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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-fourth session

SUMMARY RECORD OF THE 897th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 18 September 2003, at 3 p.m.

Chairperson: Mr. DOEK

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of New Zealand (continued)

Initial report of New Zealand under the Optional Protocol on the involvement of children in armed conflict

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of New Zealand (continued) (CRC/C/93/Add.4; CRC/C/Q/NZL/2; CRC/C/RESP/38)

1. At the invitation of the Chairperson, Mr. Carr, Ms. Carter, Mr. Caughley, Ms. Dempster, Mr. Goddard, Ms. Gwyn, Mr. Paki and Ms. Thompson took places at the Committee table.

2. Mr. CARR (New Zealand) said that, since there was no guarantee that the budget surplus represented a structural improvement in government income, the Government of New Zealand had decided to put the surplus aside for superannuation instead of investing it in programmes to reduce child poverty. Although New Zealand did not have an efficient means for measuring poverty, it was collecting information on household expenditure and income. The Ministry of Social Development had conducted a survey of living standards, which had provided more qualitative information about the nature of poverty. Efforts were being made to improve the quality and comparability of data. Over the past 10 years, measures had been taken to ensure that ethnicity data was evenly collected and that ethnicity definitions were harmonized. The Government was currently developing specific indicators to assess the well-being of children and young people.

3. The CHAIRPERSON wished to know whether the Government planned to use the data collected to launch a more targeted programme to reduce poverty. He also wished to know whether any poverty-reduction targets had been set.

4. Ms. SARDENBERG said that a reliable data-collection system was useful only if it served as a basis for action. Data should be collected on children up to the age of 18 and should pertain to all areas covered by the Convention.

5. Ms. CARTER (New Zealand) said that the Ministry of Youth Affairs was taking steps to bring its data into line with the Convention; that work would be completed in June 2004.

6. Mr. CARR (New Zealand) said that harmonization of data was a slow process. In the area of juvenile justice, work was being carried out to harmonize police data and reports data with child, youth and family data, and to establish common definitions and protocols. After that process was completed, the data would be collated with education and health data.

7. The Government used an employment-based platform to tackle poverty issues. A mix of incentives and schemes would be used to encourage parents to seek employment, and to provide financial and other assistance in cash and in kind to offset the effects of poverty. Such assistance would be matched by increases in direct transfers to families with children if the parents' income was insufficient.

8. Since unemployment in New Zealand was at its lowest in 15 years, the Government would take steps to increase the number of good jobs that went to parents. In particular, it would focus on improving the accessibility and quality of childcare and on ensuring that children received early childhood education. The Ministry of Youth Affairs was currently considering ways of improving childcare subsidies, and the Ministry of Education was making efforts to

enhance the quality of service delivered by early-education providers. The Government had recently begun to consider extending direct transfers made through social systems to families with children. It was also investing in a child and youth development work programme.

9. Since New Zealand's social services had focused mainly on alleviating the impact of violence than preventing it, measures would be taken to ensure that greater emphasis was placed on early intervention and prevention.

10. Much effort had been made to develop strategies to respond to disparity issues affecting the Maori and Pacific communities. The findings of the Pacific Vision Conference, which had been held in 1999, had been incorporated into the Pacific Capacity-Building Strategy. The Strategy established a work programme for mainstream agencies and identified specific measures to improve the situation for Pacific people. Under the Strategy, mechanisms had been created to ensure ongoing contact with Pacific communities, which was facilitated by the Ministry of Pacific Island Affairs.

11. The Government had a number of models for involving communities in government planning and decision-making processes. In the areas of care and protection and family violence, national executives, composed of members of government agencies and representatives of non-governmental organizations (NGOs), had been established. In the care and protection area, the executives included a number of organizations that could provide the Government with information on the diverse uses of the non-governmental sector. In the area of family violence, community representatives were also representatives of more extensive networks and NGOs. They provided a link for information-sharing between the Government and those communities. Two other models involved the establishment of various community councils and strengthening families' local coordination. In the latter model, government agencies and community service providers cooperated in resolving difficult individual cases.

12. The CHAIRPERSON wished to know how communities chose which model to use and whether the models improved the effectiveness of prevention and intervention. He also wished to know whether all the models were equally effective.

