

Catch 16–22

Recruitment and
retention of minors
in the British armed forces



COALITION TO STOP THE USE OF CHILD SOLDIERS

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The Coalition to Stop the Use of Child Soldiers (the Coalition) is an international human rights research and advocacy organization. The Coalition seeks to end and prevent the military recruitment and use in hostilities of child soldiers (boys and girls below the age of 18), and other human rights abuses resulting from their association with armed forces or groups. It seeks the release of child soldiers from armed forces or groups, promotes their successful return to civilian life and accountability for those who recruit and use them. The Coalition promotes global adherence to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

www.child-soldiers.org

Who are child soldiers?

The Coalition considers the term child soldier to be equivalent to the following description of children associated with armed forces or groups:

A child associated with an armed force or armed group refers to any person below 18 years of age who is, or who has been, recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, spies or for sexual purposes. It does not only refer to a child who is taking, or has taken, a direct part in hostilities.

Source: Paris Principles and guidelines on children associated with armed forces or armed groups, UNICEF, February 2007.

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Amendment on the Enlistment of minors and duty of reporting to Parliament

1 Introduction

The UK is one of a handful of states – fewer than 20 – which still recruit 16 year olds into their armed forces. The UK is isolated amongst its traditional military allies in this practice – no other country in the European Union and no other UN Security Council permanent member state recruits from this age. The few other states which do recruit at 16 include Iran, North Korea and Zimbabwe. Internationally, more than 130 states have set their minimum armed forces recruitment age at 18 or above, in line with the recommendations of expert international human rights bodies.

The armed forces recruitment age is also anomalous at the national level. In the UK, legal majority is reached at the age of 18. Persons below this age are legally defined as children and are subject to special rights and restrictions. Notably, they cannot enter into legally binding contracts and there are specific restrictions on their employment in “hazardous” work. Children are not allowed to join the UK police or the fire service. They cannot watch 18-rated war films.

In contrast, the Ministry of Defence deliberately targets young people for recruitment into the armed forces, resulting in large numbers of children being recruited each year. There are a number of legal and ethical questions concerning whether recruitment of under-18s strikes the right balance between offering educational and employment opportunities to young people, and the duty to protect them from possible harm while they develop their capacity to make informed decisions with far-reaching consequences.

The terms of recruitment and retention of young recruits¹ are problematic. Young recruits are bound by minimum periods of service which are longer than those imposed on adult recruits, under restrictive contracts which do not recognize the special legal status of children under national law. There is no ongoing right of discharge for under-18s and parents cannot withdraw their child from the armed forces after enlistment. It was recently revealed in Parliament that young recruits who attempted to leave the armed forces without permission have faced court martial and imprisonment in military correction centres.

The enlistment contract signed by 16-year-old recruits binds them into adulthood. This means that once they reach 18 recruits can be sent to the frontline on the basis of an agreement they entered into while they were legally a child, without an opportunity to reconsider that commitment on reaching legal adulthood. This is a particular concern because the youngest recruits enlist in disproportionately large numbers to roles where the risk of death or serious injury upon deployment is up to 13 times higher than for other armed forces positions. There is an ethical question over whether someone so young should be allowed to make a contractual commitment with such serious consequences.

Evidence gathered for this report also indicates that young recruits are at greater risk of bullying, harassment and self-harm than older recruits. Recruits aged 20 and below² have significantly higher suicide rates than older colleagues. It has recently come to light that young recruits are also significantly more likely to drop out of training, resulting in tens of millions of pounds in wasted recruitment and training expenditure each year. Taken together, these findings call into question the ethics, legality, effectiveness and financial sense of maintaining the current minimum recruitment age.

In 2005, following the Blake Review into the deaths of several recruits at Deepcut Barracks in Surrey (two aged 17, one recently turned 18, one aged 20), the Defence Select Committee recommended that the Ministry of Defence examine the possibility of raising the minimum recruitment age to 18.³ No such examination took place.⁴ In 2008, the UN Committee on the Rights of the Child – the expert body responsible for monitoring states’ compliance with international law relating to children and child soldiers – expressed concern at recruitment practices relating to under-18s in the UK and called for the minimum recruitment age to be raised to 18.⁵ In 2009 this recommendation, and others relating to young people in the armed forces, was endorsed by

1 The term “young recruit” is used in this report to signify recruits aged below 18 years of age, unless specified otherwise.

2 Fully disaggregated data separating those aged below 18 is unavailable.

3 House of Commons Defence Committee, (2005) *Duty of Care* (Third Report of Session 2004 – 2005), para. 14.

4 Ministry of Defence, *The Government’s Response to the House of Commons Defence Committee’s Third Report Of Session 2004-05 on Duty Of Care*, July 2005, para. 14.

5 Committee on the Rights of the Child, (2008) *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), para. 13.

Parliament's Joint Committee on Human Rights.⁶ Despite these recommendations, the UK government has not conducted a thorough review of the armed forces recruitment age for at least a hundred years. Such a review is now long overdue.

The purpose of this report is to challenge the status quo currently surrounding the situation of young people in the UK armed forces today. It questions the ethics and legality of the restrictions on young recruits' rights of discharge, their minimum period of service, and their exposure to the risk of hostilities. The report also makes the case for a considered review and debate on the minimum recruitment age. It highlights the evidence that not only is the experience of recruits in the 16 – 18 age bracket adversely affected by their relative lack of maturity, but that their high drop-out rate results in millions of pounds in wasted expenditure.

The report concludes with recommendations to address these issues, focusing on the opportunity presented by the Armed Forces Bill currently before Parliament. The Coalition to Stop the Use of Child Soldiers (the Coalition) calls on Parliament and the Ministry of Defence to:

- Amend relevant regulations to replace the discretionary “unhappy juniors” provision with ongoing discharge as of right for all existing recruits aged under 18 years;
- Amend minimum terms of service for existing Army recruits who enlisted below the age of 18 to ensure they are equitable with terms of service for adults recruits (maximum of four years); and
- Review the minimum armed forces recruitment age, with a view to raising it to 18 years.

⁶ House of Commons and House of Lords Joint Committee on Human Rights, (2009) *Children's Rights* (Twenty-fifth Report of Session 2008-09), para.143.

2 Terms of recruitment and retention

The terms of service of recruits enlisting below the age of 18 raise a number of concerns. These include the failure to recognize the particular legal status of minors which, in civilian law, prevents them from being held to contractual obligations. Questions also arise regarding the compatibility of current minimum terms of service for young Army recruits with the Equality Act 2010.

There are also concerns regarding the legal validity of consent provided by young recruits and their parents or guardians, and whether this consent can or should be considered binding into adulthood. The clarification of consent is particularly important as once recruits reach 18 they can be deployed into hostilities. Deploying a soldier into hostilities on the basis of an agreement they entered into as a child appears to contravene the spirit of relevant international law. This concern is made all the more pressing as recruits joining the armed forces at 16 are disproportionately channelled into roles which will, upon reaching 18, entail the most dangerous frontline duties.

