



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 8, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL  
TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE  
INVOLVEMENT OF CHILDREN IN ARMED CONFLICT**

**Initial reports of States parties due in 2007**

**UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND\***

[16 July 2007]

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\* Annexes are available with the Secretariat for consultation.

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## Introduction

1. The United Kingdom ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (the Optional Protocol) on 24 June 2003 and remains firmly committed to it. We recognize the importance of providing special treatment for young people under the age of 18 serving in the armed forces and accordingly we have robust and effective safeguards in place to ensure they are cared for properly and are not placed unnecessarily at risk. Every feasible step is taken in accordance with our obligations to prevent the involvement of young people under the age of 18 (under 18s) in hostilities.
2. The Government's understanding of its obligations is clarified by the interpretive declaration it made upon signature and confirmed upon ratification. This made clear that the British Armed Forces would continue to recruit from age 16 but included a clear commitment to take all feasible measures to ensure those who had not yet reached the age of 18 did not take a direct part in hostilities. Accordingly, administrative guidelines and procedures are now in place to ensure that, wherever practicable, personnel aged under 18 are withdrawn from their units before they are deployed on operations.
3. The introduction of the new administrative guidelines and procedures have been very successful in reducing the number of under 18s who have deployed into areas where they may be exposed to hostilities, with only 18 personnel aged under 18 deployed since the Optional Protocol was signed in 2003 (all of these from the Army) and none since July 2005. The vast majority of those that were deployed were within one week of their eighteenth birthdays or were removed from theatre within a week of their arrival. Only 4 under 18s were deployed for a period of greater than two weeks, which is a remarkably small number given that the United Kingdom has deployed well over 100,000 personnel on operations during the same period.
4. The United Kingdom made another declaration upon ratification concerning the minimum age of recruitment (age 16, in line with minimum school-leaving age) and on the safeguards it has in place to ensure that all recruitment of under 18s is genuinely voluntary and with the informed consent of the volunteer and his/her parents. The minimum recruitment age remains at 16 and there are no plans to change this. All recruitment into the British Armed Forces is voluntary and no applicant under 18 years of age may join unless their application is accompanied by the formal written consent of his/her parent or guardian. The age of anyone seeking to join the service is carefully checked against original birth certificates and other identity documents. The date of reference used when determining whether or not a person is eligible to join the armed forces is always their date of birth.
5. We take our responsibility for the well-being and safety of all service personnel (including those under 18) extremely seriously and have made significant improvements in light of the Deepcut Review, building on work that was already under way following the House of Common's Defence Committee (HCDC) report and the Adult Learning Inspectorate's (ALI)

Safer Training report. The 2007 Better Training report by the ALI described the achievements of the Ministry of Defence (MoD) as “something of a triumph of focused effort to resolve serious problems”. Whilst the majority of the actions arising from the Deepcut Review are now complete or nearing completion, we do not see this as the end of the story. We are committed to maintaining the improvements already achieved, and to continuing to address the areas where performance can be improved. Mechanisms are in place, including internal monitoring and external inspection, to ensure that this is the case.

6. The most relevant provision of the Convention on the Rights of the Child (CRC) concerns the recruitment of children aged 15 into the armed forces. This Convention pre-dates, and was largely superseded by, the provisions of the Optional Protocol. The Government considers that the above safeguards provide sufficient protection to under 18s serving in the armed forces and that they enable the United Kingdom to comply with its obligations under the Convention on the Rights of the Child, including article 38, as well as the International Covenant on Civil and Political Rights and the European Convention on Human Rights.

## **Article 1**

### **Participation in hostilities**

7. The term “direct participation” is not used in United Kingdom legislation, as there is no relevant legislation covering this concept. In practice, it is understood that a person is taking a direct part in hostilities if they are deployed on operations where hostile forces are involved.

8. Once they have entered the armed forces, all recruits must undergo basic general military training followed by a period of more specialized professional training before joining the trained strength and thus becoming liable for employment in military operations. This training is thorough and takes time and so the number of personnel under the age of 18 on the trained strength has always over the last decade tended to be small; at 1 April 2007 it was 730 (90 Royal Navy, 630 Army and 10 Royal Air Force) which represented only 0.5 per cent of the total trained strength of the armed forces. Very few of these personnel (i.e. of those both under the age of 18 and on the trained strength) are posted to higher readiness (i.e. front line) units which are those liable to be deployed into actual combat. Therefore, the likelihood of service personnel under the age of 18 taking a direct part in hostilities is very small, even before the introduction of new protective measures which will serve to reduce the risk even further.