13. Ms. SARDENBERG enquired whether the models were part of New Zealand's family violence prevention strategy and whether the results of their implementation had been evaluated.

14. Ms. ORTIZ said that indigenous families rejected Western-style adoptions because such adoptions resulted in broken family ties. Instead, indigenous children were placed with their extended family. In that regard, she wondered whether it would be possible to designate a commissioner who would be responsible for strengthening and promoting indigenous family structure.

15. Mr. CARR (New Zealand) said that the Government had endeavoured to ensure that the Maori people contributed to the family violence prevention strategy, and that the strategy was consistent with Maori notions of family. Maori NGOs were overrepresented in the national executive that monitored the implementation of the Strategy. Although the Children, Young Persons and Their Families Act did not explicitly refer to the Treaty of Waitangi, steps had been taken ensure that its provisions required respect for Maori culture and family ties. Efforts had been made to ensure that placements enabled children to maintain ties with their cultural identity.

16. When the model based on strengthening families' local coordination and the model based on establishing community councils had been introduced, not enough attention had been given to the level of input that communities would have in the decision-making process. Later models had attempted to be more inclusive, and the Government had begun to allow NGOs to participate in government decision-making.

17. The Criminal Justice Act set the minimum age of criminal responsibility at 10. If it was demonstrated that a child between 10 and 13 years of age was aware that the act that he or she committed was wrong and contrary to law, the child could be prosecuted. The Children, Young Persons and Their Families Act established the jurisdictions responsible for dealing with children who had committed an offence. If a child between 10 and 13 committed murder or manslaughter, the matter would be dealt with by the adult court system. Any other offence committed by a child of that age group would be dealt with by the Family Court. Since the Family Court was not a criminal court, no conviction accrued as a result. The primary concern of the Family Court was to determine the underlying causes of the offence and how to help the child and his or her family to resolve their problems.

18. With the exception of murder or manslaughter, any offence committed by children between 14 and 16 years of age would be dealt with by the Youth Court. Murder and manslaughter was a matter for adult jurisdiction. However, any preliminary hearing of a child between the ages of 10 and 16 who had been charged with murder or manslaughter would take place in the Youth Court. Purely indictable, or most serious, offences were punishable by a prison term of over three months and could be tried only by a jury. Although such cases were tried by a district court or an adult criminal court, the court could decide to transfer the young offender back to the Youth Court for trial. The overall aim of the Youth Court was to prevent as many children as possible from being tried by criminal courts. Most young offenders between the ages of 14 and 16 were dealt with by the police and never came before a court. If more formal proceedings were required, a Family Group Conference would be held. However, in most cases, such Conferences did not lead to a conviction. Conviction was reserved for purely indictable offences, such as murder, manslaughter, some forms of aggravated assault, and kidnapping.

19. Ms. SARDENBERG said that the Government should review the minimum age of criminal responsibility. She would be interested in knowing the Government's position on corporal punishment.

20. Mr. CARR (New Zealand) said that, in the light of the Committee's recommendations, there were plans for another review of the minimum age for criminal prosecution. However, local communities in New Zealand were concerned at the apparent inadequacy of the justice system to respond to serious crimes committed by children. While the police had reported a rising incidence of crime among children between 10 and 14, the Family Courts, which were specifically intended for children of that age group, remained underutilized. In order to increase confidence in the Family Court system, the Government had decided to conduct a public awareness campaign before attempting to raise the minimum age for criminal prosecution.

