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UNITED KINGDOM
U-18s: Report on Recruitment and Deployment of Child Soldiers

Introduction

In the United Kingdom (UK), members of the armed forces under the age of 18 (under-18s) are not merely recruited and trained: they are also sent into the battlefield. The UK has the lowest deployment age in Europe and it is the only European country to routinely send under-18s into armed conflict situations.[1] This policy has cost the lives of four children since 1982. Two 17-year-old soldiers and one 18-year-old on the day of his birthday died in the Falklands war. Out of the approximately 200 under-18s who were sent to the Gulf by the UK armed forces in 1990, two died and some of those who returned are reportedly suffering from "Gulf War Syndrome". The UK has the largest recruitment of under-18s in Europe -- between March 1998 and March 1999, 9,466 under-18s were recruited to the UK armed forces.[2]

The United Nations Convention on the Rights of the Child (CRC), ratified by the UK in 1991, defines a child as "every human being below the age of eighteen years, unless under the law applicable to the child majority is attained earlier". The age of majority in the UK is 18 years; no one below 18 is allowed to vote.

Jason Burt was 17 when he died in 1982 in the battle of Mt Longdon, in the Falklands. Not long before being deployed to the South Atlantic, he was told that he was too young to donate blood. He was too young to vote. Yet, he was not too young to be sent to war and to die. His mother said: "He wrote to us from the South Atlantic saying he had wanted to join up and potentially to go to war, but had not expected he would be going to war quite so soon". His father added: "I kept saying he was just a boy, but they kept saying he was a professional soldier." (The Daily Telegraph, 19 October 1999)

[1] "The use of children as soldiers in Europe", Coalition to stop the use of child soldiers, February 2000 (The Coalition's report). In the Coalition's report, Europe includes the former USSR states (apart from the Central Asian ones) and Turkey. The Coalition's website is at www.child-soldiers.org.

[2] The Coalition's report. In the UK there is no conscription to a national service.

Amnesty International opposes both the participation of children in hostilities and their recruitment, voluntary and compulsory, whether on the part of governments or of armed groups. Amnesty International believes that both deployment and recruitment jeopardize the physical and mental integrity of anyone below the age of 18 years. The organization opposes deployment[3] of children in hostilities because it exposes them to the risks of being killed, injured and mentally traumatized. It opposes recruitment because governments, including the UK, have repeatedly stated that they cannot guarantee the non-use in hostilities of trained under-18 recruits, as it may prove impractical to withdraw them from their units.

In June 1998 Amnesty International, together with other international non-governmental organizations[4], launched the Coalition to Stop the Use of Child Soldiers (the Coalition). The Coalition has campaigned to raise to 18 the minimum age for participation in hostilities and recruitment into governmental and non-governmental armed forces, all over the world.

With the adoption by the United Nations General Assembly of the Optional Protocol to the CRC on the involvement of children in armed conflict (the Optional Protocol), states parties are required, among other things, to 'take all feasible measures' to ensure that

[3] Deployment can mean sending troops to a conflict zone or to a situation in which they can take a direct, or indirect, part in hostilities.

[4] The Coalition's steering committee currently includes, apart from Amnesty International: Defence for Children International, Human Rights Watch, the Jesuit Refugee Service, the Quaker United Nations Office, Radda Barnen for the International Save the Children Alliance, Terre des Hommes, World Vision International and several regional non-governmental organizations from Latin America, Africa, Asia.

under-18 members of their armed forces do not take 'a direct part in hostilities' (Article 1). Although the UK signed[5] the Optional Protocol in September 2000, it added a declaration which states that the UK understands that Article 1 of the Optional Protocol would not exclude the deployment of members of its armed forces under the age of 18 to take a direct part in hostilities where: a) there is a genuine military need to deploy their unit or ship to an area in which hostilities are taking place; and b) by reason of the nature and urgency of the situation either because it is not practicable to withdraw such persons before deployment, or because to do so would undermine the operational effectiveness of their unit, and thereby put at risk the successful completion of the military mission and/or the safety of other personnel.

The terms of the declaration coupled with UK armed forces' practice, which has shown that recruits will be deployed if foreign policy requires it, whatever their age, has given rise to Amnesty International's concern that the UK is unwilling to change its current policy of deploying trained child soldiers. They also reinforce the organization's belief that the only certain way of preventing under-18s from going into battle is to stop their recruitment.

Recruitment puts at risk the physical and mental integrity of children not only because it can lead to deployment but also for other reasons:

[5] Signature of a treaty has no binding effect in international law. It is only by ratifying a treaty that a state becomes a party to it and is bound by its provisions. The UK is not, to date, a party to the Optional Protocol.

* once recruited, children are members of the armed forces. Under international humanitarian law, which distinguishes 'civilians' from 'combatants', members of the armed forces, even if not taking part in hostilities, are considered 'combatants' and constitute lawful military targets, i.e. they can be lawfully killed;
* some aspects of recruits' training -- particularly live-ammunition exercises and physical endurance programs -- have proved to be lethally dangerous on a number of occasions. For example, in March 2000, a 17-year-old Royal Marine was shot and killed, allegedly because of a mix-up of live and blank ammunition, during a training exercise at Lympstone, Devon; and in October 1998 at the same training centre in Lympstone a 16-year-old Royal Marine drowned during a river-crossing exercise on Dartmoor;
* power relationships in the military often leave young recruits vulnerable to bullying, harassment, abuse, sometimes even rape.

In August 1997 a 17-year-old recruit based at the Army Training Regiment in Pirbright, Surrey, was raped by a 29-year-old drunken instructor at Fremington Adventure Camp, Devon, where they were on manoeuvres. During the trial the following year, she reportedly said: "I didn't shout out because he is a sergeant and a higher rank. You don't disrespect your boss. ... I said I wanted to go and that I wanted my mum". Another recruit who was on the course told the court that she was woken by the girl and that "she was crying and in a state. She said Sgt ... had been touching her and that they had sex but she didn't want to. She was too scared to report it because we had reported an incident a week before but hadn't been taken seriously. We were charged and fined." After the rape the girl went absent without leave but then reported what had happened. The sergeant was sentenced to seven years' imprisonment and dismissed from the army. (The Daily Telegraph, 21-22 October 1998 and 21 November 1998)

- In May 2000 a court martial heard the case of a 17-year-old rifleman from the King's Regiment who deserted reportedly because of a brutal initiation rite and a campaign in which he

was subjected to systematic violent bullying, including from his superiors.

- In February 1999, a court martial found two senior riflemen of the regiment's 1st battalion at Bulford camp guilty of disgraceful conduct of an indecent kind for having mistreated three teenage recruits who were beaten, stripped and forced to dance naked in front of soldiers from their unit.

This report by Amnesty International outlines the international humanitarian and human rights laws which are binding on the UK, and examines the deployment policy of the UK armed forces and the risks to the physical and mental integrity it involves for child soldiers in the light of the UK's legal obligations. It then analyses some features of recruitment procedures, training and the treatment of under-18s in the UK armed forces.

In the light of the findings of this report, Amnesty International calls on the UK government to stop both the recruitment and the deployment of child soldiers and to ratify the Optional Protocol to the CRC without any reservation. A number of other recommendations are included at the end of the report.

1. International standards on minimum age for recruitment and participation in hostilities

International standards on minimum age for recruitment and participation in hostilities are enshrined in international humanitarian

law, namely in the 1977 Additional Protocols to the Geneva Conventions of 1949, and in a number of international human rights instruments. The following are relevant to the UK:

- Article 77 (2) of Additional Protocol I, relating to the protection of victims of international armed conflicts, adopted in 1977 and ratified by the UK in 1998, requires parties to an international conflict to take 'all feasible measures' in order that children under 15 years of age do not take 'a direct part in hostilities' and to refrain from recruiting under-15s into their armed forces. In recruiting children between 15 and 18 years of age, it requires states parties to 'endeavour' to give priority to the oldest. Article 4 (3) (c) of Additional Protocol II, relating to the protection of victims of non-international armed conflicts, adopted in 1977 and ratified by the UK in 1998, states that children under 15 years of age shall neither be recruited into the armed forces or groups nor allowed to take part in hostilities.

- In 1989 the UN General Assembly adopted the Convention on the Rights of the Child (CRC), which was ratified by all but two countries in the world. Article 1 of the CRC states that "*For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier*". (The age of majority in the UK is 18.) The CRC designates to all children a

special legal status because of their vulnerability.[6] Special safeguards are set out to protect them in almost every aspect of their life, with the noteworthy exception of their recruitment in the armed forces and participation in hostilities.[7] Notwithstanding the attempts made by several states and many international governmental and non-governmental organizations, the governments negotiating the draft of the CRC could not agree to rectify this inconsistency by raising the minimum age for recruitment and participation in hostilities to 18 years. Article 38 (2) and (3) of the CRC merely reiterates international humanitarian law minimum standards, requiring states parties to take "all feasible measures to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities", to refrain from recruiting any person below the age of 15 years into their armed forces and, in recruiting those between the ages of 15 and 18 years, to 'endeavour' to give priority to those who are oldest.

· A higher standard of protection for children in international law was achieved in May 2000 with the adoption by the UN General Assembly of the Optional Protocol to the CRC on the

[6] Some of the activities which under -18 recruits are required to perform and some aspects of life in the armed forces may be of concern also in the light of international standards which establish the minimum age for the performance of certain types of work. (See the 1973 International Labour Organisation Convention concerning minimum age for admission to employment (C 138), and the 1999 ILO Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (C 182).)

