

# **Annex 3:**

# **Armed Forces Recruitment and Convention 182**

# Military employment constitutes hazardous work for children

## Introduction

Tens of thousands of children under the age of 18 are enlisted every year into state armed forces.<sup>1</sup> This briefing uses evidence from the United Kingdom to show that the recruitment of adolescent children, including when unforced, meets the definition of ‘hazardous work’ under ILO Convention 182: ‘*work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children*’.<sup>2</sup>

## Legal standards

Convention 182 does not exclude military employment from work that may be hazardous, and indeed excludes no field of work from its scope.<sup>3</sup> The *travaux préparatoires* further clarified that ‘the participation of children in military services [or] armed forces’ may be determined to be hazardous work.<sup>4</sup>

Under the Convention, hazardous work is one of the ‘*worst forms of child labour*’, meaning that States Parties must ‘*take immediate and effective measures to secure [its] prohibition and elimination*’.<sup>5</sup> The types of hazardous work are to be determined by ‘*national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned*’.<sup>6</sup> In Recommendation 190 the ILO elaborates the meaning of hazardous work, which includes but is not limited to: exposure to abuse, unhealthy environments, dangerous equipment, and hazards; and also handling heavy loads and working in difficult conditions.<sup>7</sup> It recommends that children aged 16–17 should not carry out such work unless ‘*the health, safety and morals of the children concerned are fully protected*’.<sup>8</sup>

The UK has not codified types of hazardous work.<sup>9</sup> Instead, legislation requires employers to assess, and safeguard against, the risks to young persons [under the age of 18] in their workforce,<sup>10</sup> and prohibits work involving certain kinds of risk,<sup>11</sup> with some caveats.<sup>12</sup>

Following the widespread ratification of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC), which prohibits their direct participation in hostilities,<sup>13</sup> most States Parties no longer deploy children to war zones.<sup>14</sup> However, recruitment and employment practices typically violate other rights recognised by both OPAC<sup>15</sup> and its parent Convention.<sup>16</sup>

## Military employment and risk

Even before child recruits turn 18 and may be deployed to war zones, military employment introduces multiple risks which are typically absent in civilian work. Military training is a psychologically coercive process involving extraordinary exposure to stress.<sup>17</sup> It applies heavy physical loads to the body over long periods and routinely involves hazardous activities, equipment and substances.<sup>18</sup> Military environments are characterised by elevated rates of bullying and sexual harassment relative to civilian settings.<sup>19</sup> In addition, the employment rights and legal remedies that civilians enjoy are weak or absent in military employment.<sup>20</sup>

## **Psychological stress**

Psychological stressors are intentionally applied<sup>21</sup> in order to transform young civilians into soldiers.<sup>22</sup> Daily life is tightly controlled by restricting access to sleep,<sup>23</sup> privacy,<sup>24</sup> and contact with friends and family; for the first weeks of training recruits are not allowed to leave the military estate.<sup>25</sup> Testimony from former recruits shows that emotional and physical violence are routine punishments, such as insults, humiliation, hitting, and kicking.<sup>26</sup> Such stressors are also used to stimulate intense aggression;<sup>27</sup> the British army notes the risk of 'strong emotional impact on the Junior Soldiers' due to the 'intensity and aggressive nature of bayonet fighting', for example.<sup>28</sup> Studies from the UK, the US and elsewhere further show that bullying is common in military settings and that the sexual harassment of women by men is much more common in the armed forces than in civilian life.<sup>29</sup>

Epidemiological and neurodevelopmental research shows that stressors of this kind are harmful to mental health, particularly during mid-adolescence when young people experience heightened susceptibility to prolonged conditions of stress.<sup>30</sup> Research in the UK and US has found that military personnel and veterans across the age range are more likely than civilians to have stress-related mental health problems and to drink at harmful levels.<sup>31</sup> This is not solely attributable to the trauma of war; it is true also of military personnel even before they are deployed.<sup>32</sup> Research from the US, for example, has found a sharp increase in the prevalence of depression and attempted suicide during basic army training.<sup>33</sup>

