

PE01603/V

Together Scotland Letter of 11 January 2017

1. About Together

Together (Scottish Alliance for Children's Rights) is an alliance of children's charities that works to improve the awareness, understanding and implementation of the UN Convention on the Rights of the Child (UNCRC) in Scotland. We have over 340 members ranging from large international and national nongovernmental organisations (NGOs) through to small volunteer-led after school clubs. Our activities include collating an annual State of Children's Rights report to set out the progress made to implement the UNCRC in Scotland. The most recent report was launched in November 2016 and sets out a number of recommendations to the Scottish and UK Government that should be taken forward to ensure children in Scotland have their rights under the UNCRC respected, protected and fulfilled.¹

2. Introduction

Together welcomes the call from petitioners of 'PE01603: Ensuring greater scrutiny, guidance and consultation on armed forces visits to schools in Scotland' to explore the potential need for guidance for and data collection on armed forces visits to schools in Scotland.

In their 2016 Concluding Observations, the UN Committee on the Rights of the Child (the Committee) raised concerns regarding the minimum age of voluntary recruitment into the UK armed forces, which remains at 16, and the percentage of new recruits which comprise of under 18 year olds.² The Committee also expressed concern at the endorsement by the Army Board to actively increase the recruitment of personnel under 18 years.³ Further, the Committee noted that children from vulnerable groups are 'disproportionately represented' among recruits and briefing materials that are provided to child applicants are not sufficient in explaining the 'risks and obligations' of entering the forces.⁴

In addition to the Concluding Observations, the Committee published General Comment 20 on the Convention of the Rights of the Child in December 2016 which, for the first time, officially called on all states to ensure the minimum age of recruitment into the armed forces was 18.⁵ Despite calls from the UN,⁶ three Children's Commissioners across the UK,⁷ and children's rights groups to raise the minimum age of recruitment, under 18s continue to make up a significant percentage of new recruits to the armed forces. Figures released by the UK Government in October 2016 revealed that, for the year ending September 30th 2016, 16 year olds

¹ Together (Scottish Alliance for Children's Rights) (2016). State of Children's Rights in Scotland. <http://www.togetherscotland.org.uk/pdfs/TogetherReport2016.pdf> [Date accessed: 10/01/2017].

² CRC/C/GBR/CO/5: Para 84.

³ CRC/C/GBR/CO/5: Para 84.

⁴ CRC/C/GBR/CO/5: Para 84.

⁵ CRC/C/GC/20: Para 40.

⁶ CRC/C/GBR/CO/5: Para 85.

⁷ Child Soldiers International (2016). Open letter to Ministry of Defence. <https://www.child-soldiers.org/shop/open-letter-to-the-ministry-of-defence-from-childrens-rights-organisations-1>. [Date accessed: 20/12/2016].

accounted for the single biggest age group entering the army.⁸ The number of 16 year olds recruited has risen in recent years as under 18s are targeted in order to avoid undermanning. Those with experience of working in the armed forces are at increased risk of negative health outcomes such as fatality, PTSD, alcohol misuse and self-harm, and those who enlist at a young age are at particular risk.⁹

Together believes that the minimum age of recruitment should be raised to 18 so that no child is recruited into the armed forces. It is understood, however, that powers relating to this issue do not currently lie with the Scottish Parliament.

Therefore, in recognition of the powers vested to the Scottish Parliament, Together supports the petitioners' calls for increased regulation of these visits through the monitoring of armed forces school visits and the provision of guidance. Together would like to emphasise the need for a children's rights approach to address the issues raised by the petitioners. This should involve consultation with children and young people as well as parents and guardians when considering children's participation in activities facilitated by the armed forces in schools.

3. Key points

To support the consideration of this petition, Together recommends that the Committee commissions a Child Rights Impact Assessment (CRWIA) on armed forces visits to schools in Scotland. This would ensure the systematic consideration of the issues raised by armed forces visits and would enable the Committee to scrutinise the extent to which the Scottish Government's obligations under the UNCRC are being met. It would allow the Committee ensure that its response to the petition takes into account possible steps to promote children's rights, whilst ensuring that any potentially negative impacts for children are taken into account and mitigated. A child rights impact assessment model has been developed by the Scottish Government¹⁰ to support the duties on Ministers to further the UNCRC enshrined in the Children and Young People (Scotland) Act 2014.¹¹ To address the specific points raised by the petitioners:

- **Guidance**

The UK ratified the Optional Protocol to the UNCRC on Children Involved in Armed Conflict (OPAC) in June 2003, accepting the additional obligations in the Optional Protocol as being binding on the UK. OPAC is clear that when a person under the age of 18 is recruited to the armed forces it is necessary for them to provide consent that should be both voluntary and informed.¹² There is evidence to suggest that methods that are currently used by the armed forces during the process of

⁸ Ministry of Defence (2016). UK Armed Forces Biannual Diversity Statistics.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/574734/Biannual_Diversity_Statistics_1_Oct16.pdf. [Date accessed: 11.01.17].

⁹ MEDACT (2016). The Recruitment of Children by the UK Armed Forces. http://s234523623453.medact.org/wp-content/uploads/2016/10/medact_childrecruitment_17-oct_WEB.pdf. [Date accessed: 11.01.17].

¹⁰ See the model available at: <http://www.gov.scot/Topics/People/Young-People/families/rights/child-rights-wellbeing-impact-assessment> [Date accessed: 10.01.17].

¹¹ Children and Young People (Scotland) Act 2014.

<http://www.legislation.gov.uk/asp/2014/8/contents/enacted>. [Date accessed: 10.01.17].

