



**Convention on the  
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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-ninth session

SUMMARY RECORD OF THE 1357th MEETING

Held at the Palais Wilson, Geneva,  
on Wednesday, 24 September 2008, at 10 a.m.

Chairperson: Ms. LEE

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Third and fourth periodic reports of the United Kingdom of Great Britain and Northern Ireland (continued) (CRC/C/GBR/4; CRC/C/GBR/Q/4 and Add.1 and 2)

1. At the invitation of the Chairperson, the members of the delegation of the United Kingdom of Great Britain and Northern Ireland took places at the Committee table.
2. Ms. AIDOO, while welcoming the new procedures for dealing with child asylum-seekers and the proposed improvements in support services for unaccompanied minors, expressed concern that the detention of child asylum-seekers was being used as a routine measure and not as a last resort. A further concern was that dental x-rays were being used to conduct age assessments, apparently against the advice of the medical establishment. Such procedures were not only intrusive and sometimes unreliable, but also raised ethical issues since the children concerned had no possibility of giving their informed consent.
3. Other welcome developments had been the adoption of the UK Action Plan on Tackling Human Trafficking and the police anti-trafficking operation, Pentameter 2. The State party should pursue its efforts to combat trafficking with a view to ratifying the Optional Protocol on the sale of children, child prostitution and child pornography as well as the Council of Europe Convention on Action against Trafficking in Human Beings.
4. Ms. SMITH said that the delegation should explain why a disproportionately high number of children had been remanded in custody to prison in the United Kingdom. During her recent visit to Hydebank Wood Prison, she had met six youths, four of whom were on remand, including one who had been on remand for a whole year.
5. Mr. JEFFEREY (United Kingdom) said that the Government expected to attain the target of allocating 0.7 per cent of its gross national product for official development assistance by 2013.
6. The Welsh Assembly Government had recently received an external evaluation report on Funky Dragon (the Children and Young People's Assembly for Wales) and would shortly be considering sustainable ways of funding it.
7. Ms. JACKSON (United Kingdom) said that the Prime Minister had recently announced the introduction of legislation to demonstrate the Government's commitment to tackling child poverty. The objectives were to halve poverty by 2010 and to eradicate it by 2020. Since 1998, more than 600,000 children had been lifted out of relative poverty, although over the past two years there had been a slight downward trend. During the reporting period, the number of children living in absolute poverty had fallen from 3.4 million to 1.7 million. The 2008 budget included almost £1 billion intended to lift a further 500,000 children out of poverty by 2010-2011.

The Government was keen to tackle poverty in a sustainable way by examining its causes and symptoms, mainly unemployment and low income. The key objectives of government policy were higher employment rates, better childcare, improved labour skills for parents and enhanced life chances for children. It was also important to have a benefits system that supported people who were unable to work, such as parents with disabilities, and to address the related problems of housing and homelessness.

8. The minimum wage was established through public consultation and on the recommendations of the independent Low Wage Commission, which had recommended that young people should earn less than adults.

9. As part of the strategy to eradicate poverty by 2020, the Child Poverty Unit cooperated with all government departments and relevant offices in the devolved administrations. The strategy would be supported by a budget document entitled “Ending child poverty: everyone’s business”. Consultations were under way to establish a definition of “eradication of poverty”, determine the role of local government officials who dealt with poverty and solicit contributions from the four regions of the United Kingdom. For example, Scottish ministers had identified three ways of tackling poverty and would be publishing a poverty framework in November 2008.

10. Mr. BUTLER (United Kingdom) said that the Welsh Assembly Government was considering legislation that would oblige local authorities to demonstrate their commitment to eradicating child poverty. Under such legislation, local authorities would be required to promote equal opportunities for and positive attitudes towards children living in poverty and to encourage those children to make use of available services. The Welsh Assembly Government would shortly publish the *Child Well-Being Monitor for Wales*, which would set specific targets relating to employment, education, health and housing for the purpose of monitoring child poverty.

11. Mr. OPPENHEIM (United Kingdom) said that the devolved administrations were not responsible for immigration issues. However, the United Kingdom Border Agency had offices in Scotland, Wales and Northern Ireland that helped to shape regional approaches. In Scotland, for example, a pilot scheme would shortly be launched to seek an alternative to detention for families seeking asylum. Legal advice was available to young people for their initial asylum application, and young people had legal representation during asylum interviews and before asylum tribunals.

