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NGO information for the 93rd Pre-Sessional Working Group of the Committee on the Rights of the Child: New Zealand

Optional Protocol on the Involvement of Children in Armed Conflict and the Convention on the Rights of the Child

15 August 2022

Introduction

1. This document provides an outline of some issues of concern with regard to the state party's compliance with the provisions of the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC, the Optional Protocol) and the Convention on the Rights of the Child (the Convention) to assist the Committee on the Rights of the Child (the Committee) in your consideration of New Zealand's sixth Periodic Report.

2. There are seven main sections below, based on the layout of our 2016 and 2020 reports:

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3. We appreciate the opportunity to raise these issues with the Committee, thank you.

A. Information about Peace Movement Aotearoa

4. Peace Movement Aotearoa is the national networking peace organisation, established in 1981 and registered as an Incorporated Society in 1982. Our purpose is networking and providing information and resources on peace, disarmament, justice and human rights issues. We have extensive national networks which include more than one hundred and fifty contacts for national and local peace, disarmament, human rights, social justice, faith-based and community organisations.

5. Promoting the realisation of human rights is an essential aspect of our work because of the crucial role this has in sustaining peaceful and just societies. We regularly provide information to United Nations human rights treaty monitoring bodies, and to Special Procedures and mechanisms of the Human Rights Council¹, on a range of peace, human rights, disarmament and justice issues here in Aotearoa New Zealand.

6. Our main focus in relation to the work of the Committee is on OPAC. We were concerned that the state party's fifth Periodic Report² and 2016 responses to the Committee's questions³ provided very little information on its compliance with OPAC; and we appreciated the Committee's 2016 Concluding Observations expressing regret: *"that the State party did not submit sufficient information on the implementation of its recommendations (CRC/C/OPAC/CO/2003/NZL/1) and urges the State party to provide comprehensive and detailed information in that regard in its next report."*⁴

7. However, we note that the sixth Periodic Report (the Periodic Report)⁵ in response to the Committee's 2020 List of Issues Prior to Reporting also does not provide any substantive information on OPAC - only a brief response to the questions at 31.(a) and (b), while ignoring the bulk of para 31, and the references to OPAC at paras 2.(a) and 4.(d).⁶

8. This document therefore provides some of the missing information for your consideration, and some comments on issues of concern around the state party's compliance with OPAC and provisions of the Convention in relation to education and public spending priorities.

B. Overview of our concerns

9. Since the Committee's consideration of the state party's initial report under OPAC in 2003, there have been a number of developments which are a cause for concern in relation to its compliance with OPAC and the Convention. These developments involve in some instances breaches of the provisions of both instruments, and in others, a failure to fully respect the spirit of the Optional Protocol and to provide full protection for children in all circumstances.

10. Section C below provides an outline of some concerns around the New Zealand Defence Force (NZDF, armed forces) in relation to OPAC, with information about the age of recruitment and recruitment practices (including concerns about safety issues, bullying, sexual harassment and violence), overseas combat operations and child rights, military policy and child rights, and the New Zealand Cadet Forces.

11. Section D provides information about the levels of child poverty, and the government's Budget and spending priorities in this context; Section E provides information about the increasing level of military involvement in education; and Section F provides information about the increasing level of military involvement in youth development programmes. Section G outlines some concerns about the education curriculum and peace education, and section H has some brief comments about dissemination and training on the Optional Protocol.

C. The New Zealand Defence Force and OPAC

i) Age of recruitment and recruitment practices

12. As the Committee is aware, the state party has not removed its reservation to OPAC and recruitment into the New Zealand Defence Force (NZDF, armed forces) remains at 17 years.

According to the information provided in the statistical annex to the fifth Periodic Report⁷, a significant number of new recruits into the regular armed forces - almost 10% - are under the age of 18.

13. This information provided by the state party in 2015 is at considerable odds with information provided to us by NZDF Headquarters (NZDFHQ) on 5 August 2022 in response to an Official Information Act request (OIA request) we made. According to the figures sent to us, the number of new recruits to the Regular Forces under the age of 18 has generally varied between 1% and 2.1% each year over the last decade⁸ - we have no way of knowing which set of figures is accurate.

14. We note that the state party's Periodic Reports since 2008 (including the current one) have not provided an explanation as to why the age of recruitment remains at 17 years in breach of OPAC - at that time the main reason was linked to a drop in recruitment levels if the age of recruitment is raised, as well the lack of other opportunities for young persons from lower socio-economic groups:

“Recruitment in the Armed Forces has offered young people, particularly from lower socio-economic groups, the opportunity to succeed in an environment where all recruits start on an equal footing. Ground level entry and skill development provided by the Armed Forces is often not readily available on the same level elsewhere in New Zealand.”⁹

15. In response to a question in our OIA request asking for *“an explanation of why the NZDF continues to enlist young persons under the age of 18 years”*, NZDFHQ replied *“all of these individuals will turn 18 within a year”*¹⁰ - that is not an explanation, but rather a statement that indicates blatant disregard for the state party's OPAC obligations.

16. **Safety issues:** Although the state party has provided assurances that recruits under the age of 18 years are not deployed on “active” (combat) duties, that does not necessarily mean their safety is assured; as they are still involved in military training exercises and overseas “battlecraft” training deployments¹¹.

