

Written evidence submitted by Childs Rights International Network to the Select Committee on the Armed Forces Bill

Summary

The current Bill offers an opportunity to raise the minimum age for enlistment to 18, as widely advocated, and to enhance protections for recruits under this age in the interim.

This submission provides evidence on the enlistment and terms of service of this group, focusing on the army. The evidence covers:

- *The national and international context;*
- *The risks and legal obligations that early enlistment introduces; and*
- *The advantages and feasibility of transition to all-adult armed forces.*

Context

1. The British armed forces recruit large numbers of adolescent children from age 16 to fill the ranks:
 - 1.1. The British armed forces enlisted 3,260 16- and 17-year-olds in the year 2019–20.¹
 - 1.2. Typically, three-quarters of recruits in the age group join the army,² mostly for basic infantry roles.³
 - 1.3. 26 percent of the army's intake is under 18; more soldier recruits are 16 than any other age.⁴
2. Enlistment from age 16 makes an international outlier of the UK:
 - 2.1. Three-quarters of states worldwide now allow only adults to be recruited in law.⁵
 - 2.2. The UK is one of 16 states worldwide, and the only state in the European region, that still allow enlistment from age 16.⁶
 - 2.3. Whereas certain other comparable armed forces, such as those of France and Germany, recruit from age 17, they do so in proportionally much smaller numbers.⁷
3. The Ministry of Defence acknowledges that the policy of enlisting 16- and 17-year-olds competes with their increasing participation in full-time education:⁸
 - 3.1. 81 percent of disadvantaged young people now continue in full-time education beyond age 16.⁹
 - 3.2. By targeting this demographic for enlistment, the armed forces are more likely to draw young people out of full-time education than, as is often claimed,¹⁰ offer a route out of youth unemployment.
4. Several human rights bodies have called for the UK enlistment age to rise to 18, including the Children's Commissioners for the four UK nations,¹¹ the UN Committee on the Rights of the Child,¹² the parliamentary Joint Committee on Human Rights,¹³ health professionals,¹⁴ and child rights advocates.¹⁵ In addition, in December 2020 the Defence Committee again questioned the army's dependence on underage recruits.¹⁶

Impact on health

5. The available evidence indicates that enlistment from age 16 is materially harmful:
 - 5.1. Drop-out rate. 30 percent of recruits enlisted under age 18 leave the army before they complete their Phase 2 training.¹⁷ Every year, this leaves approximately 700 young people, who left full-time education to enlist, immediately out of work and education.¹⁸
 - 5.2. Stress. Younger people, particularly those in mid-adolescence and especially those with an adverse childhood background, carry elevated susceptibility to psychiatric harm when subjected to prolonged stress.¹⁹ The armed forces' use of physical and psychological stress to train adolescent children would be unacceptable in any civilian training setting for any age group.

- 5.3. Mental health. In recent oral evidence to the Defence Committee, the Co-Directors of the King's Centre for Military Health Research cited their unpublished paper which found that recruits enlisted under 18 face higher risks of harmful alcohol use and self-harm than those enlisted as adults.²⁰
- 5.4. Violence. Since 2014, the army has recorded 60 formal complaints of violence by instructors against recruits at the Army Foundation College, despite an 'outstanding' Ofsted rating for duty of care in 2018.²¹ Ofsted's report on the training centre is just two sides of A4 and does not mention these multiple allegations of abuse.²²

Terms of service

6. On enlistment, underage recruits lose many of the rights enjoyed by civilian workers,²³ including the right to leave a job at will:
- 6.1. First six weeks. Recruits have no legal right to leave the army in the first six weeks.²⁴
- 6.2. Up to age 18. After the first six weeks, recruits enlisted under age 18 may leave the armed forces at two weeks' notice, and thereafter at up to three months' notice until they turn 18.²⁵
- 6.3. Minimum service period. From the day they turn 18, recruits must serve for four further years, up to two years longer than is required of adult recruits.²⁶ The effect is to bind young recruits who turn 18 to military service for the first years of their adult life, as part of the commitment they entered when still legally children.
7. The army's *Junior Entry Review* of 2019 considered 'the creation of new ToS [Terms of Service] to align the minimum commitment lengths of U18 recruits to those who join over the age of 18'.²⁷ It noted that this change:
- 7.1. Could appeal to potential recruits and their parents, and 'would mitigate some external criticism and provide greater consistency to U18 recruits by aligning their commitment length with those joining the Army over the age of 18'.²⁸
- 7.2. Would also 'make the process of leaving the Army as an U18 more transparent'.²⁹
8. The Bill offers an opportunity to remove the age discrimination from the army terms of service.