9. These measures include the introduction of single-service administrative guidelines and procedures (annex A), and the newly revised and reissued Policy on the Care of Service Personnel under the Age of 18 (annex B). In addition:

- Service personnel under the age of 18 are not routinely deployed on any operations outside the United Kingdom, except where the operation does not involve personnel becoming engaged in, or exposed to, hostilities;

- Whilst Army personnel under the age of 18 may continue to undertake a limited range of duties with resident units in Northern Ireland, they do not participate in activities in direct support of the civil powers;
- Members of the Naval Service under the age of 18 are not permitted to deploy on operations in the land environment;
- Members of the Naval Service under the age of 17 are not drafted to operational ships or Royal Marine units;
- Under 18s are not deployed as aircrew;
- In line with United Nations policy, personnel under the age of 18 are not deployed on United Nations peacekeeping operations.

10. However, some units, especially ships and submarines of the Royal Navy already deployed away from the United Kingdom, may find themselves diverted at very short notice from normal peacetime duties around the world to operations in which there is a genuine risk of direct involvement in hostilities. In these circumstances, it might not always be feasible to remove or replace personnel: either because the geographic location of the vessel or unit makes their removal physically impossible, or because it would not be practicable to remove them from their units without undermining its operational effectiveness or risking the successful completion of the mission and/or the safety of other personnel. But the Government does not consider their deployment in these circumstances to be inconsistent with its obligations under article 1 of the Optional Protocol. The United Kingdom explained its interpretation of article 1 in the declaration it made at the time of signature. The purpose of this declaration was simply to cover such rare occurrences and is not a signal of intent to deploy under 18s contrary to the spirit and terms of the Protocol. Such instances and the numbers involved are likely to be very few, partly for the reasons set out above and also because the armed forces will continue their previous policies and practices to protect those members under the age of 18.

11. Unfortunately, our processes are not infallible and the pressures on units prior to deployment have meant that there have been instances where soldiers have been inadvertently deployed to an operational theatre before their eighteenth birthday. To prevent further occurrences, the operational location (OPLOC) system used for tracking personnel when they arrive in the operational theatre provides a warning message when someone who is under 18 is entered, and daily checks are conducted to ensure that under 18s have not entered an operational theatre.

12. As a direct result of the measures we have taken, the number of personnel under 18 deployed on operations has reduced from approximately 300 between 1999 and 2003 to only 18 since the Optional Protocol was ratified in 2003. None have been deployed since July 2005. The

vast majority of those who were deployed were within one week of their eighteenth birthdays or were removed from theatre within a week of their arrival. Only four under 18s were deployed for a period of greater than two weeks. Although these procedures have proved themselves to be robust, we are investigating the scope for using new information technology (IT) systems to reduce still further the risk of unintentional deployments. None of these personnel aged under 18 was taken prisoner whilst deployed.

## **Article 2**

### **Compulsory recruitment**

13. Compulsory recruitment into the British Armed Forces (National Service) was abolished in 1963. Successive Governments have declared the best way for the armed forces to maintain operational commitments is for them to be manned entirely by volunteers. The current Government takes the same view.

## **Article 3**

### **Voluntary recruitment**

14. In accordance with the declaration submitted by the Government upon ratification of the Optional Protocol, the minimum age at which individuals may join the British Armed Forces remains at 16 years, which broadly reflects the minimum statutory school-leaving age in the United Kingdom. Recruitment at the school-leaving age makes available to young persons entering the job market the significant training and other opportunities offered by the armed forces. A recent review by a distinguished human rights lawyer (the Deepcut Review) accepted that young people with suitable qualifications for a military career should continue to be able to enlist at 16, with a view to participating in all aspects of military duties from the age of 18, and the Government accepted this report. Further details on the Deepcut Review are at annex C.

