

# UNITED KINGDOM

## U-18s: Child Soldiers at risk

### 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.

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." (Daily Telegraph, 19 October 1999)

Amnesty International opposes the recruitment and participation of under-18s in hostilities. The United Nations Convention on the Rights of the Child (CRC) states that a child is "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier". In the UK the age of majority is 18. Amnesty International considers that the participation of children in hostilities amounts to a grave violation of their rights to life and to their physical and mental integrity.

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. Amnesty International believes that the government is obliged to take special measures to ensure the protection of children's physical and mental integrity and urges the government to increase the minimum age of recruitment and deployment to 18.

Deployment(1) is not the only risk to physical and mental integrity that under-18 recruits may

face. Under-18s have been killed or wounded during live-ammunition training exercises, and have died or been injured during physically arduous training programs. In addition, power relationships in the military often leave young recruits vulnerable to intimidation, bullying and ill-treatment.

How many children in the UK are exposed to such risks? In recent years there has been a sharp increase in the annual recruitment of under-18s in the UK where there is no conscription, and children have been openly targeted by recruitment campaigns, for example, through the distribution of video-games. Between March 1998 and March 1999, 9,466 under-18s were recruited to the UK armed forces.(2) In 1998 under-18s serving in the UK armed forces numbered 6,676, and in 1997 they numbered 4,529. Children, who represent around a third of the annual intake of recruits, seem to be a favoured target for the armed forces who face recruitment and retention problems and who increasingly are overstretched because of UK commitments to participate in missions abroad.(3)

In August 1997 a 17-year-old female 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. (Daily Telegraph, 21-22 October 1998 and 21 November 1998)

In June 1998 Amnesty International, together with five other international non-governmental organizations,(4) launched the Coalition to Stop the Use of Child Soldiers (the Coalition) and 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. The Optional Protocol to the CRC on the involvement of children in armed conflict (Optional Protocol), adopted by the UN General Assembly in May 2000, requires 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". The UK signed the Optional Protocol on 7 September; however, it also submitted a declaration which states that although the UK will take all feasible measures to ensure that under-18s do not take a direct part in hostilities, it understands that the Optional Protocol would not exclude the deployment of under-18s in specified circumstances, such as where it would be dangerous or impractical to withdraw under-18s from an urgent military operation. Amnesty International is concerned that the terms of the declaration indicate that the UK is unwilling to change its current practice of deploying under-18s. Amnesty International urges the UK 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 peace-keeping or similar mission.

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

International standards on minimum age for recruitment and participation in hostilities are set by international humanitarian law<sup>(5)</sup> and by a number of international human rights instruments.

In 1989 the UN General Assembly adopted the Convention on the Rights of the Child, which was swiftly ratified by all but two countries in the world. Article 1 of the CRC states that "*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 CRC designates to all children a special legal status because of their vulnerability. 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. 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 was achieved in May 2000 when the UN General Assembly adopted the Optional Protocol to the CRC on the involvement of children in armed conflict (Optional Protocol).<sup>(6)</sup> The Optional Protocol requires 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";

- \* 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 parents or legal guardians, and that reliable proof of age is provided prior to acceptance into national military service.

The Optional Protocol also states that armed opposition groups "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".

## **2. Recruitment in the UK armed forces**

### **2.1 Minimum age and academic requirements for recruitment in the armed forces**

People who are recruited into all ranks of the UK armed forces, apart from officers, must be at least 16 years of age; officers must be 17 years and 6 months. The minimum age of recruits to specific services may be higher. Nonetheless, the Ministry of Defence (MoD) admits that potential recruits can apply from the age of 15 years and 7 months.<sup>(7)</sup> Amnesty International notes that, while the UK armed forces permit recruitment from the age of 16, no police force in the UK recruits personnel under 18. The minimum age for recruitment in most forces is 18

years and six months, although the Greater Manchester police force requires a minimum age of 21. Academic requirements for recruitment to the armed forces only apply to officers. No minimum education standards apply to other ranks, although they must pass an entry test to assess whether they could be trained effectively.

