

Report for the 41st session of the Human Rights Council Universal Periodic Review in November 2022, submitted by [Child Rights International Network](#) (CRIN)<sup>1</sup>, March 2022

## National security and children's rights in the United Kingdom

**Key words:** armed forces recruitment of children, CRC-OPAC, children's right to be protected from hazardous work, repatriations from North East Syria, counter-terrorism and human rights, children's right to non-discrimination.

1. This report addresses three issues related to UK national security laws and policy which especially impact children and raise serious human rights concerns: (i) the recruitment of children from age 16 by the British armed forces, (ii) the failure to put an end to detention and secure the repatriation of British children in North East Syria, and (iii) the counter-terrorism prevention strategy, Prevent.

2. We urge that States make recommendations to the UK to mitigate the impact of these issues on children's rights and, in particular, to raise the minimum age for armed forces enlistment to 18, to ensure the repatriation and reintegration of British children detained in North East Syria, and to revoke the Prevent strategy in its current form.

### The recruitment of children by the UK armed forces infringes their human rights

3. The UK enlists armed forces personnel from age 16.

4. In 2020–21, the UK enlisted 3,260 children aged under 18.<sup>2</sup> 7 in 10 of these recruits joined the army, making up a quarter of its intake; more soldiers are recruited at 16 than any other age.<sup>3</sup> Army recruits aged under 18 have a 'tendency to live in poorer areas',<sup>4</sup> and are sought 'particularly for the Infantry';<sup>5</sup> the lower-skilled, higher-risk jobs.<sup>6</sup>

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<sup>1</sup> Child Rights International Network (CRIN) is a creative think tank that produces new and dynamic perspectives on human rights issues, with a focus on children's rights. We press for rights - not charity - and campaign for a genuine shift in how governments and societies view and treat children.

<sup>2</sup> Ministry of Defence (MoD), *Biannual diversity statistics*, 2021. Available at: <https://www.gov.uk/government/statistics/uk-armed-forces-biannual-diversity-statistics-2021>.

<sup>3</sup> On average, in the last five years to 2020–21, more new enlistees have been 16 than any other age. MoD, *Biannual diversity statistics*, 2021.

<sup>4</sup> British army, *Junior Entry Review – Final Report*, 2019, p. 2. Available at: <https://tinyurl.com/rg33o8t>. See also C Cooper and D Gee, *Youngest British army recruits come disproportionately from England's most deprived constituencies*, 2019. Available at: <https://tinyurl.com/yx8osqhz>.

<sup>5</sup> MoD, *Policy on recruiting Under-18s (U18)*, 2013, obtained under the Freedom of Information Act, Ref. FOI2015/00618, 12 February 2015, p. 2. Available at: <https://tinyurl.com/wzos8xw>.

<sup>6</sup> Official sources show that the British infantry's rate of fatality and serious injury in Afghanistan was seven times higher than the rest of the armed forces. See D Gee, *The last ambush? Aspects of mental health in the British armed forces*, 2013, p. 58. Available at: [https://www.forceswatch.net/sites/default/files/The\\_Last\\_Ambush\\_web.pdf](https://www.forceswatch.net/sites/default/files/The_Last_Ambush_web.pdf).

<sup>7</sup> Committee on the Rights of the Child, *Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*, CRC/C/GBR/CO/5, 2016, paras. 84-85. Available at: <https://bit.ly/2Qx1zE5>.

5. The UN Committee on the Rights of the Child,<sup>7</sup> the UK Parliament's Human Rights committee,<sup>8</sup> and the Children's Commissioners of each of the four UK jurisdictions<sup>9</sup> have recommended the minimum age for enlistment be raised to 18.

