



Treaty Series No. 48 (2003)

Optional Protocol

to the Convention on the Rights of the Child
on the Involvement of Children
in Armed Conflict

New York, 25 May 2000

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the Protocol entered into force for the United Kingdom on 24 July 2003]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
December 2003*

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OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

The States Parties to the present Protocol,

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

Reaffirming that the rights of children require special protection, and calling for continuous improvement of the situation of children without distinction, as well as for their development and education in conditions of peace and security,

Disturbed by the harmful and widespread impact of armed conflict on children and the long-term consequences this has for durable peace, security and development,

Condemning the targeting of children in situations of armed conflict and direct attacks on objects protected under international law, including places generally having a significant presence of children, such as schools and hospitals,

Noting the adoption of the Statute of the International Criminal Court and, in particular, its inclusion as a war crime of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts,

Considering, therefore, that to strengthen further the implementation of rights recognized in the Convention on the Rights of the Child there is a need to increase the protection of children from involvement in armed conflict,

Noting that article 1 of the Convention on the Rights of the Child specifies that, for the purposes of that Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier,

Convinced that an optional protocol to the Convention raising the age of possible recruitment of persons into armed forces and their participation in hostilities will contribute effectively to the implementation of the principle that the best interests of the child are to be a primary consideration in all actions concerning children,

Noting that the twenty-sixth international Conference of the Red Cross and Red Crescent in December 1995 recommended, *inter alia*, that parties to conflict take every feasible step to ensure that children under the age of 18 years do not take part in hostilities,

Welcoming the unanimous adoption, in June 1999, of International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which prohibits, *inter alia*, forced or compulsory recruitment of children for use in armed conflict,

Condemning with the gravest concern the recruitment, training and use within and across national borders of children in hostilities by armed groups distinct from the armed forces of a State, and recognizing the responsibility of those who recruit, train and use children in this regard,

Recalling the obligation of each party to an armed conflict to abide by the provisions of international humanitarian law,

Stressing that this Protocol is without prejudice to the purposes and principles contained in the Charter of the United Nations, including Article 51, and relevant norms of humanitarian law,

Bearing in mind that conditions of peace and security based on full respect of the purposes and principles contained in the Charter and observance of applicable human rights instruments are indispensable for the full protection of children, in particular during armed conflicts and foreign occupation,

Recognizing the special needs of those children who are particularly vulnerable to recruitment or use in hostilities contrary to this Protocol owing to their economic or social status or gender,

Mindful of the necessity of taking into consideration the economic, social and political root causes of the involvement of children in armed conflicts,

Convinced of the need to strengthen international cooperation in the implementation of this Protocol, as well as the physical and psychosocial rehabilitation and social reintegration of children who are victims of armed conflict,

Encouraging the participation of the community and, in particular, children and child victims in the dissemination of informational and educational programmes concerning the implementation of the Protocol,

Have agreed as follows:

ARTICLE 1

State Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

ARTICLE 2

State Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

ARTICLE 3

1. States Parties shall raise in years the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention on the Rights of the Child¹, taking account of the principles contained in that article and recognizing that under the Convention persons under 18 are entitled to special protection.

2. Each State Party shall deposit a binding declaration upon ratification of or accession to this Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards that it has adopted to ensure that such recruitment is not forced or coerced.

3. State Parties that permit voluntary recruitment into their national armed forces under the age of 18 shall maintain safeguards to ensure, as a minimum, that:

- (a) Such recruitment is genuinely voluntary;
- (b) Such recruitment is done with the informed consent of the person's parents or legal guardians;
- (c) Such persons are fully informed of the duties involved in such military service;
- (d) Such persons provide reliable proof of age prior to acceptance into national military service.

4. Each State Party may strengthen its declaration at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall inform all States Parties. Such notification shall take effect on the date on which it is received by the Secretary-General.

¹ Treaty Series No. 44 (1992) Cm 1976.

5. The requirement to raise the age in paragraph 1 of the present article does not apply to schools operated by or under the control of the armed forces of the States Parties, in keeping with articles 28 and 29 of the Convention on the Rights of the Child.

ARTICLE 4

1. Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.
2. States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.
3. The application of the present article under this Protocol shall not affect the legal status of any party to an armed conflict.

ARTICLE 5

Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international humanitarian law that are more conducive to the realization of the rights of the child.

ARTICLE 6

1. Each State Party shall take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of this Protocol within its jurisdiction.
2. States Parties undertake to make the principles and provisions of the present Protocol widely known and promoted by appropriate means, to adults and children alike.
3. States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to this Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to these persons all appropriate assistance for their physical and psychological recovery and their social reintegration.

ARTICLE 7

1. States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary to the Protocol and in the rehabilitation and social reintegration of persons who are victims of acts contrary to this Protocol, including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation with concerned States Parties and relevant international organizations.
2. States Parties in a position to do so shall provide such assistance through existing multilateral, bilateral or other programmes, or, *inter alia*, through a voluntary fund established in accordance with the rules of the General Assembly.

ARTICLE 8

1. Each State Party shall submit, within two years following the entry into force of the Protocol for that State Party, a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment.

2. Following the submission of the comprehensive report, each State Party shall include in the reports they submit to the Committee on the Rights of the Child, in accordance with article 44 of the Convention, any further information with respect to the implementation of the Protocol. Other States Parties to the Protocol shall submit a report every five years.

3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of this Protocol.

ARTICLE 9

1. The present Protocol is open for signature by any State that is a party to the Convention or has signed it.

2. The present Protocol is subject to ratification and is open to accession by any State. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. The Secretary-General, in his capacity as depositary of the Convention and the Protocol, shall inform all States Parties to the Convention and all States that have signed the Convention of each instrument of declaration pursuant to article 13.

ARTICLE 10

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after its entry into force, the present Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

ARTICLE 11

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General. If, however, on the expiry of that year the denouncing State Party is engaged in armed conflict, the denunciation shall not take effect before the end of the armed conflict.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter that is already under consideration by the Committee prior to the date on which the denunciation becomes effective.

ARTICLE 12

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments that they have accepted.

ARTICLE 13

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.