The youngest recruits are particularly vulnerable to these stressors. In the British army, younger soldiers are more likely than both their civilian peers and older recruits to experience PTSD, drink heavily, and die by suicide.<sup>34</sup> For instance, the suicide rate among male ex-forces personnel aged 16–19 over the last two decades has been three times that of the same age group in the general population.<sup>35</sup>

## **Physical stress**

The intensity of physical training<sup>36</sup> puts recruits at risk of musculoskeletal injuries in particular,<sup>37</sup> as well as other conditions such as heat exhaustion.<sup>38</sup> In the British army recruits are put through long marches and runs under time pressure, often carrying heavy loads, and in both hot and cold conditions.<sup>39</sup> There is no limit to the weight a recruit can be instructed to lift.<sup>40</sup> Film footage from the training institution for 16- and 17-year-olds shows instructors pushing them to continue when they are exhausted or in pain, and recruits vomiting and fainting.<sup>41</sup> The Ministry of Defence acknowledges that a musculoskeletal disorder is the most common cause of medical discharge from the armed forces and that 'personnel aged under 20 have consistently had a higher rate of medical discharge than other age groups'.<sup>42</sup> In the UK armed forces between 2000 and 2018 there have been 143 deaths in training and on training exercises, including five children;<sup>43</sup> the most common causes of death were transport accidents, illness (mostly heart attacks), and live fire.<sup>44</sup>

## **Hazardous exposure**

Contrary to the recommendations of the Committee on the Rights of the Child,<sup>45</sup> children in military training handle and fire live ammunition.<sup>46</sup> CBRN (Chemical, Biological, Radiological and Nuclear) training exposes recruits to tear gas; in a sealed chamber trainees are normally ordered to remove

their respirators, which can lead to vomiting and burning sensations<sup>47</sup> and aggravate skin or breathing conditions.<sup>48</sup> In 1997, one 18-year-old recruit died from a lung infection after reportedly experiencing breathing difficulties in the chamber and being made to go for a run afterwards.<sup>49</sup>

### **Working conditions**

Children in the British army are normally on duty for ten hours per day between 0800hrs and 1800hrs.<sup>50</sup> Additional training exercises involve working out of hours, including overnight.<sup>51</sup> The armed forces are exempt from regulations governing rest periods that must be given to young workers,<sup>52</sup> and also claim an exception from Working Time Regulations in certain circumstances, including 'training, including exercises, aimed at causing fatigue and stress to prepare for or simulate an operational situation'.<sup>53</sup> Time spent 'off duty' is still subject to the schedule and rules of the command structure, which for the first few weeks includes a prohibition on leaving the base at will during free time.

The terms of service applied to children in the British army would be unlawful in civilian employment. Recruits have no right at all to leave the army during the first six weeks of training, and after six months their right to leave is subject to a notice period of up to three months,<sup>54</sup> which can be distressing for those who want to leave. Absence Without Leave is punishable by up to two years' imprisonment; children are not exempt and the armed forces have no juvenile justice system.<sup>55</sup> Unions are prohibited.<sup>56</sup>

### **Conclusion**

This briefing has argued that the military employment of adolescent children is an overlooked case of '*hazardous work*' under the terms of ILO Convention 182. Both by its nature and the circumstances in which it is carried out, it is '*likely to harm the health, safety or morals of children*'. With respect to the criteria set out in Recommendation 190, military employment applies stressors routinely to children, requires them to handle '*heavy loads*' for long periods, includes work with '*dangerous machinery, equipment and tools*', exposes children to '*hazardous substances*', makes them work for '*long hours or during the night*' and where they are '*unreasonably confined to the premises of the employer*', and introduces an elevated risk of '*physical, psychological or sexual abuse*' relative to civilian employment. Children are not '*fully protected*' from these risks, as the Convention requires.

