

Defence Committee Inquiry

Women in the Armed Forces: From Recruitment to Civilian Life

Submission from Child Rights International Network

Introduction

1. This submission concerns the rights and welfare of girls under age 18 in the armed forces.
2. This group warrants specific consideration in the Committee's inquiry, since the risks that girls face are elevated due to their young age and may be incompatible with the special protections afforded them in law.
3. In a typical year, there are approximately 200 girls in the armed forces, of whom approximately three-quarters are in the army.ⁱ

Sexual harassment and assault: Youngest face highest risk

4. A military setting carries an elevated risk to girls of sexual harassment and assault;ⁱⁱ junior ranking female personnel face the highest risk of all.ⁱⁱⁱ In the regular army in 2018, 16 percent of women reported a 'particularly upsetting' experience of sexual harassment or assault in the previous 12 months, an increase from 14 percent in 2015.^{iv}
5. The rate of 'particularly upsetting' experiences was higher among female personnel of low military rank, at 18 percent.^v This is equivalent to 27 of the 150 girls currently in the army having experienced a particularly upsetting experience of sexual harassment or assault in the last year.^{vi}
6. The 2019 Wigston Review noted multiple military risk factors for sexual harassment and assault, such as: 'tight-knit units that perceive themselves as "elite"; masculine cultures with low gender diversity; rank gradients; age gradients; weak or absent controls, especially after extensive operational periods; and alcohol'.^{vii} Although the Review was commissioned in response to the alleged sexual assault of a female soldier aged 17,^{viii} it did not discuss the impact of the military environment on the risks faced by girls in particular, or their entitlement to additional protection as children under the law.

Safety: Violence during training

7. The last decade has seen multiple recorded incidents and allegations of violent behaviour at initial army training establishments attended by the recruits from age 16. Official records reveal:
 - 7.1. 60 formal complaints by recruits or their parents alleging violent behaviour by instructors at the Army Foundation College (Harrogate) since 2014,^{ix} of which 10 concern incidents since 2017;^x

7.2. The sexual assault and beating of four recruits by other recruits at the Army Foundation College in May 2012;^{xi}

7.3. Five recorded incidents of violence by instructors (battery and ill-treatment) at the Army Foundation College between 2008 and 2013;^{xii} and

7.4. 16 recorded instances of assault at the former Army Technical Foundation College (Winchester), of which two concern violence by instructors against recruits, between 2008 and 2013.^{xiii}

7.5. As noted above, a 17-year-old girl was allegedly sexually assaulted by six soldiers at an army base in 2019.^{xiv}

8. We have no other information to show how many of these incidents affected girls.

Compounding factors: Restrictive terms of service and limited access to remedies

9. As is the case with boys under 18, girls who enlist make a legally binding commitment, before reaching the age of majority, which a civilian employer could not lawfully require of a worker of any age.

9.1. Recruits have no right to leave the armed forces in the first six weeks and thereafter may only leave subject to a notice period of up to three months.^{xv}

9.2. Once they turn 18, recruits have no right to leave for a period measured in years (e.g. not until age 22 in the case of the army).^{xvi}

9.3. Whereas girls and women who face harassment in the civilian workplace have the option of leaving their job at will, those in the armed forces have no right to do the same.

10. The remedies available to recruits under the age of 18 who have experienced sexual harassment or assault – the Service Complaints system and the Service Police and Justice system – may be intimidating and confusing to navigate for a young person who has been the subject of traumatic harassment or other maltreatment.

10.1. The Service Complaints Ombudsperson told the Defence Committee in 2020 that she was ‘surprised that we do not get more [complaints from under-18s]’ and made clear that the system is rarely used by the age group.^{xvii}

10.2. Despite 60 recorded complaints of violence by staff at the Army Foundation College between 2014 and 2020, fewer than five Service Complaints were made by recruits at the base in the same period.^{xviii}

Socio-economic outcomes: Impact of high trainee attrition on young recruits

11. In common with boys, girls who enlist undergo an intensively stressful process of military training.

11.1. 30 percent of army recruits under 18 leave or are dismissed before they complete their training, which leaves them immediately out of education and employment.^{xix}

11.2. The army does not track the destinations of recruits who leave during training.^{xx}

Girls in the armed forces: A rights-based perspective

12. Girls in the armed forces have additional rights as children under the law, such that the Ministry of Defence is required to make girls' best interests a primary consideration when setting policy, including on the minimum age for enlistment.^{xxi}

13. In particular, the Convention on the Rights of the Child requires the government 'to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse'.^{xxii}

14. Evidence outlined above, which shows a high rate of attrition of young recruits during training, multiple examples of violent behaviour by training instructors, and a markedly elevated risk of sexual harassment and assault, indicates the armed forces as an unsafe institution for both girls and boys under age 18, with evidence that girls face a particularly elevated risk of sexual harassment and assault, relative to both their civilian counterparts and older personnel.

