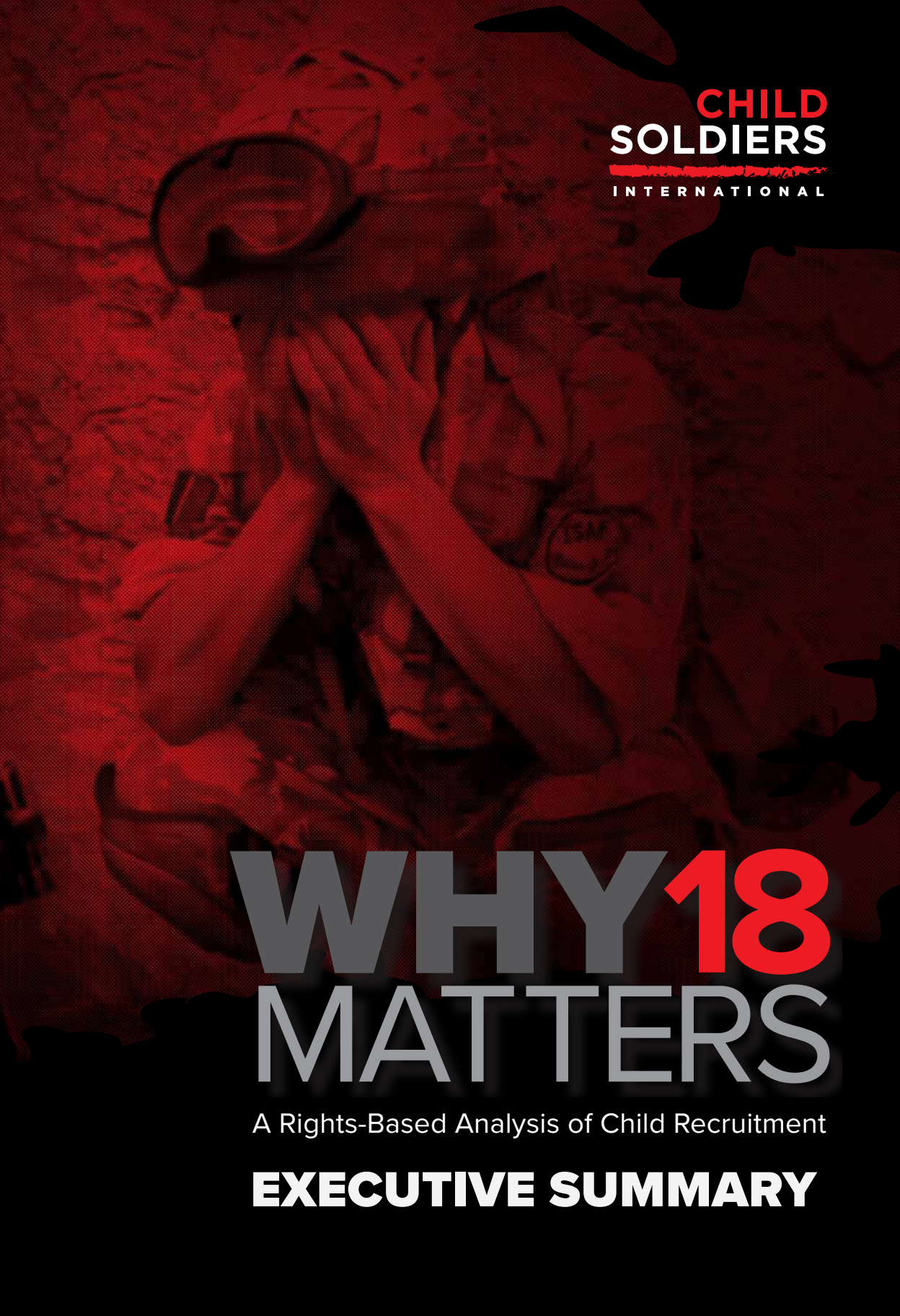

CHILD SOLDIERS INTERNATIONAL

WHY 18 MATTERS

A Rights-Based Analysis of Child Recruitment

EXECUTIVE SUMMARY

‘Clearly one of the most urgent priorities is to remove everyone under 18 years of age from armed forces.’