### **Recommendations to the UK Government**

- The UK should add military service to their lists of types of hazardous work for children and make the transition to all-adult armed forces.
- Where children continue to be enlisted by armed forces, the activities and conditions of their military employment should be scrutinised through the Convention 182 monitoring and reporting process.

**Child Rights International Network (CRIN), August 2019.**

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## References

- <sup>1</sup> Child Soldiers International (2018), *Why 18 Matters: A Rights Based Analysis of Child Recruitment*, p. 14. <<https://www.child-soldiers.org/Handlers/Download.ashx?IDMF=1a608665-f302-4bf4-9710-580a4ee7892a>>
- <sup>2</sup> ILO Convention 182, 'Worst Forms of Child Labour Convention', Art. 3(d).
- <sup>3</sup> International Labour Office (1999), 'Report IV (2A): Child Labour', n. p. 'The proposed Convention contains no exceptions for certain branches of economic activity as provided in Article 5 of Convention No. 138. Thus, the work referred to in subparagraph (d) of the proposed Convention must be prohibited and eliminated in all branches of activity'.
- <sup>4</sup> International Labour Office (1999), 'Report IV (1): Child Labour', n. p. 'As the proposed Convention is drafted, the Office understands that the participation of children in military services, armed forces or in armed conflicts would be contrary to the Convention if the determination is made under Article 4 that the work or activity in which they are engaged is likely to jeopardize their health, safety or morals. It may be assumed that participation in armed conflict would necessarily jeopardize their health, safety or morals.'
- <sup>5</sup> ILO C182 (op cit.), Art. 1.
- <sup>6</sup> ILO C182 (op cit.), Art. 4.
- <sup>7</sup> ILO Recommendation 190, 'Worst Forms of Child Labour Recommendation', Para. 3. The full criteria listed are: 'work which exposes children to physical, psychological or sexual abuse; work underground, under water, at dangerous heights or in confined spaces; work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads; work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.'
- <sup>8</sup> ILO R190 (op cit.), Para. 4. 'For the types of work referred to under Article 3(d) of the Convention and Paragraph 3 above, national laws or regulations or the competent authority could, after consultation with the workers' and employers' organizations concerned, authorise employment or work as from the age of 16 on condition that the health, safety and morals of the children concerned are fully protected'.
- <sup>9</sup> Health & Safety Executive (2018), Response to Freedom of Information request (FOI/201810204). <<https://www.whatdotheyknow.com/request/525776/response/1254972/attach/html/4/FOI%20Case%20201810204%20Information%20not%20held%20Ms%20C%20Cooper.docx.html>>. 'HSE does not provide a list of hazardous labour for under-18s, and there are no plans to introduce one. To comply with ILO Convention 182 HSE provides guidance to employers on how to assess and manage risks for young workers through the existing risk assessment process.'
- <sup>10</sup> The Management of Health and Safety at Work Regulations 1999 (SI 1999/3242), Reg. 3(4-5). '(4) An employer shall not employ a young person unless he has, in relation to risks to the health and safety of young persons, made or reviewed an assessment in accordance with paragraphs (1) and (5). (5) In making or reviewing the assessment, an employer who employs or is to employ a young person shall take particular account of— (a)the inexperience, lack of awareness of risks and immaturity of young persons; (b)the fitting-out and layout of the workplace and the workstation; (c)the nature, degree and duration of exposure to physical, biological and chemical agents; (d)the form, range, and use of work equipment and the way in which it is handled; (e)the organisation of processes and activities; (f)the extent of the health and safety training provided or to be provided to young persons; and (g)risks from agents, processes and work listed in the Annex to Council Directive 94/33/EC(1) on the protection of young people at work.' Reg. 19(1). '(1) Every employer shall ensure that young persons employed by him are protected at work from any risks to their health or safety which are a consequence of their lack of experience, or absence of awareness of existing or potential risks or the fact that young persons have not yet fully matured.'
- <sup>11</sup> The Management of Health and Safety at Work Regulations (op cit.), Reg. 19(2). '(2) Subject to paragraph (3), no employer shall employ a young person for work— (a)which is beyond his physical or psychological capacity; (b)involving harmful exposure to agents which are toxic or carcinogenic, cause heritable genetic damage or harm to the unborn child or which in any other way chronically affect human health; (c)involving harmful exposure to radiation; (d)involving the risk of accidents which it may reasonably be assumed cannot be recognised or avoided by young persons owing to their insufficient attention to safety or lack of experience or training; or (e)in which there is a risk to health from— (i)extreme cold or heat; (ii)noise; or (iii)vibration, and in determining whether work will involve harm or risks for the purposes of this paragraph, regard shall be had to the results of the assessment.'
- <sup>12</sup> The Management of Health and Safety at Work Regulations (op cit.), Reg. 19(3). '(3) Nothing in paragraph (2) shall prevent the employment of a young person who is no longer a child for work— (a)where it is necessary for his training; (b)where the young person will be supervised by a competent person; and (c)where any risk will be reduced to the lowest level that is reasonably practicable.'
- <sup>13</sup> Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Art. 1. 'States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities'.
- <sup>14</sup> Some states retain broad interpretations of OPAC Art. 1 in their treaty declarations that do not rule out children being deployed to conflict zones. For example, the United States interprets 'direct part in hostilities' broadly as 'immediate and actual action on the