2.1 The right to leave

Recruits enlisting in the Army at 16 or 17 years of age have a right of discharge at the end of the first month of training and before six months have elapsed since enlistment.⁷ After this “cooling off” period has expired, they have no legal right to leave until age 22 (i.e. four years after age 18, regardless of their age at enlistment). The arrangements for minors joining the RAF and Navy/Marines differ but involve similarly long periods during which recruits have no legal right to leave. The 1991 Select Committee for the Armed Forces Bill recommended that these terms of service be reviewed and suggested extending the “window of opportunity” for discharge or giving young service personnel, upon reaching the age of 18, the opportunity to decide whether to continue in the armed forces or leave.⁸ No such change has been implemented to date.

Once the six month period in which young recruits have a legal right to discharge has expired, recruits who enlisted as minors but have not yet reached the age of 18 years and three months, may request permission to leave under the “unhappy juniors” provision.⁹ This provision grants commanding officers the discretionary power to discharge young recruits who have had their “clear unhappiness” at continuing in the armed forces registered before their eighteenth birthday by their commanding officer.

After the first six months in training, recruits aged under 18 have no right to leave the armed forces until the age of 22.

The distinction between young recruits’ legal right to leave the armed forces during the first six months after enlistment, and the discretionary application of the “unhappy juniors” provision, has often been blurred in public discourse, implying that the “unhappy juniors” provision is equivalent to a legal right of discharge.¹⁰ This is not the case – the “unhappy juniors” provision is discretionary and not a legal right. The Under Secretary of State for Defence Personnel, Welfare and Veterans recognized this during the recent Select Committee debate on the Armed Forces Bill, noting that there was “an anomaly” in the policy to grant young recruits a discharge as a discretionary provision but not as a right.¹¹ He committed to look into the issue further.

Although the Ministry of Defence has stated that it is “exceedingly rare” for a young recruit to be refused permission to leave¹² and that it is “aware of no cases where those under 18 who had expressed a wish to leave

7 Army Terms of Service Regulations 2007, para. 9; Notice Paper – Regular Army Full Time (Army Form B 271-W); Ministry of Defence, *Policy on the Care of Service Personnel under the age of 18*, para.14.1.

8 Special Report from the Select Committee on the Armed Forces Bill Session 1990-1991, para.27.

9 Ministry of Defence, *Policy on the Care of Service Personnel under the age of 18*, para.14.1.

10 Under Secretary of State for Defence Personnel, Welfare and Veterans, HC Deb: 10 January 2011, c3W; Special Report from the Select Committee on the Armed Forces Bill Session 2010-2011, Ev 40, q238-240.

11 Special Report from the Select Committee on the Armed Forces Bill Session 2010-2011, *Official Report of Committee Proceedings, Thursday 17 February 2011*. Col 87, p.114.

12 Initial report submitted by the United Kingdom of Great Britain and Northern Ireland under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (UN Doc: CRC/C/OPAC/GBR/1) 2007.

the services were unable to do so”¹³ this does not mean that all requests under the “unhappy juniors” provision are granted automatically or speedily. Whilst all discharges and reasons for discharge are registered, refused requests are not recorded. It is therefore impossible to know how many young recruits have failed to obtain a discharge on request. In February 2011, a response to a question in the House of Commons revealed that young recruits are regularly detained in the Military Corrective Training Centre at Colchester (the military prison) for going Absent Without Leave while under the age of 18.¹⁴ This fact suggests that not all those who wish to leave the armed forces are able to do so lawfully, and those who attempt to leave without permission outside the narrow discharge as of right period may be subject to military punishment. This problem was recognized by Parliament’s Defence Committee in 2005 when it stated that:

*We heard evidence of recruits who wanted to leave the Army outside of this time restriction [the period for discharge as of right] who, having been refused permission to leave, went AWOL.*¹⁵

Independent organizations such as At Ease and Daniel’s Trust, which provide advice services for armed forces personnel, have told the Coalition that they continue to receive calls from young recruits who have encountered difficulties in getting a discharge, or have had their discharge request refused. This indicates that the policy on “unhappy juniors” is not applied automatically or consistently.

Requiring commanding officers to quantify a young recruit’s “unhappiness” puts them in a potentially difficult position in which conflicts of interest may arise. On the one hand, they are likely to want recruits to succeed and stay the course. They may also be under pressure to ensure that “wastage” is minimised by reducing the number of recruits who drop out of training. Again, this was recognized by the Defence Committee, which stated that:

*Manpower requirements may influence the readiness of the Services to allow recruits to leave. [The Directorate of Operational Capability’s report “Appraisal of Initial Training” December 2002] found that in phase 1 ‘staff and instructors applied pressure to recruits to dissuade them from leaving, as this reflected on success rates and wastage targets.’*¹⁶

At the same time, a commanding officer who encourages an unhappy young recruit to stay on has a level of personal and moral responsibility for any ongoing distress. Most commanding officers do not have the relevant expertise to make informed judgements regarding the depth and persistence of a recruit’s “unhappiness”. Furthermore, attempts to support and encourage a young recruit to “soldier on” may result in the recruit passing the age of 18 years and three months and finding the grace period for discretionary discharge has expired. The soldier is then committed to a further four years in the armed forces. This situation may also arise if there is a delay in the process, for example a request to meet a commanding officer to register unhappiness is not immediately acted upon. This scenario has been reported as not uncommon by independent advice organizations and by a lawyer specialising in military law.¹⁷

A further unintended but serious consequence of the “unhappy juniors” provision is that young recruits may feel under pressure to “prove” their unhappiness in order for their discharge request to be taken seriously, including through self-harming behaviour. A 2009 study published in the Journal of the Royal Army Medical Corps made repeated reference to the link between young soldiers¹⁸ wishing to leave the Army and suicidal behaviour. The study found that “some incidents of suicidal behaviour were a ‘last resort’ used to influence the chain of command to allow them to leave the Army.”¹⁹ One Community Psychiatric Nurse interviewed cited the example, apparently typical, of:

*[A] young, probably male, soldier who realized soon after enlisting that he had made a mistake, was unhappy, expressed that unhappiness but was frustrated in his attempts to leave. Continued to be unhappy, continued to be reassured that he would settle into it, that things would improve and then eventually became so desperate that [suicidal behaviour] was the only thing he could think of to express his unhappiness further.*²⁰

13 HC Deb: 10 January 2011, c3W.

14 HC Deb: 1 February 2011, c728W.

15 House of Commons Defence Committee, (2005) *Duty of Care* (Third Report of Session 2004 – 2005), para.103.

16 House of Commons Defence Committee, (2005) *Duty of Care* (Third Report of Session 2004 – 2005), para.102.

17 Confidential communication, 6 January 2011.

18 The exact age range of at-risk soldiers was not defined in the study, but can be assumed to include those aged below 18. The age range of soldiers interviewed for the study who exhibited suicidal tendencies was 18 – 29, median age 22, of which six enlisted below the age of 18.