12. Unaccompanied minors would not be returned to another State unless the Government received assurances that the reception arrangements there were safe and adequate. Very few asylum-seekers were forcibly returned; voluntary returns were preferred, where possible.

13. Age assessments were conducted by local governments. They usually consisted of a face-to-face interview with social workers who prepared a detailed social history of the asylum-seeker concerned. If there was any doubt regarding the age of the applicants, they were given the benefit of the doubt. In the light of the concerns expressed, an expert working group had been established to seek more effective methods of determining the age of child asylum-seekers. Dental x-rays were only one of the options being considered. It was recognized that there was no single method for determining age, and that assessments by social workers and doctors were a significant part of the process. The working group would report to the Government by the end of 2008, when a decision would be taken on the matter.

14. Asylum-seekers were detained only as a last resort. There were currently several thousand families living in the United Kingdom whose asylum applications had been rejected. As at 11 September 2008, eight children from four families of asylum-seekers had been held in State detention and none of them for longer than 28 days.

15. As a result of amendments to the citizenship laws in July 2006, children born out of wedlock after that date were eligible for citizenship provided that one parent was British. Children born before that date acquired citizenship automatically, if their parents married. Alternatively, such children could acquire citizenship through registration, provided that they had resided in the United Kingdom for three years and intended to stay.

16. Since the Counter-Terrorism Bill was still being considered by Parliament, children whose parents were suspected of involvement in terrorism were not subject to the restrictions imposed under the Bill.

17. Ms. STEWART (United Kingdom) said that considerable efforts had been made to speed up the juvenile justice system. On average, two to three months elapsed between bringing charges against and sentencing young offenders. Thus, the remand case referred to by Ms. Smith was not typical. Courts tried to avoid remand in custody for children by seeking alternative means of preventing their return to crime. Remand in custody was used mainly for older children (15- to 17-year-olds). During remand in custody, children had access to the services of social workers attached to the detention facility and were entitled to three family visits a week.

18. Mr. KAVANAGH said that attenuated energy projectiles (AEPs) had been used in Northern Ireland only once in the past three years, when six rounds of projectiles had been fired. No children had been involved in the incident. Police conducted dynamic risk assessments before using AEPs and, in any case, the projectiles were targeted at individuals and not used indiscriminately at crowds. The Government viewed the use of such weapons as a proportionate measure to combat a potentially lethal threat. Persons handling AEPs received proper training and used their good judgement. The use of AEPs was subject to review by the Police Ombudsman.

19. A criminal case concerning the use of tasers was currently under way but he was not at liberty to discuss it in detail. The preliminary stages of another legal challenge concerning the introduction of tasers had recently been completed, and the court would soon take a decision on whether or not to allow their continued use. Tasers had been deployed under a pilot programme whose extension was subject to government approval.

20. The Government looked forward to dispensing with peace walls, which were certainly not a long-term solution; however, some communities still felt that they needed them, and the Government had to respond accordingly.

21. Ms. TRUNDLE (United Kingdom) said that support services for parents were undergoing rapid development: there was increased investment and many new approaches were being devised. The new approaches included more flexible working conditions for parents, family intervention projects targeted at families with adolescents at risk of antisocial behaviour or youth crime, and a more holistic approach to assessing family needs.

