

## PE1603/N

Children and Young People's Commissioner Scotland Letter of 13 October 2016

I welcome the opportunity to comment on this petition.

As the Committee may be aware, the 4 UK Children's Commissioners raised the issue of armed forces recruitment of under 18s in their report to the UN Committee on the Rights of the Child in May 2016. In that report, we stated that:

*'The UK Government should end the recruitment of children under the age of 18 into the armed forces and visits of armed forces to schools.'*<sup>1</sup>

The issue was subsequently discussed as part of the UK State Examination by the UN Committee on the Rights of the Child<sup>2</sup> and featured prominently in the Committee's Concluding Observations<sup>3</sup>. The Committee recommended that the UK Government(s):

*"(a) Consider reviewing its position and 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;*

*(b) Reconsider its active policy of recruitment of children into the armed forces and ensure that recruitment practices do not actively target persons under the age of 18 and ensure that military recruiters' access to school be strictly limited;*

*(c) In recruiting persons under the age of 18, strengthen its safeguards required by article 3 of the Optional Protocol, in order to ensure that the recruitment is genuinely voluntary and based on fully informed consent of the recruit and their parents and legal guardians, and ensure that recruitment does not have a discriminatory impact on children of ethnic minorities and low-income families;*

*(d) Ensure that the minimum period of service applied to children who enlist into the army is no longer than that applied to adult recruits."*

The issue of the recruitment of under 18s was also raised in 2008, when the UN Committee on the Rights of the Child examined the UK Government in relation to the Optional Protocol on the Involvement of Children in Armed Conflict<sup>4</sup>. In their Concluding Observations<sup>5</sup>, the Committee made specific reference to the recruitment of under 18s to the UK armed forces.

---

<sup>1</sup> <http://www.cypcs.org.uk/ufiles/UK-Childrens-Commissioners-final-recommendations.pdf>

<sup>2</sup> The State Examination in Geneva provides an opportunity for the UK Government(s) to be held to account for their track record in relation to the UN Convention on the Rights of the Child. Typically, a country will be subject to scrutiny by the Committee every 5-6 years.

<sup>3</sup> Published in June, 2016, the Concluding Observations are a series of recommendations setting out how a country can better progress children's rights. These Concluding Observations are not legally binding. However, they generally form the basis of the country's next State Examination, so where progress has not been made, this will be highlighted by the Committee.

<sup>4</sup> The UK ratified the Optional Protocol on the Involvement of Children in Armed Conflict in 2003.

<sup>5</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPAC%2fGBR%2fCO%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPAC%2fGBR%2fCO%2f1&Lang=en)

*“The Committee notes that, according to the State party’s declaration under article 3 made upon ratification, the minimum age for voluntary recruitment is 16 years and regrets the fact that the State party indicates that there are no plans to change this.*

*The Committee encourages the State party to consider reviewing its position and 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.”*

The UN Committee also referenced the UK Government’s own submission to the Committee, which stated that:

*“in order to compete in an increasingly competitive employment market, the British Armed Forces need to attract young people aged 16 and above into pursuing a career in the armed forces”<sup>6</sup> (State party report (para. 18).*

I believe this confirms that, even where the stated aim of a school visit is careers advice, the end goal of such an interaction is to increase the recruitment of young people.

In my opinion, no child under the age of 18 should be recruited to the UK armed forces, a view that is echoed by the UN Committee on the Rights of the Child in the strongest possible terms. I recognise, however, that decisions relating to recruitment sit within the remit of the Westminster Parliament.

I am pleased that the Committee is considering how these visits impact upon children and young people and is exploring ways in which to better safeguard their rights. I acknowledge that the armed forces can hold a great attraction for some young people, as a means of travelling the world and providing access to training and qualifications that may not be available to them elsewhere. It is vital, however, that these young people know exactly what they are signing up to, and are fully aware of the risks associated with a career in the armed forces.

As has been stated by the petitioners, recruitment to the armed forces is quite different to that for other careers, including other uniformed roles, with whom many parallels have been drawn. It involves a young person entering into a lengthy contract, from which it is difficult for them to withdraw after an initial period. As such, it is something I believe that they should enter into only once they have reached the age of 18.

I recognise, however, that the petition provides an excellent first step towards ensuring that school visits by the armed forces are more closely monitored and regulated. I do not believe that the decision about whether such a visit should take place, and what such a visit should entail, should be left to local discretion. Rather, there should be clear national guidance about the content of such visits and when and where they are to be conducted. I am particularly keen, for example, to ensure that young people living in more deprived areas are not disproportionately targeted by such visits.

---

6

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPAC%2fGBR%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPAC%2fGBR%2f1&Lang=en)

By means of further background, the Committee may also find it helpful to refer to a letter from Child Soldiers International to the Minister of State for the Armed Forces, Penny Mordaunt, MP, of which I was a signatory<sup>7</sup>.

My final point relates to the petitioners' suggestion that 'Parents/guardians are consulted as to whether they are happy for their child to take part in armed forces at school'. I would suggest that children in secondary schools would generally be assumed capable of providing informed consent to activities in their own right, as long as they were provided with balanced information before doing so.

I hope my comments are of help to the Committee. Should you require any further information, please feel free to contact Pauline McIntyre, Parliamentary and Policy Officer via [pauline.mcintyre@cypcs.org.uk](mailto:pauline.mcintyre@cypcs.org.uk).

Yours sincerely

**Tam Baillie**  
**Children and Young People's Commissioner Scotland**

---

<sup>7</sup> <https://www.child-soldiers.org/news/open-letter-to-the-ministry-of-defence>