



23 AUG 2016



On 11 June 2016 you emailed the Ministry requesting, under the Official Information Act 1982, the following information:

1. *Has child prostitution been identified as a particular issue and if so how is it being addressed?*
2. *Are there plans to identify the extent and factors leading to child prostitution, examined in the differing circumstances and locale?*
3. *What is the value of the National Plan of Action Against Commercial Exploitation of Children 2002 (Q9 of my letter 2015) as regards the future?
b) Will it be updated or totally replaced?*
4. *The response to Q3 of my January 2015 letter re field work indicated it was a police matter to organise. Please confirm, or otherwise, if it now seen as an MSD matter to co-ordinate field work (LoI para 28) with an explanation of the monitoring responsibility framework criteria."*

As previously advised, question three above was transferred to the Ministry of Justice for response. For the sake of clarity, I have addressed each of your questions in turn.

Question 1: Has child prostitution been identified as a particular issue and if so how is it being addressed?

Wider work to improve outcomes for vulnerable children and their families will help to address child prostitution in New Zealand.

The Government has announced that it will be introducing major state care reforms and a complete overhaul of Child, Youth and Family to improve the long-term outcomes for New Zealand's most vulnerable children. These reforms include the establishment of a new agency, the Ministry for Vulnerable Children, Oranga Tamariki, and a new child-centred operating model, with a greater focus on trauma prevention and early intervention. This will include preventing harm to children at risk of or involved in prostitution.

Dedicated teams are currently developing service design and legislative amendments to implement the Government's reforms. By targeting intensive support to vulnerable children and families to meet their full range of needs, it is expected that these reforms will increase visibility of issues such as child prostitution. This will enable more resource to be committed to preventing and addressing such issues when they are identified.

The Children, Young Persons and Their Families (Advocacy, Workforce and Age Settings) Amendment Bill

The Children, Young Persons, and Their Families (Advocacy, Workforce, and Age Settings) Amendment Bill lays out the first set of legislative reforms to support a new child-centred system for vulnerable children and their families. This Bill was introduced to the House of Representatives and referred to the Social Services Select Committee in June 2016. The Bill seeks to:

- extend the jurisdiction of statutory care and protection to include 17 year olds
- embed children and young people's views at a systemic and individual level
- support the establishment of independent advocacy services, with a particular focus on children and young people in care
- enable a broader range of professionals to perform a wider set of functions under the Children, Young Persons, and Their Families Act 1989 (CYPF Act) to help identify and meet the needs of vulnerable children and young people.

Most relevant to child prostitution is the first point, extending the jurisdiction of statutory care and protection to include 17 year olds. At present, the CYPF Act defines "young person" as a person of or over 14 years and under 17 years but does not include a person who is or has been married or in a civil union. This means that young people aged 17 years or over do not receive the fundamental protections for children and young people provided under the Act.

Extending the jurisdiction of the care and protection system to include 17 year olds would enable:

- young people to remain in stable, loving care for longer
- the State to protect and assist 17 year olds in order to prevent them from suffering harm, ill-treatment, abuse, neglect and deprivation.

Raising the age would also be:

- consistent with the Prostitution Reform Act 2003 which says that no person may legally receive commercial sexual services from a person under 18 years of age
- in closer alignment with the United Nations Convention on the Rights of the Child, which applies to everyone under the age of 18.

Other relevant developments

Further legislative reform and service design to support the new child-centred system is still in development. These developments include:

Prevention and intensive intervention services

The Government has agreed to the establishment of five core services under the new operating model for vulnerable children. This includes prevention and intensive intervention services. The prevention service will focus on supporting families and whānau to develop loving and stable relationships with, and meet the needs of, their

children, and prevent young people from offending. The intensive intervention service will provide early and effective identification, investigation and assessment where there are concerns around the safety or well-being of vulnerable children and young people. It will also provide high-quality decision-making and intensive support that prioritises children's need for stable loving care at the earliest opportunity.

The prevention and intensive intervention services will be supported by direct purchasing of vital services such as health, education and counselling support to allow funding to follow the child, so that these children can gain access to the services they require.

In the case of child prostitution, these services will give more visibility to the complex issues facing vulnerable children, young people and their families and enable the provision of tailored and, where needed, specialist support to address the impact these issues have on them.

Care support service

The Government has agreed to the establishment of a care support service to ensure that children who have been removed from the care of their families are given a safe, stable and loving home at the earliest opportunity.

Transition support service

The Government has agreed to provide transition support when young people leave care by partnering with caregivers and communities to ensure that these young people get the loving care and support they need to grow into flourishing adults.

Question 2: Are there plans to identify the extent and factors leading to child prostitution, examined in the differing circumstances and locale?

There are no specific plans to identify the extent of, and factors leading to, child prostitution. However, the Government is considering making changes to information sharing arrangements that would improve the safety, wellbeing and long-term outcomes of children and young people. If these changes are made, where child prostitution is identified, data and information could be used as mentioned to improve prevention, identification and interventions for child prostitution. This would allow sector staff to see a single view of a child's needs across the sector and make decisions regarding when, and what type of, support is required. Capturing this information from the first point of contact would also enable services to be provided early to minimise the need for further State intervention.

Question 4: The response to question 3 of my January 2015 letter re field work indicated it was a Police matter to organise. Please confirm, or otherwise, if it [is] now seen as a MSD matter to co-ordinate field work (New Zealand Government Response to the List of Issues, paragraph 28) with an explanation of the monitoring responsibility framework criteria.

As described above, the Government is introducing a package of reforms aimed at significantly improving the life outcomes for some of our most vulnerable children and young people. This reform programme will require strong leadership from Ministers and Chief Executives of key agencies, of which the New Zealand Police will be one. Therefore, the Ministry for Vulnerable Children, Oranga Tamariki will work

with the Police to identify, and respond to, children on the streets known to be involved, or possibly involved, in child prostitution.

Additionally, the New Zealand Police will work more closely with the Ministry for Vulnerable Children, Oranga Tamariki on early intervention services provided to children at risk of victimisation. This could include those who are involved in child prostitution, and who may engage in sexual activity in exchange for illicit drugs, for example.

The Government's decisions on the reforms described in this letter are available on Ministry's website at <http://www.msd.govt.nz/about-msd-and-our-work/work-programmes/investing-in-children/index.html>.

I hope you find this information helpful. You have the right to seek an investigation and review of my response by the Ombudsman, whose address for contact purposes is:

The Ombudsman
Office of the Ombudsman
PO Box 10-152
WELLINGTON 6143

Yours sincerely



Justine Cornwall
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