15. All recruitment into the British Armed Forces is voluntary. The minimum age for applications to join the armed forces is 15 years, 9 months for the Royal Navy (the Navy) and Royal Air Force (RAF) and 15 years, 7 months for the Army - for entry not before the individual's sixteenth birthday. The Optional Protocol was ratified according to the legal processes required in the United Kingdom; this involved the Government ensuring that its laws and policies were compatible with the Protocol's provisions, and in deciding on the terms of the binding declaration. There was no need to introduce new legislation or amend existing legislation in order to give effect to the Protocol, nor are there any judicial decisions relating to it. No distinction is made between 16- and 17-year-olds on the grounds that it is necessary to recruit from both age groups in order to secure the manpower needed to meet essential defence commitments and that it is difficult to discriminate on age grounds between equally qualified individuals.

16. The table below shows the number of personnel under 18 on both the trained<sup>1</sup> and the untrained strength on 1 April 2007.<sup>2</sup>

**Strength of British regular forces at 1 April 2007**

		Total trained strength (TS)	Total untrained strength (UTS)	Under 18s on TS	Under 18s on UTS	Under 18s (% of TS)	Under 18s (% of UTS)
All Services	Officer	29 400	2 740	0	0	0	0
	Rank	143 440	14 510	730	3 743	0.5	25
Naval Service	Officer	6 680	900	0	0	0	0
	Rank	27 680	3 600	90	440	0.31	12.36
Army	Officer	13 840	830	0	0	0	0
	Rank	81 420	10 100	630	3 250	0.8	32
Royal Air Force	Officer	8 800	1 010	0	0	0	0
	Rank	34 330	1 140	10	50	0.02	4

17. A detailed breakdown of under 18s by service, age, ethnicity and gender at 1 April 2006 is shown in the table at annex D.

18. In order to compete in an increasingly competitive employment market, the Services need to attract young people aged 16 and above into pursuing careers in the armed forces. In doing so, the armed forces provide valuable and constructive training and employment to many young people, giving them a sense of great achievement and worth, as well as benefiting society as a whole. In its third report of session 2004-2005 on Duty of Care, the House of Commons Defence Committee (HCDC) acknowledged that, for many youngsters, particularly those from deprived or disadvantaged backgrounds, the armed forces provide an opportunity that may have been denied them in civilian life. It also said that the armed forces have been highly effective in taking recruits with little educational achievement and turning many of them into highly trained, capable and successful personnel. It also commended the Army for its commitment to remedial educational programmes. To be unable to recruit from this age group would mean that high-quality school leavers would settle into other careers and thus be lost to the Services. This would create serious manning problems for the armed forces since 30 per cent of all recruits in 2006-2007 were aged under 18. The Services, in particular the Army, would be unable to man current structures and maintain current capabilities.

19. The armed forces are recognized as a major provider of work-based training for the 16-18 age group. The Services provide opportunities to continue with constructive training and education for all recruits from every level of ability and achievement. They are the largest single supplier of apprenticeships and in 2005-2006 alone, 8,245 apprenticeships were completed. Those who come from difficult social circumstances and with few or no

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<sup>1</sup> The trained strength information shows the number of U18s who have completed their Phase 2 (trade) training and have transferred to their units.

<sup>2</sup> Provisional data, due to the introduction of a new personnel administration system for all three Services.

qualifications are given the chance to acquire new skills and qualifications that not only prepare them to succeed in their chosen career, but are recognized outside the armed forces. While some stages of training and education are conducted in formal training establishments, much of the emphasis is on work-based learning.

20. The armed forces recognize that the people whom they employ are the most important factor in fulfilling the mission to defend the United Kingdom and its interests. To gain support for its work from the nation as a whole, it needs to reflect the society it serves. The United Kingdom is a rich and diverse nation with people from a very wide range of cultures and backgrounds. The armed forces aim to create a working environment in which everyone is not only valued and respected for their unique contribution but encouraged to realize their full potential, regardless of race, ethnic origin, religion, gender, social background or sexual orientation. Our young people, in particular those who are under 18 years of age, are one component of our diversity.

### **Care and welfare**

21. We appreciate the importance of understanding and addressing the particular requirements of those under the age of 18. We recognize that whilst maturity and experience vary considerably between individuals, we agree that under 18s may be more vulnerable than their elder peers and that their care requires particular attention. Commanding officers take their responsibilities towards all their people extremely seriously, and they are well aware of the particular welfare needs of younger recruits and trainees, even if they are not formally in loco parentis.

