights/human-rights/international-human-rights-legislation/international-obligations/>

³ See section 12(1)(d) and (f) of the *Children's Commissioner Act 2003*.

⁴ 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 CRC's General Comment 5 on the General Measures of Implementation.

4. Public Reporting

- a) The CMG will report annually on the Government's progress towards implementation of the Convention and COs. The OCC will lead the preparation of this report, but all members will contribute.
- b) The CMG may decide to prioritise certain COs or groups of COs to give them prominence in any year of the CMG's activity and to provide a limited report in that context.
- c) The Children's Rights Alliance Aotearoa is a member of the CMG and is the civil society focal point for the Convention. Children's Rights Alliance Aotearoa prepares and presents the Aotearoa New Zealand periodic non-government alternative reports to the UN Committee on the Rights of the Child. The CMG may support or endorse the non-government alternative report.
- d) All CMG reporting must ensure that children and young people's views are adequately reflected.

5. Membership

- a) The OCC, as Chair and convenor of the group, is a permanent member.
- b) The Human Rights Commission is a permanent member given the Commission's status as a National Human Rights Institution.⁵
- c) The Children's Rights Alliance Aotearoa is a permanent member given that it is the designated country focal point for non-government responses to the CRC process.
- d) UNICEF New Zealand is a permanent member given its mandate by the United Nations to fulfil the rights of every child.

⁵ See UN Committee on the Rights of the Child (2002), General Comment No 2 on the Role of Independent National Human Rights Institutions in the Promotion and Protection of the Rights of the Child; <http://www.refworld.org/docid/4538834e4.html>

- e) Save the Children New Zealand is a permanent member, given its historical role in the founding of the Convention and its consultative status at the United Nations.
- f) The CMG will ensure Māori representation in accordance with Te Tiriti o Waitangi.
- g) As appropriate, the OCC and the Children's Rights Alliance Aotearoa will work together to invite and/or consider membership requests from organisations and/or individuals who can demonstrate how their work contributes to advancing and monitoring the application of the Convention in New Zealand.
- h) When extending such invitations and considering membership requests, the CMG will give due regard to:
- Māori representation, and demonstrated commitment to Te Tiriti o Waitangi;
 - How views of children and young people are embedded;
 - Pasifika representation;
 - representation from refugee and migrant communities;
 - representation from the disability community;
 - representation from LGBTQI communities;
 - representation from those living in different parts of New Zealand; and
 - as necessary, those representing other specific groups of children or specific issues.
- i) The OCC and Children's Rights Alliance Aotearoa will work together to respond to organisations and/or individuals who wish to join the CMG. The Children's Commissioner will have the final say as Chair and convenor of the group and in line with the statutory obligations outlined

in the Children's Commissioner Act 2003 related to the Convention with regards to membership of the CMG.

- j) Member organisations may withdraw from the CMG at any time by giving at least one month's written notice. In the event of a member organisation withdrawing, the remaining members will consider whether to invite new membership to replace the expertise of the departing member organisation.

6. Meetings and Organisation

- a) Meetings of the CMG are to be convened and chaired by the OCC. The Commissioner may rotate the roles of the Chair.
- b) The preparation of meeting agendas and the minutes shall be undertaken by the OCC.
- c) The CMG will meet at least four times each year.
- d) The CMG will meet with the Government's coordinating mechanism for the implementation of the Convention (currently the Children's Convention Deputy Chief Executives), at least twice annually. To facilitate this engagement, the OCC will meet regularly with officials leading the Government's 'Children's Convention work programme' and report back to the CMG.
- e) The CMG will meet with other Government representatives as appropriate.
- f) Membership of the CMG will not restrict the ability of individual members to meet or otherwise communicate with Government representatives in their own capacity. This will be done on the basis of no-surprises.
- g) As far as possible, the CMG will reach all its decisions by consensus. Otherwise by majority vote. In the event that unanimity cannot be

reached, the views of any dissenting CMG members will be recorded in writing should they wish.

h) This Terms of Reference will be reviewed once a year by the CMG.