

A young girl with dark hair and a brown cardigan stands in front of a tent. The tent has a large Union Jack flag on it. She has a serious, slightly distressed expression. The background is a light-colored tent fabric with a large red, white, and blue Union Jack flag. The lighting is bright, casting shadows on the tent.

# **BEING A 'FORCE FOR GOOD'**

**How the UK government can better  
protect children in armed conflict**

**WAR**  
child



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# EXECUTIVE SUMMARY

In 2019 the United Nations recorded 25,000 “grave rights violations” against children in armed conflicts around the world. From killing, maiming, abduction and sexual violence, to recruitment into armed groups and military strikes on schools and hospitals, children living in conflict zones are coming under attack on a shocking scale.

Every one of these incidents represents a girl or a boy who has been unnecessarily harmed and whose future has been damaged or destroyed by parties to armed conflict and their backers. Armed forces and armed groups are required by international humanitarian law to take measures to protect civilians, including children who are particularly vulnerable during times of war. Global efforts to ensure compliance with international humanitarian law to protect children in armed conflict have never been more necessary and, despite the odds, they are demonstrably helping to achieve this. Protecting and reinforcing the international rules-based system is essential for building international peace and security and for getting hard won development gains back on track after their decimation by the Covid-19 pandemic, which has created more fertile conditions for conflict.

## DOING GOOD, BUT COULD DO BETTER

The UK is a strong proponent of the international rules-based system. As it finalises its exit from the European Union with the “Global Britain” strategy at its centre, the government has set out a vision in which the UK will be “an even stronger force for good in the world,” whose “guiding lights” will include human rights and the international rule of law. Its recently published policy paper on the protection of civilians in armed conflict explicitly commits to actions to protect children living in war zones, but these need to go much further and deeper.<sup>1</sup>

To date the UK’s record on applying children and armed conflict (CAAC) standards is mixed. On the positive side, it has signed up to agreements aimed at reducing the impact of armed conflict on children, leading on the promotion of some, such as the Safe Schools Declaration. The UK’s Global Human Rights Sanctions Regulations (known as the Magnitsky sanctions) announced in 2020 are a critical tool in fighting impunity for rights abuses. The UK plays a positive role at the UN Security Council on CAAC. But UK efforts in New York are not matched by equivalent levels of attention across government. As a result, opportunities to reinforce engagement with the UN’s CAAC architecture through wider diplomatic efforts, defence engagement and other relationships are being missed. The UK’s own compliance with CAAC standards also falls short of international best practice in some areas.

Despite the scale and gravity of violations endured daily by children caught up in wars across the world, the issue does not feature among its current human rights priorities, there is an absence of proactive political leadership on it, few resources and, critically, no dedicated cross-government CAAC strategy.

<sup>1</sup> UK Government, Policy Paper, [UK Approach to Protection of Civilians in Armed Conflict](#), 27 August 2020.

## BEING A FORCE FOR GOOD FOR CHILDREN IN ARMED CONFLICT

As the UK's priorities of tackling the radicalisation of children, addressing state fragility and supporting education globally cut across government departments, the case for a higher prioritised and better coordinated approach to CAAC is clear.

The recent creation of the new Foreign Commonwealth and Development Office provides an opportunity to elevate CAAC to the place it deserves and to put in place a more coordinated and coherent approach to it. To do so will require political leadership, combined with resources and expertise on CAAC both within the new department and elsewhere, including the Ministry of Defence.

There are significant opportunities for the UK to leverage current activities with partner countries. The UK should, for example, ensure that the thousands of foreign troops that it trains annually not only learn about their obligations to protect children and how to apply them, but that their post-training conduct is evaluated and the institutions of which they are part have effective monitoring and accountability in place. It could likewise use its defence partnerships as leverage for improved compliance with child rights standards, including to ensure that children detained for their alleged association with armed opposition groups are treated primarily as victims and their rehabilitation and reintegration prioritised.

The UK could also do more to lead by example. For instance, UK peacekeepers should be setting a gold standard for their capacity and expertise on protecting children in armed conflict. The UK must develop policies on recording casualties resulting from its own military operations in line with international best practice. Finally, the UK government should be doing much more to hold to account all states and individuals who commit violations against children in armed conflict.

## MAKING PROTECTING CHILDREN IN ARMED CONFLICT A PRIORITY

The current Integrated Review of Security, Defence, Development and Foreign Policy provides the opportunity for CAAC to be refocused and mainstreamed across relevant departments and be given the leadership and direction that it deserves. For the children living in the world's conflict zones, the UK's active defence of their rights is lifesaving. The higher the prioritisation placed on this agenda, the better these most vulnerable children can be protected.

### War Child recommends that the UK government:

- *Appoint a senior ministerial envoy on CAAC to champion the issue both within government and internationally, including in key fora such as the UN Security Council, and build a cadre of experts on CAAC in relevant government departments, among diplomatic representatives and within the armed forces.*
- *Develop a cross governmental CAAC strategy in consultation with civil society and other child rights/protection experts to support the effective implementation of CAAC standards domestically and to promote their compliance internationally. At the same time, strengthen intra-government coordination on the issue so that relevant policy and actions are mutually reinforcing.*
- *Ensure that compliance with CAAC standards is integrated into all aspects of UK overseas military operations and defence engagement including training of foreign troops and through ensuring that its relationships with military partners do not contribute to violations against children.*
- *Consistently hold perpetrators of violations against children in armed conflict to account including through public condemnation of such acts, imposing sanctions on individual perpetrators, conditioning military and other security assistance on effective action by recipient states to address concerns, and by only authorising arms exports to countries that demonstrably adhere to international CAAC standards.*

## TRAFFIC LIGHT SCORING SYSTEM

Using a traffic lights scoring system, this report assesses the UK government's commitment to promoting and implementing international standards on children and armed conflict and holding to account perpetrators of grave violations against children in armed conflict. In summary:

### UK sign-up to and promotion of international standards on children and armed conflict

The UK has ratified key international standards and endorsed political commitments designed to protect children in armed conflict and actively encourages other states to do likewise.



### UK implementation of international standards on children and armed conflict

The UK plays an active and positive role in support of the UN Security Council's CAAC agenda, but across government CAAC lacks political leadership, a strategy and resources. Opportunities to strengthen compliance through broader diplomatic efforts, UK contributions to peacekeeping operations and overseas military training programs are missed.



The UK has not put in place an adequately resourced casualty tracking system to identify if UK military operations result in the deaths or injuries of children. It has also inadequately discharged its responsibilities to repatriate British children caught up in armed conflict in Syria and Iraq throwing them into legal limbo.



### UK holding to account perpetrators of grave violations against children in armed conflict

The UK supports international justice processes, yet rarely speaks out about violations against children and has been consistently unwilling to condition military and other security support, including arms transfers, on compliance with international standards or to suspend such support when there is clear evidence that grave violations against children have been committed.





# ACRONYMS

ANA	Afghan National Army
ATT	Arms Trade Treaty
CAAC	Children and armed conflict
CAAFAG	Children associated with armed forces or armed groups
CRC	Convention on the Rights of the Child
CSSF	Conflict Stability and Security Fund
DFID	Department for International Development
FCO	Foreign and Commonwealth Office
FCDO	Foreign, Commonwealth and Development Office
GCR	Global Coalition for Reintegration of Former Child Soldiers
HSA	Human Security Advisor
ICC	International Criminal Court
IHL	International humanitarian law
IHRL	International human rights law
I/NGO	International / non-governmental organization
MoD	Ministry of Defence
NSAG	Non-state armed group
OPAC	Optional Protocol to the CRC on the involvement of children in armed conflict
OSRSG CAAC	Office of the Special Representative of the Secretary-General for Children and Armed Conflict
PoC	Protection of Civilians
PSVI	Preventing Sexual Violence Initiative
SCWG	(UN) Security Council Working Group
SNA	Somali National Army
SSD	Safe Schools Declaration
UNSC	UN Security Council
WPS	Women, Peace and Security



# INTRODUCTION

Last year the UN recorded 25,000 “grave violations” against children in armed conflicts across the world. But these figures only account for incidents that have been verified by UN monitoring teams: the true number is generally acknowledged to be much higher. They also only include the numbers of boys and girls affected by military recruitment and use, killing and maiming, sexual violence and abduction, as well as individual incidents of attacks on schools and hospitals and the denial of humanitarian access, each one of which can affect many children. The thousands of children detained because of their association - real or alleged - with opposing forces are not counted in these figures, nor are the unknown numbers of children who suffer torture and other forms of cruel, inhuman and degrading treatment while in detention. Also missing from the numbers are the tens of thousands of children who have been forcibly displaced from their homes.

