

CHILD SOLDIERS

INTERNATIONAL

An assessment of the implementation of the recommendations of the UN Committee on the Rights of the Child on the UK's compliance with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC)

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In 2008, the UN Committee on the Rights of the Child (CRC) reviewed the UK's implementation of its obligations under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and made a number of recommendations to improve compliance.¹ This briefing assesses the extent to which those recommendations were implemented throughout 2011.

In 2011 the UK government continued to recruit children² into the armed forces in large numbers: 2,760 children were recruited in the financial year to 1 April 2011.³ Children constituted 24.1 per cent of the armed forces total recruitment intake for the year, and 29.8 per cent of intake in the Army alone.⁴ This was contrary to the CRC's recommendation that the UK should reconsider its policy of actively recruiting children and raise its minimum recruitment age to 18 years. The UK continues to operate the lowest recruitment age in Europe, and is the only permanent member of the UN Security Council to recruit 16 year-olds.

In stark contrast to the steady downward trend evident over the previous decade, the number of children recruited into the armed forces rose significantly in 2011.⁵ The increase resulted from a four percent rise in the recruitment of 16 year-olds which meant that for the first time on record the UK recruited more 16 year-olds than 17 year-olds. This was in direct contravention to the CRC's

¹Committee on the Rights of the Child, *Concluding Observations on the initial report of the United Kingdom of Great Britain and Northern Ireland under the Optional Protocol on the involvement of children in armed conflict* (UN Doc: CRC/C/OPAC/GBR/CO/1) 2008.

² "Children" are defined in the Convention on the Rights of the Child as all human beings below the age of 18 years.

³ TSP Annual Report, *Table 7: UK Regular Forces intake by Service and Age, Financial Year 2010/2011*, www.dasa.mod.uk.

⁴ Ibid.

⁵ Figures refer to children as a percentage of all new recruits.

recommendation that, for as long as it continued to recruit children, the UK should prioritise recruitment of the oldest among child recruits.

Despite these high recruitment levels, dissatisfaction with armed forces life contributed to maintaining a high drop-out and discharge rate of child recruits. In the financial year to 1 April 2011, 26.9 per cent of children dropped out of initial training.⁶ This was significantly higher than the average drop-out rate of adult recruits.

Following revelations that children had been imprisoned for attempting to leave the armed forces without authorisation (going absent without leave) in June 2011 the Ministry of Defence introduced new regulations granting children in the armed forces the right to be discharged up until their eighteenth birthday.⁷ This amendment addressed the CRC's recommendation that the UK expand the right of discharge for child recruits. However, the new regulation allows commanding officers to delay a recruit's discharge by up to three months following notification of their wish to leave.

The Ministry of Defence has still not amended regulations which require children recruited into the Army to serve a longer minimum service period than adults, contrary to national legislation prohibiting age discrimination in terms of employment. The RAF and Navy ended age discrimination in their terms of service in 2001. The CRC had recommended that this discrepancy be amended, echoing the same recommendation made previously by Parliament's Select Committee on the Armed Forces Bill in 1991 and 1996.⁸

This recommendation was repeated by Parliament's Joint Committee on Human Rights (JCHR) in its legislative review of the Armed Forces Bill,⁹ which passed through Parliament in 2011. The JCHR further recommended that Parliament review the service of children in the armed forces, expressing concern at various aspects of current policy, and called on the Government to adopt an action plan for responding to the recommendations of the CRC.

The UK has still not amended its policies or procedures in relation to deployment of children into hostilities. Despite the fact that international law requires the UK to take all feasible measures to prevent children from participating in hostilities, in 2011 it was revealed that five underage soldiers were deployed to Afghanistan and Iraq between 2007 and 2010.¹⁰ These deployments were in addition to the fifteen underage soldiers already known to have been deployed to Iraq between 2003

⁶ Hansard: HC Deb, 7 February 2011, c26W.

⁷ *The Armed Forces (Terms of Service) (Amendment) Regulations 2011*.

⁸ *Special Report from the Select Committee on the Armed Forces Bill Session 1990-1991, Special Report from the Select Committee on the Armed Forces Bill Session 1995 – 1996*.

⁹ House of Lords / House of Commons Joint Committee on Human Rights, *Legislative Scrutiny: Armed Forces Bill Session 2010–11*, May 2011.

¹⁰ Letter to the Committee Chair from Rt Hon Andrew Robathan MP, Minister of State for Defence Personnel, Welfare and Veterans, Ministry of Defence, 28 February 2011. Cited in House of Lords / House of Commons Joint Committee on Human Rights, *Legislative Scrutiny: Armed Forces Bill Session 2010–11*, May 2011.

and 2005.¹¹ The CRC had recommended that the UK should review its policy and practice to ensure children are not exposed to the risk of taking part in hostilities.

During the passage of the Armed Forces Bill through Parliament, MPs and Lords raised concerns about Britain's policy on child recruitment. Amendments to the Bill regarding the recruitment of children were tabled at Select Committee stage, in the House of Commons, and in the House of Lords. Particular concern was expressed at the poor educational provision for children in the armed forces after questions in Parliament revealed that the academic curriculum for children at the Army Foundation College (Harrogate) did not include GCSEs, A-levels, BTECs, HNCs, HNDs, or NVQs. Recruits studied Level One Functional Skills in English and Maths and a Level Two IT diploma.¹² Over the 50 week training period, total study time equated to approximately one hour per day. The range and level of courses on offer was much more limited than equivalent educational provision for children who remained in school or college. None of the amendments concerning minors were included in the final draft of the Bill.

¹¹ Hansard: HC Deb, 1 February 2007, c508W.

¹² Hansard: HC Deb, 18 July 2011, c578W.