

A close-up photograph of two hands clasped together. The hand on the left is dark-skinned and appears to be wearing a brown leather glove. The hand on the right is light-skinned and is bare. The background is blurred, showing what appears to be a military setting with soldiers in camouflage uniforms.

BEING 'A FORCE FOR GOOD'

How the UK's military partnerships
can better protect children in conflict

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EXECUTIVE SUMMARY

The United Kingdom (UK) has a large and complex network of military support relationships with security forces across the globe.¹ According to the recently published "Integrated Review of Security, Defence, Development and Foreign Policy" (Integrated Review), this network is set to expand further as the British Armed Forces will be deployed overseas "...more often and for longer periods of time, to train, exercise and operate alongside allies and partners across all our priority regions."²

The backdrop to these plans is a world in which boys and girls are increasingly affected by armed conflict. Today, almost two thirds of children live in countries where wars are being waged.³ In this context, serious violations of child rights by parties to armed conflict have also been on an upward curve, including killing and maiming of children, military recruitment and use, sexual violence, arbitrary detention and forced displacement. Recent developments in Afghanistan have seen a rapid escalation of grave violations against children in 2021. Armed conflict also denies millions of children access to health, education, clean water, food and other basic rights.

Not all UK military assistance is provided in environments where these and other violations of children's rights occur. However, a significant amount is. In 2019, the United Kingdom (UK) provided military support in almost all the 19 country situations in which the UN verified patterns of grave violations against children that year.⁴ In at least eight of these countries (Afghanistan, India, Iraq, Israel, Nigeria, Somalia, Syria and Yemen), the UK had military support relationships involving training, assisting and advising, or providing kinetic support, to parties identified by the UN as being responsible for grave violations against children.⁵

The UK's military support relationships offer significant scope for influencing the conduct of supported forces by fortifying their compliance with international child rights standards and best practice on protecting children in situations of armed conflict, which can both help to protect girls and boys against harm and also reduce conflict-drivers and enhance stability.⁶ With regards to Afghanistan, the UK has voiced harsh criticism against the accelerated US withdrawal following a collapse of the government and advances by the Taliban which has now taken control raising serious concerns when it comes to human rights and the protection of civilians in the country.⁷

1 For the purposes of this report, the term "military support relationships" is used to refer primarily to training, advising, assisting, and accompanying activities, as well as kinetic support provided to partner forces. See note on terminology in main report for further elaboration.
2 HMG, [Global Britain in a competitive age: The Integrated Review of Security, Defence, Development and Foreign Policy](#), March 2021.
3 Peace Research Institute Oslo (PRIO), Conflict Trends, [Children Affected by Armed Conflict, 1990–2019](#), June 2020.
4 Of the 19 country situations referenced in UN Secretary-General's 2020 Annual Report on Children and Armed Conflict, the UK provided some form of military support bi-laterally and/or as part of international coalitions or peacekeeping forces in Afghanistan, Colombia, Democratic Republic of Congo, India, Iraq, Israel, Lebanon, Libya, Mali, Nigeria, Pakistan, Philippines, Somalia, South Sudan, Sudan, Syrian Arab Republic, and Yemen.
5 Afghan National Defence and Security Forces; Indian Security Forces; the Iraqi Security Forces; the Israeli Defence Forces; the Nigerian Security Forces; the Somali National Army; the Syrian Democratic Forces; and Saudi Arabia and other members of the Coalition to Support the Legitimacy in Yemen.
6 Such standards are contained inter alia in international humanitarian law, international human rights law including the Convention on the Rights of the Child and its Optional Protocols, and in political commitments relating to children and armed conflict endorsed by the UK Government.
7 See for example Afghanistan's collapse leaves allies questioning U.S. resolve on other fronts - [The Washington Post, 15 August 2021](#)

Unless carefully managed and, critically, integrated into broader strategies to enhance child protection, military support relationships have the potential to cause or to contribute to harm to children, their families and their communities. Such harms can also have wider implications. They can exacerbate and prolong conflicts. They can also undermine UK strategic interests, cause reputational damage, and undercut UK Government ambitions to be a “force for good” in the world. In certain circumstances they can lead to legal liabilities if UK action in support of partner forces fails to comply with international humanitarian law (IHL) and international human rights law (IHRL).

AN OPPORTUNITY TO IMPROVE

As the government seeks to build new relationships and deepen existing collaborations with military partners, some of which have poor records on child protection, urgent questions around the UK’s role and responsibilities regarding the conduct of supported forces must be addressed, and opportunities to positively influence that behaviour maximised.

This means thinking of child protection (and the protection of civilians more broadly) as more than an add-on or inconvenience to the achievement of short-term military aims. Rather it should be considered as an integral criterion for assessing the risks and consequences of military support, and a metric against which the success of partnerships is measured and managed.

The UK government must strive for a more consistent approach to protecting children in conflict situations, so that military support relationships reinforce our support for the United Nations’ Children and Armed Conflict (CAAC) agenda, as well as its obligations and commitments under IHL and child rights standards. The Ministry of Defence (MoD) and the Armed Forces have already started a process which appears to support this need to integrate child and civilian protection factors into how they operate. This includes the recent finalisation of the 12-year “Human Security Strategy” and revisions to an existing military directive on “Human Security in Military Operations”. At the same time, work is underway to develop more detailed strategies and plans to implement the Integrated Review, including a Conflict Strategic Framework.

However, while the ambition may be there, many of the elements needed to ensure that child protection is at the heart of UK military support relationships are not yet in place. Rather, as research for this report demonstrates, the level of violations committed against children by some UK-supported forces imply a degree of tolerance of misconduct by partner forces that would be entirely unacceptable if committed by UK armed forces.

To address these and other concerns War Child is urgently calling for:

- Child protection to be embedded at the heart of all UK military support relationships, reinforced by the integration of comprehensive, cross-government goals and objectives on reducing humanitarian harms to children affected by armed conflict in the forthcoming Conflict Strategic Framework, that are also reflected MoD Human Security-related strategies and plans as well as military doctrine and procedures.

- Civil society experts working with conflict-affected populations to be systematically and meaningfully consulted by the MoD, both in the development of strategies and policies related to child/civilian protection. These experts, including officials in child protection, human rights and humanitarian law, can also ensure a full analysis of human security environments, including child protection risks in situations where the UK provides military support to partner forces.

- Ensure that ambitions to fully integrate “Human Security” into UK military operations are matched by resources and expertise within the MoD and Armed Forces, including by making child protection a mandated part of military training, both to set a good example and to build a body of expertise to support peer-to-peer engagement with and training of partner forces.

- Detailed, practical training on child protection standards and best practice to be integrated into all overseas military training. Such training should form part of and reinforce broader child protection strategies that support partner forces to fulfil their obligations under child rights standards.

- Military assistance (other than training on the application of IHL and IHRL and good practices for the protection of children and broader civilian populations) to be contingent on partner forces’ commitment and performance on child protection and respect for international law. Robust, dynamic risk assessment processes should be put in place to monitor partner conduct. Where there are credible allegations of violations against children by partner forces, assistance should be withheld pending effective measures to prevent and end such abuses.

ACRONYMS

ANAOA	Afghan National Army Officer Academy
ANDSF	Afghan National Defence and Security Forces
BMATT	British Military Advisory and Training Team
CAAC	Children and Armed Conflict
FCDO	Foreign Commonwealth and Development Office
ICRC	International Committee of the Red Cross
ISIS	Islamic State
IED	Improvised Explosive Device
IHL	International Humanitarian Law
IHRL	International Human Rights Law
MoD	Ministry of Defence
NATO	North Atlantic Treaty Organization
NMI	NATO Mission Iraq
OSJA	Overseas Security and Justice Assessment
OSRSG CAAC	Office of the Special Representative of the Secretary-General for Children and Armed Conflict
PMO	Partnered Military Operation
PoC	Protection of Civilians
RSM	Resolute Support Mission
STTT	Short Term Training Team
TAAA	Training, advising, assisting and accompanying activities
UN	United Nations

1. INTRODUCTION

Reporting last year, War Child found that protecting children in armed conflict was under-resourced and under-prioritised by the UK Government and that the potential for positive influence, including via its defence relationships, was not being sufficiently leveraged.⁸

The purpose of this follow-up report is to identify where some of these risks and opportunities lie, focusing on military assistance aimed at supporting and enabling local forces through training, advising, assisting and accompanying (TAAA) activities, as well as kinetic support particularly in the form of airstrikes in support of partner/s operations on the ground (see note on terminology).

The report applies a “child rights lens” to concerns about UK military assistance to partner forces and considers ways in which these could be addressed. It is based on input and insights provided from interviews with over 50 stakeholders from the fields of defence and security, international humanitarian law (IHL) and human rights, child rights/child protection, protection of civilians (PoC), peacekeeping and peacebuilding.⁹ It also draws on analysis and recommendations contained in the growing body of research and guidance on protection of civilians in the context of military support relationships.

Note on terminology: The International Committee of the Red Cross (ICRC) identifies four types of support relationships between armed actors – political, arms transfers, partnered military operations (PMO) and other (such as institutional capacity or financial support and “hosting”) – in which support increases the capacity of a party to conduct armed conflict. The term PMO refers to formal arrangements between partners to achieve a specific military aim and includes, train, advise, assist, accompany (TAAA), force generation, kinetic support, partnered detention operations, intelligence support and logistical support. See, ICRC, [Allies, Partners and Proxies: Managing Support Relationships in Armed Conflict to Reduce the Human Costs of War](#), 1 April 2021.

For the purposes of this report, the term “military support relationships” is used to refer primarily TAAA and kinetic support provided to partner forces, although it is recognised that such assistance often includes other forms of support, including political, funding and arms transfers, which are also referenced where relevant.

⁸ War Child UK, [Being a Force for Good: How the British Government can better protect children in armed conflict](#), 2020.

⁹ A total of 46 interviews were conducted with 55 stakeholders including MoD officials, serving and former members of the British Armed Forces, human and child rights experts from the UN, NATO, and international NGOs, as well as PoC, defence and security experts. UN officials, child rights and other relevant actors in Afghanistan, Iraq and Nigeria were also interviewed. A remote roundtable event was held on 27 May 2021 with 13 experts to further explore priority themes and questions.



2. THE CONTEXT

2.1 THE UK'S GROWING COMMITMENT TO MILITARY PARTNERSHIPS

Military partnerships, already a significant feature of UK defence policy and action, have been placed front and centre of future efforts to “deter and defend against overseas threats” under the 2021 Integrated Review.

The Integrated Review sets out the Government’s vision for the UK’s role in the world over the next decade, and reinforces previous themes including commitments to be a “force for good” in the world, a supporter of open societies, and a defender of human rights.¹⁰

The Integrated Review envisions a greater role for the armed forces, using them “to detect, understand and deter state threats below the threshold of war through persistent engagement overseas.” It places the UK’s network of military alliances and partnerships “at the heart” of UK actions to counter state adversaries, and commits to working bi-laterally with partners, and in support of NATO missions, to “build the capacity of others to deter and defend against state threats; support, mentor and, where necessary, assist nations in countering non-state challenges.”¹¹

Although the scale of this commitment is new, the pursuit of national security and other foreign policy objectives through military partnerships has been an integral part of UK defence policy for over a decade.¹² Well before making the latest commitments under the Integrated Review, the UK therefore had a large and complex range of defence relationships that ranged from its membership of NATO and participation in other multi-national military operations, through to provision of military education and training to military forces across the world; advising and mentoring local forces on the ground; joint exercises; intelligence sharing; equipping and institutional capacity building; embedding of military experts in overseas forces; and arms transfers. The majority of these military support relationships are with state security forces, but in some instances, such as in Iraq and Syria, have also included assistance to non-state armed groups.

