

**CONSCIENCE AND PEACE TAX INTERNATIONAL  
CHILD RIGHTS INTERNATIONAL NETWORK**

**SUBMISSION TO THE HUMAN RIGHTS COUNCIL 46th SESSION (Apr/May 2024)  
UNIVERSAL PERIODIC REVIEW (UPR)**

**NEW ZEALAND**

**Executive summary**

1. The submission refers to recommendations made to the State Under Review by the Committee on the Rights of the Child (CRC) with respect to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC).
2. The submission raises three concerns on the military recruitment of adolescent children and pre-recruitment activities in New Zealand:
  - a. **Recruit abuse.** Approximately 7% of new recruits to the New Zealand Defence Force are aged under 18. This young cohort suffers from bullying and sexual harm, according to an independent review commissioned by the government.
  - b. **Military youth organisations.** Cadet forces put children from age 13 through elements of military training, including drill and the use of military firearms. The armed forces envisage cadet forces as a pipeline and preparation for children's subsequent enlistment.
  - c. **Military involvement in civilian education.** Military visits to schools have included teaching primary age children how to disassemble, assemble, and fire a rifle.
3. The CRC has urged the State Under Review to raise the minimum enlistment age to 18 and provide more information on the relationship between cadet forces and subsequent enlistment.
4. **Recommendations:**
  - a. **That the State Under Review be encouraged to raise the minimum age for military recruitment to 18 in all cases and amend its Declaration under OPAC accordingly.**
  - b. **That the State Under Review ensure that activities carried out within the context of the New Zealand Cadet Force be strictly age-appropriate, in particular involving no elements of weapons or combat training.**

**Background**

5. This submission was prepared in October 2023 and incorporates the latest information available to the submitters.

6. The Child Rights International Network (CRIN) and Conscience and Peace Tax International (CPTI) have embarked on a joint project to encourage full implementation of the OPAC treaty. This is our first UPR submission in this context.
7. Since OPAC came into force two decades ago, a global trend towards all-adult armed forces has reduced the number of states recruiting of children aged under 18. Approximately three-quarters of states now recruit only adults.<sup>1</sup>
8. Despite the CRC's recommendations relating to the age of military enlistment and other issues associated with OPAC, these have rarely been considered in the UPR process.

### **Country situation**

9. As the 12<sup>th</sup> state to ratify OPAC in 2001, New Zealand brought the treaty into force in February 2002. It was also the first state to report to the CRC under OPAC, in 2003.
10. Unfortunately, ratification was accompanied by a declaration that “the minimum age at which New Zealand will permit voluntary recruitment into its national armed forces shall be 17 years”.<sup>2</sup> This declaration has never been reconsidered. New Zealand continues to permit applications to its armed forces from age 16.5 years and to train recruits from age 17.<sup>3</sup>
11. As of 2022, the New Zealand Defence Force (NZDF) stood at approximately 9,200 personnel.<sup>4</sup> Around 1,000 new recruits are enlisted annually, of whom approximately 7% are recruited under age 18, mostly for the land army, according to information given by the state to the CRC.<sup>5</sup>

### **Issues arising**

#### Recruit abuse

12. As elsewhere, juvenile recruits in New Zealand have suffered disproportionately from bullying, sexual harassment, and other violence. In 2015, the NZDF initiated Operation Respect with the aim of reducing such behaviours,<sup>6</sup> which was criticised in an independent review for having “failed to embed the culture change it promised... fear and silence still surround issues of sexual harm”.<sup>7</sup> The Review reported:

“We heard of bullying of recruits by other recruits that was at times ignored, if not condoned, by individuals of rank. In some cases, attempts to ‘call-out’ or otherwise address such behaviour only made the situation worse, leading to some recruits learning to ‘just keep quiet’ and preserve the ‘code of silence.’ ... During this review it became overwhelmingly clear that discrimination, harassment and, in particular bullying is more widespread than the survey data indicates. We believe that the issue is substantially under reported.”<sup>8</sup>

