



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 briefing to the Committee on the Rights of the Child For consideration when compiling the list of issues on the Third and Fourth Periodic Reports of New Zealand

October 2010

1. This briefing outlines some of the issues raised in our preliminary report to the Committee¹ in relation to the state party's compliance with the Convention on the Rights of the Child (the Convention) and the Optional Protocol on the Involvement of Children in Armed Conflict (the Optional Protocol). It includes possible questions relating to each point.

A. Prevention

2. **Voluntary recruitment:** The increasing involvement of the armed forces in education and youth development programmes² raises questions about the incentives used by the armed forces to encourage children to join the armed forces, the extent to which children from low socio-economic families and communities (including Maori, that is, indigenous children) are targeted by such programmes³, what other opportunities are available for school leavers, and whether children are being given a realistic picture of military duties. In addition, there are questions about whether the recruiting practices used by the armed forces are fully compliant with the Convention and the Optional Protocol⁴.

Questions: What measures has the state party undertaken to ensure that children from low income families and communities are not targeted by military programmes and recruiters using incentives such as trades training and educational opportunities? Can children who enlist freely leave the armed forces if they subsequently decide they have made the wrong career choice? How are the activities of armed forces recruiters monitored to ensure they are fully compliant with the Convention and the Optional Protocol?

3. **Education, including peace education:** The increasing involvement of the armed forces in education and youth development programmes also raises issues in relation to the state party's compliance with, in particular, Articles 28 and 29 of the Convention, especially in the light of the Committee's General Comment on the aims of education⁵.

Question: What measures has the state party undertaken specifically aimed at making children aware of the harmful consequences of involvement in armed conflict? What measures have been undertaken to include peace education in the school curriculum?

B. Protection, recovery and reintegration

4. **Use of firearms:** Children handle and use firearms in the New Zealand Cadet Force⁶; it is unclear if firearms are used by children in any of the Service Academies, or the youth development and related activities run by the armed forces.

Question: What types of firearms and other weapons are used by children in the Cadet Force, in Service Academies, or any other military related youth training or activities?

5. Children detained during overseas military operations: The New Zealand Special Air Service has handed persons detained during operations in Afghanistan over to United States and Afghani authorities without obtaining their names or date of birth.⁷

Question: What measures has the state party taken to ensure the protection and wellbeing of children who are detained or taken prisoner during overseas military operations?

6. Assistance for physical and psychological recovery: The state party⁸ has not directly addressed the question of assistance for refugee and migrant children who may have been involved in hostilities overseas in relation to their physical and psychological recovery.⁹

Question: What specific measures are undertaken by the state party to meet the needs of refugee and migrant children who may have been involved in hostilities overseas (whether as participants, victims or witnesses) in relation to their physical and psychological recovery?

7. Weapons and related exports, and military assistance: The state party has not provided information on whether it has legislation prohibiting the export of weapons and military equipment, and military assistance, to countries where children are involved in armed conflict.

Question: Does the state party have legislation prohibiting the export of weapons and military equipment, and military assistance, to countries where children are involved in armed conflict?

8. Private military and security companies: The state party has not provided information on whether it has legislation to ensure that private military and security companies based in New Zealand are compliant with the provisions of the Convention and the Optional Protocol in their operations here or overseas. Furthermore, the state party has not provided information on legislative or other measures to ensure that New Zealand citizens employed by such companies based overseas behave in a manner fully consistent with the Convention and Optional Protocol.

Question: What measures are in place to ensure private military and security companies based in New Zealand, and New Zealand citizens employed by such companies overseas, behave in a manner fully consistent with the Convention and Optional Protocol?

¹ NGO information to the Committee on the Rights of the Child: Third and Fourth Periodic Reports of New Zealand, Peace Movement Aotearoa, August 2010

² Peace Movement Aotearoa, paras 20 - 40. See also para 15 on the companion study on youth programmes in the Defence Review

³ Peace Movement Aotearoa, see, for example, para 32

⁴ Peace Movement Aotearoa, paras 41 - 57

⁵ General Comment No. 1, Article 29 (1): The aims of education, Committee on the Rights of the Child, 17 April 2001, CRC/GC/2001/1

⁶ Peace Movement Aotearoa, para 17

⁷ Peace Movement Aotearoa, paras 58 - 61

⁸ New Zealand: Third and fourth periodic reports of States parties due in 2008, 14 June 2010 [11 November 2008], CRC/C/NZL/3-4, paras 416 - 422

⁹ Concluding Observations/Comments: New Zealand, Committee on the Rights of the Child, 5 November 2003, CRC/C/OPAC/CO/2003/NZL, para 9