22. Work to improve the care regime has included the publication of the Guidance Note on the Care of Under 18s in July 2005, and the revision and reissue of this policy in March 2007 in light of the HCDC Duty of Care report and the Deepcut Review. The policy covers all aspects associated with the care of young service personnel, including the legal requirements associated with those aged under 18.

23. From March 2006 individual training establishments have been subject to the supervisory care policy (2006 DIN06-049). The policy mandates the determination of a supervisory care directive, underpinned by a unit commander's risk assessment. The supervisory care directive highlights areas where detailed care responsibilities are required, for example, recruit arrival. The unit commander's risk assessment takes account of the particular factors of the environment, the age of the trainee population, the type of training being undertaken. The policy mandates that minimum acceptable levels of supervision are determined from the commander's risk assessment and must be articulated against the relevant serials during the working day, out of hours, weekend and leave periods. The policy mandates that as part of the induction process, all staff and recruits/trainees are to have appropriate details of the directive explained to them.

24. The MoD harassment complaints procedures were first published on 1 April 2005, and updated on 31 January 2007. It is MoD policy that all personnel have a right to be treated with dignity at work, and a responsibility to help ensure a working environment in which the dignity of others is respected. Harassment and bullying will not be tolerated. The procedures establish how complaints should be made; how they should be responded to; and how they will be



investigated and decided upon, as well as providing guidance for those responsible for advising parties to a complaint. They apply to all service and civilian personnel, including those aged under 18. The procedures will be reviewed again in early 2008 to take into account changes arising from the 2006 Armed Forces Act.

25. The contrast between civilian and military life is apparent from the moment the recruit enters the initial training environment and, as the population under 18 is greatest in number at this point, increased emphasis has been placed on ensuring that recruits are provided with essential information from the outset. One particular measure has been to provide a small information card to recruits, which provides essential welfare and staff support telephone numbers. In the Army, recruits each receive a leaflet containing essential information including an indication of what the responsibilities of the chain of command are towards them and what, in turn, is expected of the recruit. This is sometimes referred to as a covenant. Throughout the recruiting process potential recruits have the opportunity to learn more about front-line roles, trades and branches. Some recruits will have had the opportunity to experience sea training activities at HMS Caledonia and Army Look at Life schemes prior to entering training. During initial training links to future regiments, corps and units are developed through the service staff based as instructors within training establishments and visits to front-line units are arranged where possible.

26. The importance of the support of family and friends to the recruit during initial training is recognized by the Services, and the opportunity for parents and/or guardians to visit the training unit to attend open days and passing out parades is encouraged and supported.

### **Safeguards**

27. The British Armed Forces are currently involved in a comprehensive joint review of all recruiting processes and procedures. The aim of the review is to harmonize individual service processes wherever practicable and to capture data on a single, joint IT system.

28. Upon ratification of the Optional Protocol, the United Kingdom announced the following safeguards in respect of voluntary recruitment into the armed forces:

- The United Kingdom Armed Forces are manned solely by volunteers; there is no compulsory recruitment;
- A declaration of age, backed by an authoritative, objective proof (typically the production of an authentic birth certificate) is an integral and early requirement in the recruitment process. Should an individual volunteering to enter the United Kingdom Armed Forces be found either by their own declaration or by inspection of supporting evidence of age to be under 18 years of age, special procedures are adopted. These procedures include:
  - The involvement of the parent(s) or legal guardian(s) of the potential recruits;
  - Clear and precise explanation of the nature of duties involved in military service to both the individual and their parent(s)/guardian(s);

- Explaining the demands of military life to the individual volunteer and establishing that he/she remains a genuine volunteer, the requirement that the parent(s) or guardian(s), having been similarly informed, freely consent to the individual's entry into the armed forces and duly countersign the appropriate application or other appropriate recruitment process forms.

These safeguards are still in place and continue to be applied rigorously.

### **Recruiting processes**

29. The recruiting process is designed to protect the interests of the applicant at every stage. The process is the same for applicants under the age of 18 and those over 18, except for the mandatory written consents of parents/guardians at the application and attestation stages for under 18s. Extensive screening is carried out of the suitability for service of all applicants regardless of age. A detailed description of the recruiting process for each Service, from the initial expression of interest until the completion of training and integration into the armed forces, is at annex E.