#### Military youth organisations

13. The New Zealand Cadet Force comprises 99 branches oriented variously to the navy, army, and air force, offering adventure activities with the aim of

encouraging “military-style leadership” in children from age 13.<sup>9</sup> Collectively, the cadet forces have 3,616 members with a 2:1 male-female gender ratio.<sup>10</sup> Cadets are given military ranks and drilled, sometimes on military bases with military firearms.<sup>11</sup> The NZDF envisages cadet forces as a pipeline and preparation for military recruitment;<sup>12</sup> between 15% and 20% of members are estimated to sign up.<sup>13</sup>

14. In addition to being the principal funder of cadet forces, the armed forces provide personnel for training, logistics, and administration.

#### Military involvement in civilian education

15. The armed forces frequently visit schools, with purposes that include encouraging children to enlist when they become eligible. After it emerged that primary school children had been taught to assemble, disassemble, and fire assault rifles,<sup>14</sup> the Ministry of Education published policy guidelines for schools in 2018.<sup>15</sup> While the guidelines propose limiting such activities, they allow two exceptions: for school career days, and for military training exercises involving firearms on school premises.<sup>16</sup>
16. 29 “service academies” – “military-focused programmes delivered within secondary schools” – also take children to military bases for courses.<sup>17</sup>

#### **Committee on the Rights of the Child**

17. In considering New Zealand's report under OPAC, the CRC made several recommendations including that the State Party:
  - a. consider raising the minimum age of enlistment from 17 to 18; and
  - b. provide more detail on the role of cadet forces in promoting military recruitment.<sup>18</sup>

#### Enlistment age

18. New Zealand declined to raise the minimum enlistment age to 18. In its subsequent report to the committee, the State Party suggested that military recruitment was an engine for social mobility. It added that raising the age would “prevent... potential recruits from joining the Armed Forces” and could disadvantage young people who wish to join up, since good civilian opportunities may be lacking.<sup>19</sup>
19. No evidence was offered for these claims, some of which appear contradictory. If good civilian employment opportunities are lacking, it makes no sense to argue that potential child recruits would be lost to civilian work if they were unable to join up. If armed forces elsewhere can attract recruits from age 18, no reason appears to remain why New Zealand would be unable to do the same.
20. The comments of the Coalition to Stop the Use of Child Soldiers with regard to policy in the United Kingdom are equally valid regarding the arguments put forward by New Zealand:

“they are based on an assumption [regarding] the ideal minimum age for recruitment without questioning whether the advantages of joining the armed forces could be maintained (or even enhanced), and some of the disadvantages

eliminated, if the minimum recruitment age was raised. Raising the minimum recruitment age to 18 would not deny a military career to young people, but would rather bring it into line with standards for other hazardous work. In this context, it must be recalled that the hazards of armed forces life are not restricted to deployment in hostilities. Training and working in the armed forces is inherently dangerous.”<sup>20</sup>

#### Cadet forces

21. In its responses about the cadet force, New Zealand stated: “While a number of cadets do go on to join one of the Services, recruitment for the NZDF is not one of the aims of the NZCF”. Nonetheless, a core purpose of the cadet force remains to dispose young people favourably towards recruitment.

#### Other recommendations

22. Other recommendations of the CRC on clarifying the minimum enlistment age in law and prohibiting deployment of personnel under age 18 within the state party, were attended to.<sup>21</sup> Nonetheless, juvenile recruits continue to be involved in military training exercises and overseas “battlecraft” training deployments.<sup>22</sup>

#### Follow-up

23. The CRC has repeated its outstanding recommendations in successive review cycles. Most recently, in 2023, the committee further recommended that New Zealand “[d]ecline the operation of service academy programmes in secondary schools that are run in conjunction with the national Defence Force with a view to demilitarizing schools, ensuring that they are free from firearms”.<sup>23</sup>

