



Peace Movement Aotearoa

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United Nations Committee on the Rights of the Child considers New Zealand's performance on children and their rights

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The UN Committee on the Rights of the Child - which monitors state party compliance with the Convention on the Rights of the Child (the Convention), the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC, also known as the Optional Protocol on Child Soldiers), the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC), and the Optional Protocol on a Communications Procedure (OPIC) - will consider New Zealand's performance this week. The Committee will hold two interactive dialogues with government representatives in Geneva, starting at 3am on Friday morning (NZDT), during its 92nd session which runs from 16 January to 3 February 2023.

This update has two main sections:

Section 1 provides information on New Zealand, the Convention and the Optional Protocols; NGO and other reports to the Committee; and the interactive dialogue times and webcast; and

Section 2 provides background information on the Convention, the Optional Protocols, the Committee on the Rights of the Child, and the Committee's 92nd session.

1) New Zealand, the Convention, Optional Protocols, Reports, Interactive Dialogue

- **New Zealand, the Convention and the Optional Protocols**

New Zealand ratified the Convention on 6 April 1993, with three reservations - the reservations are available at <http://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/human-rights/international-human-rights/crc>

New Zealand ratified the OPAC on 12 November 2001 and the OPSC on 20 September 2011; and acceded to the OPIC on 22 September 2022 (details at <https://www.facebook.com/PeaceMovementAotearoa/posts/5471725346208123>).

The Committee last considered New Zealand in 2016 - the 2016 Concluding Observations covering the government's performance in relation the Convention and OPAC (CRC/C/NZL/CO/5) are available at www.converge.org.nz/pma/CRC-C-NZL-CO-5.pdf and the Concluding Observations covering OPSC (CRC/C/OPSC/NZL/CO/1) are at www.converge.org.nz/pma/CRC-C-OPSC-NZL-CO-5.pdf A brief overview of the Committee's

concerns at that time is available at <https://www.facebook.com/notes/783132598927921/> and <http://www.converge.org.nz/pma/crc-nz2016.pdf>

Due to the COVID-19 pandemic, this reporting round has taken longer than usual, spanning two Pre-Sessional Working Groups in 2020 and 2022.

Prior to the Pre-Sessional Working Group from 29 June to 3 July 2020, a range of NGOs, the Human Rights Commission and the Children's Commissioner provided reports to the Committee - these reports are all available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2432&Lang=en (scroll down to the 'New Zealand' section). Subsequently the Committee provided a List of Issues (CRC/C/NZL/QPR/6), available at www.converge.org.nz/pma/CRC-C-NZL-QPR-6.pdf - issues it required the government to supply further information about in its 6th Periodic Report, which was due in June 2021.

The government's 6th Periodic Report (CRC/C/NZL/6) was submitted on 15 October 2021 and is available, along with three annexes, at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2432&Lang=en (scroll down to the 'New Zealand' section, then click on each of the lines with 'state party' in it).

Unusually, the government delegation to the 92nd session this week will not be led by a government Minister, but by Chappie Te Kani, Chief Executive, Ministry for Children / Oranga Tamariki - the delegation list is available at <http://www.converge.org.nz/pma/crc92-del.pdf>

• NGO and other reports to the Committee

When considering the information provided by the government, the Committee will also take into account the reports provided by NGOs, the Children's Commissioner, and the Human Rights Commission.

As mentioned above, a range of NGOs, the Human Rights Commission and the Children's Commissioner provided reports to the Committee in 2020, all available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2432&Lang=en (scroll down to the 'New Zealand' section).

The comprehensive combined NGO report for the 93rd Pre-Sessional Working Group in September 2022, which covers all aspects of the Convention, was coordinated and written by the Children's Rights Alliance Aotearoa New Zealand, and is available at <https://www.childrensrightsalliance.org.nz/s/Childrens-Rights-Alliance-Aotearoa-NZ-CRC-Report-Final-15-August-circulation-copy-2022109.pdf> with supplementary information provided in December 2022 available at <https://www.childrensrightsalliance.org.nz/s/Parts-I-and-II-edited-for-sharing-Supplementary-Information-on-Aotearoa-New-Zealand-Dec-2022471951.pdf>

Peace Movement Aotearoa provided the only reports about OPAC - our main reports in 2020 and 2022 have six sections covering the New Zealand armed forces and the Optional Protocol (including the age of recruitment and recruitment practices, overseas combat operations and child rights, military policy and child rights, and the New Zealand Cadet Force); public spending, military spending and child rights; Military involvement in education and firearms in

schools; military involvement in youth development programmes; the education curriculum and peace education; and OPAC dissemination and training. Our reports, along with supplementary information, are available at <http://www.converge.org.nz/pma/crc.htm> (scroll down to the two 'New Zealand and the Optional Protocol on Child Soldiers' sub-headings under the 'UN Committee examines NZ government's performance on child rights, 2020 / 2023' heading).

Other NGO reports submitted in 2022 covering various aspects of the Convention and the OPSC are available at <https://www.childrensrightsalliance.org.nz/2021report> (scroll down the page to the 'Thematic reports' heading).

