



Peace Movement Aotearoa

PO Box 9314, Wellington 6141, Aotearoa New Zealand. Tel +64 4 382 8129

Email pma@xtra.co.nz Web site www.converge.org.nz/pma

NGO information for the 73rd Session of the Committee on the Rights of the Child: New Zealand

Fifth Periodic Report of New Zealand under the Convention on the Rights of the Child and the Optional Protocol on the Involvement of Children in Armed Conflict

August 2016

Introduction

1. This report 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 (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 its consideration of New Zealand's Fifth Periodic Report (the Report)¹ and New Zealand's response to the List of Issues (LOI Response)².

2. The information below is arranged into eight main sections:

- A.** Information about Peace Movement Aotearoa
- B.** An overview of our concerns
- C.** The New Zealand Defence Force and the Optional Protocol
 - 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
- D.** Public spending and child rights
- E.** Military involvement in education
- F.** Military involvement in youth development programmes
- G.** Education curriculum and peace education
- H.** Dissemination and training on the Optional Protocol

3. We appreciate the opportunity to provide information to the Committee, thank you.

A. Information on Peace Movement Aotearoa

4. Peace Movement Aotearoa is the national networking peace organisation, registered as an incorporated society in 1982. Our purpose is networking and providing information and resources on peace, humanitarian disarmament, social justice and human rights issues. Our membership and networks comprise a range of national and local organisations and individuals; and our national mailing lists currently include representatives of more than one hundred national or local peace, human rights, social justice, faith-based and community organisations, as well as almost three thousand individuals.

5. Promoting respect for, and the realisation of, human rights is an essential aspect of our work because of the crucial role this has in creating and maintaining peaceful societies. We regularly provide NGO information to human rights treaty monitoring bodies, and to Special Procedures and mechanisms of the Human Rights Council³.

6. While the rights of the child are not a specific focus of our work, the links between militarisation, international human rights and humanitarian law are a focus for us, and the increasing militarisation of children and young persons and their education, as well as the prioritising of military expenditure at a time of rapidly increasing levels of child poverty and homelessness, are therefore key concerns for Peace Movement Aotearoa and our members, as outlined below.

7. We are happy to provide clarification of any points in this report or further information if that would be helpful to Committee members.

B. Overview of our concerns

8. Since the Committee's consideration of the state party's initial report under the Optional Protocol in 2003, there have been a number of developments which are a cause for concern in relation to its compliance with the Optional Protocol 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.

9. Section C below provides an outline of some concerns around the New Zealand Defence Force (NZDF, armed forces) in relation to the Optional Protocol, including information that the state party did not refer to in its Report or LOI Response, about the age of recruitment and recruitment practices, overseas combat operations and child rights, military policy and child rights, and the New Zealand Cadet Forces.

10. Section D provides information that the state party did not refer to in its Report or LOI Response, about the rapidly increasing levels of child poverty and homelessness, and the government's Budget and spending priorities in this context.

11. Section E provides information that was not included in the Report or LOI Response about the increasing level of military involvement in education - both here and in the Pacific - and the establishment of New Zealand's first military academy for children.

12. Section F provides information that was not included in the Report or LOI Response about the increasing level of military involvement in youth development programmes - both here and in the Pacific.

13. 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 the Optional Protocol

i. Age of recruitment and recruitment practices

14. As the Committee is aware, the state party has not removed its reservation to the Optional Protocol 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 Report, a significant number of new recruits into the regular armed forces - almost 10% - are under the age of 18⁴.

15. We note that the state party's current Report does not provide an explanation as to why the age of recruitment remains at 17 years in breach of the Optional Protocol, although its 2008 Report did, with the main reason being 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.”⁵

16. This rationale appears to indicate an abdication by the state party from its responsibility to ensure that there are sufficient training, study and employment opportunities for all school leavers, both under the Convention and other human rights instruments which place binding obligations on the government in this regard. It also raises a question about whether armed forces recruitment can be fully described as 'voluntary' if there are not sufficient other opportunities for school leavers.

17. Although the state party has provided assurances that recruits under the age of 18 years are not deployed on active service⁶, that does not necessarily mean their safety is assured. There are no figures available for the number of under-age recruits seriously injured or killed during military training - over the past 10 years, 15 armed forces personnel have died in non-combat situations (a rate comparable with the Australian armed forces but higher than the United Kingdom's armed forces)⁷ and at least one was 17 years old, a soldier who died during army driver training⁸.

18. There are also issues around the recruitment practices of the armed forces, in particular the targeting of children in school holiday⁹ and term time exhibitions¹⁰, school holiday visits

to army bases¹¹, visits by armed forces' personnel to schools during term time¹², and armed forces displays, including combat training equipment for children to "play on", at events such as the Armageddon Entertainment Expo which is held in different cities each year¹³. 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.

19. The requirement in the Optional Protocol 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 'Get what it takes' - developed by Saatchi and Saatchi, which focuses on the leadership and training opportunities for young persons in the army¹⁴; 'Force Fit: Make fitness your mission', which focuses on physical fitness¹⁵; 'We front up to keep others safe' which implies the focus of the army is protection rather than combat¹⁶; and also includes gimmicks such as an online sharpshooting "game"¹⁷.