17. Our OIA request asked for information on *“The number of armed forces personnel under the age of 18 years who were injured or killed in an incident related to their military training or deployment each year over the past decade”* and a brief description of the severity of the injury / injuries. NZDFHQ declined to provide that information *“as the information is not centrally stored and it would require a substantial amount of research and collation effort to review individual files to retrieve the requested information”*.¹²

18. **Bullying, sexual harassment and violence:** Our request for *“The number of armed forces personnel under the age of 18 years who complained of, or experienced, sexual harassment or any form of violence during their military training or deployment for each year over the past decade”* was declined for the same reason.

19. This is a particular concern because there are serious issues around bullying, sexual harassment and violence within the NZDF. Following considerable negative publicity around - among other things - decades of NZDF inaction in relation to an Air Force Sergeant, who was eventually convicted in 2015 for sexual offences against at least five girls during the 1970s and 1980s, and several Reviews of military culture¹³, the NZDF established Operation Respect, its plan for reducing inappropriate or harmful behaviour whether bullying, harassment, discrimination or some form of sexual violence¹⁴.

20. One of the Reviews that led to Operation Respect was specifically on recruit training (which is of course where young persons under 18 are located), and stated *“Though the prevalence of*

physical and sexual behaviours was low in our survey, based on historical patterns we believe the risk of serious issues remain."¹⁵

21. The report of an Independent Review of Operation Respect (the Independent Review) released in 2020¹⁶ showed the NZDF *"has failed to embed the culture change it promised, and fear and silence still surround issues of sexual harm"*, and *"had failed victims with its glacial pace of developing and resourcing Operation Respect"*.¹⁷ The report stated:

*"We heard of bullying of recruits by other recruits that was at times ignored, if not condoned, by individuals of rank. In some cases, attempts to "call-out" or otherwise address such behaviour only made the situation worse, leading to some recruits learning to "just keep quiet" and preserve the 'code of silence.' Such incidents are very concerning as they reinforce a problematic aspect of the culture at the very beginning of the careers of **these young and sometimes vulnerable people**. [our emphasis] ... During this review it became overwhelmingly clear that discrimination, harassment and, in particular bullying is more widespread than the survey data indicates. We believe that the issue is substantially under reported."*¹⁸

22. The Independent Review concluded:

*"Despite the positive efforts, overall there has been insufficient progress since the plan was launched, in 'creating a culture of dignity and respect' generally and in preventing or promptly addressing harmful behaviour, including sexual violence specifically." and "It is our view that at this time NZDF is not currently positioned to drive the change required given the capacity and capability challenges in strategy, planning, resourcing and budget, compounded by three fundamental challenges and a number of other barriers to progress."*¹⁹

23. One of the Independent Review's recommendations was that the NZDF: *"17. Create a comprehensive and integrated data management system to routinely and systematically collect data and report on complaints and outcomes of incidents of harmful behaviour, including sexual violence and discrimination, harassment and bullying"*.²⁰

24. The fact that NZDFHQ declined to provide us with information on the numbers of under-age recruits impacted by bullying, sexual harassment or any form of violence suggests either that comprehensive data is not being collected or kept, or that the NZDF does not wish to disclose such information.

25. **Recruiting practices:** There are also issues around the recruitment practices of the armed forces, in particular the targeting of children in school holiday and term time exhibitions, school holiday visits to army bases, and visits by armed forces' personnel to schools during term time²¹. There are also issues around armed forces displays which may include military weapons or hardware, or - at events such as the Armageddon Entertainment Expo, held in several cities each year - feature video games such as Call of Duty and Mortal Kombat for young children to play while dressed in child-size military uniforms²². These concerns are additional to the issues around the militarisation of education, and armed forces' involvement in youth development programmes, as outlined in sections E and F below.

26. The requirement in OPAC that under-age recruits be fully informed of the duties involved in military service (Article 3.c) is not met, in our opinion, for any recruit, regardless of their age. Since we last provided information to the Committee, recruiting material for the army, for example, has had the slogan 'Give Your Passion Purpose', which focuses on matching what young persons are passionate about with a military career; 'Make fitness your mission', which focuses on encouraging youth to "get fighting fit"²³; and 'We front up to keep others safe'²⁴, which implies the focus of the

army is protection rather than combat. NZDF advertising campaigns are generally developed by companies such as Saatchi & Saatchi to have the widest possible appeal for young persons.

27. Recruiting material tends to focus on travel, adventure, the lifestyle, training and other benefits of joining the NZDF including, subsidised food and accommodation, free medical and dental care, free tertiary level education opportunities, superannuation schemes, and access to annual leave for a longer time period than most civilian occupations have.²⁵

28. That this tactic is successful is reflected in the Independent Review report: *“We heard that many enlist for the exciting and interesting careers, travel opportunities, professional and leadership development opportunities on offer.”*²⁶

29. In a further attempt to attract young persons to join the armed forces, the NZDF is increasingly publishing stories about military personnel designed to highlight the adventurous and appealing aspects military life, with titles such as ‘Otago rugby player revels in the Army Reserves’ and ‘Whangamata sailor devouring chance to go to sea’, or that appeal to parents, such as ‘NZDF helps son stick to study’.²⁷

30. The distressing reality of combat - of being maimed or killed, or maiming and killing others - is not included in any armed forces recruiting material or in the media releases designed to attract young persons to join the NZDF.

ii) Overseas combat operations and child rights

31. As outlined in our 2016 Report, we have two major concerns about the state party’s overseas combat operations in relation to the Convention and the Optional Protocol: the impact on children of military operations that New Zealand armed forces are involved in; and their treatment of juvenile prisoners.