21. Ms. SARDENBERG said that, according to information she had received, there was growing concern over cases of police brutality towards young people, random searches of children in schools, and alleged mistreatment of young offenders, including children forced to clean prison cells with their own saliva. She asked whether the Government was responding to those concerns.
22. Mr. FILALI said that he would be interested to learn whether Family Courts had the power to order the incarceration of young offenders.
23. Mr. CARR (New Zealand) said that juveniles could be detained following a Family Court hearing for two reasons: first, if it was necessary for the child to be placed in an institution in order to provide him or her with the necessary treatment and, secondly, if there was a risk that the child would try to escape treatment. The purpose of detention was therefore always to ensure the child's swift rehabilitation.
24. There was no evidence of systematic police brutality. While Youth Aid police officers had a better understanding of young people than regular officers, all police officers were required to seek assistance from a social worker shortly after making an arrest. The police had recognized the overrepresentation of Maori youths among prison inmates and was trying to address the problem. A police superintendent was responsible for monitoring the implementation of Youth Aid programmes, developing an overall police/youth strategy and issuing guidelines on appropriate conduct for officers.
25. Approximately 5 per cent of young offenders were sentenced to imprisonment or institutional care. Many were placed in residential care for a period of three months, which could be shortened to two months on condition of good behaviour, followed by six months of community-based supervision. While Pacific Island children were underrepresented in the criminal justice system as a whole, they were overrepresented among violent offenders. However, rehabilitation had had a success rate of almost 100 per cent, which could be ascribed to the unique family structure of Pacific Island communities.
26. The CHAIRPERSON said that he did not understand why, if most young offenders deprived of their liberty spent only 2 months in residential care, the average custodial sentence was almost 18 months.
27. Mr. LIWSKI expressed concern at the Government's failure to take practical steps to curb police brutality. He asked whether the problem had arisen from a failure to acknowledge the extent of the problem.
28. Mr. CARR (New Zealand) said that the Government depended on official complaint procedures and was therefore unable to react to a problem if cases went unreported. Moreover, the results of an independent study of the concerns of children and young people had failed to indicate that police brutality was a major issue.
29. Ms. SARDENBERG asked whether a human rights component had been incorporated into the training of police officers, judges and other professionals working with juvenile offenders.

30. Mr. CARR (New Zealand) said that, while senior police officers were well aware of their human rights obligations, he could not guarantee that the same was true of all officers. Police officers were not entitled to destroy personal items seized from children during searches. There had been cases in which police officers had been prosecuted for criminal offences.

31. Mr. FILALI asked whether the police required a search warrant or whether they were free to search children whenever they liked.

32. Mr. CARR (New Zealand) said that far-reaching powers of search and seizure were provided for under the Misuse of Drugs Act, which authorized the police to conduct searches on the basis of reasonable suspicion.

33. The average custodial sentence for young offenders was distorted by the long sentences handed down by adult courts to children found guilty of serious offences, such as murder and manslaughter. In one recent murder case, the carefully premeditated nature of the crime had persuaded the judge to issue a lengthy prison sentence in spite of the defendant's age.

34. Ms. THOMPSON (New Zealand) said that New Zealand had signed the Optional Protocol on the sale of children, child prostitution and child pornography in September 2000, and was endeavouring to ensure the consistency of national legislation. Of the five legal amendments required, two had already been completed, namely the new Adoption and Prostitution Acts. The remaining reforms concerned censorship laws and included an increase in the maximum sentence for producing or trading in child pornography.

35. Replying to a question on Maori and Pacific Island health initiatives, she said that the determinants of health cut across many sectors and required diverse solutions. The Government had focused on reducing inequalities, while trying to improve health overall. It had recently invested 400 million New Zealand dollars to ensure that all families enjoyed equal access to maternity and primary health-care services. Public health initiatives, such as fluoridation and injury prevention programmes, were being carried out in all communities. The Government had worked closely with Maori and Pacific communities in implementing its strategy on children with high and complex needs, and in setting up an outreach immunization service.

36. The child mortality rate had declined over the past 10 years, and there had been fewer cases of sudden infant death syndrome. In 2001, the Ministry of Health had established a child/youth mortality review committee with a view to reducing the number of preventable deaths occurring between the ages of 4 months and 24 years. It had identified a number of factors, such as passive smoking, which was liable to increase the risk of sudden infant death syndrome.

37. Ms. AL-THANI said that the most recent figures she had received concerning child mortality dated from 1999 and reflected only the number of deaths not the mortality rate. She suspected that the mortality rate might be higher than it should be and that Maori children were more at risk than non-Maoris. Given that sexually transmitted infections appeared to be on the increase, she asked whether adolescents received special education to protect them from infections, including HIV/AIDS.