6. The UK maintains the wide scope of its interpretative declaration on Article 1 of the Optional Protocol on the involvement of children in armed conflict, which may permit the deployment of children to areas of hostilities and their involvement in hostilities under certain circumstances.<sup>10</sup>

### *Enlistment obligations*

7. Military enlistment suspends the right to free speech, the right of freedom of association, the right not to perform compulsory labour, and the right of minors to be tried for alleged offences in the juvenile justice system.<sup>11</sup>

8. Military enlistment imposes legally binding obligations. Child recruits have no right to leave the armed forces during the first six weeks, after which a 14-day notice period applies. After the first six months, a three-month notice period applies until the age of 18, at which point the discharge window closes until the age of 22.<sup>12</sup>

9. In the army, once the initial discharge window closes, the minimum period of service applied to enlisted children is up to two years longer than that applied to enlisted adults. Specifically, whereas soldiers who enlist as adults and serve for four years may leave the army, those enlisted as children who serve for four years cannot; they become eligible to leave only once they turn 22.

### *Parental consent*

10. Recruiters are not required to meet directly with parents prior to a child's enlistment.<sup>13</sup>

11. In cases where parents are separated, the consent of only one parent/guardian is required.

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<sup>7</sup> Committee on the Rights of the Child, *Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*, CRC/C/GBR/CO/5, 2016, paras. 84-85. Available at: <https://bit.ly/2Qx1zE5>.

<sup>8</sup> Joint Committee on Human Rights, *Children's rights (Twenty-fifth Report of Session 2008-09)*, 2009.

<sup>9</sup> UK Children's Commissioners, *Report of the Children's Commissioners of the United Kingdom of Great Britain and Northern Ireland to the United Nations Committee on the Rights of the Child*, 2020. Available at: <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/12/cco-uncrc-report.pdf>.

<sup>10</sup> Declarations and reservations to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict can be found at the UN Treaty Collection on: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11-b&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&clang=en).

<sup>11</sup> Child Soldiers International, *Out of step, out of time: Recruitment of minors by the British armed forces*, 2015, paras. 78-80; 87-89. Available at: [https://static1.squarespace.com/static/5afadb22e17ba3eddf90c02f/t/5daf169f4a8dfe6ed0fff2b4/1571755684877/Out\\_of\\_step\\_out\\_of\\_time\\_Recruitment\\_of\\_minors\\_by\\_the\\_British\\_armed\\_forces.pdf](https://static1.squarespace.com/static/5afadb22e17ba3eddf90c02f/t/5daf169f4a8dfe6ed0fff2b4/1571755684877/Out_of_step_out_of_time_Recruitment_of_minors_by_the_British_armed_forces.pdf).

<sup>12</sup> The Army Terms of Service Regulations 2007, no. 3382 (as amended, 2008, no. 1849); The Armed Forces (Terms of Service) (Amendment) Regulations 2011, no. 1523.

<sup>13</sup> MoD, *Armed Forces: Young People - Written question - 223161*, 3 February 2015. Available at: <https://bit.ly/2FntPHW>; MoD, *Armed Forces: Young People - Written question - 227584*, 16 March 2015. Available at: <https://bit.ly/2VQgHQO>. Information obtained under the Freedom of Information Act, 20 May 2015, Ref. FOI2015/04176. Available at: <https://tinyurl.com/rrws7j2>.

12. Parents have no right to withdraw their consent after their child has been enlisted.

### *Impact on children*

13. The prolonged stress of basic soldier training, which the British army describes as 'intense',<sup>14</sup> is incompatible with article 32 of the Convention on the Rights of the Child, which recognises the right of the child to be protected from work likely to be hazardous or harmful. Initial training also meets the definition of 'hazardous work' in the Worst Forms of Child Labour Convention (no. 182).<sup>15</sup>

14. 30% of child recruits in the army drop out of training.<sup>16</sup>

15. Research by Glasgow University, published in 2021, compared long-term mental health outcomes of child recruits and same-age civilians. The study found that child recruits enlisted from around 1995 had between two and three times the odds of long-term posttraumatic stress disorder compared to civilians from similar social backgrounds.<sup>17</sup> Similar research by King's College, London, also published in 2021, found that, since 2003, soldiers recruited aged 16–17½ have had 'twice the odds of alcohol misuse and twice the odds of reporting episodes of lifetime self-harm' relative to those recruited at older ages.<sup>18</sup>

