



Peace Movement Aotearoa

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NGO information for the 87th Pre-Sessional Working Group of the Committee on the Rights of the Child: New Zealand

List of Issues Prior to Reporting: Optional Protocol on the Involvement of Children in Armed Conflict and the Convention on the Rights of the Child

29 February 2020

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) 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 preparation of the List of Issues Prior to Reporting (LOIPR).

2. Unfortunately we have not been in a position to compile fully updated information for the Committee at this stage of the reporting cycle, and our suggested questions below are based on the issues raised in our 2016 report to the Committee's 73rd Session (attached as an Annex) because the underlying issues and concerns remain the same. We will however provide a comprehensive updated report to the Committee in advance of your consideration of New Zealand's sixth Periodic Report.

3. There are seven main sections, based on the layout of our 2016 report, below:

A. Information about Peace Movement Aotearoa

B. The New Zealand Defence Force and OPAC

i) Age of recruitment and recruitment practices

ii) Overseas combat operations and child rights

iii) Military policy and child rights

iv) New Zealand Cadet Forces

C. Public spending priorities and child rights

D. Military involvement in education and firearms in schools

E. Military involvement in youth development programmes

F. Education curriculum and peace education

G. Dissemination of, and training on, OPAC

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

A. Information about Peace Movement Aotearoa

5. 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 or local peace, disarmament, human rights, justice, faith-based and community organisations.

6. 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.

7. **OPAC:** Our particular focus in relation to the work of the Committee is on OPAC. We were concerned that the state party's fifth Periodic Report² and response to the 2016 LOIPR³ provided very little information on its compliance with OPAC; and 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

8. This document provides suggested questions on the multiple issues of concern around the state party's compliance with OPAC and associated provisions of the Convention, particularly in relation to education and public spending priorities. Our suggested questions are included in each section below, and are listed as an Appendix on page 6.

B. The New Zealand Defence Force and OPAC

i) Age of recruitment and recruitment practices

9. There has been no change in the New Zealand Defence Force (NZDF) minimum age of recruitment, and there has been no improvement in its recruiting practices as outlined in our 2016 Report.

- ***We suggest the Committee asks for information on the age of recruitment and military recruiting practices.***

ii) Overseas combat operations and child rights

10. The concerns outlined in this section of our 2016 Report remain. There has been one development since: the establishment of an Inquiry into Operation Burnham, 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.⁵

11. A significant amount of disturbing information about this particular military operation and the subsequent cover-up has 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 them⁶.

12. 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.⁷

- *We suggest the Committee asks for information on how child rights are respected during overseas combat operations.*

iii) Military policy and child rights

13. Although the Strategic Defence Policy Statement 2018 has a section on the “*maintenance of the international rules-based order*”⁸, 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 Plan⁹ 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*”.¹⁰

- *We suggest the Committee asks for information on why there is no reference to child rights in military policy documents.*

iv) New Zealand Cadet Forces

14. The concerns outlined in our 2016 Report about the activities of the New Zealand Cadet Forces remain.

- *We suggest the Committee asks for information on the New Zealand Cadet Forces.*

C. Public spending priorities and child rights

15. 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 poverty¹¹ here.

16. In relation to the absence of a CRIA in the state party’s annual Budget process, we (and at least one other NGO) provided information on the requirements in General Comment No. 19¹² to the Finance and Expenditure Select Committee’s consultation on the Budget 2020

Policy Statement in both our written submission in January 2020¹³ and our oral submission earlier this month. Although “*Child wellbeing - reducing child poverty and improving child wellbeing*” is one of the five 2020 ‘Wellbeing’ Budget priorities¹⁴, the Report of the Select Committee makes no reference to a CRIA, the Convention, or child rights.¹⁵

17. In relation to military spending, the May 2019 ‘Wellbeing’ Budget - the first ‘Wellbeing’ Budget - included one of the highest ever increases in military spending to a record level of \$(NZD)5,058,286,000¹⁶. This was at considerable odds with the stated purposes of the ‘Wellbeing’ Budget: to tackle the long-term challenges around New Zealanders’ wellbeing, including child poverty. Overall, the difference between the allocation for military spending in the 2018 and 2019 Budgets was 24.73%. In June 2019, it was announced that a further \$20 billion dollars (in addition to the annual Budget allocation) would be spent over the next decade on new combat equipment, frigates, military planes and cyber warfare capacity.

18. It is our view that the significant increase in military spending comes 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.

- *We suggest the Committee asks for information on how child rights are taken into account when making spending allocations in the annual Budget process, particularly in the absence of a Child Rights Impact Assessment.*

D. Military involvement in education and firearms in schools

19. There has been an increase in the level of military involvement in education, and the issues outlined in our 2016 Report remain. It should be noted that in the May 2019 ‘Wellbeing’ Budget, \$(NZD)1,087,000 was taken from Vote Education and allocated to the army to run programmes in secondary schools. Although it is not explicitly stated, these programmes are clearly used as a recruiting opportunity for the NZDF.