Graça Machel, Impact of armed conflict on children (2)

EXECUTIVE SUMMARY

THE RECRUITMENT OF CHILDREN BY STATE ARMED FORCES

As of April 2018, more than four-fifths of states worldwide (167 as of April 2018) have now committed in law to ‘take all feasible measures’ not to use children under the age of 18 in armed conflict or any other hostilities. Two-thirds of states with armed forces have further committed to the so-called ‘straight-18’ standard: no recruitment of children for any military purpose. The remainder have yet to reach this standard, continuing to capitalise on the failure of international law to forbid recruiting children from age 16.

States that still allow child recruitment in law tend to be relatively affluent and democratically controlled; they include five of the G7 states, for example. States often suggest that because parental consent is required and child recruits are not usually used in armed conflict, their rights are unaffected. To the contrary, this report shows that the practice causes material harm to children and routinely violates several of their fundamental rights. This report catalogues these violations, drawing on evidence from epidemiological research, official sources, and the testimony of former child recruits.

THE CHILD RECRUIT’S JOURNEY

The journey of a child recruit begins long before they become eligible for military employment, and continues through their enlistment, training, and ultimate discharge from the armed forces:

Targeting Children

Children, particularly those from low-income backgrounds, are targeted for potential recruitment from a young age. Marketing presents military life in glamorous terms, sanitises war as heroic in the child’s imagination, and frequently encourages children to associate military life with action adventure films and videogames. Omitted from recruiters’ marketing are the risks and trauma of war, the harsh conditions of the military environment, and the restrictive legal obligations that follow enlistment. In so misleading children, military marketing is exploitative.

Schools and Youth Organisations

Education settings are a major site for promoting military employment to children below enlistment age. The US army describes schools as the ‘cornerstone’ of its recruitment strategy, for example.[1] In addition, many states subsidise cadet forces and military schools to immerse children in an apparently risk-free simulation of military life and begin to train them there in the techniques of warfare. In several countries, children in military schools are liable for an extended period of military employment after graduation.

The Contract

New child recruits commit themselves to absolute control by the state, accept limitations to fundamental rights, and face markedly increased long-term occupational risks. The contract, which can bind enlistees to serve for a period of years, could not be imposed lawfully on a civilian of any age in most economically developed countries. In restricting freedom and suspending fundamental rights, military terms of service are unambiguously inimical to the best interests of the child.

Adolescent Susceptibility

Neuroscientific research has found that children in mid-adolescence are markedly more likely than adults to make choices based on emotive appeal, and less able to evaluate the long-term consequences. Accordingly, a child in mid-adolescence is less able than an adult to make an informed and responsible choice about enlisting. This developmental susceptibility combines with the underdeveloped literacy of many child applicants and the salesmanship of recruiters to jeopardise a child's legal right to be 'fully informed' of the consequences of enlistment.[2] Each time a child enlists without full comprehension of the risks and obligations that follow, the choice is not 'genuinely voluntary' as required by law.[3]

Parental Involvement

Most armed forces are required by law to obtain the 'informed consent' of parents or guardians before a child can enlist. In practice, the involvement of parents may be only peripheral, the information provided to them aims to persuade rather than inform, and recruiters need only a signed form as evidence that parents fully comprehend the risks their child faces. Parental consent, as a safeguard, assumes unreasonably that parents who have been abusive or neglectful of their child are as capable of defending his or her best interests as those who have been loving and responsible.

Child Conscription

Some states which operate adult conscription systems invite children to begin their compulsory service early. Many children opt for this to limit the impact of conscription on their civilian education and career plans. Since conscription is not 'genuinely voluntary', it ought not to involve children at all.