## **2.2 Targeting under-18s for recruitment: reasons and means**

In recent years the UK armed forces have been facing an increasingly serious personnel crisis, due to difficulties in both recruiting and retaining staff, coupled with growing demands for deployment abroad in peace-keeping missions. A number of possible solutions have been considered and efforts have been made to enhance equal opportunities thus rendering the services more appealing to women and ethnic minorities. Amnesty International is concerned, however, that a favoured target for recruitment seems to be children.

According to official figures, the number of children recruited to the UK armed forces decreased significantly from 1990 to 1996. However, in 1997, the recruitment of under-18s increased sharply and is still rising. Between March 1998 and March 1999, 9,466 under-18s were recruited to the UK armed forces, approximately a third of the total intake. In 1998, asked to justify the 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. He then referred to existing strong evidence that those recruited under 18 years of age responded better to training and tended to stay longer in the services. Third, he mentioned the increasing competition from other employers for suitable recruits, especially once potential applicants gained qualifications from further education.(8) In the words of one MP, "Let's get them early – before they know any better".(9) Indeed, 40 percent of the current military personnel joined when they were 16 or 17(10).

Recruiting campaigns tend to target the most vulnerable young people. According to At Ease, an independent agency which provides advice for members of the armed forces, the army concentrates its efforts on "areas where educational levels are low, unemployment is high and poverty is advancing".(11)

The possibility of earning a wage is used to attract under-18s. Rates of pay range from £6167.10 per annum (£16.85 daily) for under-17s up to £10738,30 pa (£29.42 daily) for those over 17 and a half. The amount is attractive, particularly for poorly educated school leavers living in economically depressed areas. The appeal of the salary was plainly admitted by Peter Elliott, who was interviewed during the BBC TV 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".(12)

The armed forces have also engaged in a series of promotional activities aimed at young people, including under-18s. Over the past five years, millions of pounds have been spent on advertising for recruits, including on commercials, fashion accessories, video-games and adventure-camps aimed at attracting young people.

Educational institutions have increasingly been used to promote recruitment to the armed forces among children. The army regularly visits schools and youth organizations; in addition, the

Cadet Forces(13) are based in schools and 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. A key role is "to stimulate an interest in a career as an officer in the Services". In March 1999 there were 128,300 cadets. It should be noted that all cadets receive firearms training and army cadets exercise using blank ammunition.

The army has created its own school, the Army Foundation College (AFC), which opened in September 1998. The aim 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."(14) Sixteen-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.

### **2.3 Recruitment procedure and parental consent**

The recruitment procedure (including 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 to be recruited. The MoD requires under-18s who volunteer to enlist to obtain the written consent of their parents or guardians and states 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.(15) However, Amnesty International has received reports indicating that children and their parents or guardians are not always aware of the "nature of the commitment", in particular that they may be deployed into an armed conflict situation while under 18.

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' and a copy of the 'Notice paper' setting out the terms and conditions of service.

Amnesty International has found that the 'Notice paper' is complicated and, as written, 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.

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 the case of a mother who had written to the government in 1997 about the health condition of her son, who had been deployed with the Queen's Own Highlanders during the Gulf war when he was 17 and returned 'totally broken'. The mother claimed that she had been told on three separate occasions by her local army careers office that no 17-year-olds were being deployed against Iraq. In its reply, the MoD apologized that the area careers office provided her with what proved to be false information regarding 17-year-old soldiers being sent to the Gulf.(16) In a later interview, the mother of the boy 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."(17)

## 2.4 Conditions of service and discharge

Children who are recruited under the age of 18 are required to serve a minimum of four years from the date of their 18th birthday. Any service carried out before their birthday is not credited to their term of service. The MoD admitted that "someone who joins under the age of 18 may serve for up to two years longer than their peers who join at 18+".(18) Yet under-18s may be required to serve in any part of the world including in situations of armed conflict.