Going forward, the government intends to double down on its overseas military assistance. The MoD Command Defence Paper of March 2021, “Defence in a Competitive Age”, which accompanies the Integrated Review, sets out a vision whereby the British Armed Forces will be “persistently and proactively engaged globally”, with “a much greater commitment to allies and partner forces” involving a “campaigning approach” to building partners’ capacity and to accompanying their operations.¹³

¹⁰ See for example, Foreign Secretary, Dominic Raab, Authored Article “[Global Britain is leading the world as a force for good](#)”, 22 September 2019.

¹¹ HMG, Integrated Review, March 2021.

¹² See, HMG, [Securing Britain in an Age of Uncertainty: The Strategic Defence and Security Review](#), October 2010 and [National Security Strategy and Strategic Defence and Security Review 2015: A Secure and Prosperous United Kingdom](#), 23 November 2015. Subsequent government strategies and plans including the MoD’s 2017 [International Defence Engagement Strategy](#); 2018 [Mobilising, Modernising and Transforming Defence](#), and 2019 [MoD Single Departmental Plan](#) reinforced an approach in which building and enabling capability of partner forces is a key element of efforts to prevent conflict, build stability and project UK global influence.

¹³ MoD, Defence in a Competitive Age, March 2021. The concept of persistent military engagement was first set out in the 2020 [Integrated Operating Concept](#).

New capabilities are to be created to deliver on this, in particular a “Ranger Regiment” which will be “involved in collective deterrence such as training, advising, enabling and accompanying partner forces”, and a Security Force Assistance Brigade to “provide guidance and training to allied partner nations.”¹⁴

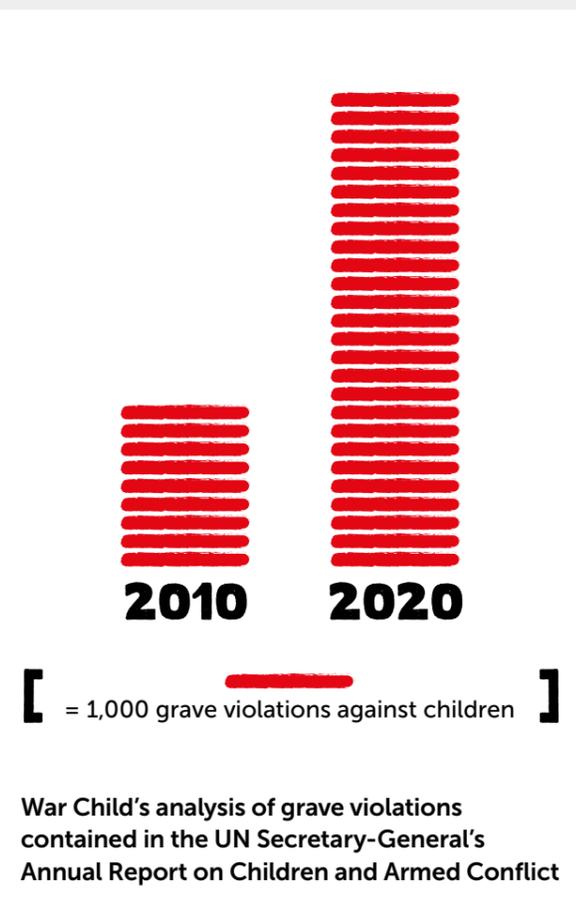
2.2 THE IMPACT OF ARMED CONFLICT ON CHILDREN

The backdrop against which these plans were made and will be put into action is a world in which the number of children affected by armed conflict has been steadily rising for decades. By 2019 almost two thirds of children (an estimated 1.6 billion girls and boys under the age of 18) were living in conflict-affected countries.¹⁵ As the number of children living on or near frontlines has increased, so too have the dangers to which they are exposed.

United Nations (UN) numbers for 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) only hint at the true scale of the harms suffered but are nevertheless indicative of the ever-increasing conflict-related risks faced by girls and boys.¹⁶ According to UN figures, these almost tripled between 2010 and 2019.¹⁷

Although these figures only account for verified incidents and actual figures are therefore likely to be much higher, the numbers are alarming. For example, in the last three years (2018–2020), an average of 10,198 children were verified by the UN as having been killed or maimed annually, and 7,756 boys and girls recruited and used in hostilities by armed forces or armed groups.¹⁸ In the meantime, there is reported to have been a tenfold increase in the number of children considered to be at risk of wartime sexual violence in the last 30 years, reaching an estimated 72 million in 2019.¹⁹

Critical services on which children rely are also increasingly under assault. More than 11,000 attacks on schools and other education facilities were reported between 2015 and 2019,²⁰ and 3,780 attacks on or obstruction of healthcare recorded from 2016 to 2020.²¹



Incidents of children denied access to humanitarian aid jumped by a shocking 400 percent in 2019 to 4,400 verified incidents, with similar numbers recorded in 2020.²² Against this backdrop, the number of child refugees more than doubled in 10 years reaching 26 million in 2019 – with many millions more boys and girls forcibly displaced within their countries of origin.²³

Moreover, there are early indications that the socio-economic impacts of the COVID-19 pandemic including loss of family income, closure of schools, and disruption of protection activities has further increased the vulnerability of children to certain human rights abuses including military recruitment and use and sexual violence.²⁴



Not all UK military assistance is provided in environments where these and other violations against children occur. However, a significant amount is. In 2019, some form of military support, whether in the form of training or education, partnered operations, contributions to peacekeeping missions, arms transfers or other was provided in almost all of the 19 country situations in which the UN verified patterns of grave violations against children that year.²⁵ In at least eight of these (Afghanistan, India, Iraq, Israel, Nigeria, Somalia, Syria and Yemen), the UK had military support relationships which involved training, assisting and advising, or were providing kinetic support to, parties to conflict that were themselves responsible for committing grave violations against children.²⁶

Cumulatively in 2019, UK supported state security forces or non-state armed groups in these countries were responsible for at least:

- 2,613 deaths and injuries of children;
- 378 incidents of child recruitment and use;
- 29 incidents of rape and other forms of sexual violence against girls and boys;
- 238 attacks on schools and hospitals.²⁷

14 MoD, *Armed Forces to be more active around the world to combat threats of the future* and *Army announces Special Ops Army Ranger Regiment*, 23 March 2021.
 15 Peace Research Institute Oslo (PRIO), *Conflict Trends, Children Affected by Armed Conflict, 1990–2019*, June 2020.
 16 In 1999, the UN Security Council adopted *Resolution S/RES/1261* identifying and condemning these six grave violations against children in armed conflict and requesting the UN Secretary-General to report on them annually.
 17 Save the Children, *Stop the War on Children: Protecting Children in 21st Century Conflict*, 2019.
 18 See UN Secretary-General Annual reports on Children and Armed Conflict 2019, 2020 and 2021.
 19 See PRIO, *Conflict Trends, Children at Risk of Wartime Sexual Violence, 1990–2019*, January 2021.
 20 Global Coalition to Protect Education from Attack (GCPEA), *Education under Attack 2020*, 9 July 2020.
 21 ICRC, *Health-care providers, patients suffer thousands of attacks on health-care services over the past five years*, 3 May 2021.

22 UN News, *“Children caught in conflict facing ‘brutality and fear while the world watches’*”, 15 June 2020 and UN Secretary-General Annual Report on Children and Armed Conflict, UN Doc. A/75/873–S/2021/437 (2021).
 23 UNHCR, *Figures at a Glance*, accessed 31 March 2021.
 24 Office of the Special Representative of the Secretary-General for Children and Armed Conflict (OSRSG CAAC), *Impact of the COVID-19 pandemic on violations against children in situations of armed conflict*, 3 May 2021 and War Child UK, *COVID-19 in Fragile Humanitarian Contexts: Impacts of the Pandemic on Children*, July 2020.
 25 Of the 19 country situations referenced in UN Secretary-General’s 2020 Annual Report on Children and Armed Conflict, the UK provided some form of military support bi-laterally and/or as part of international coalitions or peacekeeping forces in Afghanistan, Colombia, Democratic Republic of Congo, India, Iraq, Israel, Lebanon, Libya, Mali, Nigeria, Pakistan, Philippines, Somalia, South Sudan, Sudan, Syrian Arab Republic, and Yemen.
 26 Afghan National Defence and Security Forces; Indian Security Forces; the Iraqi Security Forces; the Israeli Defence Forces; the Nigerian Security Forces; the Somali National Army; the Syrian Democratic Forces; and Saudi Arabia and other members of the Coalition to Support the Legitimacy in Yemen.
 27 Figures based on verified incidents reported in the UN Secretary-General Annual Report on Children and Armed Conflict, UN Doc. A/74/845–S/2020/525 (2020).

Disquieting as these figures are, they do not begin to capture the extent of harms caused to children in these and other situations of armed conflict. They do not capture the cumulative and longer-term consequences resulting from unmet medical needs, lack of access to education, lack of availability of safe water and sanitation, and food insecurity of which armed conflict remains the main driver globally.²⁸

They also do not include the many thousands of children deprived of liberty for their actual or alleged association with opposing armed groups in countries where armed forces have received training and other forms of military support from the UK including Afghanistan, India, Iraq, Israel, Lebanon, Nigeria, the Philippines, and Somalia.²⁹ Another 27,500 boys and girls, including an unknown number of British children, are still held in northeast Syria by the UK-supported Syrian Democratic Forces (SDF), for their alleged links to Islamic State of Iraq and the Levant (ISIL).³⁰ With the situation deteriorating rapidly in Afghanistan, there is a risk that the recruitment of children will also escalate.³¹



²⁸ Global Network against Food Crises, [New and old challenges Conflict, climate change and COVID-19 impacts on rising acute food insecurity](#), 5 May 2021.

²⁹ UN Secretary-General Annual Report on Children and Armed Conflict, UN Doc. A/74/845-S/2020/525 (2020). Under international law, children involved in armed conflict are considered primarily as victims of serious violations who require reintegration. If implicated in an internationally recognised crime, the law allows for detention as a measure of last resort, for the shortest period of time, and for prosecution in line with international juvenile justice standards.

³⁰ For further details see, Human Rights Watch (HRW), [Thousands of Foreigners Unlawfully Held in NE Syria](#), 23 March 2021.

³¹ For further detail see UNICEF, [At least 27 children killed and 136 injured in past 72 hours as violence escalates in Afghanistan, 9 August 2021](#).

3. RISKS AND OPPORTUNITIES ARISING FROM MILITARY SUPPORT RELATIONSHIPS

The growing reliance on working “by, with and through” local and regional military partners is part of a broader trend favoured by the UK and other countries for reasons including the lower financial and political costs involved.³² However, this “light footprint” approach to warfare should not be equated with “light responsibilities”. Rather an approach, in which local forces take the primary burden of frontline fighting, supported by assistance from international partners (often multiple partners), raises various questions around the roles and responsibilities of those providing the support which must be central to the design and management of the relationships. Recent developments in Afghanistan demonstrate the need to reflect and identify lessons from international involvement in the country to inform the UK’s other military support relationships around the world going forward.