16. The main army training centre for child recruits is subject to multiple allegations of abuse by its staff; 60 formal complaints of violence by instructors against recruits have been recorded since 2014.<sup>19</sup>

17. Between 2015 and 2020, girls under 18 in the armed forces made 41 formal complaints of sexual assault or rape to the police. This equivalent to a rate of 2.5%,<sup>20</sup> double that found among civilian girls of the same age.<sup>21</sup>

18. In light of the above, we urge States to recommend that the United Kingdom:

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<sup>14</sup> British army, *Army Foundation College Commanding Officer's Supervisory Care and Safeguarding Directive Risk Assessment*, 2018, point 2.1. Information obtained under the Freedom of Information Act, ref. FOI2019/05572, 10 June 2019.

<sup>15</sup> See CRIN, *Annex 3: Armed Forces Recruitment and Convention 182*, 2019. Available at: <https://tinyurl.com/vry9n2h>.

<sup>16</sup> MoD, *Biannual diversity statistics*, 2021; Ministerial answer to Parliamentary Question no. 103588, 14 October 2020. Available at: <https://questions-statements.parliament.uk/written-questions/detail/2020-10-14/103588>.

<sup>17</sup> B P Bergman, D F Mackay, N T Fear, and J P Pell, *Age at entry to UK military service and long-term mental health*, BMJ Military Health, 2021. Available at: <https://militaryhealth.bmj.com/content/early/2021/04/08/bmjilitary-2021-001786>.

<sup>18</sup> M Jones, N Jones, H Burdett, et al., *Do Junior Entrants to the UK Armed Forces have worse outcomes than Standard Entrants?*, BMJ Military Health, 2021. Available at: <https://militaryhealth.bmj.com/content/early/2021/04/08/bmjilitary-2021-001787>.

<sup>19</sup> MoD, Parliamentary Question no. 109376, 30 October 2020. Available at: <https://questions-statements.parliament.uk/written-questions/detail/2020-10-30/109376>.

<sup>20</sup> Information obtained under the Freedom of Information Act, ref. FOI2021/09403, 21 September 2021; MoD, *UK armed forces biannual diversity statistics: 2021*, 2021. Available at: <https://www.gov.uk/government/statistics/uk-armed-forces-biannual-diversity-statistics-2021>.

<sup>21</sup> ONS, *Dataset: Sexual offences prevalence and victim characteristics, England and Wales (2019-20)*, 2020. Available at: <https://tinyurl.com/ons-sexual-offences-2019-20>. ONS, *Population estimates for the UK, England and Wales, Scotland and Northern Ireland: mid-2020*, 2020, Figure 8, 2019, England and Wales only. Available at: <https://tinyurl.com/ons-pop-2019>.

- a. Accept the recommendations made by the Committee on the Rights of the Child in full, including the recommendation to review the minimum age for enlistment and raise it to 18.<sup>22</sup>
- b. Remove its interpretative declaration on article 1 of the Optional Protocol on the involvement of children in armed conflict to ensure that enlisted children cannot be deployed to hostilities in any circumstances.
- c. Ensure that children serving in the armed forces in conflict with the law, irrespective of its military or civil nature, are always dealt with within the civilian juvenile justice system.