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battlefield likely to cause harm to the enemy...and [not as] indirect participation in hostilities, such as gathering and transmitting military information, transporting weapons, munitions, or other supplies, or forward deployment'. United States of America OPAC Declaration. Children have also been deployed to war zones inadvertently: 15 adolescent children (aged 17) were deployed to Iraq by the UK armed forces between 2003 and 2005. Written Question to Ministry of Defence by Sarah Teather MP, 1 February 2007. <<https://www.theyworkforyou.com/wrans/?id=2007-02-01b.117280.h>>

<sup>15</sup> OPAC (op cit.) requires states that recruit children to employ safeguards ensuring that this recruitment is 'genuinely voluntary' and 'carried out with the informed consent of the person's parents or legal guardians', and that recruits are 'fully informed of the duties involved in such military service'. The UN Committee on the Rights of the Child in 2016 expressed concern that in the UK 'safeguards for voluntary recruitment are insufficient'. It also criticised the direct targeting of children for recruitment, the targeting of children from low-income families, the high proportion of children in the armed forces' intake, and the longer minimum period of service for children; and recommended that the government 'raise the minimum age for recruitment into the armed forces to 18 years in order to promote the protection of children through an overall higher legal standard'. UN Committee on the Rights of the Child (2016), 'Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland', Paras. 83-84, pp. 23-24. <<http://www.crae.org.uk/publications-resources/un-crc-committees-concluding-observations-2016/>>

<sup>16</sup> See Child Soldiers International (2015), *Out of step, out of time: Recruitment of minors by the British armed forces*, pp. 22-23, for a discussion of the non-compliance of the recruitment of adolescent children in the UK with the Convention on the Rights of the Child, particularly with Articles 12 (Freedom of expression), 37 (Treatment of children deprived of liberty), 38.3 (Priority of older armed forces recruits) and 40 (Juvenile justice). <<https://www.child-soldiers.org/shop/out-of-step-out-of-time-recruitment-of-minors-by-the-british-armed-forces-1>>

<sup>17</sup> See D. Gee (2017), *The First Ambush? Effects of army training and employment*, pp. 9-20. <<http://vfpuk.org/wp-content/uploads/2017/06/The-First-Ambush-Effects-of-army-training-and-employment-WEB.pdf>>. 'Collectively, academics and military officers alike describe basic training as a coercive process [...] The military rationale for the coercive manipulation of recruits is that mere instruction would not produce soldiers who will face down mortal danger and direct lethal violence at others on demand' (p. 9). See also *Why 18 Matters*, pp. 29-35.