Every one of such incidents, counted or not, represents a girl or a boy who has been harmed and whose future has been damaged or destroyed by the actions of parties to armed conflict and their backers. Each one also represents a violation of the special protections to which children are entitled and which are enshrined in international human rights or humanitarian law treaties, or of the protections contained in UNSC resolutions or in voluntary political commitments.

Efforts to ensure compliance with these normative frameworks to protect children in armed conflict have never been more necessary because, despite the odds, they demonstrably help to push back against negative trends and thereby save children’s lives. For example, thousands of children associated with armed forces or armed groups (CAAFAG) in countries ranging from Colombia to South Sudan have benefited from release and reintegration programmes thanks to international efforts to implement standards to end the military recruitment and use of children.<sup>2</sup> The military use of schools, which makes them vulnerable to attack by opposing forces, has fallen globally since 2014 coinciding with the development of the Safe Schools Declaration. Agreements between the UN and parties to armed conflict to end grave violations against children are under implementation in 11 different countries.<sup>3</sup> Although still too infrequent, individuals responsible for war crimes and other serious violations against children in conflict have also been tried and convicted in international, hybrid and national tribunals.

But if the upward trend in violations against children is to be reversed, far greater efforts are needed to turn obligations and commitments contained in child rights standards into real-time, practical protection. Such protection not only benefits individual children and their families in conflict-affected countries, but also contributes to a safer more peaceful world in which children can flourish and reach their full potential rather than being forced to fight or flee across borders.

The potential for the UK government to lead on this agenda is huge. As it pursues its exit from the European Union with the “Global Britain” strategy at its centre, the government has set out a vision in which the UK will be “an even stronger force for good in the world,” whose “guiding lights” will include human rights and the international rule of law.<sup>4</sup> Its recently published policy paper, “UK Approach to Protection of Civilians in Armed Conflict” sets out a framework for enacting these aspirations by: committing to always upholding international laws, using its influence to encourage others to do likewise, seeking to condemn those who do not, and pushing for accountability.<sup>5</sup>

Although there are good examples of the UK applying these principles in relation to children affected by armed conflict, there are many where it does not. Indeed, compared to other human rights issues such as freedom of religion, media freedom and human rights defenders which are prioritised by the government, CAAC is lacking political leadership, resources and - critically - a cross-government strategy. So while the UK’s track record on signing up to children and armed conflict-related standards is generally good, and it is broadly supportive of UN efforts to protect children in conflict, when it comes to ensuring standards are reflected in all relevant policies and actions, including as they relate to UK armed forces and to its overseas defence partners, there are significant gaps. At best, these gaps mean the UK does not maximise its potential to act as “a force for good” on CAAC. At worst, they can result in real harm, whether direct or indirect, to children.

This report, which is based on interviews with officials from relevant government departments, NGOs and other child rights and child protection experts, as well as a detailed review of secondary sources, looks at the British government’s track record on compliance with and promotion of CAAC standards and identifies how and where the UK could strengthen its role and maximise its impact on the protection of children in war.

<sup>2</sup> Some 13,600 CAAFAG benefited from release and reintegration in 2018 and 10,000 in 2017. See Reports of the UN Secretary-General on children and armed conflict, UN Doc. A/73/907–S/2019/509 (2019) and A/72/865–S/2018/465 (2018).

<sup>3</sup> According to UNSC resolutions on children and armed conflict, parties listed for grave violations against children in the annexes of the Secretary-General’s report on children and armed conflict are required to prepare concrete, time-bound action in close collaboration with the UN to prevent and end these violations.

<sup>4</sup> [Dominic Raab tells MP of plans for a ‘Global Britain’](#), 3 February 2020.

<sup>5</sup> UK Government, Policy Paper, [UK Approach to Protection of Civilians in Armed Conflict](#), 27 August 2020.



# 1. UK SIGN-UP TO AND PROMOTION OF STANDARDS ON CHILDREN AND ARMED CONFLICT

Children's vulnerability in armed conflict and their need for special protections are recognised in many different international standards including some that are specific to children and their rights. The UK government has played a constructive role in the development of many of these instruments and its record in signing up to them is generally strong. They include:

## Legally binding international instruments

International treaties ratified by the UK that place legally binding obligations on it to protect and respect children in armed conflict can be found in international humanitarian law (IHL, also known as 'the laws of war'), international human rights law (IHRL), and international criminal law.

- **The 1949 Geneva Conventions and their Additional Protocols of 1977** (ratified in 1958 and 1998 respectively);
- **The Convention on the Rights of the Child (CRC)** (ratified in 1991);
- **The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC)** (ratified in 2003);
- **The Rome Statute of the International Criminal Court (ICC)** (ratified in 2001).

Children are also entitled to protections that are relevant in armed conflict under a range of other human rights treaties ratified by the UK, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture. A number of specific treaties also prohibit or regulate the use of certain weapons, including anti-personnel mines and cluster munitions.<sup>6</sup> The UK was also among a group of states that supported the development of the Arms Trade Treaty (ATT) intended to ensure that governments assess the risk of violations of international human rights and humanitarian law, including to children, before approving arms deals.<sup>7</sup>

<sup>6</sup> The UK ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (or Anti-Personnel Mine Ban Convention) in 1998 and the Convention on Cluster Munitions in 2010.

<sup>7</sup> The UK ratified the ATT in 2014.

## UN Security Council Resolutions

In its role as a Permanent Member of the UNSC the UK has supported the adoption of 12 resolutions on CAAC since 1999. The first (UNSC resolution 1261/1999) identified and condemned six grave violations against children in armed conflict (killing/maiming, military recruitment and use, sexual violence, abduction, attacks on schools and hospitals and denial of humanitarian aid), which have since become the focus of much of the international action on protecting children in wars. Subsequent resolutions established a mechanism to monitor and report on these violations (the UN-led Monitoring and Reporting Mechanism (MRM)) and to promote compliance including through the public "naming and shaming" of state armed forces and non-state armed groups that commit certain grave violations against children, and by engaging with parties to armed conflict to encourage and support them to agree and implement action plans to end these violations.<sup>8</sup>

## Voluntary political commitments

The UK has also endorsed various political declarations developed to address intensifying or newly emerging threats to children in armed conflict. Although not legally binding, these reinforce and supplement existing treaty-based standards and are important tools for informing policy and action to enhance protection against specific dangers faced by boys and girls in conflict-affected countries. These include:

### Key political commitments to protect children in armed conflict

- **The Paris Commitments<sup>9</sup> and accompanying Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups**, include commitments to and detailed guidance on preventing the military recruitment and use of children, securing their release, and supporting their social reintegration.
- **The Vancouver Principles<sup>10</sup>** are focused on strengthening efforts to prevent the recruitment and use of child soldiers in the context of peacekeeping operations, including through ensuring adequate training and appropriate conduct of troops deployed to UN peacekeeping missions.
- **The Declaration on Sexual Violence<sup>11</sup>** although not focused specifically on children, contains a set of practical and political commitments to end sexual violence in armed conflict and provide support to victims including boys and girls.
- **The Safe Schools Declaration<sup>12</sup>** contains commitments to take practical actions set out in the accompanying Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict to minimise the negative impact of conflict on student safety and education.

<sup>8</sup> Parties responsible for grave violations against children are listed in an annex to the UN Secretary-General's annual report on children and armed conflict. The list is sometimes referred to as "the list of shame".

<sup>9</sup> The Paris Commitments to Protect Children Unlawfully Recruited or Used by Armed Forces or Armed Groups (the Paris Commitments) (endorsed in 2007).

<sup>10</sup> The Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers (Vancouver Principles) (endorsed in 2017).

<sup>11</sup> The Declaration of Commitment to End Sexual Violence in Armed Conflict (Declaration on Sexual Violence) (the UK initiated the declaration and led its launch in 2013).

<sup>12</sup> The Safe Schools Declaration (SSD) (endorsed in 2018).



### The UK's role in promoting sign-up to standards by other states

The UK actively promotes standards on children in key fora using its statements, including at relevant UNSC debates and Human Rights Council sessions, to appeal to other states to sign up to and comply with standards. It also promotes them through other actions. For example, as a member of the cross-regional Safe Schools Declaration core group which champions the declaration, UK influence is regarded as having helped to secure endorsements for the declaration particularly from Commonwealth states, and it has offered support and assistance to endorsing states.<sup>13</sup> The UK has also been the driving force behind securing endorsements for the Declaration on Sexual Violence which has reached over 150 states.