22. Local authorities had a duty to take children's wishes into account during care proceedings. If the proceedings were taken to court, qualified social workers were appointed to safeguard the interests of the children involved.
23. Research showed that there were strong links between domestic violence, substance abuse, mental health problems and cases of child neglect. Children were not taken into care because of poverty, but only when they were at serious risk of harm. Local authorities were required to have care plans for all children discharged from care. The outcomes for children in care were poor, since many children suffered serious harm before their placement. Resources for children in care had been increased significantly, and specific targets had been set in order to improve those outcomes through a range of measures. Amendments were being made to the inspection regime in order to ensure swift action in the event of complaints relating to children in care. Children in care remanded in custody were required to receive regular visits. Steps were being taken to ensure that children under 18 did not have to leave foster care until they felt ready. Greater support, including bursaries for higher education, would be provided for children leaving care up to the age of 25.
24. Problems concerning child maintenance were currently addressed by the Child Maintenance and Enforcement Commission, which had been established in July 2008. Beginning in April 2010, child maintenance payments would not be taken into account in the calculation of welfare benefit entitlements; that was expected to have the effect of lifting 200,000 children out of poverty.
25. Ms. PUGH (United Kingdom) said that the Staying Safe action plan introduced in England in February 2008 was the first cross-government strategy on safeguarding children. The strategy was supported by a public service agreement for the period 2008-2011 that was aimed at improving children's and young people's safety.
26. In Scotland, guidelines had been developed to ensure the effectiveness of investigations into child deaths. In England, local safeguarding children boards were required to review all child deaths. It was hoped that data collected from such reviews would provide a comprehensive understanding of all child deaths and help to prevent them.
27. In March 2007, the Government had published the UK Action Plan on Tackling Human Trafficking, which set out a comprehensive strategy to improve the identification and protection of child victims of trafficking. In addition, the Government planned to ratify the Council of Europe Convention on Action against Trafficking in Human Beings by the end of 2008. The UK Human Trafficking Centre had been established to coordinate the work of the police and other agencies. Measures were being taken to address the problem of Roma children who were trafficked to the United Kingdom.
28. With regard to the problem of child abduction, individual police forces in England and Wales had begun to implement a child alert system, which might eventually be replicated throughout the United Kingdom. Using the latest technologies and good practices, the system allowed police to work with the local media and neighbouring police forces in efforts to find missing children.

29. The Female Genital Mutilation Act made it an offence for British nationals or permanent residents to perform female genital mutilation abroad or to aid, abet, counsel or procure female genital mutilation abroad, even in countries where that practice was legal. In order to reflect the serious harm that female genital mutilation caused, the Act increased the maximum penalty for that practice from 5 to 14 years in prison. In keeping with the aims of the Act, a wide programme of education and awareness-raising had been developed for law enforcement personnel, judicial staff and health-care professionals.

30. Ms. JACKSON (United Kingdom) said that the United Kingdom supported the International Code of Marketing of Breast-milk Substitutes. In England, the corresponding regulations had been updated in 2007, and breastfeeding had been included in a public service agreement on child health. In Scotland, legislation had been enacted to promote breastfeeding and to protect the rights of mothers to breastfeed in public.

31. The approaches taken to children's mental health problems throughout the United Kingdom focused on early intervention and the provision of effective specialist services. In Wales, a strategy for child and adolescent mental health had been devised to tackle current and potential mental health problems by means of school counselling therapy, suicide prevention and investment in inpatient facilities. In England, mental health was one of the priority areas of the public service agreement to improve the health and well-being of children and young people.

32. Mr. McCULLY (United Kingdom) said that the number of teenage pregnancies in the United Kingdom had decreased steadily in recent years. In England, they were at their lowest level in 20 years. Since no single approach was sufficient to counteract the problem, strategies were based on a multidisciplinary approach that included contraceptive services, targeted guidance for young people, and sex education in schools. Such an approach had been approved by the United Kingdom Youth Parliament, which had been active in its development. Extensive support was available for young women who became pregnant.

33. A large part of the Government's approach to substance abuse involved providing support within the affected family. With regard to alcohol, although a small number of young people drank heavily, the overall number of young people who drank was steadily decreasing. Measures were being taken to determine safe drinking limits for young people and to reduce the sale of alcohol to underage drinkers.

34. Ms. JACKSON (United Kingdom) said that the Government was currently holding discussions with local authorities concerning the use to be made of a major public investment in playgrounds. Plans included the construction of some 3,500 new or regenerated play areas, and 30 adventure playgrounds. The Government had made it a condition of funding that local authorities should involve children, young people and communities in decisions concerning the setting and design of such play areas.

35. The CHAIRPERSON requested additional information on problems affecting the United Kingdom's Overseas Territories in the Eastern Caribbean and the Pacific, in particular with regard to child sexual exploitation. She was concerned that the minimum age of criminal responsibility in Bermuda and in the Turks and Caicos Islands was as low as eight and that there were signs in both those countries of a failure to respect the child's right to a name and a nationality. The delegation should comment on the lack of a juvenile detention centre in the

Turks and Caicos Islands, which meant that juvenile offenders had to be sent to Jamaica for detention. She was alarmed at reports that young persons from Montserrat, who had fled the country following a volcanic eruption in 1997, were overrepresented in United Kingdom prisons. She urged the Government to look into the reasons for that phenomenon.