#### **Previous UPR cycles**

24. The issue of juvenile recruitment has not previously been raised in reviews of New Zealand under the UPR.

#### **Suggested recommendations**

25. **That the State Under Review be encouraged to raise the minimum age for military recruitment to 18 in all cases and amend its Declaration under OPAC accordingly.**
26. **That the State Under Review ensure that activities carried out within the context of the New Zealand Cadet Force be strictly age-appropriate, in particular involving no elements of weapons or combat training.**

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- <sup>1</sup> CRIN, '[Ending the military use of children](#)', 2023.
- <sup>2</sup> UN Depository, [Chapter IV: Human Rights \(11b\)](#), 2023. The declaration outlined the safeguards in place to ensure that recruitment was truly voluntary, had the consent of parent or guardian, was fully-informed regarding the duties involved in military service, and that age was confirmed by the presentation of a birth certificate. There is no reason to doubt this information, although one might ask in what form parental consent is given and whether it has to be given jointly or separately by all persons with parental responsibilities, and it might be observed that apart from the duties of military service, recruitment literature will naturally have focussed on its attractions and avoided mention of the risks associated particularly with active service.
- <sup>3</sup> New Zealand Defence Force (NZDF), '[Am I eligible?](#)', 2023.
- <sup>4</sup> International Institute of Strategic Studies, *The Military Balance 2023*.
- <sup>5</sup> Committee on the Rights of the Child (CRC), *Replies of New Zealand to the list of issues*, [CRC/C/NZL/Q/5/Add.1](#), 2016.
- <sup>6</sup> New Zealand Family Violence Clearing House, '[NZ Defence Force launches action plan to address harmful sexual behaviour](#)', 17 March 2016.
- <sup>7</sup> New Zealand Ministry of Defence, '[Independent Review of the New Zealand Defence Force's progress on the Action Plan for Operation Respect](#)', 2020.
- <sup>8</sup> Ibid.
- <sup>9</sup> New Zealand Cadet Forces (NZCF), <https://cadetforces.org.nz>.
- <sup>10</sup> NZDF, [Annual Report](#), 2021.
- <sup>11</sup> New Zealand Cadet Forces (NZCF), <https://cadetforces.org.nz>.
- <sup>12</sup> See, for example, NZDF, '[Taupō Army Cadets eyes the sky after groundwork](#)', 2021.
- <sup>13</sup> NZDF, [Annual Report](#), 2019.
- <sup>14</sup> Manawatu Standard, '[Guns big part of army leadership road show at primary schools](#)', 7 April 2017.
- <sup>15</sup> Ministry of Education, '[Consultation on draft guidelines for schools developing a firearms policy](#)', 2018.
- <sup>16</sup> Ibid.
- <sup>17</sup> For example, see <https://youthguarantee.education.govt.nz/initiatives/opportunities-at-school-and-beyond/services-academies/> and <https://alternativeeducation.tki.org.nz/Services-academies>.
- <sup>18</sup> CRC, *Concluding Observations on New Zealand (OPAC)*, [CRC/C/15/Add.216](#), 2003.
- <sup>19</sup> CRC, *State party report of New Zealand*, [CRC/C/NZL/3-4](#), 2011.
- <sup>20</sup> Coalition to Stop the Use of Child Soldiers, *Catch 16-22: Recruitment and retention of minors in the British armed forces*, 2011, p.11.
- <sup>21</sup> New Zealand confirmed to the committee that the Defence Act, Guardianship Act, and Defence Force Orders (DFO4) had been amended to remove any ambiguity that the minimum age of 17 years applied to all armed forces recruits, and to ensure that deployment under the age 18 was clearly prohibited at home as well as abroad. CRC, *State party report of New Zealand*, [CRC/C/NZL/3-4](#), 2011.
- <sup>22</sup> See, for example, NZDF, '[Fijian exercise throws young NZ Army leaders into heat of battle](#)', 2022 and '[NZ Army Officer Cadets living off the land in exercise with Fijian military](#)', 2022.
- <sup>23</sup> CRC, *Concluding observations on New Zealand*, [CRC/C/NZ/CO/6](#), 2023, para 45b.