20. Recruiting material tends to focus on travel, adventure, the lifestyle, training and other benefits of joining the army such as fitness:

*"Travel and adventure are a big bonus, plus other benefits like free access to our gyms, swimming pools and other recreational facilities. You will even get paid to keep fit, with social team sports and general fitness incorporated into your weekly working hours."*¹⁸

21. 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 'Exciting Adventure at World's Biggest Maritime Exercise'¹⁹ and 'Living the Dream in the Navy'²⁰. Among the recent spate of such media releases is one about a young man in the army (who joined at the age of 17) talking about his participation in the world's largest maritime warfare exercise in Hawai'i as a "once-in-a-lifetime opportunity", which includes:

"He is based at Linton Military Camp, where his days involve physical training, weapons training, tactical equipment training and familiarisation, and tactics. In his spare time, he enjoys sport (especially basketball), playing the drums and spending time with his family and friends".²¹

22. Another recent media release, 'Whakatane Woman Chooses a Life on the Ocean Wave', features a young woman who joined the navy at the age of 17.²²

23. 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 children's rights

24. There are 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 bombing

and missile strikes that New Zealand armed forces are involved in; and their treatment of juvenile prisoners.

25. With regard to the impact on children of bombing and missile strikes, in 2013 the Committee expressed alarm at reports of the death of hundreds of children as a result of attacks and air strikes by United States military forces in Afghanistan due notably to the reported lack of precautionary measures and indiscriminate use of force²³.

26. It should be noted that from 2001 to 2011, there were at least four deployments of the New Zealand Special Air Service (SAS) in Afghanistan where they were engaged, among other things, in targeting for United States and British bombing runs and air strikes²⁴. The possibility that the SAS may be deployed to Syria or Iraq for “target identification”²⁵ has been raised, or they may already be there - SAS deployments are shrouded in secrecy²⁶, and generally there is no publicly available information on their activities.

27. Furthermore, New Zealand is part of the ‘Five Eyes’ intelligence alliance (along with Australia, Canada, the United Kingdom, and the United States)²⁷, for which the Government Communications Security Bureau (GCSB) operates an electronic intelligence interception station at Waihopai²⁸ as part of the United States’ National Security Agency’s global surveillance network²⁹, and the state party has announced it is boosting “*intelligence work which can help the US identify ISIS targets for air strikes*”³⁰.

28. It is our view that the state party should not be involved in identifying targets for air strikes by other armed forces- whether via combat troops deployed overseas or the GCSB - unless it can guarantee that no children will be harmed by such military action.

29. With regard to the treatment of juvenile prisoners, there have been persistent allegations, since 2002 in particular, that New Zealand combat troops deployed overseas have handed over 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 Conventions, and that those detained may have included juveniles.

30. In 2009, it was revealed that since 2002 the New Zealand Special Air Service (SAS) had transferred at least 55 prisoners to the United States-run Kandahar detention centre in southern Afghanistan where prisoners are known to have been tortured; 50 were subsequently released and of the five that were not, SAS sources were “*pretty sure*” at least three were subsequently transferred to the United States detention facility at Guantanamo Bay.³¹

31. It was reported that the only information recorded by the SAS for each prisoner was “*height, eye colour and place of detention*”, neither the prisoner's name nor date of birth were recorded³² - therefore it is not known whether children or young persons were included. An investigative journalist’s report of a military action led by New Zealand SAS in May 2002, states “*Fifty-five villagers were detained, all of them men. The oldest was in his 70s, the youngest was a 12-year-old boy called Baran Khan*”. Furthermore, an SAS commander stated: “*We knew damn well that there were young boys, old men, who should never have been detained*” which indicates that more than one of the detainees were under

the age of 18; all of the prisoners were mistreated after they were handed over to the United States base at Kandahar.³³

32. The 2009 SAS deployment provided training and mentoring to the Afghan Crisis Response Unit (CRU) in Kabul, and in 2011 there were allegations that the SAS was involved in handing captured prisoners over to the Afghan National Directorate of Security³⁴, at the time the subject of a damning report by the United Nations Assistance Mission in Afghanistan³⁵ documenting cases of torture and ill-treatment. The state party would neither confirm nor deny these allegations, although the Minister of Defence did say that the "*CRU captured 58 suspects with the help of the SAS since its rotation started in September 2009*", and "*I've been advised by the [New Zealand] Defence Force that they have no reports of anyone who's been arrested by the CRU having been tortured*", but he added that the Defence Force did not track each person to ensure that was the case.³⁶ It is not known if any juveniles were captured or detained during that deployment.

33. Furthermore, New Zealand combat troops are currently in Iraq providing training for Iraqi Security Forces, which are also known to engage in torture and other ill-treatment of prisoners, including children. It should be noted that when the Office of the High Commissioner of Human Rights report was released last year - which referred to members of the Iraqi Security Forces and affiliated militia having carried out extrajudicial killings, torture, abductions, the forcible displacement of a large number of people, often with impunity, and may have committed war crimes³⁷ - the Prime Minister said that the deployment would go ahead regardless.³⁸

34. 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 the Optional Protocol, 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.