RATIFICATIONS, ACCESSIONS, EFFECTIVE DATES AND DECLARATIONS

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Andora	Signature	07 Sep 2000	12 Feb 2002
	Ratification	30 Apr 2001	
Argentina	Signature	15 Jun 2000	10 Oct 2002
	Ratification	10 Sep 2002	
Australia	Signature	21 Oct 2002	
Austria	Signature	06 Sep 2000	12 Feb 2002
	Ratification	01 Feb 2002	
Azerbaijan	Signature	08 Sep 2000	03 Aug 2002
	Ratification	03 Jul 2002	
Bangladesh	Signature	06 Sep 2000	12 Feb 2002
	Ratification	06 Sep 2000	
Belgium ¹	Signature	06 Sep 2000	06 Jun 2002
	Ratification	06 May 2002	
Belize	Signature	06 Sep 2000	
Benin	Signature	22 Feb 2001	
Bosnia and Herzegovina	Signature	07 Sep 2000	
Brazil	Signature	06 Sep 2000	
Bulgaria	Signature	08 Jun 2001	12 Mar 2002
	Ratification	12 Feb 2002	
Burkina Faso	Signature	16 Nov 2001	
Burundi	Signature	13 Nov 2001	
Cambodia	Signature	27 Jun 2000	
Cameroon	Signature	05 Oct 2001	
Canada	Signature	05 Jun 2000	12 Feb 2002
	Ratification	07 Jul 2000	
Cape Verde	Accession	10 May 2002	10 Jun 2002
Chad	Signature	03 May 2002	28 Sep 2002
	Ratification	28 Aug 2002	
Chile	Signature	15 Nov 2001	31 Aug 2003
	Ratification	31 Jul 2003	
China	Signature	15 Mar 2001	
Colombia	Signature	06 Sep 2000	
Costa Rica	Signature	07 Sep 2000	24 Feb 2003
	Ratification	24 Jan 2003	
Croatia	Signature	08 May 2002	01 Dec 2002
	Ratification	01 Nov 2002	
Cuba	Signature	13 Oct 2000	
Czech Republic	Signature	06 Sep 2000	12 Feb 2002
	Ratification	30 Nov 2001	
Democratic Republic of the Congo	Signature	08 Sep 2000	12 Feb 2002
	Ratification	11 Nov 2001	
Denmark ²	Signature	07 Sep 2000	27 Sep 2002
	Ratification	27 Aug 2002	
Dominica	Accession	20 Sep 2002	20 Oct 2002
Dominican Republic	Signature	09 May 2002	
Ecuador	Signature	06 Sep 2000	
El Salvador	Signature	18 Sep 2000	18 May 2002
	Ratification	18 Apr 2002	
Finland	Signature	07 Sep 2000	
France	Signature	06 Sep 2000	05 Mar 2003
	Ratification	05 Feb 2003	
Gabon	Signature	08 Sep 2000	
Gambia	Signature	21 Dec 2000	
Germany	Signature	06 Sep 2000	
Greece	Signature	07 Sep 2000	
Guatemala	Signature	07 Sep 2000	09 Jun 2002
	Ratification	09 May 2002	
Guinea-Bissau	Signature	08 Sep 2000	
Haiti	Signature	15 Aug 2002	

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Holy See	Signature	10 Oct 2000	12 Feb 2002
	Ratification	24 Oct 2001	
Honduras	Accession	14 Aug 2002	14 Sep 2002
Hungary	Signature	11 Mar 2002	
Iceland	Signature	07 Sep 2000	12 Feb 2002
	Ratification	01 Oct 2001	
Indonesia	Signature	24 Sep 2001	
Ireland	Signature	07 Sep 2000	18 Dec 2002
	Ratification	18 Nov 2002	
Israel	Signature	14 Nov 2001	
Italy	Signature	06 Sep 2000	22 Nov 2002
	Ratification	22 Oct 2002	
Jamaica	Signature	08 Sep 2000	09 Jun 2002
	Ratification	09 May 2000	
Japan	Signature	10 May 2002	
Jordan	Signature	06 Sep 2000	
Kazakhstan	Signature	06 Sep 2000	10 May 2003
	Ratification	10 Apr 2003	
Kenya	Signature	08 Sep 2000	28 Feb 2002
	Ratification	28 Jan 2002	
Kyrgyzstan	Accession	13 Aug 2003	13 Sep 2003
Latvia	Signature	01 Feb 2002	
Lebanon	Signature	11 Feb 2002	
Lesotho	Signature	06 Sep 2000	
Liechtenstein	Signature	08 Sep 2000	
Lithuania	Signature	13 Feb 2002	20 Mar 2003
	Ratification	20 Feb 2003	
Luxembourg	Signature	08 Sep 2000	
Madagascar	Signature	07 Sep 2000	
Malawi	Signature	07 Sep 2000	
Maldives	Signature	10 May 2002	
Mali	Signature	08 Sep 2000	16 Jun 2002
	Ratification	16 May 2002	
Malta	Signature	07 Sep 2000	09 Jun 2002
	Ratification	09 May 2002	
Mauritius	Signature	11 Nov 2001	
Mexico	Signature	07 Sep 2000	15 Apr 2002
	Ratification	15 Mar 2002	
Micronesia (Federated States of)	Signature	08 May 2002	
Monaco	Signature	26 Jun 2000	12 Feb 2002
	Ratification	13 Nov 2001	
Mongolia	Signature	12 Nov 2001	
Morocco	Signature	08 Sep 2000	22 Jun 2002
	Ratification	22 May 2002	
Namibia	Signature	08 Sep 2000	16 May 2002
	Ratification	16 Apr 2002	
Naru	Signature	08 Sep 2000	
Nepal	Signature	08 Sep 2002	
Netherlands	Signature	07 Sep 2000	
New Zealand ³	Signature	07 Sep 2000	12 Feb 2002
	Ratification	12 Nov 2001	
Nigeria	Signature	08 Sep 2000	
Norway	Signature	13 Jun 2000	
Panama	Signature	31 Oct 2000	12 Feb 2002
	Ratification	08 Aug 2001	
Paraguay	Signature	13 Sep 2000	27 Oct 2002
	Ratification	27 Sep 2002	
Peru	Signature	01 Nov 2000	08 Jun 2002
	Ratification	08 May 2002	
Philippines	Signature	08 Sep 2000	
Poland	Signature	03 Feb 2002	

