



Ministry of Defence

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Ref: [REDACTED]

E-mail [REDACTED]

[REDACTED]

8 September 2015

Dear [REDACTED],

Thank you for your email of 17 August in which you requested the following information:

I am interested in obtaining any information or documentation concerning the Ministry of Defence's policy and training of military personnel in relation to interaction with child soldiers. Any information regarding advice given or training provided would be beneficial. Information concerning doctrine would be appreciated. Information about areas, conflicts or regions where British Army personnel have seen children used as combatants would be beneficial.

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA). A search for the information has now been completed, and I can confirm that some information is held which falls within the scope of your request. The information is exempt under Section 21 of the Freedom of Information Act (FOIA), because it is reasonably accessible to you by other means in the public domain at the following links:

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-03-09/226716/>

<https://www.gov.uk/government/publications/jdp-1-05-personnel-support-for-operations>

I also refer to our response of 13 April 2015 (Ref: FOI2015/02562) where you were advised that Mission Specific Training is designed to introduce soldiers to working in local populations where they may interact with children. Training is therefore designed to accommodate the needs of children in such circumstances. Additional training is provided to those in stabilisation work who will interact with local governments on particular issues involving the provisions from these treaties.

In addition, the Defence Concepts and Doctrine Centre have provided the following references to child soldiers in:

Allied Command Operations Comprehensive Operations, Planning Directive, Copd Interim V2.0, 04 October 2013. "Military and security situation. External/internal threats, surrogates and proxy forces, illegally armed groups, child soldiers, extremism/terrorism, operational areas, military dispositions, police and military activity."

Joint Doctrine Publication 3-00, Campaign Execution (3rd Edition), October 2009, Chapter 5, Annex B, Page 4. "Demobilised child soldiers increase (NGO statistics)"

Joint Doctrine Note 6/10, Security Transitions, dated November 2010, Chapter 2, page 10, Transition and DDR in Sierra Leone paragraph. "Tailored packages of assistance were required, for men, women and the large numbers of child soldiers as well as for the communities absorbing them."

Global Strategic Trends out to 2040, (4th Edition). "Regular military forces will deploy in environments where armed irregular forces, for example gangs, bandits, semi-official militias, PMSCs, terrorists, child soldiers, criminal elements, cyber warriors and tribal groups and insurgents, are operating, often as adversaries, but sometimes as neutrals or even as partners."

The Joint Service Manual of the Law of Armed Conflict Joint Service Publication 383, 2004 Edition holds many references. Legal considerations/requirements both specific and more general which are expressed in law and reflected in training practices, documentation and legal advice. Regarding "interaction" with child soldiers; if we were engaged in battle which included child soldiers, the Law of Armed Conflict (sometimes called International Humanitarian Law) governs our conduct. Training is provided to all service personnel, largely by the single services. A comprehensive example of the support to training used by the Army is "MATT 7", which contains the detail of the training that soldiers are given to comply with the law and Rules of Engagement.

In an International Armed Conflict, child soldiers are entitled to be treated as prisoners of war, but with the special status given to children (this is in fact a good thing, in that it gives them a status and protection to a particular standard). Children have to be treated humanely when captured and generally they must be provided with the care and aid they require. Additionally, children must be granted further consideration i.e. providing for their education, and provision for religious and morale care, and family reunions.

In a Non-International Armed Conflict, domestic law and Human Rights Law applies. In these circumstances, our doctrine governing captured persons (JDP 1-10) is relevant. In both International and Non-International Armed Conflict, child soldiers may be seen as victims themselves. Accordingly, and particularly if we were involved in Peace Keeping/Enforcement Operations and not in a combat role, we may seek to retain evidence of the crime of recruiting and using child soldiers so that prosecution could be considered. The Royal Military Police may be able to provide further information on their standard practices and procedures for investigating crimes (which is likely to include details of personnel specifically trained about the International Criminal Court and War Crimes).

Our "interaction" with child soldiers of course can be much wider than facing them on a battlefield. International law (and domestic laws) governs child soldiers. All nations' forces must take all feasible measures to ensure those under 15 are not recruited. This ban is also extended to armed groups or to use them to participate actively in hostilities. Such recruitment is a war crime under the Rome Statute. When UK Armed Forces provide training/mentoring abroad, and in instances where there is assessed to be any risk of Human Rights abuses, then policy requires us to include in our training Human Rights training. Examples include training of forces in Nigeria and Ghana which included presentations on Rules of Engagement, protection of civilians and civilian objects, and basic Human Rights. Many of the recent internal conflicts in West Africa have involved extensive use of child soldiers, including forcing children to fight. In the Iran Iraq war, child soldiers were used.

The Centre for Defence Leadership and Management have provided the following:

"We have covered the subject of Child Soldiers twice; both in courses delivered in Burma (6-17 Jan 14 and 12-23 Jan 15) - Managing Defence in the Wider Context (MDWSC) course.

During the first course (2014), Cranfield University's International Lawyer covered the subject of Child Soldiers as part of the Law module. The course provided an understanding of how Armed Forces are regulated and controlled within a constitutional framework and the relevance of International Human Rights to military and security forces. Preventing Sexual Violence in Conflict Initiative (PSVI) and individual criminal responsibilities were covered in the context of Rules of Engagement (ROE) and the rules on the protection of victims, position of child soldiers under IHL and the conduct of hostilities.

During the second course (2015), a member of the UNICEF Child Protection Section covered specifically the issues of Child Soldiers in Burma as part of the Women, Peace & Security module.

The International Section has had periodic contact with Child Soldiers International (CSI). A meeting took place in late 2013 in the Foreign and Commonwealth Office (FCO) prior to the first course which involved Cranfield University (specifically the lawyer covering the Child Soldier issue on the course). A bilateral meeting also took place in mid-2015 between the Head of the International Section and CSI at their HQ in London principally to debrief on the 2015 course. Other contact has taken place with CSI at FCO Burma Non-Government Organisation stakeholder meetings. The International Section receives newsletters from CSI and in depth investigation reports (for example: 'A Dangerous Game: Ongoing Child Recruitment by the Kachin Independence Army' and 'Under the Radar: ongoing recruitment and use by the Myanmar Army'). The Child Soldier issue will be covered in the next Managing Defence in the Wider Security Context course in Feb 2016."

The Joint Service Command and Staff College (JSCSC) have provided the following:

"All the courses at JSCSC include elements on International Humanitarian Law (IHL), Human Rights and Ethics. Speakers from International Committee of the Red Cross (ICRC), Non-Government Organisation (NGO) community and academia present or participate in teaching stages. Within these the subjects the issue of child soldiers and their treatment is touched upon although it is not a central theme. As the aim of the education provided here is to prepare officers for further command and staff posts where child soldiers are covered it is in relation to how they should be treated once no longer engaged in hostilities."

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1st Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end. If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>.

Yours sincerely,

Defence People Secretariat