32. With regard to the impact on children of military operations that New Zealand armed forces are involved in, in 2018 the state party established an Inquiry into Operation Burnham (the Inquiry), a military operation in Afghanistan by the special forces of New Zealand (and other nations) in 2010, which apparently resulted in civilian casualties - including at least one child - although that was denied at the time and subsequently.²⁸

33. A significant amount of disturbing information about this particular military operation and the subsequent cover-up was been revealed in the course of the Inquiry, including email discussions among New Zealand Government Security and Intelligence Bureau (GCSB) staff indicating they were aware that the compounds to be targeted had *“women, children, goats and the like”* going in and out of them²⁹.

34. Discussion of the imminent destruction of the compounds - regardless of the clear presence of children and other civilians - included: *“Another officer asked if anyone was going to 'snot' these guys and got the response: "snot is the right word, there ain't going to be much of those compounds left once they've finished".* The current GCSB Director has stated these comments *“do not meet the standards of professionalism expected of GCSB staff today”*, but there has apparently been no disciplinary action against the staff involved.³⁰

35. The Report of the Inquiry was released in July 2020³¹, and among other things, found that there were civilian casualties (including at least one child); there were significant shortcomings in the way the NZDF dealt with these issues in the aftermath of the operation, resulting in a series of

incorrect statements in briefings to Ministers and public releases between 2010 and 2017; and, even more disturbingly, that the decisions that led to the child's were death justified.³²

36. In February 2021, the NZDF released new rules for dealing with civilian harm³³, Defence Force Order 35: New Zealand Defence Force Response to Civilian Harm³⁴ (the Defence Order). As its title suggests, the Defence Order - which points out "*the risk of harm to civilians is an unfortunate reality of armed conflict, particularly as armed conflict is increasingly conducted in areas inhabited by civilians*"³⁵ - is focused on responding to reports of civilian harm, rather than preventing harm, and has only one reference to children:

*"Responding to reports of civilian harm appropriately first requires understanding the risks posed to civilians across the spectrum of military operations. Steps that can assist in an appropriate response to civilian harm include ... (8) an understanding of the need to develop responses tailored to the demographic make-up of the affected population, e.g., women, children, older persons;"*³⁶

37. Given the degree of deception there appears to have been around civilian casualties during New Zealand Special Forces operations in Afghanistan, and the subsequent revelations of war crimes and cover-ups by Australian³⁷ and British Special Forces³⁸ (who the New Zealand armed forces frequently operate alongside), it would be safe to say there is little public confidence in the NZDF fully reporting civilian harm in future combat deployments.

38. Due to a number of issues with the Operation Burnham Inquiry Report, earlier this year the Chief Ombudsman opened an investigation into whether the NZDF had deliberately misled him during the Inquiry into civilian deaths.³⁹

39. With regard to the treatment of juvenile prisoners by New Zealand armed forces deployed on combat operations overseas, there have been persistent allegations, since 2002 in particular, that New Zealand combat troops deployed overseas have handed over almost 200 prisoners to military or other state authorities without due regard to their right to freedom from torture as specified in the Convention Against Torture and in the Geneva Conventions⁴⁰, and that those prisoners may have included young persons (as detailed in our 2016 Report) because there appears to have been no attempt to ascertain detainees' age.

40. The allegations that New Zealand combat troops have handed over prisoners without due regard to their right to freedom from torture have been given more weight since the Operation Burnham Inquiry report detailed at least one instance of this occurring, and concluded:

*"There was strong evidence that Miraj was tortured soon after he was placed into NDS [National Directorate of Security] custody, which New Zealand authorities became aware of a short while later. Despite this, senior leaders and ministers were not briefed; nor were any further steps taken to investigate, to express New Zealand's position on the use of torture, or to review its policy on detention."*⁴¹

41. It is our view that if New Zealand combat forces deployed overseas cannot ensure that any prisoners captured during combat or training operations are treated in a manner fully compliant with the provisions of OPAC, the Convention Against Torture, and the Geneva Conventions, and are not in a position to operate their own detention facilities, then they should not be deployed.

iii) Military policy and child rights

42. Although the Strategic Defence Policy Statement 2018 has a section on the "*maintenance of the international rules-based order*"⁴², there is no reference to any requirement for the NZDF to respect

OPAC, the Convention, or indeed any of the state party's human rights' obligations. Similarly, there is no reference to any of these in the 2019 Defence Capability Plan⁴³ or the New Zealand Defence Doctrine publication, which codifies established military practice, "*embraces the organisational culture of the NZDF*" and "*provides the foundation of New Zealand's unique approach to the conduct of military operations*".⁴⁴

iv) New Zealand Cadet Forces

43. Although the Committee raised concerns about the Cadet Forces (NZCF) in the 2003 Concluding Observations on the state party's initial report under OPAC⁴⁵, there is no information on the Cadet Forces in the Periodic Report.