3.1 THE RISKS TO CHILDREN AND THEIR COMMUNITIES

The ICRC has highlighted the “dangerous diffusion of responsibility” that arises where responsibilities among partners are unclear or are ambiguous, goals and objectives are not aligned, or capacities insufficient or not complementary, as presenting the greatest risk in military support relationships. Where a relationship is composed of several partners or there is a chain of support relationships, as is often the case in coalition and other types of military support relationships in which the UK is involved, the risks are multiplied.³³

The trade-offs involved in such relationships were acknowledged by a former British Ambassador to Afghanistan in evidence provided to a recent Select Committee inquiry. According to the former Ambassador, the shift from direct engagement by British Armed Forces to the provision of “limited military help to the Afghan government”, was “a sensible goal” that came “at far less cost and UK national risk”, but carried “a lot less certainty and control of the outcomes.”³⁴

However, the price of this diffusion of responsibilities is frequently paid by children and others not involved in fighting. Indeed, building the capacity of partner military forces, without commensurate efforts to ensure compliance with international law and best practice, places children’s lives and well-being at risk.

³² For detailed discussion of trends and rationale re UK military partnerships see Oxford Research Group (ORG), [Remote warfare: Lessons from Contemporary Theatres](#), 27 June 2019, and Royal United Services Institute (RUSI), [War by Others’ Means: Delivering Effective Partner Force Capacity Building | RUSI Europe](#), 13 November 2020.

³³ ICRC, [Allies, Partners and Proxies: Managing Support Relationships in Armed Conflict to Reduce the Human Cost of War](#), 1 April 2021.

³⁴ House of Lords, [Select Committee on International Relations and Defence, 2nd Report of Session 2019–21: The UK and Afghanistan](#), 13 January 2021.

These risks can result from misconduct by partner forces that lack the skills or the will to respect and protect children during the course of their operations, including when encountering and detaining children associated with opposing forces.

Risks can also arise from lack of skills, knowledge and capacity of partner forces to protect children against violations of IHL and human rights abuses by enemy forces.

Over two decades ago, the UN Security Council also raised the alarm about the broader, longer-term consequences of violations against children in armed conflict to durable peace, security and development.³⁵

Recognising the unacceptable level of harms being inflicted on children and their far-reaching impacts on global peace and security, a framework for promoting compliance was subsequently put in place by the UN which the UK (via the Foreign, Commonwealth and Development Office, FCDO) actively supported including in its role as a member of the UN Security Council Working Group on CAAC, which reviews progress by parties to armed conflict on preventing and ending violations against children in relevant countries, as well as through its political and financial support to the work of the Office of the Special Representative of the Secretary-General for children and armed conflict (OSRSG CAAC).³⁶

This now well-established UN architecture is an important part of the armoury for identifying state security forces or non-state armed groups responsible for committing grave violations against children and pressuring them to take measures to prevent and end them. However, it does not explicitly address the role of those providing support to the forces of concern, despite the possibility of supporting forces’ role as potential enablers to child rights violations, and their capacity to undermine UN Security Council prevention efforts as well as broader aims of peace and stability.

UK military support relationships can also be at odds with other UK priorities including national security, development and aid, and in some cases, its legal obligations. In Yemen, for example, until recent cuts in the international aid budget the UK was one of the top contributors of aid to alleviate the conflict-created humanitarian crisis. The UK Government has also consistently made clear its support for a cessation of hostilities and for peace talks.³⁷ Yet it is also among the states accused by UN-appointed independent experts of perpetuating the conflict and suffering of the civilian population by supplying weapons and other forms of military assistance to parties to the conflict. Concerns relating to legal responsibilities of the UK and others for assisting the commission of international law violations by the Saudi Arabia-led Coalition have also been raised.³⁸

³⁵ UN Security Council Resolution 1261 (1999).

³⁶ For further details on the UN CAAC architecture and UK support for it see War Child UK, [Being a Force for Good: How the British Government can better protect children in armed conflict](#), 2020.

³⁷ See for example FCDO, [“Two-week ceasefire in Yemen: Foreign Secretary Statement”](#), Dominic Raab urges the Government of Yemen and the Houthis to immediately cease all hostilities and engage constructively with political talks”, 9 April 2020 and [“Yemen needs inclusive peace talks. UK says as conflict enters its fourth year”](#), Statement on Yemen from the Foreign Secretary and the International Development Secretary, 26 March 2018.

³⁸ See reports of UN Group of Eminent International and Regional Experts on Yemen available at: [www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx](#). Despite these concerns the UK has continued to licence arms transfers to members of the Coalition in contrast to other countries including the USA where an end to “all American support for offensive operations in the war in Yemen, including relevant arms sales” was announced by [President Biden](#) on 4 February 2021. For further information on UK arms sales to members of the Saudi-led Coalition and on-going legal challenges, [Campaign against the Arms Trade](#).

In Afghanistan, Yemen and elsewhere, analysts have highlighted how harms to civilians caused by security forces and/or by those providing military support to them have fuelled grievances and resentment among local communities, contributed to radicalisation and resulted in reputational damage to national forces and their international allies.³⁹ It is also well established that human rights violations and other forms of repression can create incentives for violence by reinforcing the perception that there is no viable alternative for expressing grievances and frustration.⁴⁰

Such grievances and frustrations can quickly translate into child protection concerns. In Nigeria and Somalia for example, human rights violations committed by state security forces are reported to have increased support for non-state armed groups that UK assistance is intended to counter abuses committed by the Somali National Army have been described as being “a big recruitment tool for Al Shabab”,⁴¹ while in Nigeria, the experience of state oppression and violence is reported to be among the many and complex reasons that children join Boko Haram.⁴²

3.2 OPPORTUNITIES FOR STRENGTHENING CHILD PROTECTION

Conversely, military support relationships also present opportunities to strengthen compliance by partner forces with IHL, international human rights law (IHRL), as well as with best practices on the protection of children in armed conflict, including those reflected in the UK’s political commitments (see below).

This means thinking of child protection (and protection of civilians more broadly) as more than an add-on or inconvenience to the achievement of short-term military aims. Rather it should be considered as an integral criterion for assessing the risks and consequences of military support, and a metric against which the success of any partnership is measured and managed.

There was wide consensus among those interviewed for this report, including MoD officials and serving members of the Armed Forces, that child protection, within a broader approach to “Human Security” (a term used by the MoD that incorporates children and armed conflict (CAAC) and six other thematic issues)⁴³ needs to feature more prominently in UK thinking and practice both in relation to its own military operations and in its support to partner forces. It was acknowledged by one senior military officer that child protection “has not been very bright on the radar up to now” and that, the primary focus on military effectiveness means the Armed Forces have not always been sufficiently aware of human security issues, but that these issues are now seen as “highly relevant.”

³⁹ See for example Larry Lewis, [Promoting Civilian Protection during Security Assistance: Learning from Yemen](#), CNA Institute for Public Research, May 2019, and Open Society Foundations, [The Strategic Costs of Civilian Harm Applying Lessons from Afghanistan to Current and Future Conflict](#), June 2016.

⁴⁰ United Nations and World Bank, [Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict](#), 2018.

⁴¹ ORG, [Fusion Doctrine in Five Steps: Lessons learned from remote warfare in Africa](#), November 2019.

⁴² United Nations University, [Cradled by Conflict, Child Involvement with Armed Groups in Contemporary Conflict](#), 2018.

⁴³ The seven themes covered by the term Human Security are: conflict-related sexual violence; CAAC; human trafficking and modern slavery; building integrity and countering corruption; cultural property protection, Women, Peace & Security (WPS); and preventing & countering violent extremism.

That is not to argue that the military should take on the role played by civilian child protection experts. Rather, as one officer explained, what matters to UK Forces is “how children are affected by conflict, understanding what we can and cannot do to protect them, and if we can’t do something we need to know who can. Even if the issue is outside the military purview, we should have a cognitive understanding of immediate and longer-term concerns.”

However, it is one thing for UK forces to aim for this in their own operations. It is another to integrate it into assistance provided to partner forces where child protection needs to feature in each juncture of the relationship, reinforced by senior-level political commitment, resources and expertise, and coordination across relevant parts of government in their engagement with the host government and/or partnered forces.

To this end the UN Secretary-General has called for UN Member States to adopt protection of civilian (PoC) strategies which pay specific attention to strengthening protection of civilians by partner forces and for partner conduct to be continuously assessed “through the prism” of IHL and IHRL and effective implementation of measures to help protect civilians. He has also called for military assistance to be conditional on partner forces’ commitment and performance in protecting civilians and respect for international law.⁴⁴

⁴⁴ Report of the UN Secretary-General, Protection of civilians in armed conflict, UN Doc. S/2018/462 (2018).

4. EVOLVING UK LEGAL AND POLICY FRAMEWORKS

The Government's recent update to its national PoC strategy, the 2020 "UK Approach to the Protection of Civilians in Armed Conflict" (Approach to PoC policy paper), includes a statement of intent that military skills and expertise imparted to state and non-state actors should not be "used to cause harm". The Overseas Security and Justice Assessment (OSJA), a process for assessing human rights risks involved in providing assistance to security or justice sectors of other countries with project leads required to update their assessments when the situation changes on the ground, is referenced as the means by which to achieve this.⁴⁵

The OSJA Guidance sets out a range of mitigating measures that could be taken if it is assessed that assistance could "directly or significantly contribute to a violation of human rights and/or IHL". This includes obtaining assurances from host governments or recipient institutions, lobbying and representations, training on IHL and IHRL, monitoring and evaluation and vetting. It does not, however, stipulate that assistance should not be authorised where such risks exist, but rather that ministerial approval should be obtained.⁴⁶ The Approach to PoC policy paper also does not elaborate on UK roles and responsibilities with respect to military partners or make any reference to conditionalities, including in relation to child rights violations.

In fact, military support relationships carry a spectrum of responsibilities (legal, moral, ethical and political) depending on the nature of the assistance and/or partnership. Where support reaches the threshold of becoming a party to armed conflict (for example, where air support is provided to partner forces' ground operations), the UK is legally bound to protect children under IHL and IHRL obligations. Other forms of military support relationships may not give rise to direct legal responsibility for wrongful conduct by the supported forces, but carry due diligence obligations under international law (see text box), and can still affect conduct, increasing or reducing human suffering depending on how the relationship is managed.

Reflecting plans to better integrate such obligations and commitments into UK defence activities, the MoD is in the process of developing a set of "foundational documents". These include a recently finalised but not yet public 12-year Human Security Strategy which is intended to deliver a Defence-wide change programme that incorporates Human Security considerations, of which CAAC is one, into all aspects of Defence activities, including UK military support relationships.