Updated reports from the Children's Commissioner and Human Rights Commission are at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2600&Lang=en (scroll down to the 'New Zealand' section, then click on the 'Info from NHRIs' line).

- **Interactive dialogue times and webcast**

The Committee will begin the first three-hour interactive dialogue with New Zealand about its performance in relation to the Convention and the Optional Protocols in Geneva on Thursday, 26 January at 3pm (NZDT: **Friday, 27 January at 3am**), and begin the second three-hour interactive on Friday, 27 January at 10am (NZ time: **Friday, 27 January at 10pm**).

The sessions will be webcast live via UN Web TV as follows (NZDT): **Friday, 27 January at 3am** (Meeting No. 2686) at <https://media.un.org/en/asset/k18/k180fueufs> and **Friday, 27 January at 10pm** (Meeting No. 2687) at <https://media.un.org/en/asset/k10/k1049ree0y> - please note New York is the pre-set time zone on UN Web TV so the times on the site may differ from those above.

2) Background information

The section below has background information on the Convention, its Optional Protocols, the Committee on the Rights of the Child, and the Committee's 92nd session.

- **The Convention on the Rights of the Child**

The Convention was adopted by the UN General Assembly on 20 November 1989 and entered into force on 2 September 1990. It is the most widely ratified binding human rights instrument with 196 state parties.

As its title indicates, the Convention elaborates the particular rights of children - it has 54 Articles, arranged in three parts. Part I (Articles 1 to 41) covers the full range of economic, social, cultural, civil and political rights of children centred around four key principles: non-discrimination (Article 2); the best interests of the child must be taken into account on any decisions that affect them (Article 3); the right to life, survival and development - including physical health, and mental, emotional, cognitive, social and cultural development (Article 6); and the right to be heard and to have their views taken seriously, in accordance with the age and maturity of the child (Article 12).

Part II includes a positive obligation on state parties to make the principles and provisions of the Convention widely known (Article 42), the establishment of the Committee, and the process for state parties to report on the measures they have taken to implement the Convention (Articles 43 to 45). Part III (Articles 46 to 54) covers details such as the Convention's entry into force provisions, the process for states to ratify the Convention, and how they can propose amendments to it. The text of the Convention is available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

The Committee regularly develops General Comments, which include recommendations on aspects of the Convention that it wishes state parties to devote more attention to, available at <https://www.ohchr.org/en/treaty-bodies/crc/general-comments>

• **Optional Protocols to the Convention on the Rights of the Child**

The Convention has three optional protocols - the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC, also known as the Optional Protocol on Child Soldiers), the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC), and the Optional Protocol on a Communications Procedure (OPIC).

OPAC was adopted by the UN General Assembly on 25 May 2000 and entered into force on 12 February 2002; it currently has 173 state parties. OPAC covers all aspects of the involvement of children in armed conflict, raises the age at which state parties can permit children to take part in direct hostilities from 15 to 18, raises the age of compulsory recruitment into armed forces to 18, and sets out minimum standards that must be met by states that permit voluntary recruitment of children who are under 18. The OPAC text is available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-involvement-children>

OPSC was adopted by the UN General Assembly on 25 May 2000 and entered into force on 18 January 2002; it currently has 178 state parties. OPSC prohibits the sale of children, child prostitution and child pornography; makes the offences listed in Article 3.1 extraditable offences; and requires each state party to take measures to establish jurisdiction when the listed offences are committed in its territory, on board a ship or aircraft registered in the state, and when the victim or the offender is a national of the state. The OPSC text is available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-sale-children-child>

OPIC was adopted by the UN General Assembly on 19 December 2011 and entered into force on 14 April 2014; it currently has 50 state parties. OPIC provides a mechanism for children, or their representatives, to take complaints to the Committee in relation to breaches of Convention, OPAC or OPSC rights, and the text is available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-communications>

• **The Committee on the Rights of the Child**

The Committee is the United Nations human rights body which monitors the progress of state parties towards fulfilling their binding obligations under the Convention and the three Optional Protocols. It comprises 18 independent human rights experts, who are each elected for a term of four years by a secret ballot of all state parties to the Convention. Information about the current

members of the Committee is available at <https://www.ohchr.org/en/treaty-bodies/crc/membership>

The Committee meets in Geneva and normally holds three sessions each year, each consisting of a three week plenary and a one week Pre-Sessional Working Group; more information about the Committee and its work is available at <http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIntro.aspx>

All state parties are obliged to submit regular reports to the Committee on the implementation of the Convention and the Optional Protocols it is a party to. States must submit an initial report two years after acceding to the Convention and then Periodic Reports every five years. The Committee examines each report and addresses its concerns and recommendations to the state party in the form of Concluding Observations.

- **Committee on the Rights of the Child's 92nd session**

During the Committee's 92nd session from 16 January to 3 February, as well as considering New Zealand's progress on children and their rights, the Committee will also examine Sweden, Mauritius, Oman, the Plurinational State of Bolivia, Azerbaijan, and Ireland.

The Committee's Concluding Observations on each of these states' performance will be released after the session concludes on 3 February 2023.