[7] Article 38 of the CRC.

involvement of children in armed conflict[8]. Articles 1 to 6 of the Optional Protocol require states parties:

- to 'take all feasible measures' to ensure that under-18 members of their armed forces do not take 'a direct part in hostilities';
- to ensure that under-18s are not 'compulsorily' recruited into their armed forces;
- to raise the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in Article 38 (3) of the CRC (i.e. 15 years); however, this requirement does not apply to schools operated by or under the control of the armed forces of the states parties in keeping with Articles 28 and 29 of the CRC;
- to deposit a binding declaration, upon ratification or accession, which sets forth the minimum age at which they will permit voluntary recruitment into their armed forces and a description of the safeguards to ensure that such recruitment is not forced or coerced;
- if they permit voluntary recruitment of under-18s into their armed forces, states parties are required to maintain safeguards to ensure, as a minimum, that such recruitment is genuinely voluntary, is done with the informed consent of the child's

[8] As of 3 October 2000, the Optional Protocol to the CRC had been signed by 70 countries, including the United Kingdom, and ratified by 3 countries, and was not yet in force. The Optional Protocol to the CRC shall enter into force three months after the deposit of the 10th instrument of ratification or accession (Article 10(1)). For the full text of the Optional Protocol, see the website of the UN High Commissioner for Human Rights at www.unhchr.ch.

parents or legal guardians, and that reliable proof of age is provided prior to acceptance into national military service;
- to take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of the treaty and to make them widely known to adults and children alike.
The Optional Protocol to the CRC also states that armed groups distinct from the armed forces of a state "should not, under any circumstances, recruit or use in hostilities" persons under 18 years of age, and states parties are required to take all feasible measures to prevent such recruitment and use by armed groups.

· In July 1998 a UN diplomatic conference, convened in Rome, adopted the Rome Statute of the International Criminal Court (the "Rome Statute") establishing an International Criminal Court (ICC). When this treaty enters into force, the ICC will have jurisdiction over the most serious crimes of concern to the international community as a whole, namely genocide, crimes against humanity, war crimes and the crime of aggression.[9] War crimes which the ICC will have the authority to prosecute include "conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities" in international armed conflicts (Article 8 paragraph 2(b)(xxvi)) and "conscripting or

[9] The ICC will be formally established after 60 countries have ratified the Rome Statute. As of 2 October 2000 the Rome Statute had 114 sigNatories and 21 ratifications. The UK signed it in November 1998. The Queen's Speech of November 1999 mentioned the intention to ratify it, but it has not been ratified yet as of 1 November 2000.

enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities'' in armed conflicts not of an international character (Article 8 paragraph 2(e)(vii)).

According to international legal instruments which specifically address the issue of a minimum military age, this can currently range from 15 to 18 depending on a number of circumstances (such as the international or internal nature of the conflict, whether the recruiter is a state or an armed group and the interpretation of 'feasible measures' to ensure that under-18s are not deployed).

However, in addition to the general recognition by the international community that all persons below the age of 18 years enjoy a special legal status and are entitled to special protection, the benchmark of 18 is increasingly used in international law as the age below which special protection should be afforded in specific fields. For example, the death penalty and sentences of life imprisonment without possibility of release cannot be imposed on persons who were under the age of 18 at the time the crime was committed.[10]

[10] Under Article 37(a) of the CRC; Article 6(5) of the International Covenant on Civil and Political Rights; Paragraph 3 of the Safeguards guaranteeing protection of the rights of those facing the death penalty; Rule 17.2 of the Beijing Rules; Article 4(5) of the American Convention on Human Rights; Article 68 of the IV Geneva Convention; Articles 6 and 7 respectively of the Additional Protocols to the Geneva Conventions. Also the UN Rules for the Protection of Juveniles Deprived of their Liberty define a juvenile as *every person under the age of 18* (Rule 11(a)).

2. Deployment of under-18s in situations of armed conflict

2.1 The risks to their physical and mental integrity

Chances of deployment for UK armed forces recruits are not theoretical. In 1999 it was estimated that over 47 percent of armed forces' personnel was on mission overseas or in Northern Ireland. In July 1999, 15,000 armed forces' members were deployed in Northern Ireland; 17,800 in Germany; 230 in Gibraltar; 4,500 in Bosnia; 10,500 in Kosovo; 2,300 in Cyprus; 80 in Belize; 1,000 in Brunei; 800 in the Falklands.[11]

No exception is made for children: under-18s were deployed to the Adriatic Sea and in the Former Republic of Yugoslavia during the Kosovo crisis. In April 1999, the media reported that the youngest tank driver, a 17-year-old, was "ready for battle" and had already been deployed in Macedonia.[12] As of 18 October 1999, 10 Royal Navy personnel under 18 years of age were serving aboard ships in support of operations in East Timor.[13] UK child soldiers were deployed and two died in the Falklands; about 200 child soldiers were deployed in the Gulf, of whom two died.[14]

[11] "The army: over-stretched and over there", The Economist, 17 July 1999.

[12] MoD letter to Amnesty International of 1 December 1999. "Youngest tank driver is ready for battle at just 17", The Sunday Telegraph, 11 April 1999.

[13] MoD letter to Amnesty International of 1 December 1999.

[14] The 200-figure is reported in the Coalition's report. The source for the figure of two under-18s who died in the Gulf is Hansard, 1 July 1999.

Jason Burt, 17, was killed in 1982 in the battle of Mt Longdon, in the Falklands, while serving in the Parachute Regiment. He is buried in a military cemetery in Aldershot, beside another 17-year-old Falklands victim and one who died on his 18th birthday. According to his mother, soon after getting 'his wings' at 17, he tried to donate blood but was told that he was too young. And he was also told he was too young when he asked to join 1 Para (a different battalion in the Parachute Regiment), which was about to be deployed in Northern Ireland. Yet Jason Burt was not too young to be sent to war. In a letter to his family from South Atlantic, he wrote he had wanted to join the armed forces and potentially to go to war, but had not expected he would be going so soon. His father stated: "I kept saying he was just a boy, but they kept saying he was a professional soldier."[15]

[15] "Falklands victim, 17, was 'just a boy'", The Daily Telegraph, 19 October 1999.

The headstones of a 17-year-old who died in the Falklands. (Tom Pilston, The Independent)

Conrad Cole, 17, was one of the two UK child soldiers who died in the Gulf War, a few weeks after completing his training.[16]

[16] "Britain recruits more minors to serve in its forces than any other European state", The Independent, 19 October 1999.

John was also deployed in the Gulf when he was 17. He returned, but he will never be the same. His real name cannot be revealed and he has never agreed to speak about what happened to him. His mother decided to speak out. In 1997 she wrote to the government that her son returned from the Gulf 'totally broken'. Later she gave an interview to German Radio (ARD) in April 1999 under the false name of Sheila. Sheila and her son believe that anyone who talks about their experience in the army to members of their family or to others may be charged and sentenced by a military court to several years' imprisonment. Sheila told German Radio that John decided to join the army at 15 and at 17 was sent into battle in the Gulf. She said: "His father had been a member of the army, so I thought it'd be alright; it's a job, he's off the streets and working, I never dared to think that they would send him into battle before he was 18. Otherwise I probably wouldn't have signed the training contract." John was at home for vacations when he was ordered via telephone to get in touch with the nearest army airbase. Sheila said she was told by officers in charge that under-18s were not being deployed. She said she thought "They would have a look at them and say you, you and you, you are not yet 18. I was convinced that things would happen like this." But 18 hours after that phone call John had already joined his regiment in the Saudi desert. John had realized he wanted to leave the army before being deployed. In her interview, Sheila stated: "He kept saying 'Mom, try to get me out!' And I kept saying 'No!' -- it seemed to be the best for him, that's why I didn't do

anything. But even if I had tried, I probably wouldn't have been able to get him out."[17]

[17] Interview to German Radio (ARD), April 1999. Letter of 'a very concerned mother' to the MoD, 23 June 1997; reply of the MoD, 31 July 1997; "The breaking of a teenage infantryman", The Independent, 18 January 1999.

In 1999 the Ministry of Defence (MoD) stated that under-18s can also serve in Northern Ireland, but are not permitted to undertake operational patrols.[18] Deployment of under-18s in Northern Ireland is regarded as different from deployment in any other conflict situation by the MoD. In its report of 1995 to the Committee on the Rights of the Child[19], the UK stated that there was an exception to the normal policy on deployment of under-18s in relation to Northern Ireland. Requested to justify this departure from policy, and in particular to explain whether it was due to the insufficient maturity of under-18s for the specific characteristic of service in Northern Ireland, the MoD replied that the cause was not the lack of maturity of young recruits, but the nature and length of the additional, specialist training needed for service in Northern Ireland, which would take them beyond the age of 18 before it was completed.[20] Amnesty International believes that the MoD has not given a full explanation why service in Northern Ireland or the training for the service in Northern Ireland should be regarded as different from, for example, service in Nato peace-keeping operations in Kosovo, where children have been deployed.

Many of the operations in which UK armed forces, including child soldiers, have recently been deployed are peace-keeping operations. Peace-keeping poses a number of problems to armed

[18] MoD letter to Amnesty International, 1 December 1999.

[19] The Committee on the Rights of the Child is established under Article 43 of the CRC. The Committee examines the periodic reports which states parties undertake to submit under Article 44 of the CRC, on the progress in implementing the Convention.

[20] Letter of Quaker United Nations Office, Geneva, to the MoD of 2 August 1995, and reply of the MoD of 18 September 1995.

forces which are traditionally trained to fight wars rather than trained to prevent other groups from fighting and to police countries in which an internal armed conflict has just ended or is still ongoing.[21] Acknowledging the need for special maturity in peace-keepers working in tense post-conflict areas, the UN Secretary General in his capacity as commander-in-chief of UN peace-keeping operations established a new policy in October 1998 on the minimum age of UN peace-keepers, on the basis of which national contingents' soldiers should preferably be 21 years old and at least 18 years old to be deployed in UN peace-keeping missions. The policy is meant to "serve as an example for police and military forces worldwide" and "to ensure that the UN benefit from experienced and mature uniformed personnel able to perform their duties according to the highest standards of the organization". As a consequence, UK child soldiers should not be allowed to serve as UN peace-keepers, and the UK armed forces must withdraw them from the units which are sent to UN peace-keeping operations. Yet, they can still serve as peace-keepers in other inter-governmental forces like Nato.[22]

[21] "From killing to cuddling", The Guardian, 17 August 2000. As noted by some experts, this contradiction between a training which is still aimed at preparing for traditional international conflicts and the different skills and attitude required by the reality of peace-keeping operations is one of the causes of the identity crisis which the armed forces are currently reported to be going through.

