

SUBMISSION BY FRIENDS WORLD COMMITTEE FOR CONSULTATION
(QUAKERS)

COMMITTEE ON THE RIGHTS OF THE CHILD DAY OF DISCUSSION 2005

CHILDREN DEPRIVED OF PARENTAL CARE

Child Soldiers

One of the categories of children most vulnerable to becoming child soldiers is those without parental care.¹ This was identified as long ago as the UN Study on the Impact of Armed Conflict on Children.

The problem arises most noticeably in situations of armed conflict and/or displacement where parents are killed or families become separated (permanently or temporarily). Much emphasis for this and other reasons is put on the need to try to keep families together or to reunite them, as well as more generally to protect civilian populations from the direct and indirect impacts of armed conflict.

However, the question of the vulnerability to child soldiering of children deprived of parental care also arises in peacetime. In particular, children in State institutions may be particularly vulnerable to recruitment into Government armed forces which recruit those under the age of 18 years. Unfortunately, little information is available on this issue although it is known that a significant number of under-18 recruits into the British armed forces may fall into this category. In a study in 1999-2000 of only one catchment area for Army recruits, 69 percent were found to have come from a 'broken home'.² Unfortunately, neither in this study nor more generally does the Army collect information about how many come from State care institutions. This submission focuses on those coming from such institutions, rather than another known UK recruitment target group, those from Young Offender institutions, although some of the same issues may arise with regard to the latter group.

¹ See, for example, Rachel Brett & Margaret McCallin: *Children: The Invisible Soldiers* (Swedish Save the Children, Stockholm, 1996)

² Evidence presented in the House of Commons Defence Committee *Duty of Care* Third Report of Session 2004-05, Volume II, Oral and written evidence (HC 63-II, Ev 255), "Analysis of socio-economic and educational background of non-officer recruits".

The Army is not a ‘normal’ employer, in that the unusually dangerous nature of the employment is recognised in both domestic and international law by the safeguards required for under-18s to join. The minimum safeguards set out in the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict³ are:

- Such recruitment is genuinely voluntary;
- Such recruitment is carried out with the informed consent of the person’s parents or legal guardians;
- Such persons [potential recruits] are fully informed of the duties involved in such military service; and
- Such persons provide reliable proof of age prior to acceptance into national military service.

Where the ‘legal guardian’ is in fact the State, through the responsible person in a State care institution, it is essential that there be clear guidance about the basis on which they should give consent. What factors should they be taking into consideration in exercising this legal responsibility? As a State official, the guiding principle enshrined in the Convention on the Rights of the Child of the ‘best interests of the child’ must be the paramount consideration. Should there be some review process to ensure that this is the case? In particular, there should be no predisposition to assist the armed forces in meeting recruitment quotas by recruiting children deprived of parental care and under the care of the State.

Concerns about under-18s joining at least the British Army from State care institutions are compounded because of the restrictive nature of the contracts, including the difficulty of leaving again, and the complexity of the contracts and their terms. In this context, it is worth pointing out that the ‘latest Army research suggests that up to 50% of all recruits joining the Service have literacy or numeracy skills at levels at or below those expected of an 11 year old’⁴. Since April 2004, the Army has adopted a policy of deferring entry of those with literacy or numeracy skills of those at or below those of a 5 year-old. It remains doubtful whether any recruit without the most advanced reading and comprehension skills will understand the terms of the contract they are being asked to sign. Those joining the armed forces at the age of 16 or 17 years are unlikely to be in this category.⁵

In addition, the number of non-combat related deaths and injuries of young soldiers in the British Army demonstrates that this is not a safe environment for those defined in both domestic and international law as children. The decision to have the House of Commons

³ To which the UK and xx number of other States are now parties

⁴ Evidence presented in the House of Commons Defence Committee *Duty of Care* Third Report of Session 2004-05, Volume II, Oral and written evidence (HC 63-II, Ev 255), “Analysis of socio-economic and educational background of non-officer recruits”.

⁵ A personal interview (May 2005) with a former British soldier who joined at 16 years straight from his ‘Children’s Home’ revealed that he did not even realise that he would be required to carry a gun.

Defence Committee consider and report on the 'Duty of Care' in the British Armed Forces arose because of concerns about the incidence of death, injury and harassment.

As already stressed, far too little information is available about this subject even from the UK, where the situation has been a matter of concern, let alone from other countries.

Recommendations:

The Committee on the Rights of the Child should:

1. Request statistics from States which recruit under-18s into their armed forces on the numbers of these coming from State care institutions;
2. Request information from States about the safeguards for entry into the Armed Forces of children deprived of parental care;
3. Include specific measures on this issue in the proposed Guidelines on Children Deprived of Parental Care.

15 July 2005