38. Ms. THOMPSON (New Zealand) said that a sexual and reproductive health strategy comprising a number of priority action plans had been developed but required further investment before it could be implemented. Sexual and reproductive health concerns were addressed by the Youth Health Strategy.
39. Under an amendment to the Education Act, the legal school-leaving age had been raised from 15 to 16 years in 1993. There were two overarching frameworks for educational reforms: a 10-year early childhood strategy, entitled “Pathways to the Future”, and a plan for the future of secondary education, entitled “Secondary Futures”. The Pacifica Education Plan, introduced in 1996 and updated in 2001, was a cross-cutting strategy for Pacific Island communities.
40. The New Zealand Disability Strategy, which had been launched in 2001, focused on the reforms that government agencies needed to make to reduce the barriers faced by persons with disabilities. It contained key objectives for young people with disabilities, concerning education, support services and child participation. All government agencies were required to prepare an implementation plan for the Disability Strategy. An Office of Disability Issues had been set up to offer advice and coordinate the work of agencies in that regard.
41. The Government of New Zealand took an intersectoral approach to meeting the needs of children with disabilities. Responsibility for funding services was divided between the Ministry of Health and the Ministry of Education, both of which had invested in early-intervention strategies for children with moderate needs, training for teachers of children with special needs, and specialist services for occupational therapy.
42. Ms. Yanghee LEE asked for more precise details on government expenditure on children with disabilities and for a breakdown of the proportion of disabled children from each ethnic group. The delegation should explain how children were forced to attend school in the event of repetitive truancy.
43. Ms. SARDENBERG said she would like to know the Government’s position on the integration of children with disabilities into mainstream education.
44. Ms. CARTER (New Zealand) said that all children were required to attend school between the ages of 5 and 16. Under special circumstances, an application could be made for an exemption under the Education Act in order to permit a child to leave school at 15 years of age. A breakdown of expenditure would be provided in writing at a later date.
45. The CHAIRPERSON asked whether the police were used to enforcing school attendance in the event of truancy.
46. Ms. THOMPSON (New Zealand) said that the District Truancy Services closely monitored the truancy situation and provided regular reports to the Government. In reply to the question about the integration of children with disabilities into mainstream education, she said that all teachers received training on how to address the special needs of disabled pupils within the standard curriculum and on such issues as discrimination.

47. Ms. CARTER (New Zealand) said that Section 59 of the Crimes Act 1961 did not legitimize the use of physical force against children but provided a defence for the use of such force under certain circumstances. The Government had given careful consideration to its options under Section 59, taking into account the diversity of views surrounding the issue and its desire to ensure full compliance with the Convention. The Cabinet had recently decided to defer further consideration of the issue until December 2005 and to embark in the meantime on a public education strategy on alternatives to physical punishment. As Section 59 did not specify what constituted reasonable force, it was likely that court decisions would change over time to reflect changes in public attitudes.

48. New Zealand would continue to review its position on its reservations to the Convention. With regard to its non-ratification of the International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment, she said that efforts were being made to raise public awareness of children's employment regulations and rights. Under the Education Act, all children had to attend school up to the age of 16.

49. Government agencies were required to take account of the Agenda for Children and the Youth Development Strategy Aotearoa, which were overarching documents relating to children and young people and contained references to the Convention. Both documents focused heavily on youth and child participation. Government agencies, local authorities and community organizations were being encouraged to involve children and young people in their activities. There were a number of opportunities for children to participate in school decision-making processes.

50. The CHAIRPERSON enquired whether the Agenda for Children and the Youth Development Strategy Aotearoa had clearly defined time frames, budgets and target groups.

51. Ms. CARTER (New Zealand) said that, although both of the documents contained work programmes setting out specific time frames and targets relating to their implementation, the Youth Development Strategy Aotearoa was not an action plan in itself but a document that provided a framework for developing a youth policy. The Ministry of Youth Affairs was allocating an increasing share of its budget to coordinating and implementing the Strategy.

52. The Youth Suicide Prevention Strategy, which had been launched in 1998, had one component that related to the general population and another that was specifically designed to reduce suicide among Maori youth. The total funding allocated to the implementation of the Strategy had increased dramatically since 1998. To date, emphasis had been placed on disseminating information on suicide prevention and on providing support to families one of whose members had committed or attempted suicide. Although the Strategy had been relatively effective (there had been a drop in the number of female suicides), the youth suicide rate in New Zealand remained comparatively high, particularly among the Maori population. Youth suicide prevention continued to be one of the Government's priorities.