According to the MoD, the right to discharge during the initial stages of service is enjoyed by all personnel, regardless of age, and for under-18s this means during the first six months, provided they have served a minimum of 28 days and given a 14-day notice, or until 18 years and three months, whichever is the earlier. Moreover, specific provisions exist for 'unhappy under-18s' to be discharged when they show genuine or persistent unhappiness or discontent. 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
NAVY	186	286	331
ARMY	1123	1061	1594
ROYAL AIR FORCE	74	74	189

The 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 compulsory national service: in 1999 the army recorded 1,998 cases of desertion and going absent without leave, or one for every 48 soldiers.(19) These reports pointed to frequent allegations of ill-treatment and bullying and to the army's failure to allow discharge in cases where soldiers had personal problems as the main causes for the phenomenon.

Yet, even if mechanisms for discharge are in place, according to At Ease, what often happens is that many youngsters decide to leave without permission and end up in criminal activities because they do not feel there is a legal way out. At Ease maintains that in Britain there are constantly around 500 under-18s trying to avoid the military police.(20) They tend to find refuge in hostels for the homeless because civil and military police searches concentrate on last known addresses.

In April 1999 Anthony Kitts, aged 20, was shot dead by 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.(21)

### **3. Training**

#### **3.1 Physical Training**

Amnesty International is concerned that subjecting under-18s to arduous training programs may violate the government's obligations to ensure and protect the best interests of the child, particularly their rights to life and to physical and mental integrity. According to the MoD, "initial training can be quite strenuous at times"(22) and for this reason, applicants with certain medical conditions 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. Some trainees complete long marches and survival exercises; others 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(23) and "in the very strict circumstances in which they may open fire" (i.e. use lethal force). Under-18s are not trained as interrogators.

Despite the fact that under-19s are entitled to longer rest and recuperation periods, training has proved on several occasions to be lethally dangerous: from 1982 to 1 December 1999 the MoD recorded the deaths of 12 under-18s during training schemes, exercises, and other forms of training.(24) Five others died while on duty during their training course.(25)

According to information available to Amnesty International, the most recent death of a child 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 in Exmouth, while at the Royal Marine training centre at Lymington, Devon. At an early stage of the investigation a police source allegedly revealed that Wayne Richards might have been shot by one of the instructors in the context of the exercise. An MoD spokesperson reportedly stated that while the death was regrettable, accidents were unavoidable because military training, by its very nature, carries an element of risk.(26) The MoD confirmed that a military inquiry would be conducted by senior officers from Lymington training course, but thought it 'unlikely' they would be those directly involved in the exercise during which Wayne Richards died. Parents of soldiers who 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.(27) In addition to Wayne Richards, four other recruits have died at the Royal Marine Commando Course at Lymington, Devon, including one other under-18. Nathaniel Burton, aged 16, drowned during a river-crossing exercise on Dartmoor in October 1998. The officer in charge of the commando training course reportedly pledged a full investigation, but described the death as a 'tragic accident'.(28)

The Royal Marine Commando Course is regarded as one of the toughest in the world, in which the exercises and survival techniques push recruits to their limits. Admission is based on

passing a three-day selection procedure involving physical endurance and aptitude tests, and recruits are then constantly assessed throughout the program. The program has been criticized in the past and there have been allegations of ill-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.(29)

Amnesty International was informed in 1993 that at Dartmoor Royal Air Force (RAF) survival courses, in addition to being trained in survival techniques without food and shelter, recruits 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 it has also been alleged that refusing to take part may have jeopardized their careers.(30) 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, a medical report was published alleging that officer cadets may be dying needlessly from heat exhaustion. The report 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.(31) The minimum age of recruits at the Royal Military Academy in Sandhurst is 17 years and nine months.

Apart from lethal accidents, injuries suffered during training are also of concern. During the four years from 1996 to 1999, 407 injury incidents involving under-18s were recorded.(32) 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.

Some worrying aspects of under-18s' training were shown also by the BBC TV series "Soldiers to be"(33): one episode showed the training program of a platoon of Scots Guards, whose last weeks involved exercises with live ammunition and live grenades; it emerged from the interview of a lieutenant that the platoon suffered a particularly high drop-out rate because of injuries and of young soldiers going absent without leave. The program also featured the case of a 17-year-old who became increasingly unhappy and attempted 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-18s; however, while not having data on attempted suicides, the MoD recorded 60 self-inflicted injuries events in the same period involving children.