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Portugal	Signature	06 Sep 2000	19 Sep 2003
	Ratification	19 Aug 2003	
Qatar	Acceptance	25 Jul 2002	25 Aug 2002
Republic of Korea	Signature	06 Sep 2000	
Republic of Moldova	Signature	08 Feb 2002	
Romania	Signature	06 Sep 2000	12 Feb 2002
	Ratification	10 Nov 2001	
Russian Federation	Signature	15 Feb 2001	
Rwanda	Acceptance	23 Apr 2002	23 May 2002
San Marino	Signature	05 Jun 2000	
Senegal	Signature	08 Sep 2000	
Serbia and Montenegro	Signature	08 Oct 2001	28 Feb 2003
	Ratification	31 Jan 2003	
Seychelles	Signature	23 Jan 2001	
Sierra Leone	Signature	08 Sep 2000	15 Jun 2002
	Ratification	15 May 2002	
Singapore	Signature	07 Sep 2000	
Slovakia	Signature	30 Nov 2001	
Slovenia	Signature	08 Sep 2000	
South Africa	Signature	08 Feb 2002	
Spain	Signature	06 Sep 2000	08 Apr 2002
	Ratification	08 Mar 2002	
Sri Lanka	Signature	21 Aug 2000	12 Feb 2002
	Ratification	08 Sep 2000	
Sudan	Signature	09 May 2002	
Suriname	Signature	10 May 2002	
Sweden	Signature	08 Jun 2000	20 Mar 2003
	Ratification	20 Feb 2003	
Switzerland	Signature	07 Sep 2000	26 Jul 2002
	Ratification	26 Jun 2002	
Tajikistan	Acceptance	05 Aug 2002	05 Sep 2002
The Former Yugoslav Republic of Macedonia	Signature	17 Jul 2001	
Togo	Signature	15 Nov 2001	
Tunisia	Signature	22 Apr 2002	02 Feb 2003
	Ratification	02 Jan 2003	
Turkey	Signature	08 Sep 2000	
Uganda	Acceptance	06 May 2002	06 Jun 2002
Ukraine	Signature	07 Sep 2002	
United Kingdom	Signature	07 Sep 2000	24 Jul 2003
	Ratification	24 Jun 2003	
United States of America	Signature	05 Jul 2000	23 Jan 2003
	Ratification	23 Dec 2002	
Uruguay	Signature	07 Sep 2000	
Venezuela	Signature	07 Sep 2000	
VietNam	Signature	08 Sep 2000	12 Feb 2002
	Ratification	20 Dec 2001	

DECLARATIONS

Declarations and Reservations

(Unless otherwise indicated, the declarations and reservations were made upon ratification or accession.)

Andorra

Declaration:

With regard to article 3, paragraph 2, of the Protocol, the Principality of Andorra declares that it currently has no armed forces. The only specialized forces in the Principality are those of the Police and Customs, for which the minimum recruitment age is that specified

in article 2 of the Optional Protocol. Moreover, the Principality wishes to reiterate in this declaration its disagreement with the content of article 2, in that that article permits the voluntary recruitment of children under the age of 18 years.

Argentina

Declaration:

“The Argentine Republic declares that the minimum age required for voluntary recruitment into the national Armed Forces is eighteen (18) years.”

Austria

Declaration:

Under Austrian law the minimum age for the voluntary recruitment of Austrian citizens into the Austrian army (Bundesheer) is 17 years.

According to paragraph 15, in conjunction with paragraph 65 (c) of the Austrian National Defence Act 1990 (Wehrgesetz 1990), the explicit consent of parents or other legal guardians is required for the voluntary recruitment of a person between 17 and 18 years.

The provisions of the Austrian National Defence Act 1990, together with the subjective legal remedies guaranteed by the Austrian Federal Constitution, ensure that legal protection in the context of such a decision is afforded to volunteers under the age of 18. A further guarantee derives from the strict application of the principles of rule of law, good governance and effective legal protection.

Azerbaijan

Declaration:

“Pursuant to Article 3 of the protocol, the Republic of Azerbaijan declares that in accordance with the Law of the Republic of Azerbaijan on the military service of 3 November 1992, the citizens of the Republic of Azerbaijan and other persons, who are meeting the defined requirements of the military service, may voluntarily enter and be admitted in age of 17 the active military service of the cadets military school. The legislation of the Republic of Azerbaijan guarantees that this service shall not be forced or coerced, shall be realized on the basis of deliberative consent of the parents and the legal representatives of those persons, that those persons shall be provided with the full information of the duties regarding this service, and that the documents certifying their age shall be required before the admission to the service in the national armed forces.”

Bangladesh

Declaration:

“In accordance with Article 3 (2) of [the Optional Protocol], the Government of the People’s Republic of Bangladesh declares that the minimum age at which it permits voluntary recruitment into its national Armed Forces is sixteen years for non-commissioned soldiers and seventeen years for commissioned officers, with informed consent of parents or legal guardian, without any exception.

The Government of the People’s Republic of Bangladesh further provides hereunder a description of the safeguards it has adopted to ensure that such recruitment is not forced or coerced:

The process of recruitment in the national Armed Forces is initiated through advertisement in the national press and the media for officers and other ranks without exception.

The first induction of new recruits is conducted invariably in a public place such as a national park, school ground or a similar place. Public participation is welcomed in such programmes.

Before a recruit presents himself he has to submit a written declaration from his parents or legal guardians consenting to his recruitment. If the parent or legal guardian is illiterate the declaration is verified and counter signed by the Chairman of the Union Parishad.

The recruit is required to present birth certificate, matriculation certificate and full school records.

All recruits whether officers or other ranks have to undergo rigorous medical examination including checks for puberty. A recruit found to be pre-pubescent is automatically rejected.

Officers and other ranks without exception are required to undergo two years of compulsory training. This ensures that they are not assigned to combat units before the age of 18. All officers and other ranks are carefully screened before being assigned to combat units. These tests include tests of psychological maturity including an understanding of the elements of international law of armed conflict inculcated at all levels.

The Government of the People's Republic of Bangladesh declares that stringent checks in accordance with the obligations assumed under the Optional Protocol will continue to be applied without exception."

Belgium¹

Upon signature:

. . .

Upon ratification:

Declarations:

1. In accordance with article 3, paragraph 2, and bearing in mind article 3, paragraph 5, the Government of the Kingdom of Belgium states that the minimum age for voluntary recruitment into the Belgian armed forces is not lower than 18 years.

2. The Government of the Kingdom of Belgium states that it is absolutely forbidden under Belgian law for any person under the age of 18 years to participate in times of war and in times of peace in any peacekeeping operation or in any kind of armed operational engagement. Moreover, non-governmental militias are prohibited, regardless of the age of the persons concerned.

3. The Government of the Kingdom of Belgium shall not act upon a request for judicial cooperation where doing so would lead to discrimination between governmental and non-governmental forces in violation of the principle of international humanitarian law of equality of parties to a conflict, including in the event of armed conflict of a non-international nature.

Bulgaria

Declaration:

The Republic of Bulgaria declares hereby that all men, Bulgarian citizens who have attained 18 years of age shall be subject to a compulsory military service.

Bulgarian citizens who have been sworn in and done their military service or have done two thirds of the mandatory term of their military service shall be admitted, voluntarily, to regular duty.

Persons who have not come of age shall be trained at military schools subject to the conclusion of a training agreement to be signed by them with the consent of their parents or guardians. Having come of age, the trainees shall sign a training agreement on a regular military duty.