15. The UN Committee on the Rights of the Child has called on the UK to raise the minimum age of enlistment to 18,^{xxiii} together with the Children's Commissioners of the four UK nations,^{xxiv} the Joint Committee on Human Rights,^{xxv} mental health professionals,^{xxvi} trade unions,^{xxvii} and retired officers.^{xxviii} As the situation stands, the UK is the only state in Europe to recruit from age 16 and one of only 16 states worldwide to do so.^{xxix}

Conclusion

16. Girls entering the armed forces face elevated risks that cannot be safely managed. Raising the minimum age of enlistment to 18, in line with most of the rest of the world, would add a needed layer of protection, without denying girls the opportunity to join up once they reach the age of adulthood.

17. As long as the armed forces continue to enlist under-18s, they should establish a protocol that cases of violence against this age group (including sexual harassment and assault) must be dealt with in the civilian police and justice system.

18. The Service Complaints Ombudsperson should create a specific role within their office tasked with making the Service Complaints process transparent and accessible to recruits under the age of 18.

February 2021.

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As of October 2020, 210 armed forces personnel were girls aged under 18. MoD, *Biannual Diversity Statistics, 2020*, <https://www.gov.uk/government/statistics/uk-armed-forces-biannual-diversity-statistics-2020>, Table 3.

ii

British army, *Sexual harassment report 2018*, <https://www.gov.uk/government/publications/army-sexual-harassment-report-and-action-plan-2018>, p. 5

iii

Ibid., p. 35.

iv

Ibid., p. 35.

v

Ibid., p. 35.

vi

As of October 2020, there were 150 girls aged under 18 in the army. MoD, *Biannual diversity statistics, 2020*, op cit.

vii

Air Chief Marshal M Wigston, 'Wigston review into inappropriate behaviours', 2019, <https://www.gov.uk/government/publications/wigston-review-into-inappropriate-behaviours>, pp. 18–19.

viii

Dominic Nicholls, 'Ministry of Defence launches inquiry into sex abuse and inappropriate behaviour following spate of incidents', *Telegraph*, 10 April 2019, <https://www.telegraph.co.uk/news/2019/04/10/ministry-defence-launches-inquiry-sex-abuse-inappropriate-behaviour/>.

ix

Answer to Parliamentary Question no. 109376, 30 October 2020, <https://questions-statements.parliament.uk/written-questions/detail/2020-10-30/109376>.

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Information obtained under the Freedom of Information Act, ref. FOI2020/09410, 20 August 2020.

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Hansard: HC Deb, 10 June 2013, c4W.

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Hansard: HC Deb, 2 December 2013, c495W.

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Ibid.

xiv

Dominic Nicholls, 'Ministry of Defence launches inquiry into sex abuse and inappropriate behaviour following spate of incidents', *Telegraph*, 10 April 2019, <https://www.telegraph.co.uk/news/2019/04/10/ministry-defence-launches-inquiry-sex-abuse-inappropriate-behaviour/>.

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The Army Terms of Service Regulations 2007 (as amended).

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Ibid.

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Defence Committee, *Oral evidence: Work of the Service Complaints Ombudsman*, HC 881 , Q59-62.

xviii

Ministry of Defence, Response to Written Question: Army Foundation College: Abuse and Violence (UIN 103539), 14 October 2020, <https://questions-statements.parliament.uk/written-questions/detail/2020-10-14/103539>.

xix

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, *Biannual diversity statistics, 2020*, op cit; MoD, *Army: Recruitment - Written question – 103588*, 14 October 2020, <https://questions-statements.parliament.uk/written-questions/detail/2020-10-14/103588>.

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Information obtained under the Freedom of Information Act, ref. FOI2020/07026, 10 August 2020, <https://www.whatdotheyknow.com/request/671628/response/1614867/attach/4/20200708%20FOI07026%20Final%20Response.pdf>.

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CRC Article 3.

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CRC Article 19.

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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, pp. 23-24.

xxiv

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.

xxv

Joint Committee on Human Rights, *Children's rights*, 2009. This is the Committee's most recent inquiry into children's rights.

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

xxvii

Trades Union Congress, 'UK Compliance with major ILO Conventions 2019', 2019, <https://tinyurl.com/rwvayho>; Trades Union Congress and Child Rights International Network, 'Annex 3: Armed Forces Recruitment and Convention 182', 2019, <https://tinyurl.com/vry9n2h>; see also open letter from Child Soldiers International et al. to the Penny Mordaunt, Minister of State for the Armed Forces, 23 May 2016, which was signed by the National Union of Teachers, <https://tinyurl.com/rcnphc2>.

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For example, see Cdr (rt.) Paul Branscombe, letter to Child Soldiers International, 2015, cited by Lord Judd, 27 April 2016, <https://www.theyworkforyou.com/lords/?id=2016-04-27c.1203.2>; Maj Gen (rt.) Tim Cross, cited in Child Soldiers International, *Soldiers at 16: Sifting fact from fiction*, <https://tinyurl.com/soldiersat16>.

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For sources and detail, see the Romeo Dallaire Child Soldiers Initiative, *Child Soldiers World Index*, 2021, <https://childsoldiersworldindex.org>.