

## **The British armed forces: Why parental consent safeguards are inadequate**

### **Convention on the Rights of the Child, Optional Protocol on the involvement of children in armed conflict (OPAC)**

OPAC Art. 3 requires that, before enlistment can take place, recruits aged under 18 be ‘fully informed’ of the duties involved and their parents signify their ‘informed consent’. Art. 3 also requires the armed forces to ensure that recruits’ choice to enlist is ‘genuinely voluntary’. It is the armed forces’ responsibility to ensure that these conditions are met for every child recruit.

### **Arrangements for obtaining consent**

The following factors militate against the ‘informed consent’ of parents/guardians:

- Briefing materials provided to parents do not inform them of the risks and legal obligations that follow their child’s enlistment.<sup>1</sup> Parents/guardians ‘have access’ to the terms of service, since a summary can be found online, but recruiters are not required to ensure that parents read and comprehend the document.<sup>2</sup>
- Parents/guardians may meet recruiting staff if they wish to do so, but recruiters are not required to have direct contact with parents at any point.<sup>3</sup>
- The recruitment process can begin without consent from parents/guardians, provided that the applicant has ticked a box in their online application to indicate that his/her parents consent to it.<sup>4</sup> Subsequently, parental consent to a child’s physical assessment and their enlistment is each signified on a form sent to the home address provided by the child recruit.<sup>5</sup>
- Parental consent to enlistment requires the additional signature of a witness, but there are no means of verifying that any of the signatures on the form are genuine.<sup>6</sup>
- If no parents/guardians can be identified, then a child can be enlisted without the consent of any adult.<sup>7</sup>
- Parents/guardians are not entitled to withdraw their consent after enlistment.<sup>8</sup>

The following factors militate against a ‘fully informed’, ‘genuinely voluntary’ choice by recruits aged under 18:

- Briefing materials provided to child applicants do not inform them of the risks and legal obligations that follow their enlistment.<sup>9</sup>
- The enlistment paper is not publicly available and is only provided to child recruits at the point of enlistment.<sup>10</sup>
- 74 per cent of the March 2015 intake aged 16-17½ for the army’s main training course have the literacy skills expected of an 11 year old or less; 7 per cent of the intake has the literacy skills expected of a 5-7 year old.<sup>11</sup> This is not sufficient for many child recruits to read and comprehend their enlistment papers.
- Recruitment is not ‘genuinely voluntary’ in the case of children who have yet to develop sufficient maturity to evaluate the potential benefits against the risks and complex legal obligations.
- Child recruits are not entitled to withdraw their consent to enlistment during their first six weeks in training or after they turn 18, after which they must remain in the armed forces for up to four more years, depending on which branch of the forces they joined.<sup>12</sup>

In light of these observations, it is the view of Child Soldiers International that the armed forces cannot be confident that they routinely have the informed consent of parents before their child enlists, or that a child’s enlistment is “genuinely voluntary” in a meaningful sense. Recruitment as practised may therefore be unlawful with respect to OPAC Art. 3.

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## References

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<sup>1</sup> The army's main guide for parents, *Meet the army: A guide for parents, partners and friends* does not mention risks, legal obligations, or the effect of enlistment on a recruit's rights. [http://www.army.mod.uk/documents/general/Meet\\_the\\_Army.pdf](http://www.army.mod.uk/documents/general/Meet_the_Army.pdf)

<sup>2</sup> Confirmed by ministerial statement, 2015: <http://www.theyworkforyou.com/wrans/?id=2015-02-03.223160.h>.

<sup>3</sup> Parents/guardians may meet recruiting staff if they wish to do so, but recruiters are not required to have any direct contact with parents. Confirmed by ministerial statement, 2015: <http://www.theyworkforyou.com/wrans/?id=2015-02-03.223160.h>.

<sup>4</sup> See <https://www.army.mod.uk/join/> for the online application process.

<sup>5</sup> Confirmed in communication between ForcesWatch and army recruiting staff, 2015.

<sup>6</sup> Confirmed by information obtained under the Freedom of Information Act, 20 May 2015, ref. FOI2015/04176. [http://child-soldiers.org/research\\_report\\_reader.php?id=829](http://child-soldiers.org/research_report_reader.php?id=829).

<sup>7</sup> Ministry of Defence, *Manual of Service Law*, chapter 18, para 9,

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/43291/Ch18.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/43291/Ch18.pdf).

<sup>8</sup> Confirmed by information obtained under the Freedom of Information Act, 20 May 2015, ref. FOI2015/04176. [http://child-soldiers.org/research\\_report\\_reader.php?id=829](http://child-soldiers.org/research_report_reader.php?id=829).

<sup>9</sup> The army's main guide for potential recruits, *Regular full-time: Your guide to joining the army as a full-time soldier*, does not mention risks, legal obligations, or the effect of enlistment on a recruit's rights. <http://www.army.mod.uk/documents/general/Regularbrochure.pdf>.

<sup>10</sup> The enlistment paper is not included in the army's download library, for example, (<http://www.army.mod.uk/join/25652.aspx>); it is available online from an independent website, [www.beforeyousignup.info](http://www.beforeyousignup.info).

<sup>11</sup> Information obtained under the Freedom of Information Act, 21 April 2015, ref. FOI2015/03426, [http://child-soldiers.org/research\\_report\\_reader.php?id=822](http://child-soldiers.org/research_report_reader.php?id=822).

<sup>12</sup> For example, see *Army: Terms and Conditions of Service*, 2015, <http://www.army.mod.uk/documents/general/TermsOfService.pdf>.