Canada

Declaration:

"Pursuant to article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflicts, Canada hereby declares:

1. The Canadian Armed Forces permit voluntary recruitment at the minimum age of 16 years.

2. The Canadian Armed Forces have adopted the following safeguards to ensure that recruitment of personnel under the age of 18 years is not forced or coerced:

(a) all recruitment of personnel in the Canadian Forces is voluntary. Canada does not practice conscription or any form of forced or obligatory service. In this regard, recruitment campaigns of the Canadian Forces are informational in nature. If an

individual wishes to enter the Canadian Forces, he or she fills in an application. If the Canadian Forces offer a particular position to the candidate, the latter is not obliged to accept the position;

(b) recruitment of personnel under the age of 18 is done with the informed and written consent of the person's parents or legal guardians. Article 20, paragraph 3, of the National Defence Act states that 'a person under the age of eighteen years shall not be enrolled without the consent of one of the parents or the guardian of that person';

(c) personnel under the age of 18 are fully informed of the duties involved in military service. The Canadian Forces provide, among other things, a series of informational brochures and films on the duties involved in military service to those who wish to enter the Canadian Forces; and

(d) personnel under the age of 18 must provide reliable proof of age prior to acceptance into national military service. An applicant must provide a legally recognized document, that is an original or a certified copy of their birth certificate or baptismal certificate, to prove his or her age."

Cape Verde

Declaration:

[The Republic of Cape Verde] declare[s] on behalf of the Cape Verdean Government, that the minimum age for special voluntary recruitment into the Cape Verdean armed forces is 17 years in accordance with article 31 of Legislative Decree No. 6/93 of 24 May 1993, published in official gazette No. 18, series I.

Moreover, Decree-Law No. 37/96 of 30 September 1986, published in official gazette No. 32, series I, which governs the provisions contained in the above-mentioned Legislative Decree, states the following in its article 60:

Special recruitment . . . shall apply to citizens, who of their own freely expressed will, decide to enter military service subject to meeting the following requirements:

- (a) They must have attained the minimum age of 17 years;
- (b) They must have the consent of their parents or legal guardians;
- (c) They must be mentally and physically fit for military service.

Article 17 of Legislative Decree No. 6/93 and articles 29 and 63 of Decree-Law No. 37/96 provide that persons to be enrolled must be fully informed through appropriate documentation prepared by the high command of the armed forces about the duties involved in national military service.

Under article 28 of that Decree-Law, all volunteers shall provide, prior to enlistment and as reliable proof of identity, their national identity card or passport.

While article 8 of Legislative Decree No. 6/93 provides that in war time the minimum/maximum age for recruitment may be amended, the fact that Cape Verde is bound by the Convention on the Rights of the Child and is becoming a party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, means that in no case shall the minimum age for recruitment be lower than 17 years. Indeed, article 12, paragraph 4, of the Constitution provides that the norms and principles of general international law and international treaty law duly approved or ratified shall take precedence, after their entry into force in the international and domestic legal system, over all domestic municipal legislative or normative acts under the Constitution.

Chad

Declaration:

The Chadian Government declares that, pursuant to article 3, paragraph 2 of the Optional Protocol, the minimum age for recruitment into the armed forces is 18 years.

Enlistment is entirely and absolutely voluntary and may take place only on a fully informed basis.

Chile

Declaration:

“The Government of Chile states that, in accordance with its domestic law, the minimum age for the voluntary recruitment of persons into its national armed forces is 17 or 18 years, and on an exceptional basis persons who have attained 16 years of age and meet certain criteria may participate in such programmes for shorter periods with the prior approval of the Director-General of the General Directorate for National Mobilization of the Ministry of National Defence and with the due consent of the parents or legal guardians.”

Costa Rica

Declaration:

. . . article 12 of the Constitution of the Republic of Costa Rica proscribes the army as a permanent institution. Accordingly, my Government considers that the declaration in question may be dispensed with for the purposes of article 3, paragraph 2, of the Protocol.

Croatia

Declaration:

“ . . . The Republic of Croatia makes the following declaration in relation to Article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts:

“Related to Article 3, paragraph 2 of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts, the Republic of Croatia states that Croatian legislation prevents persons under 18 from joining the Armed Forces of the Republic of Croatia.

In order to ensure that persons under 18 do not join its Armed Forces, the Republic of Croatia has made the following provisions:

— It has been stipulated by law that military service consists of duty to register as a recruit, to enter military service (conscription), and to serve in the reserves in the Armed Forces of the Republic of Croatia;

— The duty to register as a recruit arises in the calendar year in which a person turns 18, and remains until the person enters military service (conscription) or service in civilian life i.e. until the person is transferred to the reserves or until military service ceases pursuant to the provisions of the Defence Act. The process of recruitment includes registration in the military records, medical and other examinations, psychological tests and recruitment itself. It is a preliminary procedure required in order to determine whether a person is eligible for military service. The status of the recruit remains valid until entering military service (conscription) to which, according to the law, a recruit may not be sent before reaching the age of 18;

— Eligible recruits are sent to do their military service (conscription) after they come of age (turn 18), normally in the calendar year in which they turn 19, thereby becoming conscripts. Recruits are not part of the Armed Forces of the Republic of Croatia; conscripts make one component of the Armed Forces of the Republic of Croatia.”

Czech Republic

Declaration:

Adopting this Protocol we declare in accordance with article 3 paragraph 2 of the Protocol that the minimum age at which voluntary recruitment into its national armed forces is permitted is 18 years. This age limit is prescribed by law.

Democratic Republic of the Congo

Declaration:

Pursuant to article 3, paragraph 2, of the Protocol, the Democratic Republic of the Congo undertakes to implement the principle of prohibiting the recruitment of children into the armed forces, in accordance with Decree-Law No. 066 of 9 June 2000 on the demobilization and rehabilitation of vulnerable groups on active service in the armed forces, and to take all feasible measures to ensure that persons who have not yet attained

the age of 18 years are not recruited in any way into the Congolese armed forces or into any other public or private armed group throughout the territory of the Democratic Republic of the Congo.

Denmark

Declaration:

“In connection with the deposit of Denmark’s instrument of ratification of the Optional Protocol on the Rights of the Child on the Involvement of Children in Armed Conflict [the Government of Denmark declares] that Danish legislation does not permit the recruitment of any person below the age of 18 in the armed forces.”

Dominica

Declarations:

“... the minimum age at which voluntary recruitment will be permitted into the Police Force (in the absence of national and armed forces) is eighteen (18) years in accordance with the Police Act, Chapter 14:01, Section 5(a);

... recruitment will be carried out only through a recognized registered body;

... the consent of recruits is voluntary and is witnessed to with a signed declaration;

... an orientation period is provided prior to recruitment with the option of voluntary withdrawal.”

El Salvador

Declaration:

... pursuant to article 3, paragraph 2 of the above-mentioned Protocol, the Government of the Republic of El Salvador declares that the minimum age for Salvadorans who wish to enlist voluntarily for military service is 16 years, in accordance with articles 2 and 6 of the Act on Military Service and Reserves of the Armed Forces of El Salvador. The following is a description of the safeguards that the relevant Salvadoran authorities have adopted to ensure that the military service provided is legally voluntary:

- The 16-year-old minor must submit a written request to the Recruitment and Reserves Office or its subsidiary offices, unequivocally stating a desire to provide military service;
- Submission of the original birth certificate or minor’s card;
- Document certifying knowledge of and consent to the request to provide military service from the minor’s parents, guardian or legal representative, all in accordance with the provisions of title II on parental authority, article 206 et seq. of the Family Code;
- Acceptance of the request shall be subject to the needs for military service.

