



Armed Forces Bill – Call for Evidence

March 2021

About Together (Scottish Alliance for Children's Rights)

Together (Scottish Alliance for Children's Rights) is an alliance that works to improve the awareness, understanding and implementation of the UN Convention on the Rights of the Child (UNCRC) and other international human rights treaties across Scotland. We have over 450 members ranging from large international and national non-governmental organisations (NGOs) through to small volunteer-led after school clubs. Our activities include collating an annual *State of Children's Rights* report to set out the progress made to implement the UNCRC in Scotland. The views expressed in this submission are based on wide consultation with our members but may not necessarily reflect the specific views of every one of our member organisations.

Introduction

Together welcomes the opportunity to submit evidence to the Select Committee on the Armed Forces Bill. The UN Convention on the Rights of the Child (UNCRC) sets out the rights that everyone under the age of 18 has, including: the right to life, survival and development (Article 6); to have their best interests at the centre of all decisions and actions (Article 3); the right to education (Articles 28-29); freedom of expression and access to information (Article 13); right to health (Article 24); and to have their views respected and taken into account (Article 12). Recruitment into the armed forces has a significant impact on all of these rights.

We regret the Armed Forces Bill as currently drafted does not address children's human rights issues - namely the need to increase the minimum age of recruitment to 18 and to protect the rights and welfare of under 18s.

We encourage the Select Committee to address these notable omissions in its consideration of the Armed Forces Bill.

Raising the minimum age of recruitment

The UK is one of only 16 countries in the world to recruit children from age 16 into the armed forces.¹ It is the only state in Europe and the only Permanent Member of the UN Security Council to do so.² The British armed forces recruit approximately 2,400 16- and 17-year-olds each year, three-quarters of whom join the army.³

¹ Child Soldiers International (2018). Why 18 Matters: Rights-Based Analysis of Child Recruitment.

<http://bit.ly/2G1hmgO>

² Ibid.

³ MoD (2019). Biannual diversity statistics. <https://bit.ly/3cMktnm>.

The UN Committee on the Rights of the Child ('UN Committee') has repeatedly criticised the UK's low recruitment age and called for this to be increased to 18.^{4 5} Concerns around children's rights and the recruitment age have been echoed by other countries during the Universal Periodic Review,⁶ the Joint Committee on Human Rights,⁷ the Commons Defence Committee,⁸ the Equality and Human Rights Commission,⁹ the four Children's Commissioners for Scotland, England, Wales and Northern Ireland¹⁰ and a wide range of Together's members.¹¹ A majority of members of the public believe people should not be able to join the Army until they are 18 years old.¹²

Education and socioeconomic issues

Armed forces recruiters disproportionately target children from disadvantaged backgrounds.¹³ As four out of five of the most disadvantaged 16-year-olds now continue in full-time education,¹⁴ recruiting children pulls them out of full-time education. This directly impacts children's right to education (Articles 28-29 UNCRC) and socioeconomic outcomes, as education in the armed forces does not offer the same opportunities that are available to other children. The armed forces do not provide full-time education, GCSE-resits with support, a wide range of courses and unrestricted freedom to leave or change college at any time.¹⁵ This falls short of UNCRC Article 29 which sets out children's right to an education which develops their personality, talents and abilities to the full. Moreover, the education drop-out rate in the armed forces is three times as high at 32%, in contrast to the drop-out rate of nine percent in a civilian college for the same age group.^{16 17}

These shortcomings leave army recruits socioeconomically disadvantaged relative to their civilian peers who remain in full-time education beyond the age of 16.

Physical and mental health risks from military training

Recruitment of under 18s is contrary to children's right to life, survival and development; the right to health and the right to be protected from all forms of harm. Those with experience of working in the armed forces are at increased risk of negative health outcomes such as fatality, PTSD, alcohol misuse and self-harm, and those who enlist at a young age are at particular risk.¹⁸

⁴ UN Committee on the Rights of the Child (2016). Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland. <https://bit.ly/2QcdZGF>.

⁵ UN Committee on the Rights of the Child (2016). General comment No. 20 on the implementation of the rights of the child during adolescence. <https://bit.ly/310vrQx>.

⁶ UPR of United Kingdom of Great Britain and Northern Ireland. A/HRC/36/9 Para: 134.22.

⁷ Joint Committee on Human Rights (2009). Children's Rights: Twenty-fifth Report of session 2008-09.

<http://bit.ly/2GGs5IE>.

⁸ House of Commons Defence Committee (2013). The Armed Forces Covenant in Action? Part 4: Education of Service Personnel (Fifth Report of Session 2013-14). <https://bit.ly/3eVzqWS>.

⁹ Equality and Human Rights Commission (2010). UK Government UPR Mid-term Report: Report from the Equality and Human Rights Commission, p5.

¹⁰ UK Children's Commissioners (2016). Recommendations to the UN Committee on the Rights of the Child on the Examination of the Fifth Periodic Report of the United Kingdom of Great Britain and Northern Ireland.

<http://bit.ly/36MD0uG>.

¹¹ Together (2015). NGO alternative report to the Committee on the Rights of the Child. <http://bit.ly/2eFaWiA>.

¹² ICM (2018). Nationwide Survey. <https://bit.ly/3rYWM1w>.

¹³ C Cooper and D Gee (2019). Youngest British army recruits come disproportionately from England's most deprived constituencies. <https://tinyurl.com/yx8osqhz>.

¹⁴ Child Rights International Network (2019). Conscription by poverty? Deprivation and army recruitment in the UK.