Advantages and feasibility of all-adult armed forces

9. Several advantages would attach to armed forces staffed by adults only:
- 9.1. Lower attrition. Adult recruits are substantially less likely to leave the army, either during training,³⁰ or at the ten-year point in their career.³¹
- 9.2. Lower cost. It costs £53,000 to train an adult for the infantry, but £103,500 to train a soldier from age 16 for the same role to the same standard.³²
- 9.3. Greater resilience. Adult recruits are psychologically and physically more robust than younger recruits, which helps to buffer the risk of negative mental and physical health outcomes commonly experienced by veterans.
- 9.4. Simpler to manage. All-adult armed forces can be deployed immediately after training and are not burdened with the additional consent and duty of care arrangements required by law for children.
10. Transition to all-adult armed forces is feasible:
- 10.1. Navy and air force transition. The naval service and RAF recruit relatively few under-18s per year; transition to all-adult recruitment is a small change.³³
- 10.2. Army transition. In a *RUSI Journal* article in 2016, Child Soldiers International showed that a transition to an all-adult army could be achieved with a modest uplift in adult recruitment.³⁴ The article estimated that 50 percent of recruits who now join up at 16 or 17 would still have joined the army had the minimum age for enlistment been 18; the army's recent research into recruit intentions lends support to this estimate.³⁵ Given these conditions, the article calculated that the army would need to increase its adult recruitment by 11 percent to make the transition

to an all-adult force.³⁶ The army exceeded this level of adult recruitment in every year but one between 1999-00 and 2012-13.³⁷

- 10.3. Financial savings/subsidy. We have calculated elsewhere that ending recruitment below the age of 18 would liberate approximately £50 million *per annum*.³⁸ The saving could be used to fund the uplift in adult recruitment and/or offer personnel substantial retention incentives.
- 10.4. Phased transition. To preserve confidence in the army's manning, the Ministry of Defence has the option of phasing in the new enlistment age (e.g. to 16½, 17, 17½, and then 18).
11. The transition to all-adult armed forces would benefit young people in support of their additional rights as children. Specifically, raising the enlistment age to 18 would:
 - 11.1. Safeguard young people from the health impact associated with premature enlistment, and from the socio-economic impact of the high drop-out rate among young trainees;
 - 11.2. End a policy that encourages young people to enter a consequential legal commitment as children that binds them as adults;
 - 11.3. End a policy that draws young people out of full-time education while most of their peers continue to enhance their accredited qualifications to age 18;
 - 11.4. Still leave open the option of joining the armed forces with the greater resilience and responsibility of adulthood; and
 - 11.5. Align the UK with the emerging global norm aimed at ending the use of all children for military purposes worldwide.

Conclusion

12. On the evidence summarised here, we argue that a transition to all-adult recruitment represents a progressive, modernising step for the UK armed forces. It would benefit the health and socio-economic prospects of young people while offering real advantages for the armed forces. The change is practically, operationally, and financially feasible, and carries minimal risk.
13. We recommend that the Committee amend the Bill to provide for:
 - 13.1. The minimum enlistment age to be raised to 18; and
 - 13.2. In the interim, the minimum service period applied to underage recruits be made no longer than that applied to adults.

References

¹ MoD, *Biannual diversity statistics*, 2020, <https://www.gov.uk/government/statistics/uk-armed-forces-biannual-diversity-statistics-2020>.

² Ibid.

³ Each year between 2012–13 and 2015–16, an average of 768 minors joined the infantry, accounting for 34 percent of the armed forces' intake of enlisted minors over the period, versus 21 percent of enlisted adults. Calculated from MoD, *Army: Recruitment - Written question – 56526*, 7 December 2016, <https://questions-statements.parliament.uk/written-questions/detail/2016-12-07/56526>; and MoD, *Biannual diversity statistics*, 2020, op cit.

⁴ MoD, *Biannual diversity statistics*, 2020, op cit.

⁵ See Child Soldiers Initiative, *Child Soldiers World Index*, 2021, <https://childsoldiersworldindex.org>. Other than the UK, states that still formally allow enlistment from age 16 are: Bangladesh, Canada, Cuba, Dominican Republic, Egypt, El Salvador, India, Iran, Mauritania, Pakistan, Papua New Guinea, Tonga, Trinidad & Tobago, United Arab Emirates, and Zambia.