CAAC standards do not, however, feature in the UK's recommendations to other states as part of the Universal Periodic Review (UPR). As the mechanism by which the UN Human Rights Council periodically reviews the fulfilment by every UN member state of their human rights obligations and commitments, the UPR presents an important opportunity to pressure the few remaining states that have yet to ratify OPAC to do so without delay and to encourage endorsement of political commitments on CAAC.<sup>14</sup>

### Next steps towards strengthening protections for children in armed conflict

As patterns of armed conflict change so do the threats facing children, who thereby require new or more robust protections. In the same way that greater awareness of the extent of children's involvement in fighting forces led to the adoption of OPAC, and increasing numbers of attacks on schools prompted the development of the SSD, there is recognition now of the need to address the havoc being wreaked on children's lives by the increasing use of explosive weapons in populated areas.

Of all the "grave violations" against children in conflict verified by the UN, numbers of incidents of killing and maiming are the highest, with over 10,000 girls and boys killed or injured in 2019. The vast majority of these deaths and injuries result from the use in towns and cities of explosive weapons originally designed for open battlefields, such as aircraft bombs, artillery shells, rockets and grenades. It also results in mental trauma, destroys schools, hospitals and other facilities and disrupts the services on which children rely.<sup>15</sup>

The UK has publicly acknowledged such harms and is engaging in a process, led by Ireland, to develop a political declaration to address them.<sup>16</sup> This declaration, when finalised, would reinforce IHL by functioning as a practical tool for the promotion of stronger protections for civilians including children and by providing policy and operational recommendations to support shifts in military behaviour towards avoiding the use of explosive weapons in populated areas.<sup>17</sup> Continued active engagement in consultations to agree the strongest possible text, endorsement of the final declaration, reviewing its own military operations, and encouraging other states to do likewise, would send a powerful signal of UK commitment to protecting children in armed conflict.

<sup>13</sup> See UK Statement at the [Security Council open debate on children and armed conflict](#), 10 September 2020.

<sup>14</sup> A list of states which have yet to ratify or accede to OPAC is available at <https://childrenandarmedconflict.un.org/tools-for-action/opac/ratification-status-of-the-optional-protocol/>.

<sup>15</sup> According to Save the Children, nearly three-quarters of all child casualties in 2017 were caused by explosive weapons. See [Blast Injuries: The impact of explosive weapons on children in conflict](#), 16 May 2019.

<sup>16</sup> The process was delayed by the Covid-19 pandemic, but it is hoped that text will now be finalised and ready for endorsement in early 2020. For UK statements, see International Network on Explosive Weapons (INEW), [Political Response, United Kingdom](#), accessed 20 April 2020.

<sup>17</sup> IHL already prohibits the indiscriminate use of weapons and requires that all feasible precautions are taken to minimise harm to civilians.







## 2. UK IMPLEMENTATION OF STANDARDS ON CHILDREN AND ARMED CONFLICT

The UK must ensure that its domestic laws, policies and actions, including the conduct of British Armed Forces, comply with its obligations under international treaties and its commitments in political declarations. As a UN Member State and advocate of the rules-based system, the UK has a vital role to play in global efforts to end violations against children by others, including by taking practical action to promote compliance with international standards by other states and by non-state armed groups (NSAG), as well as through its support to child victims.

The extent to which the UK fulfils these domestic and international responsibilities varies. National legislation and policies, while generally complying with the letter of relevant international laws and commitments, do not always reflect their spirit and in some cases fall short of best practice. Internationally, the UK has been a reliable exponent of the UNSC agenda on CAAC, but this support does not fully permeate other relevant areas of government policy, action and engagement.

### 2.1 PUTTING CHILDREN AND ARMED CONFLICT AT THE HEART OF GOVERNMENT POLICY AND ACTION

The latest (former) Foreign and Commonwealth Office's (FCO) Human Rights and Democracy Report states that "the UK is deeply committed to ending the recruitment and use of child soldiers and to protecting all children in armed conflict."<sup>18</sup> Elsewhere it has been noted that UK objectives on CAAC are primarily pursued through engagement with the UN and its CAAC-related mechanisms and processes.<sup>19</sup> This approach, while commendable as far as it goes, reflects a position in which harms to children are seen as being caused by others and where the CAAC agenda is something remote to be addressed primarily through a UNSC-focused strategy. However, this approach fails to take sufficient account of the UK's own actions, or of its many and varied responsibilities for the actions of others, in particular its military partners overseas.

#### The UK's contribution to the UN Security Council's CAAC agenda

There is no question that the UK plays an important and positive role on the New York-based UN CAAC agenda. As an active member of the UN Security Council Working Group (SCWG) on Children and Armed Conflict, the UK has helped to shape UN efforts to protect children. Among other things, it participates in processes to scrutinise the conduct of parties to armed conflict, engages in the negotiation of conclusions on country-specific situations and supports SCWG actions designed to pressure armed forces and armed groups to comply with UNSC resolutions and other international standards on CAAC (for example, meetings with concerned parties, letters of appeal, submission of information to UN sanctions committees, and participation in SCWG country visits).

The UK also contributes significant financial support to the UN CAAC agenda. It is the largest single funder of the Office of the Special Representative of the Secretary-General for Children and Armed Conflict (OSRSG CAAC),<sup>20</sup> and has provided funding to the Global Coalition for Reintegration of Former Child Soldiers (GCR), a joint OSRSG CAAC and UNICEF initiative set up in 2018 to support child reintegration programmes. As a member of the "Friends of Reintegration Group" the UK also provides political support to this initiative.<sup>21</sup>

Recently, the UK has also lent its voice to calls for a review of the UN's approach to listing and delisting parties to armed conflict for grave violations against children. The listing process, by which state forces and NSAGs found to have committed a pattern of grave violations are named in the UN Secretary-General's annual report on children and armed conflict, is at the heart of the UNSC's CAAC architecture (sometimes referred to as "the list of shame"). The integrity of the listing process is therefore vital to ensuring the credibility and effectiveness of the UN's work on this agenda. The process, which triggers UN engagement with parties to conflict to agree action plans to end such violations, has long been dogged by concerns about politicisation. The removal from the list (de-listing) of the "Coalition to Support Legitimacy in Yemen" for killing and maiming children and of the Myanmar armed forces for the military recruitment and use of children in the Secretary-General's 2020 report has amplified these concerns. In neither case had the violations ended and, in the case of the Myanmar armed forces, the Tatmadaw Kyi, these had actually increased in 2019.<sup>22</sup> The UK government's commitment to push for a standardised approach to de-listing, and a consistent application of listing and de-listing criteria (the latter requiring the violations for which parties are listed to have ceased), is therefore to be welcomed.<sup>23</sup>

#### Lack of leadership and strategy limiting the UK's impact on CAAC

UK efforts at the UN in New York have not been matched by equivalent levels of attention to CAAC across government and, critically, are not part of a broader strategy. As a result, opportunities to reinforce engagement with the UNSC CAAC architecture through wider diplomatic efforts are missed. Other routes by which the UK should act are often not taken, or where they are, are uncoordinated and their impact frequently hard to see.

At the heart of the problem is the seemingly low level of priority accorded to the CAAC agenda within the government. Despite the scale and gravity of violations endured daily by children caught up in wars across the world, the issue does not feature among its current human rights priorities and, unlike other thematic issues, such Women, Peace and Security (WPS), there is no dedicated cross-government CAAC strategy.

The recently published UK Approach to PoC policy document does represent an advance in that, unlike the 2010 strategy which it updates, it contains a specific section on CAAC which sets out four main ways in which the UK will protect children within broader PoC approaches. These four actions involve: implementing and advocating for the key instruments on the CAAC; improving accountability for violations of children's rights in conflict; advocating for child-specific expertise in peace support and military operations; and building reintegration into post-conflict recovery.

<sup>20</sup> The Special Representative of the Secretary-General on CAAC serves as the leading UN advocate for the protection and well-being of children affected by armed conflict. The UK contributed £450,000 to her Office for the financial year 2019/20.

<sup>21</sup> The UK contributed £50,000 to the GCR in 2019. In November 2019, it also co-hosted an Arria-formula meeting (informal meetings convened by UN Security Council member/s) on how to better support children separated from armed forces and armed groups.

<sup>22</sup> During 2019, the UN found that the Coalition to Support Legitimacy in Yemen was responsible for 222 child casualties and four attacks on schools and hospitals in Yemen, and that the Tatmadaw Kyi recruited eight boys and used 197 children in non-combat roles.

<sup>23</sup> The detailed criteria for listing/de-listing are set out in the 2010 report of the UN-Secretary-General on children and armed conflict. Concern about the application criteria and commitment to seeking a review were noted in the [UK's statement to the UN Security Council's Open debate on children and armed conflict](#) in June 2020.

<sup>18</sup> FCO, [Human Rights and Democracy The 2019 Foreign & Commonwealth Office Report](#), July 2020.

<sup>19</sup> FCO, [Human Rights and Democracy The 2018 Foreign & Commonwealth Office Report](#), June 2019.