¹⁵ MoD (2016). Armed Forces: GCSE - Written question – 33689. <https://bit.ly/2RGa97O>.

¹⁶ MoD (2017). Army: Resignations - Written question – 116489. <https://bit.ly/2SDuckC>.

¹⁷ DfE (2018). 2016 to 2017 education and training NARTs overall headline. <https://bit.ly/3qZlZQv>

¹⁸ MEDACT (2016). The Recruitment of Children by the UK Armed Forces. <http://bit.ly/3719BmU>.

Those who enlist aged 16 and 16½ must be given jobs in combat roles (or join as drivers in the logistics corps) which carry the highest risk of fatality over the course of their military career.¹⁹ For example, in Afghanistan, British infantry troops were six times as likely to be killed as personnel in the rest of the army,²⁰ and in the Iraq and Afghanistan era, they were twice as likely to experience post-traumatic stress disorder (PTSD).²¹

Recruiting under 18s to the armed forces subjects them to substantial mental and physical health risks which has a detrimental impact on a wide range of their rights under the UNCRC.

Safeguarding issues

The UK ratified the Optional Protocol to the UNCRC on Children Involved in Armed Conflict (OPAC) in June 2003, accepting the additional human rights obligations in the Optional Protocol as being binding on the UK. OPAC is clear that when a person under the age of 18 is recruited to the armed forces it is necessary for them to provide consent that is both voluntary and informed.²² There are reasons to believe that recruitment of children into the armed forces is often not based on voluntary and fully informed consent, such as: recruitment information emphasises benefits while downplaying risks,²³ seeks to exploit adolescent vulnerabilities and targets those in lower income groups;²⁴ parental consent safeguards are inadequate as information for parents/carers is deficient and there is no requirement to meet recruiters prior to the child enlisting;²⁵ and written consent from a parent/guardian cannot later be withdrawn.²⁶ These issues are contrary to the safeguarding provisions set out in Article 3.3 of OPAC and infringe children's rights under the UNCRC, including Articles 3, 13 and 17.

Ending discriminatory terms of service

After an initial voluntary discharge window, enlisted minors are obliged from the day they turn 18 to remain in the army to the age of 22, having completed an obligatory minimum service period up to two years longer than is required for adult recruits.²⁷ This is contrary to the non-discrimination principle as it means the minimum period of service is longer for those who enlist as children than it is for those who enlist as adults

Other terms of service applied to the armed forces restrict children's freedom to associate and express themselves. As the Queen's Regulations for the Armed Forces state that personnel may not express their views publicly or contribute in any way to public discourse if this 'create[s] the possibility of embarrassment to the Government'.²⁸ The effect of the Regulation is to allow the state to prevent military personnel from speaking in public (including to researchers or the media) if this is to express critical views of the armed forces and military operations, but allow the expression of supportive views.

¹⁹ UK Army Recruiting Group (2015). Eligibility Reference Guide, p8. <http://bit.ly/2RH7A4F>.

²⁰ D Gee and A Goodman (2013). Age at army enlistment is associated with greater war zone risks an analysis of British army fatalities in Afghanistan. <https://bit.ly/3lxyucD>.

²¹ N Fear *et al.* (2010). 'What are the consequences of deployment to Iraq and Afghanistan on the mental health of the UK armed forces? A cohort study', *The Lancet*, 375, pp. 1783-1797.

²² Article 3(3), Optional Protocol on the Involvement of Children in Armed Conflict. <http://bit.ly/2e6ZccF>.

²³ Gee, D. (2008). Informed Choice? Armed forces recruitment practice in the United Kingdom, p 3.

<http://bit.ly/2e71oAI>.

²⁴ MEDACT (2016). The Recruitment of Children by the UK Armed Forces. <http://bit.ly/37I9BmU>.

²⁵ Child Soldiers International (2015) Out of step, out of time - Recruitment of minors by the British armed forces. <https://bit.ly/38Younz..>

²⁶ Child Soldiers International (2016). The British armed forces: Why parental consent safeguards are inadequate. <https://bit.ly/3IA5tNI>.

²⁷ Army Terms of Service Regulations SSI 2007/3382 reg.11. <http://bit.ly/2tfircF>.

²⁸ Queen's Regulations for the Armed Forces 1975 (J12.019).

As such, the Regulation allows the state 'unfettered discretion' in restricting the freedom of expression; this is noted as forbidden in General Comment 34 of the Human Rights Committee.²⁹

Recommendations

The UK's low minimum age of recruitment and discriminatory minimum terms of service significantly and detrimentally impact upon the realisation of children's human rights under the UNCRC. Until these issues are rectified, the UK Government's approach continues to hinder global efforts to end all recruitment of children for military purposes. We urge the Select Committee to ensure the above children's rights concerns are addressed through its consideration of the Armed Forces Bill.

Together encourages the Select Committee to take a children's rights-based approach in its review of the Armed Forces Bill. In particular we ask the Select Committee to amend the Bill so as to:

- Raise the minimum age for recruitment into the armed forces to 18 years old; and to meet the standards required by Article 3 of the Optional Protocol on the involvement of children in armed conflict.
- Change the minimum terms of service for army recruits, to end the current discrimination against those who enlist as children.
- Ensure that recruitment into the armed forces supports voluntary and informed consent and ensures children are provided with accurate and balanced information.

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²⁹ Human Rights Committee (2011). General Comment No. 34. para 25. <https://bit.ly/3cThfPb>.