

# Submission to the Ministry of Justice: Arms Act Rewrite public consultation

***Content warning: discussion of family violence, suicide.***

As the independent advocate working for and with children and young people (mokopuna), Mana Mokopuna – Children and Young People's Commission (Mana Mokopuna)<sup>1</sup> makes the following submission on the Arms Act Rewrite to the Ministry of Justice (the Ministry).

## Introduction

1. Mana Mokopuna has specific statutory responsibilities to promote and advance children's rights. These responsibilities include advocating for, and monitoring, the application of the United Nations Convention on the Rights of the Child (the Children's Convention)<sup>2</sup> by government departments and other instruments of the Crown.<sup>3</sup> Through our children's rights approach, encompassing the Children's Convention and Te Tiriti o Waitangi, we recognise mokopuna in the context of their family, whānau, hapū, iwi and communities.<sup>4</sup>
2. The stated aims of the firearms reform programme of work are to "deliver a firearms system that imposes controls that protect individuals and the public from firearms related harm", and "supports the safe possession and use of firearms and other weapons for legitimate purposes, such as sports, hunting, collecting, and pest control".<sup>5</sup> The Arms Act Rewrite is a key part of this programme of work. Mana Mokopuna thanks the Ministry for the opportunity to provide feedback through the consultation process.
3. Although it may not be immediately obvious, decisions relating to the Arms Act Rewrite, and to the firearms regulatory system more broadly, will have an impact on our country's approximately 1.2 million mokopuna, and their families, whānau, and communities. This is primarily due to the widespread safety implications of firearms access and use in Aotearoa New Zealand. Mana Mokopuna supports efforts to increase safety and reduce instances of firearm-related harms that impact upon mokopuna.
4. We acknowledge that mokopuna and their families and whānau come from diverse communities, and have diverse views and experiences, including in relation to firearms.
5. The purpose of our submission is to provide the Ministry with information to support taking a children's rights approach to the Arms Act Rewrite, and to draw attention to relevant mokopuna-related issues, rather than providing specific advice on the content of the Arms Act itself.

## Children's rights in Aotearoa New Zealand

6. A children's rights approach requires consistency with Aotearoa New Zealand's duties and obligations under the Children's Convention, and the simultaneous realisation of tangata

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<sup>1</sup> Mana Mokopuna – Children and Young People's Commission is the independent Crown entity with the statutory responsibility to advocate for the rights, interests, participation and well-being of all children and young people (mokopuna) under 18 years old in Aotearoa New Zealand, including young persons aged over 18 but under 25 years if they are, or have been, in care or custody.

<sup>2</sup> [Convention on the Rights of the Child | OHCHR](#)

<sup>3</sup> Children and Young People's Commission Act, s 21.

<sup>4</sup> Children and Young People's Commission Act, ss 5-6.

<sup>5</sup> [Firearms reform | New Zealand Ministry of Justice](#)

whenua rights as affirmed in Te Tiriti o Waitangi to improve the rights, interests, and wellbeing of mokopuna Māori, within the context of their whānau, hapū, iwi and communities.

7. Children's rights are universal, indivisible and interdependent, meaning all rights under the Children's Convention need to be considered holistically and in conjunction with one another. Four principles guide the application of the Children's Convention, as well as being substantive rights themselves:
  - a. Non-discrimination: all rights apply to every child, without discrimination for any reason (Article 2);
  - b. Best interests: the best interests of the child should be the primary consideration in all actions and decisions concerning them (Article 3);<sup>6</sup>
  - c. The right to life and maximum possible survival and development (Article 6); and
  - d. Participation: the right of all children to have a say on issues important or affecting them, and to be listened to and respected as an active participant in their own lives (Article 12).
8. Children's rights should be considered both as a matter of process and substance. This means that, for example, the right of all mokopuna to participate in decision-making that affects them, and to have their best interests considered, should be factors in the process of developing initiatives that impact them, such as the Arms Act Rewrite. In addition, the implications of policy and legislation for the substantive rights of mokopuna – such as their rights to be safe, to the highest attainable standard of health, to be free from discrimination, and their rights to a healthy environment - should be reflected in the development of the Arms Act itself.
9. We strongly recommend the Ministry develop mechanisms for mokopuna participation in the Arms Act Rewrite process in accordance with their rights under Article 12 of the Children's Convention.

## Specific children's rights issues relating to firearms

10. Mana Mokopuna draws attention to the following issues which evidence shows can be exacerbated by access to firearms.

### The right to be free from all forms of violence (Article 19)

11. Family violence is a significant and persistent children's rights issue in Aotearoa New Zealand, with the UN Committee on the Rights of the Child (UN Committee) recognising violence against mokopuna as a priority area,<sup>7</sup> and issuing urgent recommendations in respect of the right of all mokopuna to be free from violence.<sup>8</sup> There is unfortunately a data gap in the prevalence of violence against mokopuna involving firearms due to a lack of reporting (and possibly data collection).

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<sup>6</sup> UN Committee on the Rights of the Child 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

<sup>7</sup> UN Committee on the Rights of the Child Concluding Observations (2023) CRC/C/NZL/CO/6 [tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?Lang=en&symbolno=CRC%2FC%2FNZL%2FCO%2F6](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?Lang=en&symbolno=CRC%2FC%2FNZL%2FCO%2F6)

<sup>8</sup> Articles 19, 24(3), 28(2), 34, 37(a) and 39.