[22] Experts have highlighted the lack of specific training to carry out effectively and safely peacekeeping missions. "Training of soldiers for UN duty 'insufficient'", The Irish Times, 13 May 2000. According to the MoD, formations and units conduct about 4-6 weeks of their own designated non-military training for Peace Support Operations, before deploying on such operations. They are also required to complete a mandatory five-day training program provided by the UN Training Advisory Team covering the following non-military topics: stress management; legal aspects of the use of force; law of armed conflict; health training; health and safety training; substance abuse; driving and driver safety; hygiene and environmental health; working with non-governmental organizations; language training; negotiation techniques; media training.

Some recent military campaigns involved specific health hazards. A significant number of the soldiers who were deployed in the Gulf and who returned are currently reportedly suffering from the "Gulf War Syndrome".[23] Sheila, the mother of John, the 17-year-old who returned 'broken' from the Gulf, wrote to the government in 1997 about the health condition of her son. John was very concerned about the injections he had been subjected to during the mission and was going to be treated by a medical program set up to help veterans who believe they are ill because of their service in the Gulf.[24] In its reply to the mother, the MoD acknowledged that many veterans and members of their families believe that the medical countermeasures used in the Gulf to protect UK troops against chemical and biological warfare agents are a cause of illness. The MoD letter referred then to government plans to address such concerns and to research the possible health effects of the combination of vaccines and tablets given to troops in the Gulf: "Our intention is to investigate both the possible overall effects from combined administration of all the vaccines taken in the Gulf war, with or without Nerve Agent Pretreatment Sets tablets, and also specific interactions between particular combinations." An implicit confirmation that there are reasons to be concerned comes from a report, in August 2000, that a legal action was going to be launched against the MoD over the alleged illegal

[23] "Ban on soldiers under 18 resisted by Britain and the US", The Independent, 18 January 1999.

[24] Letter of 'a very concerned mother' to the MoD, 23 June 1997; reply of the MoD, 31 July 1997; "The breaking of a teenage infantryman", The Independent, 18 January 1999.

removal of organs of a Gulf war veteran, aged 24, who died in 1993. The organs were reportedly sent to a military research centre in Wiltshire. According to the Gulf Veterans' Association, the case is not an isolated one.[25]

The MoD has also reportedly failed in the past to reduce the risk of Post Traumatic Stress Disorder (PTSD) and to treat effectively those who are suffering from it. Thousands of soldiers who were deployed in the Falklands, in the Former Yugoslavia, in the Gulf and in Kosovo are allegedly suffering from PTSD. The symptoms of PTSD may range from difficulty sleeping and mood swings, to alcohol abuse, difficulty keeping a job or a relationship, depression, development of violent tendencies or even suicide.

A solicitor representing about 200 soldiers who are considering suing the MoD for failing to recognize their PTSD condition stated that an early screen of recruits to detect potential victims of PTSD could bring about a collapse of the army's recruitment figures.[26] Stress-related disorders have affected under-18s, and the armed forces have not, in some cases, lived up to expectations in supporting their troubled personnel. According to At Ease, an independent organization which provides advice for members of the UK armed forces, children deployed in the Gulf and in Bosnia had to undergo very traumatic experiences such as removing the bodies of dead Iraqi

[25] "MoD 'sent organs for experiments'", The Observer, 27 August 2000. The MoD website www.mod.uk includes a page specifically dedicated to and entitled "Gulf Veterans' Illnesses".

[26] "Screening to weed out soldiers who will crack", The Observer, 17 October 1999.

soldiers they had just shot at, some of whom were not older than 12 years, or dealing with women who were rape victims.[27]

[27] Interview to German Radio (ARD), April 1999.

Although the MoD argues that PTSD is not common in UK armed forces and estimates that there are less than 100 cases a year out of 210,000 personnel, it has nonetheless taken some measures to prevent and manage stress-related disorders, particularly during military operations: all personnel receive a pre-deployment briefing by a military psychiatrist or a military community psychiatric nurse (CPN); the briefings focus on the nature and cause of the stress-related disorders, on how they can be identified at an early stage and on how they should be managed; depending on the size and nature of a deployment, a military psychiatrist or a CPN, with special training and expertise to deal with stress-related disorders in battle situations, may be deployed with the force. Following deployment, informal debriefing sessions are held on how to recognize and manage stress-related problems.[28]

2.2 The UK policy of deployment of under-18s

Disregarding the fact that by ratifying the CRC the UK has accepted that children are a protected category of persons by reason of their physical and mental immaturity, the MoD claims that under-18s, once trained, are professionals who often play an important role in their unit and whose removal in case of deployment to a hostile environment would undermine and compromise unit cohesiveness, and add to the training burden. Removing personnel from a formed unit would affect its operational capability and be unpopular and demotivating for both those removed and those remaining. According

[28] MoD letter to Amnesty international, 1 December 1999.

to the MoD, the Select Committee on the 1996 Armed Forces Bill regarded it as impractical to further limit opportunities for under-18s to serve in active duties.[29]

In November 1998 the Minister for the Armed Forces stated the current policy on deploying under-18s:[30]

- all Service personnel undergo general and trade-specific training before being placed in their first duty unit, and this period of training ensures that personnel under 17 years and three months of age are not normally employed on operational duties; this policy has been in place for some years;

[29] MoD letter to Amnesty International of 1 December 1999.

[30] Letter from Douglas Henderson, Minister for the Armed Forces, to Paul Goggins MP, of 9 November 1998.

- until recently, some personnel under 17 could be deployed in Royal Navy surface vessels or as members of Royal Marine units, but this was reviewed and personnel under 17 years of age can no longer be deployed;[31]
- exceptions may have to be made to the policy of employing only those over 17 years and three months in the event of a major international conflict, when all trained personnel would need to be available for use.

Female members of the armed forces are also deployed. Women account at present for 12.5 percent of armed forces personnel.[32]

The UK resisted pressure by the United Nations and public opinion and disregarded the consensus reached among a large number of countries to raise to 18 the minimum age for participation in hostilities during the negotiations to draft the Optional Protocol to the CRC on the involvement of children in armed conflict in order to defend its deployment policy.[33] As adopted by the UN General

[31] This decision was reportedly due to allegations of bullying by older ranks of 16-year old sailor, David Allen, on board the Type 42 destroyer Cardiff. The MoD, however, maintained that the policy had been under review for a while. "Ministry to end active service for under-17s", The Daily Telegraph, 23 October 1998.

[32] In the army, where they are about 17,000, they can apply for about 75 percent of army posts, i.e. all regular army posts, except those involving killing the enemy in direct fire. Most of the posts reserved for men are in the Army Infantry and Household Cavalry/Royal Armoured Corps posts, because current military judgement assesses that in a high-stress, combat environment of war a mixed team could damage the army's combat effectiveness. However, this policy is under review. See "Recruitment: showing the real face of military practice", The Guardian, 10 July 1999; "Army to test women for combat roles", The Observer, 28 May 2000; "Women will train for front-line combat roles", The Independent, 28 May 2000; "Women tested for frontline soldiering", The Independent, 29 May 2000.

[33] "UK resists ban on child soldiers", The Guardian, 19 January 2000. It can be argued -- and it is regrettable -- that the UK opposition was one of the major obstacles which prevented the Optional Protocol from reaching its initial purpose of banning participation of under-18s in hostilities, thus extending the special protection granted by the CRC to all persons below the age of 18 to armed

Assembly in May 2000, Article 1 of the Optional Protocol to the CRC reads: "States parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities". The UK signed the Optional Protocol in September 2000 and upon signature it deposited the following Declaration:

"The United Kingdom of Great Britain and Northern Ireland will take all feasible measures to ensure that members of its armed forces who have not attained the age of 18 years do not take a direct part in hostilities.
The United Kingdom understands that Article 1 of the Optional Protocol would not exclude the deployment of members of its armed forces under the age of 18 to take a direct part in hostilities where:
a) there is a genuine military need to deploy their unit or ship to an area in which hostilities are taking place; and
b) by reason of the nature and urgency of the situation:
i) it is not practicable to withdraw such persons before deployment; or
ii) to do so would undermine the operational effectiveness of their ship or unit, and thereby put at risk the successful completion of the military mission and/or the safety of other personnel."

2.3 Amnesty International's concerns about the UK policy of deployment of under-18s

conflict situations.

Amnesty International's primary concern is the protection of children's rights to life and to physical and mental integrity.

Participation in hostilities is likely to result in a violation of such rights: children can die or be injured in combat. It has been noted that the most frequent combat-related injuries specific to child soldiers are loss of hearing, loss of sight and loss of limbs, all of which have permanent implications in relation to the future reintegration of the child in civilian society.[34] According to the World Health Organization, the repeated direct exposure of child soldiers to violence "may lead to persisting patterns of problematic behaviour and functioning. Many children may be withdrawn, depressed and display difficulties in social relationships."[35] Furthermore deployment exposes children, in case of capture by the enemy, to ill-treatment, torture, criminal prosecution for war crimes committed during hostilities, and possibly to the death penalty. As mentioned above, modern military campaigns may also involve particular health hazards because of the potential use in the battlefield of chemical or other weapons which require military personnel to take medical countermeasures. There are reasons to believe that, for example, the combination of vaccines and Nerve Agent Pretreatment given to troops during the Gulf war had not been sufficiently tested. There are no guarantees that future military campaigns will not pose these or new threats.

The organization believes that exposing children to these risks is a violation of their rights under the CRC, and particularly of the right

[34] Quaker United Nations Office, Geneva, 18 November 1999 (speech of a representative to an Amnesty International staff meeting).