35. In addition, we note that the Committee's Concluding Observations on Iraq expressed concern about the military operations and other activities of the Iraqi Security Forces³⁹ - it is not clear if the New Zealand military training for Iraqi security forces includes training around their human rights obligations, including the Optional Protocol and the Convention.

iii) Military policy and child rights

36. It should be noted that while the state party's Defence Policy Framework 2000 states "*New Zealand will not engage in military co-operation or exercises with the armed forces of states which sanction the use of their armed forces to suppress human rights*"⁴⁰ - a policy that has clearly not been met as the examples above illustrate - recent military policy documents, Statements of Intent and NZDF Annual Reports make no reference whatsoever to the Optional Protocol, the Convention, child rights, or to human rights at all.⁴¹ All of these documents are focussed on increasing combat capability and - disturbingly - increasing military involvement in the state party's humanitarian assistance programmes.

37. The armed forces Defence Doctrine - in which "*The NZDF articulates its philosophical approach to the conduct of military operations through military doctrine*", its application

by the NZDF, and that is the capstone document sitting “*at the pinnacle of the NZDF’s hierarchy of doctrine publications*”⁴² - similarly makes no reference whatsoever to the Optional Protocol, the Convention, child rights, or to human rights at all.

iv) New Zealand Cadet Forces

38. Although the Committee raised concerns about the Cadet Forces (NZCF) in the 2003 Concluding Observations on the state party’s initial report under the Optional Protocol⁴³, there is no information on the Cadet Forces in the state party’s Report or LOI Response.

39. The NZCF enlists boys and girls aged 13 to 18 years⁴⁴. It 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 NZCF 102 units nationwide with “*about 5,000 personnel*”⁴⁵, which includes 27 armed forces personnel, 6 NZDF civilian employees⁴⁶, and nearly 5,000 cadets.

40. 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’ training (foot drill, rifle drill, marching, General Service Knowledge, radio procedure, firearms training, first aid, leadership skills and marksmanship)*”, as well as “*adventure-based training (bushcraft, survival training, and citizenship training to name a few)*”⁴⁷. According to the Ministry of Defence, the NZCF also provides “*operational training*”⁴⁸.

41. 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 support⁴⁹.

42. The NZCF is marketed with slogans such as ‘Cadet Forces is a really fun organisation to belong to’, ‘Did you know that cadets get to go on overseas trips?’, and giving ‘you the chance to get into out-of-the-way places’⁵⁰.

43. There is no information available on the number of cadets who join the armed forces, although anecdotal evidence suggests it is high and that cadets are encouraged to consider a career in the NZDF. While the NZCF website has the statement “*Cadet Forces is not a recruiting arm of the NZ Defence Force*”, it should be noted that there are links to the ‘regular forces’ (army, navy and air force) on every page of the site.

44. In 2014, the first new New Zealand Qualifications Authority⁵¹ ‘National Certificate in Cadet Forces Studies (level 2)’ was awarded to three cadets⁵² - this is a qualification for secondary school students, and:

*“was initially developed to recognise the learning that occurs outside the formal secondary school education system for those young New Zealanders enrolled with the New Zealand Cadet Forces (NZCF). It serves as a valid vocation pathway to NZ’s Defence Force.”*⁵³(our emphasis)

D. Public spending and child rights

45. We note that the LOI Response to Question 5⁵⁴, refers only to specific funding for “*child and youth-related areas*” in the Social Development Budget⁵⁵, rather than to overall Budget spending. There is no reference to a Child Rights Impact Assessment (CRIA) - which all state parties are obliged to conduct “*in order to ascertain the effect of legislation, policies and programmes on all children at the national and subnational levels*”⁵⁶ - because the state party does not carry out a CRIA in its Budget process.

46. As the Committee is aware, there is a rapidly increasing level of child poverty here - in 2015, 29% of children were living in families with an income below the poverty line (an increase of 5% over the previous year), and a further 14% living in conditions of material hardship.⁵⁷

47. Similarly, there is a rapidly escalating crisis around homelessness, with the most recent official figures from the 2013 census setting the number of homeless at 41,705 (comprising those staying in severely crowded houses with family or friends, in boarding houses, camping grounds, in cars or on the street) - an increase of 19% since the 2006 census⁵⁸. That figure equates to one in one hundred New Zealanders, and even at that time was more than likely an underestimate of the actual numbers because homeless individuals and families are not necessarily in a position to fill in census forms. Reports from social agencies indicate that the number of homeless individuals and families has continued to increase since 2013⁵⁹.

48. The state party has a piecemeal approach towards child poverty and homelessness with no discernible policies or initiatives in place to rapidly improve the situation of children affected by both, although it is well within its resources to do that should it choose to. Furthermore, it seems that the state party is not even adequately measuring the scale of homelessness and how it is affecting children - according to Action for Children and Youth Aotearoa, for example, there is little information available on how many children and young persons are in a situation of homelessness⁶⁰; and it was reported last week that the Ministry for Social Development has “*no idea how much money it lent*” to social welfare recipients to stay in motels in the absence of suitable housing, and “*no broad understanding as to the level of need for emergency housing assistance*”⁶¹ (our emphasis).

49. Rather than developing and funding cohesive programmes to rapidly reduce the levels of child poverty and homelessness, the state party has instead chosen to massively increase military spending this year.

50. The 2016 Budget included a \$580,053,000 increase in armed forces spending, taking it to a total of \$3,696,554,000⁶². Military spending amounting to an additional \$20,000,000,000 - an “investment” over the next 15 years in increased combat capability, offensive weapons systems, two new warships and new cyber warfare capacity - was announced in June 2016⁶³.

