

The recruitment of under 18s into the UK armed forces

The minimum age for enlisting in the UK armed forces is 16. The UK is the only country in Europe which routinely recruits people aged under 18. Those who sign on when 16 or 17 must serve until they are 22.

The recruitment of minors has been criticised by the United Nations Committee on the Rights of the Child, Parliament's own Joint Committee on Human Rights, and children's charities amongst others. The Armed Forces Bill is an opportunity to phase out the recruitment of people under 18 in line with international standards, while introducing greater protection for 16- and 17-year-old personnel in the meantime.

Recruiting minors

People under 18 are not legally recognised as adults. They cannot vote or, in most cases, sign contracts. They are barred from buying the most violent films and video games. For minors to join the armed forces, they must have parental consent. Yet, a contract which they signed as a minor will legally bind them for up to 6 years.

Independent research has highlighted many areas in which the recruitment of young people into the armed forces is not characterised by transparency. Not only is recruitment material often less than balanced about the risks, obligations and dilemmas involved but after enlistment there is considerable misunderstanding by those recruited as to their rights. The research concludes that, as a result, many young people are not making an 'informed choice' to join the army¹.

The UK is the only country in Europe which routinely recruits minors into the armed forces. Worldwide, 134 countries have prohibited the practice. 37 countries recruit from the age of 17. The UK is one of only 20 countries in the world to recruit 16-year-olds. These countries include no other member of NATO and no other permanent member of the UN Security Council. But they do include several regimes with little respect for human rights, including Iran, Zimbabwe and North Korea².

Restrictive terms of service

After their first six months, minors are committed to remaining in the forces until turning 22. Whereas an adult commits to serve for four years, a minor is committed for four years from his/her 18th birthday – up to six years in total³.

Although members of the armed forces cannot legally be deployed on the frontline until they turn 18, once they become adults they continue to serve based on a commitment they made as a minor with no opportunity to reassess this commitment as an adult. This appears to be a legal anomaly. Michael Bartlet, Parliamentary Liaison Secretary for British Quakers, describes this situation as "conscription by the back door" because it relies on "a decision made without informed consent"⁴.

Rights to discharge

Recruits have a discharge as of right (DAOR) at certain points in their early days in the forces. This allows them to leave by giving fourteen days' notice. For those under 18 in the army and all those in the Navy and air force, the DAOR period is after 28 days' service but before six months' service⁵.

After the period of six months is over, an 'unhappy junior' in the armed forces may be discharged at the discretion of their commanding officer. However, this is not a legal right and thus is not equivalent to DAOR.

For most recruits, their entitlement to DAOR elapses during the period of training and preparation and before they have had any experience of the frontline.

Calls for change to be made

Since the Armed Forces Act 2006, two significant authorities on children's rights have called on the UK to reconsider its policy of recruiting under 18s into the armed forces. In 2008, the UN Committee on the Rights of the Child asked that the UK "reconsider its active policy of recruitment of children into the armed forces and ensure that it does not occur in a manner which specifically targets ethnic minorities and children of low-income families". It also recommends that the UK government review the limited discharge rights for child soldiers and "that parents are included from the outset and during the entire process of recruitment and enlistment."⁶ In 2009, the Joint Human Rights Committee called on the UK government to raise the minimum age to 18. In their report on Children's Rights, they recommend that the "UK adopt a plan of action for implementing the Optional Protocol, including these recommendations, fully in the UK, together with a clear timetable for doing so."⁷

These calls echo the recommendations made in 2005 by the Defence Select Committee, which recommended that the Ministry of Defence look into raising the minimum recruitment age, and previous Armed Forces Bill committees which addressed the issue of the minimum age of recruitment⁸. Both the 1991 and 1996 Armed Forces Bill Committee reports sought answers to questions relating to the recruitment of under 18s and their terms and conditions, particularly difference in the length of service and discharge as of right, and made recommendations requesting proposals for change.

As far as we are aware, the MoD have not carried out a feasibility study on phasing out the recruitment of under 18s, despite the requests noted above.