19 M.J. Crawford et al.; “Prevention of suicidal behaviour among Army personnel: a qualitative study” *JR Army Med Corps* 155(3): 203 – 207 (2009).

20 Ibid.

In an interview in the same study, a soldier who had exhibited suicidal behaviour stated that “he had thought self-harming could speed his leaving the Army”.²¹ Notably, of the ten soldiers interviewed in the study who had exhibited self-harming behaviour, six had enlisted while below the age of 18.

The recommendations of the mental health service providers interviewed, who were predominantly serving Army personnel, focused heavily on making it easier for soldiers and trainees to leave the Army in order to reduce self-harming and suicidal behaviour in Army personnel.

2.2 Minimum periods of service

Recruits who join the Army aged under 18 are committed to serve until they are at least 22 years of age (with the benefit of the discharge provisions detailed above). This means that recruits enlisting at 16 or 17 must serve a minimum of six or five years respectively. Recruits enlisting as adults, aged 18 or above, serve for a minimum of four years. Consequently, a 16-year-old recruit is bound by a minimum service period 50 per cent longer than an adult recruit.

Twenty years ago, the 1991 Select Committee on the Armed Forces Bill criticised this policy and, on the understanding that the Ministry of Defence “accepts that change is due”, recommended that the Ministry examine the terms of enlistment for under-18s and present proposals for change within 12 months.²² No such proposals were presented. The 1996 Select Committee on the Armed Forces Bill expressed concern that the terms of enlistment for under-18s were (still) inequitable and that the justifications given for this practice were “unconvincing”.²³ The RAF and Navy both eliminated the disparities in minimum periods of service for their young recruits in 2001 – they now have the same minimum service period as adults. However, the Ministry of Defence has still not eliminated this disparity for Army recruits.

The minimum service period for 16-year-old Army recruits is two years longer than that of adult recruits.

This disparity in terms of employment does not appear to be compliant with Article 39 of the Equality Act 2010, which prohibits discrimination in terms and conditions of employment. As these terms of service were elaborated before the Equality Act came into force it is necessary to review them in light of this new legislation.

2.3 Undermining the effective prohibition on deployment into hostilities

Until ten years ago the UK still routinely sent under-18s into situations of armed conflict, including in the former Yugoslavia, the Persian Gulf, and the Falklands. However, since 2003, when the UK ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (the Optional Protocol) it has been required to take “all feasible measures” to ensure that under-18s do not take direct part in hostilities.

This provision has been interpreted in international practice as essentially constituting a prohibition on such participation. In line with this, the UK armed forces have established mechanisms to track under-18s to prevent them from being deployed. However, as former Defence Minister Adam Ingram stated, these mechanisms are “not infallible”.²⁴ Fifteen under-age soldiers were “inadvertently” deployed to Iraq between 2003 and July 2005.

In addition to failings in practice, stated UK policy also falls short of a total prohibition of deployment of under-18s. When the UK ratified the Optional Protocol it made a declaration reserving the right to deploy under-18s in certain circumstances which it considered justified.²⁵ This failure to absolutely prohibit

The UK government has refused to implement a total prohibition on deployment of under-18s into hostilities.

²¹ Ibid.

²² Special Report from the Select Committee on the Armed Forces Bill Session 1990-1991, para.27.

²³ Special Report from the Select Committee on the Armed Forces Bill Session 1995-1996, paras.39, 41.

²⁴ HC Deb: 1 February 2007, c508w.

²⁵ Available at www.treaties.un.org.

under-18s from being deployed into hostilities leaves underage British soldiers at risk of direct participation in conflict. This policy has been criticised by the UN Committee on the Rights of the Child – the body responsible for monitoring the implementation of the Optional Protocol by state parties. The Committee has called on the UK to review its policy.²⁶

2.4 Legal consent

Whilst it is highly unusual for the UK to deploy under-18s into hostilities, there are no such barriers to deploying soldiers aged 18 and above who enlisted as children. Once a recruit turns 18 they can be deployed immediately, regardless of the fact they enlisted while legally a child and have not been required or allowed to reconsider their commitment upon reaching the legal age of majority.

There appears to be a serious ethical contradiction in this policy. On the one hand, the UK recognizes in principle that it is not desirable for under-18s to be deployed into hostilities. On the other hand, it continues to recruit under-18s under complex legal obligations which bind them into adulthood, thereby committing them to future deployment. This means a UK recruit, while still legally a child, becomes committed to future deployment into hostilities. This raises the question: should children be able to commit themselves, on legally binding terms, to future deployment? Arguably, they do not have a fully informed understanding of the commitment they are undertaking.

Young recruits can be deployed to the frontline as soon as they turn 18. They are not required or entitled to reconsider their enlistment upon reaching legal adulthood.

All serving armed forces personnel aged 18 to 22 who enlisted below the age of 18 continue to be bound by contracts they signed when they were legally considered to be children. This is despite the fact, noted by the Select Committee on the Armed Forces Bill as far back as 1991, that in the civilian world a person cannot sign a legal contract until the age of 18. In no other area of national law can an adult be similarly bound by a decision they made while legally a child.

“I don’t know if it’s just the guilt of a parent, but whenever I think back on that day I signed the consent form, I just feel like I signed my son’s death warrant.”
– Lynn Farr.

Lynn’s son Daniel Farr enlisted into the Army in 1996, aged 17. He died in training at Catterick one year later. The week before he died he had gone AWOL.

Whilst a parent’s or guardian’s consent is required for enlistment, research has shown that parents are not always fully informed of the details of the commitment their child is entering into and often have minimal participation in the actual recruitment process.²⁷ There is no obligation for parents to attend interviews or meet the recruiting officers. A parent cannot withdraw consent subsequent to their child’s enlistment nor are they required to give, or able to withhold, consent for their child’s deployment into hostilities after their eighteenth birthday, even if the recruit receives notice of such deployment while still under 18.²⁸

There is a compelling argument that, where a child entered the armed forces legally as the result of their parent’s consent rather than their own, they should be required to provide

consent in their own right once they reach legal majority at 18. In its evidence to the Select Committee on the Armed Forces Bill 2010, the British Armed Forces Federation (an independent non-statutory organisation representing its members, who are predominantly serving personnel in the three armed forces and veterans) noted that the current procedure for consent for enlistment and discharge of under-18s “does not adequately provide informed consent as an adult”. The British Armed Forces Federation further stated that:

It would be better to have a positive requirement for a Service person who enlisted at 16 or 17 to reaffirm their commitment at or shortly after their 18th birthday, but still be able to request permission to leave before they attain the age of 18 years 3 months.