51. No CRIA was done on either the increase in spending on the armed forces in the 2016 Budget or prior to the announcement of new military spending. At this time of critical social need affecting the most vulnerable children, the state party’s prioritising of military spending over social spending is particularly disturbing.

E. Military involvement in education

52. This section provides information that was not included in the Report or LOI Response about the increasing level of military involvement in education - both here and in the Pacific.

53. Since we last provided information to the Committee in 2010 and 2011, the level of military involvement in schools has increased - there are now “service academies” in 27 secondary schools. Service Academies are “*military-focused programmes delivered within secondary schools*”⁶⁴, and include courses run by the armed forces. In the 2016 Budget, \$981,000 was allocated from Vote Education to the NZDF to fund their involvement in service academies and youth development work⁶⁵.

54. There are no figures available as to how many students who are directed to the service academies join the armed forces on leaving school, although it should be noted that the young woman who joined the navy at the age of 17 (mentioned in section C.i above⁶⁶) was a graduate of a secondary school that has a service academy.

55. The first Education Review Office (ERO) evaluation of 16 Ministry of Education-funded service academies in 2011⁶⁷ found that “*most of the 16 service academies provided high quality education and support for their students*”. However, there was no comparison with civilian education programmes providing a supportive learning and social environment for children and young persons, with a similar staff / student ratio, which we anticipate would have similar if not better results.

56. In addition, Vanguard Military School - the first military academy for children aged 15 to 17 years - opened in 2014⁶⁸. Vanguard Military School is a “charter school” (privately run but state funded) which is run by Advance Training Centres⁶⁹, a Private Training Establishment that also runs state funded Military Prep Schools in three cities (Kaitiaki, Auckland and Hamilton) to prepare children aged 15 - 17 years to enter the armed forces⁷⁰.

57. There has recently been concern about the large amounts that 8 charter schools, including Vanguard, are paying to their private owners or related entities for administration and management services⁷¹. There are also specific concerns about Vanguard’s ability to fulfil its contractual obligations, including its refusal to enrol students after the start of the school year, and the suspension and expulsion of more students last year than is permitted by the performance standards in its contract.⁷²

58. Overall, the increasing 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. 1.⁷³

59. Furthermore, the state party is now actively involving the armed forces in schools in the Pacific. Most recently, New Zealand armed forces visited 7 schools in Tonga “*to spread messages about dental hygiene, respect, and the importance of education*”⁷⁴ - messages that could readily, and more appropriately, be delivered by Tongan NGOs rather than uniformed military personnel. The reason for armed forces involvement in Tongan schools appears to

be linked to recruitment, for example, the NZDF media release on the school visits states: “when prompted, a lot of the children said they wanted to join the armed forces”⁷⁵.

F. Military involvement in youth development programmes

60. There is no reference to military involvement in youth development programmes in the state party’s Report or LOI Response, although it too has been increasing in recent years.

61. In addition to military involvement in education as outlined in Section E above, the state party has involved the armed forces in a range of “youth development” programmes, as the examples below illustrate.

62. **Military Activity Camps (MAC)**: are part of the state party’s Fresh Start package announced in 2009, which:

“targets a group of around 1,000 serious and persistent young offenders aged between 14 and 16. It also targets a group of around forty 12 and 13 year olds who are committing serious crimes such as burglary, and need interventions over and above those that can be delivered through the care and protection system.”⁷⁶

63. MAC attendance is enforced by a Youth Court order⁷⁷, and each MAC consists of up to three months residential training, using army facilities and training methods to provide “clear boundaries, reinforcement of self-discipline, personal responsibility and community values.”⁷⁸ There is no reason why these attributes cannot be taught through civilian programmes, and it should be noted the first evaluation of the effectiveness of the MAC programme included the statement that “The lack of alternatives to the MAC programme was a factor in some referrals.”⁷⁹

64. **Youth Life Skills programme (YLS)**: are for young persons aged 14 to 17 years⁸⁰, and are run by the army and Territorial Force Regiments at military bases - some through the service academies (outlined in Section E) with others run in conjunction with community groups.⁸¹ The purpose of the YLS programmes are to teach young persons “the value of life skills, self-discipline, personal and moral responsibility, and respect for self and others”⁸² - all of which could be taught through civilian youth development programmes. Young persons on YLS are given firearms training.⁸³

65. **Limited Service Volunteer training (LSV)**: is a six-week training programme run by the NZDF, on behalf of Work and Income, for unemployed young persons aged 17 to 25 years.⁸⁴ The courses are run on military bases, and are designed to give young persons “to help them develop self-discipline, self-confidence and positive attitudes to enhance their employment opportunities” - all of which could be provided by civilian training programmes. We have been told by young persons referred to LSV courses that they were each issued with an army uniform on arrival, told they were now under military jurisdiction and discipline, and were given harsh physical activities as punishment for any infractions.

66. In addition to involving the armed forces in youth development here, the state party has deployed the NZDF for youth development work with school students in the Pacific, for

example, in the Cook Islands⁸⁵. This appears to be linked to the NZDF's efforts to recruit students from Cook Islands' schools⁸⁶.

