

Submission to the UN Committee on the Rights of the Child for the adoption of the List of Issues prior to reporting

This submission is made by the Child Rights International Network - CRIN (www.crin.org), October 2020.

1. This submission addresses two issues: the enlistment of children by the United Kingdom armed forces and the impact of the United Kingdom's counter-terrorism policies on the rights of children.

Armed forces recruitment

2. The UK is one of only 16 countries worldwide that continues to enlist children from age 16 into the armed forces.¹ Contrary to the Committee's recommendations, the number of under-18s enlisted annually has been increasing since the UK's last review; in 2019/20 3,260 under-18s were enlisted, the highest number since 2009/10.² Three-quarters of these recruits joined the army, where under-18s make up 26 percent of the intake, with more 16-year-olds recruited than any other age.³

3. Contrary to the Committee's recommendation, children enlisted into the army are still required to serve a minimum term of service up to two years longer than recruits who enlist as adults.⁴ Since 2011, recruits have had the right to leave until they turn 18 (having given up to three months' notice), but individual testimony raises concerns that recruits and their families are not always aware of this right, and that staff have told recruits aged under 18 they cannot leave.⁵

4. From January 2014 to August 2017 recruits and their parents/guardians made a total of 50 formal complaints of violent behaviour by staff at the Army Foundation College (AFC); the main army training institution for recruits aged under 18.⁶ Allegations included assault, ill treatment, and battery.⁷ At least three recruits who made complaints of abuse at AFC have since died by suicide.⁸ This calls into question the compatibility of enlisting children with Article 19 of the Convention.

5. In 2019 the Trades Union Congress – a body representing 48 UK trade unions – expressed concern to the International Labour Organization (ILO) that the military

¹ Romeo Dallaire Child Soldiers Initiative, *Child Soldiers World Index*, 2020. Available at: <http://childsoldiersworldindex.org/minimum-ages>.

² Ministry of Defence, 'Table 9a: Intake to UK Regulars by age', *UK armed forces biannual diversity statistics*, 2020. Available at: <https://www.gov.uk/government/statistics/uk-armed-forces-biannual-diversity-statistics-2020>.

³ *Ibid.* Of 9,490 enlistees into the army's ranks, 2,420 were under the age of 18 (25.5%), 1,350 of whom were 16 years old.

⁴ British army, *Junior Entry Review - Final Report*, 2019, p. 4. Available at: <https://bit.ly/2HjAWDT> [shortened link].

⁵ CRIN conversation with the parent of a recruit aged under 18, 21 August 2020.

⁶ Ministry of Defence, Freedom of Information Request (Ref. FOI2017/07945), 15 September 2017.

⁷ Ministry of Defence, Freedom of Information Request (Ref. FOI2017/09046), 16 October 2017.

⁸ Sean Rayment, 'Tragedy of three young British Army pals who were "driven to suicide"', 1 August 2020. Available at: <https://www.mirror.co.uk/news/uk-news/families-demand-inquiry-after-three-22454028>

employment of children in the UK constitutes ‘hazardous labour’ as defined by Convention 182, because the practice: exposes recruits aged under 18 to psychological and physical stress; exposes them to hazards; and entails difficult working conditions and strict terms of service, with little access to remedies.⁹ The government did not comment on this issue in its own report to the ILO.

6. There has been one review of the policy of recruiting from age 16 since the UK’s last report to the Committee: the army’s 2019 ‘Junior Entry Review’. The Review did not engage with non-governmental stakeholders,¹⁰ and its terms of reference did not include an assessment of the policy’s impact on children’s rights or welfare in their scope.¹¹ The Review suggested the army consider equalising the terms of service with soldiers enlisted as adults, but said the change would ‘need to be considered against the Army’s ability to achieve manning balance’, and no change has yet been announced.¹²

7. We urge the Committee on the Rights of the Child to ask the United Kingdom:

- What consideration has been given to raising the minimum age for armed forces enlistment to 18?
- Why are recruits enlisted as children subject to a minimum term of service up to two years longer than those enlisted as adults, and does the government intend to change this?
- How does it ensure that military recruitment practices are factual, balanced, and make clear the risks and legal obligations that enlistment entails?
- What measures does it take to ensure that recruits aged under 18 are safeguarded from abuse, violence, and harassment in armed forces training?
- Has it made an assessment as to whether the military enlistment of children is compatible with Article 32 of the Convention: the right of children to be protected ‘from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development’?