<sup>18</sup> Ministry of Defence (2019), 'Risk assessments produced for under-18 recruits at Army Foundation College'. Obtained through Freedom of Information request (FOI2019/00754). <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/796137/00754.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/796137/00754.pdf)>

<sup>19</sup> For example, see British Army (2018), *Sexual harassment report 2018*, p. 13, <<https://www.gov.uk/government/publications/army-sexual-harassment-report-and-action-plan-2018>>; V. Bognor and H. Herbst (2017), 'Wir haben euch nach euren Geschichten vom Bundesheer gefragt', <[https://www.vice.com/de\\_at/article/d33g97/wir-haben-euchnach-euren-geschichten-vom-bundesheergefragt](https://www.vice.com/de_at/article/d33g97/wir-haben-euchnach-euren-geschichten-vom-bundesheergefragt)>; M. Deschamps (2015), *External Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces*, <<https://www.canada.ca/en/department-national-defence/corporate/reports-publications/sexual-misbehaviour/external-review-2015.html>>. For examples of bullying in the British army see *The First Ambush?* (op cit.), Appendix: 'Experiences of British army basic training'.

<sup>20</sup> See *Out of step, out of time* (op cit.) for details.

<sup>21</sup> For example, the British Army notes the impact of 'the shock of capture' on new recruits aged under 18, associating the stress of their experience with that of prisoners of war. Military academics in the US have explained that prolonged conditions of high stress are essential in the process of training for obedience. British Army (2014), 'Army Foundation College: Supervisory Care Directive (Edition 9)', p. 2.; D. McGurk, D. I. Cotting, T. W. Britt, & A. B. Adler (2006), 'Joining the ranks: The role of indoctrination in transforming civilians to service members'. In A. Adler, C. A. Castro, & T. W. Britt (Eds.), *Military life: The psychology of serving in peace and combat* (Vol. 2: 'Operational Stress'), pp. 13-31.

<sup>22</sup> See *The First Ambush?*, Chapter 3: 'Army training'.

<sup>23</sup> Restricted sleep and exhaustion is a well-established aspect of basic training, as noted by military academics in the US: 'The intense workload and sleep restriction experienced by military recruits leaves them little attention capacity for processing the messages they receive about new norms'. D. McGurk et al. (2006), 'Joining the ranks' (op cit.). The British Army notes that exercise is challenging to new recruits 'due to physical exertion, lack of sleep and all round degradation', 'Supervisory Care Directive' (op cit.), p. 2. Channel 5 (2019), *Raw Recruits* Episode 1 (aired 07/01/19) shows recruits complaining of being woken at 05:30 and of working almost 18-hour days.

<sup>24</sup> E.g. recruits do not have their own private space; they are accommodated in 12-person dormitories. 'Supervisory Care Directive', p. 3. They have no control over their limited space; the way they maintain it is subject to strict inspections. *Raw Recruits* (op cit.) Episode 2 (14/01/19) shows this process, including one recruit sleeping on the floor because he is worried his bed won't meet the required standard.

<sup>25</sup> 'Supervisory Care Directive', p. 14, states 'JS are not permitted to walk out until after week 6' and outlines the booking out procedures thereafter. Recruits are allowed only 'controlled access' to their mobile phones during this time; for a 40-minute period in the evening, the rest of the time it is locked in a sergeant's office. British Army (2016), 'Army Foundation College First 6 Week Training Directive', p. 6. Obtained through Freedom of Information request (FOI2019/05572).

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<sup>26</sup> The use of these techniques and punishments is well-established from a range of testimony from former members of the armed forces of the United Kingdom and other affluent states. See for example *The First Ambush* pp. 10-11, pp. 54-60; *Why 18 Matters*, pp. 29-32.