Training By Coercion

The primary purpose of initial military training is to ensure that child recruits will obey all orders by reflex and without question. It is a coercive process based on sustained psychological and physical stress, harsh discipline including humiliation and physical punishment, and tight restrictions on contact with family and friends. Abuses by instructors are widespread. Research in the US found that the rate of attempted suicide in the 2000s among army recruits (all ages) was four times higher during initial training than during deployment to Iraq or Afghanistan. As such, military training is wholly incompatible with states' legal obligation 'to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation...'.[4]

1. For the full quotation and source, see "Recruiting in Schools," p. 22
2. OPAC art 3.
3. OPAC art 3.
4. CRC art 19.

46 STATES BELIEVED TO BE ENLISTING CHILDREN AS OF APRIL 2018

Afghanistan
Algeria
Australia
Austria
Bangladesh
Belgium
Bolivia
Cabo Verde
Canada
Chile
China
Cuba
Cyprus
Dominican Republic
DPRK
Egypt
El Salvador
Eritrea
France
German
Guinea-Bissau
Guyana
India
Iran
Israel
Mauritania
Mexico
Myanmar, Netherlands
New Zealand
Pakistan
Papua New Guinea
Saint Kitts and Nevis
São Tomé e Príncipe
Singapore
Somalia
South Sudan
Sudan
Syria
Tonga
Trinidad and Tobago
United Arab Emirates
United Kingdom
United States of America
Yemen
Zambia

‘States parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare’

Article 36, Convention on the Rights of the Child

Insubstantial Education

It is common for armed forces to describe training bases as education institutions and argue that child recruits enjoy an ongoing education; for example, the British army’s main training site for child recruits is called the Army Foundation College. Typically, training centres for low-ranking military jobs do not operate to the standards expected of civilian education, basic skills education for child recruits is rudimentary, and the vocational training offered has limited transferable value to the civilian jobs market. These conditions fall short of states’ legal obligation to direct education to ‘the development of the child's personality, talents and mental and physical abilities to their fullest potential’.[5]

The Military Environment

Research in the UK and US has found that bullying, sexual violence, and heavy drinking are substantially more common in the armed forces than elsewhere, and that the youngest personnel (including child recruits) are the most affected. In common with findings from other countries, an investigation into sexual misconduct in the Canadian armed forces noted that relative immaturity is a ‘prominent factor’ in the elevated vulnerability of the youngest recruits, and that various military settings create ‘particular conditions of vulnerability’.[6]

Participation In Hostilities

While most states do not routinely use children in the military theatre, some reserve the right to do so, or may do so in error; the UK and US have sent small numbers of child recruits to Iraq and Afghanistan, for example. Some armed forces post child recruits as armed guards at military sites, with the expectation that they may open fire in the event of an attack. Even when child recruits are not deployed in any way, their uniform could attract an attack from any hostile actor.

Child Trainee Attrition

Child recruits, especially those from economically deprived backgrounds, are more likely than adults to drop out of their training. A third of child recruits to the British army either leave or are dismissed during training, for example, which usually leaves them without work and out of the education system. Extensive research in the US armed forces has found repeatedly that child recruits from poorer backgrounds are more vulnerable to stress and more rebellious, which combine to increase the risk of early attrition. In addition, British research has found that child recruits are significantly more likely than adults to be discharged due to training injury, because their bones and musculature are not yet developed.

QUANTIFYING THE IMPACT OF MILITARY EMPLOYMENT ON CHILD RECRUITS

Research findings, particularly in the last decade, have begun to quantify the effect of military employment on young people, including child recruits. Research in the UK and US has shown that military personnel and veterans are more likely than civilians to experience stress-related mental health problems, drink heavily, and behave violently, and they have poorer general health in later life. The extent of these problems among recruits under the age of 18 is often not directly quantifiable from the data, but the studies examined for this report show repeatedly that younger recruits are most affected. In the UK, for example, the suicide rate among the army’s youngest recruits is substantially higher than both the same age group in the civilian population, and adult recruits.