### **Medical examinations**

30. The armed forces require anyone who enters to be medically fit to serve worldwide. New entrants undergo intensive training which is physically demanding and mentally taxing, therefore the service medical authorities need to be made aware of an applicant's medical history. An application may be rejected if an individual fails to meet the minimum acceptable standard for entry. There are a number of medical conditions which can make a person permanently unsuitable for entry into the armed forces and these are set out in armed forces careers office (AFCO) form 5 - Application Form Information and Guidance Booklet (attached at annex F). For commissioned officers a medical attendant's report (MAR) is requested from the candidate's general practitioner (GP) and the matter is reviewed by the President of the Medical Board. Following a consultation and examination, candidates may be referred to a specialist for a second opinion. Further details on the medical procedures followed by each Service prior to recruitment are at annex G.

### **Proof of age**

31. At the initial interview, all candidates are asked to produce original birth certificates and other identity documents such as passports and driving licences so that their age can be checked by recruiting staff. The application cannot be processed until this has been done.

### **Minimum service/early discharge**

32. The armed forces operate a policy whereby all new recruits under the age of 18 have a right of discharge within the first 6 months of service by giving not less than 14 days notice (28 days for the RAF) in writing to the commanding officer if they decide that a career in the armed forces is not for them. In addition, service personnel under 18 years have the right to discharge at any time before their eighteenth birthday provided they give the required notice.

33. As a further safeguard, personnel under the age of 18 years, 3 months, who have passed their statutory six month period for “discharge as of right”, and have, before reaching their eighteenth birthday, registered clear unhappiness at their choice of career, can request permission to leave the armed forces. This provision does not provide “discharge as of right” and the commanding officer has discretion to delay a decision on discharge if he has doubts about the permanence of the individual’s unhappiness. However, it is exceedingly rare for such an unhappy individual to be refused permission to leave.

34. These safeguards ensure that young servicemen or women under the age of 18 years may, if they wish, leave the armed forces before committing to adult service, and that any commitment to adult service is both considered and voluntary.

### **Military justice**

35. There are no special considerations a commanding officer must take into account when referring a person under 18 years of age for court martial trial, other than writing to notify his or her parents. Members of the armed forces under the age of 18 are subject to the same military justice system as adults. However, a court-martial’s attention will always be drawn to the age of an accused person if they are under 18, and witnesses under that age before a court martial are eligible for assistance and special measures equivalent to those that apply in relation to such witnesses in a civilian trial. Provisions governing the sentencing of such persons by courts-martial broadly correspond to the civilian system, with any differences in the sentencing options available reflecting service conditions. This will continue to be the case when the Armed Forces Act 2006 comes into force in December 2008. In particular, courts-martial are currently prohibited from awarding sentences of imprisonment to persons under the age of 21, as in the civilian system. The age of persons this prohibition applies to will decrease to under 18 years of age for both civilian courts and courts-martial when the relevant civilian provision comes into force; no commencement date for this provision has been set at the date of this report. There are no punishments specific to under 18s available when an accused is dealt with summarily.

### **Information made available to volunteers**

36. Great care is taken to explain the terms of enlistment and to ensure that the precise nature of the commitment<sup>3</sup> is fully understood by potential recruits and their parents. This includes giving recruits copies of forms that explain the terms and conditions of service, including details on rights of discharge that will apply upon entering into service in the armed forces. Parents and guardians are required to consent to the recruitment of those under the age of 18, and we actively engage them in this process to ensure that they too are fully aware of these terms and conditions

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<sup>3</sup> AFCO form 5 states that: “You must realise that in joining the Armed Forces you will be entering a disciplined organisation that has different requirements from civilian life. There will be times when the requirements of the Service take priority over personal needs and, for example, you will be liable for duty at any time of the day or night, seven days a week. In addition, you may be required to serve in any part of the world.”

of service before giving their consent. Moreover, during the recruit selection process, the staff at the armed forces careers offices provide comprehensive written and verbal guidance to all potential recruits, in particular those under 18 years of age and their parents, regarding their terms of service and rights to discharge. Further details of the procedures followed by each Service are at annex H.