The explicit acknowledgement of CAAC as a central element of the UK's approach to protecting civilians in conflict is significant, but now needs to be developed into a comprehensive CAAC strategy with clear objectives and concrete deliverables to ensure coherent policy and real impact across all relevant areas of the government's work, including diplomacy, aid, trade, national security and defence and counterterrorism.

Given the important roles of the former FCO and the Department for International Development (DFID) in the CAAC agenda, the recent merging of the two departments into the new Foreign Commonwealth and Development Office (FCDO), provides an opportunity to elevate CAAC to the place it deserves and to put in place a more coordinated and coherent approach. However, to do so will require political leadership, combined with resources and expertise on CAAC both within the new department and elsewhere, including the Ministry of Defence (MoD).

In recent years, the CAAC portfolio has been passed from minister to minister within the FCO contributing to both a lack of continuity and a sense that it is not regarded as a priority issue.<sup>24</sup> It is unclear where the portfolio will sit in the new FCDO, but it will be important that a senior minister has responsibility for it. It is also unclear whether there are plans to increase resources, which have historically been very limited, to support the CAAC agenda. While the presence of a senior-level representative at the UK's Permanent Mission to the UN in New York with responsibility for the CAAC portfolio enables the UK to commit expertise to and achieve impact on the agenda there, in London there was only one official working on CAAC in the FCO, and even then, only as one of several issues.<sup>25</sup> Within the Ministry of Defence (MoD) and (previously) DFID there were individuals who were responsible for different aspects of the UK's work on CAAC, but not with overall responsibility or leadership for the agenda.

The FCO/DFID merger could contribute to improved coordination, but it is important that this extends to other relevant departments, including defence and trade, and that this coordination happens at a senior level. Likewise, preliminary steps to respond to the lack of expertise on CAAC within government departments must be built on. The first ever cross-Whitehall training on CAAC standards and their application took place in late 2019 and should become a regular part of in-house training.

Efforts to enhance coordination and build expertise on CAAC must also extend beyond Whitehall to include diplomats, defence attachés and other relevant personnel in overseas postings. Currently, even in countries affected by armed conflict including those where the UK is a member of the local group of friends (GoF) on CAAC (informal platforms set up to coordinate UN Member State action at country and regional level), there is no mechanism and no capacity to support systematic coordination or regular exchange of analysis, policy or instructions between them and London or the UK's Permanent Mission in New York.<sup>26</sup>

## 2.2 STRENGTHENING MILITARY COMPLIANCE WITH CAAC STANDARDS

Given that many of the standards on CAAC relate to the conduct of armed forces, specific responsibilities for ensuring adherence to and promotion of compliance with these standards rest with the MoD. Although there have been positive developments in this regard, British Armed Forces policy does not always align with international best practice and opportunities to strengthen compliance with child rights standards by UK military partners overseas are also not being capitalised upon, including in the context of the MoD's substantial program of overseas military training and support.

### British military recruitment policy and training on CAAC: further to go

The conduct of UK armed forces is regulated by various doctrines and policies which give effect to the UK's obligations under IHL, including prohibitions on, inter alia, attacks on civilians, military use of and attacks on schools, and sexual violence.<sup>27</sup> However, the UK government's stated commitment "...to ending the recruitment and use of child soldiers" has not been applied to the recruitment practices of the British Armed Forces for which the minimum age of enlistment is 16. While strictly compliant with OPAC, this makes the UK one of just a handful of states that still permit 16-year-olds to join up.<sup>28</sup>

The role of the British Armed Forces in preventing child recruitment and use and other grave violations against children is recognised in the MoD's Human Security in Military Operations Directive (Joint Services Publication/JSP 1325). Led by the MoD Human Security team this Directive has great potential to be used to mainstream a CAAC and other issues across operational decision making.

Nevertheless, CAAC has yet to be incorporated adequately into the basic military training and, although it features as part of pre-deployment training for UK military peacekeepers, it is limited to a single, one-hour class-based presentation. More in-depth training is received by military Human Security Advisors (HSAs) who accompany deployments to UN peace operations and some other overseas military operations, but only a few hours is dedicated to this complex agenda during the two-week long HSA training. This falls significantly short of the three-day CAAC training envisaged under the UN Military Specialised Training Materials (STMs) on Child Protection which are designed to support the implementation of UNSC resolutions and international standards on CAAC by peacekeepers.<sup>29</sup> It is also markedly less than peacekeepers from some other countries receive. For example, Rwandan peacekeepers, regardless of their role, receive a basic five-day training on CAAC as part of their pre-deployment training.<sup>30</sup>

Moreover, with no in-house CAAC expertise, the MoD relies heavily on NGOs to support and deliver training. While this has benefits and training should be developed in close coordination with NGOs with practical experience of protecting children in conflict, it is also important to build a cadre of specialised CAAC trainers within the armed forces to ensure that CAAC standards and compliance with them are fully integrated into all relevant training and exercises and that training is regularly refreshed.

24 In the last two years, the CAAC portfolio has been passed between three different ministers. From January 2020, it has been held by the FCO Minister for the Middle East and North Africa whose responsibility for other conflict-related portfolios appeared to make it a logical place for the portfolio to sit. (this appears in main text)

25 This compared to the four-person teams working/that worked on other thematic areas of WPS and the Preventing Sexual Violence Initiative (PSVI) in the same department.

26 The UK is a member of CAAC GoF structures in Afghanistan, South Sudan and Sudan, as well as in Geneva. It is unclear if it is also a member of the GoF in Mali, the Philippines and the African Union (AU).

27 Manoeuvres Act, 1958 and Army Doctrine Note 16/02: Human Security, 2016. According to the UK's first Voluntary Report on the Implementation of International Humanitarian Law at Domestic Level (2019), UK Defence doctrine deliberately does not contain a single publication covering WPS or PSVI as the subjects are considered so important that they must be reflected across UK doctrine.

28 Three-quarters of states have committed to only recruit adults from age 18. For further details see Child Rights International Network (CRIN), [Resources, Child military enlistment](#), accessed 20 April 2020.

29 The UN STMs on child protection are available at <https://research.un.org/en/peacekeeping-community/training/STM/UNMilitaryonCP>

30 See The Roméo Dallaire Child Soldiers Initiative (CSI), [Annual Report 2018](#).

## Child casualty tracking: a gap in UK responses to protecting children in conflict

*Understanding the impact on children of military operations conducted by the UK armed forces is another vital aspect of ensuring compliance with treaty obligations and consequently enhancing the protection of children. In the context of the high-intensity aerial warfare in which UK forces have been engaged in recent years, it is particularly important that the impact of such operations on children is understood so as to ensure that they do not contribute to grave violations against them. This can be done in a variety of ways, one of which is casualty tracking.*

*The government has supported casualty recording systems (the systematic and continuous process of documenting direct deaths from armed violence) in some contexts.<sup>31</sup> However, calls to put in place effective policies and processes that would enable UK military structures to track the effects of their own operations on civilian populations have so far been resisted.*

*Notwithstanding repeated government assurances that every effort is made to minimise the risks to civilians, without an effective, adequately resourced casualty tracking system there is no way of knowing whether UK military operations have resulted in the deaths or injuries of children. In the meantime, claims of a single civilian death in UK air operations in Syria and Iraq in which 3,700 bombs and missiles were dropped between 2014 and 2018, are called into question by evidence from others including its coalition partner, the USA, which has found that children were among the victims of UK airstrikes.<sup>32</sup> Unlike the UK armed forces, the US military is required by law to track and report on civilian casualties and, although the system is far from perfect, generates data that informs tactics and behaviour which can reduce harm caused to civilians.*

### UK support to protecting children in peace operations: Scope for improvement

The role of peacekeeping operations in protecting children in conflict is recognised in the UK Approach to PoC policy document which commits to advocating for child-specific expertise within them. This is consistent with UK commitments under the Vancouver Principles and is a contribution which the UK is well-placed to make as a Permanent Member of the UNSC and, in particular, in its role as penholder for peacekeeping.<sup>33</sup> However, this commitment must be consistently applied and backed up with funding to support the deployment of UN civilian child protection advisors (CPAs) to all relevant UN peace operations. It must also be supported by ensuring UK peacekeepers have the expertise and capacity to perform mission mandated child protection tasks, and that CAAC receives adequate attention in UK-delivered training to peacekeepers from other countries.

31 This support of casualty recording includes financial support to the Office of the UN High Commissioner for Human Rights and civil society casualty recording initiatives, which have been credited with reducing civilian casualties in Afghanistan and elsewhere. See Every Casualty Worldwide (ECW), [Casualty Recording Background Paper](#), October 2019.

32 AirWars, [Europe's Shame, Claims by key allies of no civilian harm in war against ISIS exposed](#), 15 March 2020.

33 Penholders are UN Security Council members responsible for the drafting of resolutions and the chairing of negotiations on thematic issues or country situations.