[35] "The impact of armed conflict on children: a threat to public health", WHO, Geneva, July 1996.

to life (Article 6); to be protected from physical and mental harm (Article 19); to be protected from economic exploitation and from any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development (Article 32); not to be subjected to torture or to other cruel, inhuman or degrading treatment and, when deprived of liberty, the right to be treated with humanity, with respect for the inherent dignity of the human person and in a manner which takes into account the needs of persons of his/her age, including being separated from adults (Article 37). Amnesty International considers that it is wrong not to allow the special protection to which all persons under the age of 18 are entitled to under the CRC to extend, with no exceptions, to armed conflict situations where this protection is so vitally needed.

Amnesty International is concerned about the terms of the declaration, made by the government at the time of the signature of the Optional Protocol to the CRC. The declaration, which constitutes an interpretation of the requirement to "take all feasible measures" to avoid deployment of under-18s, undermines the spirit of the Optional Protocol because it justifies the government's retention of its practice of deploying under-18s.

Amnesty International is also concerned that excluding children from taking a *direct* part in hostilities is not sufficient to guarantee their right to physical and mental integrity. Under international humanitarian law all members of the armed forces are regarded as 'combatants' and can lawfully kill and be killed, whether or not they are deployed and, if deployed, whatever their tasks, whether or not such tasks constitute a direct or an indirect participation in hostilities.

All members of the armed forces are lawful military targets, exposed to the risk of being killed or wounded.

Amnesty International urges the UK government to ratify the Optional Protocol as soon as possible, without any reservation, and to adopt a policy of not deploying any under-18s in situations of armed conflict and in any other peacekeeping or similar mission.

3. Recruitment and conditions of service

3.1 Targeting under-18s

In the UK there is no conscription to the armed forces. In recent years the armed forces have been facing an increasingly serious shortage of personnel due to difficulties in both recruiting and retaining servicepeople, coupled with growing demands for deployment abroad because of UK foreign policy commitments.[36] In addition to plans to reduce UK forces' engagement in operations, a number of possible solutions have been put forward: in October 1999 the MoD conducted a feasibility study to consider the deployment of the Territorial Army (reservists) to ease the strain on regular forces[37]; there have been reports of officers targeting young homeless and also of talks with the prison service to approach offenders[38]. Efforts have also been made to enhance equal opportunities thus rendering the services more

[36] "Ban on soldiers under 18 resisted by Britain and USA", The Independent 18 January 1999, "Army 'badly overstretched'", The Guardian, 20 December 1999.

[37] "TA may be called as peacekeepers", The Guardian, 11 October 1999.

[38] "Once were warriors", The Guardian, 9 November 1999.

appealing to women and ethnic minorities; in June 2000 the MoD announced that it was preparing tests, to be held by the end of the year, to assess the viability of training women for frontline fighting and of having mixed-gender combat units.[39]

Children, however, are a favoured target for recruitment. Between March 1998 and March 1999, 9,466 under-18s were enrolled in the UK armed forces.[40] In 1998 under-18s serving in the UK armed forces numbered 6,676 (of whom 1,388 16-year-old boys, 160 16-year-old girls, 4,506 17-year-old boys and 622 17-year-old girls).[41] In 1997 they numbered 4,529. Recent trends show a sharp growth in the recruitment of children by UK armed forces. Children have been openly targeted by recruitment campaigns and represent around a third of the annual intake of recruits. According to figures of the Defence Analytical Services Agency, the number of children recruited into the UK armed forces started decreasing significantly in 1990 and continued to decrease until 1996. In 1997, the recruitment of under-18s increased sharply and is still rising.

In 1998, asked to justify the UK policy concerning the operational employment of personnel under 18, the Minister of State for the Armed Forces referred, preliminarily, to the armed services' need to recruit about 25,000 volunteers each year, in order

[39] "Army to test women for combat roles", The Observer, 28 May 2000.

[40] Communication of the Permanent Mission of the UK to the UN in Geneva to the Coalition to Stop the Use of Child Soldiers, 19 October 1999. According to the Coalition's report, this figure amounts to 36.38 percent of the annual recruitment.

[41] Hansard, 11 January 1999.

to support the UK's commitments at home and abroad. He then referred to existing strong evidence which suggested that those recruited under 18 years of age responded better to training and tended to stay longer in the services. Third, the Minister mentioned the increasing competition from other employers for suitable recruits and admitted that competition increased once potential applicants gained qualifications from further education.[42] In the words of one MP, "Let's get them early – before they know any better".[43] Around 40 percent of the current military personnel in the UK joined when they were 16 or 17.[44]

[42] John Reid MP's letter of 15 July 1998 to Phil Willis MP, and Douglas Henderson's, Minister for the Armed Forces, letter of 9 November 1998 to Paul Goggins MP.

[43] The Rt. Hon. Julia Drown, Hansard, 1 July 1999.

[44] Hansard, 26 January 1999.

The armed forces have engaged in a series of promotional activities aimed at young people. Over the past five years, the army is reported to have spent about £6 million on advertising campaigns. During an interview with German Radio (ARD), in April 1999, the Head of the Army's Recruitment and Marketing Department stated that the total recruitment budget for the army was £50 million, of which £20 million was allocated for advertising to attract recruitment. This money has increasingly been spent in commercials, fashion accessories, video-games and adventure-camps aimed at attracting children. In 1998 the army launched a CD-rom entitled 'First contact', purportedly aimed at informing young people about the work of the armed forces. It included video-games (one entitled 'Wargasm') requiring the user, among other things, to kill an on-screen enemy and to assemble an assault rifle. The CD-rom was distributed free through newspaper advertisements.[45] In May 2000 the four Irish regiments of the Army carried out a week-long campaign to attract children to a career in the army, opening barracks and allowing children aged around 14 to play in tanks and with deactivated weaponry and to engage in target practice, abseiling and camouflaging.[46]

[45] "Army targets recruits with computer games", Tim Butcher, The Daily Telegraph, 22 May 1998; interview to German Radio (ARD) of March 1999. "British Army launches computer game", Newsbytes, 25 May 1998.

[46] "Irish regiments seek out new recruits", The Irish Times, 15 May 2000.

The armed forces have also increasingly reached out to children through educational institutions. The 'School presentation team' of the army regularly visits schools and youth organizations.[47] The army has also created its own school, which opened in September 1998, the Army Foundation College (AFC). The College offers various incentives to potential applicants: a wage during training, a guaranteed three-year job offer and a fast-track promotion throughout their army career.[48] The AFC has apparently been so successful that the initial 650 places available were due to be raised to 1344 by September 2000. The AFC courses include vocational training (e.g. communication and IT skills) and leadership exercises and physical training (for example rock-climbing and caving). The aim of the AFC is identified by the college's second-in-command: "We will take kids as soon as possible after their 16th birthday, so by 17 or 18 we will have built them up to the point where they can enter the army as really useful soldiers. Our mistake in the past was not grabbing them early enough. We've got to get them before they get into drink and drugs, drift into other jobs or get stuck in relationships."[49] 16-year-old school leavers that are selected for the AFC course are army recruits, who may participate in hostilities at the end of the 42 weeks' basic training.

The Cadet Forces[50] are a further channel of recruitment of children in educational institutions. They are based in schools and

[47] Coalition to stop the use of child soldiers' report.

[48] The Army Foundation College's website is at www.army.mod.uk.

[49] The quotation is reported in the Coalition's report.

[50] The Cadet Forces include: Sea Cadet Corps, Army Cadet Force, Air Training Corps and Combined

colleges and are administered and funded by the armed services. The Cadet Forces are affiliated to regiments and corps of the regular armed forces. Children can join from the age of 13 years, 12 in the case of the Sea Cadet Corps, which also has units for 10 to 12-year-olds. Their stated role is not only to help children to develop leadership powers, the qualities of good citizenship, responsibility, self-reliance, and a sense of service to the community, but also, through military training, "to stimulate an interest in a career as an officer in the Services".[51] All cadets receive firearms training: they are taught to fire live ammunition in military ranges with cadet targeting rifles (1 shot). Army cadets exercise on manoeuvres with blank ammunition.[52] In March 1999 there were a total of 128,300 cadets in the UK. In March 1998 there were 124,752.[53] The MoD does not set annual recruiting targets for schools; however, an average of 35 percent of serving officers and over 25 percent of serving soldiers have had cadet force service.[54] The funding for the Cadet Forces, which amounted to £58 million a year in 1999, was planned to be increased by £3 million over the next four years.[55] The total number of cadets has increased steadily in recent years. The idea of boosting

Cadet Forces.

[51] Army's website www.army.mod.uk/army/organise/ta/cadets/main.htm, on 27 January 2000.

[52] "A cadet corps in every school", The Daily Telegraph, 23 January 1997.

[53] Hansard, 19 July 1999.

[54] Army's website.

[55] Hansard, 2 April 1998 and 25 January 1999 (Douglas Henderson MP, Minister for the Armed Forces).

the profile of the Cadet Force in order to help solve recruitment problems was initially put forward in 1997 (with the main purported intent of promoting patriotism, self-discipline, leadership qualities and of tackling youth crime by giving positive role models to delinquent teenage boys).[56] In February 2000 the government stated 'the extra money that we have put in is bearing fruit'.[57]

[56] "A cadet corps in every school", The Daily Telegraph, 23 January 1997.

[57] Hansard, 21 February 2000.