36. Ms. ORTIZ asked whether the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption applied to the United Kingdom's Overseas Territories, and how the Government ensured their compliance with it.
37. The CHAIRPERSON asked whether all Overseas Territories participated in the National Child Protection Action Plan. She urged the Government to endeavour to ensure that the Plan focused on a broad range of children's rights, and not exclusively on protection issues.
38. Mr. KRAPPMANN asked whether Overseas Territories that had no full-fledged educational system received support for education from the Government.
39. The CHAIRPERSON asked whether the British Virgin Islands received government support, given the situation of overcrowding in schools.
40. Mr. ZERMATTEN requested additional information on the minimum age of criminal responsibility in the Overseas Territories.
41. Ms. DIXON (United Kingdom) said that she was unable to provide information on the age of criminal responsibility, which was set individually by the Overseas Territories. The practice of sending juvenile offenders to Jamaica from the Turks and Caicos Islands was less frequent than it had been in the past and was used only as a last resort. The Turks and Caicos Islands had recently announced plans to build a juvenile detention facility, as had the British Virgin Islands. Bermuda and the Cayman Islands had constructed separate detention facilities for juveniles.
42. Corporal punishment had been abolished in the Falkland Islands and in Gibraltar. While it still existed in certain other Overseas Territories, particularly those in the Caribbean, it was rarely used in practice and there were specific rules for administering it. She did not have any statistics on the reasons for the overrepresentation of children from Montserrat in United Kingdom prisons; Montserrat was apparently conducting a study of the causes of that situation.
43. The United Kingdom's obligations under the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption did not extend to any of the Overseas Territories. With regard to national plans of action for children, a programme had been developed to strengthen the capacity of the Overseas Territories to protect children and to prevent child abuse. As part of that programme, national action plans had been formulated; however, some countries had not yet managed to implement them.
44. With regard to education, most of the Overseas Territories were self-funding and only a few received budgetary aid. Although the British Virgin Islands had its own budget for education, the central Government could step in to offer support, if necessary.

45. Ms. SMITH (Country Rapporteur) thanked the delegation for its thorough replies. Among the many noteworthy advances that the United Kingdom had made in implementing the Convention since 2002 were the withdrawal of its reservations to articles 22 and 37 (c) of the Convention, the introduction of the Children Act and the appointment of children's commissioners in each of the four nations. It was particularly gratifying that funds had been allocated for poverty alleviation in the United Kingdom, and she urged the Government to begin addressing the needs of the nation's poorest children without delay.

46. Mr. FILALI (Alternate Country Rapporteur) said that the Committee's concluding observations on the United Kingdom's third and fourth periodic reports should be used as the basis for preparing the next report.

Initial report of the United Kingdom of Great Britain and Northern Ireland under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/GBR/1)

47. Mr. JEFFERY (United Kingdom), introducing the report (CRC/C/OPAC/GBR/1), said that the report and the replies to the list of issues referred to United Kingdom as a whole, with the exception of the children of service families. Those children benefited from the health, social and educational policies of the particular administration in which they lived. However, the Ministry of Defence had recently undertaken to align services throughout the United Kingdom to take account of service families' mobility and better meet their needs.

48. His Government remained firmly committed to its obligations under the Optional Protocol, and it strongly supported the international agenda to address the issue of children in armed conflict. The United Kingdom played an active role in international efforts led by the United Nations and the European Union. In 2007, it had endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces and armed groups, and it supported the work of international courts and tribunals that tried perpetrators of the most serious crimes, including crimes against children, of concern to the international community.

49. In the United Kingdom, conscription had been voluntary since 1963. The minimum age for conscription was 16, provided that written permission was obtained from the parents or a legal guardian. The armed forces provided clear explanations of the terms and conditions of service and offered young people a wide range of careers and the opportunity to benefit from nationally recognized training and education.

50. The Government took the welfare and protection of young recruits very seriously and specific policies and guidance existed to identify and address their particular concerns. The initial training environment for young recruits had been improved, as had training for instructors and those involved in the management and care of trainees. Members of the armed forces under the age of 18 were not deployed in operations and there were guidelines to ensure that they were withdrawn from their units before their units were deployed to hostilities.