They also include updated doctrine guidance for the Armed Forces in the form of a "refreshed" version of the Joint Service Publication (JSP) 1325: "Human Security in Military Operations". PoC as a "moral, political, legal, and strategic priority for all military operations" was already acknowledged in the original 2019 version.⁴⁷ The new version, which is due to be finalised later this year, is intended to "rebalance" the focus from one primarily about the military's role in implementation of UN Security Council resolutions on Women Peace and Security (WPS), towards a more inclusive understanding of Human Security that includes greater emphasis on the protection of children.

The 1949 Geneva Conventions and their Additional Protocols require State Parties to refrain from providing support that would encourage, aid or assist in violations of IHL and to do everything reasonably in their power to prevent violations of IHL by the parties to an armed conflict it supports and to bring any such violations to an end.⁴⁸ Similar due diligence obligations are found in international human rights law, including the **Convention on the Rights of the Child**.⁴⁹

The UK has also endorsed political commitments designed to strengthen protection for children in situations of armed conflict. These include the **Paris Commitments to Protect Children Unlawfully Recruited or Used by Armed Forces; The Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers and The Safe Schools Declaration**. These are important tools for informing policy and action to enhance protection against specific dangers faced by boys and girls which are relevant both to the conduct of UK Armed Forces and to conduct that should be expected of and promoted as part of any assistance provided to partner forces.

⁴⁵ HMG, Policy paper, [UK Approach to Protection of Civilians in Armed Conflict](#), 27 August 2020.

⁴⁶ HMG, [Overseas Security and Justice Assistance \(OSJA\) Human Rights Guidance](#), Updated version, 26 January 2017.

⁴⁷ MoD, [JSP 1325 Human Security in Military Operations](#), V1.0. January 2019.

⁴⁸ Article 1 common to the Geneva Conventions; Additional Protocol I to the Geneva Conventions; [ICRC Customary IHL Study](#), Rules 139 and 144. See also ICRC, [International Humanitarian Law and the Challenges of Contemporary Armed Conflicts](#), 22 November 2019.

⁴⁹ Article 38(4) Convention on the Rights of the Child.



5. INTEGRATING CHILD PROTECTION INTO MILITARY SUPPORT RELATIONSHIPS IN PRACTICE

The extent to which existing legal and policy frameworks have been applied to promote the protection of children in the context of military support relationships, and with what impact, requires a detailed assessment which was beyond the scope of research for this report. However, the following examples in Afghanistan, Iraq and Nigeria highlight some of the challenges involved, lessons that have been or should be learnt, as well as some positive practice that could be replicated and built upon going forward.

The extent and character of UK military support differ across the three situations. However, what each have in common is the unacceptable level of danger faced by children as a result of the conflicts being waged in them. Between them, UK-supported security forces in Afghanistan, Iraq and Nigeria have been responsible for many hundreds of violations against children in recent years. In Iraq, there are also serious concerns about levels of civilian casualties resulting from airstrikes in support of local ground forces by the UK or other members of coalitions of which they are part.

While UK airstrikes entail direct responsibilities and potential legal liabilities if found to have resulted from actions that fail to comply with IHL, responsibility for violations committed in these three countries by local forces in receipt of training, advice or other military assistance from the UK is less clear-cut. Yet the level of violations committed against children suggests a degree of tolerance of misconduct by partner forces that would be entirely unacceptable if committed by UK Armed Forces.

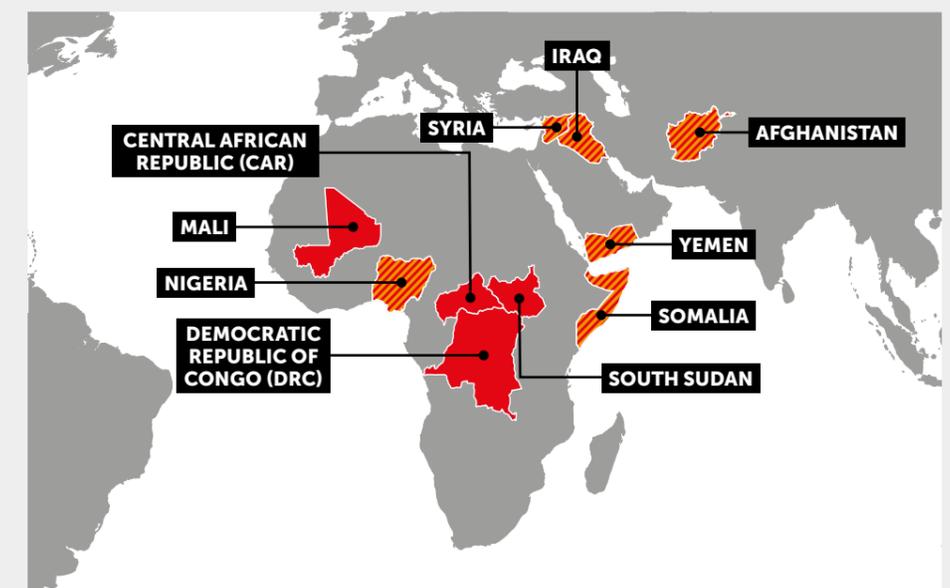
KEY



10 worst countries for children in conflict



Countries where the UK has military support relationships involving training, assisting and advising or providing kinetic support



5.1 AFGHANISTAN: A MIXED PICTURE ON CHILD PROTECTION

UN-verified grave violations against children attributed to government and pro-government forces January 2015 to December 2019 (including pro-government militias)

- Killing and maiming – **3,774**
(international forces were responsible for 760 child casualties during the same period)
- Military recruitment and use – **59**
- Attacks on schools and hospitals – **58**
(international forces were responsible for 8 attacks on schools and hospitals during the same period)
- Rape and other forms of sexual violence – **17**
- Denial of humanitarian aid – **11**
(one incident attributed to international forces)

Sources: Report of the UN Secretary-General on Children and Armed Conflict in Afghanistan, UN Doc. S/2019/727 & UN Secretary-General Annual Report on Children and Armed Conflict, 2020.

Afghanistan has been the recipient of £3 billion in UK development assistance since 2001,⁵⁰ a figure which is dwarfed by expenditure on UK military operations which amounted to £21.3 billion from 2001 to 2014.⁵¹ Although much reduced since the military role transitioned from combat to building the capacity of the Afghan National Defence and Security Forces (ANDSF), levels of investment remained high until the recent collapse of the ANDSF and Afghan government.

RECENT DEVELOPMENTS IN AFGHANISTAN AS OF SEPTEMBER 2021

After the US' announcement that military forces would leave Afghanistan by September 2021 and preparation of the UK and other members of the NATO led mission to withdraw, the Taliban increased attacks on ANDSF bases and began to seize more territory in the country.⁵² On 15 August, Taliban fighters entered Kabul which led to the collapse of the Afghan government.

UK SUPPORT TO THE AFGHAN GOVERNMENT PRE-COLLAPSE

UK training support to the ANDSF had included the Afghan National Army Officer Academy (ANAOA), a training facility (often referred to as "Sandhurst in the Sand") built with UK funding and opened in 2012 when initially over half of the 120 international mentors were British.⁵³ As of early 2020, 5,000 Afghan officers had passed through its doors and its graduates were reported to represent 75% of all Afghan National Army (ANA) operational junior commanders.⁵⁴ "High-level mentoring" was provided by UK advisors attached to Afghanistan's ministries of defence and interior,⁵⁵ and UK military advisors assisted the nascent Afghan Air Force "across all functional capabilities, including aspects of operational training and development including on air-land battle integration and operational training".⁵⁶ In addition, the UK also had a long-term funding commitment, amounting to £70 million annually, to support Afghan security institutions.⁵⁷

NATO and CAAC

NATO first expressly addressed the protection of children in armed conflict in 2012 adopting its first Military Guidelines on Children and Armed Conflict that year.

In 2015 it adopted the "Protection of Children in Armed Conflict – the Way Forward" to integrate UN Security Council CAAC resolutions into NATO military doctrine, education, training and exercises, as well as NATO-led operations and missions.

As a NATO mission, Resolute Support Mission was bound by NATO CAAC policies, and their application in Afghanistan illustrated the positive role that military support relationships can play in child protection. In a first for NATO, a CAAC Advisor was deployed to the mission in 2016, and RSM was credited with having contributed to national policy development, including child protection policies for the Afghan ministries of defence and interior and the ANDSF,⁵⁸ with supporting UN-led data gathering on grave violations against children, and of using its influence to intervene with national authorities on individual incidents of child rights violations.

Child rights stakeholders interviewed for this report regarded RSM as a constructive actor on child protection and particularly stressed the value of having a dedicated CAAC advisor/contact point with a direct line to RSM senior command. However, it was also noted that there were limits to what one advisor based in Kabul could achieve, and that a larger team with reach into the provinces, as was the case for RSM's team of gender advisors, could have had far greater impact.

The value of "uniform to uniform" engagement was also acknowledged, with international military advisors and mentors often seen as being well placed to identify protection issues and able to communicate concerns and solutions to national counterparts that might have been less well received from civilian actors. In the words of one senior UN human rights official, "Afghanistan is not a success story, but if you look over time at the development and conduct of ANDSF the international military advisors made a huge difference."

50 House of Lords, Select Committee on International Relations and Defence, [2nd Report of Session 2019–21 The UK and Afghanistan](#), 13 January 2021, and FCDO, [UK pledges £155 million aid to support peace and stability in Afghanistan](#), 24 November 2020.

51 House of Lords, Select Committee on International Relations and Defence, The UK and Afghanistan, 13 January 2021, referencing Letter from the Ministry of Defence (13 January 2015).

52 See for example [The New York Times, A Wave of Afghan Surrenders to the Taliban Picks Up Speed, August 2021](#).

53 Dr Edward R. Flint evidence to House of Lords, Select Committee on International Relations and Defence, The UK and Afghanistan, 13 January 2021. Operational control of the ANAOA was handed over to the Afghan authorities in late 2020.

54 MoD, [Annual Report and Accounts 2019 to 2020](#). Afghan officers have also received training through UK-based defence courses.

55 See MoD, Annual Report and Accounts 2019 to 2020, and [2018 to 2019](#).

56 According to the MoD, [Ministry of Defence annual report and accounts 2016 to 2017 - GOV.UK \(www.gov.uk\)](#), the UK had six advisors assisting the AAF.

57 FCDO, [UK pledges £155 million aid to support peace and stability in Afghanistan](#), 24 November 2020.

58 These child protection policies were adopted respectively in December 2017, November 2020 and February 2021.

The role of military expertise on Countering-Improvised Explosive Devices (C-IED) was highlighted as a UK-specific contribution to protecting children, for whom IEDs remain among the leading causes of death and injury in Afghanistan.⁵⁹ This contribution was seen as being both C-IED training to Afghan security forces, and the provision of technical advice and guidance to civilian protection experts to support their engagement with armed groups on civilian harm-related issues.

However, other concerns suggested that child protection was not always well integrated throughout RSM. Although it is difficult to pinpoint the UK's precise role, these are nevertheless relevant both in terms of the assistance provided and responses to allegations of child rights violations by supported Afghan forces. For example, despite the heavy international investment in military training, according to child rights and protection experts in Afghanistan interviewed for this report, child protection was not formally incorporated into curriculums, and the CAAC-related training that was provided was never standardised across different military training facilities.⁶⁰ This includes the ANAOA which, although outside of the NATO chain of command, was nevertheless part of broader international efforts to build the capacity of national forces.