### **Incentives/advertising**

37. The Royal Navy (RN) conducts relatively low-level recruiting initiatives; including national press and media campaigns when appropriate. Career advisors attend school presentations when invited, and recruiting personnel with mobile recruiting vehicles attend careers forums, shows and fairs and other outreach activities, where appropriate. RN visibility teams also do demonstrations at a number of venues and the RN student presentation team has a programme of school visits. The RN website has a careers section where potential recruits can draw information and initiate the recruiting process. At a local level regional business managers distribute local news stories and coordinate attendance at recruiting events and local advertising.

38. Army recruiting initiatives include presentations in schools by Army careers advisers (ACA), a variety of Army youth team and Army recruiting team activities, attachments and visits to units, school fairs, Combined Cadet Force (CCF), advertising and marketing initiatives, membership of the Army's Camouflage Club. All activities are supported by a wide range of career guides and information pamphlets, including a guide for parents and guardians printed in seven different languages. The Army also has a careers website.

39. The Royal Air Force (RAF) undertakes press and media advertising at a national level and provides a careers website. They visit schools and colleges, combined cadet forces, air training corps and careers fairs, and have outreach and ethnic minority teams. "Altitude", a youth information website aimed at informing under 18s of the career opportunities available within the RAF, has a separate web address.

40. There are no schools operated by or under the control of the armed forces. There are, however, a number of educational institutions with close links to the armed forces or the Ministry of Defence. These are described below. It should be noted that there is no commitment for students in any of these institutions to serve in the armed forces.

### **Welbeck - the Defence Sixth Form College**

41. Welbeck College is a quad-Service institution for students wishing to join the Royal Navy, the Army, the Royal Air Force, or the Ministry of Defence - usually in a technical trade. The college teaches a science and technology based A-level curriculum designed to prepare students for a technical degree at a leading university. It is co-educational and has become one of the United Kingdom's top sixth form colleges with an outstanding academic reputation. The current male to female student ratio is about 70 per cent male to 30 per cent female. The college has an entry of about 170 students per academic year - therefore the total student population is in the region of 340. Unlike most sixth form colleges, Welbeck offers the full benefits of a boarding education.

42. The students are just that - students with an aspiration to join one of the armed services or the civil service following successful completion of their A levels (two years), a technical degree at a civilian university (three or sometimes four years, depending on the course) and then initial officer training or civil service training. Welbeck students are all civilians, volunteers and aged between 15 years and 17 years, 6 months, on 1 September in the year of entry to the college. They are not members of the armed services and therefore have no call-up liability, nor is there a formal commitment to join the armed forces or the civil service having taken up a place at the college. Further details on Welbeck College are at annex I.

### **The Queen Victoria School and the Duke of York's Royal Military School**

43. The Queen Victoria School in Dunblane and the Duke of York's Royal Military School in Dover are independent, co-educational boarding schools that exist to provide stability and continuity of education for the children of service personnel. They provide an environment where the unique challenges faced by military families are well understood. Both follow the national curriculum and receive significant MoD funding.

### **Service Children's Education (SCE)**

44. SCE is a Ministry of Defence agency which provides education for dependent children residing with MoD personnel serving outside the United Kingdom. It operates 43 schools in nine countries around the world, educating some 10,500 children. All SCE schools follow the national curriculum.

### **The cadet corps**

45. The MoD also supports a number of cadet corps as part of the Government's youth policy. These corps are youth organizations which provide opportunities for young people between the ages of 12 and 19 to gain self-confidence and self-discipline, develop leadership qualities and become responsible citizens. The cadet corps are not part of the armed forces and have no operational role; nor are they conduits for entry into the armed forces.

## **Article 4**

### **Armed groups**

46. There are no armed groups operating on or from United Kingdom territory.

## **Article 5**

### **More favourable provisions**

47. It has not been necessary to introduce national legislation to implement the Optional Protocol. However, a wide range of legislation has been introduced in the United Kingdom to improve the ability of children to realize their rights more generally. This is set out and discussed at length in the third report of the United Kingdom on its implementation of the Convention.

48. At the international level, the United Kingdom is party to ILO Conventions No. 29 of 1930 on Forced Labour, and No. 182 of 1999 on the Worst Forms of Child Labour and also to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime (UNTOC), all of which are relevant to child conscription. The United Kingdom is a strong advocate for placing an increased focus on this issue at the United Nations. A working group has been established following the adoption of Security Council resolution 1612 (2005) on children and armed conflict, which asked the Secretary-General to implement a mechanism for monitoring and reporting on the situation of children affected by armed conflict. The United Kingdom supports, and is actively involved in, the working group's activities, including, for example, the negotiation in 2006 of concrete recommendations for action by the group and the Council on violations in the Democratic Republic of the Congo and the Sudan. The United Kingdom similarly supported the Security Council's stocktaking of this area of work in a Security Council debate on children and armed conflict in July 2006.