⁶ Ibid.

⁷ For example, in France three percent of the intake to the armed forces is under 18, and 6 percent in Germany. See Child Soldiers International, *Why 18 matters: A rights-based analysis of child recruitment*, 2018, https://home.crin.org/s/Why_18_Matters_full_report.pdf.

⁸ In a letter to the Chair of the Defence Committee, the Minister for the Armed Forces noted that '87% of Key Stage 4 (GCSE stage) students choose to go on to further education, up from 60% in 2003-4, underlining the strength of the competition for talent within the UK. That the Armed Forces are successful in attracting significant interest in this environment reflects the strength of our "Offer"'. Ministry of Defence, Letter to the Chair of the Defence Committee, 17 Dec 2020, <https://committees.parliament.uk/publications/4243/documents/43272/default/>.

⁹ 'Disadvantaged' is defined by the Department for Education (DfE) as school students eligible for free school meals or in care. DfE, 'National table NA21b: Pupil destinations after completing key stage 4 by disadvantage status and gender, state-funded schools (mainstream and special)', 2018,

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840011/Destinations_of_KS4_and_16_to_18_students_2018_-_key_stage_4_national_tables.ods.

¹⁰ For example, in 2016, the assistant director of army recruitment, Col Simon Stockley, remarked that recruits are 'often young people who, for whatever reason, have not succeeded in traditional education, and [by joining up] they have transformed their lives'. Louise Tickle, 'Who goes there? Campaigners fight to keep military away from UK schools', *Guardian*, 30 August 2016.

¹¹ The UK Children's Commissioners, *Report of the Children's Commissioners of the United Kingdom of Great Britain and Northern Ireland to the United Nations Committee on the Rights of the Child*, December 2020, <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/12/cco-uncrc-report.pdf>, pp. 17–18.

¹² Committee on the Rights of the Child, *Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/CO/5)*, 2016, <https://bit.ly/2Qx1zE5>, pp. 23–24.

¹³ Joint Committee on Human Rights, *Children's rights (Twenty-fifth Report of Session 2008-09)*, 2009. This is the Committee's most recent inquiry into children's rights.

¹⁴ For example, see Reem Abu-Hayyeh & Guddi Singh, 'Adverse health effects of recruiting child soldiers', *BMJ Paediatrics Open*, 3(1), 2019, <https://bmjpaedsopen.bmj.com/content/3/1/e000325>.

¹⁵ Child Soldiers International et al., Open letter to Penny Mordaunt MP, Minister of State for the Armed Forces, 2016, https://home.crin.org/s/Open_letter_to_the_Ministry_of_Defence_from_childrens_rights_organisations.pdf.

¹⁶ Defence Committee, Letter to the Minister for the Armed Forces, 1 Dec 2020, <https://committees.parliament.uk/publications/4243/documents/43272/default/>.

¹⁷ In the three-year period 2015–16 to 2017–18, the army enlisted 5,280 recruits aged under 18, of whom 1,580 (30.0%) dropped out before completing their Phase 2 training. MoD, UK armed forces biannual diversity statistics, op cit.; Ministerial answer to Parliamentary Question no. 103588, 14 October 2020, <https://questions-statements.parliament.uk/written-questions/detail/2020-10-14/103588>. (Note: figures from 2018–19 have been excluded since some recruits who enlisted during that year had not completed their training at the time the drop-out statistics were generated.)

¹⁸ In FY2019–20, a typical year for recruitment, the army enlisted 2,420 recruits aged under 18. As noted earlier, approximately 30 percent of recruits in the age group leave the army before completing their phase 2 training, equivalent to approximately 700 per year.

¹⁹ M M Kishiyama et al., 'Socioeconomic disparities affect prefrontal function in children', *Journal of Cognitive Neuroscience*, 2008, 21(6), pp. 1106–1115; D Hackman & M J Farah, 'Socioeconomic status and the developing brain', *Trends in Cognitive Sciences*, 2009, 13(2), pp. 65–73; L P Spear, 'The adolescent brain and age-related behavioral manifestations', *Neuroscience and Behavioral Reviews*, 2000, 24(4), pp. 417–463; ; J N Giedd, M Keshavan, T Paus, 'Why do many psychiatric disorders emerge during adolescence?' *Nature Reviews, Neuroscience*, 2008, 9(12), pp. 947–957; K D Baker, M L Den, B M Graham, et al., 'A window of vulnerability: Impaired fear extinction in adolescence', *Neurobiology of Learning and Memory*, 2014, 113, pp. 90–100.