Confusion over terms of service for recruits

There is evidence that many personnel, and their parents, are unclear about the minimum commitment and rights to discharge. The SSAFA and At Ease helplines report that the most common questions raised by callers relate to their length of service, with frequent confusion about the conditions⁹. The researcher David Gee found in 2007 that a number of parents of 16- and 17-year-old personnel believed that they would be able to choose whether to continue when they reached 18. This is not the case.

Anecdotal evidence suggests that recruitment officers have told young recruits and their families that if the recruit is unhappy they will be allowed to leave. Although there is a provision for 'unhappy minors' to request discharge from their commanding officer, there is no guarantee that this will be granted and further evidence from those requesting advice from At Ease is that discharge requests are often refused, although statistics on refusals are not kept.

The Enlistment Paper, which recruits sign on joining the forces, sets out their terms and conditions in language that is often unclear and technical. In 2008 the wording of the army's Enlistment Paper was improved but changes are still needed to make it reasonably clear. Research by the MoD has found that fifty per cent of people joining the army at non-officer level have a reading age at or below that of an average eleven-year-old¹⁰, meaning many will find it particularly difficult to understand the Enlistment Paper.

Confusion over terms of service in government

There is also confusion at Government level. In January 2011, Defence Minister Andrew Robathan, told Parliament that "service personnel under 18 years who have completed 28 days of service have the right to discharge at any time before their 18th birthday provided they give the

required 14 days' notice"¹¹. This is not the case. It contradicts the armed forces regulations, which state that the right to discharge elapses after six months' service.

A very similar erroneous statement was made in the UK report to the UN Committee on the Rights of the Child that, "service personnel under 18 years have the right to discharge at any time before their eighteenth birthday provided they give the required notice."¹²

These errors suggest that the complexity of the situation is a serious cause of confusion all round. A more just and clear system would be for young people to indeed have a right to discharge until their 18th birthday.

Recommendations

The Armed Forces Bill 2011 is a good opportunity to address the problems inherent in the recruitment of minors. In order to bring the UK into line with international standards regarding under 18s in the armed forces and to provide greater protection for the rights of young people, ForcesWatch recommends:

- implementing a phasing out of the recruitment of minors into the armed forces;
- in the meantime, minors should be given discharge as of right at any point until aged 18;
- until recruitment of minors is phased out completely, those who enlist under 18 should be given the opportunity to reconsider their commitment to the armed forces on turning 18;
- the minimum length of service should be the same for all personnel regardless of the age they joined.

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1. See David Gee, *Informed Choice: Armed Forces Recruitment Practice in the UK*, 2007 <http://www.informedchoice.org.uk>
2. Information supplied by the Coalition to Stop the Use of Child Soldiers - <http://www.child-soldiers.org/regions/country?id=225>
3. Terms of Service Regulations: <http://www.legislation.gov.uk/>
4. Symon Hill, "Early Day Motion tabled to increase armed forces recruitment age", *The Friend*, 13 October 2010 - <http://thefriend.org/article/early-day-motion-tabled-to-increase-armed-forces-recruitment-age>
5. Terms of Service Regulations: <http://www.legislation.gov.uk/>
6. UN Committee on the Rights of the Child, *Concluding Observations on the Initial Report of the United Kingdom of Great Britain and Northern Ireland under the Optional Protocol on the Involvement of Children in Armed Conflict* (UN Doc: CRC/C/OPAC/GBR/CO/1) 2008, para.13.
7. Joint Committee on Human Rights report: *Children's Rights*, 2009
8. House of Commons Defence Committee report: *Duty of Care*, 2005
9. See David Gee, *Informed Choice: Armed Forces Recruitment Practice in the UK*, 2007 <http://www.informedchoice.org.uk>
10. *Analysis of socio-economic and educational background of non-officer recruits*, submitted as written evidence to House of Commons Defence Committee Duty of Care, 2004-05, Volume II, Ev255
11. Hansard, 10 January 2011 <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110110/tex>
12. *Consideration of reports submitted by States Parties under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict: UK*. 2007 <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.OPAC.GBR.1.pdf>