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The role of the Committee on the Rights of the Child in strengthening accountability for attacks on education in armed conflict

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Education is increasingly under attack in situations of armed conflict, with increasing incidence of schools bombed, repurposed for military use, education politicized, and children denied access to learning. This¹ opinion piece examines how the UN Committee on the Rights of the Child (CRC Committee) is responding to these violations by integrating international humanitarian law (IHL), international human rights law (IHRL), international criminal law (ICL) and global accountability mechanisms into its recommendations. Drawing on recent concluding observations to the Russian Federation and Israel, the article highlights the Committee's evolving role in protecting children's right to education in conflict zones. It argues that the Committee is not only interpreting the Convention on the Rights of the Child (CRC) as a living instrument but also asserting its relevance within a broader legal and political context. The analysis concludes that the Committee remains a vital actor in the global effort to strengthen accountability in responding to attacks on education.

KEYWORDS

armed conflict, children's rights, Committee on the Rights of the Child, education, humanitarian law, international criminal law

1 Introduction

In contemporary armed conflicts, education is no longer a peripheral casualty—it is a deliberate target. Schools are bombed, occupied, and politicized.² Teachers are silenced, curricula manipulated, and children recruited into armed groups. These actions not only violate international law but also undermine the long-term prospects for peace and development. This piece explores how the CRC Committee is responding to such violations, particularly through its concluding observations to States Parties engaged in armed conflict that recently reported to it. The Russian Federation and Israel engaged in their scheduled dialogues with the Committee during 2024, and these State party reviews are examined as case studies in this opinion piece. The piece argues that the Committee

1 Former Chairperson of UN Committee on the Rights of the Child, Professor of Law at the University of Leiden the University of Pretoria.

2 See Global Coalition to Protect Education from Attack, *Education Under Attack 2024*. Available online at: https://inee.org/sites/default/files/resources/eua_2024.pdf (Accessed October 6, 2025).

is leveraging its interpretive authority and aligning with IHL and accountability mechanisms to reinforce the protection of children's right to education in situations of armed conflict, and to promote accountability for violations.

2 Legal framework: bridging human rights, humanitarian law and other legal measures

Armed conflict has numerous effects on education. These include direct physical or psychological harm inflicted on learners and teachers, forced displacement of populations, recruitment of children into the militaries of State or non-State armed groups, abduction of children, and the destruction or damage of educational facilities or their repurposing for military use or humanitarian purposes. Education is sometimes co-opted as a channel for propaganda or to propagate hatred of particular groups or individuals. Education may also be discontinued entirely as a result of insecurity or armed conflict.

Accountability for violations of children's rights is achievable through a complex web of legal provisions spanning IHL, IHRL, ICL and what is referred to as the UN children and armed conflict mandate (CAAC), comprising the work of the Special Representative of the Secretary General on Children and Armed Conflict, and engagement with parties to conflict, the UN Security Council, and member states to promote and protect the rights and wellbeing of children affected by armed conflict.³

Under IHL, The Fourth Geneva Convention provides several specific protections for education in international armed conflict: It requires parties to a conflict to take the necessary measures to ensure the education of children below 15 who have been separated from their families⁴ or have been interned,⁵ occupying powers must cooperate with national and local authorities to ensure educational facilities remain accessible for children.⁶ The Additional Protocol II (applicable in non-international armed conflict) demands that children receive the care and aid they require, including education.⁷

Under IHL educational facilities are protected from "deliberate and direct attack" as they are civilian objects⁸ but they can become military objects if they are used for a military purpose. Targeting education facilities may also amount to a war crime. The Safe Schools Declaration further affirms the civilian status of educational institutions and calls for their protection.⁹ Despite these legal protections and political commitments, attacks on schools are prevalent in many regions of the world, and this is one of the six grave violations that are monitored by the Special Representative of the UN Secretary General on Children in Armed

Conflict. Each year, the UN Secretary-General issues a report that lists, in its annex, State and non-State armed forces found to have committed grave violations.¹⁰

The CRC provides a unique bridge between IHRL and IHL. Article 38 explicitly requires States Parties to respect IHL applicable to children in armed conflict and to take all feasible measures to protect and care for affected children. The CRC Committee's mandate allows it to interpret these norms drawn from different aspects of international law and apply them in its recommendations, creating a layered legal approach to accountability. The Committee has always paid attention to continuity in education during situations of armed conflict. However, in recent years the Committee has increasingly broadened its focus. For example, in 2019 the Committee reviewed Syria, and it called upon the State party to immediately cease all attacks on schools, take prompt measures to ensure respect for international humanitarian and human rights law and respect schools as protected objects. This thought piece focuses on two case studies which illustrate how this has been applied in practice, in the CRC Committee's reviews of the Russian Federation and Israel, which were both concluded in 2024.

