

NEW ZEALAND

CRC Optional Protocol (Armed Conflict) CRC/C/133 (2003)

589. The Committee considered the initial report of New Zealand (CRC/C/OPAC/NZL/1) at its 897th meeting (see CRC/C/SR.897), held on 18 September 2003, and adopted at the 918th meeting, held on 3 October 2003 (see CRC/C/SR.918), the following concluding observations.

A. Introduction

590. The Committee welcomes the submission of the State party's comprehensive report, which is the first such report under the Optional Protocol to be submitted to the Committee. While the Committee appreciates the frank and open dialogue held with the delegation, it regrets that the delegation did not include a member of the Ministry of Defence to answer specific questions.

B. Positive aspects

591. The Committee welcomes the State party's international and bilateral technical cooperation activities and financial assistance aimed at preventing the involvement of children in armed conflicts and at assisting the recovery of child victims of armed conflicts and the rehabilitation and recovery of child combatants.

C. Principal areas of concern and recommendations

Use in hostilities

592. The Committee welcomes the amendment to the Defence Act (1990) which prohibits anyone under 18 from being liable for active service. However, it is concerned that the Defence Force Orders for Administration (15 February 2002) refer only to active service outside New Zealand and therefore implicitly allow active service inside New Zealand by soldiers below the age of 18.

593. The Committee recommends that the State party amend the Defence Force Order to expressly prohibit active service in and outside of New Zealand by soldiers under the age of 18.

Voluntary recruitment

594. The Committee notes that the Defence Force Orders for Administration set the minimum age of voluntary recruitment at 17 years. However, it is concerned that this age limit has not yet been specified in the Defence Act (1990) and that the Guardianship Act allows for persons under the age of 18 who are married to be recruited into the armed forces.

595. The Committee recommends that the State party amend the Defence Act and the Guardianship Act to specify a minimum age of voluntary recruitment of 17 years for all persons. The Committee further recommends that the State party consider the possibility of increasing the minimum age for voluntary recruitment to 18 years.

596. With regard to incentives for recruitment, and in light of the fact that a significant proportion of new recruits in the armed forces come from the cadet forces, the Committee requests the State party in its next report to include information on the cadet forces, in particular on how the activities of the cadet forces accord with the aims of education as recognized in article 29 of the Convention and in the Committee's general comment No. 1, and on recruitment activities undertaken by the armed forces within the cadet forces.

Assistance for physical and psychological recovery

597. The Committee requests the State party to provide information in its next report on refugee and migrant children within its jurisdiction who may have been involved in hostilities in their home country and on the assistance provided for their physical and psychological recovery and social reintegration.

Training/dissemination of the Optional Protocol

598. The Committee recommends that the State party undertake systematic education and training on the provisions of the Convention for all relevant professional groups, in particular military personnel. In addition, the Committee recommends that the State party make the provisions of the Optional Protocol widely known to children, through, inter alia, school curricula.

Dissemination of documentation

599. In light of article 6, paragraph 2, of the Optional Protocol, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the State party consider publishing the report, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

Next report

600. In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its next periodic report under the Convention on the Rights of the Child due, in accordance with article 44 of the Convention, on 5 November 2008.