G. Education curriculum and peace education

67. We note the state party's comments on the education curriculum include:

“The New Zealand Education Curriculum and the parallel Māori document, Te Marautanga o Aotearoa, put students at the centre of teaching and learning. They ensure that students' identities, languages, abilities and talents are recognised and affirmed and that their learning needs are addressed”, and “The Curriculum emphasises respect for and understanding of difference, and requires schools to develop programmes that help students to value diversity as found in our different cultures, languages and heritages.”⁸⁷

68. What is not included in the Report is the fact that there is no comprehensive programme of Maori language teaching in primary schools, recent Ministry of Education figures *“show nearly 80 percent of school students are not enrolled in Maori language learning beyond basic greetings”⁸⁸*.

69. Furthermore, most schools are not teaching any Maori history, which - as we reported in 2010 - has been described as having *“a profoundly negative effect on the attitudes and views of New Zealanders on a range of important contemporary issues affecting race relations in our country today”⁸⁹*. Over the past year in particular, there has been a great deal of concern about the Ministry of Education's refusal to include learning outcomes and achievement standards about New Zealand history, such as the “land wars” (when Maori fought British imperial troops and armed constabulary to stop the Crown from taking their land and resources) and the subsequent confiscation of Maori land, in the education curriculum - a decision recently described as *“betraying our past and our children's future at the same time”⁹⁰*.

70. While this has disturbing implications in and of itself, it is particularly concerning in the light of the state party's current glorification of armed conflict and military “heroism” in its World War One anniversary programme. The programme includes a ‘Fields of Remembrance World War I Commemoration Package’ which the Ministry of Education has delivered to all schools, including pre-schools, for ANZAC Day (the annual commemoration of the invasion of Turkey by New Zealand and allied armed forces) which has nothing about the reality of warfare, or any questioning of why New Zealand troops were invading a country on the other side of the world, or whether violence is ever an acceptable way to resolve conflict. Instead, the Package has resulted in pre-schoolers building *“a full military base including a hospital, letter writing station, sleeping barracks and battle fields”* in their playground, while daubed with camouflage paint and *“playing war games”⁹¹*.

71. The failure to teach a balanced view of the history of this country can be attributed in part to an overall lack of commitment to peace education, which is not a core curriculum subject in schools.

72. We note in this connection that the Committee's Concluding Observations on other state parties have included recommendations that training programmes to promote the values of peace and human rights should be developed and implemented, and that peace education and human rights should be taught as a fundamental subject in the education system.

73. In the light of the avoidance of teaching Maori history (an understanding of which would contribute greatly to more peaceful relationships in this country), the promotion of an inaccurate militarised World War One commemoration programme for schools, the lack of peace education generally, and the increasing involvement of the armed forces in schools and in youth development programmes, we suggest that similar recommendations in the Concluding Observations on New Zealand would be particularly useful at this time.

H. Dissemination and training on the Optional Protocol

74. The Report states that the NZDF has a training module that includes a discussion on the Optional Protocol and that implementation of the Optional Protocol is ensured through Defence Force Orders⁹². However, the points included in Section C.ii above on the conduct of the armed forces when deployed on overseas combat operations in relation to targeting for bombing runs and missile strikes, detention of juveniles and military training, as well as the points in C.iii regarding the lack of reference to child rights (and human rights) in military policy documents, suggests there are serious questions about whether the Optional Protocol is actually implemented by the NZDF.

75. There is very little dissemination of the Optional Protocol 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 the Optional Protocol 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 the provisions of the Optional Protocol 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 Optional Protocol at all except in relation to countries in other parts of the world.

References

¹ United Nations Convention on the Rights of the Child: Fifth Periodic Report by the Government of New Zealand, 2015, CRC/C/NZL/5

² New Zealand Government Response to the List of Issues in Relation to the Fifth Periodic Report under the United Nations Convention on the Rights of the Child, 2016, CRC/C/NZL/Q/5/Add.1

³ 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 and 2013; to the Human Rights Committee in 2009, 2010, 2014 and 2016; to the Committee on the Rights of the Child in 2010 and 2011; to the Committee on Economic, Social and Cultural Rights in 2011, 2012 and 2016; 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; 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.

⁴ 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

⁵ 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

⁶ United Nations Convention on the Rights of the Child: Fifth Periodic Report by the Government of New Zealand 2015, CRC/C/NZL/5, para 261

⁷ New Zealand Defence Force External Safety Management Review, September 2013, <http://www.nzdf.mil.nz/downloads/pdf/public-docs/2013/external-health-and-safety-review.pdf>

⁸ See, for example, 'Driver inexperience behind Unimog deaths - Coroner', NZPA, 26 April 2007, http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10436214

⁹ See, for example, Otari School Community Notices, http://www.otari.school.nz/23/newsletter_sets/4-weekly-newsletters-2015/newsletters/66-community-notices-mar-2015

¹⁰ "Soldiers from the Army Reserve in Hamilton were there to help out and potentially attract new recruits", 'Travelling army museum stops in Cambridge', Fairfax Media, 16 October 2015, <http://www.stuff.co.nz/waikato-times/73079426/travelling-army-museum-stops-in-cambridge> and 'Kids thrilled to get a taste of army life', Taranaki Daily News, 17 November 2014, <http://www.stuff.co.nz/taranaki-daily-news/news/63260080/kids-thrilled-to-get-a-taste-of-army-life.html>