53. Ms. GWYN (New Zealand) said that all children were required by law to be issued at birth with a birth certificate showing the names of the birth parents and the child's name.

54. The Government had recently introduced the Care of Children Bill to replace the Guardianship Act 1968 that was currently in force. The Guardianship Act was based on a traditional nuclear family model that no longer reflected the diversity of family arrangements in New Zealand. The Care of Children Bill would provide a modern framework for resolving care arrangements for children and would recognize and support all types of family units, including single-parent families, extended families and de facto relationships between members of the same sex.

55. The father of a child conceived on or after the entry into force of the new legislation would be considered a natural guardian under the law if he had lived in a de facto relationship with the mother at any time from conception until birth. Natural guardianship would also be given to a father whose particulars had been registered as part of the child's birth information. Under the new legislation, the parents of a child would be able, in certain circumstances, to appoint a new partner as an additional guardian of the child.

56. The Care of Children Bill introduced the concept of "parenting orders" to replace the current system of custody and access orders. Close relatives and members of family groups, such as the Maori Whanau, Hapu and Iwi networks, would be eligible to apply for such orders.

57. New Zealand was taking steps to review the legal framework for adoption as set out in the Adoption Act 1955 and the Adult Adoption Information Act 1985. The proposed new legislation recognized the right of an adopted child to have access to information regarding his or her own heritage and acknowledged the genetic and psychological connection of an adopted person to his or her family of origin. Under the proposed new legislation, adopted children would be issued three birth certificates: the original, issued at birth, showing the names of the original birth parents and the original name of the child; a second certificate, showing the names of the adoptive parents and the child's new name, if applicable; and a third certificate, containing all of that information. Adoptive parents would be encouraged to provide as much information as possible regarding the identity of their child's birth parents, as soon as the child was deemed old enough to receive such information. In the rare cases where adoptive parents refused to provide such information, young people would be entitled under the new legislation to have access to their records at the age of 18, instead of at the age of 20, which was the age fixed by current legislation. Children between the ages of 16 and 18 would be able to apply to the Family Court for access to such information.

58. Ms. SMITH enquired whether young people were legally entitled to request a DNA paternity test.

59. Ms. GWYN (New Zealand) said that the question of paternity testing was not specifically covered by the Care of Children Bill. She would endeavour to provide a written answer to that question at a later date.

The meeting was suspended at 4.50 p.m. and resumed at 5.05 p.m.

Initial report of New Zealand under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/NZL/1)

60. The CHAIRPERSON said that, under the Optional Protocol on the involvement of children in armed conflict, States parties were required, within two years following the entry into force of the Protocol for the State party concerned, to submit a report to the Committee providing comprehensive information on the measures it had taken to implement the provisions of the Optional Protocol. Thereafter, States parties were required to include in the reports that they submitted to the Committee in accordance with article 44, paragraph 1 (b), of the Convention any further information with respect to the implementation of the Optional Protocol. New Zealand's report (CRC/C/OPAC/NZL/1) was the first of its kind to be submitted to the Committee by a State Party to the Optional Protocol.

61. Ms. GWYN (New Zealand), introducing the report, said that New Zealand's ratification of the Optional Protocol without reservation demonstrated its continued support for the protection of children's rights in a specific area that was of global concern. The Government of New Zealand was fully committed to implementing the Optional Protocol and had amended its legislation accordingly. It had also taken steps to ensure that duties performed by voluntary recruits into the armed services were in line with the best interests of the child and children's right to life, survival and development.

62. The New Zealand Defence Force, which had primary responsibility for implementing the provisions of the Optional Protocol, had been closely involved in the preparation of the report, which provided information on the safeguards taken with regard to special protection measures and participation. The Defence Force was committed to protecting children's rights, both in its overseas operations and through its voluntary recruitment and employment of 17 year olds.