## **The United Kingdom is failing British children detained in North East Syria**

19. An estimated 60 British children<sup>23</sup>, amongst whom approximately 15 are five years old or younger<sup>24</sup>, are detained in camps in North East Syria, experiencing extreme levels of ‘violence, hardship, deprivation and trauma’<sup>25</sup> in conditions which ‘meet the threshold for torture, inhuman and degrading treatment under international law’.<sup>26</sup> They are ‘dying regularly from preventable and treatable causes, including malnutrition, pneumonia, dehydration and tent fires’, are ‘killed, sexually abused [or go] missing’, and are sometimes ‘placed in solitary confinement with their mothers’, or ‘left alone in the tents [to survive on their own]’.<sup>27</sup>

20. Against this background, and despite ‘[t]he UK’s capacity to conduct repatriations’, the UK has adopted a ‘blanket policy to refuse’ repatriations of children unless they are unaccompanied or orphans.<sup>28</sup>

21. Part of the UK’s response to detained Britons in North East Syria has also involved citizenship deprivation, including depriving people who had been trafficked to Syria as children of their British citizenship.<sup>29</sup> Children may have also been ‘rendered [...] effectively

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<sup>22</sup> Committee on the Rights of the Child, *Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*, CRC/C/GBR/CO/5, 2016, paras. 84-85.

<sup>23</sup> Save the Children International, *When am I Going to Start to Live? The urgent need to repatriate foreign children trapped in Al Hol and Roj Camps*, 2021, p. 22. Available at:

[https://resourcecentre.savethechildren.net/pdf/when\\_am\\_i\\_going\\_to\\_start\\_to\\_live\\_final\\_0.pdf](https://resourcecentre.savethechildren.net/pdf/when_am_i_going_to_start_to_live_final_0.pdf)

<sup>24</sup> All-Party Parliamentary Group (APPG) on Trafficked Britons in Syria, *Report of the Inquiry by the APPG on Trafficked Britons in Syria*, 2022, p. 13. Available at: <https://appgtraffickedbritons.org/wp-content/uploads/2022/03/Report-of-the-Inquiry-by-the-APPG-on-Trafficked-Britons-in-Syria.pdf>.

<sup>25</sup> Save the Children International, *When am I Going to Start to Live? The urgent need to repatriate foreign children trapped in Al Hol and Roj Camps*, 2021, p. 3.

<sup>26</sup> United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, *Position of the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on the human rights of adolescents/juveniles being detained in North-East Syria*, 2021, p. 3. Available at: [https://www.ohchr.org/Documents/Issues/Terrorism/SR/UNSRCT\\_Position\\_human-rights-of-boys-adolescents-2021\\_final.pdf](https://www.ohchr.org/Documents/Issues/Terrorism/SR/UNSRCT_Position_human-rights-of-boys-adolescents-2021_final.pdf).

<sup>27</sup> Rights and Security International, *Europe’s Guantanamo: The indefinite detention of European women and children in North East Syria*, 2020, p. 55. Available at:

[https://www.rightsandsecurity.org/assets/downloads/Europes-guantanamo-THE\\_REPORT.pdf](https://www.rightsandsecurity.org/assets/downloads/Europes-guantanamo-THE_REPORT.pdf)

<sup>28</sup> All-Party Parliamentary Group (APPG) on Trafficked Britons in Syria, *Report of the Inquiry by the APPG on Trafficked Britons in Syria*, 2022, pp. 22, 34.

<sup>29</sup> Reprieve, *Trafficked to ISIS: British families detained in Syria after being trafficked to Islamic State*, 2021, p. 41. Available at: <https://reprieve.org/uk/2021/04/30/trafficked-to-syria/>.

stateless', as the Home Secretary has deprived pregnant women from British citizenship.<sup>30</sup>

22. The prolonged detention of British children in camps engages the UK's obligations under the Convention on the Rights of the Child, to which it is a party.<sup>31</sup> In similar cases, the Committee on the Rights of the Child has found that the prolonged detention of children in North East Syria amounts to 'inhuman, cruel or degrading treatment',<sup>32</sup> and that a State's failure to undertake repatriations amounts to an unlawful violation of children's rights.<sup>33</sup>

23. Furthermore, the UK's approach to children's repatriations is in conflict with the prohibition on discrimination on account of the status of children's parents.<sup>34</sup>

24. The UK is failing to uphold its international human rights commitments in relation to British children detained in North East Syria, who fall under its jurisdiction.<sup>35</sup> The prolonged conditions of detentions and the failure to secure repatriations amount to breaches of international human rights law.<sup>36</sup> In light of this, we urge States to recommend that the United Kingdom:

- a. Take positive and urgent measures, acting in good faith and in accordance with international human rights law, to effect the repatriation of British children detained in North East Syria.
- b. Support the reintegration and resettlement of each repatriated or resettled child.
- c. Take measures to mitigate the risks to the lives, survival and development of British children detained in North East Syria while they remain there.