51. Mr. POLLAR (Country Rapporteur) commended the State party for its active involvement in protecting children through various international forums, in implementation of the Optional Protocol. He asked whether the State party would consider raising the minimum recruitment age to 18, and whether it would consider withdrawing its exceptional declaration to

the Optional Protocol to that effect that members of its armed forces under the age of 18 could be sent to areas of conflict. He asked whether the Government would consider implementing the recommendation of the Deepcut Review, according to which recruits who joined the army as minors and who had reached a settled decision that they did not wish to pursue a military career, before they reached the end of their Phase 2 training but after their eighteenth birthday, should be able to discharge as right. The State party should explain the equity of the distinction made under the Army Terms of Service Regulations 2007 between recruits enlisted before and after 1 January 2008, with respect to the “six-year trap”.

52. Mr. FILALI (Alternate Country Rapporteur) commended the State party’s efforts to implement the Optional Protocol. He asked how the Optional Protocol was disseminated in the State party.

53. He asked whether the State party’s legislation would be amended to include the concept of “direct participation”, and he requested a clear definition of the term “understanding in practice”. He observed that recruits under 18 years of age who were authorized on board operational ships did not appear to benefit from protection, and asked whether the operational location (OPLOC) system was used consistently in operation zones to ensure that minors were not engaged in direct hostilities.

54. The current minimum recruitment age was inconsistent with the spirit and principles of the Optional Protocol and the Convention, and he asked whether the Government planned to raise that age to 18. Army recruitment was attractive to vulnerable groups, including children, and he enquired whether the State party had jurisdiction over persons alleged to have recruited child soldiers in other countries.

55. Ms. KHATTAB said that, although the State party’s report had indicated that no armed groups operated in or from its territories, other sources indicated that minors had recently been associated with paramilitary groups in Northern Ireland. Moreover, no information had been provided on legislation and measures to ensure that minors were not recruited from the State party by outside groups. The State party should explain how it ensured that no minors were employed by private military companies operating in Afghanistan and Iraq, and requested information on the training in human and children’s rights provided to troops deployed abroad.

56. She asked whether factors such as poverty, domestic violence and bullying contributed to pushing certain groups of minors into military service. Moreover, since households headed by women were usually the poorest, she wished to know whether the armed forces guaranteed equal pay for equal work.

57. Mr. PARFITT expressed concern at the high number of minors recruited during the period 2004-2007. He asked whether the armed forces recruited in schools and, if so, whether they had access to otherwise confidential information concerning children in those schools. He was pleased that some of the Deepcut Review recommendations, including on the establishment of the independent Service Complaints Commissioner with the ability to investigate complaints, particularly complaints from young recruits, had been implemented. He asked whether the Commissioner had access to military files, which would enable her to investigate complaints independently. He wished to know whether independent inspectors for prisons in military corrective training centres were able to receive complaints from young people.

58. The Government's policy on the provision of services for unaccompanied minors seeking asylum in the State party was commendable. However, it appeared that those services, which included psychosocial services, were provided at the discretion of the local authorities. He asked whether there was any coordination with local authorities to ensure that they were aware of the special needs of unaccompanied minors.

59. Mr. KOTRANE requested confirmation that 30 per cent of new recruits were 16 years old. He noted that most came from vulnerable backgrounds, had only primary education and were housed with other soldiers as their guards; although minors, they were subject to martial law and were treated as adults.

60. The State party's extension of its jurisdiction to cover offences and war crimes committed by its nationals or residents was a positive development. He wished to know if any such cases, and any cases involving persons recruiting children for engagement in armed conflict, had actually been prosecuted by the State party.

61. Mr. CITARELLA asked whether the Optional Protocol formed part of the curriculum in military schools and academies. He requested information on the instructions issued to officers and on practices in cases where the State party's armed forces were confronted by child soldiers. He wished to know what laws or instructions existed to prohibit arms exports to countries that recruited children for engagement in hostilities, and asked whether the security agencies employed in its worldwide operations recruited children for deployment outside the State party.

62. The CHAIRPERSON said that parent's should be involved from the start when their children under 16 were recruited into the armed forces. He wondered what approach was adopted in cases where parents came from different cultural or linguistic backgrounds.

The meeting was suspended at 11.55 a.m. and resumed at 12.15 p.m.