63. Ms. SARDENBERG said that it was fitting that New Zealand should be the first country to submit a report on the implementation of the Optional Protocol, since it had played an active role in drafting the text and had been one of the first countries to ratify it. Moreover, New Zealand had been an important contributor to peacekeeping missions and played an important role in the field of international cooperation and assistance.

64. She wished to know more about the measures that New Zealand had taken to implement the Optional Protocol and about the debate that had led to New Zealand's ratification of the Optional Protocol. She wondered whether the involvement of children in armed conflict was an issue of general interest in New Zealand. She asked how the Government intended to disseminate the standards established in the Optional Protocol and how it planned to involve NGOs, community leaders, local authorities, children and other stakeholders in its efforts to implement the Optional Protocol.

65. Ms. Yanghee LEE asked whether the Government intended to increase the minimum age for voluntary recruitment into the armed forces from 17 to 18 years, in accordance with the provisions of the Convention. The delegation should clarify the statistics provided in paragraph 25 of the report, according to which 29 per cent of voluntary recruits were Maori and 25 per cent of those Maori recruited below the age of 18 years had opted for technical positions. She wished to know whether those figures were considered high or low.

66. Mr. CITARELLA asked whether New Zealand was planning to bring its legislation into line with the Optional Protocol. He wished to know whether service members could be assigned to active duty in New Zealand before the age of 18 and whether there were any plans to amend the Defence Act 1990, which did not set a minimum age for voluntary recruitment. The delegation should explain what was meant by the statement contained in paragraph 42 of the report to the effect that hostile gang activities constituted an offence at any age.

67. Ms. KHATTAB enquired whether the Optional Protocol would be incorporated into New Zealand's national legislation. If the minimum age of recruitment was 17 years, the delegation should explain why paragraph 37 (a) of the report seemed to contradict that. She enquired whether the armed forces had a policy of placing young recruits in technical positions rather than in active service as a form of protection until they reached a certain age. It was unclear why married persons under the age of 18 could be recruited without the prior consent of their parents.

68. Mr. FILALI said that the delegation should indicate who was responsible for the operation of New Zealand's military schools. He asked whether there were any plans to incorporate the principles of the Convention on the Rights of the Child or of the Optional Protocol into the curricula of military schools. He wished to know whether there were any mechanisms to prosecute international crimes, such as war crimes, within New Zealand.

69. Ms. VUCKOVIC-SAHOVIC said that, contrary to paragraph 56 of the report, it was her view that article 6 of the Optional Protocol was relevant to New Zealand. This was especially true as New Zealand received many immigrants, some of whom might have children who had been traumatized by war in their countries of origin. The delegation should provide more information in its next report about the Government's efforts to provide the technical cooperation and assistance described in article 7 of the Optional Protocol.

70. The CHAIRPERSON referred to a press release according to which two girls aged 16 and 17 had been accepted into New Zealand's army artillery section. That information raised questions about the firmness of New Zealand's minimum age of recruitment.

71. Ms. CARTER (New Zealand) said that the debate concerning New Zealand's ratification of the Optional Protocol involved consultation with key stakeholder groups and NGOs, which generally supported New Zealand's ratification of the Optional Protocol. The main issue had concerned the minimum age for voluntary recruitment into the armed forces. The minimum age of 17 years would be maintained for the time being in order to enable the armed services to compete with other employers for the recruitment of young persons finishing school. New Zealand prohibited any type of active service for persons under 18, and a comprehensive database had been set up to verify the age of voluntary recruits. The Government had confidence in the procedures established by the Defence Force, which were periodically audited. Although New Zealand's military schools were operated separately through schools or community organizations, the Defence Force was required to provide them with support. The delegation would provide a written reply to the question concerning the incorporation of the principles of the Convention and the Optional Protocol into the curricula of military schools.

72. Mr. CAUGHLEY (New Zealand) said that the three main vehicles for disseminating the Optional Protocol were the Ministry of Foreign Affairs, the armed forces, and a national committee established by the Government to implement the Additional Protocols to the Geneva Conventions. Regarding the incorporation of the Optional Protocol into national legislation, he said that the Government's chief concern was to bring the practices of the Defence Force Orders into line with the Optional Protocol.