Recruiting campaigns tend to target the most vulnerable young people. According to At Ease, the army concentrates its recruitment efforts on "areas where educational levels are low, unemployment is high and poverty is advancing".[58] The army is the primary recruiter within the armed forces of under-18s, mainly to low-skilled jobs.[59]

The possibility of earning a wage is used as a tool to attract children. Rates of pay for under-18s differ according to age-groups: under-17s get £6167.10 per annum (pa) (£16.85 daily), aged 17-17 years and 6 months get £7484.70 pa (£20.45 daily), over-17 years and 6 months get £9900.30 pa (£27.05 daily) and in certain cases £10738,30 pa (£29.42 daily). The amount is attractive, particularly for poorly educated school leavers living in economically depressed areas. Economically depressed areas are, reportedly, the major recruitment sources for the services: Swansea, West Wales, Newcastle, Gateshead and South Tyneside for the navy; Tayside, Sheffield and Rotherham for the army, and Wirral and East Midlands for the RAF.[60] What the MoD claims to be the offer of a career opportunity looks more like the exploitation of the limited contractual power of children with very few, if any, choices. This concern is strengthened by the fact that only three percent of soldiers who joined as children have become officers.[61] The appeal of the salary was plainly admitted by Peter Elliott, 18, a recruit interviewed during the

[58] Interview to German Radio in April 1999.

[59] "Child soldiers - The situation in the UK", The UK Coalition to stop the use of child soldiers, March 1999.

[60] The UK Coalition report.

[61] The UK Coalition report; Hansard, 26 January 1999.

BBC program "Soldiers to be": "I'm only 18, the lads I used to knock around with are on the dole or drugs or dead-end jobs. I am getting paid for having fun, I got paid for chucking that grenade. That's one buzz in my life, the next buzz in my life is when I finish here and go to Northern Ireland."[62]

It has also been reported that there is a 'growing relationship between the MoD and the young prisoner population'. An army training scheme opened in January 2000 at Wetherby Young Offenders' Institution and a 'Centre for adolescent rehabilitation' organized by former Royal Marines opened in June 2000 at the Oakhampton training base, Exeter, with the aim of teaching 'life skills' to secure future employment for young offenders.[63]

Those recruitment campaigns which target socially and economically vulnerable children are in apparent contradiction to the Optional Protocol. In particular, the 15th preambular paragraph states that states parties recognize "the special needs of those children who are particularly vulnerable to recruitment or use in hostilities contrary to this Protocol due to their economic or social status or gender". Deliberately taking advantage of the social and economic deprivation of some children is also contrary to the commitment made by the UK as a party to the CRC that in all actions concerning children primary consideration should be given to the best interests of the child.

3.2 Minimum age and academic requirements for enrolment in the UK armed forces

[62] The episode was shown on 24 January 2000.

[63] "Former Marines set up camp for young offenders", The Independent, 10 June 2000.

The minimum age of recruitment to the armed forces of all ranks, apart from officers, is 16 years of age. Officers must be 17 years and 6 months. The minimum age of recruits due to be assigned to specific services may be higher (e.g. 16 years and 8 months for Army Adult Single Entry recruits, 17 years and 6 months for Royal Air Force Airmen Aircrew, 18 years for Naval Service Divers). Nonetheless, the MoD admits that potential recruits can apply from the age of 15 years and 7 months or in their General Certificate of Secondary Education (GCSE) year. Recruitment does not occur prior to their 16th birthday, but they can go through the whole recruitment procedure (including the medical examinations and the giving of parental consent) at 15.[64]

Amnesty International notes that, while the UK armed forces permit recruitment from 16 years, no police force in the UK recruits personnel under 18, and for recruitment in most forces the minimum age is 18 years and six months, although the Greater Manchester police force requires a minimum age of 21. Furthermore, firearms training -- which, in the army, forms part of recruits' basic training, including of under-18s -- in the police only commences after completing the general training and usually only after the police officer has some experience of policing. For example, in the Metropolitan police only applicants with a minimum of six years' experience in policing, a very good career record and a minimum age of 25 receive firearms training

[64] MoD letter of 1 December 1999 to Amnesty International.

Concerns about the accuracy with which armed forces' career offices check the age of applicants were raised by the BBC program "Soldiers to be". In one episode, Valerie Bradshaw, who was being trained at Pirbright training centre, had to leave the army after suffering problems with her legs during physical training exercises. According to the program, her case is under investigation because doubts about her age at the time of recruitment have been raised.

In the UK armed forces, academic requirements only apply to officers, who must have passed five GCSEs, two of which at Advanced Level, or equivalent, or Scottish Certificate of Education in five subjects, three of which at Higher Grade. English language and mathematics are compulsory subjects. No minimum education standards apply to other ranks, although they must pass an entry test to assess whether they can be trained effectively. However, potential recruits for specific trades may be expected to have reached a minimum academic standard.

During the training period, all recruits are given the opportunity to pursue academic qualifications and in particular to reach at least National Vocational Qualification (NVQ) Level 2 in a relevant discipline, within three years of having joined the armed forces or within the minimum term of service if longer. All personnel are encouraged to obtain academic or vocational qualifications throughout their careers under the Learning Forces Initiative, which offers personnel financial recompense through the Learning Credit Scheme.

3.3 Recruitment procedure: parental consent

The recruitment procedure (including obtaining parental consent and the medical examinations) can start when the child is 15 and be completed by the time s/he reaches 16, i.e. the minimum age at which the child can attest[65] to be a member of the armed forces (i.e. enlists). Recruits to the Royal Navy, Royal Marine and Royal Air Force attest within 24 hours of their arrival at the training unit; and Army recruits attest at their local Armed Forces Careers Office and are then sent on unpaid leave until they are called to begin training.

The MoD requires potential under-18 recruits to obtain the written consent of their parents or guardians and pledges that "great care is taken to ensure that young people understand precisely the nature of the commitment they are making". The MoD also maintains that it makes every attempt to be open about its recruitment and employment policies. Practical examples of measures taken to ensure transparency, however, were not provided to Amnesty International.[66]

Parents or legal guardians of under-18s wishing to join the armed forces receive a form to fill in, entitled 'Consent of parent(s) or guardian to enlistment under the age of 18', a copy of the 'Notice Paper' setting out the terms and conditions of service[67] and the questions the recruit-to-be will be asked by the officer who will attest

[65] This is an oath or affirmation agreeing to become a member of the armed forces. The relevant Attestation Paper - Regular Army - Full Time is attached as an appendix.

[66] MoD letter to Amnesty International, 10 May 2000.

[67] The Notice Paper and the MoD use the term "engagement".

him/her. The form must be signed in the presence of a witness and after reading the 'Notice Paper'.

The 'Notice Paper' invites the applicant to make sure s/he understands the conditions of service and to ask for clarification of any remaining questions. The parental consent form, too, states that the officer dealing with the application will be pleased to address any questions. Although allowed to be present at the initial interview of the under-18 applicant at the armed forces career office, parents/legal guardians are neither requested nor invited to attend.

Amnesty International is concerned that the 'Notice Paper' is written in a complex and obscure manner, which may not be readily understood either by the parent/guardian or by the child. The commitment to serve in the armed forces has serious consequences. The onus should be on the armed forces to explain the commitment fully, yet in an accessible and clear way, in person, rather than simply being ready to respond to questions if asked. Furthermore, Amnesty International is of the opinion that the MoD's claim that great care is taken to ensure that children understand precisely the nature of the commitment may conflict with the nature of the above-described initiatives undertaken to boost recruitment of children. Video-games and army-design fashion accessories under the slogan "Be the best" make the army look like an oversized adventure game. The appeal is to the emotive part of a child's personality, not to his or her mind, reasoning and objectivity. Although recruitment is voluntary in the UK armed forces, it is extremely difficult to assess when a child is mature enough to take such an important decision about his or her life and to what extent that decision is genuinely voluntary or influenced by external factors, such as an advertising campaign to promote recruitment, or lack of other employment opportunities.

The MoD stated to Amnesty International that it is not aware of any misinformation being given to parents or recruits. Yet, in January 1999 the media reported that Sheila, the mother of the 17-year-old, claimed that she had been told on three separate occasions by her local army careers office that no 17-year-olds were being deployed to participate in hostilities against Iraq. In its reply, the MoD apologized that she had been provided with what proved to be false information.[68]

3.4 Conditions of service and the right to claim discharge

[68] Letter of 'a very concerned mother' to the MoD, 23 June 1997; reply of the MoD, 31 July 1997; "The breaking of a teenage infantryman", The Independent, 18 January 1999.

Paragraph 1 of the 'Notice Paper - Regular Army - Full Time' ('Notice Paper') states that a person under the age of 18 years and six months will be recruited as an apprentice and that after successful completion of the apprentice training s/he will be required to serve a minimum period of full-time regular army service (so-called 'colour service') "calculated as four years from the date of his/her 18th birthday or four years and three months from the date of attestation, whichever is the later".[69] The fact that service up to the 18th birthday of a recruit does not count towards the 4-year minimum period of service is not clearly spelled out.

Among the general conditions of service, the following are of particular relevance to under-18s and are worth noting.

(i) Service in any part of the world (Paragraph 4):
During full-time regular army service the recruit may be called upon to serve in any part of the world unless the recruitment is to a home service battalion of the Royal Irish Regiments.

This paragraph comes under the section entitled "General conditions of engagement (all applicants)". The fact that it applies to under-18s, including their deployment in armed conflict situations, is implicit in the "(all applicants)".

(ii)Minimum service time:

[69] Although Amnesty International asked for information about conditions of service for under-18s in all the armed forces, the MoD just provided the organization with the "Notice Paper - Regular Army - Full Time". This section is based on Amnesty International's understanding of it. See appendix for copy of the 'Notice Paper'.

Until 18 and for the following 22 years (Paragraph 5): if the recruit is under-18, s/he will be recruited on an 'open engagement' which entails service until his/her 18th birthday and then for a full career of 22 years; however, the 'colour service' up to the 18th birthday does not count towards the 22-year period of service.

(iii) Discharge

Amnesty International understands that there are three different procedures under which an under-18 recruit may leave the armed forces on different grounds:

a) Discharge as of right (Paragraph 7): the 'Notice Paper' in capital letters states that enlistment on an open engagement includes the right to end the 'colour service' under the terms explained in Paragraph 9.