44. The NZCF enlists boys and girls aged 13 to 19 years⁴⁶; and comprises the Sea Cadet Corps, the New Zealand Cadet Corps and the Air Training Corps, representing the three branches of the armed forces - navy, army and air force respectively. There are 99 NZCF units nationwide with 3,616 cadets (69% male and 31% female).⁴⁷

45. While it is technically not part of the armed forces, the NZDF provides NZCF recruits with a uniform (except for footwear), training, guidelines, motivation, logistics support, and the costs of cadet promotion courses. The purpose of the NZCF is to *provide "military-style leadership, personal development opportunities and adventure based training to youth aged between 13 and 19 years old"*.⁴⁸

46. It is misleading to describe the NZCF as "military-style", when the NZDF provides personnel for training, development, logistics and administration; all NZCF recruits wear military uniforms, have military ranks, undergo military drills and training (including training exercises on military bases with military firearms)⁴⁹; and 15 to 20% of youth involved in the NZCF subsequently join the NZDF.⁵⁰ In addition, exposure to "military hardware" and experiences at operational military bases are used to advertise both the NZCF and NZDF.⁵¹

47. The NZCF is funded in mainly from the armed forces Budget - the amount of funding was removed from the state party's Budget summaries in 2014, and the most recent figure available is for the 2013 financial year when the NZDF was allocated \$3,808,000 for NZCF support⁵².

48. Since 2014, a New Zealand Qualifications Authority⁵³ National Certificate in Cadet Forces Studies has been available as a qualification for secondary school students⁵⁴.

D. Public spending priorities and child rights

49. The concerns outlined in our 2016 Report about public spending priorities and child rights remain, particularly the lack of any Child Rights Impact Assessment (CRIA) in the state party's annual Budget process, and the prioritising of military expenditure over social spending to reduce the extraordinary levels of child poverty⁵⁵ here.

50. In relation to the absence of a CRIA in the state party's annual Budget process, we have provided information on the requirements in General Comment No. 19⁵⁶ to the Finance and Expenditure Select Committee's consultations on the Budget 2020, 2021 and 222 Policy Statements in both our written and oral submissions⁵⁷. Although "*Child wellbeing - reducing child poverty and improving child wellbeing*" has been one of the five 'Wellbeing' Budget priorities since 2020⁵⁸, successive Reports of the Select Committee have made no reference to a CRIA, the Convention, or

child rights⁵⁹, let alone of our recommendation: *“that a thorough Child Rights Impact Assessment is conducted on any military spending included in the 2022 and future Budgets.”*⁶⁰

51. In relation to military spending, this year’s ‘Wellbeing’ Budget included another increase in military spending to a record level of \$(NZD)6,077,484,000⁶¹. This is at considerable odds with the stated purposes of the ‘Wellbeing’ Budget: to tackle the long-term challenges around New Zealanders’ wellbeing, including child poverty.

52. When we ask Select Committee members if the impact of increased military spending and corresponding decrease in the amount of funding then available for social services for children has been considered, they seem genuinely mystified by the question as though there are no choices that can be made around spending priorities.

53. Spending priorities **are** a matter of political choice, and is our view that all increases in military spending come at the cost of a continuing high rate of child poverty and inadequate funding of essential social services (including housing, health, education and so on), which is simply unacceptable for a state party to the Convention.

E. Military involvement in education and firearms in schools

54. There has been a continued increase in the level of military involvement in education, and the issues outlined in our 2016 Report remain - it is clear that military involvement in children and young persons' education is not consistent with the aims of education as recognised in Article 29 of the Convention and in the Committee’s General Comment No. 1.⁶²

55. There are now 29 service academies - *“military-focused programmes delivered within secondary schools”* - which include courses run by the armed forces.⁶³ Service academy courses are conducted on military bases.⁶⁴

56. It should be noted that in this year’s ‘Wellbeing’ Budget, \$(NZD)1,177,959,000 was taken from Vote Education and allocated to the army to run programmes in secondary schools. Although it is not explicitly stated, those programmes are clearly used as a recruiting opportunity for the NZDF.

57. **Firearms in schools:** Since our 2016 Report, issues around military weapons and other firearms in schools have been highlighted due to considerable public concern following the publication of images of primary school children holding combat weapons during an army ‘leadership’ road show and the accompanying story which stated: *“each child was given the opportunity to play with radios and practise disassembling, assembling and firing an assault rifle”*⁶⁵.

58. In response, the Ministry of Education held a public consultation on draft Guidelines for Schools Developing a Firearms Policy⁶⁶. The draft Guidelines were flawed in a number of respects, including the omission of key information, and appeared to be an attempt to legitimise the presence of firearms in schools and to normalise a ‘gun culture’ among students of the sort that has led to tragedies in schools in other countries. It should be noted that the Schools’ Health and Safety Sector Reference Group established by the Ministry of Education to develop the Guidelines included at least sixteen representatives from organisations involved with firearms, sports shooting and hunting⁶⁷ - organisations with a vested interest in promoting firearms - but there were no public health experts involved in the drafting process. It should also be noted that there is no record of the number or type of firearms held on school properties, due to opposition from the gun lobby to a recommendation for a registry with such details to be established and maintained.⁶⁸

59. We, and others, provided written submissions⁶⁹ on the draft Guidelines recommending that all schools be firearm-free zones (firearms safety training and / or sports shooting can and should be done at suitable firing ranges rather than on school properties) and opposing the presence of any military weapons in schools.