¹² See Article 3(3) OF THE Optional Protocol on the Involvement of Children in Armed Conflict.

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCRC.aspx> [Date accessed: 10.01.17].

recruitment, including during visits to schools, do not offer a realistic representation of an armed forces career. For example, consultations regarding armed forces visits to schools revealed that some children and young people whose school had been visited felt that the presentations often glorified violence and very few presentations offered a perspective of both the positive and negative consequences of a career in the forces.¹³ Resources used by the armed forces for the purposes of recruitment also often omit information regarding conditions of service and the potential risks involved in an armed forces career.¹⁴ This can make it difficult for children and young people to have access to a balanced perspective of what a career in the armed forces is like and how it will affect them. This cannot be seen to be compliant with OPAC.

Further, there are various other factors which should be taken into account when considering the ability of children and young people to provide informed and voluntary consent during recruitment. For example, many army recruits have low educational attainment levels with the Ministry of Defence stating in 2004 that recruits had an average of 0.9 GCSEs.¹⁵ Language that is often used in recruitment resources can be complex which can make them inaccessible to somebody with low literacy skills.¹⁶ This can prevent some under 18s from having the necessary information required make an informed decision about joining the armed forces.

Together therefore supports the view of the petitioners and believes that guidance should be issued regarding visits to schools by armed forces. The guidance should support voluntary and informed consent and should therefore ensure children are provided with unbiased and balanced information during any school visits. This includes a realistic representation of a career in the armed forces such as information regarding the likelihood of injury and possible negative health outcomes, what a career in the forces involves, and how long you are committed to working in the armed forces if you are recruited as a child.

- **Monitoring of Visits**

With regards to the petitioners call for the monitoring of armed forces visits to schools, Together fully supports the collection of data concerning the number and frequency of visits.

Evidence collected by the petitioners shows that, during the period from August 2010 until June 2012, the armed forces made 1455 visits to 303 Scottish secondary schools.¹⁷ Data collected through Freedom of Information requests also suggests there has been a significant increase in the number of visits made to schools since

¹³ Scottish Youth Parliament (2016). Response to PE01603.

http://www.parliament.scot/S5_PublicPetitionsCommittee/Submissions%202016/PE160320161021ScottishYouthParliamentLetterof21October2016.pdf. [Date accessed: 11.01.17].

¹⁴ MEDACT (2016). The Recruitment of Children by the UK Armed Forces. http://s234523623453.medact.org/wp-content/uploads/2016/10/medact_childrecruitment_17-oct_WEB.pdf. [Date accessed: 11.01.17].

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Scottish Parliament (2016). PE01603: Ensuring greater scrutiny, guidance and consultation on armed forces visits to schools in Scotland. <http://www.parliament.scot/GettingInvolved/Petitions/armedforcesvisitschools>. [Date accessed: 11.01.17].

2003.¹⁸ Concerns have been raised regarding the disproportionate number of visits made to schools in areas of higher deprivation and potential targeting of children from disadvantaged backgrounds by the armed forces.¹⁹

Collection of information regarding visits to schools by the armed forces will provide accurate data that will establish how often schools are being visited and whether there is a direct relationship between the number of visits made to a school and level of deprivation. This data must be published publicly and presented to Parliament in order to allow for scrutiny. Further, Together believes that, owing to the available evidence which suggests a potential link between level of deprivation and number of school visits, data that is collected should be disaggregated by number and location of visits into SIMD quintile. Together understands that concerns have been raised by some local authorities regarding their capacity to collect data relating to armed forces school visits and therefore suggests that research is conducted to assess the scope of the Armed Force's capacity to undertake the monitoring of visits.

Together endorses the petitioners' calls for data collection on visits to schools by the armed forces and recommends that data is published publicly and presented to Parliament. Data should also be disaggregated by number and location of visits into SIMD quintile.

- **Consultation with parents/guardians**

Together affirms that any consultation that takes place regarding armed forces visits to schools must include children and young people as well as parents and guardians to ensure guidelines are kept in line with article 12 of the UNCRC.

Article 12 states that:

“States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child”.²⁰

The decision-making capacity of each child should therefore be taken into account during the consultation process and those children under the age of 18 who are considered to be of sufficient age and maturity to form and communicate their own views should be able to decide for themselves whether or not they wish to participate in armed forces visits to their schools.

¹⁸ Ibid.

¹⁹ Scottish Parliament (2016). PE01603: Ensuring greater scrutiny, guidance and consultation on armed forces visits to schools in Scotland. <http://www.parliament.scot/GettingInvolved/Petitions/armedforcesvisitschools>. [Date accessed: 11.01.17].

²⁰ UN Convention on the Rights of the Child, Article 12.

Children and young people also reaffirmed this view as 23 of 45 consulted believed that, in the case of armed forces visits to schools, children and young people should be able to decide on their participation in these activities themselves.²¹

Together recommends that, in line with the rights set out in the UNCRC, children with the capacity to make informed decisions are given the opportunity to decide whether or not they wish to take part in armed forces visits to their schools.

5. Conclusion

Together supports the petition to ensure greater scrutiny, guidance and consultation on armed forces visits to schools in Scotland. In light of the information collected by the petitioners, we welcome the move to strengthen regulation on the number and location of armed forces visits to schools as well as the content of presentations and resources. Together recommends that the participation of children and young people in decision-making is fully considered by petitioners and Scottish Parliament in order to ensure all rights of children are met.

²¹ Scottish Youth Parliament (2016). Response to PE01603. http://www.parliament.scot/S5_PublicPetitionsCommittee/Submissions%202016/PE160320161021ScottishYouthParliamentLetterof21October2016.pdf. [Date accessed: 11.01.17].