63. Ms. VIVIANI (United Kingdom) said that more could be done to disseminate the Optional Protocol in the United Kingdom. Training in human rights was available to a wide range of professionals working with children, although they did not receive specific training in the Optional Protocol. The armed forces did not routinely provide training in the Optional Protocol, although some personnel received training in areas covered by the Optional Protocol. Service personnel received guidance on the laws of armed conflict and applicable doctrines throughout their careers.

64. Colonel ORR (United Kingdom) said that, while the armed forces recognized that 30 per cent of its new recruits were under 18, it did not recognize that 50 per cent came from deprived backgrounds. While the Government did not plan to reconsider its position on recruiting minors, it remained committed to ensuring that they were not engaged in direct conflict. The Government's understanding of its obligations was set out in the interpretive declaration, which it did not intend to change.

65. The armed forces were committed to recruiting and retaining the best candidates from all walks of life irrespective of race, religion, economic or social background, gender or sexual orientation. Recruitment offices were evenly distributed across the country and volunteers were selected on the basis of ability, although some regiments and ships recruited from particular

geographical areas because of their traditions and history. There was no recruitment in schools, although information was provided to schools that requested it, and recruitment offices did not have access to confidential information on schoolchildren. He acknowledged that parents and guardians should be involved earlier when minors were recruited.

66. Ms. BUCKMAN (United Kingdom) said that receipt of complaints was not one of the purposes of the visits made to the Military Corrective Training Centre by Her Majesty's Inspectorate of Prisons. If inspectors became aware of a problem at the Centre, they would seek corroboration of comments and refer to the issue in their report.

67. While she was not aware that the Service Complaints Commissioner perceived any need to address the operation of the Optional Protocol, she would consult with the Commissioner and, if necessary, draw her attention to the Protocol. On the question of the Commissioner's powers of investigation, she said that the Commissioner was only in her first year of a three-year appointment and, if she found it necessary to extend her investigative powers, she would be able to make a recommendation to that effect in her annual report. Any change in her mandate would require a legislative amendment. In the meantime, the Commissioner would make known any views she might have on the handling of complaints. The Commissioner had made it clear that she would not be consulting complaints files during her first year; subsequently, she would examine randomly selected files from the various chains of command and report on how complaints had been handled.

68. Mr. ORR (United Kingdom) said that the Government's written reply to item 7 on the list of issues clearly explained the State party's policy on the right of recruits under 18 to leave the armed forces. While he had no information on recruitment procedures in private military companies; he would report back to the Committee on that subject at a later date. With regard to paramilitary organizations, he said that the security situation in Northern Ireland was not deemed to be an armed conflict under international law and the provisions of the Optional Protocol did not apply to that part of the United Kingdom.

69. The term "direct participation" was not used in United Kingdom legislation. As he understood it, a person would be considered to be taking part in hostilities if he or she were deployed on operations where hostile forces were involved. That determination was made in the United Kingdom before troops were deployed to the theatre of operations.

70. On the question of the presence of persons aged under 18 on ships, he said that the chain of command assessed the level of danger to the ship as a whole if it entered the theatre of operations. If the danger was deemed not to be great, naval personnel could include persons under 18, provided that they were not deployed away from the ship and remained part of the ship's company. Otherwise, persons under 18 would not be included in the ship's complement. As for the Royal Marines, he said that, if there was the possibility of land operations or deployment away from the ship, persons under 18 would not be deployed to the theatre of operations. No persons under 18 had been deployed in recent Royal Marine engagements

because those engagements had involved land operations. Various procedures were used to ensure that persons under 18 were not deployed; the operational location system merely provided the opportunity for a final check before entering the theatre of operations.

71. The United Kingdom's armed forces observed the principle of humane treatment for all prisoners at all times. The treatment of individuals under 18 depended on the circumstances in which they were encountered; for example, direct combat was not the same as a search operation. Specific guidelines on the treatment of prisoners under 18 detained after hostile combat provided that they must be held separately from adults unless the adults were family members; that special care must be taken with mentoring; and that high priority should be given to maintaining links between juvenile prisoners and their families and facilitating education and training. It was not always easy to ascertain family ties, and minors sometimes became involved in conflict precisely because of a breakdown in the family. In any case, the United Kingdom always informed the International Committee of the Red Cross, within 24 hours, of all prisoners taken.