60. The Guidelines were published in July 2018, and retain many of the flaws of the draft, including specific permission for military weapons to be in schools on Career Days (clearly linked to NZDF recruiting in schools), and for military training exercises involving firearms on school properties.⁷⁰

61. Following the mass shooting murders in two Christchurch mosques in March 2019, the state party introduced legislation to progress effective gun control here. In our submissions on the legislation⁷¹, we and others requested a review of the firearms in schools Guidelines but there has been no indication that this will be done. In addition, our Coordinator raises this matter regularly with the New Zealand Police Arms Advisory Group.

62. **Military visits to schools:** As mentioned in the ‘Recruitment practices’ section above, visits by armed forces’ personnel to schools for the purpose of recruiting or to talk with children about ‘leadership’⁷² regularly take place, but the frequency of these visits is unknown. Our OIA request asked for information on:

“The number of times armed forces personnel took military firearms or other weapons onto school or wananga property each year over the past decade, the types of weapons taken into schools or wananga, and the percentage of primary / secondary level schools or wananga that received visits by armed forces personnel with military firearms or other weapons for each year.”

63. However, as with other requested information, the NZDFHQ declined to provide that information *“as the information is not centrally stored and it would require a substantial amount of research and collation effort to review individual files to retrieve the requested information”*.⁷³

F. Military involvement in youth development programmes

64. There has been an increased level of military involvement in youth development programmes since 2016, and thus the concerns outlined in our 2016 Report remain. There is no evidence to suggest that military personnel running military-style programmes on military bases or elsewhere is of any particular benefit to young persons with low self-esteem⁷⁴, or who are lacking in confidence or motivation⁷⁵.

65. Nevertheless, *“more than 6,000 young New Zealanders aged between 13 to 25”* were supported by *“144 military personnel working alongside 40 NZDF civilian staff, 690 Cadet Force Officers and supplementary staff”* according to the NZDF 2021 Annual Report.⁷⁶

G. Education curriculum and peace education

66. As mentioned in our 2020 Report, the state party has now made teaching of New Zealand history compulsory in all schools, a very welcome development, and the new curriculum will be taught from the start of the 2023 school year.⁷⁷

67. The other concerns about the education curriculum outlined in our 2016 Report remain: there is no comprehensive programme of Māori language teaching in all schools, nor is there a coherent programme of peace or human rights education.

H. Dissemination of, and training on, OPAC

68. While the state party's fifth Periodic Report stated that the NZDF has a training module that includes a discussion on the OPAC and that OPAC implementation is ensured through Defence Force Orders⁷⁸, there is nothing about this in the current Periodic Report. However, the points included above in Section C.ii (particularly with regard to the "justified" death of a young child) and C.iii (lack of reference to OPAC, the Convention and indeed human rights more generally in NZDF policy and other documents) suggest there are serious questions about whether OPAC is actually implemented by the NZDF.

69. There is very little dissemination of OPAC here, or an analysis or appreciation of its domestic application - our impression from talking with government officials, and attending various government briefings on a range of issues, is that OPAC is seen more as something that applies to other parts of the world. Similarly, our experience of running public workshops on militarisation and New Zealand's human rights obligations indicates there is very little public understanding of OPAC provisions and its domestic application. In addition, our experience from talking with Members of Parliament, and making submissions to parliamentary Select Committees, indicate that there is generally a low level of knowledge of New Zealand's human rights obligations - domestic and international - among parliamentarians, and we cannot recall a mention of the OPAC at all except in relation to countries in other parts of the world.

70. **Thank for** your attention to our Report, and we are happy to provide further information on any of the above points if that would assist your consideration of New Zealand's performance.

References

¹ For example, to the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People in 2005; to the Committee on the Elimination of Racial Discrimination in 2007, 2013 and 2017; to the Human Rights Committee in 2009, 2010, 2014 and 2016; to the Committee on the Rights of the Child in 2010, 2011, 2016 and 2020; to the Committee on Economic, Social and Cultural Rights in 2011, 2012, 2016 and 2018; to the Committee Against Torture in 2015; to the Human Rights Committee for the General Discussion on Article 6 of the International Covenant on Civil and Political Rights in 2015 and 2017; to the Committee on the Rights of the Child on the Draft General Comment on Article 4 of the Convention (Public Spending) in 2015; and jointly with the Aotearoa Indigenous Rights Trust and others, to the Human Rights Council for the Universal Periodic Review of New Zealand in 2008, 2009 and 2014

² Fifth Periodic Report under the United Nations Convention on the Rights of the Child: New Zealand (CRC/C/NZL/5), 11 January 2016

³ New Zealand Government response to questions from the United Nations Committee on the Rights of the Child, 20 September 2016

⁴ Concluding observations on the fifth periodic report of New Zealand (CRC/C/NZL/CO/5), Committee on the Rights of the Child, 21 October 2016, para 47

⁵ Sixth Periodic Report by the Government of New Zealand 2021 (CRC/C/NZL/6), para 335

⁶ List of issues prior to submission of the sixth periodic report of New Zealand (CRC/C/NZL/QPR/6), Committee on the Rights of the Child, 21 July 2020

⁷ Annex to the Fifth Periodic Report by the Government of New Zealand 2015, CRC/C/NZL/5: Statistical Information by the Government of New Zealand 2015, table 85, p 58