Children’s rights and counter-terrorism policies

The Prevent Strategy

8. The Prevent Strategy is the part of the United Kingdom’s counter-terrorism strategy focusing on preventing people from joining terrorist groups or supporting terrorism.¹³ The strategy is broad, covering children as well as adults, but 58 percent of people who are

⁹ Trades Union Congress, ‘Annex 3: Armed Forces Recruitment and Convention 182’, *UK Compliance with major ILO Conventions 2019*, 2019. Available at: <https://bit.ly/33ZYiXw> [shortened link].

¹⁰ The only external engagement mentioned in the Review is with the Department for Education and with Ofsted, the schools inspectorate. British army, *Junior Entry Review - Final Report*, 2019, p. 2. Available at: <https://bit.ly/2HjAWDT> [shortened link].

¹¹ The Review’s Terms of Reference stated ‘The aim of the review will be to assess the Army’s Junior Entry policy to ensure it attracts the best young people and continues to maximise the talent of the individual, to the mutual advantage of both the young person and the Army’. *Ibid.*

¹² *Ibid.*, p. 5.

¹³ HM Government, *Prevent Strategy*, 2011. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf.

referred through the programme are under the age of 20¹⁴ and a third of all referrals take place within the education sector.¹⁵

9. Official government statistics no longer show the impact of Prevent on under-18s, but the last figures to do so indicated that 40 percent of children referred through the programme were recorded as Muslim and a quarter were ethnically Asian.¹⁶ Since the most recent census recorded that Muslims and people from Asian ethnic groups accounted for 4.8 percent¹⁷ and 7.5 percent¹⁸ (respectively) of the population of England and Wales, Prevent appears to discriminate against Muslim and Asian children.

10. Research conducted during the operation of the Prevent programme has also illustrated how it has affected children's free expression and freedom of thought, conscience and religion. The policy targets 'non-violent extremist' views as an indicator of risk of being drawn into terrorism, an approach that is widely discredited by reputable scholars.¹⁹ Studies conducted by civil society, which included interviews with affected children, have consistently found that this dimension of the Prevent strategy has led to a significant chilling effect on freedom of expression between teachers and students.²⁰

11. The Prevent policy has also been criticised for its collection and sharing of children's data in a manner that may violate children's right to privacy. In the education context, schools are required to assess the risk of children being drawn into terrorism, and the information that schools collect may be passed on to a Channel Police Practitioner, who in turn can request more information about a child from the full range of professionals working with the child. Options for remedy to correct false information collected during this process are very limited.²¹

¹⁴ Home Office, *Individuals referred to and supported through the Prevent programme, England and Wales, April 2018-March 2019*, 2019, p. 9. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/853646/individuals-referred-supported-prevent-programme-apr2018-mar2019-hosb3219.pdf.

¹⁵ *Ibid.*, p. 1.

¹⁶ Figures obtained and compiled by CRIN through Freedom of Information requests. Breakdown by ethnicity: Asian (37.7%); White (33.0%); Black (5.3%); Mixed (4.0%); Chinese (0.2%); other (7.2%); unknown (11.6%). Reporting period: March 2014 to March 2016.

¹⁷ Muslim Council of Britain, *British Muslims in Numbers: A Demographic, Socio-economic and Health profile of Muslims in Britain drawing on the 2011 Census*, 2015, p. 22. Available at: http://www.mcb.org.uk/wp-content/uploads/2015/02/MCBCensusReport_2015.pdf.

¹⁸ Gov.UK, *Population of England and Wales: Ethnicity facts and figures*, 2018. Available at: <https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/national-and-regional-populations/population-of-england-and-wales/latest>.

¹⁹ See e.g. M Sageman, 'The Stagnation in Terrorism Research', *Terrorism and Political Violence*, 2014, p. 568–9; B W Schuurman and M Taylor, 'Reconsidering Radicalisation: Fanaticism and the link between ideas and violence', *Perspectives on Terrorism*, Vol 12, Issue 1, 2018. Available at: <https://openaccess.leidenuniv.nl/handle/1887/62770>.