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<sup>30</sup> All-Party Parliamentary Group (APPG) on Trafficked Britons in Syria, *Report of the Inquiry by the APPG on Trafficked Britons in Syria*, 2022, p. 37.

<sup>31</sup> The list of States parties to the Convention on the Rights of the Child is available at the UN Treaty Office at:

[https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-11&chapter=4&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&clang=en).

<sup>32</sup> Committee on the Rights of the Child, *F.B. and others v. France*, Communications nos. 77/2019, 79/2019 and 109/2019 (CRC/C/89/D/77/2019; CRC/C/89/D/79/2019; CRC/C/89/D/109/2019), Decision on the merits of 8 February 2022, para. 6.8. Available at:

[https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/FRA/CRC\\_C\\_89\\_D\\_77-79-109-2019\\_33552\\_F.pdf](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/FRA/CRC_C_89_D_77-79-109-2019_33552_F.pdf) [in French].

<sup>33</sup> Committee on the Rights of the Child, *F.B. and others v. France*, Communications nos. 77/2019, 79/2019 and 109/2019 (CRC/C/89/D/77/2019; CRC/C/89/D/79/2019; CRC/C/89/D/109/2019), Decision on the merits of 8 February 2022, para. 6.11.

<sup>34</sup> Convention on the Rights of the Child, Article 2; CRIN, *Written evidence to the APPG's inquiry into trafficked Britons in Syria*, 2021, paras. 6-13. Available at:

[https://static1.squarespace.com/static/5afadb22e17ba3eddf90c02f/t/62054e1682b038729d1f990b/1644514838859/2021\\_11\\_01\\_SPS-CRIN-Submission-APPG.pdf](https://static1.squarespace.com/static/5afadb22e17ba3eddf90c02f/t/62054e1682b038729d1f990b/1644514838859/2021_11_01_SPS-CRIN-Submission-APPG.pdf).

<sup>35</sup> Cf. Committee on the Rights of the Child, *L.H. and others v. France*, Communications nos. 79/2019 and 109/2019 (CRC/C/85/D/79/2019–CRC/C/85/D/109/2019), Decision on admissibility of 30 September 2020, paras. 9.6-7,10. Available at: [https://www.ejiltalk.org/wp-content/uploads/2020/12/CRC\\_C\\_85\\_D\\_79\\_2019\\_E-1.pdf](https://www.ejiltalk.org/wp-content/uploads/2020/12/CRC_C_85_D_79_2019_E-1.pdf).

<sup>36</sup> Cf. Committee on the Rights of the Child, *F.B. and others v. France*, Communications nos. 77/2019, 79/2019 and 109/2019 (CRC/C/89/D/77/2019; CRC/C/89/D/79/2019; CRC/C/89/D/109/2019), Decision on the merits of 8 February 2022.



- d. Ensure that no child detained in North East Syria is deprived, in law or in practice, from British citizenship.<sup>37</sup>

### The United Kingdom's Prevent strategy undermines children's rights

25. The Prevent strategy is the counter-extremism strand of the UK's counter-terrorism policy. It aims at stopping people from 'becoming terrorists or supporting terrorism'<sup>38</sup> by placing a legal duty on a number of public bodies to 'have due regard to the need to prevent people from being drawn into terrorism'.<sup>39</sup>

26. In its last UPR review, the UK supported a '[r]eview [of] counter-terrorism measures which target individuals or groups based on race, ethnic background or religion, including Muslims or Muslim communities'.<sup>40</sup> However, the UK missed - for the third time - the deadline for Prevent's review on 31 December 2021.<sup>41</sup> Not only has civil society raised concerns about the independence of the most recent appointed reviewer on account of his past Islamophobic remarks,<sup>42</sup> but also the review is still awaiting publication at the time of writing.

