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NGO Submission on Draft General Comment on Article 4 of the Convention on the Rights of the Child: Public Spending

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Introduction

1. Peace Movement Aotearoa is the national networking peace organisation, registered as an incorporated society in 1982. Our purpose is networking, research, and providing information, analysis and resources on peace, humanitarian disarmament, social justice and human rights issues.

2. Promoting the realisation of human rights is an essential aspect of our work because of the crucial role this has in creating and maintaining peaceful societies. We have previously provided NGO information to human rights treaty monitoring bodies, and to Special Procedures and mechanisms of the Human Rights Council as listed below¹.

3. While the rights of the child are not a specific focus of our work, the links between international human rights and humanitarian law are an area we work on and the impact of militarisation and armed conflict on children - at the global and domestic levels - is therefore a key concern for Peace Movement Aotearoa and our members.

4. We appreciate this opportunity to provide input on Draft General Comment on Article 4 of the Convention on the Rights of the Child (the Convention)² for consideration by the Committee on the Rights of the Child (the Committee). Due to time constraints, our submission is in the form of brief comments on one issue that we consider could usefully be included in the Draft General Comment - military expenditure, public spending and the rights of the child.

5. The information in this submission is arranged into three sections:

A. Global military expenditure, public spending and the rights of the child

B. New Zealand's military expenditure, public spending and the rights of the child

C. Recommendations

A. Global military expenditure, public spending and the rights of the child

6. The Committee is well aware of the horrific effects of armed conflict on children - whether through direct physical harm and psychological trauma, or through the destruction of essential infrastructure and public services, devastation and hazardous contamination of the environment, and displacement of communities within states and across borders - through its monitoring of state

parties' compliance with the Convention and the Optional Protocol on Optional Protocol on the Involvement of Children in Armed Conflict (OPAC), in particular.

7. There is, however, a related aspect which seldom receives the degree of attention given to armed conflict, and that is the impact of military expenditure on the rights of the child. It is our view that there is a clear relationship between the four obligations elaborated in the Draft General Comment in relation to public spending and the rights of the child³, and a clear necessity to reduce military expenditure.

8. This Draft General Comment is therefore an opportunity for the Committee to bring to state parties' attention the need to redirect military expenditure to socially useful public spending in order to reduce its detrimental effects on children and their rights. There are several aspects to this, and we briefly summarise some of the key issues below.

9. Firstly, there is the matter of excessive military expenditure - last year, global military expenditure was estimated to be \$1,776 billion (USD)⁴, in large part the result of states maintaining armed forces in a state of combat readiness, regardless of whether they are deployed or not. Military spending has a harmful impact on public spending because it diverts resources away from essential public services and that has a particular impact on children and their rights to adequate nutrition, shelter, health care, education, and so on. According to the World Health Organisation, 5.9 million children under the age of five died from mainly preventable causes in 2015, and nearly half of those deaths are associated with under-nutrition⁵. Yet it would take only a small percentage of global military expenditure to eradicate extreme poverty around the world, and we recently calculated that around 10% of the current amount of military expenditure would ensure that five of the key Sustainable Development Goals⁶ - eradicating extreme poverty, ending hunger, ensuring healthy lives, clean water, sanitation, and quality education for all - are met: that would have a substantially beneficial impact on children and their rights.

10. Secondly, military activities - whether in training exercises or combat deployments - have a negative impact on the environment and are a major contributor to climate change, both of which have serious implications for the rights of the child. The environmental impacts in times of armed conflict are obvious, but military training exercises also include extensive live firing of the full range of land, sea, under-sea and air-based weapons and weapons systems, and together with the operation of military vehicles, vessels and aircraft on land, in marine and coastal environments, in the air and in space, cause widespread - and in some cases permanent - damage to the environment, pollution and toxic contamination of ecosystems, and increase the risk of life-threatening hazards such as unexploded ordnance: these are all detrimental to children and their rights.

11. Globally, armed forces are a major contributor to climate change: in part because armed forces are a massive consumer of non-renewable resources - including fossil fuels used by military vehicles, vessels and aircraft - and a major source of greenhouse gas emissions; and partly because the excessive amount of global military expenditure, and levels of military research and development, divert financial and human resources away from the development of sustainable energy sources and other initiatives to slow the pace, and reduce the impact, of climate change. The effects of climate change are also detrimental to children and their rights.

B. New Zealand's military expenditure, public spending and the rights of the child

12. Although the level of military expenditure in New Zealand, which successive governments have said for many years does not face any immediate military threat nor is likely to in the foreseeable

future⁷, is comparatively low when compared with other states, New Zealand maintains combat ready armed forces at a cost this year of \$3,454,706,000 (NZD), plus the cost of any new overseas deployments. It will spend a forecast \$16 billion over the next 15 years on new military equipment⁸. The \$3,454,706,000 is the identifiable amount of military spending from three 'Votes'⁹ in the 2015 Budget - Vote Defence, Vote Defence Force, and Vote Education (\$981,000) - but there may be additional military expenditure concealed in other Votes.

