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Recruitment and use of under 18s in UK Government Armed Forces

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REPORT OF THE UK TO THE COMMITTEE ON THE RIGHTS OF THE CHILD
(CRC/C/11/Add/ 1)

Recruitment and use of under 18s in UK Government Armed Forces paragraphs 543 and 544, in relation to Article 38 of the Convention on the Rights of the Child):

1 As clearly laid out in para.543 of the UK report, the UK recruits those aged between 16 and 18. According to the Government's response to the (parliamentary) Defence Select Committee "some 35 per cent of recruits enter under the age of 18". Although such recruitment is not prohibited b.v Article 38 of the Convention. does such a high proportion of recruits in this age group reflect an adequate consideration of "the best interests of the child"? Furthermore, article 38(3) requires the government to "endeavour to give priority to those who are oldest" when recruiting below 18 years. What action has the UK government taken in fulfilment of this commitment? Are there valid grounds for distinguishing between the different services in the minimum age of recruitment?

2 The UK sent under 18s into combat in both the Falklands and Gulf conflicts. According to a letter from the -Minister of Defence. "As at 7 March 1991 there were 173 personnel under the age of 18 serving in the Gulf One soldier aged 17 was killed in action A second soldier aged 17 died in a road traffic accident after hostilities had ceased." Letter of 24 March 1992 from the Earl of Arran. Parliamentary Under-Secretary of State for Defence for the Armed Forces. (See UK chart in para.543 for information about minimum ages for service overseas). The (parliamentary) Defence Select Committee stated. "We believe that there should at least be a presumption that under 18 year olds should not be sent on active service overseas. unless there is some overriding requirement for their particular skills in the defence of the country or unless the threat to national security is such as to necessitate the conscription of minors". The Minister of State for the Armed Forces, Jeremy Haney, responded. "we must remember that under-18s are deployed as members of formed units. They have trained and worked together and each makes an important contribution to the efficiency and effectiveness of his or her entire unit. To withdraw them at a crucial time could adversely affect the operational effectiveness of the unit." Hansard. 21 June 1993, column 122

Although the minimum age specified in article 38 is 15 years, the following questions might be worth considering.

- The validity for the Justification for sending under 18s into active service.
- The validity of distinguishing on the grounds of age between different forms of overseas service including the question of service in Northern Ireland.
- Whether the involvement of under 18s in active service in this way is compatible with the government's duties in relation to article 6 on the right to life.

3. Soldiers who joined up at the age of 16 used to sign a contract committing them to full time service until the age of 21 and to the reserve until the age of 40, without being able to obtain a discharge after the first six months of service. A particular problem was that it was not always clear to those signing that the minimum engagement of three years ran from the age of 18 and not from the age of signing. The Defence Select Committee recommended that the Ministry of Defence should examine the terms of enlistment of under 18 year olds. The Minister of State for the Armed Forces (21 June 1993) stated that. "A thorough review of this issue has been undertaken Any extension of a minor's right to leave would cause real manning difficulties for the services. Nevertheless, the services have reviewed their position. The Navy already had provision to allow discretion to discharge under-18-year-olds who are unable to settle to service life. The other two services have adopted a similar provision." He also stated that, "the leaflet 'Your Rights and Responsibilities', which is given to all new recruits, has been amended to include a note on the right to claim discharge." However. when (25 July 1994) this leaflet was requested from the Army Careers Office for Central London, they supplied the August 1989 edition, which does not mention the possibility of discharge stating that they were not aware of any changed or updated version. The Committee might like to seek further information about this as well as about the above provisions. in particular. the meaning of "discretion" and "unable to settle to service life". and whether such a discharge has continuing effects. for example. on the job prospects of the person concerned- is it a "*dishonourable* discharge". Is the situation now sufficiently clear to the young person at the time of possible recruitment to ensure that they really make an informed decision.

4. Article 14 (freedom of thought, conscience and religion) is the equivalent of article 18 of the International Covenant on Civil and Political Rights. The Human Rights Committee, in its General Comment on Article 18, stated, *inter alia* : "The Covenant does not explicitly refer to a right of conscientious objection. but the Committee believes that such a right can be derived from article 18, inasmuch as the obligation to use lethal force may seriously conflict with the freedom of conscience and the right to manifest one's religion or belief." Earlier in the same General Comment, the Committee had reiterated that article 18 covers the right to choose. to retain and to change one's religion or belief The implication of this is that people who join the armed forces may develop a conscientious objection to military service. Because of the particularly vulnerable position of those under 18 years, does the UK take adequate steps to ensure that they are informed of the possibility of becoming conscientious objectors and how to apply for such status.

RB

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