12. About one in ten family violence deaths are committed with firearms, with the majority of these deaths involving parties who are either not known to, or only have a minor history with government agencies including Police.<sup>9</sup> The majority of perpetrators who used guns to commit the family violence homicide possessed a firearms licence at the time of the homicide and the weapon used was one that was legitimately in their possession.<sup>10</sup>
13. In its 2023 report titled *"An ongoing duty to care – responding to survivors of family violence homicide"*,<sup>11</sup> the Family Violence Death Review Committee (FVDRC) explored the absence of support systems for mokopuna who have experienced a family violence death. The FVDRC identified 509 surviving New Zealand-born mokopuna biologically related to either the deceased or an offender in 133 events of intimate partner violence homicide and 54 events of child abuse and neglect homicide that occurred between 2009 and 2019.
14. New Zealand Police states "firearms, or the threat of accessing firearms, are often used to intimidate and control victims in family violence situations, and also increase the risk of harm to the victim."<sup>12</sup> Further, the National Collective of Independent Women's Refuges states "perpetrators who demonstrate violent or controlling behaviour toward women partners, and who also have access to firearms, are considered the highest-risk group for the perpetration of intimate partner homicide."<sup>13</sup>
15. The Ministry needs to consider these detrimental impacts, directly related to firearms, upon the rights, interests and wellbeing of mokopuna within the Arms Act Rewrite. The Ministry may like to consider the guidance issued by the UN Committee in General Comment No. 13 on the right of the child to freedom from all forms of violence.<sup>14</sup>

**The right to the highest attainable standard of health (Article 24), the right to life, survival and development (Article 6), the right to non-discrimination (Article 2)**

16. Mental illness and suicide are significant children's rights issues in Aotearoa New Zealand, with the UN Committee noting its concern regarding suicide rates in our country.<sup>15</sup> Aotearoa New Zealand has one of the highest rates of youth suicide in the OECD.<sup>16</sup> Evidence shows that mokopuna Māori face higher rates of suicide than the general population.<sup>17</sup>
17. A joint response from the FVDRC, the Suicide Mortality Review Committee, and the Child and Youth Mortality Review Committee on the 2021 public consultation on gun regulations reports that firearm use is prevalent in suicide statistics.<sup>18</sup> Those who have died by suicide using a firearm were more likely to be Pākehā from rural communities, although 10% were

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<sup>9</sup> Family Violence Death Review Committee (2019) Submission on the Arms Legislation Bill: [16189d4d0d3c3f639ec59ce263a9064fe95e87fd](#)

<sup>10</sup> Family Violence Death Review Committee (2019): [16189d4d0d3c3f639ec59ce263a9064fe95e87fd](#)

<sup>11</sup> Family Violence Death Review Committee (2023): [FVDRC\\_eighth\\_report\\_final\\_WEB-v2.pdf](#)

<sup>12</sup> New Zealand Police (2020) Regulatory Impact Assessment: Firearm Prohibition Orders [fpo-ria.pdf](#)

<sup>13</sup> The National Collective of Independent Women's Refuges (2022): [Firearms-Prohibition-Orders-Legislation-Bill-Submission-final.pdf](#)

<sup>14</sup> UN Committee on the Rights of the Child (2011) CRC/C/GC/13: [General comment no. 13 \(2011\), The right of the child to freedom from all forms of violence](#)

<sup>15</sup> UN Committee on the Rights of the Child Concluding Observations (2023) CRC/C/NZL/CO/6

<sup>16</sup> [Suicide statistics | Mental Health Foundation](#)

<sup>17</sup> UN Committee on the Rights of the Child Concluding Observations (2023) CRC/C/NZL/CO/6

<sup>18</sup> [Submission-on-firearms-regulations\\_2021.pdf](#)

Māori.<sup>19</sup> Rates of suicide among males from rural communities are 40% higher than men in urban areas, and 20% higher for women in rural communities compared with urban areas.<sup>20</sup>

18. The Ministry of Health acknowledges that rural communities are often underserved by the health system, facing higher barriers to access services and overall have poorer health outcomes.<sup>21</sup> Rural mental health advocate Kathryn Wright has spent a decade researching rural health and says young men's fears of having their firearms license removed is one of the biggest barriers to seeking help.<sup>22</sup>
19. Mana Mokopuna acknowledges with profound sorrow all mokopuna, families, whānau and communities in Aotearoa who are impacted by suicide. We are deeply concerned about the prevalence of suicide amongst mokopuna, and the impacts upon the rights, interests and wellbeing of mokopuna when they experience a suicide in their family, whānau or community.
20. We strongly recommend the Ministry considers the relationship between firearms and suicide, within the context of high rates of youth suicide in Aotearoa New Zealand, when undertaking the Arms Act Rewrite. We recommend the Ministry engages with experts in the mental health sector, particularly rural mental health experts, to seek further evidence based advice to inform the Arms Act Rewrite.

## Conclusion

21. Upholding children's rights is integral in creating positive outcomes for mokopuna and, consequently, is an investment into our future as a nation. All government agencies, including the Ministry, hold a responsibility for implementing a children's rights approach. The Arms Act Rewrite is an opportunity to advance children's rights in Aotearoa.
22. We recommend the Ministry implements opportunities for mokopuna to have a say in the Arms Act Rewrite, including by providing child-friendly information about the Arms Act Rewrite and proactively seeking the views of mokopuna.
23. If you would like to discuss this submission or if we can provide any further information or advice please get in touch by contacting Andrea Jamison, Manager Rights and Advocacy at [andy.jamison@manamokopuna.org.nz](mailto:andy.jamison@manamokopuna.org.nz).

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<sup>19</sup> [Submission-on-firearms-regulations\\_2021.pdf](#)

<sup>20</sup> [h2024036867-briefing-rural-health.pdf](#)

<sup>21</sup> Ministry of Health, 2024: [h2024036867-briefing-rural-health.pdf](#)

<sup>22</sup> [Hunters fear losing guns for seeking mental health help — but needn't](#)