Although child recruits, who commonly come from deprived backgrounds, often have elevated rates of mental health and behaviour issues before they enlist, the research shows that military employment tends to aggravate these problems. Psychosocial vulnerabilities associated with an adverse childhood appear to combine

‘If I was to have a child that was 15 who wanted to join the army, I wouldn’t let them. I know…the army and what can happen. If they wanted to join at 18 that would be their own option.’

Wayne Sharrocks, British infantry, 2006-2013 (3).

hazardously with the stress of initial training (and often, later, traumatic war experiences) to increase the prevalence of stress-related disorders and violent behaviour. For example, research in the UK and US has found that young people are more likely to commit violent offences after they enlist than before. A popular belief that joining the army prevents anti-social behaviour is not supported by the available research, which points in the other direction.

Another popular assumption is that military employment is an effective route out of poverty for disadvantaged young people, but the long term socioeconomic prospects of enlisted personnel are relatively poor. Research in the US has found that, since the end of the Second World War, veterans have been worse off than non-veterans from similar backgrounds. In the UK, the unemployment rate among infantry veterans – the main role group for child recruits – is substantially higher than that among civilians, including civilians with the lowest level of academic attainment. While some veterans testify that military employment has enhanced their socioeconomic status, the evidence indicates that this is the exception and, more often, that joining the armed forces prematurely disrupts children’s education and career prospects.

CONCLUSION

Now that most states have moved to end the recruitment of children by their armed forces, a global ban is at least foreseeable, if not within reach. It is striking that states which still rely on child recruits to staff their armed forces tend not to be the poorest, but the most prosperous. The reluctance thus far of these powerful states to embrace the straight-18 standard themselves diminishes their credibility when prescribing that same standard elsewhere, and so frustrates efforts across the world to eliminate the use of child soldiers.

On the evidence in this report, the view that child recruits in affluent, democratic states are protected from harm and violations of their rights is widely mistaken. From the misleading marketing, cursory consent arrangements and repressive contract, to the sustained stress of military training, multiple risks of a military environment, and a high rate of attrition, the recruitment of children by state armed forces is conspicuously detrimental. The reality is that the fundamental rights of child recruits are violated repeatedly throughout their engagement with military institutions.

Adult-only armed forces are slowly becoming the norm. While some straight-18 states still rely on adult conscription, most do not, proving that recruiting children is not a strategic necessity, but a policy convenience. Research has shown that all-adult armed forces are more viable: they benefit from recruits who are more mature and resilient, need fewer safeguarding arrangements, are trained more quickly and are less likely to drop out, can be deployed immediately afterwards, and are more financially cost-effective. If they ever used to recruit children, they do not regret that they no longer do so. ■

5. CRC art 29.

6. For full quotation and source, see 'Sexual Violence, Assault and Harassment', p. 37.

WHY 18 MATTERS

1 Socioeconomically deprived children, including in some cases those from ethnic minority or migrant backgrounds, are disproportionately targeted for recruitment.

2 Recruitment marketing misleads children by sanitising warfare in their imagination, glamorising military life, and obscuring its many risks.

3 Young people are more inclined in mid-adolescence than as adults to make choices based on emotive appeal; the ability to weigh a major decision against its long-term consequences is not yet developed.

4 As generally practised, the recruitment of children does not ensure that they are fully informed of the risks and so is not 'genuinely voluntary', as required by law.

5 Parental consent is an inadequate safeguard when the information provided to parents is incomplete or misleading, or where parents themselves have habitually neglected their child's best interests.

6 Restrictions on children's right to leave the armed forces before the age of 18 are incompatible with the legal requirement that their military employment be 'genuinely voluntary'.

7 Military training makes use of harsh discipline including humiliation and physical punishment, in order to secure the unquestioning obedience of recruits and to ensure that they will kill on demand.