²⁰ Open Society Justice Initiative, *Eroding Trust: The UK's Prevent Counter-Extremism Strategy in Health and Education*, 2016, p. 17. Available at: https://www.justiceinitiative.org/uploads/f87bd3ad-50fb-42d0-95a8-54ba85dce818/eroding-trust-2016-1017_0.pdf; Rights Watch UK, *Preventing Education? Human Rights and UK Counter-Terrorism Policy in Schools*, p. 4. Available at: <https://www.statwatch.org/media/documents/news/2016/jul/preventing-education-final-to-print-3.compressed-1.pdf>.

²¹ See Defend Digital Me, *The State of Children's Data 2020*, 2020, p. 54. Available at: <https://defenddigitalme.org/wp-content/uploads/2020/10/The-state-of-data-2020-v2.0.pdf>.

12. The United Kingdom government passed legislation requiring a review of the Prevent policy in 2019,²² but this review has yet to take place.

13. We urge the Committee on the Rights of the Child to ask the United Kingdom:

- How will it ensure that the review of the Prevent programme is fully independent and considers how the policy impacts the rights of children, particularly their rights to privacy, free expression and to non-discrimination?

Children living in displacement camps in Northern Syria

14. An estimated 60 British children are currently held in displacement camps in Northern Syria.²³ The situation for children living in these camps has become increasingly precarious. Save the Children has reported a threefold increase in the mortality rate of children in the al-Hol camp during August 2020 compared to the start of the year.²⁴ Causes of death include heart failure, internal bleeding and severe malnutrition that could have been treated at field hospitals, were they operational.²⁵ An estimated 50 percent of children living in these camps are under the age of five years old.²⁶

15. The United Kingdom has also taken steps to remove the nationality of people who left the United Kingdom to join ISIL while they were under 18 and subsequently sought to return with their children who were born in Syria. The case of Shamima Begum, currently pending before the UK Supreme Court, offers an example. Ms Begum was born in the United Kingdom and a British national by birth. In 2015, while she was aged 15, she left the United Kingdom with two friends and travelled to Syria where she married an ISIL fighter. In February 2019, journalists identified her in al-Hol camp in Northern Syria. By this time, Ms Begum had lost two children while in Syria and was about to give birth to her third. Ms Begum, then aged 19, sought to return to the United Kingdom with her child, but the UK Home Secretary used his powers to deprive her of her nationality, preventing her return. Her third child subsequently died in al-Hol camp, reportedly of pneumonia as a result of the living conditions and the lack of effective medical treatment.²⁷

16. In July 2020, the Court of Appeal ordered that Ms Begum must be allowed to return to the United Kingdom to exercise her right to appeal against the decision to remove her

²² Counter-Terrorism and Border Security Act 2019.

²³ Save the Children, 'More than 60 British Children Trapped in North East Syria', 21 October 2019. Available at:

<https://www.savethechildren.org.uk/news/media-centre/press-releases/More-than-60-British-children-trapped-in-North-East-Syria>.

²⁴ Save the Children, 'Syria: Child Death Rate Triples in Al-Hol Camp as Medical Access Deteriorates', 13 August 2020. Available at:

<https://www.savethechildren.net/news/syria-child-death-rate-triples-al-hol-camp-medical-access-deteriorates>.

²⁵ *Ibid.*

²⁶ Save the Children, 'A Tiny Proportion of Foreign Children in North East Syria Camps Repatriated in 2019', 16 October 2019. Available at:

<https://www.savethechildren.net/news/tiny-proportion-foreign-children-north-east-syria-camps-repatriated-2019>.

²⁷ All the facts cited in this paragraph are drawn from the judgment of the Court of Appeal in *Shamima Begum v. the Special Immigration Appeals Commission* [2020] EWCA Civ 918.

nationality.²⁸ The government has appealed this decision and the case is due to be heard by the Supreme Court in November 2020.²⁹

17. We urge the Committee on the Rights of the Child to ask the United Kingdom:

- What is it doing to ensure that British children are able to return home from displacement camps in Northern Syria and how is it ensuring that these children's rights are respected while they await return?
- How will it ensure that its policies recognise that children recruited by terrorist groups are victims of grave human rights abuses and facilitate these children's recovery and reintegration?
- How will it ensure that it does not render anyone stateless as a result of having been recruited by an armed group while a child?

²⁸ *Ibid.*

²⁹ UK Supreme Court, Case details: R (on the application of Begum) (Respondent) v. Secretary of State for the Home Department (Appellant) Case ID: UKSC 2020/0157. Details available at: <https://www.supremecourt.uk/cases/uksc-2020-0157.html>.