²⁰ Cited in HC Defence Committee, *Armed forces and veterans mental health: Follow-up (Oral evidence, 26 January 2021)*, <https://committees.parliament.uk/oralevidence/1575/html>, Q101.

²¹ The army's Joint Personnel Administration System holds records of 60 formal allegations of violent behaviour against recruits by members of training staff at the Army Foundation College since 2014. Ministerial answer to Parliamentary Question no. 109376, 30 October 2020, <https://questions-statements.parliament.uk/written-questions/detail/2020-10-30/109376>.

²² Ofsted, *Welfare and duty of care in armed forces initial training*, 2018, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/708775/Welfare_and_duty_of_care_in_Armed_Forces_initial_training_2017-18.pdf, pp. 37–38.

²³ Other legally binding consequences of enlistment are: the loss of the freedoms of speech, association, and assembly; the loss of the right to be tried for alleged offences in a juvenile court; the loss of the right to be free from age and disability discrimination; and the loss of several workers' rights, such as those relating to leaving a job at will, collective bargaining, and redundancy, for example.

²⁴ The Army Terms of Service Regulations 2007, as amended.

²⁵ The Armed Forces (Terms of Service) (Amendment) Regulations 2011.

²⁶ The Army Terms of Service Regulations 2007, as amended.

²⁷ British army, *Junior Entry Review*, 2019, pp. 1, 5.

²⁸ Ibid.

²⁹ Ibid.

³⁰ In the three-year period 2015–16 to 2017–18, the army enlisted 5,280 recruits aged under 18, of whom 1,580 (30.0%) dropped out before completing their Phase 2 training, and 16,880 adult recruits, of whom 3,820 (22.6%) dropped out. Calculated from MoD, *UK armed forces biannual diversity statistics*, op cit.; and Ministerial answer to Parliamentary Question no. 103588, 14 October 2020, <https://questions-statements.parliament.uk/written-questions/detail/2020-10-14/103588>. (Note: figures from 2018–19 have been excluded since some recruits who enlisted during that year had not completed their training at the time the drop-out statistics were generated.)

³¹ In the period between 2017 and 2019, 25 percent of soldiers who enlisted as adults ten years earlier were still in service, versus 22 per cent of enlisted under-18s. Specifically, of the 22,750 soldiers who enlisted as adults in the financial years 2006–07 to 2008–09 inclusive, 5,710 (25.1 per cent) were still in the army ten years later; of the 13,690 soldiers who enlisted under the age of 18, 2,990 (21.8 per cent) were still in service. Calculated from information obtained from the MoD under the Freedom of Information Act, Ref. ArmySec/FOI2020/00600/04/02/00618, 12 February 2020, <http://bit.ly/3a8zlcC>.

³² MoD, *Army: Training – Written question – 128438*, 19 February 2018, <https://bit.ly/2FgT51K>.

³³ In the year 2019-20, the naval service and air force enlisted 480 and 360 recruits under age 18, respectively. MoD, *Biannual diversity statistics*, 2020, op cit.

³⁴ D Gee and R Taylor, 'Is it counterproductive to enlist minors into the army?', *RUSI Journal*, 2016, 161:6, pp. 36–48, available at

<https://home.crin.org/issues/military-enlistment/military-enlistment-resources>.

³⁵ Research commissioned by the army and published in 2019 found that that 56 per cent of junior soldiers in training had 'always wanted to join'. See British army, *Junior entry review – final report*, 2019, <https://tinyurl.com/rg33o8t>, p. 1.

³⁶ For the year in question, an 11 percent uplift in adult recruitment is equivalent to 683 individuals. See D Gee and R Taylor, 2016, op cit.

³⁷ MoD, *Biannual diversity statistics*, 2020, op cit. and predecessor Defence Statistics publications.

³⁸ The calculation is based on figures from 2013–14. ForcesWatch and Child Soldiers International, *Army recruitment: Comparative cost effectiveness of recruiting from age 16 versus age 18*, 2014, <https://www.forceswatch.net/wp-content/uploads/2014/09/army-recruitment-costs-2014.pdf>.

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Written evidence submitted to the Select Committee on the Armed Forces Bill