72. Mr. OPPENHEIM (United Kingdom) said that reforms were under way to reduce the number of local authorities dealing with unaccompanied minors seeking asylum, in order to develop increased expertise in the authorities providing services. Draft guidelines issued to border agency staff included instructions to protect minors and, where harm or the risk of harm was detected, to refer them to local authorities. The definition of harm would cover young people conscripted into militias in their home countries. Local authorities possessed a range of therapeutic services for children, including child soldiers, in need of care.

73. Ms. JONES (United Kingdom) said that the United Kingdom recognized the conscription or enlistment of children under 15 as a war crime in respect of international and non-international armed conflict. The United Kingdom considered that the Rome Statute of the International Criminal Court did not oblige it to take universal jurisdiction for crimes covered by the Statute; however, the crime covered acts committed in England and Wales or outside the United Kingdom by a United Kingdom national or resident or a person subject to United Kingdom Service jurisdiction. To date, there had been no prosecutions for that war crime.

74. Ms. BUCKMAN (United Kingdom) said that the British Government took the control of defence exports very seriously and had one of the world's most rigorous and transparent licensing systems. If the licensing authorities received an application for arms sales to a country where children were known to be recruited or might be recruited for use in hostilities, the application would be refused.

75. Mr. FILALI asked whether a recruit aged under 18 who violated military law would be tried by a military tribunal.

76. Ms. ORTIZ asked how the State party reconciled the possibility of recruitment into the armed forces before the age of 18 with the State party's obligation to provide education up to the age of 18.

77. Mr. KOTRANE wondered what precautions the State party took to protect children from direct attack in operations in Afghanistan or Iraq. As he understood it, under the United Kingdom's Counter Terrorism Bill 2007-2008 guarantees would not apply to families or children regarded as potential terrorists. He wondered how "potential terrorists" were identified and what safeguards were in place to ensure that children were always treated as children and were not subject to disproportionate attacks in violation of the Convention or the spirit of the Optional Protocol.
78. Mr. POLLAR asked the delegation to provide information on persons under 18 abroad who came within the purview of the military system, such as those living in Germany or recruited in Commonwealth States.
79. The CHAIRPERSON drew the delegation's attention to paragraph 18 of the State party's report, which described a policy of competing on the employment market for recruits aged 16 and above. That appeared to open the door to targeting vulnerable groups.
80. Mr. JEFFERY (United Kingdom) said that there was no conflict between the raising of the age of educational participation to 18 and the recruitment of persons aged under 18. The armed forces attempted to develop young people by educating them to a high standard, not only for the sake of their own careers but also in order to keep the armed forces strong.
81. Ms. BUCKMAN (United Kingdom) said that there was no specific provision for dealing with offenders aged under 18. Many offences could be dealt with by commanding officers. Courts-martial were convened only for the most serious offences. Account was taken of age and detention would not be imposed on an individual under 18 except in extreme circumstances. Replying to Mr. Pollar, she said that the military justice system did not apply to the children of service families.
82. Mr. ORR (United Kingdom), replying to Mr. Filali's question on the "six-year trap", said that the armed forces recruited only volunteers, although it was hoped that they would continue beyond the age of 18. The four-year contract was regarded as return of service for the armed forces' investment in training. If at any time during those four years it became apparent that it was not in either party's interest for an individual to continue, there were procedures that permitted the individual to obtain a discharge.
83. The same criteria applied to recruitment abroad as to recruitment in the United Kingdom. There was no direct targeting and recruitment was purely voluntary. The information required from individuals abroad was sometimes harder to verify, although every effort was made to do so; parental consent was still required for recruitment of minors.
84. Mr. OPPENHEIM (United Kingdom) said that the Counter-Terrorism Bill currently before Parliament clearly stated that, where one or more adults in a family were suspected of being terrorists, the children in the family would not be subject to the restrictions imposed. In addition, the legislation would be compatible with the European Convention on Human Rights.

85. Ms. SMITH said that the Bill covered children who were themselves suspected of terrorism, and the Committee was particularly concerned at the provisions on pretrial detention and notification requirements.

86. Mr. OPPENHEIM (United Kingdom) said that, while the Bill did cover children, the restrictions were seen as proportionate to the risk.

87. Mr. FILALI (Alternate Country Rapporteur) thanked the delegation for its constructive dialogue with the Committee and for its replies to all the Committee's questions.

88. Mr. JEFFERY (United Kingdom) said that the United Kingdom recognized the importance of the Committee's concluding observations and intended to work very seriously to implement them.

The meeting rose at 1.05 p.m.