



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

Sixty-second session

14 January–1 February 2013

### Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

#### List of issues concerning additional and updated information related to the second periodic report of the United States of America (CRC/C/OPAC/USA/2)

**The State Party is requested to submit in writing additional, updated information (15 pages maximum), if possible before 16 November 2012.**

*The Committee may take up all aspects of children's rights contained in the Optional Protocol during the dialogue with the State Party.*

1. With reference to the information provided in paragraphs 11 and 178 of the State party's report, please provide additional information concerning the dissemination of information related to the issues covered by the Optional Protocol to the general public and the training of professionals working with children. Please also inform the Committee of the measures taken to promote knowledge of the Optional Protocol as well as peace education for children in the State party's schools.
2. With reference to paragraph 50 of the report, please clarify the terminology "hazardous duty pay" and "imminent danger pay" areas where 17-year old service members can be deployed. Please also provide data disaggregated by sex, ethnic origin, social and economic background on:
  - (a) The number of service members under the age of 18 deployed to "hazardous duty pay" or "imminent danger pay" areas in 2009, 2010 and 2011, including the number who were deployed in hostilities;
  - (b) The roles played by service members under the age of 18 when deployed to "hazardous duty pay" or "imminent danger pay" areas, including details of the specific destinations to which they have been deployed over the reporting period.
3. Please provide data disaggregated by sex, ethnic origin, social and economic background on the number of service members under the age of 18 recruited into the State party's armed forces since 2010. Please also clarify whether applications are accepted from 16-year-olds wishing to join the armed forces, and if so, the number of applications received since 2008.

4. With regard to paragraph 182 of the report, please explain the basis of the interpretation that the age for voluntary recruitment should be above fifteen years, according to article 3, paragraph 1 of the Optional Protocol.
5. With reference to paragraph 46 of the report, please indicate whether annual recruiter irregularity reports have been issued by the Department of Defence since 2010. Please also provide information on the follow-up given to the conclusions of the United States Government Accountability Office report on military recruitment, dated January 2010, which indicated that despite progress, the military's system of tracking and sharing recruiter irregularities has been inadequate, and to the 2010 study on recruiter irregularities, conducted at the request of the Ministry of Defence by the Rand Corporation, according to which, "irregularities are more likely to occur at the very end of the month when recruiters are 'on the hook' to meet their quotas."
6. Please provide information on the measures taken to restrict the presence of military recruiters on school grounds. Please also provide information on the use of the Armed Services Vocational Aptitude Battery (ASVAB) in schools, the age of the children who have been given this test, and whether parents have the possibility of preventing their children from taking it.
7. Please provide disaggregated data (by age, sex, ethnic origin, social and economic background) on the number of children currently enrolled in the Junior Reserve Officer Training Corps (JROTC) and in the four United States Cadets Programmes, and indicate whether they may be trained to use weapons. Please also clarify the relations between the Army Cadets Corps and the Department of Defence. Please indicate whether children can withdraw from the JROTC and the Army Cadets Corps at any time and without penalty, and the proportion of them who ultimately join the armed forces. Please also indicate if a complaint mechanism is available to them.
8. Please clarify whether the legislation of the State party fully criminalizes all the offences covered by the Optional Protocol, including the compulsory recruitment of children under 18 years into the armed forces and the recruitment and use of children in hostilities by non-State armed groups.
9. In view of the large number of children who have died in the ongoing armed conflicts in Afghanistan and Iraq, and with reference to paragraph 176 of the State party's report, please inform the Committee of measures taken by the State party to ensure respect for the fundamental principles of proportionality and distinction between military objects and civilians and to establish accountability for violations of international humanitarian law. Please also provide precise information on the results of any investigation conducted into the killing of children as reported by the United Nations Assistance Mission in Afghanistan (UNAMA) over the reporting period.
10. With reference to paragraph 124 of the report, please provide information on the number of former child soldiers whose request for asylum have been refused on the basis of section 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA) since 2008. Please indicate whether the State party is considering granting discretionary exemptions to former child soldiers and whether it intends to review its position according to which the best interests of the child principle does not play a direct role in determining substantive eligibility under the United States refugee definition.
11. With reference to information provided in paragraph 209 of the report that "in detaining juvenile combatants, the United States seeks to restore some hope for their future and to prepare them for reintegration into society", please provide precise data disaggregated by age, sex and geographic location on the number of children who have been detained since 2008 and are currently held in the State party's detention facilities in Afghanistan. Please also inform the Committee of:

- (a) The reasons for their detention and the charges brought against them;
- (b) The length of time they have been deprived of their liberty;
- (c) The legal assistance available to them;
- (d) The physical and psychological recovery measures as well as the education programmes available to them in the State party's detention facilities;
- (e) Their conditions of detention and whether these conditions are regularly monitored by independent organizations and, in particular, whether UNICEF has access to these children.

12. Please provide information on the investigations conducted into the allegations of torture and ill-treatment of Omar Kadr, currently detained in Guantanamo, and Mohammed Jawad, who spent six years in Guantanamo before being released in August 2009. In the case of Mohammed Jawad, please indicate what remedies were provided to him once he was found not guilty.

13. With reference to the 2008 Child Soldiers Prevention Act which prohibits specific types of military assistance to States that recruit and use child soldiers, please explain the reasons why waivers were granted to the majority of those States. Please also provide updated information on the number of countries that use child soldiers for which military assistance has been discontinued.

14. Please provide updated information on the cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) to conduct best interests determinations (BID) in countries outside the United States.

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