<sup>27</sup> Ministry of Defence (n.d.), 'Rifle Lesson 15. – Bayonet Fighting', obtained through Freedom of Information request. In Section A, instructors are told to 'emphasise that it will take speed, balance and aggression in order to defeat a determined enemy at close quarters' and to 'instil spirit, determination and aggression into the soldiers', p. 180. Accounts of the bayonet training process from the UK and US are available in *The First Ambush*, pp. 14-15. The process is also shown during *Raw Recruits*, Episode 4 (28/01/19). Recruits are shown crawling through water-filled ditches to the sounds of gunfire and instructors shouting insults and provocations at them. One instructor says that "people cry because they've never been to this state of aggression before and it just overwhelms them". A recruit says afterwards she is having a panic attack.

<sup>28</sup> 'Risk assessments produced for under-18 recruits' (op cit.), n.p.

<sup>29</sup> British Army (2015), 'Sexual Harassment Report 2015'.

<[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/446224/ADR005000-Sexual\\_Harassment\\_Report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/446224/ADR005000-Sexual_Harassment_Report.pdf)>. E. H. Anderson and A. Suris (2013), 'Military sexual trauma'. In B. A. Moore, J.E. Barnett (Eds.) (2013), *Military psychologists' desk reference*. Oxford: Oxford University Press, pp. 264-269. For other sources see *Why 18 Matters*, pp. 36-39

<sup>30</sup> Relative to adults, adolescents are temperamentally more anxious, more likely to experience depressed mood and emotional volatility, and more reactive to stressors, such that they react to stressors with greater anxiety and then remain anxious for longer. Under stress, adolescents are more likely than adults to develop anxiety-related mental health problems, such as depression. The adolescent brain is also more sensitive to repeated or prolonged stress, under which its transition to full maturation is compromised, particularly the development of brain structures involved in the regulation of emotions; there is some evidence that this can lead to lasting problems with anxiety in adulthood. L. P. Spear (2000), 'The adolescent brain and age-related behavioral manifestations', *Neuroscience and Behavioral Reviews*, 24(4), pp. 417-463; J. N. Giedd, M. Keshavan, T. Paus (2008), 'Why do many psychiatric disorders emerge during adolescence?' *Nature Reviews, Neuroscience*, 9(12), pp. 947-957; K. D. Baker, M. L. Den, B.M. Graham, et al. (2014), 'A window of vulnerability: Impaired fear extinction in adolescence', *Neurobiology of Learning and Memory*, 113, pp. 90-100; M. L. Den, S. R. Altmann, R. Richardson (2014), 'A comparison of the short- and long-term effects of corticosterone exposure on extinction in adolescence versus adulthood', *Behavioral Neuroscience*, 128(6), pp. 722-735.

<sup>31</sup> *Why 18 Matters*, p. 45.

<sup>32</sup> *Ibid.*, p. 45.

<sup>33</sup> *Why 18 Matters*, pp. 45-46; R. J. Ursano, R. C. M. B. Kessler, J. A. Naifeh et al. (2016), 'Risk factors, methods, and timing of suicide attempts among US army soldiers'. *JAMA Psychiatry* 73(7), pp. 741-749.

<sup>34</sup> A. C. Iversen, N. T. Fear, A. Ehlers, et al. (2008), 'Risk factors for post-traumatic stress disorder among UK Armed Forces personnel'. *Psychological Medicine*, 38, pp. 511-522; N. T. Fear, M. Jones, D. Murphy, L. Hull, A et al. (2010), 'What are the consequences of deployment to Iraq and Afghanistan on the mental health of the UK armed forces? A cohort study', *The Lancet*, 375, pp. 1783-1797; S. McManus, H. Meltzer, T. Brugha, et al. (2009), 'Adult psychiatric morbidity in England, 2007: Results of a household survey'. University of Leicester, The NHS Information Centre; Ministry of Defence (2017); 'Table: Suicide and open verdict deaths in the UK Regular Armed Forces 1984 to 2016'. <<https://www.gov.uk/government/statistics/uk-armed-forces-suicide-and-open-verdict-deaths-2016>>.

<sup>35</sup> N. Kapur, D. While, N. Blatchley, et al. (2009), 'Suicide after Leaving the UK Armed Forces — A Cohort Study'. *Public Library of Medicine* 6(3).