- *We suggest the Committee asks for information on military involvement in education.*

20. Since 2016, 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*”¹⁷.

21. In response, the Ministry of Education held a public consultation on draft Guidelines for Schools Developing a Firearms Policy¹⁸. 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 hunting¹⁹ - organisations with a

vested interest in promoting firearms - but there were no public health experts involved in the drafting process for the Guidelines. 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.²⁰

22. We, and others, provided written submissions²¹ 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.

23. 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.²²

24. Following the mass shooting murders in two Christchurch mosques in March 2019, the state party introduced legislation that goes some way towards ensuring effective gun control here. In our submissions on the legislation²³, we and others requested a review of the firearms in schools Guidelines but there has been no indication that this will be done.

- *We suggest the Committee asks for information on firearms in schools.*

E. Military involvement in youth development programmes

25. 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.

- *We suggest the Committee asks for information on military involvement in youth development programmes.*

F. Education curriculum and peace education

26. Last year the state party announced that New Zealand history will be compulsory in all schools by 2022²⁴, but 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.

- *We suggest the Committee asks for information on Māori language programmes, and peace and human rights education, in all schools.*

G. Dissemination of, and training on, OPAC

27. The concerns outlined in our 2016 Report around the lack of dissemination and training on OPAC remain.

- *We suggest the Committee asks for information on the dissemination of, and training on, OPAC.*

Appendix: List of suggested questions

We suggest that the Committee ask the state party for detailed information on:

- the age of recruitment and military recruiting practices
- how child rights are respected during overseas combat operations
- why there is no reference to child rights in military policy documents
- the New Zealand Cadet Forces
- how child rights are taken into account when making spending allocations in the annual Budget process, particularly in the absence of a Child Rights Impact Assessment
- military involvement in education
- firearms in schools
- military involvement in youth development programmes
- Māori language programmes, and peace and human rights education, in all schools
- dissemination of, and training on, OPAC

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 and 2016; 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 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>

⁶ 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>

⁷ As at note above

⁸ Defence Policy Statement 2018, New Zealand Government, p 13, <http://www.nzdf.mil.nz/corporate-documents/strategic-defence-policy-statement-2018.htm>

⁹ 2019 Defence Capability Plan, New Zealand Government, <http://www.nzdf.mil.nz/corporate-documents/defencecapabilityplan/defencecapabilityplan.htm>

¹⁰ New Zealand Defence Doctrine, New Zealand Government, 2017, <http://www.nzdf.mil.nz/corporate-documents/nzddp/military-doctrine.htm>

¹¹ The latest figures, released earlier this week, reveal: “*In the year ended June 2019, about one in five Māori children (55,000) lived in households with less than 50 percent of the median equivalised disposable household income before housing costs are deducted. The rate is similar for Pacific children (30,200). These rates compare with about one in nine for European children (80,300). After housing costs have been deducted, the number of Māori children living in New Zealand in relative poverty rises to about one in four children (69,100). This measure, accounting for both inflation and the impact of housing costs, shows about 24.7 percent of children live in Māori households with an income below half the 2017/18 median disposable household income. The rate is the same for children in Pacific peoples’ households (35,000 or 24.7 percent). These rates compare with about 17.0 percent for children (124,300) in European households. Looking at material hardship, in the year ended June 2019, almost one in four Māori children (23.3 percent) lived in households that are doing without six or more of the 17 material basic needs. The rate is higher for Pacific children at 28.6 percent. These rates compare with a rate of about 1 in 10 for European children (9.8 percent.)*”, ‘Latest child poverty statistics released’, Stats NZ, 25 February 2020, <https://www.stats.govt.nz/news/latest-child-poverty-statistics-released>

¹² General Comment No. 19 on Public Budgeting for the Realization of Children’s Rights (Art. 4) (CRC/C/GC/19), Committee on the Rights of the Child, 20 July 2016

¹³ Submission on Budget 2020, Peace Movement Aotearoa, 23 January 2020, <http://www.converge.org.nz/pma/budget2020sub.pdf> All of the submissions are available at https://www.parliament.nz/en/pb/sc/submissions-and-advice/?custom=fins_93457

¹⁴ Budget Policy Statement 2020: Wellbeing Budget Priorities, <https://www.budget.govt.nz/budget/2020/bps/wellbeing-priorities.htm>

¹⁵ Final report of the Finance and Expenditure Committee: Budget Policy Statement 2020, 20 February 2020, https://www.parliament.nz/en/pb/sc/reports/document/SCR_94908/budget-policy-statement-2020

¹⁶ 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

¹⁷ ‘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>

¹⁸ 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/>

¹⁹ 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

²⁰ 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>

²¹ 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>

²² 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>

²³ 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

²⁴ See, for example, ‘New Zealand history will be compulsory in all schools by 2022’, Radio NZ, 12 September 2019, <https://www.rnz.co.nz/news/national/398599/new-zealand-history-will-be-compulsory-in-all-schools-by-2022>