Finland

Declaration:

“The Government of Finland declares in accordance with Article 3, paragraph 2, of the Optional Protocol that the minimum age for any recruitment of persons into its national armed forces is 18 years. The minimum age applies equally to the military service of men and to the voluntary service of women.”

France

Declaration:

France hereby declares that it recruits only volunteers aged at least 17 who have been informed of the rights and duties involved in military service and that the enlistment of recruits under the age of 18 is valid only with the consent of their legal representatives.

Guatemala

Declaration:

In conformity with article 3, paragraph 2 of the aforementioned Protocol, the Government of Guatemala makes the following declaration: ‘Guatemala shall not permit the compulsory recruitment of persons under 18 years of age into its armed forces, and, in keeping with article 3, paragraph 4, of the Convention on the Rights of the Child on the involvement of children in armed conflict, the description of the safeguards it has adopted to ensure that such recruitment is not forced or coerced shall be submitted at a later date.’

Holy See

Declaration:

“The Holy See, with regard to article 3, paragraph 2, of the Protocol, declares that, for what concerns the Vatican City State, the Regulations of the Pontifical Swiss Guard, approved in 1976, establish that the recruitment of its members is only voluntary and that the minimum age is set forth at 19 years.”

Honduras

Declaration:

With the aim of specifying the scope of this Protocol and upon depositing its instrument of accession, the Government of the Republic of Honduras, acting in accordance with article 3 of the Protocol, declares that:

1(a). Under the legislation of the State of Honduras, the minimum age for voluntary recruitment into the armed forces is 18 years, as part of the country’s educational, social, humanist and democratic system”.

II. This Agreement shall be submitted to the Sovereign National Congress for consideration, for the purposes of article 205, number 30, of the Constitution of the Republic.

Iceland

Declaration:

“With regard to Article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, the Republic of Iceland declares that it has no national armed forces, and hence, a minimum age for recruitment is not applicable in the case of the Republic of Iceland.”

Ireland

Declaration:

“Pursuant to article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts, Ireland declares:

In general, the minimum age for recruitment into the Irish armed forces is 17. An exception is made in the case of apprentices, who may be recruited at the age of 16. However, apprentices are not assigned to any military duties until they have completed up to four years apprenticeship trade training, by which time all would have attained the age of 18. Ireland has adopted the following safeguards to ensure that recruitment of personnel under the age of 18 is not forced or coerced:

All recruitment to the Irish armed forces is voluntary. Ireland does not practice conscription and recruitment campaigns are informational in nature. Applicants must fill in an application and are selected on the basis of suitability. Applicants who are offered a position are under no obligation to accept that position.

All applicants are required to provide proof of age. All unmarried applicants who are under 18 must have the written consent of a parent or guardian. In Ireland a person attains full age or adulthood either on attaining the age of 18 or upon marriage if they marry before that age. Under Irish law a person who is under the age of 18 years may not enter into a valid marriage unless an exemption is granted by the Circuit or High Court.”

Italy

Declaration:

The Government of the Italian Republic declares, in compliance with article 3:

- That Italian legislation on voluntary recruitment provides that a minimum age of 17 years shall be required with respect to requests for early recruitment for compulsory military service or voluntary recruitment (military duty on a short-term and yearly basis);
- That the legislation in force guarantees the application, at the time of voluntary recruitment, of the provisions of article 3, paragraph 3, of the Protocol, inter alia, as regards the requirement of the consent of the parent or guardian of the recruit.

Jamaica

Declaration:

“Pursuant to Article 3(2) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict, Jamaica hereby declares that:

1. The Jamaica Defence Force permits voluntary recruitment and enlistment at the minimum age of 18 years.
2. The Jamaica Defence Force has adopted the following safeguards, under the 1962 Defence (Regular Force Enlistment And Service Regulations) Act, to ensure that recruitment of personnel under the age of 18 is not forced or coerced;
 - (a) All recruitment to the Jamaica Defence Force is voluntary. If an individual wishes to enter the Jamaica Defence Force, he or she completes the relevant application (Notice Paper) form in accordance with Section 5 of the Act;
 - (b) The applicant is given the notice paper with the condition and warning that if he knowingly makes a false attestation, he is liable to be punished;
 - (c) The recruiting officer shall satisfy himself that the person offering to enlist is, or as the case may be, is not, over the age of eighteen years;
 - (d) The recruiting officer shall read or cause to be read to the person the questions set out in the attestation paper and shall ensure that the answers are duly recorded thereon;
 - (e) Written parental consent is required for applicants who have attained the age of 17½ years. Persons in this category are not permitted to graduate as trained soldiers from training institutions, until they have attained the age of eighteen (18) years.
3. Personnel must provide reliable proof of age prior to acceptance into national military service, in the form of a legally recognized document, that is, an original or a certified copy of their birth certificate.

If the Jamaica Defence Force offers a particular position to the candidate, he or she is not compelled to accept the position.”

Kazakhstan

Declaration:

“Pursuant to article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflicts, the Republic of Kazakhstan hereby declares:

In accordance with the Military Service on Contract Basis Act No. 167-II 3PK of March 20, 2001:

1. Military Service on Contract Basis grounded on the principles of legitimacy, voluntary recruitment, professionalism and competency, social security and protection of rights of military servants.

2. Every military service is entitled in full equality in his or her rights. No one shall be limited in his or her rights or attain any advantages realising the rights with regard to sex, age, race, nationality, language, religion, official capacity and social status.

3. Article 17, paragraph 1 permits voluntary recruitment at the minimum age of 19.

4. According to the article 14, paragraph 1 a contract should obligatory include description of the identification document, number and date of issue of the document, number of social individual code and tax-payer's registration number."

Kenya

Declaration:

"The Government of the Republic of Kenya declares that the minimum age for the recruitment of persons into the armed forces is by law set at eighteen years. Recruitment is entirely and genuinely voluntary and is carried out with the full informed consent of the persons being recruited. There is no conscription in Kenya.

The Government of the Republic of Kenya reserves the right at any time by means of a notification addressed to the Secretary-General of the United Nations, to add, amend or strengthen the present declaration. Such notifications shall take effect from the date of their receipt by the Secretary General of the United Nations.

Kyrgyzstan

Declaration:

"In accordance with the Article 3, paragraph 2 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted in New York, 25 May 2000, I have the honour to declare that in the Kyrgyz Republic the minimum age for recruitment of its citizens (men) to an active military service is limited by the age of 18 years (Article 10 of the Law of the Kyrgyz Republic "On the general military service of citizens of the Kyrgyz Republic")."