²⁶ Committee on the Rights of the Child, (2008) *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), para.11.

²⁷ See David Gee, *Informed Choice: Armed forces recruitment practice in the United Kingdom*, November 2007, p.53.

²⁸ Armed Forces (Enlistment) Regulations, 2009; Hansard HC Deb: 7 February 2011, c26W; Ministry of Defence, *Policy on the Care of Service Personnel under the age of 18*, para.4.2.

An adjustment along the above lines would in our view deal with valid human rights and child protection objections to the present system. It would also be much fairer to parents for the Service person to be required to make a positive informed decision as an adult, rather than leave parents with the continuing moral burden of having committed their under-age child to four years adult Service.²⁹

2.5 Fatality and injury rates of young recruits

Recruits who join the armed forces at the age of 16 are eligible for only a limited number of roles. These are primarily concentrated in the Infantry, the Royal Logistics Corps, the Royal Artillery, the Household Cavalry, and the Royal Armoured Corps. These are roles involving frontline duties where personnel suffer fatality and injury rates significantly higher than other corps. Recruits enlisting at age 16 are therefore channelled into the most dangerous roles, including many which are still prohibited to women.³⁰

In 2009/2010, 28 per cent of new Infantry recruits were aged under 18.³¹ In the same year, Infantry soldiers in Afghanistan were 13 times more likely to be killed than other armed forces personnel.³² The Infantry has suffered the highest number of fatalities of any UK forces corps in Afghanistan in five of the seven years for which information was available, and the highest number of serious injuries in all three of the three years for which information was available.³³ For the seven years in which information was available on Iraq, the Infantry suffered the highest number of fatalities for five years and was joint highest on the sixth. The Infantry suffered the highest number of serious injuries in Iraq in both of the years for which information was available.³⁴

Since the beginning of hostilities in Afghanistan, 24 per cent of British fatalities have been aged under 22 years.

Since the beginning of hostilities in Afghanistan, 24 per cent of British fatalities have been aged under 22 years.³⁵ Information is not publicly available which would enable identification of how many were serving their minimum service period after enlisting aged 16 or 17.

29 Memorandum from the British Armed Forces Federation, published in Special Report from the Select Committee on the Armed Forces Bill Session 2010-2011, Ev 122.

30 Women are still prohibited from entering all armed forces roles entailing ground close combat. This prohibition was reaffirmed by the Ministry of Defence in November 2010, following a periodic review.

31 HC Deb: 30 November 2010, c744W.

32 Extrapolated from Ministry of Defence, (2010) *Defence Factsheet: Operations in Afghanistan: British Fatalities*, 5 December 2010, online at www.mod.uk, accessed 9 December 2010.

33 HC Deb: 6 December 2010, c2W.

34 HC Deb: 6 December 2010, c2W.

35 Extrapolated from Ministry of Defence, (2010) *Defence Factsheet: Operations in Afghanistan: British Fatalities*, 5 December 2010, online at www.mod.uk, accessed 9 December 2010.

3 Reviewing the minimum recruitment age

Concerns about the legal implications of enlistment papers signed by minors lead to a more fundamental question: should the UK armed forces be recruiting children at all? More than 130 countries worldwide³⁶ – a substantial majority – have today set their own minimum recruitment age at 18 years or above. The UK, in contrast, remains among a group of fewer than 20 countries which continue to permit in law the recruitment

Fewer than 20 countries in the world permit recruitment at 16.

of children into the armed forces from the age of 16 years. No other country in the European Union and no other UN Security Council permanent member state recruits from this age. The UK is isolated amongst its traditional military allies in this practice – the few other states which do recruit at 16 include Iran, North Korea and Zimbabwe.

There has been no formal government review or parliamentary debate on the minimum recruitment age in the UK for at least the past one hundred years. In the 1930s, when the minimum school leaving age was 14, boys could join the Army at 15. When the school leaving age later rose to 16, the minimum recruitment age rose by default. The minimum age for recruits joining the women's forces during the Second World War was 18, later lowered to 17. In 1991, the Select Committee for the Armed Forces Bill noted the continuing discrepancy in minimum age for male and female candidates and called for equality, but without specifying what age should be set. The armed forces responded by applying 16 as the minimum age for both girls and boys, although this was not formally recorded in statute until the 2009 Armed Forces (Enlistment) Regulations were introduced.

The minimum recruitment age is out of step with the minimum legal age for other activities. As highlighted previously, under-18s cannot sign legal contracts. They also cannot vote in local or general elections; serve on a jury; see their original birth certificate if they were adopted; buy, rent or view an 18-rated film or pornographic material; place a bet in a betting shop; buy fireworks, cigarettes, knives, alcoholic drinks or liqueur chocolates; ride a motorbike above 125cc; drive a minibus or a lorry; get a tattoo; work in the emergency services (police, fire, or ambulance service); or work behind a bar.

Following the Blake Review into the deaths of several recruits at Deepcut Barracks in Surrey between 1995 and 2002, the Defence Select Committee recommended in 2005 that the Ministry of Defence examine the possibility of raising the minimum recruitment age to 18.³⁷ In 2008, the UN Committee on the Rights of the Child expressed concern at recruitment practices relating to under-18s in the UK and called for the minimum recruitment age to be raised to 18.³⁸ In 2009 this recommendation, and others relating to young people in the armed forces, was endorsed by Parliament's Joint Committee on Human Rights.³⁹ To date, none of these recommendations have been implemented.

In addition, the Expert of the Secretary-General of the UN on the impact of armed conflict on children, the Special Representative of the Secretary-General for children and armed conflict, the UN High Commissioner for Human Rights, the UN High Commissioner for Refugees and UNICEF have all, on various occasions, called for the minimum recruitment age to be raised to 18 years globally.

Given the widespread support from experts for 18 to be set as a minimum age for all forms of military recruitment, the internationally isolated nature of the UK's policy on this matter, and its incompatibility with the national legal age of adult responsibility for other activities, a thorough review of the minimum recruitment age is clearly overdue. The Ministry of Defence should be required to provide evidence justifying the status quo, or present proposals for reform.

36 As of 1 March 2011, 134 countries had a minimum legal recruitment age of 18 or above. This figure also includes internationally recognized states with no armed forces. See www.treaties.un.org and Coalition to Stop the Use of Child Soldiers, *Global Report 2008*.

37 House of Commons Defence Committee, (2005) *Duty of Care* (Third Report of Session 2004 – 2005), para.14.

38 Committee on the Rights of the Child, (2008) *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)), para.13.

39 House of Commons and House of Lords Joint Committee on Human Rights, (2009) *Children's Rights* (Twenty-fifth Report of Session 2008-09), para.143.