Amnesty International's understanding of the relevant provisions is that an under-18 recruit has the right to be discharged by giving a 12-months' written notice, but only after serving a minimum period of four years starting from the 18th birthday (including the 12-months' notice), i.e. when the recruit is 22 years of age.

b) Discharge in the first six months of service (Paragraphs 14 and 15): during the recruit's first engagement in the regular army s/he has a right to claim discharge after 28 days and before the end of six months from the date on which the recruit reported for full-time paid duty, by giving a 14-day notice within this period. At the discretion of the commanding officer the recruit may be discharged before the expiry of the notice period. Provided that the claim is made within the relevant period, and that there is no

national danger or emergency, "procedures will be carried out with all convenient speed".

c) Compassionate release (Paragraph 16): a recruit may be allowed to leave if at any time during the 'colour service' there are compelling circumstances which make it essential for the recruit to be released.

The MoD claims that special sensitivity is shown to under-18s who are clearly unhappy with or unsuited to military life. Under-18s who show genuine or persistent unhappiness and/or discontent may be discharged, and for the Navy this applies until the recruit is 18 years and three months. Specific provisions exist within the naval service for 'Unhappy juniors' under the age of 18 to be discharged, notwithstanding the fact that their six-month statutory period of discharge has passed. A similar provision exists in the army for unhappy under-18s under Queen's Regulation 9.414. Stipulation within the Royal Air Force, where personnel of any age may be discharged on compassionate or temperamental unsuitability grounds, has a similar effect.[70] If a child is going to be discharged, a commanding officer must contact his/her parents or guardians to request that they accept the child back into their care and to explain the reasons for the discharge.

Amnesty International is concerned that the paragraphs of the 'Notice paper', which refer to the minimum service period and to the

[70] MoD letters to Amnesty International of 1 December 1999 and 10 May 2000. It should be noted that the possibility of discharge during the first six months of service does not apply to recruits in the Brigade of Gurkhas (Coalition's report).

discharge procedures, and the questions in the 'Attestation Paper' which refer to the above (particularly questions 15 and 16) and which are intended to make sure that the recruit has understood the content of the 'Notice paper', are worded in a complicated way, which may not be readily understood by children and their parents/guardians.[71]

3.5 Concerns about the 'non-reckonability' of service until the 18th birthday of a recruit and about discharge

In December 1999 the MoD admitted that "in essence, reckonable service does not start until an individual has reached 18 years of age. Thus someone who joins under the age of 18 may serve for up to two years longer than their peers who join at 18+", notwithstanding the fact that under-18s become members of the armed forces immediately after joining.

[71] See appendix for a copy of the Attestation Paper.

The fact that 'reckonable' service starts when the recruit is 18 implies that under-18s are discriminated against in certain aspects of the terms of service. For example, because 'discharge as of right' only applies after the recruit has served four years from the date of his/her 18th birthday or four years and three months from the date of attestation, this may mean that under-18s have to serve longer than over-18s before they can exercise that right.[72] Moreover, in-service retention incentives such as retention bonuses are paid, when applicable, only after a person has served a certain period of reckonable service, if no notice of leave has been submitted or the right to give notice to leave has been waived.[73]

Yet, during this 'non-reckonable' service a child may be deployed to the battlefield. According to the MoD, soldiers are considered to be fully deployable when they are posted to their respective regiments following the successful completion of their training. At this point they become valuable members of their unit, and when a unit is deployed to an operational area, all its trained personnel should be included.[74]

Another aspect of the terms of service which raises concern is the restriction on the right to claim discharge when the recruit has received specialist employment training or has enjoyed other benefits or advantages. Under Queen's Regulations 9.086b, any recruit who

[72] The section in the Notice Paper on the right to be discharged is too complicated to be readily understood. See attached Appendix.

[73] MoD letter to Amnesty International of 1 December 1999.

[74] MoD letter to 'a very concerned mother' of 31 July 1997.

undertakes an education or training course lasting longer than two weeks and paid for by the armed forces, waives their right to give the 12 months' notice to claim discharge, which can then be granted at the mere discretion of the armed forces. While it is understandable that the services require a minimum of commitment from persons when they invest resources, concerns are generated by the fact that the rule covers all training, including music training for regimental bands. The rule does not discriminate directly against under-18s, but younger recruits are more likely to be affected. It should be noted also that armed forces' recruitment campaigns often promote the opportunity to get valuable qualifications while in the services.

According to the Head of the Army's Recruitment and Marketing Department, if the army considers that it has invested considerably in the training of a specific recruit, s/he will not be let go before the costs of the training have been paid off: "That's economics, no one invests in projects and then throws them away". He added, however, that every individual case is considered on its merits, as there is no general rule or procedure.[75]

According to the MoD, the number of personnel aged under 18 who voluntarily left the armed forces during the last three financial years is as follows:

	1996/1997	1997/1998	1998/1999

[75] The Head of the Army's Recruitment and Marketing Department was interviewed by German Radio (ARD) in April 1999.

NAVY	186	286	331
ARMY	1123	1061	1594
ROYAL AIR FORCE	74	74	189

In the same period 1996/1999, according to the MoD,12 personnel under 18, all serving in the army, illegally absented themselves.[76]

These data about children's discharge should be read in the context of recent reports which highlighted the sharply increasing desertion rates and "going AWOL" (i.e. absent without leave) rates in the army. In June 2000 levels of desertion and absence without leave were reported to be higher than at any other time since the end of the national service: in 1999 the army recorded 1,998 cases of desertion and going 'absent without leave', or one for every 48 soldiers [77]. These reports pointed to frequent allegations of ill-treatment and bullying and to the army's failure to allow discharge in cases of personal problems of soldiers as the main causes for the phenomenon.

Yet, even if mechanisms for discharge are in place, according to the organizations At Ease and the Peace Pledge Union, many recruits are not given a discharge. In At Ease's experience, what often happens is that many youngsters decide to go absent without leave and end up in criminal activities. At Ease maintains that in Britain there are

[76] MoD's letter to Amnesty International of 10 May 2000.

[77] "Army bullies force desertions to a record", The Observer, 4 June 2000.

constantly around 500 under-18s trying to avoid the military police[78]. They tend to find refuge in hostels for the homeless because civil and military police searches for them concentrate on last known addresses. Press reports stressed that absenteeism generates further work, thus exacerbating an already serious personnel shortage and that in some army units which are already over-strained, officers spend much of their time chasing absent soldiers.[79] In At Ease's opinion, the majority of these young people would never have gone absent, if there had been a legal way out.[80]

[78] Interview with German Radio (ARD), April 1999.

[79] "Army bullies force desertions to a record", The Observer, 4 June 2000.

[80] "Soldiers to be", 1 February 2000.

In April 1999 Anthony Kitts, 20 years old, was shot dead by the police in Falmouth, Cornwall, after being seen with a firearm and having tried to flee pointing the gun at the officers chasing him. He was reportedly trying to reach the housing estate where he lived with his girlfriend and their six-month-old baby. In 1997 the same boy had been sentenced to two years' youth custody after using an imitation weapon, while on the run from the army, because he was unable to cope with the pressures of serving in Northern Ireland. Anthony Kitts had gone absent without leave twice before. [81]

Amnesty International was informed by the MoD that all absentees and deserters from the army are treated in the same way, and no special arrangements are made in the case of under-18s.[82] The organization is concerned that if the punishment involves imprisonment for going absent without leave, this may violate the provisions of Article 37 of the CRC requiring that deprivation of liberty shall be used only as a measure of last resort and for the shortest appropriate period of time; that a child deprived of liberty shall be treated in a manner which takes into account the needs of persons of his/her age; and in particular that the child shall be separated from adults and have prompt access to legal and other appropriate assistance.[83]

3.6 Training

[81] "Troubled ex-soldier shot by police", The Guardian, 12 April 1999.

[82] MoD letter to Amnesty International of 10 May 2000.

[83] In June 1999 Amnesty International's request to visit the Military Corrective Training Centre (MCTC) at Colchester, Essex, was refused. At the MCTC under-18s are detained together with adults; female detainees are segregated. As of 18 October 1999, six under-18s were being held in the MCTC.

On the MoD's admission, "initial training can be quite strenuous at times"[84]. For this reason, applicants with certain medical conditions (such as knee or joint problems) are rejected. All recruits are given fitness training and must pass fitness tests; they are trained to survive in the field and participate in moderately demanding physical exercise, including an assault course. Royal Marines and RAF Regiment trainees undergo long marches and survival exercises during their training. Royal Marine trainees are taught unarmed combat and some under-18 trainees, such as the Royal Engineers and the Royal Logistic Corps, are taught to handle explosives during their basic training. All personnel are fully trained in the use of firearms and "in the very strict circumstances in which they may open fire" (i.e. use lethal force). Under-18s are not trained as interrogators; interrogators are selected on the basis of their maturity and experience and need to undergo psychometric testing. However, some under-18s, particularly the Royal Marines, may be trained in "Conduct after capture techniques", i.e. not to divulge any information other than name, rank and number.

[84] MoD letter to Amnesty International of 1 December 1999.

Despite the fact that under-19s are entitled to longer rest and recuperation periods, training has proved on several occasions to be lethally dangerous, including to children: from 1982 to 1 December 1999 the MoD recorded the deaths of 12 under-18s during training schemes, exercises, and other forms of training.[85] Five others died while on duty during their training course.[86] Since 1992, 52 firearms fatalities occurred in the army, including suicides.

According to information available to Amnesty International, the most recent death of an under-18 during training was reported on 31 March 2000. Wayne Richards, 17, a Royal Marine recruit, was shot dead with live ammunition during a night exercise on Woodbury

[85] Although Amnesty International is only aware of the deaths during training of two under-18s, namely Wayne Richards and Nathaniel Burton, there have been several others of over-18s; under-18s are trained alongside adults. These cases highlight the risks which training can entail: Richard King, 22, was shot dead in February 1998 because of a mix-up of blank and live ammunition during a night exercise at Sennybridge, Powys; Graham Holmes, 23, of the Royal Military Academy in Sandhurst, died from heat exhaustion in July 1998, during a six-mile run carrying 18kg (40lb) of equipment; Andrew Charnock collapsed also from heat exhaustion in July 1997, during a 30-mile run on Dartmoor, Lympstone, carrying a rifle and 22lb full pack; Robert Hawksley, 29, and Martin Bailey, 25, who were shot by friendly fire in 1994 during an exercise in Canada; Chris Kelly, 26, was shot dead during a mock battle in Kenya in 1994; Mark Richards was shot during a live firing exercise in Belize in 1992. ("Roll call of deaths during military exercises", The Guardian, 1 April 2000.)