<sup>36</sup> The Ministry of Defence acknowledges that 'the intense physical nature of training and the learning curve of being in the military and meeting the standards for physically demanding roles' results in a higher rate of injury and ill health incidents for personnel going through basic training than trained personnel. Ministry of Defence (2018), 'MOD Health and Safety Statistics: Annual Summary & Trends Over Time 2013/4-2017/18', p. 7.

<[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/741286/Enclosure\\_1\\_MOD\\_Health\\_and\\_Safety\\_Statistics\\_Annual\\_Report\\_2017-18.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/741286/Enclosure_1_MOD_Health_and_Safety_Statistics_Annual_Report_2017-18.pdf)>

<sup>37</sup> Ministry of Defence (2018), 'Annual Medical Discharges in the UK Regular Armed Forces: 1 April 2013 to 31 March 2018', p. 18. <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/723716/20180712-MedicalDisBulletinFinal-O.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/723716/20180712-MedicalDisBulletinFinal-O.pdf)> 'Between 1 April 2013 and 31 March 2018, Musculoskeletal Disorders and Injuries were the largest cause of principal cause coded Army medical discharges, accounting for around 60% of all medical discharges.'

<sup>38</sup> There have been five deaths due to heat injury in the UK armed forces from 2000 to 2018. Ministry of Defence (2018), 'Training and Exercise deaths in the UK Armed Forces 1 January 2000 to 31 August 2018', p. 8.

<[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/746547/20180927\\_UK\\_Armed\\_Forces\\_Training\\_and\\_Exercise\\_deaths\\_v2-O.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/746547/20180927_UK_Armed_Forces_Training_and_Exercise_deaths_v2-O.pdf)>. *Why 18 Matters*, p. 33, also notes examples of deaths due to heatstroke in the American and Austrian armed forces.

<sup>39</sup> 'Risk assessments produced for under-18 recruits', n.p.

