



Convention on the Rights of the Child

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 8 (1) OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

Initial reports of States parties due in 2004

IRELAND*

[1 December 2006]

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Abbreviations

EU European Union

NGO Non Governmental Organisation

PDF Permanent Defence Force

RDF Reserve Defence Force

I. INTRODUCTION

Ireland signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 7 September 2000 and ratified the instrument on 18 November 2002.

The Irish Government welcomes the opportunity to submit its first report under the Optional Protocol in accordance with article 8 thereof. This report outlines the measures that are in place or have been adopted in Ireland to give effect to the provisions of the Optional Protocol.

The Defence Forces of Ireland are constituted and operated by reference to the provisions of the Constitution and by reference to the various Defence Acts 1954-1993.

The Defence Forces consist of the Permanent Defence Force (PDF) and the Reserve Defence Force (RDF).

PDF consists of some 10,500 personnel, comprising the Naval Service (some 1,100), the Air Corps (some 900) and the Army (some 8,500). These components, as the term Permanent Defence Force implies, are the full time dedicated Armed Forces of the State.

The Reserve Defence Force consists of an Army Reserve and a Naval Service Reserve. The members of RDF are civilians in 'day-to-day' life but serve as members of the Reserve in that they undertake part-time military training activities in their own free time under the general supervision of PDF e.g. at weekends, during summer holidays etc.

II. ARTICLES OF THE OPTIONAL PROTOCOL

Article 1

All military personnel who are under 18 years of age are specifically precluded from any service abroad under the terms of the policy of the Irish Defence Forces as enunciated in Defence Forces Administrative Instructions.

The only theoretical situation where a person who has not attained the age of 18 years could be exposed to 'hostilities' would be where hostilities had broken out and were occurring within the State's own jurisdiction i.e. within the sovereign territory of Ireland. In purely practical terms, the only foreseeable circumstances where such a situation could possibly occur would be an actual armed attack on a military barracks or during the course of the military (Army) providing 'Aid to the Civil Power'. An example of the latter would be the provision of armed military back up by the Army to the Irish police (An Garda Síochána) on those occasions where the police are escorting cash en route to banks, or escorting certain categories of prisoner from prison to Court etc.

However, as general service enlistment is immediately followed by an essential core basic training period of at least six months, before the recruit is technically 'passed out' as an active member of the Permanent Defence Force liable to the full normal range of military duties, the possibility of a person who has not attained the age of 18 years being exposed to any 'hostile' incident is virtually negligible.

There are some 342 members of the Reserve Defence Force who are between the ages of 17 and 18 at the time of writing this report. These members are not accepted as being trained to the minimum standard required for operations until they have completed their 'Three Star Private' Course which is conducted in the second year of service. Therefore these entrants are not eligible for operations until at least the age of 18 to 19. Under the Defence Acts, all members of the Reserve are precluded from 'Aid to Civil Power' operations within the State. Similarly, members of the Reserve cannot serve overseas.

Article 2

All recruitment into the Irish Defence Forces is voluntary. All members enlist on an entirely free and voluntary basis as individuals. There is no programme of military conscription and there is no period of compulsory military service obligation. There has never been military conscription or any period of compulsory national military service obligation since the foundation of the independent Irish State in 1922.

All recruitment campaigns are therefore purely informational and promotional in nature and serve merely to advertise and to create greater public awareness of the availability of careers and career opportunities in the Defence Forces.

Article 3

Under Defence Forces Regulations and Administrative Instructions, the minimum age for 'general service enlistment' to all branches of the Irish Defence Forces is 17 years of age. This is also the minimum age of entry for cadets who enter the Permanent Defence Force to undergo a structured intense programme of training of more than 12 months duration which leads to the award of a Commission as a junior Officer of the Permanent Defence Force.

There is one exception to the legal minimum age of 17 provided for in military regulations. These regulations currently allow for the legal recruitment of 'apprentices' who may be recruited specifically as apprentices from the age of 16 onwards. Traditionally, these 'apprentice' entrants are then assigned to special technical / technological courses of training and study lasting for 3-4 years both within military technological colleges and also at civilian technological colleges. Thus any apprentice recruit aged 16 at entry would be between 19 to 20 by the time they qualified in their technical/technological specialty. Apprentices are not assigned to any military duties at all until they have fully completed their specialist technical/technological training. Qualified technicians may be required to serve overseas but such persons are by definition over 18. There is another parallel mode of training technicians, which may involve deployment overseas. Trainee technicians are already fully trained soldiers who are selected to undergo further training. However as they are already fully trained they are by definition over 18 years of age. In recent years, actual administrative practice has been to reset the minimum entry age for apprentice entrants at the same level as for General Service Recruitment, i.e. a minimum age of 17 years at entry.