Although generally supportive of the inclusion of child protection within UN peacekeeping mandates, because CAAC is not a priority it is also not a redline for the UK in mandate negotiations. In practice this means that specific references to child rights and protection can be relinquished if deemed necessary to keep negotiations on track. Moreover, although the UK provides significant financial support to UN peacekeeping (it was the fifth largest funder in 2018-2019),<sup>34</sup> funding is not specifically earmarked for CPAs who play a vital role in ensuring UN missions fulfil their child protection tasks and in providing training for newly deployed peacekeepers on context-specific CAAC concerns and responses.<sup>35</sup>

In relation to UK's own troop deployments, the government has committed under the Vancouver Principles to appoint dedicated child protection focal points throughout its peacekeeping military command structures to enable and encourage active communication, coordination, and cooperation with UN CPAs and other child protection actors.<sup>36</sup> However, the military HSAs who will accompany the forthcoming deployment of around 250 troops to the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), in addition to CAAC, also have in their remit WPS and Modern Slavery and Human Trafficking.<sup>37</sup> Each of these issues give rise to specific and complex protection needs and responses and require engagement with different UN and NGO stakeholders. Given this, and in view of the limited training received by UK peacekeepers on CAAC, it is questionable whether UK troops will have the capacity or expertise to contribute as fully or effectively as is desirable to MINUSMA's mandated child protection tasks.

There is also scope for strengthening child protection skills and capacities of troops contributed by other states to UN and African Union (AU) peacekeeping operations through pre-deployment training. The UK provides such training to approximately 11,000 foreign peacekeepers annually.<sup>38</sup>

### UK overseas military training: Missed opportunities and failed responsibilities

In addition to the 11,000 foreign peacekeepers that receive UK training, thousands of other troops are trained by the British military each year.<sup>39</sup> Among the stated primary aims of the overseas military training and education is to deliver "...immediate improvements in bilateral relations or in securing specific short-term goals, particularly in countries where the military have a strong influence." "Understanding of UK and international norms on priority areas such as human rights, transparency and the rules-based international order" appears only as a secondary objective for training.<sup>40</sup> Based on the poor levels of child rights compliance of some of the trained forces, the balance between these two objectives needs to be urgently assessed and recalibrated.

Among the countries that receive UK training are some whose security forces, or armed groups associated with them, feature in the UN's "list of shame" for having committed grave violations against children, or in relation to whose compliance with child rights standards there are otherwise serious concerns.

34 See UN Peacekeeping, [How We Are Funded](#), accessed 23 April 2020.

35 It should be noted that the UK has provided funding for a CPA to the AU Peace and Security Department, whose role includes support to protecting children in AU peacekeeping and peace support operations. It also contributes a military HSA to the UN peacekeeping operation in the DRC.

36 See [Vancouver Principles](#), Principle 4.

37 The UK troops are due to be deployed to Mali in December 2020.

38 Statement of UK Permanent Representative to the UN at the Security Council open debate on peacekeeping, training and capacity building, [Training peacekeepers at their highest standards](#), 7 May 2019.

39 Some training has been suspended as a result of Covid-19

40 MoD and FCO, [International Defence Engagement Strategy](#), 2017.



This includes: **Afghanistan** where over 1,000 cadets have graduated each year since 2014 from the Afghan National Army (ANA) Officer Academy which was built with £75 million of British funding and where the UK is the coalition training lead;<sup>41</sup> **Iraq**, where the UK has helped train over 110,000 Iraqi Security Forces personnel, including Kurdish Peshmerga since 2014;<sup>42</sup> **Nigeria**, where 30,000 Nigerian troops had received British training by mid-2019;<sup>43</sup> and **Somalia** where the UK has trained over 900 members of the Somali National Army (SNA) and where the first battalion of 400 UK-trained soldiers graduated from a British-built military training centre in March 2020.<sup>44</sup>

It is not clear the extent to which child rights standards feature in these or other trainings. Where it does, however, it is not always translating into improved conduct on the ground. For example, in Somalia funding from the Conflict Stability and Security Fund (CSSF) supported a series of "Preventing the Recruitment and Use of Children During Armed Conflict" training and training of trainers in 2017/18. According to the CSSF, this enabled Somalia to develop new policy and resulted in a military command order banning the recruitment and use of under-18s by the SNA.<sup>45</sup> Yet since then, the UN Secretary-General has expressed serious concern about increased incidents of recruitment and use of children, as well as other grave violations against children, attributed to the SNA.<sup>46</sup>

### 2.3 COUNTERTERRORISM AND CHILD PROTECTION: A CLASH OF INTERESTS?

Much of the UK's overseas military training is dedicated to assisting other governments in fighting violent extremism. It is in this context that the UK's actions do not consistently meet its legal and moral responsibilities and where tensions between strategic priorities and obligations under child rights standards are most severely tested.

This includes in the context of partnered operations, where non-combat support is provided to partner states, such as Nigeria to assist in its fight against Boko Haram, or where there are "joint combat" operations such as air support to Iraqi security forces in the counter-Islamic State (IS) campaign. Such relationships form part of UK government efforts to protect its citizens from terrorist threats and promoting international peace and security. However, its responsibility to comply with international standards and to ensure compliance by its partners must also be prioritised as part of these engagements.

Among the negative fallouts for children from counterterrorism operations has been the detention of thousands of girls and boys for their real or alleged association with extremist groups. Under international standards, including the CRC and Paris Principles, children recruited and used for military purposes are recognised first and foremost as victims who should be provided with reintegration and rehabilitation support. They should only be detained as a measure of last resort and, if detained, should be treated in accordance with juvenile justice standards.<sup>47</sup>

UK government representatives have on occasion publicly expressed concern about the growing trend towards detaining children on security charges and have advocated for alternatives to detention and the prioritisation of rehabilitation and reintegration.<sup>48</sup> However, the UK also provides millions of pounds' worth of military and security assistance to countries that detain children in the context of armed conflict. In **Afghanistan, DRC, Iraq, Israel, Nigeria** and **Somalia**, where the greatest number of children are detained for their alleged association with armed groups, the UK has trained at least 143,000 troops and approved over £498 million in arms exports licenses in the five years to the end of 2019. Support is also provided to other countries where children considered associated with armed groups are detained including **Cameroon, Libya, Mali** and **Niger**, where UK arms sales amounted to £6.2 million for the same period.<sup>49</sup>

These relationships offer important opportunities for influencing conduct and should be conditioned on the implementation of effective child protection measures, including the adoption of handover protocols to ensure the swift transfer of children from military custody to civilian child protection authorities and compliance with juvenile justice standards. This influence could be brought to bear, for example in **Nigeria** where a multi-million-pound UK-Nigeria security and defence partnership was signed in 2018 and where, in addition to significant military assistance, the UK also supports criminal justice system reform programmes. Yet thousands of girls and boys have been detained there in recent years, some as young as five years old for their, or their parents', alleged association with Boko Haram.<sup>50</sup> Conditions of detention are reportedly poor and the exact number of children held at any time impossible to ascertain because the UN is denied access to both facilities and the children.<sup>51</sup>

In **Somalia** where projects are underway to support capacity building of Somali and Somaliland police authorities and the judiciary, 236 boys and girls were detained in 2019 by the SNA, the Somali police and other branches of the national security forces for their alleged association with Al-Shabaab.<sup>52</sup> In **Iraq**, where the UK is the second largest contributor to anti-IS operations, Iraqi and Kurdistan Regional Government authorities have charged hundreds of children with terrorism for alleged IS affiliation, many of whom were tried and convicted on the basis of confessions extracted under torture.<sup>53</sup>

41 MoD, [Afghan National Army Officer Academy celebrates 10th graduation](#), 23 November 2017 and Forces Net, [Five Years On: What Are British Troops Doing In Afghanistan?](#), 25 October 2019.

42 Parliamentary question, [Iraq: Military Operations: Written response](#), 16 March 2020.

43 FCO, [UK backs Nigeria in fight against extremism](#), 1 May 2019.

44 The British Embassy Mogadishu, [Somali soldiers graduate from UK-led training course](#), 7 January 2020, and [The UK completes training of Somali National Army battalion in Baidoa](#), 20 March 2020.

45 CSSF, [Annual Report 2017-2018](#), 18 July 2018.

46 UN Secretary-General Annual Report on children and armed conflict, UN Doc. A/73/907-S/2019/509 (2019).

47 Article 37 (b) of the CRC provides that "no child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time." Paris Principles, principles 3.6 and 3.7 on the treatment of children accused of crimes under international law provide that "Children who are accused of crimes under international law allegedly committed while they were associated with armed forces or armed groups should be considered primarily as victims of offences against international law; not only as perpetrators. They must be treated in accordance with international law in a framework of restorative justice and social rehabilitation, consistent with international law which offers children special protection through numerous agreements and principles," and "Wherever possible, alternatives to judicial proceedings must be sought, in line with the Convention on the Rights of the Child and other international standards for juvenile justice."