## **3.2 Bullying and remedies**

There is a disturbing unofficial side to training, which has given Amnesty International serious reason for concern: there are many allegations of ill-treatment and bullying of recruits, including of under-18s, while in training and it has been reported that young recruits find it difficult to file complaints against officers for misconduct. Recruits are also said to be afraid of being charged with mutiny if they file a joint complaint against a superior officer. 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 expressed concern about the practice of bullying of young soldiers.(34) 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, under Article 3 of the European Convention on Human Rights.(35) 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, including with regard to the ill-treatment of recruits; and that cruel treatment of new servicepeople by older colleagues, in violation of the military code, also poses a serious problem; the Assembly urgently requested the states concerned "to take the necessary measures to change these situations and practices without delay".(36) Amnesty International believes that 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. In recent years, cases of bullying and harassment have been highlighted 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.(37) 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 the problem remains widespread. 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'(38):

- In May 2000 a court martial heard the case of a 17-year-old rifleman from the King's Regiment. Stuart William Newton deserted reportedly following a brutal initiation rite(39) in Cyprus and a campaign of systematic violent bullying, including from his superiors. During the initiation rite, he was dragged out of his room one night, 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 found out about a money-lending ring among his fellow soldiers, with 100 percent interest enforced by beatings by non-commissioned officers, he decided to go AWOL. The court martial found him not guilty because of duress.(40)
- 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.(41)

- 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 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.(42)
- 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 they had tried to report a different incident the week before but they had not been taken seriously, and were charged and fined.(43)
- 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.(44)

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.

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.(45) 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 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.

#### **4. Deployment of under-18s: the risks to their physical and mental integrity**

##### **4.1 Deployment**

Chances of deployment for British 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.(46) In July 1999 armed forces' members were deployed in Germany, Gibraltar, Bosnia, Kosovo, Cyprus, Belize, Brunei, and in the Falklands.(47)

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.(48) 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.(49) Child soldiers were deployed and some of them died during the Falklands war; about 200 under-18s were deployed in the Gulf war, of whom two died.

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 told he was too young also 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."(50)

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.(51)

Many of the operations in which the armed forces, including under-18s, have recently been deployed are peace-keeping operations. Peace-keeping poses a number of problems for armed forces which are traditionally trained to fight wars and not to prevent other groups from fighting or to police countries in which an internal armed conflict has just ended or is still ongoing.(52) Acknowledging the need for a special maturity of peace-keepers in tense post-conflict areas, in October 1998 the UN Secretary General in his capacity as commander-in-chief of UN peace-keeping operations established a new policy 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.(53)

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". The mother who wrote to the government in 1997 claiming that her son, deployed in the Gulf war at 17, returned 'totally broken', said that the boy was very concerned about the injections he had been subjected to during the mission and that he 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. 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.(54)

The MoD has reportedly failed to take measures to reduce the risk of and to treat effectively Post Traumatic Stress Disorder (PTSD). 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, turning to alcohol, difficulty keeping a job or a relationship, to depression, development of violent tendencies or even suicide. Although the MoD argues that PTSD is not common, 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. Some experts recognize that the MoD is improving in dealing with PTSD.(55) 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. The mother of the 17-year-old, who had been deployed in the Gulf and returned 'totally broken', told German Radio (ARD) that her son was still unable and unwilling to speak about his war experience. He just said it was better for her not to know and felt threatened he might risk a court-martial trial if he spoke about his experience. According to At Ease, under-18s deployed in the Gulf and in Bosnia had to undergo very traumatic experiences such as removing the bodies of dead Iraqi soldiers they had just shot at or dealing with women who were rape victims.(56)

## **4.2 The UK policy of deployment of under-18s and the Optional Protocol**

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 which requires special safeguards and care, 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 unit cohesiveness, compromise unit effectiveness 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. In November 1998 the Minister for the Armed Forces stated:(57)

- 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;
- 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;(58)
- 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.