Lithuania

Declaration:

". . . the Republic of Lithuania declares that under Republic of Lithuania law the citizens of the Republic of Lithuania under the age of 18 years may not serve in the national armed forces: the minimum age of citizens of the Republic of Lithuania for voluntary recruitment into the active military service is 18 years, and the minimum age of citizens of the Republic of Lithuania for enlisting into the mandatory military service must be 19 years. Compulsory recruitment of children under the age of 18 years into the national armed forces shall involve liability under law of the Republic of Lithuania."

Mali

Declaration:

In accordance with article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, the Government of the Republic of Mali declares that the minimum age for voluntary recruitment into the national armed forces is 18 years of age or older. No boy or girl under 18 years of age may be recruited or be allowed to be recruited, even on a voluntary basis, or be enrolled as a member of the national armed forces.

The Government of Mali is fully committed to this declaration and pledges to impose on anyone who violates such provision a penalty commensurate with the seriousness of the offence as provided for under its criminal law.

Children who are unlawfully recruited into the armed forces may, depending on their individual circumstances, receive support for their economic and social rehabilitation and reintegration.

Malta

Declaration:

“Under the Malta Armed Forces Act (Chapter 220 of the Laws of Malta), enacted in 1970, enlistment in the Armed Forces of Malta shall be made on a voluntary basis and no person under the age of seventeen years and six months may be so enlisted. A person under 18 years may not be enlisted unless consent to the enlistment is given in writing by the father of such person or, if such person is not subject to paternal authority, by the mother or by another person in whose care the person offering to enlist may be. In any case, the term of engagement of a person enlisting under the age of 18 expires on reaching 18 years of age and enlistment has to be renewed. It is a mandatory condition for enlistment of potential recruits to produce a birth certificate from the national Civil Status Office to attest their age.

The Malta Armed Forces Act also provides that any person of whatever age offering to enlist in the regular force shall, before enlistment, be given a notice on the prescribed form stating the general conditions of engagement and the recruiting officer shall not enlist any person in the regular force unless satisfied that the potential recruit has been given such notice, understood its contents and wishes to be enlisted.

In practice the Armed Forces of Malta do not recruit and have not since 1970 recruited persons under the age of 18 years. The Government of Malta further declares that if in future recruitment of persons under 18 years were made such members of the armed forces will not take part in hostilities.

Regulations under the Malta Armed Forces Act provide for a Junior Leaders Scheme whereby persons under the age of 17 and six months could be recruited for training but in a non-combatant position, but in effect no such recruitment has taken place since 1970.”

Monaco

Declaration:

The Principality of Monaco declares, in accordance with article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, that it is bound by the Franco-Monaguesque Treaty of 17 July 1918 and that the French Republic thereby ensures the defence of the territorial integrity of the Principality of Monaco.

The only bodies having military status in the Principality are the Prince’s Guard and the Fire Brigade. In accordance with the provisions of Sovereign Ordinance No 8017 of 1 June 1984 relating to the Police Code, members of the Guard and the Fire Brigade must be at least 21 years of age.

Morocco

Declaration:

Pursuant to paragraph 2 of the article concerning the involvement of children in armed conflicts, the Kingdom of Morocco declares that the minimum age required by national law for voluntary recruitment in the armed forces is 18 years.

Mexico

Declaration:

In accordance with article 3, paragraph 2 of the Optional Protocol, the United Mexican States declares:

(i) That the minimum age for voluntary recruitment of its nationals into the armed forces is 18 years;

(ii) That article 24 of the Military Service Act provides that only volunteers will be accepted into the armed forces for active service until the figure set annually by the Ministry of Defence has been met and provided that the following conditions are fulfilled:

I. They must submit an application;

II. They must be Mexican nationals who are over 18 but not over 30, and must be under 40 in the case of personnel enlisted as specialists in the army;

Those over 16 and under 18 shall be accepted into signals units for training as technicians under contracts with the State not exceeding five years in duration. Moreover, under article 25 of the Military Service Act, only the following persons may be accepted for early enlistment in the armed forces:

I. Those who wish to leave the country at the time when they would be required by law to undertake military service if they are over 16 at the time of requesting enlistment;

II. Those who are obliged to request early enlistment because of their studies.

The maximum number of individuals who may be allowed to enlist early shall be set every year by the Ministry of Defence; and

Interpretive declaration:

In ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted by the General Assembly of the United Nations on 25 May 2000, the Government of the United Mexican States considers that any responsibility deriving therefrom for non-governmental armed groups for the recruitment of children under 18 years or their use in hostilities lies solely with such groups and shall not be applicable to the Mexican State as such. The latter shall have a duty to apply at all times the principles governing international humanitarian law.

Namibia

Declaration:

“Pursuant to article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflicts, Namibia hereby declares:

1. The Namibian Defence Force permit voluntary recruitment at the minimum age of 18 years.

2. The Namibian Defence Force have adopted the following safeguards to ensure that recruitment of personnel at the age between 18 and 25 years is not forced or coerced.

(a) Advertisements on the availability of military career opportunities in the Namibian Defence Force are placed yearly in the local print and broadcast for the purposes of inviting interested young men and women to apply.

(b) As a standpoint the candidate is not obliged to accept the position if the Namibian Defence Force offer a particular position.

(c) Military career opportunities may emanate from Infantry, Engineering, Air Wing, Maritime Wing, Communication and Medical Services. The potential recruits undergo instruction courses to give them an overview of what is expected of them as future soldiers in respect of military career opportunities stated under paragraph 2(c). The recruits may select their career paths after training.

(d) To ensure the absence of any possible form of remote or direct coercion the Namibian Defence Force requires that

(i) the potential recruit should not have previous criminal records or convictions;

(ii) the potential recruits be Namibian Citizens.

3. As a standpoint and policy Namibian Defence Force does not allow voluntary recruitment under the age of 18 years thus:

(i) as proof of age requires that the candidates show certified copies of legally recognised Namibian identity documents as well as birth certificates.

4. All recruitments of personnel in the Namibian Defence Force are voluntary. Namibia does not practice conscription or any form of forced obligatory service.”

New Zealand

Declaration:

“The Government of New Zealand declares that the minimum age at which New Zealand will permit voluntary recruitment into its national armed forces shall be 17 years. The Government of New Zealand further declares that the safeguards which it has adopted to ensure that such recruitment is not forced or coerced include the following:

(a) Defence Force recruitment procedures requiring that persons responsible for recruitment ensure that such recruitment is genuinely voluntary;

(b) legislative requirements that the consent of parent or guardian is obtained for enlistment where such consent is necessary under NZ law. The parent or guardian must also acknowledge that the persons enlisting will be liable for active service after reaching the age of 18 years;

(c) a detailed and informative enlistment process, which ensures that all persons are fully informed of the duties involved in military service prior to taking an oath of allegiance; and

(d) a recruiting procedure, which requires enlistees to produce their birth certificate as reliable proof of age.”