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- <sup>40</sup> Ministry of Defence (2019), Response to Freedom of Information request (FOI2019/05408). <[https://www.whatdotheyknow.com/request/554143/response/1386037/attach/2/20190620%20FOI02317%20Gee%20U18%20Policy%20Response.pdf?cookie\\_passthrough=1](https://www.whatdotheyknow.com/request/554143/response/1386037/attach/2/20190620%20FOI02317%20Gee%20U18%20Policy%20Response.pdf?cookie_passthrough=1)> 'There is no maximum weight an individual can be instructed to lift.'
- <sup>41</sup> *Raw Recruits*, Episode 2 (14/01/19) shows two girls vomiting on a timed run in cold and wet conditions. One of them says: "I was about to throw up and the corporal was like 'throw up once you pass the finish line'." Episode 4 (28/01/19) shows an instructor shouting expletives at someone falling behind on a loaded march, and one recruit expressing that her chest is tight and she's having an anxiety attack. This episode also shows instructors telling a recruit with an injured hand to continue with intensive bayonet training despite complaining of pain. Episode 5 (04/02/19) shows similar treatment, and two recruits falling to the ground with exhaustion.
- <sup>42</sup> 'Annual Medical Discharges in the UK Regular Armed Forces' (op cit.), p. 15. Recruits under age 18 are also by definition all in the other two major risk categories for medical discharge: other ranks and untrained personnel: see p. 14. See also a study of British infantry pre-deployment training which found that 59% of soldiers experienced at least one injury, with soldiers aged 17-19 the most affected. D. M. Wilkinson et al. (2011), 'Injuries and injury risk factors among British army infantry soldiers during predeployment training', *Injury Prevention*, 16(6), pp. 381-387. Research in Israel found that the higher rate of injury among younger personnel was likely to be due to their lower bone density relative to adults. C. Milgrom, A. Finestone, N. Shlamkovitch et al. (1994). 'Youth is a risk factor for stress fracture: A study of 783 infantry recruits', *The Journal of Bone and Joint Surgery*, 76-B(1), pp. 20-22.
- <sup>43</sup> 'Training and Exercise deaths in the UK Armed Forces' (op cit.), p. 1.
- <sup>44</sup> *Ibid*, pp. 6-8.
- <sup>45</sup> E.g. UN Committee on the Rights of the Child (2008), Concluding observations on OPAC: United Kingdom and Northern Ireland, para. 27. <<https://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.OPAC.GBR.CO.1.pdf>> 'The Committee encourages that the handling and use of firearms is abolished for all children in line with the spirit of the Optional Protocol.'
- <sup>46</sup> 'Risk assessments produced for under-18 recruits', n.p.; Anna Soubry, 'Military Bases: Security: Written question - 226715', 9 March 2015, <<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-03-09/226715/>>.
- <sup>47</sup> *Raw Recruits* Episode 4 (28/01/19).
- <sup>48</sup> 'Risk assessments produced for under-18 recruits', n.p.
- <sup>49</sup> B. Slaughter (2004), 'Lynn Farr, mother of dead British soldier, speaks to the World Socialist Web Site', *World Socialist Web Site*, <<https://www.wsws.org/en/articles/2004/08/army-a09.html>>. Lynn Farr received a message from another soldier saying that "a few weeks before Daniel [her son] died he had had problems in the gas chamber—he couldn't get his gas mask on properly. The message was that they had to more or less drag Daniel out of the chamber and they were all then made to go on a run straight afterwards". Three similar deaths also involved young recruits dying with chest pains and/or fluid on their lungs (as Daniel Farr had) after runs.
- <sup>50</sup> The Army Foundation College states that "normal working hours are typically 0800hrs – 1800hrs" and training exercises involve working out of hours. 'Supervisory Care Directive', p. 7.
- <sup>51</sup> *Ibid.*, p. 7. E.g. *Raw Recruits* Episode 1 (07/01/19) shows the recruits on a 'field exercise' which involves being outside in cold conditions overnight. Episode 5 (04/02/19) shows another 'tactical exercise' taking place overnight, with recruits not allowed to fall asleep.
- <sup>52</sup> The Working Time Regulations 1998 (SI 1998/1833), Reg. 25(2).
- <sup>53</sup> Ministry of Defence (2019). 'Guidance on the Working Time Regulations – Service Personnel', para. 38. Obtained through Freedom of Information request (FOI2019/05408). <[https://www.whatdotheyknow.com/request/554143/response/1386037/attach/2/20190620%20FOI02317%20Gee%20U18%20Policy%20Response.pdf?cookie\\_passthrough=1](https://www.whatdotheyknow.com/request/554143/response/1386037/attach/2/20190620%20FOI02317%20Gee%20U18%20Policy%20Response.pdf?cookie_passthrough=1)> The exception claimed is the Working Time Regulations (op cit.), Reg. 18(c): 'where characteristics peculiar to certain specific services such as the armed forces or the police, or to certain specific activities in the civil protection services, inevitably conflict with the provisions of these Regulations.'
- <sup>54</sup> Ministry of Defence (2018), 'JSP 822: Defence Direction and Guidance for Training and Education (Part 1: Directive)', p.43
- <sup>55</sup> *Why 18 Matters*, p. 43
- <sup>56</sup> See Liberty (2019), *Military Justice: Second-Rate Justice. Criminal justice, complaints and human rights myths in the armed forces*. <[https://www.libertyhumanrights.org.uk/sites/default/files/LIB%2010%20Military%20Justice%20Report%2020\\_01\\_19.pdf](https://www.libertyhumanrights.org.uk/sites/default/files/LIB%2010%20Military%20Justice%20Report%2020_01_19.pdf)>. The report finds that the complaints system has poor outcomes and is 'not working in the interests of service personnel', particularly for those complaining of bullying, discrimination or harassment. Three out of four complainants report suffering negative consequences as a result of the complaint, with nine out of ten considering leaving the Army altogether (p. 22). The report also strongly criticises the handling of serious sexual crimes in the service justice system, rather than the civilian justice system (pp. 17-19).