48 [Statement to UN Security Council open debate on Children in Armed Conflict](#), 31 October 2017.

49 Campaign against the Arms Trade (CAAT), [Resources: UK Arms Export Licenses](#), accessed 20 April 2020.

50 Prime Minister's Office, [UK and Nigeria step up cooperation to end Boko Haram threat](#), 29 August 2018, [Response to written question on Nigeria: CSSSE](#), 26 February 2019, and Human Rights Watch (HRW), ["They Didn't Know if I Was Alive or Dead" Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria](#), 10 September 2019.

51 UN Secretary-General, [Children and armed conflict in Nigeria](#), UN Doc. S/2020/652 (2020).

52 UN Secretary-General Annual Report on children and armed conflict, UN Doc. A/74/845-S/2020/525 (2020).

53 HRW, [Iraq: ISIS Child Suspects Arbitrarily Arrested, Tortured](#), 6 March 2019.



## UK responsibilities for British children caught up in overseas conflicts

*Responsibilities towards children caught up in armed conflict also apply closer to home. This includes the treatment of British nationals recruited by extremist groups when under the age of 18, as well as children born to British parents associated with such groups. In contrast to some other states, such as Denmark, Kazakhstan, Tajikistan and the USA which have acted to repatriate their nationals (particularly children) who travelled to Syria and Iraq to join IS, the British government has been unwilling to recognise the original unlawfulness of the recruitment and use of British children.<sup>54</sup> An unaccompanied British child was repatriated from Syria in mid-September adding to the three British orphans who were repatriated from there in late 2019. However, an estimated 60 British unaccompanied or orphaned children are believed to still be living in dire conditions in displacement camps in Syria, and an unknown number in Iraq. In the meantime, and despite repeated appeals by the UN Secretary-General for states to take responsibility for their nationals, British widows of IS fighters, some with children, have been stripped of their citizenship and left to languish in camps where they and their children are at risk of human rights abuses and further radicalisation.<sup>55</sup>*

## 2.4 UK AID AND IMPLEMENTATION OF CAAC STANDARDS: JOINING THE DOTS

The UK is one of the world's leading humanitarian donors, with much of its financial assistance going to fragile and conflict-affected states. There are many ways in which this aid can support UK commitments on CAAC and promote compliance to international standards by other states. For example, commitments under the Safe Schools Declaration to support the continuation of education during armed conflict are supported via UK aid including to the global fund for education in emergencies - Education Cannot Wait - to which £90 million was pledged in 2019, and to the Platform for Girls Education.<sup>56</sup> The UK was also quick to respond with funding to the impact of the Covid-19 pandemic on education which drove more than 1.5 billion children out of school, adding to the tens of thousands boys and girls in conflict-affected countries who were already out of school and who are not only denied their right to education but are at increased risk of military recruitment and use and other human rights violations.<sup>57</sup> Likewise, the UK's 2017 commitment to spend £100 million over three years to support demining and mine risk education is contributing to saving countless children from death and injury from landmines and thereby supporting global efforts to prevent the killing and maiming of girls and boys in conflict.<sup>58</sup>

However, it is difficult to get an overall picture of what portion of the UK's humanitarian spending is directed towards protecting children in armed conflict or how much is earmarked for programmes that directly or indirectly contribute to the realisation of UK obligations and commitments under CAAC standards. There is, for example, no publicly available information on total UK spending on release and reintegration programmes for children associated with armed forces and armed groups. It is also not clear how UK financial support to child release/reintegration programmes is aligned with broader UK government efforts to prevent the military recruitment and use of children. This is an example of where the FCO/DFID merger could produce a more coordinated strategy that would maximise UK contributions to ending child recruitment and use. Under a single FCDO, UK engagement with the UNSC and support for the OSRSG/UNICEF-led GCR initiative could be more closely aligned with funding and other support for child release and reintegration programmes. These could, in turn, be linked in with efforts to support compliance with prohibitions on child recruitment and use through overseas military training and broader military assistance, in such a way that the different strands of work become mutually reinforcing.



<sup>54</sup> See Watchlist on Children and Armed Conflict, [Countering Terrorism and Violent Extremism: The Erosion of Children's Rights in Armed Conflict](#), January 2020, CRIN, [Bringing Children Home: A children's rights approach to returning from ISIL](#) and Arab News, [Charity slams UK government's 'alarming inaction' over children in Syria](#), 18 July 2020.

<sup>55</sup> In the case of Shamima Begum, who travelled to Syria in 2015 as a child to join IS, the government is appealing a Court of Appeal ruling that she be allowed to return to the UK in order to have a fair and effective appeal against being stripped of her British citizenship. See, Bindmans, [Shamima Begum case proceeds to the Supreme Court](#), 3 August 2020.

<sup>56</sup> DFID and Prime Minister's Office, [PM offers education lifeline to 600,000 children living in conflict](#), 25 August 2019. An additional £515 million was announced in September 2019 to support girls' education, see [PM steps up UK effort to get every girl in the world into school](#), 24 September 2019.

<sup>57</sup> DFID reported that it is adapting its bilateral education programmes in 18 countries in the face of the epidemic and in April 2020 it announced an additional £5m in emergency aid to Education Cannot Wait for its COVID 19 response. See DFID, [Annual Report and Accounts 2019-2020](#), 14 July 2020.

<sup>58</sup> DFID, [UK triples support for action against landmines on 20th anniversary of Princess Diana's iconic Angola visit](#), 4 April 2017.





### 3. UK SUPPORT TO ACCOUNTABILITY FOR VIOLATIONS AGAINST CHILDREN IN ARMED CONFLICT

Embedding accountability is essential both to ensuring justice for victims and to deterring future abuses. There are many ways in which it can be pursued ranging from public condemnation of violations, support for criminal investigations and prosecution, withholding or suspending military and other support, through to sanctions against individual perpetrators.

The UK Approach to PoC policy document pledges “to improve accountability for violations of children’s rights in conflict,” but it does not elaborate on how it will do this. Again, a coherent strategy is needed if the UK is to become the standard bearer that it should be on accountability. Currently, despite its commitments and some positive action, the UK’s overall record is poor. It is often slow to react or does not react at all even to the most egregious incidents of violations against children in conflict, and has displayed a deep reluctance to halt or suspend military support to partners accused of such acts, often appearing to prioritise trade and other strategic relations over justice and accountability.

#### **Condemnation of violations against children: Little more than a whisper**

Public statements by UK officials have underscored the importance of calling out violations when they occur.<sup>59</sup> There are arguments for and against public naming and shaming, and on occasions raising concerns in private may be effective. However, consistency is key and, where behind-closed-doors diplomacy does not yield results, the UK government should be prepared to publicly condemn violations against children in armed conflict wherever they occur and whoever is responsible.

It is not possible to assess to what extent violations against children are raised in bilateral engagements or, if they are, at what level. However, according to interviews for this report, ministers are not generally briefed on CAAC concerns ahead of overseas visits, the issue not being considered a high enough priority to make it on to these agendas. In response to parliamentary questions, ministers have insisted that national authorities are engaged when credible allegations of IHL or IHRL violations are received. However, it is not clear how consistently this occurs and whether, for example, UK officials in posts in conflict-affected countries routinely raise CAAC concerns with their national counterparts.<sup>60</sup>

It is clear, however, that public condemnation of violations against children by named parties to armed conflict is relatively infrequent. To the extent that violations are publicly condemned by the UK government, it is usually in statements during the UNSC debates on country-specific situations or thematic issues, or at the UN Human Rights Council.<sup>61</sup>

59 For example, in the UK’s [Statement to the UN Security Council briefing on International Humanitarian Law](#), 1 April 2019, the UK’s Deputy Permanent Representative recommended that the Council “call out consistently violations of IHL by all actors in our regular business in our country-specific conversations.”

60 For example, Parliamentary questions, Written responses on: [Iraq: Armed Forces](#), 15 September 2017, and on [Nigeria: Military Aid](#), 1 June 2018. See also, Lord Ahmed of Wimbledon responses during [House of Lords debate on Israel Defense Forces](#), 8 July 2019.

61 See for example, Lord Ahmad and Carey Mulligan: [International community must work together to ensure that children in conflict zones have a real chance to reach their full potential](#), 18 December 2018.