3.1 The best interests of the child

It is a fundamental principle of national and international law that in all matters relating to a child (defined as any individual below the age of 18) the child's best interests must be a primary consideration. In assessing the child's best interests a balance must be struck between the wishes of the young person concerned, their evolving capacity to assess risk and make informed decisions with far reaching consequences, and the government's responsibility to protect young people from possible harm, including taking on responsibilities for which they may not yet be fully prepared. Many activities are restricted to under-18s in the UK due to the recognition that people below this age may not be mature enough to fully comprehend the nature of the commitment or risk they are undertaking. They may also be adversely affected by exposure to adult situations or material which they are not yet ready to deal with.

In line with these principles, a review of the minimum recruitment age should consider whether the balance of opportunity, risk and maturity is being met. Undoubtedly, many individuals thrive in the armed forces, which provide opportunities, a career and lifestyle very different to any other. However, it does not automatically follow that 16 is the most suitable minimum recruitment age. Similarly, the fact that 16 has been, in practice, the minimum recruitment age for at least the past 40 years does not mean that it is necessarily the most appropriate minimum recruitment age today given advancements in our understanding of children's rights and protection needs, evolving international standards and best practice.

The Coalition does not question the opportunities presented by an armed forces career. The question is not whether young people should be able to enlist into the armed forces, but whether it is more appropriate for those opportunities to be offered to recruits at the age of 18 rather than the age of 16.

While there are anecdotal stories of young people who make great personal achievements in the armed forces, there are also those whose experience of early recruitment is very negative. In either case, anecdotal evidence alone is an inadequate basis on which to make policy decisions. There is, however, a significant body of data, gathered by the Ministry of Defence and others over a period of years, which point to clear patterns in relation to the experience of young recruits in the armed forces. This evidence indicates that recruits aged under 18 are a category which is at higher risk than other groups of encountering various difficulties in armed forces life. This strongly suggests that the current minimum recruitment age has not struck the right balance between opportunity and developing maturity, and therefore may not reflect the child's best interests or indeed the best interests of the armed forces. The following section addresses some of the key patterns which have emerged which, considered collectively, point to the desirability of raising the minimum recruitment age to 18. This issue merits further examination in the form of a thorough review of the minimum recruitment age.

3.1.1 Bullying and harassment

Investigations and surveys - including those conducted by the Ministry of Defence and the former Defence Committee - have shown bullying and harassment to be a widespread problem in the armed forces.⁴⁰ Statistics have shown that bullying in training establishments - where under-18s are most highly concentrated - is higher than among the trained strength.⁴¹ The most recent Recruit Trainee Survey carried out by the Ministry of Defence also found that Phase One⁴² recruits aged 16-17 were less likely than older recruits to know the procedure for making a complaint about bullying, leaving them particularly vulnerable.⁴³

In 2007 the Adult Learning Inspectorate found higher levels of bullying at the Army Foundation College (AFC) in Harrogate (which is exclusively for under-18s) than any of the other Phase One military training schools

40 See for example: House of Commons Defence Committee, *Duty of Care*, Third Report of Session 2004 - 05; Blake, Nicholas QC, *The Deepcut Review*, 2006; Ministry of Defence (Directorate Army Personnel Strategy), *Armed Forces Continuous Attitude Surveys: Army Sep 2006 - Jan 2007*; Royal Air Force, *Armed Forces Continuous Attitude Surveys: Royal Air Force 2006*; Royal Navy, *Armed Forces Continuous Attitude Surveys: Royal Navy 2006*; Adult Learning Inspectorate, *Better Training: Managing risks to the welfare of recruits in the British armed services: two years of progress*, 2007; Adult Learning Inspectorate, *Safer Training: Managing risks to the welfare of recruits in the British armed services*, 2005.

41 Compare, for example, Adult Learning Inspectorate *Safer Training* (2005) p.43 and Ministry of Defence *Armed Forces Continuous Attitude Surveys: Army 2005*.

42 Phase One training is the initial training in basic military skills required by all personnel. Following Phase One training, recruits must complete further specialist training in their chosen trade or discipline (Phase Two training) before they are considered to have joined the trained strength.

43 Ministry of Defence, *Recruit Trainee Survey Annual Report: January 2009 - December 2009*, July 2010, para.127.

assessed.⁴⁴ In 2005, the Adult Learning Inspectorate found that rates of bullying at AFC Harrogate and Army Training Regiment Bassingbourn (also at the time under-18s only) were almost twice as high as at training centres containing older recruits.

According to a 2006 report on sexual harassment in the armed forces, the youngest female recruits were significantly more at risk of experiencing “particularly upsetting” sexual harassment, including sexual assault, than older recruits. Across all Services and ages, 15 per cent of female personnel reported being the victim of such incidents. This figure rose to 23 per cent among women aged 16 to 18 – almost one in four.⁴⁵

3.1.2 Suicide and self harm

Between 1984 and 2009 male armed forces personnel aged under 20 years had a suicide rate 50 per cent higher than males of the same age in the general population.⁴⁶ That the victims’ age was a risk factor in these deaths is evidenced by the fact that suicide rates for older armed forces personnel are significantly lower than rates amongst the equivalent general population. The 2009 study on suicidal behaviour among Army personnel (see above) repeatedly highlighted “concerns about recruitment and retention of *young* soldiers” (emphasis added).⁴⁷ The mental health service providers interviewed for the study “gave a consistent account of the context in which suicidal behaviour arose: young male recruits who experienced stress or crisis in the context of feeling unhappy about being in the Army.”⁴⁸ Commenting on self-harm and suicide, the Deepcut Review noted that “being young, under or about 18, and living 24/7 within the disciplined regime of an institution such as the Army is, itself, a significant factor indicative of risk.”⁴⁹

Young recruits are at greater risk of bullying, harassment, suicide, self-harm and mental health difficulties than older recruits.

3.1.3 Post Traumatic Stress Disorder

In 2007 the British Journal of Psychiatry published a study into childhood adversity and its effect on the health of male British military personnel. The study examined why relatively few military personnel develop combat-related psychiatric injuries, despite the traumatic experiences they are exposed to.

The study concluded that existing, pre-enlistment vulnerability to mental health problems was an important risk factor for determining subsequent ill health including PTSD and self-harming behaviour. This pre-enlistment vulnerability was itself linked to childhood adversity, and identified as more common among “young single men from lower ranks in the Army with low educational attainment” including those who “join up to ‘escape’ from adversity at home”.⁵⁰ This is the typical profile of younger recruits. It is also particularly significant because early recruitment into the armed forces is often justified by those who believe it provides an escape route for young people facing difficulties at home or who have not achieved at school. The findings of this study indicate that, rather than providing an escape route, joining the armed forces may aggravate or lead to serious mental health problems among some of the most vulnerable young recruits.

44 Adult Learning Inspectorate, *Better Training* (2007) p.33.

45 Ministry of Defence/Equal Opportunities Commission, *Quantitative & Qualitative Research into Sexual Harassment in the Armed Forces*, March 2006, p.22.