To defend its deployment policy, the UK has resisted pressure by the United Nations and public opinion and has 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.(59) As adopted by the UN General Assembly in May 2000, Article 1 of the Optional Protocol to the CRC states:

"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."

### **4.3 Amnesty International's concerns about the UK policy of deployment of under-18s**

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 the 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.(60) According to the World Health Organization, "The repeated direct exposure of children as perpetrators to violence may lead to persisting patterns of problematic behaviour and functioning. Many children may be withdrawn, depressed and display difficulties in social relationships."(61) 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.

Amnesty International believes that exposing children to these risks is a violation of their rights under the CRC, and particularly of their rights 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.

The terms of the declaration made by the UK at the time of signature of the Optional Protocol raise concern that the UK is unwilling to change its current practice of deployment of under-18s into armed conflict situations.

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 constituting a direct or an indirect participation in hostilities. In situations of armed conflict, all members of the armed forces are lawful military targets, exposed to the risk of being killed, wounded or captured.

Amnesty International urges the UK 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 or in any other peace-keeping or similar mission.

## **5. 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 right 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 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 things, 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 and 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.

**(For a more detailed report on AI's concerns about under-18 children in the UK armed forces, see United Kingdom: U-18s: Report on the Recruitment and Deployment of Child Soldiers, November 2000, AI Index: EUR 45/57/00.)**

\*\*\*\*

(1) 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.

(2) 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 use of children as soldiers in Europe", February 2000, a report produced by the Coalition, this figure amounts to 36.38 percent of the annual recruitment.

(3) "Ban on soldiers under 18 resisted by Britain and USA", The Independent, 18 January 1999; "Army 'badly overstretched'", The Guardian, 20 December 1999.

(4) Namely Human Rights Watch, International Federation Terre des Hommes, the International Save the Children Alliance, the Jesuit Refugee Service and the Quaker United Nations Office, Geneva.

(5) These include Article 77(2) of Additional Protocol I and Article 4(3)(c) of Additional Protocol II to the Geneva Conventions of 1949.

(6) As of 3 October 2000, the Optional Protocol had been signed by 70 countries, including the United Kingdom, and ratified by 3 countries, and was not yet in force. The Optional Protocol shall enter into force three months after the deposit of the 10th instrument of ratification or accession (Article 10(1)).



- (7) MoD letter of 1 December 1999 to Amnesty International.
- (8) John Reid MP's letter of 15 July 1998 to Phil Willis MP, and Minister for the Armed Forces Douglas Henderson's letter of 9 November 1998 to Paul Goggins MP.
- (9) The Rt. Hon. Julia Drown, Hansard, 1 July 1999.
- (10) Hansard, 26 January 1999.
- (11) Interview to German Radio (ARD) in April 1999.
- (12) The episode was shown on 24 January 2000.
- (13) The Cadet Forces include: Sea Cadet Corps, Army Cadet Force, Air Training Corps and Combined Cadet Forces.
- (14) The quotation is reported in the Coalition's report "The use of children as soldiers in Europe".
- (15) MoD letter to Amnesty International, 10 May 2000.
- (16) 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.
- (17) Interview of mother by German Radio (ARD), April 1999.
- (18) MoD letter to Amnesty International of 1 December 1999.
- (19) "Army bullies force desertions to a record", The Observer, 4 June 2000.
- (20) Interview to German Radio (ARD), April 1999.
- (21) "Troubled ex-soldier shot by police", The Guardian, 12 April 1999.
- (22) MoD's letter to Amnesty International of 1 December 1999.
- (23) Firearms training in the police only commences after completing the general training and usually only after some experience of policing. For example, the Metropolitan police accepts for firearms training only applicants with a minimum of six years' experience in policing, a very good career record and a minimum age of 25.
- (24) Apart from the two cases mentioned in the main text, namely Wayne Richards and Nathaniel Burton, other deaths during military training involving over-18s include the cases of Richard King, 22, who was accidentally shot dead in February 1998, because of a mix-up of blank and live ammunition during a night exercise at Sennybridge, Powys; Robert Hawksley, 29, and Martin Bailey, 25, who were shot by friendly fire in 1994 during an exercise in Canada; Chris Kelly, 26, who was shot dead during a mock battle in Kenya in 1994; and Mark Richards who was shot during a live firing exercise in Belize in 1992. (See "Roll call of deaths during military exercises", The Guardian, 1 April 2000)
- (25) 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.
- (26) "Marine killed in training accident", The Guardian, 1 April 2000.
- (27) "Marine killed in training accident", The Guardian, 1 April 2000.
- (28) "Death of a boy marine", The Daily Mail, 16 October 1998; "Marine, aged 16, drowns on Dartmoor commando course", The Guardian, 16 October 1998.
- (29) "Boy marine drowns on Dartmoor", The Daily Mail, 16 October 1998.
- (30) Signed letter of 19 November 1993 to Amnesty International. The sender wished not to be mentioned.
- (31) "Army lambasted for cadet training death", The Guardian, 11 February 2000; "Sandhurst