Questions were also raised about the reach of training. UK efforts had focused on officer training to support the development of "the next generation of military leaders".⁶¹ While this made strategic sense, as part of a coordinated effort it is important that all bases are covered. In the case of Afghanistan this included addressing training gaps at the provincial-level which were widely seen as having been neglected. According to one child protection expert "it is one hundred per cent certain" that most military commanders in the provinces, let alone ordinary soldiers, were unaware of the Afghan MoD child protection policy or national laws prohibiting grave violations against children.

The UK and others involved in providing military assistance had been criticised for failing to hold the ANDSF to account for human rights violations. The Select Committee on International Relations and Defence had raised concerns that "the UK turned a blind eye to abuses", in Afghanistan, noting in its report that the military effort had taken priority and the UK had failed to deliver a clear message that Afghan government institutions needed to address human rights abuses.⁶²

An example of this related to allegations of the sexual abuse of children by members of the ANDSF – in particular the practice of "bacha bazi" or "boy play" in which boys are used by men in positions of power for dancing and other forms of entertainment, often involving sexual abuse. Despite the ANDSF having made progress towards ending the unlawful recruitment use of children, there continued to be persistent allegations of boys associated with them as "bacha" prior to the collapse of the government.⁶³

59 See UNAMA, Reports on the Protection of Civilians in Armed Conflict, available at, <https://unama.unmissions.org/protection-of-civilians-reports>. For further information on the impact of IEDs on children in Afghanistan, see Action on Armed Violence (AoAV), [The impact of explosive weapons on children in Afghanistan](#), 1 April 2020.

60 War Child did not independently review relevant curriculums.

61 MoD Annual Report and Accounts 2018–19, July 2019.

62 House of Lords, Select Committee on International Relations and Defence, 2nd Report of Session 2019–21 The UK and Afghanistan, 13 January 2021.

63 Most allegations related to the Afghan Police and Afghan Local Police, but there were also reports of the use of bacha by members of the Afghan National Army and by pro-government militias. For further information see: US State Department, [Trafficking in Persons Report, 20th Report](#), June 2020 and Afghan Independent Human Rights Commission, [Causes and Consequences of Bacha Bazi in Afghanistan](#), 18 August 2014.

One former British Army officer, who served in Afghanistan, described the lack of response by UK troops, as "a source of shame" and something "we got badly wrong". He and others described a tendency to view bacha bazi as a cultural practice about which nothing could be done, rather than a serious child protection concern/child rights violation requiring an urgent response.⁶⁴ Also of concern had been the rising number of child casualties attributable to the ANSDF, in particular the ANA (up from 491 in 2019 to 708 in 2020), which resulted in it being included in the UN Secretary-General's 2021 "list of shame".⁶⁵

Lessons resulting from these and other examples of child protection failures in Afghanistan must be learnt, while examples of good or promising practice should be replicated and built on elsewhere. However, the systematic review of both achievements and gaps that is needed has yet to be done and/or institutionalised, as a result of which opportunities to strengthen child protection in other conflict-affected settings may be missed in other settings.⁶⁶

5.2 IRAQ: OPPORTUNITIES TO LEARN AND APPLY LESSONS

UN-verified grave violations against children attributed to Iraqi Security Forces and Kurdish Peshmerga forces 1 July 2015 to 31 July 2019

- Killing and maiming – **215**
(142 were attributed to Iraqi security forces and the international counter-ISIL coalition in joint operations)
- Recruitment use of children – **8**
(71 additional cases were attributed to the Popular Mobilization Forces an umbrella organization composed primarily of Shi'a groups recognised as an independent military formation within the Iraqi armed forces, under the office of the Prime Minister)
- Attacks on schools and hospitals – **Not known**
- Rape and other forms of sexual violence – **None recorded**
- Denial of humanitarian aid – **2**
(restrictions of movement or access to services, as well as other administrative impediments by the Iraqi security forces on children and their families for their actual or alleged affiliation with ISIL also widely reported)

Source: Report of the UN Secretary-General on Children and Armed Conflict in Iraq, UN Doc. S/2019/984.

64 The UK was not alone in this. A 2017 report by the Office of the Inspector General of the US Department of Defense found that before 2015 deployed US personnel did not receive training on identifying, responding to, or reporting suspected instances of child sexual abuse, and that prior to specific command guidance issued in September 2015, they may not have known whether or how to report allegations of child sexual abuse to their chains of command. See, [Implementation of the DoD Leahy Law Regarding Allegations of Child Sexual Abuse by Members of the Afghan National Defense and Security Forces](#), November 2017.

65 The "list of shame" refers to list of parties to armed conflict responsible for grave violations against children that are included in the annex to the UN Secretary-General's annual report on children and armed conflict. Listed parties are required to engage with the UN to agree action plans to prevent and end violations for which they are listed. For figures see UN Secretary General reports on children and armed conflict, 2020 and 2021.

66 An internal analysis of RSM and CAAC is reported to have been undertaken but had not be shared with NATO member states at the time of drafting.

The UK's military role and relationships in Iraq have evolved over time, although unlike in the case of Afghanistan there is a stated commitment to "a persistent partnership... focused on transforming priority areas of Iraqi military capability such as officer training and aviation".⁶⁷ In recent years this has involved participation in the US-led Global Coalition against Daesh, established in 2014 to defeat Islamic State (ISIS), and more recently in the NATO Mission Iraq (NMI), "a non-combat advisory, training and capacity-building mission" set up in October 2018.⁶⁸ In August 2019 a bi-lateral Memorandum of Understanding was also signed between the UK and Iraqi governments, which, according to the UK MoD, is focused on military education, as well as wider training and development of the Iraqi Security Forces.⁶⁹

Among the most controversial aspects of international military assistance in Iraq has been the high number of civilian casualties resulting from Coalition airstrikes, including during the 2016-17 campaign to drive ISIS from Mosul. An estimated 9,000-12,000 civilians were killed during this campaign, of which around one-third have been attributed to Coalition and Iraqi forces.⁷⁰ The number of boys and girls who died or were injured is not known, but in December 2019 the UN Secretary-General reported that airstrikes and artillery shelling had had a devastating impact on children seeking refuge in civilian structures in the city.⁷¹ Massive damage to homes and critical infrastructure was also caused, resulting in displacement and disruption of basic services.⁷²

The UK and other Coalition members have been much criticised for the cost to lives and level of destruction in Mosul and elsewhere, and concerns have been raised that insufficient account was taken of the immediate and long-term risks to children and other civilians of the use explosive weapons in densely populated areas.⁷³ The Government's insistence that there is only evidence that UK airstrikes caused one civilian casualty across all of its operations in Iraq (including Mosul) and Syria from 2014 to 2018, despite information to the contrary, has also exposed the absence of effective policies and practice to investigate civilian harm resulting from UK actions in support of local partners.⁷⁴

In addition to air support, UK military assistance has also included training and advisory support, as well as equipment gifting to Iraqi Security Forces and Kurdish Peshmerga. In early 2021, it was reported that the UK had helped train over 120,000 Iraqi and Kurdish soldiers.⁷⁵ However, it was noted by several experts interviewed for this report that Coalition training was heavily geared towards providing local forces with the capabilities to take on ISIS and, in the words of one, instruction on IHL "was unfortunately not central to it."

67 MoD, Annual Report and Accounts 2018-19, 22 July 2020.

68 For further information on both missions see: [Global Coalition](#) and [NATO Mission in Iraq](#).

69 MoD, Annual Report and Accounts 2019-20, 22 October 2020.

70 AirWars and Pax, [Seeing Through the Rubble The civilian impact of the use of explosive weapons in the fight against ISIS](#), October 2020 and Stimson Center, [Future Urban Conflict, Technology, and the Protection of Civilians: Real World Challenges for NATO and Coalition Missions](#), 10 June 2021.

71 UN Secretary-General, Report on Children and armed conflict in Iraq, UN Doc. S/2019/984 (2019).

72 For a detailed analysis of reconstruction and recovery needs in Mosul post the campaign to oust ISIS see, UN Habitat, [Initial Planning Framework for the Reconstruction of Mosul](#), January 2019. For concerns about over-reliance on air support see, ORG, [\(PDF\) Remote Warfare: Lessons Learned from Contemporary Theatres \(researchgate.net\)](#), 27 June 2018.

73 AirWars and Pax, [Seeing Through the Rubble The civilian impact of the use of explosive weapons in the fight against ISIS](#), October 2020.

74 This includes information provided by its coalition partner, the USA, which has found that children were among the victims of UK airstrikes. See AirWars, [Europe's Shame, Claims by key allies of no civilian harm in war against ISIS exposed](#), 15 March 2020. For UK Government position, see Oral Evidence from Mark Lancaster, [Defence Committee, Global Islamist Terrorism](#), HC 735, 2 April 2019.

75 Foreign Secretary, Oral statement, [Update on Counter Daesh](#), 4 March 2021.

Going forward, NMI will increasingly take the lead in capacity building of Iraqi state security forces. In the context of current reduced levels of conflict and a corresponding drop in grave violations against children, Iraq-based human rights and protection experts stressed the importance of using this window of relative calm to support measures to prevent future violations. While training on the practical application of child rights standards and best practice was seen as important, support for other measures to give effect to such training were also stressed including reviewing laws, policies, doctrine and procedures to ensure consistency with child rights standards, and working with Iraqi security institutions to develop and implement child protection strategies.

The need to address protection and security concerns relating to the deprivation of liberty and other restrictions on children with perceived links to ISIS was seen as a priority issue. These include hundreds of children, mainly boys, who have been charged and/or tried with terrorism-related offences in processes that fall short of juvenile justice standards,⁷⁶ and many thousands of others who were held in crowded camps from which they are now being expelled without adequate plans or support for their return and reintegration.⁷⁷ While these are complex issues requiring a broader cross-government approach, UK military assistance, both via bi-lateral relationships with Iraqi security forces and institutions and through UK participation in international coalitions should be leveraged to ensure children are not detained solely on the basis of their association with opposing forces, and that juvenile justice standards are applied where anyone under the age of 18 years is accused of a recognisable crime and that their rehabilitation and reintegration is prioritised.

Within NMI, the UK is regarded as being well placed to ensure that child protection is prioritised because it is a significant contributor to the mission, and because British personnel hold key posts. These include the head of the training and education division which, among other things, is responsible for supporting curriculum development in Iraqi military training institutions. However, human rights and humanitarian experts interviewed raised concerns that the protection of children is not being sufficiently prioritised, including because NMI does not have a subject matter expert on IHL, and because there are reportedly no plans to deploy a dedicated CAAC Advisor which, given the positive contribution made by the CAAC Advisor to RSM in Afghanistan, suggests that this particular example of good practice has not been fully institutionalised by NATO or its Member States.

76 See, UN Assistance Mission for Iraq (UNAMI) and Office of the High Commissioner for Human Rights (OHCHR), [Human Rights in the Administration of Justice in Iraq: Trials under the anti-terrorism laws and implications for justice, accountability and social cohesion in the aftermath of ISIL](#), 28 January 2020 and HRW, [Iraq: Step Toward Justice for ISIS Child Suspects](#), 13 December 2020.