[86] MoD letter to Amnesty International of 1 December 1999. According to the episode of the series "Soldiers to be" shown on 31 January 2000, many injuries occur during training.

Common, Exmouth. He was in the ninth week of a 12-week course at the Royal Marine training centre at Lympstone, Devon. At the early stage of the investigation a police source allegedly revealed that Wayne Richards might have been shot by one of the instructors, who, in the context of the exercise, had to perform an attack against recruits. Wayne Richards was hit in the sternum and the bullet ricocheted through his head. Commenting on Wayne Richards' death an MoD spokesperson reportedly stated that while regrettable, accidents were unavoidable because military training, by its very nature, carries an element of risk.[87] Both civilian and military police are investigating Wayne Richards' death. The MoD confirmed that the military inquiry would be conducted by senior officers from Lympstone training course, but thought it 'unlikely' they would be those directly involved in the exercise during which Wayne Richards died.

Parents of soldiers who have died in training have, in the past, expressed dissatisfaction with the inquiry procedure. Army boards of inquiry are held in private and often include senior members of the regiment involved.[88]

[87] "Marine killed in training accident", The Guardian, 1 April 2000.

[88] "Marine killed in training accident", The Guardian, 1 April 2000.

The Royal Marine Commando Course at Lympstone, Devon, raises special concerns. Since 1996 five recruits have died at Lympstone, two of whom were under-18s, including Wayne Richards. The other child, Nathaniel Burton, was 16 years old and in the 11th week of the 30-week long commando course when he died in October 1998 by drowning during a river-crossing exercise on Dartmoor. The officer in charge of the commando training course reportedly pledged a full investigation, but described the death as a 'tragic accident'.[89] In March 1999 the inquest into Nathaniel Burton's death ended with a verdict of accidental death. The coroner allowed the commander in charge of supervising the exercise not to read his statement aloud at the inquest, as investigations were ongoing. In May 2000 the MoD announced that no proceedings, internal or external, had been taken against any officer involved. An MoD spokesperson reportedly stated that all the evidence had been carefully examined by the Crown Prosecution Service, the health and safety executive and the internal prosecuting authority, and reportedly they all agreed that there was no evidence to prosecute anyone.[90]

The Royal Marine Commando Course is regarded as one of the toughest in the world. The course is said to involve mental and physical exercises and survival techniques that push recruits to their very limits. Admission is based on passing a three-day selection procedure involving physical endurance and aptitude tests. Selected

[89] "Death of a boy marine", The Daily Mail, 16 October 1998; "Marine, aged 16, drowns on Dartmoor commando course", The Guardian, 16 October 1998.

[90] "MoD rules out action over recruit's death", The Guardian, 3 May 2000.

recruits are then constantly assessed and frequently required to repeat some sections of the training. The program has been criticized in the past and there have been allegations of barbaric treatment of recruits. In June 1998 a court martial heard allegations that two instructors kicked and punched recruits during training, but they were cleared of all charges.[91]

Amnesty International was informed in 1993 that at Royal Air Force survival courses at Dartmoor, in addition to being trained in techniques for surviving without food or shelter, recruits also had to perform an exercise consisting of keeping a stress position for up to 17 hours by the end of the course, with the intent of training them for emergency landing in enemy territory. It was reported that recruits were required to sign a form stating that they volunteered for the course, but there were allegations that refusing to take part may have jeopardized their careers.[92]

[91] "Boy marine drowns on Dartmoor", The Daily Mail, 16 October 1998.

[92] Signed letter of 19 November 1993 to Amnesty International. The sender wished not to be identified.

Questions have also been raised about deaths resulting from heat exhaustion during endurance training. After the death of a 23-year-old recruit, Graham Holmes, at the Royal Military Academy in Sandhurst[93], a medical report was published alleging that officer cadets may be dying needlessly from heat exhaustion on a "gruelling training exercise that is an irrelevance to modern warfare". Warnings about the dangers of heat exhaustion (exertional heat illness) in the performance of certain endurance exercises may apply to other armed forces' courses. According to the medical report, particular attention should be given to exercises alternating running and fast marches for long distances, while carrying heavy weights and, in particular, wearing a double layer of battle fatigue clothes. The medical report also stresses that drinking water to prevent dehydration may be irrelevant because soldiers in training collapse and die because with occlusive clothing their sweat cannot evaporate, before they have even had the time to become severely dehydrated.[94]

[93] The minimum age of recruits at the Royal Military Academy Sandhurst course is 17 years and nine months. The course was opened to female cadets in 1992.

[94] "Army lambasted for cadet training death", The Guardian, 11 February 2000; "Sandhurst cadet died after collapse", The Guardian, 8 June 2000. The critical report by Dr Alan Porter was published in the Lancet Medical Journal in February 2000. Dr Porter notes that since 1994 at least three Sandhurst cadets, including the one who died, had been sufficiently ill to require admission to intensive care units, apart from those admitted to hospital for observation and treatment.

Apart from lethal accidents, injuries during training are also of concern. During the four calendar years from 1996 to 1999, 407 injury incidents involving under-18s were recorded.[95]

Injuries during training were particularly frequent among women recruits and the problem was partly addressed by the creation of all-women units to avoid the risks deriving especially from the height gap with male recruits. According to army sources, women-only training platoons, for girls and young women aged 16 to 25, have helped to reduce injuries by 50 percent and to increase pass rates to 70 percent. Women are said to achieve the same physical fitness men reach but in a different way. After the creation of all-female training units, 800 women were expected to pass through the training course of Pirbright, Surrey. Pirbright, the only training centre with all-female units, has reportedly the largest intake of women.[96]

Some worrying aspects of under-18s training were shown in the BBC TV program "Soldiers to be". One episode of the program showed the training of a platoon of Scots Guards, whose last weeks involved exercises with live ammunition and live grenades (the program mentioned the death due to a live grenade of an 18-year-old serving with the Royal Regiment of Fusilliers in Cumbria in April 1999); it also emerged from the interview of a lieutenant that the platoon suffered a particularly high drop-out rate because of injuries and recruits going absent without leave; the final march of the

[95] MoD letter to Amnesty International of 10 May 2000.

[96] "Women-only training hits army target", The Times, 8 February 1999.

training was reported to be nine miles long to be completed in two hours carrying a 55-lbs sack. The program also featured the case of a 17-year-old increasingly unhappy and attempting suicide before finally being discharged for "not being ready for this game".

According to the MoD, between 1996 and 1999 there were no confirmed suicides of under-18 recruits; however, while not having data on attempted suicides, the MoD recorded 60 self-inflicted injuries in the same period involving children.

3.7 Amnesty International's concerns about training of under-18s in the UK armed forces

Amnesty International is concerned that subjecting under-18s to training using live ammunition and explosives and to arduous endurance exercises may violate the government's obligations to ensure and protect the best interests of children, particularly their rights to life and physical and mental integrity.

In relation to the medical report on the dangers of heat exhaustion, Amnesty International is concerned that the government may not be taking all the necessary measures to evaluate the mental and physical risks of certain training exercises. The organization urges the government to undertake an independent study of the risks highlighted by the report, to make the results of the study public and to implement any recommendations.

3.8 Bullying

In recent years, cases of bullying and harassment have been reported by the media, some

concerning children, others concerning young adult recruits. Reportedly, desertions and going absent without leave are often caused by mistreatment and bullying by superiors and colleagues. It was reported in June 2000 that over 30 cases of alleged brutality were under investigation by the military police Special Investigation Branch and about 30 servicemen were taking the MoD to the High Court for assaults.[97] Even though not only under-18s are at risk of bullying, it is apparent that the youngest in the services may be more easily targeted, being newly arrived and less capable of standing up for themselves. Experts seem to agree about a decrease in bullying practices in comparison to a decade ago, and the armed forces have put in place initiatives to address it; nevertheless, according to reports, the problem remains widespread.

[97] "Army bullies force desertions to a record", The Observer, 4 June 2000.

The following are the most recent cases reported by the media and show, as described by a psychotherapist specializing in military bullying, that "military culture makes sadistic acts appear acceptable because they can be dismissed as part of the hardening-up process":[98]

- In May 2000 a court martial heard the case of a 17-year-old rifleman from the King's Regiment, Stuart William Newton, who deserted reportedly following a brutal initiation rite and a campaign of systematic violent bullying, including from his superiors. The initiation rite occurred when he was sent to Cyprus with his unit. One night he was dragged out of his room, forced to strip with two other recruits and to sing with a crowd of soldiers jeering at his genitals. He was then forced to run naked around the barrack block. In the following months he was subjected to organized bullying by his superiors, who punished him for the slightest infractions with punches to the head, on occasions while he stood with his eyes shut. When he accidentally heard about a money-lending ring among his fellow soldiers, with 100 percent interest rate enforced by beatings by non-commissioned officers, he decided to go absent without leave. The court martial found him not guilty because of duress.[99]

- In February 1999, a court martial sentenced two senior riflemen of the regiment's 1st battalion at Bulford camp to 140 days' detention and ordered them to leave the army. They were found guilty of disgraceful conduct of an indecent kind for having mistreated, in October 1997, three teenage recruits who had joined the army a few weeks before. The recruits had their heads completely shaved, were beaten, stripped and forced to dance a naked conga in front of soldiers from their unit, and were then 'touched up'. Reportedly, one of the children fled the barracks as a consequence of the ill-treatment.[100]

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[98] "Army recruits sue MoD over initiation beatings", The Sunday Times, 19 October 1997.