⁸ Information provided under the Official Information Act 1982, Air Commodore AJ Woods, Chief of Staff, NZDF Headquarters, 5 August 2022

⁹ United Nations Convention on the Rights of the Child: Third and Fourth Periodic Reports of New Zealand, 11 November 2008, CRC/C/NZL/3-4, para 482

¹⁰ Information provided under the Official Information Act 1982, Air Commodore AJ Woods, Chief of Staff, NZDF Headquarters, 5 August 2022

¹¹ See, for example, 'Fijian exercise throws young NZ Army leaders into heat of battle', 26 July 2022, <https://www.nzdf.mil.nz/news/fijian-exercise-throws-young-nz-army-leaders-into-heat-of-battle> and 'NZ Army Officer Cadets living off the land in exercise with Fijian military', 25 July 2022, <https://www.nzdf.mil.nz/news/nz-army-officer-cadets-living-off-the-land-in-exercise-with-fijian-military/> - these two articles refer to young persons from the NZDF Officer Cadet School, 17 year olds can apply to be Officer Cadets

¹² Information provided under the Official Information Act 1982

¹³ For example, Maximising opportunities for Military Women in the New Zealand Defence Force, Ministry of Defence, February 2014, <https://www.defence.govt.nz/publications/publication/maximising-opportunities-for-military-women-in-the-new-zealand-defence-force> "*What is it like to be a woman in the New Zealand Defence Force? Are women treated fairly? Do women get promoted as often as men? Is it safe? The answers to these questions are important if the Defence Force wants to attract and keep the best people in a competitive job market.*" [our emphasis] and Recruit training: Assessing the quality of recruit training in the New Zealand Defence Force, October 2015, <https://www.defence.govt.nz/publications/publication/recruit-training-assessing-the-quality-of-recruit-training-in-the-new-zealand-defence-force>

¹⁴ See, for example, 'NZ Defence Force launches action plan to address harmful sexual behaviour', 17 March 2016, <https://nzfvc.org.nz/news/nz-defence-force-launches-action-plan-address-harmful-sexual-behaviour> 'New report shows "persistent" sexism, abuse concerns in military', 15 March 2016, <https://www.stuff.co.nz/national/77896102/new-report-shows-persistent-sexism-abuse-concerns-in-military> and 'Defence aims to tackle 'sexist' culture', 16 March 2016, <https://www.rnz.co.nz/news/national/299026/defence-aims-to-tackle-'sexist'-culture>

¹⁵ Recruit training: Assessing the quality of recruit training in the New Zealand Defence Force, October 2015, <https://www.defence.govt.nz/publications/publication/recruit-training-assessing-the-quality-of-recruit-training-in-the-new-zealand-defence-force>

¹⁶ Independent Review of the New Zealand Defence Force's progress on the Action Plan for Operation Respect, 16 July 2020, <https://www.defence.govt.nz/assets/publication/file/Operation-Respect-Review.pdf>

¹⁷ See, for example, 'Defence Force failed to tackle 'code of silence' on sexual assault, harassment - report', 16 July 2020, <https://www.stuff.co.nz/national/300057952/defence-force-failed-to-tackle-code-of-silence-on-sexual-assault-harassment--report> and 'Defence Force accused of neglecting Operation Respect sexual violence programme', 26 August 2020, <https://www.nzherald.co.nz/nz/defence-force-accused-of-neglecting-operation-respect-sexual-violence-programme/ACT2GOO24QOVG3B7FQB7JNC7RI/>

¹⁸ Independent Review of the New Zealand Defence Force's progress on the Action Plan for Operation Respect, pp 47 - 48

¹⁹ "*Fundamental challenges: We set out below three key reasons why cultural change has been hard to achieve: 1. There is a lack of transparency and accountability of the NZDF's progress in addressing and preventing the harm that continues to be experienced as a result of sexual violence and/or discrimination, bullying and harassment. 2. A 'code of silence' prevails and many personnel will not raise a complaint or report serious issues such as sexual violence because they fear the repercussions and do not trust the NZDF processes and systems. 3. The culture of military discipline and command makes it difficult for personnel to raise concerns or speak out against the behaviour or decisions made by their immediate manager or others more senior in the hierarchy.*

This report reflects our assessment that unless these are addressed, Operation Respect is not well-positioned to succeed in enabling a 'culture of dignity and respect'." - Independent Review of the New Zealand Defence Force's progress on the Action Plan for Operation Respect, p 15

²⁰ Independent Review of the New Zealand Defence Force's progress on the Action Plan for Operation Respect, p 51

²¹ See, for example, 'Helicopter drops in to schools', 27 May 2022, <https://www.odt.co.nz/news/dunedin/helicopter-drops-schools>, the airforce 'School to skies' programmes, <https://nzdefenceforce.medium.com/marlborough-students-experience-life-in-the-air-force-de5b64612a90>, and images and stories on NZDF Defence Careers social media, eg, <https://www.facebook.com/NZDefenceCareers/posts/pfbid036k5xggBTkZqDj8MvnsauvniZVYnERsRD4ipP6MiFfC9zM4AxSwszvRu8n4UgxB6Cl>, <https://www.facebook.com/NZDefenceCareers/photos/a.1721308068091897/2606753676213994/> or <https://www.facebook.com/photo?fbid=2333040340251997&set=pcb.2333049833584381>