49. Following the publication of the report of the Secretary-General on children and armed conflict in October 2006, we actively participated in the Arria Formula meeting with non-governmental organizations (NGOs) on 27 November, and the Security Council's open debate on 28 November 2006. In its intervention, the United Kingdom welcomed the Secretary-General's report; expressed concern about the increasing migration of child soldiers across borders; and stressed the need to find ways to refine existing strategies for demobilizing, rehabilitating and reintegrating children associated with armed groups, particularly girls. We also drew attention to the situation of pressing concern in Sri Lanka.

50. The United Kingdom - through the European Union (EU) - has also focused on this issue in the Human Rights Council. In its general statement to the third session of the Council in December 2006, the EU Presidency stressed the particular importance of protecting children during armed conflict and drew attention to the effect on children of conflicts in Sri Lanka, Darfur and Myanmar. In the same debate, the United Kingdom strongly condemned violence committed against children and stressed that more needed to be done to turn international commitments into action. Specifically, we called on the Lord's Resistance Army in Uganda to release all non-combatants, including children. And we underlined the impact on children of the internal conflict in Colombia.

51. We have also supported wider international efforts to tackle the unlawful use of child soldiers. In February 2007, we actively participated in the "Let Us Free Children from War" conference hosted by France and UNICEF (United Nations Children's Fund). At this conference, we endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed groups.

## **Article 6**

### **Implementation and enforcement**

52. We were satisfied at the time of ratification that the provisions of the Optional Protocol were already fully implemented in United Kingdom policies and procedures and therefore no amendment to legislation was required to give effect to the Protocol in domestic law. For the

same reasons, no subsequent review of domestic legislation has been necessary. There are no plans to remove the reservations lodged at the time of ratification. Details of the new protective measures that have been introduced to reduce the risk of under 18s being involved in hostilities are set out in paragraphs 8 to 11 above.

53. We have recently conducted a comprehensive review of service law, which has led to the replacement of the current discipline acts with a new Armed Forces Act 2006. This review is in no way related to the Optional Protocol, but there is one matter which may be of interest to the Committee. Section 328 of the Armed Forces Act 2006 covers enlistment (voluntary enlistment only as the United Kingdom does not have compulsory enlistment). It provides *vires* to make regulations as to enlistment by statutory instrument, and provides (at section 328, paragraph (2), (c) and (d)) that the enlistment regulations may prohibit the enlistment of persons under the age of 18 without the consent of prescribed persons (it is intended that these will be parents or legal guardians), and deeming a person, in prescribed circumstances, to have attained or not have attained the age of 18. These provisions reflect the existing law.

54. The Ministry of Defence is responsible for the implementation of the Optional Protocol in close cooperation with the relevant single-service authorities. There is no delegation to regional or local authorities. The MoD takes the duty of care of all its personnel extremely seriously, including and in particular that of young recruits and trainees. As such, the policies related to the management and well-being of those under the age of 18 are regularly reviewed with a view to sharing best practice across the three Services and to ensuring that our commitments with regard to the Optional Protocol are fulfilled. We also recognize the valuable role that other organizations also play in ensuring the well-being of service personnel under 18, and cooperate fully with them, including, for example, external authorities such as the Children's Commissioner. The MoD works closely with welfare service providers and local authorities to ensure the well-being and welfare of all under 18s in the armed forces.

55. We seek to provide all new entrants to the armed forces, both officers and other ranks, with training on the law of armed conflict (LOAC) during initial training and specialist training courses. Such training, given in part to discharge the duties of the United Kingdom as a State party to the Geneva Conventions and to the Additional Protocols thereto, has been delivered across the Services throughout the past four years. On entry into productive service, Army and Royal Marines personnel renew this training at least annually, at a level and frequency that is appropriate to rank, role and force readiness. In addition, officers receive enhanced packages during their career development and through attendance at the Joint Services Command and Staff College, where they receive education on the analysis of international law, the role of ethics and their impact on military operations.

