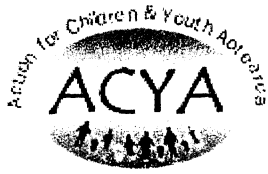


Action for Children and Youth Aotearoa

Incorporated



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28 November 2006

ACYA Submission to Ministry of Education NZ Curriculum

ACYA POSITION

ACYA supports concepts that enhance human dignity, human rights and in particular protects and nourishes lives of children in New Zealand.
ACYA recognises the Treaty of Waitangi.

ABOUT ACYA

Action for Children and Youth Aotearoa Incorporated (ACYA) is a coalition of non-governmental organizations, families and individuals whose purpose is to promote the well-being of children and young people in Aotearoa New Zealand through:

- education and advocacy on the rights of children and young people;
- encouraging the government to act on the recommendations of the United Nations Committee on the Rights of the Child, and
- promoting opportunities for the voice and participation of children and young people.

In 2003 ACYA produced and published *Children and Youth in Aotearoa 2003*, the New Zealand NGO Report on New Zealand's implementation of the UN Convention on the Rights of the Child (NGO Report). The NGO Report was presented to the UN Committee on the Rights of the Child in Geneva in June 2003, accompanied by a video funded by ACYA and produced by New Zealand children called *Whakarongo Mai / Listen Up*.

In 2004 ACYA made a shadow report to the United Nations Committee Against Torture,¹ met with the Committee, and attended the meeting between the Committee and representatives of the New Zealand Government. We have recently made a submission on the Government draft report to UN Committee

ACYA has 100 or so members, both individual and child related organization including leading child interest groups. This submission has been prepared by the ACYA Committee and the views expressed in it may not represent the views of each ACYA member.

We record our exchange of correspondence commencing in 2003 and culminating in a letter from Elizabeth Eppel, Group Manager Tertiary, Curriculum, Teaching and Learning dated 21 June 2005.

INTERNATIONAL INSTRUMENTS

Through the work of United Nations, Governments throughout the world have expressed concepts to protect and enhance human dignity through International Instruments. A sample is attached. In an age of globalisation, New Zealand has entered in numerous agreements, particularly as regards children, the Convention on the Rights of the Child (UNCROC). Effects of UNCROC are reflected in the Care of Children Act.

UNCROC

The effect of UNCROC relative to NZ Curriculum is in two areas:

- a) the protection and enhancement of children's rights as students
- b) learning about concepts covered by the Convention and similar International Instruments, and how they apply or are ignored in New Zealand.

VISION, PRINCIPLES, VALUES

Human rights concepts are evident in **Vision**, through "connected", in **Principles** through "connections and equity" and in **Values** through the terms of "**respect** for themselves, for others and human rights", together with "**equity** which means fairness and social justice". Nowhere in these considerations could we find Treaty of Waitangi mentioned.

1. We see no reason to change this terminology from the human rights point of view.
2. However we are extremely surprised there is no evidence of Treaty of Waitangi in the terminology used and ask that be rectified.
3. In addition the Bill of Rights too should be noted (pages.8 and 10) together with the term indigenous along side Maori

LEARNING AREAS

Of the 8 learning areas we perceive that "Social Science" and "Health and physical education" have identified matters connected with human rights. The learning areas are amplified in "Achievement Objectives by levels"(AOL) set out in eight levels

The text in pages 16, 18 and 22 will need revision if the following recommendations are accepted.

a) Social Science, focus outlined on page 22

In the AOL heading of the text there is a paragraph "Social Enquiry". This text makes no reference to New Zealand in world affairs and offers an isolationist vision.

Recommendation

To the current text add the following sentence:

"Recognition should be made of international influences on life in New Zealand."

Level six, seven and eight under the heading "social studies" addresses in a general sense social justice and human rights.

Recommendation

At the end of level six, social studies change the existing text to read

"...social justice and *international* human rights".

At the end of level seven Social Studies change the text to read:

“... And exercise their rights in local, national, and global contexts *through formal agreements especially in regard to the Treaty of Waitangi*”

b) Health and physical education focus outlined on page 16

Under the AOL headings “C Relationship with Other People” and “D Healthy communities and environments” there is a general acknowledgement of interconnectedness with others.

C2 identity, sensitivity and respect addresses issues within UNCROC of the need to avoid discrimination. D3 is headed “Rights responsibilities and laws” but only 6 of 8 levels have any text. It would be appropriate in D3 level four to add a text.

Recommendation

That under the Level four D3 add the following text:

“ Investigate the text of human rights international treaties”.

c) Learning Languages page 18

Where there is advice to ‘learn an additional language, there does need to be some clarification and acknowledgement that children may be already bilingual. Does this ‘additional mean additional to heritage language or mother tongue and English? As it reads now the provision of a right to use mother tongue may be overruled by the direction to learn a 3rd language. e.g. Tongan, English, additional language Korean. Is this at the discretion of schools, or in response to availability of trained language teachers? Where does the use of te reo fit perhaps as the 4th language?