²² See, for example, the images at <https://www.facebook.com/NZDefenceForce/posts/389136909917763>

²³ 'Make fitness your mission', <https://futurefive.co.nz/story/make-fitness-your-mission-with-nzdfs-force-fit-app>

²⁴ See, for example, <https://www.youtube.com/watch?v=7VsFeiNjlns>

²⁵ Assorted NZDF recruitment publications, and online in the various sections of the army recruiting pages, <https://www.defencecareers.mil.nz/defence-careers/life-in-uniform/>

²⁶ Independent Review of the New Zealand Defence Force's progress on the Action Plan for Operation Respect, p 4

²⁷ <https://www.nzdf.mil.nz/news/otago-rugby-player-revels-in-the-reserves-the-army-reserves/>, <https://www.nzdf.mil.nz/news/whangamata-sailor-devouring-chance-to-go-to-sea/>, <https://www.nzdf.mil.nz/news/nzdf-helps-son-stick-to-study/>

²⁸ Inquiry into Operation Burnham: terms of reference, <https://operationburnham.inquiry.govt.nz/about-the-inquiry/terms-of-reference/> See also, for example, 'Defence chief says it 'appears' three-year-old Fatima killed in SAS-led raid', Stuff News, 18 October 2019, <https://www.stuff.co.nz/national/116682917/former-defence-minister-wayne-mapp-says-he-knew-of-possible-civilian-deaths-but-decided-not-to-act>

²⁹ See, for example, 'Emails reveal Operation Burnham chatter about destruction of compounds', Radio NZ, 17 December 2019, <https://www.rnz.co.nz/news/national/405626/emails-reveal-operation-burnham-chatter-about-destruction-of-compounds> Documents released to the Inquiry are at <https://operationburnham.inquiry.govt.nz/news/latest-updates>

³⁰ As at note above

³¹ Report of the Government Inquiry into Operation Burnham and Related Matters, July 2020, <https://operationburnham.inquiry.govt.nz/inquiry-report>

³² See note above and, for example, 'Operation Burnham: Decisions that led to child's death justified, inquiry finds', 31 July 2020, <https://www.rnz.co.nz/news/national/422424/operation-burnham-decisions-that-led-to-child-s-death-justified-inquiry-finds>

³³ 'NZDF enacts rules around civilian harm reports', 11 February 2021, <https://www.nzdf.mil.nz/news/nzdf-enacts-rules-around-civilian-harm-reports/>

³⁴ Defence Force Order 35: New Zealand Defence Force Response to Civilian Harm, https://www.nzdf.mil.nz/assets/Uploads/DocumentLibrary/dfo_35.pdf

³⁵ As at note above, para 1.01 b

³⁶ As at note above, paras 3.01 b and c

³⁷ The Inspector-General of the Australian Defence Force Afghanistan Inquiry, <https://afghanistandinquiry.defence.gov.au/>

³⁸ 'SAS killings: How a scandal was uncovered', 12 July 2022, <https://www.bbc.com/news/uk-62083197>

- ³⁹ ‘Chief Ombudsman investigating if NZDF misled him during Afghan civilian deaths inquiry’, 24 February 2022, <https://www.rnz.co.nz/news/national/462194/chief-ombudsman-investigating-if-nzdf-misled-him-during-afghan-civilian-deaths-inquiry>
- ⁴⁰ See, for example, ‘Afghanistan detainees in SAS operations sent to organisation notorious for torture’, 13 January 2020, <https://www.stuff.co.nz/national/118763179/afghanistan-detainees-in-sas-operations-sent-to-organisation-notorious-for-torture> and ‘Taliban leader's beating, torture claims contradict Defence Force's assurances about NZ's actions in Afghanistan’, 23 July 2020, <https://www.stuff.co.nz/national/122209635/taliban-leaders-beating-torture-claims-contradict-defence-forces-assurances-about-nzs-actions-in-afghanistan>
- ⁴¹ Report of the Government Inquiry into Operation Burnham and Related Matters, para 7.8.4
- ⁴² Defence Policy Statement 2018, New Zealand Government, p 13, <http://www.nzdf.mil.nz/corporate-documents/strategic-defence-policy-statement-2018.htm>
- ⁴³ 2019 Defence Capability Plan, New Zealand Government, <http://www.nzdf.mil.nz/corporate-documents/defencecapabilityplan/defencecapabilityplan.htm>
- ⁴⁴ New Zealand Defence Doctrine, New Zealand Government, 2017, <http://www.nzdf.mil.nz/corporate-documents/nzddp/military-doctrine.htm>
- ⁴⁵ Concluding Observations: New Zealand, Committee on the Rights of the Child, November 2003, CRC/C/OPAC/CO/2003/NZL5, p 1
- ⁴⁶ New Zealand Cadet Forces web site, <https://cadetforces.org.nz/> - unless referenced otherwise, all of the information provided in this section is from that site
- ⁴⁷ NZDF Annual Report 2021 , <https://www.nzdf.mil.nz/assets/Uploads/DocumentLibrary/M21-038-NZDF-Annual-Report-2021-WEB.pdf>
- ⁴⁸ New Zealand Cadet Forces web site, <https://cadetforces.org.nz/>
- ⁴⁹ See, for example, the images on NZCF social media, <https://www.facebook.com/nzcf1>
- ⁵⁰ NZDF Annual Report 2019 , <https://www.nzdf.mil.nz/assets/Uploads/DocumentLibrary/NZDF-Annual-Report-2019-1.pdf>
- ⁵¹ See, for example, ‘Taupō Army Cadets eyes the sky after groundwork’, 9 April 2021, <https://www.nzdf.mil.nz/news/taupo-army-cadets-eyes-the-sky-after-groundwork/>
- ⁵² Estimates of Appropriations 2014/15: Vote Defence Force, New Zealand government, 2014, p 48
- ⁵³ The NZQA sets education qualification standards, <http://www.nzqa.govt.nz>
- ⁵⁴ Cadet Forces Qualifications, https://search.nzqa.govt.nz/index.html?q=cadet%20force&size=n_20_n&filters%5B0%5D%5Bfield%5D=resource_types&filters%5B0%5D%5Bvalues%5D%5B0%5D=ALL&filters%5B0%5D%5Btype%5D=all
- ⁵⁵ In the year ended June 2021, approx 322,900 children (28.1%) were living in after-housing-costs income poverty, on the 60% of equivalised household median, moving-line measure; approx 236,900 children (20.6%) were living in income poverty, on the related 50% measure; and approx 150,400 children (13.1%) were living in severe income poverty, on the 40% or less measure, <https://www.cpag.org.nz/statistics/latest-child-poverty-figures>
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- ⁵⁷ See, for example, Submission: Budget Policy Statement for 2022, Peace Movement Aotearoa, 28 January 2022, <http://www.converge.org.nz/pma/budget-policy-sub,jan2022.pdf>
- ⁵⁸ Budget Policy Statement 2020: Wellbeing Budget Priorities, <https://www.budget.govt.nz/budget/2020/bps/wellbeing-priorities.htm>