3 Case study: the Russian Federation

The review of States party reports on progress under the CRC is a scheduled process, with States reporting every 5 years after their initial report. The Committee does not have the power to initiate inquiries or investigations, except under its Optional Protocol on a Communications Procedure,¹¹ which the Russian Federation has not ratified. It was therefore a matter of good timing that the State came up for Review in 2024. The Russian Federation had delivered its report¹² prior to the invasion of Ukraine, and sent a delegation to Geneva for the scheduled dialogue in January 2024, which was almost 2 years into the armed conflict. If the State had decided not to send a delegation, there was little that the CRC Committee could have done about that, as the system relies on political will. But the State instead sent a sizeable delegation, led by the Deputy Minister of Labour and Social Protection. The Committee engaged in 6 h of dialogue with the delegation, which proved to be a frank discussion covering a wide range of issues, and did not shy away from discussing the impact of the war on children in Ukraine and in Sevastopol and Crimea. Following the session, the CRC Committee issued concluding observations to the Russian Federation, condemning the politicization and militarization of education, through initiatives such as "Conversations About Important Things," the "Hero's Desk" campaign, and the introduction of a new "Basic Military Training" course for grades 5–11. The Committee urged the State to ensure that curricula promote peace, tolerance, and respect for diversity, in line with Article 29 of the CRC. It expressed concern over reports from Crimea and Sevastopol, where

3 The mandate is explained at <https://childrenandarmedconflict.un.org/about/the-mandate/>.

4 Art 4.

5 Art 94.

6 Art 50.

7 Article 4(3)(a).

8 Art 48 of Additional Protocol I.

9 Articles 8(1) (a)(iv) and(2)(b)(ii) of the Rome Statute of the International Criminal Law.

10 <https://childrenandarmedconflict.un.org/about/the-mandate/>.

11 Optional protocol to the Convention on the Rights of the Child on a communications procedure A/RES/66/138 of 19 Dec 2011, entered into force 14 April 2014.

12 CRC/C/RUS/6-7, the combined sixth and seventh periodic reports of the Russian Federation to the CRC.

teachers were allegedly pressured to endorse the Russian invasion of Ukraine. The Committee specifically recommended that the Russian Federation should prevent the rewriting of curricula to reflect the government's military agenda. It called on Russia to protect children's freedom of expression and to prevent ideological indoctrination in schools.¹³

The Committee's observations also addressed the broader impact of conflict on children's access to education. It noted that displacement, trauma, and infrastructure damage had severely disrupted learning for thousands of children. In occupied territories, the imposition of Russian curricula and the marginalization of Ukrainian language and culture were seen as attempts to erase identity and suppress dissent. The Committee called for the restoration of inclusive, child-centered education and the protection of minority rights in education.

The Committee reminded the Russian Federation that schools are civilian objects under IHL and must not be targeted. It called for prompt, independent, effective and transparent investigations into violations of IHL and IHRL, and directed that the State should cooperate with the United Nations Independent International Commission of Inquiry on Ukraine and the International Criminal Court. It recommended that the State take all feasible precautions to protect educational institutions and endorse the Safe Schools Declaration. These recommendations reflect a strategic use of human rights law, humanitarian law and international criminal law to reinforce the protection of education.¹⁴

The concluding observations are clear, but the fact remains that the Committee has no means to enforce its recommendations. Like all treaty bodies, it has no direct enforcement mechanism. While a State party's acceptance of a treaty implies acceptance of the Committee's findings and recommendations, the process is reliant on political will and public pressure rather than legal compulsion.

4 Case study: Israel

Israel was scheduled to send a delegation to Geneva for the review by the CRC Committee in January 2024. Citing the armed conflict, they requested a postponement which the Committee had no option but to agree to, and the delegation came for the dialogue in September 2024, 1 year into the armed conflict. The Committee's review of Israel was robust. The Committee expressed concern about a law that added an objective to the educational objectives in Section 2 of the State Education Law, namely, education toward significant military service in the IDF or national civil service¹⁵. The concluding observations raised concerns about the militarization of the education system for Israeli children, particularly the promotion of military service through national education law. The Committee recommended that Israel align its curriculum with Article 29

of the CRC, emphasizing education for peace and responsible citizenship.¹⁶

In the Occupied Palestinian Territory, the Committee condemned severe violations of children's rights, including over 28,000 grave violations of which there were 880 attacks on hospitals and schools, verified by the UN between 2016 and 2023. Drawing on the authority of the advisory opinion of the International Court of Justice and its orders in the case concerning the Gaza Strip (*South Africa v. Israel*), the Committee urged Israel to take immediate measures to protect children and civilian infrastructure. It called on the State to comply with international legal obligations and to sign an action plan with the United Nations to end and prevent the killing and maiming of children and attacks on schools and hospitals. The Committee also recommended collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict to strengthen child protection measures.¹⁷