27. Since its inception, this policy has raised concerns over its potential discriminatory and stigmatising impact.<sup>43</sup> The Prevent strategy has disproportionately targeted children who are Muslim, of Asian ethnicity, or who have mental health needs, and undermines children's rights to non-discrimination, to privacy, and to freedom of expression, religion and assembly.<sup>44</sup> Prevent also fails to effectively safeguard children from being groomed and

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<sup>37</sup> CRIN et al., *Bringing Children Home: A children's rights approach to returning from ISIL*, 2020, pp. 3-4. Available at: <https://static1.squarespace.com/static/5afadb22e17ba3eddf90c02f/t/5e2eff4dd8d299147ca07280/1580138318883/Child+Returnees+Position+Paper+%28Final+Janv.+2020%29.pdf>.

<sup>38</sup> HM Government, *CONTEST: The United Kingdom's Strategy for Countering Terrorism*, 2018, p. 8. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/716907/140618\\_CCS207\\_CCS0218929798-1\\_CONTEST\\_3.0\\_WEB.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/716907/140618_CCS207_CCS0218929798-1_CONTEST_3.0_WEB.pdf).

<sup>39</sup> Counter-Terrorism and Security Act 2015, Section 26. Available at: <https://www.legislation.gov.uk/ukpga/2015/6/section/26>.

<sup>40</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review. United Kingdom of Great Britain and Northern Ireland*, A/HRC/36/9, 2017, para. 134.128. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/192/15/PDF/G1719215.pdf?OpenElement>. Human Rights Council, *Report of the Working Group on the Universal Periodic Review. United Kingdom of Great Britain and Northern Ireland. Addendum. Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, A/HRC/36/9/Add.1, 2017, p. 3. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/261/95/PDF/G1726195.pdf?OpenElement>.

<sup>41</sup> 'Review of Prevent counter-extremism programme misses deadline – almost three years after it began', *The Independent*, 24 December 2021. Available at: <https://www.independent.co.uk/news/uk/home-news/preventreview-shawcross-delay-extremism-b1981654.html>.

<sup>42</sup> CRIN, *Preventing Safeguarding: The Prevent strategy and children's rights*, 2022, pp. 34-5. Available at: <https://static1.squarespace.com/static/5afadb22e17ba3eddf90c02f/t/62385835c6d6f61c4977be26/1647859768092/Preventing+Safeguarding+March+2022+CRIN.pdf>.

<sup>43</sup> Committee on the Rights of the Child, *Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*, CRC/C/GBR/CO/5, 2016, para. 22(b).

<sup>44</sup> CRIN, *Preventing Safeguarding: The Prevent strategy and children's rights*, 2022, p. 53.

recruited by non-state armed groups.<sup>45</sup> These findings are particularly worrying, as at least 17,818 children in the UK have been referred to Prevent since 2015.<sup>46</sup>

28. The UK's counter-terrorism prevention strategy is inherently discriminatory, undermines children's rights and fails to effectively safeguard children. In light of this we urge States to recommend that the United Kingdom:

- a. Revoke the Prevent strategy and replace it with prevention policies which are in accordance with international human rights law and do not target individuals or groups based on race, ethnic background or religion, including Muslims or Muslim communities.
- b. Adopt prevention policies which place the safeguarding of children at their centre and do not impair children's best interests and development.

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<sup>45</sup> CRIN, *Preventing Safeguarding: The Prevent strategy and children's rights*, 2022, pp. 26-30.

<sup>46</sup> CRIN, *Preventing Safeguarding: The Prevent strategy and children's rights*, 2022, p. 13.