

Submission prior to the combined fifth and sixth periodic reports of Germany on the Convention on the Rights of the Child

## Military enlistment of children by state armed forces

### Introduction

This submission has been prepared by the Child Rights International Network in support of the Committee's examination of Germany's State Party Report.

The submission is focused on the recruitment of children by the State Party for military purposes.

### Background

Following extensive ratification globally of the Optional Protocol on the involvement of children in armed conflict since 2002, approximately three-quarters of states worldwide now allow only adults aged 18 and above to be recruited into state armed forces.

The *General Comment on adolescence on the implementation of the rights of the child during adolescence* (2016) records the Committee's 'deep concern' that adolescent children continue to be recruited into state armed forces (para 81) and specifies that the minimum age for entry should be 18 (para 40).

In response to State Parties that continue to allow the military recruitment of children, the general practice of the Committee has been to include in its Concluding Observations a recommendation that the minimum age for entry into the armed forces be 18.

### Country situation

The German armed forces (Bundeswehr) are around 174,000 personnel strong.<sup>1</sup> Enlistment is permissible **from age 17**. Approximately **1,100 new recruits** were this age in 2020.<sup>2</sup>

Child recruits are not permitted to break their contract after the six-month point and face legal sanction if they do so, irrespective of their age at the time.<sup>3</sup>

In its Concluding Observations on the State Party's previous report, the Committee recommended that Germany raise the minimum age of enlistment to 18. The State Party has replied that it believes recruitment of children aged 17 complies with its human rights obligations.<sup>4</sup>

We refer the Committee to the submission from Kindernothilfe and Terre des Hommes, which presents evidence showing that underage recruits are frequently subject to abuse, including sexual abuse, by their peers and superiors in the Bundeswehr, and that a high proportion drop out of their training or are dismissed.<sup>5</sup>

On this evidence, the State Party is failing to meet its Convention obligations under Article 3 (the best interests of children as a primary consideration); Article 10 (protection from violence); Article 24 (highest standards of health); Article 32 (protection from exploitation); and Article 34 (protection from sexual abuse).

## Recommendations

We suggest that the Committee recommend:

1. **The State Party raise the minimum age for enlistment to 18 to safeguard children from the harms associated with military training and work, and to establish a higher legal standard overall;**
2. **The State Party allow child recruits an unfettered right to leave the armed forces at will; and**
3. **The State Party publish data on the number of formal complaints by child recruits or their parents of bullying and sexual abuse.**

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<sup>1</sup> Statista, 'Number of soldiers in the German Federal Armed Forces as of October 2021, by type of service', 2022, <https://www.statista.com/statistics/1279826/soldier-numbers-german-federal-armed-forces-type-of-service>.

<sup>2</sup> Anlage zu Parl Sts bei der Bundesministerin der Verteidigung Dr. Tauber 1980034-V267 [in German]. 1 February 2021, [https://unter18nie.de/wordpress/wp-content/uploads/2021/09/Antw\\_Verteidigungsmin\\_zu\\_SexGewalt\\_Suizide\\_Abbrecher\\_PsychProbleme\\_ua\\_bei\\_minderjaehrigen\\_BWSoldat.pdf](https://unter18nie.de/wordpress/wp-content/uploads/2021/09/Antw_Verteidigungsmin_zu_SexGewalt_Suizide_Abbrecher_PsychProbleme_ua_bei_minderjaehrigen_BWSoldat.pdf).

<sup>3</sup> Michael Krennerich, *Child soldiers: Shadow report 2020*, 2020, [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/DEU/INT\\_CRC\\_NGO\\_DEU\\_44158\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/DEU/INT_CRC_NGO_DEU_44158_E.pdf), p. 18.

<sup>4</sup> Germany State Party report and Reply to the List of Issues.

<sup>5</sup> Krennerich, 2020, op cit.