Certain states receive more criticism than others, in particular Myanmar, South Sudan and Syria. Certain parties are also singled out. For example, there have been multiple public statements condemning the Houthi de-facto authorities in Yemen, including for missile attacks on residential areas in Saudi Arabia and for blocking humanitarian aid, although most did not specifically reference abuses against children. In contrast, the devastating impact of Saudi and United Arab Emirates (UAE)-led Coalition airstrikes on children in Yemen has received little public criticism. In a rare statement in 2018, issued in response to the multiple child casualties resulting from the bombing in August 2018 of a school bus and two other strikes, the government expressed concern but stopped short of condemning Coalition actions, describing them only as “tragic incidents.”<sup>62</sup>

#### **Suspending UK support to child rights violators: The need for a mechanism?**

As part of efforts to protect civilians in armed conflict, the UN Secretary-General has called on states to continuously assess partner conduct through the prism of IHL and IHRL, and for provision of military training, funding, the transfer of arms and other military support, to be contingent upon partner forces’ commitment to and performance in protecting civilians and ensuring respect for international law.<sup>63</sup>

UK overseas military training, along with all other military and security-related overseas assistance, is subject to a human rights assessment prior to approval, known as an Overseas Security and Justice Assessment (OSJA) Guidance. Among the risks that the government department responsible for the project is required to assess is whether assistance might contribute directly or significantly to “violations of the rights of the child including ensuring that soldiers under the age of 18 take no direct part in hostilities.”<sup>64</sup> The lack of transparency of the process means that it is not possible to find out if any projects have been rejected or modified because of risks to children.

Critically, the Guidance does not set out a clear policy or guidance on stopping and/or suspending support when abuses are reported or proven to have taken place. This is in contrast to the USA, where provisions under the US Foreign Assistance Act (known as the Leahy Laws) requires support to foreign security forces to be suspended when there is credible information that human rights abuses have occurred.<sup>65</sup> Under the US’ 2008 Child Soldiers Prevention Act, governments involved in child recruitment or use may be ineligible for US military assistance. The US has used the law with positive effect to curb child recruitment linked to Chad, the DRC, and Rwanda.<sup>66</sup>

#### **UK arms sales need to take account of children’s lives**

The government also needs to go much further in ensuring that the UK’s trade in arms does not contribute to violations against children and that the influence that comes with this trade is used to positive effect. Full compliance with obligations under the ATT to consider the risk that arms transfers could be used to commit or facilitate serious acts of violence against children should be central to this.<sup>67</sup>

62 DFID/FCO Joint statement, [UK government response to loss of life in Yemen in August 2018](#), 2 September 2018.

For further information on the incidents referred to see UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, [Statement on the situation in Yemen](#), 24 August 2018.

63 Report of the Secretary-General on protection of civilians in armed conflict, UN Doc. S/2018/462 (2018).

64 HMG, [Overseas Security and Justice and Assistance Guidance](#), 2017.

65 US Department of State, [Leahy Law Fact Sheet](#), 22 January 2019. For a detailed discussion of concerns about the effectiveness of the OSJA (a tool for assessing legal, strategic, political, and military risks of working with partners) as both a compliance and accountability tool, see Oxford Research Group (ORG), [Forging a New Path: Prioritising the Protection of Civilians in the UK’s Response to Conflict](#), 29 July 2020, and ICAI, [The Conflict, Stability and Security Fund’s aid spending. A performance review](#), 29 March 2018.

66 HRW, [A Better US List of Countries Using Child Soldiers: State Department Restores Burma and Iraq to its Annual List of Violators](#), 29 June 2018.

67 See ATT, Article 7.4 re Export and Export Assessment.

Repeated claims that the UK has one of the most rigorous arms export control regimes in the world was found wanting by a Court of Appeal in a June 2019 ruling which found that assessments had failed to consider Saudi Arabia's record on violating the laws of war in Yemen when approving arms export licenses to it. Transfers were briefly suspended while the government agreed to conduct a review into the risks. However, in July 2020, it was announced that arms sales could resume (see case study).

By resuming approvals of arms sales to Saudi Arabia, the UK government effectively signalled its readiness to put trade before children's lives. Yet Saudi Arabia is not the only state responsible for grave violations against children to which UK arms are exported. The UK authorised military/dual-use exports to security forces in 17 countries included in the 2019 UN Secretary-General's report on children and armed conflict in which there are UN-verified incidents of violations against children by state armed forces.<sup>68</sup> Licences for UK military/dual-use exports to these states totalled £1.6 billion in 2018/2019, of which £913 million were to countries whose security forces, or armed groups associated with them, were included in the UN Secretary-General's 2019 "list of shame."<sup>69</sup>

### Sanctions: Potential to target perpetrators of violations against children

Sanctions are also among the tools that can be used to prevent and punish violations against children and UN sanctions regimes are increasingly used as vehicles to protect civilians including children.<sup>70</sup> Today, eight of the 14 UN active sanction regimes include PoC-related listing criteria, most of which include acts such as planning, committing or directing attacks on schools or hospitals and acts of sexual violence. Five use the recruitment and use of children as a stand-alone listing criteria.<sup>71</sup> In its role as a member of the SCWG, the UK is well placed to support the use of sanctions as a tool for ensuring accountability for crimes against children. This can include encouraging the submission of information on grave violations to relevant UN sanctions committees and supporting regular briefings of them by the OSRSG CAAC.

Unilateral sanctions can also be applied. Under the newly introduced Global Human Rights (GHR) sanctions regime, travel bans and asset freezes can be imposed on individuals or organisations in response to certain serious human rights violations or abuses, including torture and violations of the right to life. The first designations under the new regime were announced in July 2020, which included two Myanmar generals for their involvement in the systematic killing, rape, sexual violence and enforced labour against the Rohingya people in Myanmar.<sup>72</sup> The government has claimed that the new regime will reinforce the UK's role as a global leader in the promotion and protection of human rights.<sup>73</sup> In order to achieve this, and for sanctions to be effective, they will need to be robustly and consistently applied and perpetrators of abuses against children in armed conflict targeted by these sanctions.

68 Afghanistan, Central African Republic, Colombia, DRC, India, Iraq, Israel, Lebanon, Libya, Mali, Nigeria, Pakistan, the Philippines, Somalia, South Sudan, Sudan, Yemen (including Saudi Arabia and the United Arab Emirates (UAE)).

69 Afghanistan, DRC, Iraq, Somalia, South Sudan, Sudan, Yemen (including Saudi Arabia and the UAE). CAAT, Resources, UK Arms Export Licenses, accessed 23 April 2020.

70 The UNSC's intention to consider imposing targeted and graduated measures against parties to conflict violating the rights of children was first expressed in UNSC resolution 1539 (2004).

71 For further details of UN sanction regimes see Office of the Coordinator for Humanitarian Affairs (OCHA), *Building a Culture of Protection: 20 Years of Security Council Engagement on Protection of Civilians*, May 2019.

72 UK Gov, *UK announces first sanctions under new global human rights regime*, 6 July 2020.

73 See for example, *Parliamentary Under-Secretary for Foreign and Commonwealth Affairs, response to parliamentary debate on sanctions regimes*, 17 March 2020.

## UK support for Saudi actions in Yemen: a derogation of legal obligations and moral commitments to protect children in war



According to UN figures, 7,745 children were killed in the current conflict in Yemen from its start in March 2015 to December 2019. 45% of these deaths (3,481 boys and girls) are attributed to the Saudi and UEA-led Coalition, which is also responsible for destroying or damaging dozens of schools and hospitals and other grave violations against children during the same period.<sup>74</sup>

Although these violations continued into 2020 – there were reportedly 95 incidents where airstrikes caused civilian harm, damaging houses, farms, quarantine sites and two schools between 1 January and 31 May,<sup>75</sup> – in July the government announced that it had re-assessed past allegations of Coalition violations in Yemen and found them to be "isolated incidents."<sup>76</sup> Based on this, the Minister for Trade said that processing of new export licence applications to Saudi

Arabia for arms and other military equipment could be resumed, having been temporarily suspended following the June 2019 Appeal Court ruling.<sup>77</sup>

Within four weeks of this announcement, another 22 children had been killed by Coalition airstrikes. In one incident on 7 August, at least seven children died when a group of mostly women and children were hit while travelling by road. In another, 10 civilians including six children were killed when Coalition bombs hit a gathering to celebrate the circumcision of a new born boy on 15 July.<sup>78</sup>

UN-appointed experts had previously warned that the UK government risks being held to account for complicity in war crimes by providing military assistance to Saudi Arabia and other Coalition members for their war in Yemen.<sup>79</sup> Yet, prior to the legal ruling, £5.3 billion-worth of arms exports to Saudi Arabia had been authorised since the start of its military campaign in Yemen. Significant other military assistance is also provided including in the form of military and MoD civilian personnel who provide in-country support to the Royal Saudi Air Force.<sup>80</sup>

Senior government ministers have repeatedly insisted that these defence relationships provide opportunities for influence, but there is little evidence to demonstrate that this is the case.<sup>81</sup> In the meantime, while the UK government backs efforts to find a political solution to the conflict and has contributed hundreds of millions of pounds in aid to help stave off the associated humanitarian catastrophe, it is continuing to fuel the war through military support to Saudi Arabia and its coalition partners.