77 HRW, [Iraq: Camp Expulsions Leave Families Homeless, Vulnerable](#), 2 December 2020, and Report of the Special Rapporteur on the human rights of internally displaced persons, Visit to Iraq, UN Doc. A/HRC/44/41/Add.1 (2020).

5.3 NIGERIA: UNEXPLORED POTENTIAL FOR INFLUENCE

UN-verified grave violations against children attributed to Nigerian Security Forces (including the Civilian Joint Task Force/CJTF) January 2015 to December 2019

- Killing and maiming – **295**
- Recruitment and use of children – **2,444**
(the vast majority by the CJTF)⁷⁸
- Attacks on schools and hospitals – **3**
- Rape and other forms of sexual violence – **12**
(there were also allegations of sexual abuse of girls in camps for internally displaced persons including by Nigerian security forces and members of the CJTF)
- Denial of humanitarian aid – **26**

Sources: UN Secretary-General Annual Reports on Children and Armed Conflict, 2016 & 2017 and UN Secretary-General Report on Children and Armed Conflict in Nigeria, UN Doc. S/2020/652.

UK military assistance to Nigeria has steadily increased over recent years, in particular since 2014 as the British Government sought to support and enable the Nigerian-led opposition to Boko Haram and related violent extremism in the northeast of the country. The 2018 UK-Nigeria Defence Partnership saw the engagement step up yet another notch with new commitments to help defeat Boko Haram and Islamic State West Africa.⁷⁹ As is the case elsewhere, there is limited data in the public domain about what these efforts entail. However, according to available information, the commitments included an extension of training delivered by the resident British Military Advisory and Training Team (BMATT) and short-term training teams (STTTs) which BMATT coordinates, as well as increased equipment gifting.⁸⁰

The UK also “provides non-lethal operational advice and guidance to the Nigerian Armed Forces as they tackle the terror threat of Boko Haram” via a Liaison and Support Team based in Northeast Nigeria.⁸¹ Advice on institutional reform is also provided, and a UK Human Security Advisor is previously reported to have been deployed to Nigeria’s defence headquarters to support the “gender champion” (a General in the Nigerian Armed Forces) to integrate gender issues into training.⁸²

78 The CJTF had been listed for recruitment and use of children in the annexes to the UN Secretary-General’s report on children and armed conflict, but was “delisted” in 2021 following a significant decrease in the recruitment and use of children through the continued implementation of its action plan, which was signed with the United Nations in 2017.

79 Prime Minister’s Office, “UK and Nigeria step up cooperation to end Boko Haram threat”, 29 August 2018.

80 HMG, [United Kingdom Strategic Export Controls Annual Report 2018](#), July 2019.

81 MoD and FCO, “UK reiterates support to the fight against Boko Haram”, 6 October 2017.

82 Conflict, Security and Stability Fund (CSSF) Programme Summaries, North East Nigeria Security and Conflict and Stabilisation Programme, [2019-2020](#) and [2018-2019](#).

Additionally, UK armed forces work alongside France and the US, to support the Multinational Joint Task Force (MNJTF) which coordinates the fight against Boko Haram in the Lake Chad Region.⁸³

In 2019/20 the MoD reported that the UK had trained 2,000 Nigerian “personnel”, adding to the over 30,000 or so troops trained in previous years.⁸⁴ According to the government, such training and other assistance to the Nigerian Armed Forces has consistently emphasised the importance of adherence to and respect for human rights and IHL. It also reports raising human rights concerns relating to national security forces operations in the Northeast at the highest levels of the Nigerian Government.⁸⁵

Nevertheless, experts have long warned of the dangers of empowering the Nigerian military through training without ensuring the structural changes needed to ensure able, accountable and legitimate national security forces.⁸⁶ Indeed, the Nigerian security forces have been dogged by accusations of human rights violations. A preliminary investigation by the International Criminal Court recently concluded that “there is a reasonable basis to conclude” that war crimes and crimes against humanity have been committed by the Nigerian Security Forces in the context of operations against Boko Haram, including crimes involving children.⁸⁷

Among the most egregious violations involving children are the mass arrests of individuals allegedly associated with Boko Haram, among whom there are thousands of girls and boys – reportedly at least 3,600 between January 2013 and March 2019.⁸⁸ Held in appalling conditions in military detention facilities without charge or trial, children are also reported to be among an estimated 10,000 people who have died in military custody in recent years.⁸⁹ UN child protection experts are not permitted access to these facilities and Nigeria has yet to adopt a handover protocol to ensure the swift transfer of children in the custody of the security forces to civilian child protection agencies for reintegration support, which first called for by the UN Security Council Working Group on CAAC (of which the UK is a member) in 2017.⁹⁰

83 MoD and FCO, “UK reiterates support to the fight against Boko Haram”, 6 October 2017. Capacity building support is also provided in the form of places on UK-based professional development courses. See [Nigeria, Military Aid: Written response to Parliamentary Question](#), 21 January 2019. Conflict-related violations against children have also been attributed to other members of the MNJTF, see UN Secretary-General Annual Report on Children and Armed Conflict, 2020.

84 MoD, Annual Report and Accounts 2019 to 2020; and FCDO, “UK backs Nigeria in fight against extremism”, 1 May 2019.

85 For example, HMG, [United Kingdom Strategic Export Controls Annual Report 2018](#), July 2019.

86 Chatham House, Expert Comment, [Nigeria Struggles with Security Sector Reform](#), 2 April 2019 and ORG, [Improving the UK Offer in Africa: Lessons from Military Partnerships on the Continent](#), March 2019.

87 ICC, [Statement of the Prosecutor, Fatou Bensouda, on the conclusion of the preliminary examination of the situation in Nigeria](#), 11 December 2020.

88 HRW, “[Nigeria: Stop Jailing Children for Alleged Boko Haram Ties](#)”, 14 December 2020.

89 Amnesty International (AI) estimates that around 10,000 people have died in military detention during the conflict, including many children. See, AI, “[We Dried Our Tears: Addressing the Toll on Children of Northeast Nigeria’s Conflict](#)”, 2020.

90 UN Security Council, [Working Group on Children and Armed Conflict Conclusions on children and armed conflict in Nigeria](#), UN Doc. S/AC.51/2017/5 (2019). According to a [public statement](#) by the Chair of the UN Security Council Working Group on CAAC on 11 December 2020, the Nigerian authorities had released 1,591 children from detention.

It is not known what links (if any) there are between UK assistance and military units responsible for violations against children, although in 2020, the British Government admitted that UK training and equipment had been provided to the now disbanded police unit, the Special Anti-Robbery Squad (SARs), which had long been accused of human rights violations.⁹¹ According to one interviewee “when the UK is training the Nigerian military we don’t know where they are going to go, what they are going to do or even if they are going to get paid”, – a situation which creates an ongoing risk that UK military assistance may also be inadvertently enabling these forces to commit violations of IHL and human rights against children and others.

As elsewhere, military training is only part of what is needed to support better protection of children affected by conflict in Nigeria. This is recognised in broader UK government support which also includes advice on institutional reform, support to the reintegration of children formerly associated with Boko Haram, as well as to community security platforms designed to facilitate dialogue between the Nigerian security forces and local communities in the Northeast.⁹²

Nevertheless, protection actors working in the North East spoken to for this report considered there to be unexplored potential for UK military assistance to positively influence the conduct of the Nigerian armed forces. In-depth consultations would be needed with civil society stakeholders on the ground to examine these fully, but ideas started with the need for BMATT personnel to engage directly with national and local protection actors – according to one, “we know BMATT is there but it is not visible... we don’t know what they do or how they do it, and there are no platforms for us to interact with it.”

Other suggestions included better integration of child protection into military training and education courses; making use of peer-to-peer influence where appropriate and systematically elevating conduct concerns through UK military and diplomatic structures to ensure more formal or senior-level intervention as required; and support to the development of civilian-military cooperation with the Nigerian military which are largely lacking and which contributes to the low level of public confidence and trust in the security forces.

91 The Independent, “[End SARS protests: UK government admits it did train and supply equipment to Nigeria’s ‘brutal’ police unit](#)”, 30 October 2020.

92 CSSF Programme Summary, [North East Nigeria Security and Conflict and Stabilisation Programme, Country Strategy Paper](#), 2019/20.



6. MAXIMISING THE IMPACT OF UK MILITARY ASSISTANCE ON PARTNER CONDUCT

These examples show that even with the best intentions, military support relationships are fraught with risks. They point to an urgent need to systematically review how military assistance could be better designed, or otherwise leveraged to improve partner conduct, and how it could in turn support broader strategic objectives and give substance to UK commitments to defend human rights and act as a “force for good” in the world.

The UN Secretary-General has called for policy frameworks that include a commitment to strengthen the protection of civilians by partner forces and which:

- clearly define the scope and means of engagement with partners;
- establishes clear lines of communication and ensure regular dialogue on all matters of humanitarian concern.

And for:

- Continuous assessment of partner conduct through the prism of IHL and IHRL, and the implementation of PoC measures;
- Training and instruction on the application of the law and good practices for civilian harm mitigation;
- Provision of other forms of military training, as well as funding, arms transfers and other military support, to be contingent upon partner forces’ commitment and performance in protecting civilians and ensuring respect for international law.

Report of the Secretary General on Protection of civilians in armed conflict, UN Doc. S/2018/462.

This is not always straightforward. Resolving tensions between military and humanitarian objectives, let alone other UK interests, is easier done on paper than in practice. Applying the right levers and finding practical measures to support and foster partner compliance with international standards and best practice can also be difficult, as can measuring their effectiveness, particularly from a distance. But none of this negates the responsibility for doing so.

The ambition appears to be there. As one serving officer in the UK Armed Forces noted that, “we are hoping to internalise Human Security more deeply into the way we operate - we want to make sure that the people we are working with are aware of these issues and not violating human rights, and to be able to pick up concerns where our partner forces are non-compliant and act on them.” With plans to expand UK military partnerships, accelerated efforts are now needed to ensure that all the elements are in place to realise this ambition. It is of fundamental importance that the government’s work on security and justice is aligned with British values, including respect for human rights, the rule of law and democracy. In support of this, the following sets out key themes that emerged from the research and related recommendations.

STRENGTHENING POLITICAL WILL ON CHILD PROTECTION

a

Embedding child protection in government strategies and decision-making:

The inextricable link between building military capability and ensuring compliance with IHL, child rights and other relevant standards was emphasised by research participants.

It was argued that, for this to take effect, there must be an unambiguous public commitment from the senior levels of government to child protection (and protection of broader civilian populations) as a central element within military support relationships, and a clear political steer must be given to those responsible for designing and implementing support programs that ensuring partner compliance with child protection standards and best practice is a mission priority.

This commitment is missing from the Integrated Review which makes no reference to protecting civilians, including children, in the context of plans for increased capacity building and other support to partner forces. Yet, at the same time, it alludes to the potential risks involved by recognising that the UK will be working with partners “who do not necessarily share the same values”.⁹³ As more detailed strategies are developed to implement the Integrated Review, including the forthcoming Conflict Strategic Framework, there will be important opportunities to set out how risks relating to military support relationships will be managed and how child protection (and broader PoC) goals and objectives will be integrated into them.