56. Prior to an operational deployment to an operational theatre, all personnel are expected to receive pre-deployment training (PDT), either collectively or as individuals, to allow them to apply the principles of LOAC to the specific operational theatre. In addition, all personnel receive an additional theatre-specific operational law brief and cultural awareness training as part of PDT.

57. Joint Doctrine Publication (JDP) 1-10: “Prisoners of War, Internees and Detainees” was published in May 2006. This provides high level joint doctrinal guidance on how to deal with persons who fall into the hands of the British Armed Forces during military operations. Chapter 2B on the treatment of juveniles and children is reproduced at annex J.

58. The Optional Protocol and the associated Explanatory Memorandum were laid before Parliament in 2003 and are freely available via the Foreign and Commonwealth Office website. Recruitment of under 18s is governed by a set of detailed regulations. These are consistent with the Optional Protocol and those responsible for recruitment are aware of these regulations. It is their responsibility to ensure that appropriate information is made available to under 18s being recruited and, where relevant, to their parents or guardians.

### **Release from service**

59. Information is not held separately on the numbers of under 18s who opt to leave the armed forces. Generally, under 18s have a statutory right to discharge during their first six months of service or until they are 18 years and 3 months old, whichever is the earlier. Specific provision also exists within the Royal Navy and the Army for “unhappy juniors” under 18 to be discharged notwithstanding that their six month statutory period of discharge has passed. Provisions also exist for personnel of any age to be discharged on compassionate or temperamental unsuitability grounds. Regardless of the means of discharge, it is the policy that commanding officers (COs) ensure that before discharge:

- The individual has contacted his or her parent(s)/guardian(s) and will return to them or has their permission to return to a different address. If the parent(s)/guardian(s) will not accept the under 18 back into the home, or the under 18 does not wish to return, then the CO should liaise with the Social Services, and with the Soldiers, Sailors, Airmen and Families Association (SSAFA)<sup>4</sup> if appropriate;
- The individual has been provided with a rail warrant, departure times of trains that will return him/her home by 23.59, and is provided with transport (or fare) to the nearest railway station. Where arrival by 23.59 is not possible the under 18 should be provided with accommodation overnight;
- The individual has sufficient funds for incidental expenses;
- The parent(s)/guardian(s) have been contacted and provided with arrival details. The discharging unit should contact the arrival address the following day to ensure the individual has arrived. If he or she has not arrived, any follow-up action should be agreed with the parent(s)/guardian(s).

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<sup>4</sup> The Soldiers, Sailors, Airmen and Families Association is a national charity helping serving and ex-service men, women and their families, including widows and widowers in need.



60. No legal provisions criminalizing the recruitment of children have been adopted, as that is not necessary to ensure the effective implementation and enforcement of the Optional Protocol within the United Kingdom.

61. The age of full criminal responsibility under English law is 14, so a member of the armed forces who is aged between 16 and 18 has the same criminal liability for any crime they may have committed as an older person, and they are liable to trial by court-martial (which is a trial procedure compliant with the European Convention on Human Rights).

## **Article 7**

### **Prevention, rehabilitation and social integration**

62. The United Kingdom supports humanitarian programmes and projects run by UNICEF, the United Nations High Commissioner for Refugees (UNHCR) and NGOs that include providing support to child soldiers. For example, we support UNHCR to work with and provide protection and humanitarian assistance to displaced children. The United Kingdom's new institutional strategy (IS) with UNHCR for the years 2007-09 includes priority objectives about age, gender and diversity mainstreaming throughout UNHCR's programmes. We expect this to improve efforts to address the needs of the most vulnerable, including displaced children. In 2005, the United Kingdom provided £30 million to UNHCR, of which £20 million was core IS funding. In 2006, in addition to our contributions to UNHCR through country-based offices, we also provided £20 million core IS funding. United Kingdom funding for UNICEF has also included a focus on children affected by armed conflict. Our current support for UNICEF aims to improve the capacity of the organization for evidence-based advocacy in relation to violations against children. In relation to the NGO sector, the United Kingdom has funded Save the Children to train a number of child protection officers over a period of five years with the intention of addressing the issue of insufficient capacity in the protection sector of the humanitarian system. We also provide support for the Women's Commission for refugee women and children and we help to fund the Watchlist on Children and Armed Conflict to raise international awareness about these issues.

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