46 Defence Analytical Services and Advice (DASA), *Suicide and open verdict deaths in the UK regular armed forces 1984 – 2009*, 31 March 2010.

47 M.J. Crawford et al.; “Prevention of suicidal behaviour among Army personnel: a qualitative study” *JR Army Med Corps* 155(3): 203 – 207 (2009).

48 Ibid. See note 19 above on age range.

49 Blake, Nicholas QC, *The Deepcut Review*, 2006, para.9.34, p.284.

50 Amy C. Iversen et al, “Influence of childhood adversity on health among male UK military personnel”, *The British Journal of Psychiatry* 2007 191:506-511. The exact age range of “young” soldiers was not defined in the study but can be assumed to include those aged below 18.

3.2 The question of opportunity

In assessing the best interests of the child, the difficulties faced by young recruits in the armed forces must be weighed against the advantages. In this respect, the Ministry of Defence cites the educational, training and career opportunities available in the armed forces. There is also the appeal of adventure, travel and the unique armed forces lifestyle. It is also claimed that the armed forces offer an “escape route” for young people from particularly difficult or disadvantaged backgrounds, who may be keen to leave home.

These arguments may have some merit. However, they are based on an assumption that 16 is the ideal minimum age for recruitment, without questioning whether the advantages of joining the armed forces could be maintained (or even enhanced), and some of the disadvantages eliminated, if the minimum recruitment age was raised. It also assumes that entering the armed forces always has a positive impact on a young person’s life, which is not necessarily the case.

Raising the minimum recruitment age to 18 would not deny a military career to young people, but would rather bring it into line with standards for other hazardous work. In this context, it must be recalled that the hazards of armed forces life are not restricted to deployment in hostilities. Training and working in the armed forces is inherently dangerous. Between 1997 and 2010, 32 armed forces personnel aged below 18 have died as a result of accident, suicide, or illness.⁵¹

Many careers involving potentially dangerous work have a minimum age requirement of 18 or above, including the police, the fire service, and the majority of roles within the armed forces themselves. This age requirement recognizes the need for individuals entering such professions to be physically and psychologically mature enough to deal with the challenges they will face. Given the unique working and living environment encountered in the armed forces, the legal duties imposed on armed forces personnel under military law, and the physical and psychological dangers armed forces personnel are exposed to, a suitable minimum age requirement is essential.

The high drop-out rate of under-18s from the armed forces (see section 3.3) demonstrates that many young people enlist before they are ready. Raising the recruitment age would not prevent genuinely committed candidates from enlisting as they will still be able to do so at 18. Rather, it would contribute to screening out candidates who are unsuited to, or unprepared for, a military career.

Whilst the armed forces do provide education and training to young people, evidence shows that it is in fact the slightly older candidates who enjoy and benefit most from the training on offer. According to a Ministry of Defence survey, compared to trainees over 20 years old, recruits aged 16 to 19 were less likely to feel a sense of achievement at the end of Phase One training and those aged 16 or 17 were less likely to feel that they benefited from their Phase Two course.⁵² In addition, whereas young people in mainstream education are free to change course if they decide against a particular area of study or training, under-18s in the armed forces have no right to change their mind after the six month discharge as of right period expires. This means young recruits are locked into a particular training and career path at an age when most young people are still developing their interests and life plans. This training is of necessity geared towards an armed forces career, which means not all of it will be of transferable value to a career in the civilian world.

Recruits who enlist at 16 with limited or no qualifications have a much narrower choice of roles in the armed forces (see Section 2.5). In contrast those who enlist as adults, having completed their secondary education, retain greater flexibility over their choice of career both within the armed forces and when they leave. Research has found that they are also less likely to run into problems such as homelessness or criminality upon discharge

“Some time ago I was watching live coverage of the funeral procession of a young soldier who was killed in Afghanistan. His family said joining the army was what he had always wanted to do. But when you consider the recruitment strategies of the armed services to target young impressionable people at school, and the use of action pictures of combat situations to connote life in the military as one long adventure, along with the offer of job security and comradeship, it’s really only telling part of the story.”

***– Steve Pratt 22 SAS Regiment
(1969-1981)***

⁵¹ HC Deb: 2 February 2011, c867w.

⁵² Ministry of Defence, *Recruit Trainee Survey Annual Report: January 2009 to December 2009*, July 2010, paras.258, 513.

– the Task Force on the Military Covenant⁵³ reported that the people most likely to face such difficulties are those who had joined from difficult backgrounds, including those with “limited educational attainment”.⁵⁴

Whether or not the military provides good educational and training opportunities for young people, it should not represent the only option available to them. The recent Wolf “Review of Vocational Education” commissioned by the Secretary of State for Education identified the need to enhance the quality of vocational training and provide more and better apprenticeship programmes for 16 to 18-year-olds. The Secretary of State for Education noted in his foreword to the report that technical education in the UK “remains weaker than most other developed nations” and that good quality apprenticeships “are more oversubscribed than the most desirable course at the best university.”⁵⁵

The UK government has a responsibility to provide adequate, appropriate, good quality vocational training and educational opportunities to all young people, on the same basis as academic education – i.e. free of charge and not conditional on a six year service commitment. If existing (civilian) vocational education opportunities are insufficient in quantity or quality, the government has an obligation to address this deficiency. No young person should be obliged to join the armed forces in order to fill an educational vacuum. Nor should the Ministry of Defence be required to fill a gap left by inadequacies in the education system.

3.3 Drop-out rates and early discharge

The assumption is often made that recruits who enlist younger stay longer in the forces. This is not the case. Young recruits leave the armed forces at significantly higher rates than their older colleagues. This is likely to be due to the unrealistic expectations and relative immaturity of younger recruits.

The findings of the most recent Ministry of Defence Recruit Trainee Survey indicate recruits aged below 18 were more likely than other age groups to say that life in the Services was not what they expected, that it was ‘worse’ or ‘much worse’ than expected and that they would probably not recommend the Service to others.⁵⁶ Unsurprisingly, the same survey found that at the end of both Phase One and Phase Two training recruits aged 16-17 were significantly more likely than recruits from other age groups to say they were leaving the Service.⁵⁷

**27 per cent
of recruits
aged under 18
dropped out of
training in 2010.**

In February 2011, the Under Secretary of State for Defence Personnel, Welfare and Veterans revealed that 27 per cent of recruits aged under 18 had dropped out of initial training before the end of Phase Two in the previous year.⁵⁸ This is significantly higher than the total drop-out rate of 18 per cent calculated across all age groups. In the financial year 2009 – 2010 (the last year for which full figures are available) 4,675 16- and 17-year-olds joined the armed forces but 1,485 left in the same year – equivalent to 32 per cent of those joining.⁵⁹ Combined, more 16- and 17-year-olds left the armed forces in 2009/2010 than recruits from any other age group. The fact that so many young recruits drop out of training indicates that either their initial expectations were unrealistic, or that they were not yet mature enough to cope with the demands of armed forces life.