The need for continued efforts to ensure effective management and clear lines of accountability for military support relationships, in which multiple government departments in addition to the MoD often have a stake, was also highlighted. As one participant noted, the “diffusion of responsibility” that is at the heart of the risks entailed in military support relationships, is also still a problem within Whitehall. This can lead to a lack of clarity about who owns the relationship and where responsibilities lie, including if things go wrong.

■ **Child protection should be embedded at the heart of all UK military support relationships and reinforced by the integration of comprehensive, cross-government goals and objectives on the protection of children in situations of armed conflict into relevant cross-government strategies and policies including the forthcoming Conflict Strategic Framework. These should clearly identify UK roles and responsibilities in ensuring compliance with child rights standards and best practice in the context of military support relationships.**

■ **The FCDO Minister responsible for the CAAC portfolio (the Minister for Middle East and North Africa) and the MoD Minister responsible for Human Security (the Minister for the Armed Forces) should coordinate closely to ensure child protection is prioritised in military support relationships and reflected in all relevant strategies. Trends and concerns relating to children and armed conflict should be considered and discussed as they arise at the ministerial level.**

⁹³ HMG, Integrated Review, March 2021.

BUILDING KNOWLEDGE AND UNDERSTANDING OF CHILD PROTECTION NEEDS

b

Comprehensive understandings of risks to children and required protective measures: Improving protection of children in situations of armed conflict requires context-specific and intersectional understandings of risks to and vulnerabilities of girls and boys, and the way in which military assistance (and other interventions) can impact these positively or negatively.⁹⁴

The 2020 Approach to PoC policy paper focuses particularly on the UN Security-Council identified six grave violations, but this excludes many other abuses endured by children in conflict. As noted elsewhere in this report, these include arbitrary detention, torture and ill-treatment, and forced displacement, as well as the negative, cumulative consequences of conflict on socio-economic rights including to health and education, all of which can impact on children's futures and well-being, as well as on prospects for peace and stability.

Observance of IHL by partner forces is essential to mitigating such risks, and the Approach to PoC policy paper does stress the UK's role in promoting respect for IHL through partnership programs. However, significant harms can result from military actions that are not necessarily in violation of IHL. Effective protection therefore requires other policies and actions such as those reflected in IHRL and political commitments endorsed by the UK, adherence to which should be integral to any military support relationships.

- All UK military support relationships should be underpinned and informed by a full analysis of threats to and vulnerabilities of children, including immediate physical and wider, longer-term harms, and their implications for conflict prevention and stabilisation.
- Compliance not only with IHL, but also with IHRL, political commitments on CAAC and other best practice should be prioritised in all military support relationships, and reflected in all relevant strategies, policies, and procedures, including the forthcoming Joint Services Publication (JSP) on Human Security in Military Operations and other MoD foundational documents.

⁹⁴ Intersectional refers to the interconnected nature of social categorisations such as race, class, age, ethnic group, poverty level, sex and gender identity as they apply to a given individual or group, regarded as creating overlapping and interdependent systems of discrimination or disadvantage. An intersectional perspective recognises the unique experiences of different people within their environments and explains how multiple forces interact to reinforce conditions of inequality and social exclusion – the roots of violence and stigma. See, HMG, [Principles for Global Action, Preventing and Addressing Stigma Associated with Conflict-Related Sexual Violence](#), 2017.

c

Ensuring adequate capacity and expertise on CAAC: Among the objectives of the MoD's new Human Security Strategy is to ensure that UK Defence personnel have the capability, understanding and training to incorporate Human Security into their approach to military activity. Currently, however, resources are thinly stretched and CAAC expertise limited. For example, the MoD's Human Security Team, which leads on policy development, comprises just two people. Within the Armed Forces, Human Security is still a relatively niche area, is not part of mandated training or exercises, and receives little recognition in career structures.

Of the three branches, the Army is the most advanced in this area, having developed a dedicated Human Security Cell within 77th Brigade whose role includes overseas training to international partners. However, it was noted by one former military officer that the Brigade has limited child protection expertise within it. Moreover, "Human Security" is a broad umbrella term covering seven thematic issues, each of which is a specialist area of expertise. Although government policy documents and CAAC commitments recognise the importance of child protection expertise, in practice a more generic approach is still taken by the Armed Forces, and military "Human Security Advisors" rather than dedicated CAAC focal points (to which the UK committed to in the context of peacekeeping operations under the Vancouver Principles) still accompany UK military deployments.⁹⁵

- Ensure that ambitions to integrate Human Security into UK military operations are matched by resources and expertise within the MoD and Armed Forces. This should include making child protection a mandated part of military training, both to set a good example and to build a body of expertise to support peer-to-peer engagement with and training of partner forces.
- Capitalise on the opportunity presented by the establishment of the Ranger Regiment, with its explicit function to train and advise partner militaries, and the Security Force Assistance Brigade, with its role in providing guidance and training to allied partner nations, to embed child protection expertise into the new formations such that they are resourced and positioned to act as "force for good" in the world.

⁹⁵ See Approach to PoC Policy Paper, 2020, and the [Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers](#), 2017.



Engagement with child and other civilian protection experts: Another of the MoD Human Security Strategy objectives is to achieve greater effect through coordination including with partners across government, NGOs and civil society. The importance of regular dialogue between the MoD and Armed Forces and child protection experts and other civil society actors, was also stressed by many research participants, including to deepen understandings of respective roles, and to contribute to strengthening protection policies and action.

There are some positive examples of engagement including recent NGO involvement in child protection training to UK peacekeepers deploying to Mali (see below). However, interaction with the MoD is irregular and dialogue on important protection issues, including civilian casualty monitoring, tracking and transparency, has stalled.⁹⁶ Constructive experiences of civil society engagement in capitals elsewhere may be instructive for developing this area of work. In the USA for example, the Department of Defense has held in-depth consultations with human rights and humanitarian experts to support the drafting of policies on minimising and responding to civilian harm in military operations.⁹⁷ Similar consultative processes to develop policies aimed at reducing civilian harms are also taking place within the Netherlands Department of Defence, and have recently been initiated in Belgium.⁹⁸

Engagement with civil society actors working in conflict-affected countries where UK military assistance is provided is equally important for ensuring a full analysis of child protection concerns and the broader human security environment, that are essential components of military planning and execution. Although there are security and other sensitivities around these relationships which must be navigated and, as many participants noted, a need to break down stereotypes on both sides, greater civil-military cooperation was stressed as an area in need of improvement. Objective 2 of the Human Security strategy seeks to achieve greater coordination with partners including civil society.⁹⁹

- **Ensure that civil society experts (including child protection, human rights, humanitarian law and protection experts) working with conflict-affected populations are systematically and meaningfully engaged in dialogue by the MoD, both in the development of strategies and policies relevant to child/civilian protection, and to ensure a full analysis of human security environments including child protection risks in situations where the UK provides military support to partner forces.**

⁹⁶ War Child UK and Save the Children UK supported the design and delivery of child protection "injects" into simulated exercises in April 2021 for UK troops deploying to the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA).

⁹⁷ In support of this, the Pentagon facilitated a total of 11 workshops on different topics associated with civilian harm in military operations. Child protection, as a cross-cutting theme, was woven into these where relevant.

⁹⁸ For further details see AirWars and Pax, *Seeing Through the Rubble: The civilian impact of the use of explosive weapons in the fight against ISIS*, October 2020.

⁹⁹ Human Security Strategy (2020-2032) Objective 2: To embed a HS approach to the way we operate, achieving greater effect by coordination with partners across government, Allies and partners, non-governmental organisations, Civil Society organisations and the commercial sector.



Integrating child protection into training, and training into broader capacity building strategies: According to the MoD, Human Security increasingly features in military training including of overseas military partners and, since 2018, this has been broadened to include "CAAC".¹⁰⁰ However, given the technical focus and short duration of many trainings and, as yet still limited expertise on child protection within the British Armed Forces, the capacity for in-depth training on child protection to partner forces is not yet in place. Where the UK is involved in longer-term training and advising activities, such as in Afghanistan, Iraq and Nigeria, child protection also appears not to feature as a particularly high priority.

There is nevertheless evidence of a shift in focus with increased attention being paid to child protection and other PoC-related issues in the context of UK support to peace operations which represent a good building block. The recent pre-deployment training of British troops to Mali represented the first time that child protection experts had been invited to support scenario-based trainings that are vital to building practical understanding of potential threats to children and appropriate responses to them. In addition to deploying British troops, the UK also trains around 11,000 peacekeepers from other countries each year via the British Peace Support Team (Africa), which creates important opportunities for similar levels of investment.¹⁰¹ Concerns have been raised in the past that child and other protection issues are not adequately addressed in UK training of overseas peacekeepers.¹⁰² However, interviewed child protection experts from the region felt there was an increased commitment to the issue which is translating into UK support for dedicated child protection trainings, although questions remain about their depth and impact.

Beyond peace operations, in which peacekeepers are required to support mission mandated protection activities and must therefore have appropriate knowledge and skills, armed actors elsewhere will also encounter child protection issues for which they must also be prepared as a matter of course, not as an optional extra. As one interviewee pointed out, not including a solid child protection component in trainings for partner forces that are already committing violations comes with a serious reputational risk for the UK, but child protection training as a form of prevention is equally important.

The limits of training in changing behaviours and resolving child and other protection concerns that are rooted in governance and institutional failings, was nevertheless also a consistent theme both among military and other experts consulted. These require deeper and longer-term investment in building institutional capacities to apply legal standards and best practices which, depending on the context, can include the adoption of laws, policies and guidance or putting in place processes and structures to enhance child protection. As noted elsewhere in this report, military support relationships provide opportunities to support this more holistic approach to child protection, either directly through advisory, mentoring and other such roles, or by leveraging influence to encourage the adoption of required measures.

¹⁰⁰ According to the MoD, Annual Report and Accounts 2018 to 2019, Members of 77th Brigade conducted training on Human Security in Military Operations "from Kazakhstan to Uruguay".

¹⁰¹ MoD, Annual Report and Accounts 2019-20. BPST (A) is based in Nairobi, Kenya.

¹⁰² See for example RUSI and Save the Children UK, [The UK Strategy on Protection of Civilians Insights for the Review Process](#), September 2019.

In situations where the UN has verified grave violations against children by UK-supported partner forces, this should include encouraging and supporting their engagement with UN Security-Council processes to prevent and end these violations.

- Detailed training on child protection standards and their practical implementation should be integrated into all overseas military training. The MoD and others responsible for delivering training should engage with national partners to identify training needs and context-specific training should be developed in close coordination with NGOs and other experts that includes both class-based sessions and practical exercises. Effective monitoring and evaluation processes should be in place to assess the impact of the training on the conduct of trained troops and institutional performance.
- Military training on CAAC-related topics should be integrated into broader child protection strategies designed to support institutional capacity-building of partner forces to enable them to fulfil obligations and commitments under child rights standards to which they are party.

ENSURING ACCOUNTABILITY AND OVERSIGHT

f

Strengthening transparency and oversight: A lack of public information makes it difficult to gain a full picture of UK overseas military assistance and because most military support-relationships are defined as “non-combat”, the Government is not required to seek Parliament’s consent, or to report to Parliament on them.¹⁰³ This already leaves a critical and worrying gap in oversight of and accountability for government actions which will widen further as partnered operations become even more central to the UK’s foreign policy.