Regarding Gaza, the Committee highlighted the destruction of schools, noting that nearly one million children were facing restricted access to education. The Committee urged Israel to cooperate with UNRWA¹⁸ to provide education in the short term, and to facilitate the rebuilding of schools, to ensure that children can return to safe learning environments and to provide trauma-informed educational support.¹⁹

Regarding the West Bank, including East Jerusalem, concerns included school shortages, movement restrictions, and settler violence. The Committee called for the removal of barriers to education and accountability for those responsible for attacks, harassment and intimidation. It also addressed the use of administrative detention against children, the presence of armed forces near schools, and the impact of home demolitions on educational continuity. The Committee further recommended that Israel adopt measures to remove armed personnel from school vicinities, the cessation of night raids and arbitrary arrests, and the establishment of independent monitoring mechanisms.²⁰

These concerns were framed not only as violations of the CRC but also as breaches of IHL and broader human rights norms, and the recommendations linked in various accountability mechanisms. For example, referring to the decisions of the International Court of Justice provides an extra layer of authority to the Committee's concluding observations. As mentioned above, the Committee does not have direct enforcement powers. It appears that the strategy followed here was designed to partially close that enforcement gap by aligning the recommendations with ongoing enforcement efforts by other bodies and mechanisms such as the International Criminal

13 CRC/C/RUS/6-7, at paras 39, 40, 47 and 48.

14 CRC/C/RUS/6-7, at paras 45 and 46.

15 Amendment no. 17 to the National Education Law, that promotes service in the Israel Defence Forces or national civil service.

16 CRC/ISR/CO/5-6, para 41.

17 Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (*South Africa v Israel*) <https://www.icj-cij.org/case/192>.

18 United Nations Relief and Works Agency.

19 CRC/ISR/CO/5-6, para 53.

20 CRC/ISR/CO/5-6, para 54 and 55.

Court, the Special Representative of the Secretary General on Children and Armed Conflict to enhance accountabilities, and with UN agencies such as UNRWA to carry out practical implementation efforts.

5 Analysis: a strategic shift

The Committee's recent observations demonstrate a strategic shift in its engagement with the right to education in the context of armed conflict. It is not only applying the CRC but also invoking IHL and ICL, referencing global accountability mechanisms, and aligning with other UN bodies. This layered approach enhances the Committee's authority and relevance in conflict settings. In the case of Israel, the State denied that it had obligations under the CRC in the occupied territories, and that the CRC does not apply in times of armed conflict. However, it acknowledged that it had obligations under IHL. The Committee asserted that Israel does have obligations under the CRC, in the occupied territories—citing the Advisory Opinion of the International Criminal Court that had found that Israel is bound by international human rights law which remains applicable in the occupied territories.²¹ However, the fact that Israel acknowledged the applicability of IHL provided material for discussion and made for a robust dialogue during the State Party Review.

By integrating legal frameworks and mechanisms the Committee positions itself as a key actor in the global accountability ecosystem. It recognizes that protecting children's rights in war zones requires more than broad appeals to uphold children's rights—it demands legal precision, institutional coordination, and sustained advocacy.

6 Conclusion

This opinion piece has argued that the Committee's recent reviews of the Russian Federation and Israel mark a turning point. They demonstrate how the Committee on the Rights of the Child's approach has evolved, and it has asserted its relevance in times of crisis. They also show how the Committee has been able to strengthen its recommendations by drawing on the authority of legally binding decisions of the International Court of Justice, and on the broader UN agenda for children and armed conflict spearheaded by the Special Representative of the Secretary General on Children and Armed Conflict. The safeguarding of education in armed conflict is a legal imperative and the protection of a public common good.²² The CRC Committee has demonstrated that it

21 CRC/ISR/CO/5-6, para 3.

22 UNESCO Futures, Education as a public and common good Reframing the governance of education in a changing context (February 2018) <https://www.unesco.org/en/articles/education-public-and-common-good-reframing-governance-education-changing-context> [Accessed on October 6, 2025].

remains a significant player in the accountability network that upholds the right of children to receive education in situations of armed conflict.

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The original contributions presented in the study are included in the article/supplementary material, further inquiries can be directed to the corresponding author.

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