¹¹ See, for example, [http://www.clmnz.co.nz/assets/freyberg/freyberggeneral/March%20Newsletter%20-%20Freyberg\[1\].pdf](http://www.clmnz.co.nz/assets/freyberg/freyberggeneral/March%20Newsletter%20-%20Freyberg[1].pdf)

¹² See, for example, http://www.otocoll.school.nz/pdfs/OTOROHANGA_COLLEGE_2012_PATHWAYS_SUMMARY.pdf

¹³ <http://armageddonexpo.com/nz>

¹⁴ 'Second stage of NZ Army 'Get What It Takes' campaign launches via Saatchi Wellington', 26 March 2012, <http://www.campaignbrief.co.nz/2012/03/second-stage-of-nz-army-get-wh.html>

¹⁵ See, for example, <http://www.defencecareers.mil.nz/force-fit>

¹⁶ See, for example, <https://www.youtube.com/watch?v=7VsFeiNjlns>

¹⁷ 'NZ Army: Get What It Takes - Are you a sharpshooter?', <http://creativity-online.com/work/nz-army-get-what-it-takes/21371>

¹⁸ Quote from army recruitment publication, and online in the various sections of the army recruiting pages, <http://www.defencecareers.mil.nz/army/lifestyle-salary>

¹⁹ 'Exciting Adventure at World's Biggest Maritime Exercise', New Zealand Defence Force, 8 August 2016, <http://www.nzdf.mil.nz/news/media-releases/2016/20160808-aaawbme.htm>

²⁰ 'Living the Dream in the Navy', New Zealand Defence Force, 8 August 2016, <http://www.nzdf.mil.nz/news/media-releases/2016/20160808-ltditn.htm>

²¹ 'Army Career Takes Fielding Man to Sea', New Zealand Defence Force, 1 August 2016, <http://www.nzdf.mil.nz/news/media-releases/2016/20160801-actfmts.htm>

²² 'Whakatane Woman Chooses a Life on the Ocean Wave', New Zealand Defence Force, 26 July 2016, <http://www.nzdf.mil.nz/news/media-releases/2016/20160726-wwcalotow.htm>

²³ Committee on the Rights of the Child: Concluding observations on the Second Report of the United States of America submitted under article 8 of the Optional Protocol to the Convention on the Involvement of Children in Armed Conflict, 26 June 2013, CRC/C/OPAC/USA/CO/2, paras 7 and 8

²⁴ See, for example, "Some New Zealand SAS personnel will stay in Afghanistan after April and will be working with international forces to identify targets." Radio NZ News, 19 February 2013, <http://www.radionz.co.nz/news/political/128445/some-sas-staying-in-afghanistan>

²⁵ See, for example, 'Key refuses to rule out military action in Syria', TV3 News, 10 September 2015,

<http://www.3news.co.nz/nznews/key-refuses-to-rule-out-military-action-in-syria-2015091018#axzz3rgLl2zXd> and 'Key: SAS could join Isis fight on ground', NZ Herald, 30 September 2014, http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11333678

²⁶ Policy Regarding Control of Information, <http://www.nzdf.mil.nz/about-us/nzsof/policy.htm>

²⁷ Government Communications Security Bureau, <http://www.gcsb.govt.nz/about-us/ukusa-allies>

²⁸ Department of Prime Minister and Cabinet, <http://www.dpmc.govt.nz/dpmc/publications/securingoursafety/gcsb>

²⁹ See, for example, 'Inside Waihopai's domes', Sunday Star Times, 8 March 2015, <http://www.stuff.co.nz/national/67082905/Snowden-files-Inside-Waihopais-domes>

³⁰ See, for example, 'Isis deployment won't end in combat like SAS in Afghanistan', NZ Herald, 7 November 2014, http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11354526

³¹ 'Eyes Wide Shut: The Government's Guilty Secrets in Afghanistan', Jon Stephenson, May 2011, <http://www.metromag.co.nz/metro-archive/eyes-wide-shut>

³² See, for example, 'Kiwi troops in 'war crimes' row', Jon Stephenson, 2 August 2008, <http://www.stuff.co.nz/national/2712026/Kiwi-troops-in-war-crimes-row>

³³ 'Eyes Wide Shut: The Government's Guilty Secrets in Afghanistan', as above

³⁴ See, for example, 'Eyes Wide Shut: The Government's Guilty Secrets in Afghanistan' as above, and 'No guarantee SAS captives not tortured', Otago Daily Times, 13 October 2011, <http://www.odt.co.nz/news/national/181988/no-guarantee-sas-captives-not-tortured>

³⁵ 'Treatment of Conflict-Related Detainees in Afghan Custody', United Nations Assistance Mission in Afghanistan and United Nations Office of the High Commissioner for Human Rights, October 2011, http://unama.unmissions.org/Portals/UNAMA/Documents/October10_%202011_UNAMA_Detention_Full-Report_ENG.pdf

³⁶ 'No guarantee SAS captives not tortured', Otago Daily Times, 13 October 2011, <http://www.odt.co.nz/news/national/181988/no-guarantee-sas-captives-not-tortured>

³⁷ 'Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups', 13 March 2015, A/HRC/28/18, http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_18_AU_V.doc