Panama

Declaration:

The Republic of Panama, in ratifying the Protocol, declares that it has no armed forces. The Republic of Panama has a civilian security force consisting of the National Police, the National Air Service, the National Maritime Service and the Institutional Protection Service. Their legal charters define the requirements for recruitment of personnel by such institutions and stipulate that recruits must have reached the age of majority, i.e. 18 years.

Paraguay

Declaration:

... on behalf of the Government of the Republic of Paraguay, that in accordance with the relevant national and international legal norms, it has been decided to establish the age of sixteen (16) years as the minimum age for voluntary recruitment into the armed forces. Moreover, the measures adopted to permit voluntary recruitment will be in conformity with the principles laid down in article 3, paragraph 3 of the Optional Protocol.

Peru

Declaration:

In depositing the instrument of ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Government of Peru declares that, in compliance with its article 3, paragraph 2, the minimum age for voluntary recruitment into the national armed forces, under national legislation, is 18 years.

Philippines

Declaration:

“1. The minimum age for voluntary recruitment into the Armed Forces of the Philippines is 18 years, except for training purposes whose duration shall have the students/cadets/trainees attain the majority age at the completion date;

2. There is no compulsory, forced or coerced recruitment into the Armed Forces of the Philippines; and,

3. Recruitment is exclusively on a voluntary basis.”

Portugal

Upon signature:

Declaration:

“Concerning article 2 of the Protocol, the Portuguese Republic considering that it would have preferred the Protocol to exclude all types or recruitment of persons under the age of 18 years – whether this recruitment is voluntary or not, declares that it will apply its domestic legislation which prohibits the voluntary recruitment of persons under the age of 18 years and will deposit a binding declaration, in conformity with paragraph 2 of article 3 of the Protocol, setting forth 18 years as the minimum age for voluntary recruitment in Portugal.”

Upon ratification:

Declaration:

“The Government of Portugal declares, in accordance with article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict that the minimum age for any recruitment – including voluntary – of persons into its national armed forces is 18 years. The age limit is already contained in the Portuguese domestic legislation.”

Qatar

Declaration:

Pursuant to paragraph 2 of article 3 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,

The State of Qatar declares that recruitment to its armed forces and other regular forces is voluntary and is for those who have attained the age of 18 years and that it takes account of the safeguards set forth in paragraph 3 of the same article.

In making this declaration, the State of Qatar affirms that its national legislation makes no provision for any form of compulsory or coercive recruitment.

Romania

Declaration:

“According to the law, military service is compulsory for Romanian citizens, males, who reached the age of 20, except in case of war or upon request, during peacetime, when they may be recruited after the age of 18.”

Rwanda

Declaration:

“Minimum age for voluntary recruitment: 18 years.

Minimum age for entry into schools operated by or under the control of armed forces: Not applicable.

Status of pupils in these schools (are they part of the armed forces): Not applicable.

What reliable proof of age is required: Birth certificate.

What do the armed forces comprise: Adult men and women.”

Serbia and Montenegro

Declaration:

“Pursuant to article 3(2) of the Protocol, I have the honour to inform that the provisions of articles 291 and 301 of the Law on the Yugoslav Army specified that a person of military age who has turned eighteen may be recruited into the Army of the Federal Republic of

Yugoslavia in that calendar year. The person of military age may only exceptionally be recruited in the calendar year in which he turns seventeen, at his own request, or during a state of war by order of the President of the Federal Republic of Yugoslavia.

In the light of the fact that, under the Law, only persons who have done their military service or have undergone the required military training may be called up, the minimum age for voluntary recruitment in the Federal Republic of Yugoslavia has been set at 18. Safeguards that recruitment of underage persons will not be forced or coerced are provided in the Penal Code of the Federal Republic of Yugoslavia and those of its constituent republics, relating to the criminal act against civil rights and liberties and dereliction of duty.”

Sierra Leone

Declaration:

“With regard to article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on the participation of Children in Armed Conflict, the Government of the Republic of Sierra Leone declares that:

1. The minimum age for voluntary recruitment into the Armed Forces is 18 years;
2. There is no compulsory, forced or coerced recruitment into the National Armed Forces;
3. Recruitment is exclusively on a voluntary basis.”

Spain

Declaration:

For the purposes of the provisions of article 3 of the Protocol, Spain declares that the minimum age for voluntary recruitment into its armed forces is 18 years.

Sri Lanka

Declaration:

“The Democratic Socialist Republic of Sri Lanka [. . .] declares in accordance with article 3 (2) of [the Protocol] that under the laws of Sri Lanka:

- (a) there is no compulsory, forced or coerced recruitment into the national armed forces;
- (b) recruitment is solely on a voluntary basis;
- (c) the minimum age for voluntary recruitment into national armed forces is 18 years.”

Sweden

Declaration

“ . . . in accordance with Article 3, paragraph 2 of the Optional Protocol, [. . .] the minimum age required for voluntary recruitment into the Swedish National Armed Forces is eighteen (18) years.”

Switzerland

Declaration:

The Swiss Government declares, in accordance with article 3, paragraph 2, of the Optional Protocol, that the minimum age for the recruitment of volunteers into its national armed forces is 18 years. That age is specified by the Swiss legal system.

Tajikistan

Declaration:

On behalf of the Republic of Tajikistan, the Ministry of Foreign Affairs has the honour to declare that, in accordance with [paragraph] 2 of article 3 of the Optional Protocol to the Convention on the Rights of a Child with respect to participation of children in military conflicts, the voluntarily recruitment of those under age of 18 to the armed forces of the Republic of Tajikistan shall be prohibited.

Tunisia

Declaration:

In accordance with article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Republic of Tunisia declares the following:

Under Tunisian law, the minimum age for voluntary recruitment of Tunisian citizens into the armed forces is 18 years.

In accordance with article 1 of Act No. 51–1989 of 14 March 1989 on military service, “all citizens aged 20 shall perform national service in person, except in the case of a medically certified impediment.

However, citizens may, at their request, and with the consent of their legal guardian, perform military service at the age of 18 years, subject to the approval of the Secretary General of the Ministry of Defence.”

In accordance with article 27 of Act No. 51–1989 of 14 March 1989 on military service, “any citizen between the ages of 18 and 23 may be admitted into military schools subject to such conditions as may be determined by the Secretary General of the Ministry of Defence.

Young people who have not attained the age of majority must first get the consent of their legal guardian; in such case, the first year of service shall count towards the fulfilment of military service obligations and be considered as enlistment before call-up.”

