

## Children in Armed Conflict: The Protective Role of the UN Committee on the Rights of the Child and Other Institutional Responses

*This report draws on presentations, discussions, and thought-provoking questions posed by attendees during the event.*

### Introduction

On 1 April 2025, Save the Children and the International Institute of Social Studies, with the support of the Legal Mobilization Platform and The Hague Humanitarian Centre, co-organised an event to critically examine the role of key actors—particularly humanitarian NGOs and the United Nations Committee on the Rights of the Child (CRC Committee)—in protecting children affected by armed conflict. The event explored legal strategies, connecting different branches of international law to reinforce the protection of children’s rights in armed conflict by holding states accountable. The discussion was led by an expert panel of: Ann Skelton<sup>1</sup>, Aurélie Lamazière<sup>2</sup>, and Karin Arts<sup>3</sup> and enriched by questions from the audience.

### Context

The number of conflicts and people affected by war has risen dramatically in recent years. Today, 460 million children — approximately one in six globally — live in conflict-affected areas, and the number of armed conflicts is at its highest since World War II (UNICEF, 2024). The Security Council’s latest report on Children and Armed Conflict highlights the intensification and expansion of hostilities, including deliberate attacks on civilian populations and a “blatant disregard” for International Humanitarian Law and International Human Rights Law. In 2023 alone, there was a 35% increase in killings and maiming of children, and a 21% rise in grave violations across the world. Gendered impacts were also noted in this report: girls were disproportionately affected by sexual violence, while boys faced maiming, killing, and forced recruitment (General Assembly Security Council, 2024).

### Keynote address

Ann Skelton reminded the audience that the history of children’s rights is deeply tied to war. In 1924, the League of Nations adopted the first international instrument specific to the rights of children — the Declaration of the Rights of the Child — born from the horrors of the Great War. After World War II, in which millions of children were killed or displaced, the newly formed United Nations unanimously adopted the 1959 Declaration on the Rights of the Child. However, this declaration was non-binding. It was not until 1989 that the Convention on the Rights of the Child (CRC) became the first binding international instrument to recognize children as rights-holders

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rather than passive recipients of charity. It remains the most widely and rapidly ratified treaty- with the United States being the only country that has not ratified it.

Following the presentation of the report *The Impact of Armed Conflict on Children* to the United Nation's General Assembly in 1996, the position of Special Representative of the Secretary-General on Children and Armed Conflict was created. The Special Representative is tasked with monitoring six grave violations as identified by the Security Council: killing and maiming, child recruitment, attacks on schools and hospitals, rape and sexual violence, abduction, and denial of humanitarian access.

Skelton noted a growing trend: children's rights are increasingly at the centre of international legal actions. This is seen in the International Criminal Court's arrest warrants for President Vladimir Putin and Russian Commissioner for Children's Rights, Maria Lvova-Belova, for the unlawful deportation and transfer of Ukrainian children from occupied areas of Ukraine to the Russian Federation (Russia). Similarly, arguments around the protection of children are part in the International Court of Justice (ICJ) case of *South Africa v. Israel*. These examples point to the growing convergence — or “symbiosis,” as Skelton called it — between International Human Rights Law, International Humanitarian Law, and international Criminal Law, which strengthens accountability mechanisms and amplifies their scope.

The Committee on the Rights of the Child recently reviewed both the Russian Federation and Israel's reports under the treaty body's periodic reporting mechanism. The reporting process and the Committee's concluding observations in these two instances provided excellent examples of the manner in which engagement with different legal frameworks and institutional actors broadened the scope of the review and, by adopting the language of other UN bodies and international court judgments, strengthened its reasoning. Skelton also mentioned, how article 38<sup>4</sup> of the CRC broadens the scope of work of the Committee beyond the CRC itself giving a legitimate foundation to addressing International Humanitarian Law.

In its concluding observations to Russia, the Committee cited war crimes and expressed grave concern over Maria Lvova-Belova's alleged role in the unlawful transfer of children from occupied Ukrainian territories to Russia. These conclusions were supported by the ICC arrest warrant, enabling the Committee to ground and build its statements in international criminal law.

The concept of “effective control” was also discussed with both States. States are responsible not only for actions within their own borders but also in territories under their effective control. In its review on Russia, the Committee invoked this principle, reminding the State of its obligations under IHL, including the principles of distinction (*inter alia* between civilians and combatants), proportionality, and precaution. The Committee also urged Russia to cooperate with the ICC and the Independent International Commission of Inquiry on Ukraine.

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<sup>4</sup> States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

During its review, Israel argued that the CRC does not apply in the Occupied Palestinian Territory, although it recognised the applicability of International Humanitarian Law. The Committee contested this position, asserting that the convention applies wherever a State exercises effective control, warning that this cannot justify violations of children's rights and International Humanitarian Law. In support of this position, the Committee cited the ICJ's advisory opinion of 2024, which reaffirmed that international human rights instruments remain applicable in occupied territories and during armed conflict. The Committee restated that the convention applies to all children, at all times, and in all areas under a State's effective control.