³⁸ See, for example, 'PM defends deployment amid war crime allegations', Radio NZ, 17 March 2015, <http://www.radionz.co.nz/news/political/268864/pm-defends-deployment-amid-war-crime-allegations>

³⁹ Concluding Observations on the Combined Second to Fourth Periodic Reports of Iraq, Committee on the Rights of the Child, 3 March 2015, CRC/C/IRQ/CO/2-4

⁴⁰ The Government's Defence Policy Framework, June 2000, para 18, <http://nzdf.mil.nz/downloads/pdf/public-docs/defencepolicyframeworkjune2000.pdf>

⁴¹ See, for example, New Zealand Defence Force 2015 - 2018 Statement of Intent, August 2015, http://nzdf.mil.nz/downloads/pdf/public-docs/nzdf_soi_2015.pdf Ministry of Defence Statement of Intent: July 2016 to 30 June 2020, June 2016, <http://defence.govt.nz/pdfs/reports-publications/soi-2016.pdf> 2016 Defence White Paper, New Zealand Government, June 2016, <http://defence.govt.nz/pdfs/defence-white-paper-2016.pdf> and Future35 - Our Strategy to 2035, New Zealand Defence Force 2012, <http://nzdf.mil.nz/downloads/pdf/public-docs/future-35-our-strategy-to-2035.pdf>

⁴² New Zealand Defence Doctrine (Third Edition), 2012, p iii, http://nzdf.mil.nz/downloads/pdf/public-docs/2012/nzddp_d_3rd_ed.pdf

⁴³ Concluding Observations: New Zealand, Committee on the Rights of the Child, November 2003, CRC/C/OPAC/CO/2003/NZL5, p 1

⁴⁴ New Zealand Cadet Forces web site, <http://cadetforces.mil.nz> - unless referenced otherwise, all of the information provided in this section is from that site

⁴⁵ Ministry of Defence information on the Cadet Forces: Introduction, <http://www.cadetforces.org.nz/introduction>

- ⁴⁶ Ministry of Defence information on the Cadet Forces : Structure, <http://www.cadetforces.org.nz/nzcf-structure>
- ⁴⁷ New Zealand Cadets today, <http://www.armymuseum.co.nz/kiwis-at-war/did-you-know/new-zealand-cadets-today>
- ⁴⁸ Ministry of Defence information on the Cadet Forces, <http://www.cadetforces.org.nz/introduction>
- ⁴⁹ Estimates of Appropriations 2014/15: Vote Defence Force, New Zealand government, 2014, p 48
- ⁵⁰ NZCF web site, <http://cadetforces.mil.nz>
- ⁵¹ The NZQA sets education qualification standards, <http://www.nzqa.govt.nz>
- ⁵² The first in New Zealand, New Zealand Cadet Forces, 16 July 2014, <http://cadetforces.mil.nz/news/cadet-forces-news/2014/nzqa-certificates.htm>
- ⁵³ Cadet Forces Qualification Review, <http://skillsactive.org.nz/Default.aspx?page=5304>
- ⁵⁴ “5. Please provide information on measures taken to ensure a child rights approach in the elaboration of the State budget for the implementation of the Convention. In doing so, please include specific information on any measures to assess the impact of applying an “investment approach” to the provision of child protection and children’s social services.” List of Issues in Relation to the Fifth periodic Report of New Zealand, Committee on the Rights of the Child, 9 March 2016, CRC/C/NZL/Q/5
- ⁵⁵ New Zealand Government Response to the List of Issues in Relation to the Fifth Periodic Report under the United Nations Convention on the Rights of the Child, 2016, CRC/C/NZL/Q/5/Add.1, para 29
- ⁵⁶ General Comment No. 19 (2016) on public budgeting for the realization of children’s rights (art. 4), Committee on the Rights of the Child, CRC/C/GC/19, 20 July 2016, para 47
- ⁵⁷ Child Poverty Monitor, <http://childpoverty.org.nz>
- ⁵⁸ ‘Homelessness accelerates between censuses’, University of Otago, 3 June 2016, <http://www.otago.ac.nz/news/news/otago613529.html> and ‘One in 100 New Zealanders are homeless - study’, Radio NZ, 3 June 2016, <http://www.radionz.co.nz/news/national/305536/one-in-100-nzers-are-homeless-study>
- ⁵⁹ See, for example, ‘Auckland’s rough sleeper population reaches record high’, Auckland City Mission, 7 June 2016, <http://www.scoop.co.nz/stories/AK1606/S00191/aucklands-rough-sleeper-population-reaches-record-high.htm>
- ⁶⁰ ‘Children and young people invisible in homeless numbers’, Action for Children and Youth Aotearoa, 19 May 2016, http://www.acya.org.nz/uploads/2/9/4/8/29482613/20160519_acya_-_homelessness_media_release.pdf
- ⁶¹ See, for example, ‘Government admits data vacuum on motel help’, NZ Herald, 18 August 2016, http://www.nzherald.co.nz/politics/news/article.cfm?c_id=280&objectid=11696006
- ⁶² Spread across three Budget areas: Vote Defence, Vote Defence Force and Vote Education
- ⁶³ ‘Defence White Paper signals \$20 billion investment plan’, Defence Minister, 8 June 2016, <https://www.beehive.govt.nz/release/defence-white-paper-signals-20b-investment-plan>
- ⁶⁴ Service Academies, Ministry of Education web site, <http://alternativeeducation.tki.org.nz/Service-Academies>
- ⁶⁵ Vote Education, p 81
- ⁶⁶ ‘Whakatane Woman Chooses a Life on the Ocean Wave’, New Zealand Defence Force, 26 July 2016, <http://www.nzdf.mil.nz/news/media-releases/2016/20160726-wwcalotow.htm>
- ⁶⁷ An Evaluation of Service Academies, Education Review Office, September 2011, <http://www.ero.govt.nz/assets/Uploads/An-Evaluation-of-Services-Academies-September-2011.pdf>
- ⁶⁸ <http://www.vanguard.school.nz>
- ⁶⁹ Vanguard Military School profile, https://www.beehive.govt.nz/sites/all/files/130917_Vanguard_Military_School_profile.pdf
- ⁷⁰ <http://www.militaryprepschool.co.nz>
- ⁷¹ ‘Charter school accounts scrutinised’, Radio NZ, 22 August 2016, <http://www.radionz.co.nz/news/national/311568/charter-school-accounts-scrutinised>
- ⁷² ‘Government told to hold charter school to account’, Radio NZ, 1 June 2016, <http://www.radionz.co.nz/news/national/305379/govt-told-to-hold-charter-school-to-account>