Articles 1 and 27 of the Act of 14 March 1989 provide legal safeguards for citizens under the age of 18 years, since acceptance into national military service or recruitment into the armed forces is on a strictly voluntary basis.

Uganda

Declaration:

“The Government of the Republic of Uganda declares that the minimum age for the recruitment of persons into the armed forces is by law set at eighteen (18) years. Recruitment is entirely and squarely voluntary and is carried out with the full informed consent of the persons being recruited. There is no conscription in Uganda.

The Government of the Republic of Uganda reserves the right at any time by means of a notification addressed to the Secretary-General of the United Nations, to add, amend or strengthen the present declaration. Such notifications shall take effect from the date of their receipt by the Secretary-General of the United Nations.”

United Kingdom of Great Britain and Northern Ireland

Declaration made upon signature and confirmed upon ratification:

“The United Kingdom of Great Britain and Northern Ireland will take all feasible measures to ensure that members of its armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

The United Kingdom understands that article 1 of the Optional Protocol would not exclude the deployment of members of its armed forces under the age of 18 to take a direct part in hostilities where:

- (a) there is a genuine military need to deploy their unit or ship to an area in which hostilities are taking place; and
- (b) by reason of the nature and urgency of the situation:
 - (i) it is not practicable to withdraw such persons before deployment; or
 - (ii) to do so would undermine the operational effectiveness of their ship or unit, and thereby put at risk the successful completion of the military mission and/or the safety of other personnel.”

Upon ratification:

Declaration:

“ . . . in accordance with Article 3, paragraph 2, of the Optional Protocol:

– The minimum age at which individuals may join the UK Armed Forces is 16 years. This minimum broadly reflects the minimum statutory school leaving age in the United Kingdom, that is the age at which young persons may first be permitted to cease full-time education and enter the full-time employment market. Parental consent is required in all cases of recruitment under the age of 18 years.

The United Kingdom maintains the following safeguards in respect of voluntary recruitment into the armed forces:

1. The United Kingdom Armed Forces are manned solely by volunteers; there is no compulsory recruitment.

2. A declaration of age, backed by an authoritative, objective proof (typically the production of an authentic birth certificate) is an integral and early requirement in the recruitment process. Should an individual volunteering to enter the United Kingdom Armed Forces be found either by their own declaration or by inspection of supporting evidence of age to be under 18 years of age, special procedures are adopted. These procedures include:

- the involvement of the parent(s) or legal guardian(s) of the potential recruits;
- clear and precise explanation of the nature of duties involved in military service to both the individual and their parent(s)/guardian(s); and
- as well as explaining the demands of military life to the individual volunteer and establishing that he/she remains a genuine volunteer, the requirement that the parent(s) or guardian(s), having been similarly informed, freely consent to the individual’s entry into the Armed Forces and duly countersign the appropriate application or other appropriate recruitment process forms.

United States of America

Declaration:

“The Government of the United States of America declares, pursuant to Article 3(2) of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict that:

(A) the minimum age at which the United States permits voluntary recruitment into the Armed Forces of the United States is 17 years of age;

(B) the United States has established safeguards to ensure that such recruitment is not forced or coerced, including a requirement in section 505 (a) of title 10, United States Code, that no person under 18 years of age may be originally enlisted in the Armed Forces of the United States without the written consent of the person’s parent or guardian, if the parent or guardian is entitled to the person’s custody and control;

(C) each person recruited into the Armed Forces of the United States receives a comprehensive briefing and must sign an enlistment contract that, taken together, specify the duties involved in military service; and

(D) all persons recruited into the Armed Forces of the United States must provide reliable proof of age before their entry into military service.”

Understandings:

(1) NO ASSUMPTION OF OBLIGATIONS UNDER THE CONVENTION ON THE RIGHTS OF THE CHILD. The United States understands that the United States assumes no obligations under the Convention on the Rights of the Child by becoming a party to the Protocol.

(2) **IMPLEMENTATION OF OBLIGATION NOT TO PERMIT CHILDREN TO TAKE DIRECT PART IN HOSTILITIES.** The United States understands that, with respect to Article 1 of the Protocol:

(A) the term “feasible measures” means those measures that are practical or practically possible, taking into account all the circumstances ruling at the time, including humanitarian and military considerations;

(B) the phrase “direct part in hostilities”:

(i) means immediate and actual action on the battlefield likely to cause harm to the enemy because there is a direct causal relationship between the activity engaged in and the harm done to the enemy; and

(ii) does not mean indirect participation in hostilities, such as gathering and transmitting military information, transporting weapons, munitions, or other supplies, or forward deployment; and

(C) any decision by any military commander, military personnel, or other person responsible for planning, authorizing, or executing military action, including the assignment of military personnel, shall only be judged on the basis of all the relevant circumstances and on the basis of that person’s assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken.

(3) **MINIMUM AGE FOR VOLUNTARY RECRUITMENT.** The United States understands that Article 3 of the Protocol obligates States Parties to the Protocol to raise the minimum age for voluntary recruitment into their national armed forces from the current international standard of 15 years of age.

(4) **ARMED GROUPS.** The United States understands that the term “armed groups” in Article 4 of the Protocol means nongovernmental armed groups such as rebel groups, dissident armed forces, and other insurgent groups.

(5) **NO BASIS FOR JURISDICTION BY ANY INTERNATIONAL TRIBUNAL.** The United States understands that nothing in the Protocol establishes a basis for jurisdiction by any international tribunal, including the International Criminal Court.”

VietNam

Declaration:

“To defend the Homeland is the sacred duty and right of all citizens. Citizens have the obligation to fulfil military service and participate in building the all-people national defence.

Under the law of the Socialist Republic of Vietnam, only male citizens at the age of 18 and over shall be recruited in the military service. Those who are under the age of 18 shall not be directly involved in military battles unless there is an urgent need for safeguarding national independence, sovereignty, unity and territorial integrity.

Male citizens up to the age of 17 who wish to make a long-term service in the army may be admitted to military schools. Voluntary recruitment to military schools shall be ensured by measures which, inter alia, include:

– The Law on Military Duty and other regulations on the recruitment to military schools are widely disseminated through mass media;

– Those who wish to study at a military school shall, on the voluntary basis, file their application, participate in and pass competitive examinations; they shall submit their birth certificates provided by the local authority, their education records, secondary education diploma; they shall also undergo health check in order to ensure that they are physically qualified to study and serve the military.”

NOTES

- ^{1.} *For the Kingdom of Belgium. Further, on 23 June 2003, the Government of Belgium informed the Secretary-General that it had decided to withdraw its declaration made upon signature. The declaration reads as follows:*

This signature is equally binding on the French community, the Flemish community and the German-speaking community.

- ^{2.} *With a territorial exclusion with respect of the Faroe Islands and Greenland.*
- ^{3.} *With the following territorial exclusion:*

“... consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, this acceptance shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory.”



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