Young recruits who complete initial training do not necessarily go on to pursue long careers in the armed forces. In fact, the evidence indicates the opposite. Discharge rates of service personnel in their teens and early twenties are consistently and significantly higher than discharge rates of older staff, indicating a high level of dissatisfaction

53 The Task Force on the Military Covenant was established by the Prime Minister “to identify, assess, and recommend innovative ways in which the Government, and society as a whole, can fulfil its obligations to rebuild the Military Covenant”. It is composed of representatives from the Ministry of Defence, the armed forces, and military charities. See *Report of the Task Force on the Military Covenant*, September 2010, for full terms of reference and composition.

54 Dandeker and others, *Improving the delivery of cross departmental support and services for veterans*, 2003, cited in *Report of the Task Force on the Military Covenant*, September 2010, p26.

55 Wolf, Alison, *The Wolf Report: Review of Vocational Education*, March 2011, p.4.

56 Ministry of Defence, *Recruit Trainee Survey Annual Report: January 2009 to December 2009*, July 2010, paras.263, 279, 288.

57 Ministry of Defence, *Recruit Trainee Survey Annual Report: January 2009 to December 2009*, July 2010, paras.294, 300, 553. Ofsted’s report to the Minister of State for the Armed Forces, *The quality of welfare and duty of care for recruits and trainees in the Armed Forces* (2009), found that at Deepcut barracks the drop-out rate for 17 and 18-year-olds was nearly double the average (para.87).

58 HC Debate: 7 February 2011, c26W.

59 www.dasa.mod.uk. TSP 19 FY 2009/2010, Tables 1 and 6.

among younger personnel. Within this pattern, there is a spike in the rate of discharge for personnel aged 22, the first point at which a recruit aged 18 or below at enlistment can end their contract. Discharges of personnel aged 22 accounted for 7.4 per cent of all discharges in 2009. The only age group with a higher discharge rate was age 40 (7.7 per cent), which is the age at which a full service contract on the Open Engagement (now-discontinued) ends. The average discharge rate across all other ages from 23 to 39 is 2.2 per cent.⁶⁰

The disproportionately high percentage of armed forces personnel leaving the services at the age of 22 suggests one of two things. Either many unhappy young recruits are serving out their minimum term of service waiting to leave at the earliest opportunity, or many young recruits sign up with no intention of making a long term career in the armed forces. In the first case, the compulsory retention for up to six years of individuals who wish to leave is not in their best interests or beneficial to the general morale of their regiment. In the second case, expenditure on recruitment and training of large numbers of personnel who do not intend to make a long term commitment to the armed forces is a poor investment. In this regard it is worth considering that young people, who are still developing their interests and life plans, are generally more likely than adults to wish to change career.

3.4 The financial consequences

The high drop-out rate of young recruits has important financial implications. The initial recruitment and training cost for a non-officer infantryman is £31,000.⁶¹ Calculated at this level, the expenditure on recruiting and training the 1,485 under-18 recruits who left the armed forces in 2010 is around £46 million.⁶² The minimum cost of initial training to replace the 1,370 armed forces personnel discharged in 2010 aged 22 would have been over £42 million. Note that these costs account for initial recruitment and training only and further training would be required to bring the new recruits up to the standard of those they were replacing.

The 2006 National Audit Office report into recruitment and retention in the armed forces found that:

... retention measures represent better value for money than the steps taken to recruit and train replacement personnel. For the cases that we examined, we calculated that the Department spent £74 million to retain 2,500 trained people compared to an estimated cost of £189 million to recruit and train the equivalent number of replacement personnel to the end of Phase 1 training. In reality, the true costs of achieving equivalent replacement personnel will be significantly greater since individuals that have left the trained strength will have received higher levels of training and investment in their careers than those that have been recruited to the basic standard of capability on which we have based our calculations. In addition, the level of experience possessed by departing personnel cannot be replaced easily or quickly.⁶³

As a basic question of value for money, it should also be recalled that whilst personnel who enlist at 16 and leave the Army at age 22 will have provided six years' service, they will have been barred from deployment into hostilities for the first two years of their career. This makes them of less military value than an adult recruit who could have been deployed as soon as initial training ended. In this regard, recruiting only candidates aged 18 and above would increase current deployable Infantry strength alone by 3.6 per cent with no financial cost to the Ministry of Defence. This would help achieve one of the aims of the Strategic Defence Review – to “improve the ratio of personnel who are available for deployment against overall personnel numbers”.⁶⁴

Raising the minimum recruitment age to 18 would remove the category of recruits most likely to drop out early. This would lead to significant financial savings for the Ministry of Defence by decreasing wastage during training, reducing early outflow of trained staff, increasing deployable strength, and reducing the number of vulnerable recruits who require additional expenditure on welfare services (both during and post-service).

60 www.dasa.mod.uk. TSP 19 FY 2009/2010, Table 6.

61 HC Deb: 16 November 2010, c733W.

62 Exact figures cannot be determined as it is not known how long each recruit spent in training or service before being discharged. This figure assumes each recruit undertook full Phase One and Phase Two Infantry training. Undoubtedly, many recruits would not have completed this training before leaving. However, some young recruits will have been training in more costly courses before dropping out. For example, a junior Royal Marine Officer's training costs £93,000 (HC Deb: 16 November 2010, c732W).

63 National Audit Office / Ministry of Defence, *Recruitment and Retention in the Armed Forces, Report by the Comptroller and Auditor General, HC 1633-I Session 2005-2006*, 3 November 2006, para.18.

64 Ministry of Defence, *Adaptability and Partnership: Issues for the Strategic Defence Review*, February 2010, para.3.8.

3.5 The alternatives

Although levels of under-18 recruitment have decreased in the UK in the past ten years, this age group is still deliberately targeted for recruitment. This is directly contrary to the recommendations of the UN Committee on the Rights of the Child. The Committee first expressed concern at the high levels of recruitment of under-18s in the UK (and the deliberate targeting of young people for recruitment) in 2002.⁶⁵ It called on the UK to increase its efforts to recruit persons aged over 18 years and to prioritize the recruitment of the oldest candidates amongst those who had not yet reached 18.⁶⁶ Subsequently, in 2008 the Committee repeated these recommendations and called on the UK to raise its recruitment age to 18.⁶⁷ These recommendations were endorsed by Parliament's Joint Committee on Human Rights in its children's rights report in 2009. Despite these explicit recommendations, in 2009-2010 just over 21 per cent of new armed forces recruits were aged below 18 years.⁶⁸

Recruiting under-18s is a policy choice, not a military necessity. Only a minority of countries continue to do so. In the UK in particular, reliance on under-18s is increasingly challenging: an ageing population means that 16 to 18-year-olds constitute a decreasing percentage of overall national population. Despite this, in 2006 the Ministry of Defence stated that it would continue to focus recruitment strategies on this age group "to secure similar levels of recruitment from a smaller target population".⁶⁹ This will require an increase in the number of under-18s who enlist proportionate to the overall size of the under-18 population. Such a strategy is in direct opposition to the recommendations of the UN Committee on the Rights of the Child.