cadet died after collapse", The Guardian, 8 June 2000. The report by Dr Alan Porter was published in Lancet Medical Journal in February 2000.

(32) MoD letter to Amnesty International of 10 May 2000.

(33) Shown in January and February 2000.

(34) See CAT/C/SR 415 Poland 10 May 2000; and CAT/C/39/Add.2 12 May 2000.

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

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

(37) "Army bullies force desertions to a record", The Observer, 4 June 2000.

(38) "Army recruits sue MoD over initiation beatings", The Sunday Times, 19 October 1997.

(39) Initiation rites often have homoerotic characteristics and tend to be frequent among junior ranks of infantry regiments, where the great majority of under-18s are posted ("Squaddies flee lonely and humiliating fate", The Observer, 4 June 2000). In 1997, 70 servicepeople were reported to have sued the MoD claiming they had suffered physical and sexual assaults during wild initiation beatings. Their 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.

("Army recruits sue MoD over initiation beatings", The Sunday Times, 19 October 1997.)

(40) "Squaddies flee lonely and humiliating fate", The Observer, 4 June 2000.

(41) "Army boots out barracks bullies: new recruits were forced to dance naked conga", The Herald, 4 February 1999.

(42) "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.

(43) "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.

(44) "Army recruits sue MoD over initiation beatings", The Sunday Times, 19 October 1997.

(45) 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.

(46) On 1 December 1999 the MoD stated, in a letter to Amnesty International, that under-18s can also serve in Northern Ireland, but are not permitted to undertake operational patrols.

(47) "The army: over-stretched and over there", The Economist, 17 July 1999.

(48) 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.

(49) MoD letter to Amnesty International of 1 December 1999.

(50) "Falklands victim, 17, was 'just a boy'", The Daily Telegraph, 19 October 1999.

(51) "Britain recruits more minors to serve in its forces than any other European state", The Independent, 19 October 1999.

(52) "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.

(53) Experts have highlighted the lack of specific training to carry out, effectively and safely, peace-keeping missions. ("Training of soldiers for UN duty 'insufficient'", The Irish Times, 13 May 2000.)

(54) 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.

(55) "Screening to weed out soldiers who will crack", The Observer, 17 October 1999.

(56) Interview to German Radio (ARD), April 1999.

(57) Letter from Douglas Henderson, Minister for the Armed Forces, to Paul Goggins MP, of 9 November 1998.

(58) This decision was reportedly due to allegations of bullying by older ranks of Britain's youngest sea-going sailor, David Allen, 16, 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.

(59) "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 under-18s to armed conflict situations.

(60) Quaker United Nations Office, Geneva, 18 November 1999 (in a representative's speech to Amnesty International staff).

(61) "The impact of armed conflict on children: a threat to public health", WHO, Geneva, July 1996.

## COPYRIGHT NOTICE

The copyright for all information available at this Web site rests with Amnesty International. You may download and read these documents. You may not alter this information, repost or sell it without permission. If you use any of these documents, you are encouraged to make a [donation](#) to Amnesty International to support future research. The address of your nearest AI office [can be found here](#).