13. New Zealand does not conduct a child rights impact assessment (CRIA) on military spending allocated in each year's Budget - not even when it has combat forces deployed overseas, which may obviously have very serious impacts on children and their rights wherever those forces are deployed. Furthermore, as with global military expenditure, military spending here has a negative impact on the rights of the child in other ways, and we briefly summarise some of the key issues below.

14. In relation to the rights of children overseas, one issue is the proportion of spending on overseas development assistance (ODA) in comparison with military expenditure - in the current financial year, ODA is allocated an amount equivalent to only 17.5% of the military budget. There is no information available on the proportion of ODA that is spent specifically on programmes for children, although we assume that most, if not all, ODA will benefit children to some degree. Any increase in ODA - which could readily be funded through a reduction in military spending - would be beneficial to the rights of children overseas, especially if it was dedicated to programmes designed to meet their particular needs.

15. In relation to the rights of children here in Aotearoa New Zealand, military spending diverts funding from socially useful expenditure that would benefit children and their rights, as the following examples illustrate. It should be noted in this regard that 24% of children here live in a family with an income below the poverty line, and a further 17% of children live in conditions of material hardship¹⁰.

16. The "centrepiece" of the 2014 Budget was described as a \$493 million package - over the next four years - aimed at families¹¹, which among other things extended paid parental leave and an increased tax credit when "low and middle-income working families who are not on a benefit, and who don't receive paid parental leave, have a new child".¹² By way of contrast, the 2014 Budget also included expenditure of \$446 million on a combat systems upgrade for the navy's two frigates.¹³ If the latter had not been seen as a spending priority by the government, the families package could have been almost doubled, and the tax credit and other initiatives could have been extended to families in receipt of social welfare ("on a benefit") with a beneficial impact on the most vulnerable children.

17. In April 2015, it was announced that the government is seeking two C-17 Globemaster aircraft for the air force at a minimum cost of \$600 million¹⁴. By way of contrast, that is precisely half the amount needed to refurbish all state houses to provide safe and healthy homes for Housing New Zealand tenants. The poor condition of state housing and the impact it has on children's health is a matter for serious concern, as illustrated by the Findings of a Coronial Enquiry - released earlier this year - into the death of a two year old girl in August 2014¹⁵. The Findings included a number of comments about the cold, damp and leaky conditions of the state house in which the girl and her family were living during the winter months, the provision of a heater by Housing New Zealand that the family could not afford to run despite their need, and their request for a transfer to a better house, which had not at the time been addressed. Among other things, the Coroner concluded: "*It is entirely possible the condition of the house contributed to the pneumonia-like illness that Emma-Lite was suffering at the time of her death*", and that the cold living conditions of the house "*cannot*

be excluded” as a contributing factor to the circumstances of her death.¹⁶ Using the funding currently allocated for two Globemasters to instead begin a substantive refurbishment programme for state houses, would have a beneficial impact on children whose families rely on state housing.

18. Finally in this section, a further issue is the increased militarisation of children and their education¹⁷. As mentioned above, \$981,000 was taken from the education budget this year and allocated to the armed forces for “military-focused programmes for disengaged or disengaging students in secondary schools”¹⁸. There are now 27 service academies in NZ secondary schools - there were none a decade ago - to provide “military-focused programmes” within schools with assistance from the army¹⁹, plus a new publicly funded Military School for secondary school-aged students²⁰. In addition, there are a range of ‘Youth Development programmes’²¹, run by the army, and the quasi-military activities of the New Zealand Cadet Forces²². It is our view that all of these are inconsistent with the aims of education as recognised in Article 29 of the Convention and in the Committee’s General Comment No. 1²³, and that these developments indicate that a specific paragraph stating that funding for public education should not be allocated to armed forces or military schools might usefully be included in the Draft General Comment.

C. Recommendations

19. On the global and national levels, military expenditure absorbs financial resources that could otherwise be used for socially useful public spending, and military activities - in armed conflict and in peacetime training - impact negatively on children and their rights in a number of ways. In the light of the harmful effects of military expenditure on public spending and the rights of the child, we recommend the Committee refer wherever possible in the Draft General Comment:

- to the urgent need for state parties to the Convention and the OPAC to reduce military expenditure, and
- to the importance of ensuring the best interests of the child are fully taken into account throughout the Budget process to allocate funding for armed forces.