In practice, therefore, Defence Forces personnel who are under 18 years of age are essentially in the preliminary stages of training. They remain under close supervision within a comprehensive and highly structured military training system which optimises their career development and which continually reviews and assesses their progress in training.

They remain under the direct supervision of highly experienced and competent Officers and Non Commissioned Officers. The duration and structure of even the most basic military training, as undertaken by 'general service enlistment' recruits of 17 years, is such that relatively few of them would become available for any operational military duties within the State until they would be 18 years of age in any event.

More generally, all (unmarried) applicants to the Defence Forces, applying for any branch of or role within the Defence Forces whatsoever who are under 18 years of age must produce the written consent of their parent or legal guardian to the military

authorities.

All applicants must fill in a prescribed official application form and undergo a personal interview. Interview Boards are composed of experienced interviewers and are chaired by a senior military Officer. The Interview Boards are particularly cognisant of establishing the applicant's maturity and personal suitability for military service. All applicants must produce clear documented proof of age. Those identified as suitable for enlistment are selected on the basis of their overall suitability. Applicants who are successful in their candidature and who are offered a position as a trainee (recruit) are under no obligation whatsoever to accept the offer.

Ireland has, therefore, adopted appropriate and stringent safeguards as regards age of enlistment.

In recent years, about 22 per cent of the personnel intake into the Permanent Defence Force has been under 18 years of age at entry. However, less than half of these (approximately 45 per cent) were still under 18 years of age on completion of their initial training.

The following table sets out the number of persons below 18 years of age at the actual time of their entry into the Permanent Defence Force in each of the years 2002 to end March 2006.

Year	General Service Recruits	Cadets for Officer training	Apprentices for technical training	Total
2002	101	3	8	112
2003	53	4	8	65
2004	69	6	3	78
2005	51	3	2	56
2006 (to end March)	17	0	0	17
Total	291	16	21	328

Article 4

The Irish Constitution provides that 'the right to raise and maintain military or armed forces is vested exclusively in the Oireachtas [Parliament].' The Constitution also states that 'no military or armed force, other than a military or armed force raised and maintained by the Oireachtas, shall be raised or maintained for any purpose whatsoever.'

Deriving from this, principal legislation passed by the Oireachtas has been utilised to proscribe a number of 'paramilitary' type organizations. These organisations are thus all illegal and membership of any of them is of itself a serious criminal offence.

Article 5

The Irish Government do not have any comments to make concerning this article of the Optional Protocol.

Article 6

The text of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict – along with all other core human rights instruments – is available on the website of the Department of Foreign Affairs (www.dfa.ie).

Reports to the United Nations Treaty Monitoring Bodies, in addition to the concluding observations issued following the examination of periodic reports, are also available on the website of the Department of Foreign Affairs.

Human Rights training on peace operations for military personnel is ongoing in the Defence Forces. The overall training package is based on the programme provided by the United Nations Office of the High Commissioner for Human Rights (OHCHR). One of the key thematic issues addressed in such training is that of 'Children's Rights in Peace Operations.'

Article 7

Ireland is committed to tackling the problem of children in armed conflict, both through bilateral and multilateral channels.

The European Union Guidelines on Children and Armed Conflict were adopted by the European Council in December 2003. The Irish Presidency of EU in the first semester of 2004 guided the strategy for the implementation of the Guidelines which was endorsed by the European Council on 17/18 June 2004.

Through the Guidelines, EU has undertaken to address the short, medium and long-term impact of armed conflict on children in an effective and comprehensive manner, making use of the variety of tools at its disposal. EU's objective is to influence third countries and non-state actors to implement international human rights and humanitarian law related to children in armed conflict. In doing so, EU hopes to encourage them to take effective measures to protect children from the effects of armed conflict, to end the use of children in armies and armed groups, and to end impunity.

Ireland is strongly supportive of the work of the Special Representative of the United Nations Secretary General for Children and Armed Conflict, Ms. Radhika Coomaraswamy.

The Human Security Network, of which Ireland is a member, is also active on the issue of children and armed conflict. The Network engages in awareness raising activities and lobbying at multilateral fora such as the United Nations. The Network delivered a statement on 24 July 2006 during the Security Council debate on children and armed conflict in which it called for a greater focus on

the implementation of past Security Council resolutions with a view to producing tangible responses to the problem of children in armed conflict. It also encouraged ongoing dialogue and cooperation at local and national levels.

In 2005, Ireland provided €500,000 to the United Nations Development Programme Disarmament, Demobilisation, Reintegration and Repatriation Trust Fund for Liberia. This programme explicitly targets child as well as adult ex-combatants.