73. Ms. THOMPSON (New Zealand) said that the four safeguards outlined in the Optional Protocol relating to voluntary recruitment were included in the Defence Force Orders. Under the Guardianship Act of 1961, persons under the age of 18 were not eligible to enlist in the armed forces unless they were married.

74. Ms. SARDENBERG said that she wished to know which government body was responsible for implementing the Optional Protocol and how the Government planned to monitor that implementation.

75. Ms. THOMPSON (New Zealand) said that the Defence Force had primary responsibility for monitoring the implementation of the Optional Protocol. The Defence Force had an audit programme to ensure observance of the "best interests of the child" principle as well as safeguards to ensure that voluntary recruits under 18 were not assigned to active duty either in New Zealand or overseas.

76. Ms. CARTER (New Zealand) said that senior non-commissioned officers assumed responsibility for young service members, particularly those under the age of 18. For example, senior officers protected young recruits from bullying, ill-treatment and harassment. Under Section 59 of the Defence Act, young service members could lodge a complaint about any matter, which would be referred through the chain of command to the Chief of Defence.

77. She believed that the press release quoted by the Chairperson most likely concerned a training programme and not recruitment into the armed forces. That information would nevertheless be verified and the findings would be reported to the Committee.

78. Ms. THOMPSON (New Zealand) said that the percentage of New Zealand Maori who had registered as voluntary recruits was higher than the proportion of Maori in the overall population. Such high numbers were attributable to the fact that the armed services was an attractive career opportunity for young Maori, many of whom could obtain training in technical careers.

79. Mr. CAUGHLEY (New Zealand) said that the question concerning the International Criminal Court was answered in paragraph 43 of the report, where reference was made to the fact that New Zealand had assumed extraterritorial jurisdiction over the offences described. With regard to the question relating to article 6, paragraph 3, of the Optional Protocol, he said that the assistance that States parties were required to provide under that article applied to persons within the State party's jurisdiction.

80. Ms. THOMPSON (New Zealand) said that New Zealand's legislation protected refugees and migrants who had been traumatized by war, and the Immigration Service had developed policies and practices to facilitate immigrants' reintegration into society. Psychological assistance was also available to such persons.

81. Mr. CITARELLA said the delegation should comment on the fact that it was an offence under New Zealand legislation to conscript or enlist children under the age of 15 into the armed forces.

82. The CHAIRPERSON said that paragraph 37 (a) of the report contained a contradiction in that it referred to members of the armed forces under the age of 17. That provision should be removed from New Zealand's legislation since the minimum age of voluntary recruitment was 17.

83. Ms. CARTER (New Zealand) said that the delegation would provide the Committee with a written reply to the question concerning paragraph 43 of the report.

84. The CHAIRPERSON said that he wished to know what the minimum age was for marriage in New Zealand, since that had a bearing on what age a person could be recruited into the armed forces.

85. Ms. THOMPSON (New Zealand) said that the delegation would provide a written reply to the question concerning the minimum age for marriage. With regard to paragraph 37 (a), the Defence Force Orders and the Armed Forces Discipline (Exemptions and Modifications) Order stated that detention should be used as a last resort and for the shortest period of time. It was important to note that general principles of last resort were observed in practice and were applied to all disciplinary cases within the military justice system. Chapter 11 of the Manual of Armed Forces Law, which dealt with punishment, provided guidance for officers who determined punishment for service personnel. Superior officers were generally expected to consider the contents of that chapter before approving a sentence of imprisonment or detention in the case of a member of the armed forces under the age of 18.

86. Ms. SARDENBERG said that she was impressed by New Zealand's capacity to devise relevant programmes and policies and by its commitment to achieving consensus within its complex society. The Committee hoped that New Zealand would extend the Convention to Tokelau, withdraw its reservations to the Convention and address the problem of corporal punishment. Particular attention should be paid to the situation of the Maori. The Government of New Zealand should ensure that children were included as a priority on its political agenda and that the rights of children were made known and respected.

87. Ms. CARTER (New Zealand) said that she was pleased to have had an opportunity to engage in a dialogue with so many human rights experts, since that enabled New Zealand to assess its progress in that area. She thanked the Committee for its pertinent questions and observations.

The meeting rose at 6 p.m.