20. We also suggest that the Draft General Comment recommends that a thorough CRIA is conducted on all military expenditure, and a specific paragraph stating that funding for public education should not be allocated to armed forces or military schools be included.

21. Thank you for your consideration of our submission.

References

¹ Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People in 2005; to the Committee on the Elimination of Racial Discrimination in 2007 and 2013; to the Human Rights Committee in 2009, 2010, and 2014; to the Committee on the Rights of the Child in 2010 and 2011; to the Committee on Economic, Social and Cultural Rights in 2011 and 2012; to the Committee Against Torture in 2015; for the Human Rights Committee’s General Discussion on Article 6 of the International Covenant on Civil and Political Rights in 2015; and jointly with the Aotearoa Indigenous Rights Trust and others, to the Human Rights Council for the Universal Periodic Review of New Zealand in 2008, 2009 and 2014

² Draft General Comment No. 19 (2016) on Public Spending and the Rights of the Child (Article 4), Committee on the Rights of the Child, 11 June 2015, CRC/C/GC/19

- ³ Draft General Comment No. 19 - Para 31. The obligation to respect the rights of the child means that States should not directly or indirectly facilitate, aid and abet any infringement of children's rights. Para 32. The obligation to promote the rights of the child in relation to public spending means that priority should be given to children's rights in the allocation of resources. Para 33. States have an obligation to protect against infringements of rights guaranteed under the Convention and the Optional Protocols. Para 34. The obligation to fulfil the rights of the boys and girls requires States to take positive action to respect, promote and protect those rights in order to make them become a reality.
- ⁴ Factsheet: Trends in World Military Expenditure 2014, Stockholm International Peace Research Institute, April 2015
- ⁵ See, for example, 'Levels and trends in child mortality report 2015: 16,000 children under 5 years old die each day', UNICEF, WHO, the World Bank Group, and the Population Division of UNDESA, 9 September 2015 at <http://www.who.int/mediacentre/news/releases/2015/child-mortality-report/en>
- ⁶ 'Military spending: some facts and figures', Peace Movement Aotearoa, November 2015
- ⁷ Most recently, for example, Defence Capability Plan, New Zealand Government, June 2014, p 15, and Defence Assessment 2014, Ministry of Defence, May 2015, p 25
- ⁸ References for these figures are available in 'Public consultation: Defence White Paper 2015', Peace Movement Aotearoa, June 2015, at <http://www.converge.org.nz/pma/afrev15.pdf>
- ⁹ 'Vote' is how the New Zealand government categorises spending for each government department, agency or area of public spending, in the annual Budget
- ¹⁰ Child Poverty Monitor 2014, <http://www.childpoverty.co.nz>
- ¹¹ See, for example, 'Government prescribes help for families', Radio New Zealand, 17 May 2014, at <http://www.radionz.co.nz/news/political/244396/government-prescribes-help-for-families>
- ¹² '\$500 million children, families package at heart of Budget', Finance Minister Bill English, 15 May 2014 at <http://www.beehive.govt.nz/release/500m-children-families-package-heart-budget>
- ¹³ 'Frigate combat systems upgrade contract awarded', Defence Minister Jonathan Coleman, 1 May 2014, at <http://www.beehive.govt.nz/release/frigate-combat-systems-upgrade-contract-awarded>
- ¹⁴ See, for example, 'Two new Boeing C-17s to cost NZDF \$600 million', NZ Herald, 15 April 2015, at http://www.nzherald.co.nz/business/news/article.cfm?c_id=3&objectid=11433122
- ¹⁵ An enquiry into the death of Emma-Lite Pepe Quintanella Bourne in the Coroners Court at Whangarei: Findings of Coroner H. B. Shortland, 25 February 2015, CSU-2014-AUK-000963, at <http://static.stuff.co.nz/files/Coronersreport.pdf>
- ¹⁶ As at note above, paras 61 and 73 respectively
- ¹⁷ Detailed information on the militarisation of children and their education will be provided to the Committee in advance of the 73rd Pre-Sessional Working Group
- ¹⁸ Estimates of Appropriations for the Government of New Zealand for the Year Ending 30 June 2016 - Education Sector: Vote Education, 21 May 2015, p 5, at <http://www.treasury.govt.nz/budget/2015/estimates/v2/est15-v2-educ.pdf>
- ¹⁹ Service academies page, <http://alternativeeducation.tki.org.nz/Service-Academies>
- ²⁰ Vanguard Military School was established in 2014, <http://www.vanguard.school.nz>
- ²¹ Armed forces youth development site, <http://reserves.mil.nz/youth-development>
- ²² New Zealand Cadet Force site, <http://www.cadetforces.mil.nz>
- ²³ General Comment No. 1: The Aims of Education General, Committee on the Rights of the Child, 17 April 2001, CRC/GC/2001/1