[99] "Squaddies flee lonely and humiliating fate", The Observer, 4 June 2000. According to the report, initiation rites often have homoerotic characteristics and tend to be frequent among junior ranks of infantry regiments.

[100] "Army boots out barracks bullies: new recruits were forced to dance naked conga", The Herald, 4 February 1999.

- In 1999, a court martial in Aldershot, Hampshire, heard the case of five army instructors accused of having ill-treated some teenage recruits, all aged 18 or under, between 1 September and 12 November 1996. The recruits were allegedly subjected to humiliating practices such as a mock execution, simulating sexual acts, eating disgusting substances, bathing with scouring powder and various forms of physical assault, during their basic training at the Army Training College, Winchester, Hampshire. The instructors were cleared of the charge of ill-treatment and subjected only to minor discipline.[101]

- In November 1998 an army instructor who raped a 17-year-old recruit in the barracks of Fremington Adventure Camp, Barnstaple, Devon, was sentenced to seven years' imprisonment and dismissed from the army. The sergeant was drunk when the assault happened and the girl went absent without leave for a while, before returning to report the rape. A friend and colleague of the victim told the court that she did not want to report the assault initially because their report of a different incident the week earlier had not been taken seriously, and they had been charged and fined.[102]

- In 1997, an inquiry was opened into the death of David McKenna, a 19-year-old who killed himself at Dreghorn barracks in 1995, in Edinburgh, after allegedly being bullied by his fellow soldiers. The family lawyer maintained that the soldier's death may have been avoided, had an adequate system of dealing with complaints been in place; he called for a review of army procedures. The mother of David McKenna said, "The only advice I have for other parents is don't let your sons join the army".[103]

- In 1997, 70 servicepeople were reported to have sued the MoD claiming they had suffered physical and sexual assaults during wild initiation beatings. Their

[101] "Army cadets subjected to mock executions", The Guardian, 21 July 1999. The term 'cadets' was wrongly used in the article, and should be replaced with 'recruits' or 'soldiers', as the Guardian admitted on 23 July 1999.

[102] "Army instructor 'raped girl soldier'", The Daily Telegraph, 21 October 1998; "Army sex ban was ignored, rape jury told", The Daily Telegraph, 22 October 1998; "Sergeant who raped recruit gets seven years", The Daily Telegraph, 21 November 1998.

[103] "Army blamed for bullied soldier's death", The Guardian, 16 May 1997.

solicitors said that the unprecedented flood of litigation reflected widespread bullying in the armed forces, but added that many were too scared to speak out. One of the victims had to have his face reconstructed, another attempted suicide, another is living on an army pension and invalidity benefit.[104]

[104] "Army recruits sue MoD over initiation beatings", The Sunday Times, 19 October 1997.

· In October 1997 eight sailors on HMS Southampton were condemned by a court martial for having indecently assaulted two young recruits. They justified themselves alleging that the same had been done to them.[105]

This disturbing unofficial side to training has given Amnesty International serious reason for concern. Many of the allegations of ill-treatment and bullying of recruits, including of under-18s, are compounded by the difficulties young recruits face in reporting or filing complaints against officers for misconduct or their colleagues for bullying. Recruits are also said to be afraid of being charged with mutiny if they file joint complaints about the conduct of senior officers.

3.9 Amnesty International's concerns about bullying

The MoD claims that a policy of "zero tolerance" towards all forms of harassment and bullying is applied. It also maintains that all allegations are investigated as a matter of urgency, and where they are substantiated and proved, disciplinary action is taken against the offender. The MoD has not replied to Amnesty International's question, though, on the allegation that those who make joint complaints may face charges of mutiny in response. The MoD's statements of principle do not allay concerns about accessibility to procedures for reporting a complaint, particularly with regard to children who may be easily intimidated and confused about the right steps to take. Nor do they allay concerns about the popular perception by young recruits that bullying is part of military life and that complaints will not be impartially investigated and acted upon.

[105] "Army recruits sue MoD over initiation beatings", The Sunday Times, 19 October 1997.

Amnesty International is also concerned that the compulsory signing by recruits of the Official Secrets Act -- combined with the Queen's Regulations -- intimidate recruits and pose a significant obstacle to service personnel communicating their problems or complaints to or seeking help from agencies outside the armed forces.[106] The claim by the MoD that such regulations are not intended to be unduly restrictive and should not prevent personnel from airing grievances to other agencies as appropriate[107] does not appear to be understood by young soldiers. In carrying out its research on child soldiers, Amnesty International notes that it was faced with a virtual wall of silence by former/serving young recruits, some of whom stated that they were "not allowed" or were "too scared" to speak to representatives of the organization.

The allegations of bullying and ill-treatment, coupled with the inadequacy of the complaints procedure, may amount to cruel, inhuman or degrading treatment of recruits. In a recent statement, the UN Committee against Torture has expressed concern at the practice of bullying of young soldiers.[108] In 1998 the Parliamentary Assembly of the Council of Europe adopted a resolution inviting member states, among other things, to protect recruits from torture, ill-treatment, bullying and other practices that could be considered as inhuman or degrading treatment or punishment, according to Article 3 of the European Convention on Human Rights.[109] The Parliamentary Assembly noted that there are "situations and practices within the armed forces of certain member states which contravene the European Convention on Human Rights, especially with regard to fair trial, forced labour, free speech, free association, and the ill-treatment of recruits and conscripts". The Assembly also noted that cruel treatment of new servicepeople by older colleagues, in violation of the military code, poses a serious problem and urgently requested the states concerned to take the necessary measures to change these situations and practices without delay.[110]

[106] Queen's Regulations and Administrative Instructions place certain restrictions on individuals, in order to "maintain operational effectiveness and good order and discipline". They do not prevent personnel from airing their grievances to the chain of command or "other agencies, as appropriate". They also emphasize that under the Official Secrets Act people are prohibited from divulging official information acquired during their service. Further regulations prohibit the disclosure of information which may conflict with the interests of the Service.

[107] MoD letter to Amnesty international, of 1 December 1999.

[108] See CAT/C/SR 415 Poland 10 May 2000; and CAT/C/39/Add.2 12 May 2000.

[109] The UK ratified the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) in 1951.

[110] Council of Europe Parliamentary Assembly Resolution 1166 (1998)1, "Human rights of conscripts".

Amnesty International believes that impartial, prompt and thorough investigations should be carried out into allegations of ill-treatment and bullying and that people who complain should be protected from harassment and sanctions.

4. Conclusions and Recommendations

Amnesty International opposes both recruitment -- compulsory and voluntary -- and participation of children under the age of 18 in hostilities, in governmental armed forces and armed groups alike, in all countries of the world. The voluntary or compulsory recruitment and participation in hostilities, whether on the part of governments or armed groups, are all activities that ultimately jeopardize the mental and physical integrity of anyone below the age of 18. The organization underscores the government's obligation, including under the CRC, to take special measures to ensure the protection of children's physical and mental integrity and their right to life.

As described in this report, the UK armed forces' practice of recruiting, training, treatment and deployment of children under the age of 18 raises serious concerns:

* The present policy of deployment of children violates the government's duty to protect the rights to life and to physical and mental integrity of children. The declaration made by the UK on the occasion of its signature of the Optional Protocol indicates the unwillingness of the government to change its policy on deployment. The government has yet to guarantee that under-18s will not be deployed in hostilities.
* The recruitment of under-18s and their training in military institutions (including in military schools) puts their mental and physical integrity at risk. In situations of armed conflict, under international humanitarian law, they could be considered as lawful targets for attack.
* Training using live ammunition and endurance exercises aimed at pushing recruits to their limits endangers the physical and mental health of under-18s.
* The allegations of ill-treatment and bullying in the armed forces, coupled with the inadequacy of the complaints procedure, may amount to cruel, inhuman or degrading treatment of recruits.

Therefore Amnesty International urges the UK government to ratify the Optional Protocol without any reservation. The organization also urges the government to commit itself to abolish recruitment and deployment of under-18s within the armed forces. The government should develop a consistent policy of investment of resources in targeting different age-groups for recruitment and in retention incentives. Furthermore, Amnesty International urges the government to make it a criminal offence to recruit and use under-18s in hostilities by armed groups.

In the interim period, Amnesty International urges the UK government to consider and implement the following recommendations:

1. Under-18s should not become members of the armed forces.
2. Under-18s should maintain civilian status during training. Separate training

facilities should be arranged for under-18s, which would, among other benefits, protect them from possible characterization as lawful targets and would avoid the problem of withdrawing them from units which have to be deployed.

3. Evaluation of the physical and mental risks of the training program.
4. The recruitment procedure for training should actively involve the parents/guardians of the applicant. It must allow for occasions in which they can ask questions and listen also to information about controversial aspects of life in the services. In particular, the kind of training under-18s have to undergo should be clearly explained (particularly as to firearms and explosive training and endurance training), including the health risks involved. Information should be provided on the full range of tasks which trainees would be asked to undertake.
5. The declaration which the UK will have to deposit upon ratification of the Optional Protocol under Article 3(2), requiring states parties to describe the safeguards they have adopted to ensure that recruitment is not forced or coerced, should include a basic code of conduct about recruitment advertising campaigns, to ensure that life in the services is portrayed in accurate terms.
6. After reaching majority, those young persons who want to become recruits and join the services should be free to do so and possibly encouraged with good retention incentives, but not compelled to serve.
7. Investigations into bullying and ill-treatment should be carried out impartially, independently and promptly. Also the reporting procedure of episodes of bullying or of any other problem the child may face should be friendly and encouraging, and information about how to access it should be made readily available. People who complain about bullying and witnesses should be protected from harassment and sanctions. Particular attention should be devoted to monitoring the behaviour of trainers of under-18s.
8. Deaths during training should be investigated by an independent and impartial body. There should be full and timely disclosure to the family of the victim, and the family should have the right to participate in the inquiry.