Important policies governing these relationships are also often not public, preventing independent scrutiny of their compliance with international standards.¹⁰⁴ Moreover, unless furnished with the necessary information, parliamentary committees including the Defence, Foreign Affairs and International Development Select Committees, which have a long history of overseeing British action abroad, are unable to perform their vital oversight and accountability role.¹⁰⁵

There is also a lack of transparency surrounding the OSJA process while the FCDO publishes information on the numbers of assessments in its Annual Human Rights Report, it is not known how risks to children are considered during assessments, or what mitigating measures have been put in place to ensure that assistance does not contribute to or exacerbate identified risks.

¹⁰³ There is no official definition of combat and non-combat operations or a set list of criteria. See *Crispin Blunt, In search of clarity: defining British combat and non-combat operations*, 28 September 2018. Parliament has authorised military combat action in only Afghanistan, Iraq and Syria.

¹⁰⁴ In a recent example, a confidential 2016 Chief of Defence Staff directive on “embedded personnel” was released by the MoD during legal proceedings. The directive outlined exceptions where British troops working in foreign units can engage in drone strikes in countries where the UK is not operational, against targets MPs have not approved and which may be unlawful. See *The Guardian, “MoD document approves British troops for illegal bombing, charity claims”*, 19 May 2021.

¹⁰⁵ The need for information on arrangements with other states to be made available to Parliament has previously been highlighted including by the All Party Parliamentary Group on Drones, *The UK’s Use of Armed Drones: Working with Partners*, 2018, and ORG, *Lawful but Awful, Legal and political challenges of remote warfare and working with partners*, May 2018.

- Quarterly parliamentary debates on partner assistance should be scheduled to enable the Government to report regularly to Parliament on where, to which forces, and what form of military assistance is provided and how protection of children and broader civilian populations is being factored into this assistance.

- Abbreviated information on OSJA assessments should also be published regularly, including where military assistance is provided to countries whose security forces are responsible for grave violations against children.

- Parliament should strengthen its scrutiny of UK military support relationships and their compliance with UK legal and moral obligations to protect civilians including children affected by armed conflict. In particular, relevant Select Committees (inter alia, the Defence, Foreign Affairs and International Development Committees) should consider working together to scrutinise the work of their respective government departments in integrating child protection concerns (and PoC more broadly) into the new Conflict Strategic Framework and other relevant strategies and policies, and to ensure that the Government complies with both the letter and spirit of national and international legal obligations in its military support relationships.

g

Assessing partner capacities to protect children: Interviews with serving members of the Armed Forces pointed to an assumption that the record and capacities on child protection of any forces that they are deployed to train or otherwise support is thoroughly assessed prior to commencement of any program of assistance. However, concerns were raised by others that the OSJA process is insufficiently robust and too narrowly focused on addressing legal risks to the UK to perform this function. As noted above, it is also unclear how partners’ records on compliance with international child rights standards is taken into account in assessments.

Several research participants described the OSJA as a tick-box exercise, and it was noted by one that it does not adequately address the extent to which partner forces and host governments are committed to ensuring IHL and human rights-related outcomes. Recommendations for a “more detailed risk tool” that can address new and emerging risks contained in a 2017/18 review of UK military and other assistance to Northeast Nigeria, indicate that similar concerns have been raised by those responsible for implementing programs.¹⁰⁶ Elsewhere, it has been noted that the OSJA does not adequately address partnered operations with non-state armed groups which have become increasingly common (for example, UK assistance to elements of Kurdish Peshmerga forces and the Syrian Democratic Forces), which involve different risks and challenges to relationships involving state security forces.¹⁰⁷

¹⁰⁶ See CSSF, *Annual Review Summary, NE Nigeria Security and Conflict and Stabilisation Programme*, 2017/18.

¹⁰⁷ ORG, *Forging a New Path: Prioritising the Protection of Civilians in the UK’s Response to Conflict*, July 2020.

■ Human rights assessments of military assistance programmes should take account of the recipient country's record on protecting children affected by armed conflict and robust, dynamic risk assessment processes established that incorporate allegations of child rights abuses and other new or emerging threats, before and at regular intervals during a partnership, so that assistance can be modified to take account of these.

■ Specific guidance should be developed to support the effective management of military support relationships with non-state armed groups to ensure that support does not cause harm either directly or indirectly, to children and other civilians.



Setting red lines and ensuring accountability: Some forms of military assistance, in particular arms transfers, are already restricted by law which, at least in theory, should prevent weapons being supplied where they might be used to commit violations of IHL or IHRL. Where assistance does not entail direct legal responsibilities, for example if it does not lead the UK to become a party to the conflict, it is often unclear what the red lines are and what conditionalities, if any, are set. While the OSJA Guidance sets out mitigating actions that could be taken when risks are identified, it does not set out clear policy or guidance on stopping or suspending support when violations are alleged or proven.

In the USA, laws which codify respect for human rights as a key pillar of foreign policy help to identify where red lines could or should lie. In particular, the Leahy Laws which require vetting of partner forces to ensure that assistance is not provided where there are credible allegations of gross violations of human rights; and the Child Soldiers Prevention Act, which restricts certain types of security assistance to countries whose armed forces recruit and use children in hostilities. Although imperfectly applied, these laws have contributed to holding partner and other security forces accountable for human rights violations.¹⁰⁸ Because assistance can be reinstated if adequate corrective steps are deemed to have been taken they can also incentivise reform.¹⁰⁹ As one former member of the British Armed Forces also noted, something similar in the UK could serve as “a handrail” for troops on the ground in identifying, responding and reporting violations that they may encounter, and by institutionalising their responsibility and authority to do so.

108 See 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.

109 For further information and analysis on these laws see Centre for Strategic and International Studies (CSIS), [Shifting the Burden Responsibly Oversight and Accountability in U.S. Security Sector Assistance](#), 24 April 2019 and [Accountability in U.S. Security Assistance: Seeking Return on Investment](#), 12 February 2018; [The Leahy Law and Human Rights Accountability in Afghanistan - GPPi](#) 5 March 2017; and Congressional Research Service, [Child Soldiers Prevention Act: Security Assistance Restrictions](#), 6 November 2020.

Holding a partner force accountable for child rights or other violations of IHL or IHRL was seen by some as a delicate balancing act, where pragmatic concerns around achieving required levels of military capability within a short period of time and preserving working relationships with military partners on the ground must sometimes prevail. While these are real considerations, when the balance tips towards turning a blind eye to serious violations of international law they are inconsistent with UK legal obligations under IHL and IHRL, and with other commitments to end impunity and strengthen accountability for child rights violations during armed conflict.¹¹⁰

Moreover, ignoring child rights violations by partner forces undermines UK support for other international accountability processes. As one research participant noted, “it is counter-productive on the one hand to oppose grave violations against children as part of the Security Council Working Group [on CAAC] in New York and, on the other hand, to unconditionally provide military assistance to states whose armed forces are responsible for committing them.”

■ All military support other than training on the application of the law and good practices for child protection/civilian harm mitigation should be made contingent on partner forces' commitment and performance in protecting civilians and respect for international law.

■ Where there are credible allegations of abuses by partner forces against children or other civilians, assistance should be withheld pending effective measures to investigate and end violations and take measures to avoid repetition.

■ Consideration should be given to adopting legislation that would codify and thereby ensure the consistent prioritisation of UK responsibilities to support IHL and IHRL in the context of military support relationships.

110 See Approach to PoC policy paper for commitments on ending impunity and strengthening accountability for children.

PROMOTING BEST PRACTICE

i

Learning and institutionalizing lessons: Examples of good practice on child protection in the context of military support relationships are still relatively rare. Nevertheless, as noted above, some positive outcomes were achieved by NATO in Afghanistan from which useful lessons can be drawn that could inform the development of UK's own policy and practice going forward which, as some participants noted, lags behind NATO in some aspects.¹¹¹

It was also suggested that the UK could play a more proactive role in ensuring that good practice is institutionalised within NATO. An immediate opportunity to demonstrate its commitment to this agenda would be to ensure that child protection expertise, which proved beneficial within RSM, is integrated into NATO's Mission in Iraq (NMI). Another is via its participation in NATO's Operations Policy Committee which is due to adopt a new CAAC policy later this year, and where NATO's role and responsibilities with respect to child protection both with respect to its own operations and that of partner forces should be clearly elaborated.¹¹²

- Ensure that there are effective, sufficiently resourced lessons-learned processes on the impact of military assistance (whether in the context of NATO missions, other multi-lateral arrangements or bi-lateral assistance) on the conduct of supported forces, including in relation to child rights violations, that capture inter alia feedback from UK troops on the ground as well as relevant civil society stakeholders.
- Use UK influence to ensure that protecting children in armed conflict is at the heart of NATO military operations including by ensuring that the forthcoming NATO CAAC policy is comprehensive (addressing IHL, IHRL and best practices on child protection) and that it includes explicit commitments to ensuring compliance with child rights standards by partner forces that it trains, assists or otherwise supports. The UK should also advocate for and consider contributing a civilian child protection expert to NMI.

¹¹¹ For example, it was noted by one expert that the inclusion of CAAC, along with other cross-cutting protection-related themes, is mandated in NATO exercises under Supreme Allied Commander Europe (SACEUR) Annual Guidance on Education and Training, but that no equivalent policy exists in the UK.

¹¹² [The Operations Policy Committee](#) (OPC) plays a lead role in the development and implementation of NATO operations-related policy, provide coherent and timely advice to the North Atlantic Council, to which it reports directly, and enhance collaboration between the political and military sides of NATO Headquarters. All NATO member countries are represented on the OPC.

j

Responding to new challenges and leading by example: Shifting trends in warfare require traditional understandings of protection, including of children, to be updated and expanded. As the battle for Mosul highlighted, when towns and cities become battlefields, as they increasingly are, there are additional protection challenges for the conduct of military operations, including when supporting partner forces. To this end, the UK Government's continued support for the on-going Irish-led process to agree a political declaration that will provide policy and operational guidance on minimising humanitarian harms resulting from the use of weapons in populated areas is particularly important, as is the implementation of guidance emerging from it both within UK military operations and in its support to partner forces.¹¹³

While this represents another opportunity for the UK to strengthen protection of children in armed conflict, including by partner forces, in some cases its authority to do so is undermined where domestic policies and practices fall short of best practice.

Despite the scale of harms to civilians resulting from airstrikes conducted by the UK and other Coalition members in support of partner forces in Iraq, there is a lack of civilian casualty tracking systems and the capabilities needed to assess the impact of the UK's own military action on civilians and to generate the data and analysis needed to reduce the possibility of harms, including the death or injury of children.

- 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 putting in place resources and procedures to investigate credible reports that UK military activity may have caused civilian harm and by developing and implementing, in consultation with civil society experts, a credible casualty tracking process to identify the impact of UK military operations on children and broader civilian populations.
- The government should continue support for the process to agree a robust political declaration addressing the humanitarian harm arising from the use of explosive weapons in populated areas. Once finalised the UK should endorse and implement it in its own military operations and encourage and support other states including those whose armed forces it supports to do likewise.

¹¹³ For further information on the political declaration and the process of political negotiations, see International Network for Explosive Weapons (INEW), <http://www.inew.org/declaration-negotiations/>

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