The chance to develop the key competencies of one’s mother tongue or home language symbol system and to make use of the texts already available would seem obvious. Indeed this would model and address principles of **Excellence, Cultural heritage, Equity, Connections and Coherence**. The possibility of learning in and about one’s mother tongue as part of the curriculum meets the requirement on schools to reflect particular values favoured in New Zealand society-those of **Innovation, Diversity Respect for themselves, Equity, Community participation and will increase the ability to value Integrity**.

Designing a school curriculum:

We would also expect Learning in years 1- 4 to build on what the child brings to school and affirms their identity and is welcoming of family and whanau page.32 –from home and ECE centres, where home languages are accepted and used; and that this will enable learning to be nurtured by family and whanau, and based on current research evidence. (Learning Languages as based on Best Evidence research means existing languages of our students and communities have to be recognized, valued and provided for to achieve effective communication and key competencies for children and families.)

Recommendations

1. Student bilingualism is valued and the maintenance of these and other community languages enables and empowers students and this message needs to be supported by schools and conveyed by schools to students and communities.(Article 2; 29; 30)

If a child is working in two languages when they arrive at school, (this is shown by research to be the best starting point for bilingualism and biliteracy) this

language will be supported as the additional language where this is logistically sound in terms of resourcing and expertise.

2. Protect the use of community languages other than English and Maori, especially Pasifika languages to be used along with English, as media/ mediums of instruction, in place already in ECE centres and school bilingual units..(UNCROC Article 2; 29 ;30)

TREATY OF WAITANGI

We are disturbed by the lack of reference in the texts to the existence and implications of the Treaty of Waitangi. Cultural heritage page 9, Hauora page 16, TeReo Maori page 18, make a token reference to the existence of Maori.

We quote from one of our committee members

“To remove reference to the Treaty of Waitangi in the education curriculum the Government will deny students the tools by which they could understand many things including the work of Government. For example, the Waitangi Tribunal is funded by the Government and Maori land interests. The Government funds the Tribunal's work including the research undertaken by Government, however claimants must apply to the Crown Forestry Rental Trust for funding to prepare their claims. The CFRT is funded by unclaimed Maori land rentals -money that would otherwise be paid to the land owners.

Another example is a compromise imbedded in legislation that contravenes the spirit of international law. The rule of *contra proferentum* and Article 33 of the Vienna Convention regards to the Treaty of Waitangi as written in te reo Maori as the version of the treaty that should lead any interpretation because this was the version agreed to by Maori presumably because it was the language Maori best understood. Differences in the interpretation of the English and te reo Maori versions of the Treaty have been the subject of much debate with the interpretation of *rangatiratanga* and *kawanatanga*. The legislation that established the Waitangi Tribunal gave equal weight to both versions of the the Treaty of Waitangi thereby granting new meaning to the Treaty of Waitangi inconsistent with the spirit of international law. See "Kingsbury, B. (1989). The Treaty of Waitangi -some international law aspects. In I. H. Kawharu (Ed.), *Waitangi -Maori and Pakeha Perspectives of The Treaty of Waitangi* (pp. 121-157). Auckland: Oxford University Press".

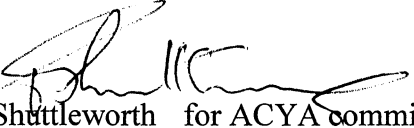
These examples show that the removal of the Treaty of Waitangi from Education policy will create gaps in the curriculum and as such deny students access to a unique part of our history and the tools and knowledge to debate the issues.

Knowledge of the Treaty of Waitangi is poor in New Zealand. If perpetuated ignorance of Treaty of Waitangi, its genesis, and therefore the legitimacy of Government.

In order to understand who we are we must know and be able to debate our history. Removing it from the curriculum threatens our identity.”

Recommendation

Given this is a major and unique example, in world wide terms, of a treaty between indigenous people and the Crown we require that suitable texts be prepared in both the conceptual outlines and appropriate learning area.



P. Shuttlesworth for ACYA committee

Attachment: CORE INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

CORE INTERNATIONAL HUMAN RIGHTS INSTRUMENTS.txt

CAT CONVENTION AGAINST TORTURE AND OTHER CRUEL OR DEGRADING TREATMENT
OR PUNISHMENT

CRC CONVENTION ON THE RIGHTS OF THE CHILD

ICCPR INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

CEDEW CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

ICERD INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

ICESAR INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

ICMW INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT
WORKERS AND MEMBERS OF THEIR FAMILIES

CAT-
OP OPTIONAL PROTOCOL ON CONVENTION AGAINST TORTURE AND OTHER CRUEL
OR DEGRADING TREATMENT OR PUNISHMENT

CRC-
OP-AC OPTIONAL PROTOCOL TO THE CONVENTION OF THE RIGHTS OF THE CHILD
ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

CRC-
OP-SC OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD
ON SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

ICCPR-OP1 OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

ICCPR- OP2 OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
AIMED AT THE ABOLITION OF THE DEATH PENALTY