⁷³ General Comment No. 1: The Aims of Education General, Committee on the Rights of the Child, 17 April 2001, CRC/GC/2001/1

⁷⁴ 'Pacific school visits important - NZDF', Radio NZ, 25 July 2016,

<http://www.radionz.co.nz/international/pacific-news/309399/pacific-school-visits-important-nzdf>

⁷⁵ 'NZDF Personnel Lead Outreach Activities in Tongan Schools', NZDF, 21 July 2016

- <http://nzdf.mil.nz/news/media-releases/2016/20160721-nzdfploaits.htm>

⁷⁶ 'A Fresh Start for young offenders', New Zealand government media release, 16 February 2010,

<http://www.beehive.govt.nz/release/fresh+start+young+offenders>

⁷⁷ 'Fresh Start for Young Offenders', Fact Sheet from Child, Youth and Family, 2009,

<http://www.cyf.govt.nz/documents/about-us/news/fresh-start-information-stakeholder.doc>

⁷⁸ As at note above, see also, 'Fresh Start for serious youth offenders', New Zealand government media release, 25 February 2010, <http://www.beehive.govt.nz/release/fresh+start+serious+youth+offenders>

⁷⁹ Evaluation Report for the Military-style Activity Camp (MAC) Programme, Ministry of Social Development, September 2013, p 7, <http://www.msdc.govt.nz/documents/about-msdc-and-our-work/publications-resources/evaluation/military-style-activity-camp/report-mac-evaluation-26-sept-2013-1.doc>

⁸⁰ See, for example, the flyer at

<http://bluelight.co.nz/images/BlueLightLifeSkillsCampsFlyer2012LowRes.pdf>

⁸¹ Youth Life Skills programmes, NZDF web site, <http://www.army.mil.nz/about-us/what-we-do/community-support/youth-programmes.htm>

⁸² As at note above

⁸³ See, for example, the photo at the top of the NZDF 'youth development' page which shows YLS recruits firing rifles (as at 20 August 2016)

⁸⁴ Limited Service Volunteer information, Work and Income web site,

<http://www.workandincome.govt.nz/look-for-work/get-work-ready/limited-service-volunteer.html>

⁸⁵ See, for example, 'Cook Islands Youth Benefit from NZ Defence Force Expertise', NZDF, 28 November 2014, <http://www.nzdf.mil.nz/news/media-releases/2014/20141128-ciybfnzdf.htm>

⁸⁶ See, for example, 'Interested in joining the NZ Defence Forces? New Zealand High Commission, Rarotonga, Cook Islands, 12 August 2014,

<https://www.facebook.com/nzhccookislands/posts/326898684101412>

⁸⁷ United Nations Convention on the Rights of the Child: Fifth Periodic Report by the Government of New Zealand, 2015 (CRC/C/NZL/5), para 60 and footnote 56 respectively

⁸⁸ 'Parents open to te reo Maori in schools, but most kids not being taught', Radio NZ, 9 August 2016, <http://www.radionz.co.nz/news/national/310499/parents-open-to-te-reo-in-schools,-but-most-kids-not-being-taught>

⁸⁹ See, for example, 'Academics critical of Treaty and Maori content in history curriculum', University of Canterbury, 23 June 2010, <http://www.scoop.co.nz/stories/ED1006/S00078.htm>

⁹⁰ 'Condemned to repeat the past', NZ Herald, 15 May 2016,

http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11639198 See also, 'NZ Land Wars not compulsory learning - Minister', Radio NZ, 10 April 2016,

<http://www.radionz.co.nz/news/national/301111/nz-land-wars-not-compulsory-learning-minister> and 'New Zealand's other wars', Radio NZ, 25 April 2016, <http://www.radionz.co.nz/news/te-manu-korihi/302265/new-zealand-s-other-wars>

⁹¹ See, for example, 'How to explain Anzac Day to toddlers', NZ Herald, 22 April 2016, http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11626924

⁹² 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