74 Figures based on UN Secretary-General Annual Reports on children and armed conflict 2016 to 2020.

75 Save the Children UK, *Decision on Arms Sales to Saudi Arabia is "indefensible"*, 7 July 2020.

76 Secretary of State for International Trade, *Statement to Parliament*, 7 July 2020.

77 The UK suspension came long after many other governments, including Austria, Denmark, Finland, Germany, Greece, the Netherlands and Norway, had halted arms sales to Saudi Arabia. See, HRW, *UK: Arms Sales to Saudis Suspended After Landmark Ruling*, 20 June 2019.

78 Al Jazeera, UN: *At least nine children killed by air raids in northern Yemen*, 8 August 2020.

79 Report of the Group of Eminent International and Regional Experts on Yemen, Situation of human rights in Yemen, including violations and abuses since September 2014, UN Doc. A/HRC/42/17 (2019).

80 See House of Commons Briefing Paper, *UK Forces in the Middle East Region*, 14 January 2020.

81 Jeremy Hunt, *Yemen Crisis won't be solved by UK arms exports halt*, 26 March 2019.



## 4. CONCLUSION AND RECOMMENDATIONS

Protecting children in armed conflict has long been recognised as a concern for international peace and security by the UNSC and is also a necessary pre-condition for the attainment of the UN's Sustainable Development Goals. As a matter of national interest, UK citizens will be more secure if girls and boys around the globe are spared the traumas of wars, protected from involvement in them and able to fulfil their potential to contribute to a safer more prosperous world. Ultimately though, ensuring that children benefit from the rights to which they are entitled, even in the most adverse conditions, is in the interest of each and every one of the estimated 420 million girls and boys living in conflict zones today.

As the government seeks to redefine the UK's place in the world, it is essential that children in armed conflict feature as a higher priority. It should lead by example by ensuring that its own policy and actions are consistent with the very best international practice. The multiple opportunities to strengthen compliance with international standards by others should also be acted upon and greater responsibility taken for the conduct of states which benefit from UK support, including military assistance and trade. To this end War Child-UK offers the following recommendations to the UK government.

### STRENGTHENING DOMESTIC CAPACITY AND COMPLIANCE WITH CHILD RIGHTS STANDARDS:

- **Appoint a Ministerial envoy for children and armed conflict and build a cadre of experts on CAAC in relevant government departments, among diplomatic representatives and within the armed forces.** A senior minister should be designated with responsibility for CAAC and should proactively use global platforms, including the UN Security Council, G7 and regional bodies to promote children's rights in conflict. A cadre of experts on CAAC should also be built within the FCDO, MoD and other relevant departments as well as among diplomatic representatives and within the armed forces.
- **Develop a cross governmental CAAC strategy in consultation with civil society and other child rights/protection experts.** A CAAC strategy should address domestic implementation of international treaties and political commitments, as well as the UK's role and responsibilities in promoting and ensuring compliance with them internationally. Cross-department coordination between the FCDO and MoD should continue and be expanded to include other relevant departments including the Ministry for International Trade and Industry and the Home Office.

- **Act to ensure that UK domestic policy and practices are fully in line with international standards and best practice on protecting children in armed conflict,** including by developing and implementing a credible casualty tracking process to identify the impact of UK military operations on children.

- **Continue to encourage other states to sign up to CAAC standards and support global efforts to develop standards to reduce the harms to children caused by explosive weapons,** actively encouraging UK allies and partners to ratify OPAC where they have not already done so and to endorse political declarations relating to CAAC. The government should continue its support for the process to finalise a political declaration addressing the humanitarian harm arising from the use of explosive weapons in populated areas, endorse it and encourage other states to do likewise.

### STRENGTHENING GLOBAL COMPLIANCE:

- **Champion the issue of CAAC at the UN and reinforce support of the UN's CAAC agenda through coordinated diplomatic action.** The UK should position itself as a lead on CAAC internationally, including at the UNSC and Human Rights Council where it should ensure that the protection of children is prioritised in relevant resolutions, provide enhanced support to UN CAAC mechanisms and processes and make use of the UPR to encourage other states to sign-up to and implement CAAC standards, including OPAC. UK efforts at the UN should be reinforced by regular communications with and coordinated actions by UK representatives in conflict-affected countries.

- **Enhance the UK's contribution to protecting children in the context of UN peacekeeping operations** by ensuring that child protection is included in all UN peacekeeping mandates and that there are resources to deploy CPAs to all missions. Dedicated military child protection focal points should accompany all UK peacekeeper deployments, and pre-deployment training on CAAC for UK troops should be significantly enhanced to give them the knowledge and skills to effectively support mission mandated child protection tasks. Detailed training on CAAC standards and their application should likewise be included in the UK's training of peacekeepers from other countries.

- **Integrate detailed training on CAAC standards and their practical implementation into all overseas military training and monitor and evaluate the impact of training on the conduct of troops on the ground.** The MoD and others responsible for delivering overseas military training should engage with national partners to identify training needs, along with institutional reforms needed to ensure the protection of children. It should develop, in close coordination with NGOs and other experts, context-specific class-based and practical CAAC training, and effective monitoring and evaluation processes should be set up to assess the impact of the training on institutional performance. Regular meetings between the MoD and NGOs working directly with conflict-affected populations should be institutionalised to support the exchange of information and analysis on child rights and child protection concerns in countries where UK military training and other defence assistance is being delivered.



■ **Urgently facilitate the repatriation from Syria and Iraq of British children and individuals recruited by IS as children.** Individuals recruited by IS as children should be recognised as victims of human rights abuses and the best interests of the children of British fighters prioritised. In facilitating repatriations, due process to those who should be prosecuted should be ensured and reintegration into society supported.

■ **Condition military assistance to partners on protections for child detainees.** Where UK military and other security assistance is provided to countries where children are detained for their alleged association with violent extremist or other armed groups, assistance should be conditioned on the adoption and implementation of formal protocols to ensure their swift handover from military custody to civilian child protection authorities and adherence to juvenile justice standards in the case of any child who is charged with recognisable criminal offences. The UK should also insist that the UN and other independent monitors have immediate and regular access to detained children.

■ **Prioritise funding for the implementation of CAAC standards in humanitarian and longer-term development funding.** Building on and complementing existing support to child protection in armed conflict, FCDO should develop explicit plans and report publicly on how it supports compliance with child rights in armed conflict via its bilateral or multi-lateral programme assistance. This support should be aligned with broader FCDO and MoD CAAC objectives in accordance with an agreed cross-government strategy and should include dedicated, long-term funding for the release of girls and boys associated with armed forces and armed groups.

## **HOLDING PERPETRATORS TO ACCOUNT:**

■ **Unequivocally and consistently condemn violations of IHL and IHRL against children in situations of armed conflict** wherever they occur and whoever is responsible.

■ **Advocate for and provide dedicated funding to support national and international justice processes to hold perpetrators to account for serious violations of IHL and IHRL against children.** The UK should consistently advocate for and support independent, impartial investigations into allegations of violations against children in armed conflict, including where allegations involve UK allies and partners. Where there is credible evidence that war crimes or crimes against humanity against children have been committed, it should advocate for and support effective criminal justice processes so that perpetrators can be held to account. Financial support for international inquiries and other fact-finding processes and for international or hybrid tribunals should include earmarked funds for dedicated, gender-sensitive, child-specific expertise.

■ **Withhold military and broader security assistance from any state implicated in serious violations against children pending effective action by recipient states to address concerns.** Where there are credible allegations of violations against children in armed conflict, military training, funding and other military support to implicated states should be withheld pending commitment to and implementation of CAAC standards. Human rights assessments for overseas security and justice programmes should take account of the recipient country's record on protecting children affected by armed conflict and support should be conditioned on compliance with relevant international standards.

■ **Impose sanctions on those responsible for committing violations against children in armed conflict.** The UK should support targeted measures by the UN, including asset freezes and travel bans, on those responsible for grave violations against children, and ensure that grave violations against children in conflict are among the criteria for its new unilateral sanctions regime.

■ **Only authorise arms exports to countries that demonstrably adhere to international standards relating to CAAC, and do not approve the transfer of arms to countries whose security forces are included in the UN's "list of shame."** The government should urgently review its arms export control processes to ensure that UK manufactured weapons do not contribute to grave violations against children. In the meantime, it should not authorise arms exports to any country whose security forces are listed by the UN for having committed grave violations against children.



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