In contrast, the Ministry of Defence does not appear to have fully explored strategies to increase recruitment from other sectors of the population. For example, female intake (of all ages) into the armed forces has fallen from 14 per cent in 1997 to just under nine per cent in 2009/2010 – less than half the number of under-18s.⁷⁰

Despite this dramatic and worsening gender imbalance the Ministry of Defence has stated that it "does not have any specific targets for recruiting women".⁷¹ This is inconsistent with the requirements of Section 149(3)(c) of the 2010 Equality Act, which requires public bodies, which include the armed forces, to "encourage persons who share a relevant protected characteristic [e.g. sex] to participate in public life or in any other activity in which participation by such persons is disproportionately low."

The armed forces (and the army in particular) continue to discharge personnel every year on the grounds of "service no longer required". This is a vaguely-defined category, broadly equivalent to redundancy, which does not include discharges on disciplinary or medical grounds. In 2006 (the most recent year for which information was available) 2,925 non-officer forces personnel were discharged on this basis, slightly exceeding the number of 16-year-olds recruited the same year.⁷² The minimum costs of initial training to replace them would have been equivalent to over £90 million.

The Task Force on the Military Covenant noted that the current coincidence of "buoyant recruiting" with predicted reductions in overall Service Personnel strength in the coming year(s) presented an opportunity to raise the minimum entry requirements for recruitment. The aim would be to provoke "a shift in the profile of recruits [which would] help mitigate the problems sometimes encountered by those with lower levels of education at later stages of their careers and on transition out of service."⁷³ Raising the minimum recruitment age would be one such possibility.

65 UN Committee on the Rights of the Child, (2002) *Concluding Observations on the United Kingdom of Great Britain and Northern Ireland* (UN Doc: CRC/C/15/Add.188), para.53.

66 Ibid, para.54.

67 UN Committee on the Rights of the Child, (2008) *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), para.13.

68 www.dasa.mod.uk, TSP 19 FY 2009/2010 Table 1.

69 National Audit Office / Ministry of Defence, *Recruitment and Retention in the Armed Forces, Report by the Comptroller and Auditor General, HC 1633-I Session 2005-2006*, 3 November 2006, p.52.

70 www.dasa.mod.uk, UK Defence Statistics, Table 2.17.

71 Ministry of Defence, *Recruitment and Retention in the Armed Forces, Report by the Comptroller and Auditor General, HC 1633-I Session 2005-2006*, 3 November 2006, p.53.

72 David Gee, *Informed Choice? Armed forces recruitment practice in the United Kingdom*, 2007, p.67.

73 *Report of the Task Force on the Military Covenant*, September 2010, p.24.

4 Conclusions and recommendations

This report has highlighted the ethical, legal and financial concerns stemming from current UK policy on recruitment and retention of minors in the armed forces. While terms of service could be amended to address some of these problems, the more fundamental question remains: what is the most suitable minimum age for military recruitment? The evidence on drop-out rates, discharge, financial wastage, bullying, harassment, self-harm and suicide suggest that recruiting at 16 is neither in the best interests of the child nor in the best interests of the armed forces. A thorough review of the minimum age policy, as recommended by the Defence Committee in 2005, is sorely needed.

Globally, there is very little support for 16 as a minimum recruitment age. In contrast there is a clear and growing trend of 18 years as the internationally accepted minimum. If this trend continues, as it appears set to do, it seems inevitable that the UK will eventually adhere to the emerging consensus. The question therefore becomes when, rather than if, the recruitment age will be raised.

At the national level, a recruitment age of 16 sits uncomfortably with the higher minimum age restrictions on a wide range of activities. It is a striking anomaly when contrasted with legislation protecting young people from other hazardous forms of work.

In light of the current high levels of recruitment and the predicted reduction in overall personnel levels following the Strategic Defence and Security Review, and following the recommendations of the Task Force on the Military Covenant to raise entry requirements overall, there is an ideal opportunity to raise the minimum recruitment age. This opportunity will be strengthened if, as predicted, the school leaving age rises to 18 years.

In its report published on 10 March, the Select Committee for the Armed Forces Bill noted that “the recruitment of minors to service in the Armed Forces is a perennial issue for Armed Forces Bill Committees” and that it had “received a great deal of written evidence on the matter”.⁷⁴ An amendment addressing these issues (see appendix) was debated by the Committee but subsequently withdrawn following a commitment by the Under Secretary of State for Defence Personnel to look into some of the issues raised.

The Coalition considers that the Armed Forces Bill currently before Parliament continues to offer an effective vehicle for implementing the necessary changes to increase the rights of discharge for young personnel already serving in the armed forces, and to introduce a new minimum recruitment age of 18 years. Relevant amendments tabled in the House of Commons or House of Lords would allow for the long-standing problems highlighted in this report finally to be resolved, more than 20 years after they were first identified.

On the basis of the evidence presented in this report, the Coalition recommends that Parliament and the Ministry of Defence consider steps to:

- Amend relevant regulations to replace the discretionary “unhappy juniors” provision with ongoing discharge as of right for all existing recruits aged under 18 years;
- Amend minimum terms of service for existing Army recruits who enlisted below the age of 18 to ensure they are equitable with terms of service for adults recruits; and
- Review the minimum armed forces recruitment age, with a view to raising it to 18 years.

⁷⁴ Special Report from the Select Committee on the Armed Forces Bill Session 2010 – 2011, para.20.

5 Appendix

Amendment on the Enlistment of minors and duty of reporting to Parliament

Enlistment of minors

To move the following Clause:–

‘. (1) The Armed Forces Act 2006 (c. 52) is amended as follows.

(2) In section 328 (Enlistment) the words “without the consent of prescribed persons” are omitted.

(3) In section 329 (Terms and conditions of enlistment and service), after subparagraph 2(c) there is inserted–

“(ca) enabling a person under the age of 18 to end his service with a regular force by giving not less than 14 days’ notice in writing to his commanding officer;

(cb) requiring that a person who was under the age of 18 at the time of enlistment and who on attaining that age wishes to continue his service with a regular force shall be required to enlist in the manner and form to be prescribed by such regulations;”

(4) After section 329 (Terms and conditions of enlistment and service) there is inserted–

“329A Report on military service by minors

The Secretary of State shall lay before Parliament annually a report showing the numbers of persons who have been–

(a) recruited under the age of 18 and

(b) retained on reaching the age of 18

for each of the regular forces during the preceding twelve months.”’.



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