Irish Aid has also funded 'The Coalition to Stop the Use of Child Soldiers' in a project aimed at building the capacity of grassroots NGOs to engage in advocacy activities on the involvement of children in armed conflict. The target group comprises approximately 340 grassroots or community NGOs in Southeast Asia, the Middle East and North Africa, the Great Lakes Region and Latin America. Key activities include: training on capacity building for advocacy; mobilising community action; and facilitating children's participation. Regional representatives and national coordinators work together to lead national advocacy programmes, lobbying events and high-level advocacy meetings. The Irish Aid funding allocation to this project was €45,000 in both 2005 and 2006.

Regarding the rehabilitation and social integration of persons who are victims of acts contrary to the Optional Protocol, Ireland does not have information on specific numbers of former child soldiers residing in Ireland and therefore does not have information on specific cases of rehabilitation and social reintegration of persons from a domestic point of view. However the Irish Health Service Executive does have an active Child and Adolescent Mental Health Service within the community. This Service operates in multidisciplinary teams of skilled professionals including among others, child and adolescent psychiatrists, clinical psychologists, psychiatric nurses, mental health social workers, occupational therapists and speech and language therapists. This Service is equipped to treat psychiatric and psychological manifestations associated with traumatic experiences such as those experienced in armed conflict and children are referred to these services where necessary.

Appendix

Consultation with non-governmental organisations and statutory bodies

Recognizing the important role that the non-governmental organisation (NGO) sector plays in human rights matters, the Department of Foreign Affairs consulted with a number of NGOs and statutory bodies in the drafting of this report. The draft report was initially sent to members of the Joint Department of Foreign Affairs/NGO Standing Committee on Human Rights with whom the Department liaises on a regular basis, and to the Children's Rights Alliance, which is a coalition of approximately eighty non-governmental organisations concerned with the rights and welfare of children and young people in Ireland. The report was also sent to the Office of the Ombudsman for Children and the Irish Human Rights Commission. The Department received two written submissions on the draft report. A complete list of NGOs and Statutory bodies consulted appears at the end of the appendix.

The Department welcomes these submissions for a number of reasons. They ensured that the report was an accurate reflection of the implementation of the Optional Protocol. The submissions also allowed the concerns of the NGO sector to be voiced and provided an alternative perspective on how to implement the obligations outlined in the Optional Protocol as well as raising a number of new issues regarding its implementation.

On foot of the submissions, the Government Departments with responsibility for the relevant sections of the report were asked to provide further information clarifying some of the points raised. The report was then amended to reflect the new information which had been requested by NGOs.

Some of the key concerns of the NGO sector are outlined in the following paragraphs. This is not an exhaustive analysis of all the issues raised but it illustrates some of the main areas discussed during the drafting of the report and the outstanding concerns expressed.

NGOs expressed disappointment that the State's declaration under article 3 of the Protocol specifies that the minimum age of voluntary recruitment in Ireland is 17 years, and 16 years for apprentices. NGOs expressed the opinion that Ireland should raise the minimum age to 18 years for all recruitment/to both the Permanent Defence Force and the Reserve Defence Force. NGOs therefore called on the Government to amend its declaration to the Optional Protocol to provide for a minimum age of military recruitment of 18 years without exception or reservation and to introduce statutory measures to this effect.

Concern was raised that the Ombudsman for Children is specifically precluded from investigating any action which 'relates to or affects national security or military activity', with the result that children in the Defence Forces are excluded from the protection of her mandate.

Regarding Financial Assistance and Technical cooperation, NGOs called on the State to make the recording of funds under the Irish Aid programme more specific to provide a clearer picture of aid expenditure on children over a period of time.

Calls were made for training of refugee determination bodies on specific issues relevant to former child soldiers. Calls were also made for the publication of decisions of refugee determination bodies to enable monitoring of developing case law in this area.

The following nongovernmental organizations, statutory bodies and representatives from academic institutions were consulted during the preparation of Ireland's first report:

Non-Governmental Organizations

Amnesty International
Comhlámh
Concern

Frontline
GOAL
Irish Council for Civil Liberties

Disabled People International
Dóchas
Fédération Internationale des Ligues des Droits de l'Homme (FIDH)

Rehab Care
Trocaire

NGO Coalitions

Children's Rights Alliance

Other Bodies

National Consultative Committee on Racism and Interculturalism

The Ombudsman for Children

Irish Human Rights Commission

Individual Members of the Department of Foreign Affairs/NGO Human Rights Standing Committee

Mr. Kevin Boyle

Mr. Paul Burns

Mr. Jerome Connolly

Mr. Attracta Ingram

Mr. Morrough Kavanagh

Ms. Karen Kenny

Mr. William Schabas