- ⁵⁹ See, for example most recently, Final report of the Finance and Expenditure Committee: Budget Policy Statement 2021 (Budget 2022), 3 March 2022, https://www.parliament.nz/resource/en-NZ/SCR_119928/2c85627976a6e04434e974c4b46faed34f221260
- ⁶⁰ As at note above, p 5
- ⁶¹ This figure is for the allocation across the three Budget Votes where most military expenditure is itemised: Vote Defence, Vote Defence Force and Vote Education
- ⁶² General Comment No. 1: The Aims of Education General, Committee on the Rights of the Child, 17 April 2001, CRC/GC/2001/1
- ⁶³ See, for example, <https://youthguarantee.education.govt.nz/initiatives/opportunities-at-school-and-beyond/services-academies/> and <https://alternativeeducation.tki.org.nz/Services-academies>
- ⁶⁴ “These are conducted on RNZAF Base Auckland, Trentham Military Camp and Burnham Military Camp, with some courses at RNZAF Base Ohakea”, NZDF Annual Report 2021, p 49
- ⁶⁵ ‘Guns big part of army leadership road show at primary schools’, Manawatu Standard, 7 April 2017, <https://www.stuff.co.nz/manawatu-standard/news/91279582/guns-big-part-of-armys-leadership-roadshow-at-primary-schools>
- ⁶⁶ Consultation on draft guidelines for schools developing a firearms policy, Ministry of Education, <https://www.education.govt.nz/our-work/consultations/recent-consultations/firearms-policy-for-schools-consultation/>
- ⁶⁷ See, for example, ‘When should New Zealand schools have guns?’, Marie Russell, 28 March 2018, http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12021116
- ⁶⁸ See, for example, ‘Number of NZ schools with guns unknown’, Radio NZ, 16 February 2018 <https://www.rnz.co.nz/news/national/350596/number-of-nz-schools-with-guns-unknown>
- ⁶⁹ Submission on the Draft Guidelines for Schools Developing a Firearms Policy, Peace Movement Aotearoa, 11 April 2018, <http://www.converge.org.nz/pma/fis-sub-pma0418.pdf>
- ⁷⁰ Firearms in Schools Guidelines and Tool Kit, Ministry of Education, July 2018, p 6, <https://www.education.govt.nz/assets/Documents/Firearms/Firearms-in-Schools-Guidelines-and-Tool-Kit.pdf>
- ⁷¹ See, for example, Submission: Arms (Prohibited Firearms, Magazines, and Parts) Amendment Bill, Peace Movement Aotearoa, 3 April 2019, https://www.parliament.nz/resource/en-NZ/52SCFE_EVI_86423_FE15733/e0a28b5e7cd6c9f1fbc698a1f242c9e765faada9
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- ⁷³ Information provided under the Official Information Act 1982
- ⁷⁴ See, for example, the Blue Light Life Skills Programme brochure, <https://bluelight.co.nz/wp-content/uploads/2021/11/2022-Life-Skills-brochure1.pdf>
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- ⁷⁶ NZDF Annual Report 2021, p 49
- ⁷⁷ Introducing Aotearoa New Zealand’s histories, <https://aotearoahistories.education.govt.nz/about/introducing-aotearoa-new-zealands-histories>
- ⁷⁸ United Nations Convention on the Rights of the Child: Fifth Periodic Report by the Government of New Zealand, 2015 (CRC/C/NZL/5), paras 51 and 267 respectively