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UN Committee on the Rights of the Child: Multiple concerns about New Zealand's performance on children and their rights

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The UN Committee on the Rights of the Child's Concluding Observations on New Zealand¹ were released overnight, raising multiple concerns about all aspects of children and young persons' wellbeing, including - for the first time - specific paragraphs on tamariki Māori as indigenous children and a recommendation on the UN Declaration of the Rights of Indigenous Peoples' Action Plan; as well as issues around the militarisation of education, firearms in schools, and the need for explicit integration of the Convention on the Rights of the Child and the Optional Protocol on Child Soldiers into military training.

The Committee - 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)² - considered New Zealand's performance during its 92nd session from 16 January to 3 February 2023. When preparing the Concluding Observations, the Committee took into account information provided by NGOs, the Children's Commissioner, the Human Rights Commission, and the government's written report as well as two three-hour interactive discussions with government representatives on 26 and 27 January.³

The Concluding Observations (CRC/C/NZL/CO/6) follow the standard layout of UN human rights monitoring bodies' reports, with 50 paragraphs four main sections:

I. Introduction - two paragraphs;

II. Progress achieved by the state party (New Zealand) - one paragraph;

III. Main areas of concern and recommendations - forty-four detailed paragraphs over fourteen pages which cover the government's multiple failures to meet the required standards in relation to the full range of children's rights, as well as recommendations on how it can improve its performance; and

IV. Implementation and reporting - three paragraphs covering follow up on, and dissemination of, the Concluding Observations; strengthening the national mechanism for reporting and follow-up; and when the government's next progress report is due.

As with the other UN human rights treaty monitoring bodies who have considered New Zealand's performance this century, during discussion with NGOs, the interactive dialogues with government representatives, and in its media release on 9 February, the Committee

expressed deep concern about the “significant proportion of children, especially Māori and Pasifika children, who live in poverty with food insecurity and severe housing deprivation”⁴ - it is simply inconceivable to independent human rights experts how a comparatively wealthy country has such an appalling number of children and their families who do not have access to an adequate standard of living.

Along with the Committee’s helpful recommendations about what New Zealand must do to end poverty, food insecurity and housing deprivation, the forty-four paragraphs in the ‘Main areas of concern and recommendations’ section include issues around: protection against discrimination; the best interests of the child; the right to life, survival and development; respect for children’s views; the right to identity; the right to privacy; access to appropriate information; violence against children, including sexual violence, abuse and neglect; the family environment, including support for families, care and protection of children deprived of their families, and multiple deficiencies in the current care system; children with disabilities; basic health and welfare, including mental health, health services and adolescent health; standard of living and housing; the education system; asylum seeking, refugee and migrant children; Māori children; economic exploitation, including child labour; the criminal justice system; the impact of climate change; and implementation of the 2030 Agenda for Sustainable Development, including meaningful participation of children in the design and implementation of policies aimed at achieving the Sustainable Development Goals.

The Concluding Observations also stress: the need to fully incorporate the Convention into legislation; the need for comprehensive policy and strategy to ensure all child rights are protected; review of the Child and Youth Wellbeing Strategy; the need to ensure a child rights approach when preparing the Budget each year, and to assess how all areas of public spending may serve the best interests of the child; concerns about the Children Commissioner’s power being weakened, the need to adequately resource the Children and Young People’s Commission and ensure its independence, and the need to streamline and facilitate children’s ability to report violations of their rights; the need to strengthen training on children’s rights provided to all child protection authorities, including their right to privacy, and on relevant legislation; the need for action on children’s rights and the business sector; the need to strengthen the data collection system to cover all areas of the Convention and its Optional Protocols; the need to ensure that children are aware of the rights detailed in the Convention and its first two Optional Protocols; and the need to widely disseminate the Concluding Observations, including a child-friendly version.

The Committee’s recommendations on the first two Optional Protocols are available in Section K: the OPSC recommendations in para 44; and the Optional Protocol on Child Soldiers in para 45 - the latter is of particular interest to us, because Peace Movement Aotearoa provides the only NGO reports about this Optional Protocol to the Committee.

We are very pleased that the Committee raised a number of the points in our reports - which cover issues around 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 training⁵ - in the interactive dialogue with government representatives; and have included recommendations in the Concluding Observations around the militarisation of education, firearms in schools, and the need for explicit integration of the Convention on the Rights of the Child and the Optional Protocol on Child Soldiers into military training. This is in addition to the recommendations made in the Committee's 2016 Concluding Observations (CRC/C/NZL/CO/5), which were mainly on the need to provide comprehensive and detailed information on OPAC in its next report, and to establish and exercise extra-territorial jurisdiction over all crimes under the Optional Protocol.⁶

The Committee's recommendations around allocation of resources (para 10), including the need to ensure a child rights approach when preparing the Budget each year and to assess how all areas of public spending may serve the best interests of the child, are also helpful for our work around this Optional Protocol - particularly in relation to military spending.

This is an issue we have raised with the Finance and Expenditure Select Committee for several years in our written and oral submissions⁷ on the annual Budget Policy Statement, reminding the Select Committee of the state's responsibility to ensure that sufficient financial resources are put into directly and comprehensively tackling child poverty, and recommending a thorough Child Rights Impact Assessment is conducted on any military spending included in each Budget. The priority of reducing child poverty and improving child wellbeing is a stated priority in each Budget Policy Statement, yet there is currently no assessment of whether continually increasing the amount of military spending on enhanced combat capability advances the best interests of children in any way, or if it instead acts against ensuring every child in Aotearoa has access to everything they need to flourish.

References

¹ Available at <http://www.converge.org.nz/pma/CRC-C-NZL-CO6.pdf>

² Information about the Committee, the Convention and the Optional Protocols is available in 'UN Committee on the Rights of the Child considers New Zealand's performance this week', Peace Movement Aotearoa, 25 January 2023 at <http://www.converge.org.nz/pma/crc.htm>

³ Links to the written reports and briefings are in available in 'UN Committee on the Rights of the Child considers New Zealand's performance this week', Peace Movement Aotearoa, 25 January 2023 at <http://www.converge.org.nz/pma/crc.htm>

⁴ 'UN Child Rights Committee publishes findings on Azerbaijan, Bolivia, Ireland, Mauritius, New Zealand, Oman and Sweden', OHCHR, 9 February 2023, <https://www.ohchr.org/en/press-releases/2023/02/un-child-rights-committee-publishes-findings-azerbaijan-bolivia-ireland>

⁵ 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)

⁶ Concluding Observations: New Zealand (CRC/C/NZL/CO/5), Committee on the Rights of the Child, 30 September 2016, para 47.

⁷ See, for example, 'Submission: Budget Policy Statement for 2023', Peace Movement Aotearoa, 27 January 2023 at <http://www.converge.org.nz/pma/gdams.htm>