The Committee also built on the ICJ's findings on racial segregation and apartheid in the Occupied Palestinian Territory in calling on Israel to align its domestic laws and policies with international standards and end those resulting in apartheid. The Committee was able to use the term "apartheid" in its recommendations based on the language of the ICJ opinion. In addition, the Committee recommended the adoption of an action plan to end child killings and attacks on schools and hospitals, and to ensure continuity of humanitarian services through collaboration with UNRWA and other humanitarian actors.

These developments show the Committee's strategy of connecting different legal frameworks thus reinforcing the voice of institutional actors in a time when their legitimacy (and that of international law generally) is under attack. Skelton closed her address by reminding the audience that the Convention on the Rights of a Child is the only human rights treaty to explicitly include the word "love." The preamble calls for children to grow up in an environment of happiness, love, and understanding shaped by peace, tolerance, freedom, equality, and solidarity. "Were the drafters naïve?" she asked. "We don't think so. Ending war is the only way."

## **Discussion**

Aurélië Lamazière of Save the Children reinforced the idea of strategic use of a range of international legal bodies when protecting children's rights. Cross-referencing these mechanisms amplifies the Committee's conclusions and enhances child protection. She emphasised Save the Children's commitment to justice and accountability for children in armed conflict, especially in the face of increasing grave violations and impunity.

Children suffer disproportionately in armed conflict—physically, mentally, and socially—yet adult-centric frameworks—also seen in the international human rights system—often fail to reflect this reality. Save the Children is advocating for the mainstreaming of a child-rights-approach in international accountability mechanisms. This means child-specific tools and methodologies to defy the conception that children's experiences in war are "too complicated". However, she firmly believes that there is progress. The United Nations across agencies, programs and mechanisms, are updating their child-based approaches and policies.

Lamazière mentioned that fragmented cooperation in the system is one of the main barriers to accountability and justice. Accountability bodies must break out of silos, share findings, and build on

each other's work — just as the Committee is doing. Political support is still vital for visibility and addressing the effects of armed conflicts and violence has on children.

Karin Arts posed provoking questions around the gap in the protection of children's rights defenders: practitioners, NGOs, and children themselves, especially in conflict areas. She also raised the issue of chronic delays in State reporting to the Committee.

In reply, Ann Skelton mentioned the Committee's strategy of issuing public statements to maintain engagement and its mandate active despite the delays of State parties. Nevertheless, the system—and the Committee—remains underfunded. Without budgetary support and more ratifications from States—particularly on the Optional Protocol on a communications procedure—the development of a more forceful approach remains limited.

Lamazière noted the paradox between the strength of international rulings and the pushback they face. She advocated for more consistent reference to legal decisions to ensure visibility and enforceability, especially in today's politically challenging context.

Members of the in-person audience posed a number of questions to the panel, including: *Does the Committee call out peacekeeper's behaviours when they fail children? Are the international courts and other international accountability mechanism set up to deal with children's issues? What about the involvement of children in armed conflict, not only as victims but also as active agents? How can Article 38 be used more efficiently? Can the committee issue emergency measures in response to critical situations affecting children's rights, such as the aid blockade to Gaza?*

Skelton mentioned that the Committee has, in fact frequently called out peacekeeper's behaviour towards children and noted that it is time for the Committee begins questioning States about their supply of weapons to areas of conflict. With regard to emergency measures, she pointed out that that although South Africa sought and obtained a ruling on interim, emergency measures, the ICJ ruling did not have the result of addressing the humanitarian blockade on Gaza. The Committee, beyond issuing a statement, doesn't have powers for immediate action unless it evokes the Optional Protocol on a Communication Procedures, which allows internal measures to be granted. Aurélie reminded the audience, that even when these measures do not always translate to action immediately, they are part of the path towards accountability and therefore are important.

Reflecting on international accountability mechanisms and courts dealing with children's rights issues, the experts agreed there is a lot of work to be done. Skelton mentioned that the Office of the Prosecutor at the ICC understands this and has developed guidelines to address difficulties taking statements from children. Cases take years to come before the court, with children no longer such when they testify, The ICC prosecuting unit is trying to engage with children earlier in the field to preserve evidence. However, other units of the ICC do not yet have child rights-specific guidelines. The ICJ does not have any specific awareness of children's rights. Although the court referred to the impact of war on children in the South Africa-Israeli case, it was not framed particularly in terms of child rights law. The experts affirmed the need to see more "cross-pollination" in order to make children's rights law more visible in these processes.

When talking about the involvement of children in war, Skelton agreed that there is tension in children's rights law between the autonomy of a child on the one hand, and child protection on the other. She referred to the current debate on a new convention on crimes against humanity as to whether children that are involved as actors should be considered victims, or, if they are to be held accountable for their action, how this should be weighted within the context of armed conflict. Skelton's view on the debate is that, as in civilian criminal law, systems are designed to accommodate children. In the context of conflict, the influence of adults on children must be acknowledged as an important factor. This is an open debate; it is an important conversation.

Final remarks were made by the Netherlands director of Save the Children, Pim Kraan, who in particular noted the obligations of the Netherlands to ensure that humanitarian protection got through to those who needed it, and to end impunity for, and complicity in, international crimes, particularly against children. He also launched a booklet on International Humanitarian Law titled "*How does the law protect children during armed conflict?*", underscoring the importance of the legal frameworks in safeguarding children in times of war.

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