8 Bullying and sexual misconduct are substantially more common in military environments than in civilian employment or education. The youngest recruits are at highest risk of victimisation.

9 Alcohol and substance misuse are substantially more common in the military than in civilian environments, including in the younger age group.

10 The military is commonly afforded exemptions from national legislation designed to safeguard the welfare and fundamental rights of children.

11 Military instructors are not normally qualified as teachers or social workers and often have no prior experience of working with vulnerable young people.

12 Research in the UK and US has found that the rate of violent offending by young people increases after military enlistment.

13 Child recruits are more likely than civilians of the same age and background, and more likely than older recruits, to have problems with mental and physical health, and self-harm (including suicide).

14 Education provided to chidren in armed forces training is typically more basic and narrower in focus than mainstream provision in civilian life, limiting the scope for essential academic achievement.

15 Military employment is incompatible with legislation prohibiting minors from hazardous labour ('employment that is likely to jeopardise health, safety or morals').

16 Despite many states' undertakings not to use children in hostilities, some reserve the right to do so. Even when not deployed, as military personnel they may become targets of hostile action.

17 Socioeconomic outcomes for enlisted children tend to be poorer than outcomes for demographically matched peers who did not enlist.

18 Recruitment of children by state armed forces anywhere, even if lawful, weakens protection of children everywhere against their unlawful recruitment and use.

RECOMMENDATIONS

1 All states should avoid targeting armed forces recruitment materials and related matter at children below the age of 18.

2 All states should raise the minimum age for voluntary enlistment into the armed forces to at least 18 years. Recruits' age should be determined by individual birth date, not the year in which the recruit turns 18.

3 All states which practise conscription should ensure, through amending legislation where necessary, that no person can begin military service until after the date of his or her 18th birthday. Exceptions to this rule should be eliminated.

4 All states which allow the armed forces or ministry of defence to operate, or participate in operating, schools for children below the age of 18 should ensure that:

a. Students in such schools are recognised as civilians in law, cannot be mobilised under any circumstances, and are not subject to military law.

b. Students are not obliged to enlist into the military upon graduation.

c. The content of education provided, and the manner in which it is delivered, is consistent with the requirements of Articles 28 and 29 of the CRC. This includes, inter alia, prohibiting physical and other degrading punishments.

5 All states where the armed forces or ministry of defence operate cadet forces for children below the age of 18 should ensure that:

a. Cadets are recognised as civilians in law, cannot be mobilised under any circumstances, and are not subject to military law.

b. Cadets are not obliged to enlist in the armed forces.

c. Cadet force regulations expressly prohibit any form of physical or other degrading treatment or punishment of children participating in cadet activities.

'The question at issue is not the difference between 16, 17 and 18 years of age; the fundamental point is the distinction between children and adults. No child under 18 should be recruited into armed forces, voluntarily or otherwise.'

Mary Robinson, former UN High Commissioner for Human Rights (1)

While the overwhelming majority of states worldwide have accepted the principle that children under the age of 18 should not be used to participate in hostilities, approximately 50 states still recruit children into their armed forces. 'Why 18 Matters' challenges this practice, analysing the military recruitment of children through a child rights based approach and drawing on evidence from epidemiological research, official sources and the testimony of former child recruits.

'Why 18 Matters' highlights the ways in which military training and the military environment are inherently incompatible with many of the rights enshrined in the Convention on the Rights of the Child. The report shows that the military recruitment of children causes them material harm and as currently practiced, violates relevant international legal standards.

In challenging the conceptualisation of child soldiers as an exclusively conflict-related issue, 'Why 18 Matters' advocates for a universal minimum enlistment age of 18 years as the only approach to military recruitment which fully protects the best interests of the child.

Child Soldiers International was founded in 1998 and works to end the recruitment, use and exploitation of children by armed forces and groups. To achieve our goal, we build community resistance to child recruitment and use, uphold and strengthen crucial laws, policies and standards, and increase pressure on key actors to ensure better protection for children.

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