Enforcement of child protection law in armed conflict (Gaza strip, Case study)

PhD Dissertation

PhD Candidate:

Dima Ziad Alburai

Supervisor:

Prof. Dr. Bencze Mátyás

Professor of Law

UNIVERSITY OF DEBRECEN

GÉZA-MARTON DOCTORAL SCHOOL OF LEGAL STUDIES

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SUPERVISOR'S OPINION

Dima Ziad Alburai's dissertation aims to answer the question of how international humanitarian law is enforced in the ongoing armed conflict in Gaza. The candidate first presents the legal background to the issue, focusing on the development of the relevant legislation. She then describes the historical events that led to the current conflict. The main part of the thesis consists of a questionnaire survey conducted by the author, in which he examines a sample of the population living in Gaza to determine how their human rights, with particular regard to the rights of children, have been violated in the conflict.

The analysis focuses on determining the level and intensity of violations that have occurred in the area. The results of the empirical research raise legal questions such as where the limits of self-defense lie in international law, how the civilian population can be spared in an extremely densely populated area, how this can be effectively monitored, and what responsibility the persons in command of the armed forces on both sides bear for Palestinian civilian casualties.

Dima Ziad Alburai's theses are fundamentally and deeply positioned. She acknowledges that she conducts her research from the perspective of the Palestinian people, although she has also endeavored to shed light on the Israeli position. The dissertation is well-suited to contribute to the ongoing scientific and political discourse in this field, although its position is, of course, open to debate.

Debrecen, 21 April 2026

.....

Dr Mátyás Bencze

ACKNOWLEDGEMENTS

The day has come that we have long anticipated, so at long last, we can finally say that we have finished our intense learning process, both academically and personally. It is truly a life-changing experience that I have experienced over the past four years and has affected me both academically and at a significantly personal levelNow I would like to utilize this time and sincere gratitude to some great people whom I could not do without the support and love. To start with, I would like to say heartfelt thanks to my supervisor, Dr. Matyas Bencze, whose constant support and piece of invaluable advice helped me achieve success on my way to this academic pursuit. It has been priviledged to work under such intellectually open and well informed professor. You were able to guide me not only with the tools needed to succeed academically but also provided me the insight on how to approach the world of research and make a correct course of action.

I also would like to thank my parents, siblings, and friends who are my strong support through constant encouragement and understanding. The last and of course the most special thank you goes to my father who with his unbearable determination, made me realize that I want to have this educational path and earn the higher degree that I have now!

This unflinchingly stands the platform of my academic achievements based on the inalienable support, understanding and guidance I have received. The sacrifices that they have made and the many hours they have given me to offer me advice and to be able to listen to me has propelled me to where I am. It is by them just as much as by me, and to them I am indebted in the deepest gratitude.

It is personal but it has been our journey. It is an oath of power, guidance and affection. With utmost gratitude I move the initial steps on this new pathway in my life and know that the direction of their love and wisdom will remain behind until further days to see me through. It bears witness to the power of support, mentorship and love. I am taking my first steps in this new journey of my life with the utmost feeling of gratitude because I know that the support of their love and wisdom will always be there to see me through to other days.

AUTHOR'S NOTE

The dedication to the human rights and the social justice is what led the author to deal with a critical issue so deeply; that of child protection in armed conflict. The poignant fact that children are overrepresented among the victims of violence, displacement and exploitation in war-torn areas is the driving force behind this study. The incentive of the author is twofold as it is aimed at unveiling the severity of the infringement of the rights of children taking place in conflict areas and to play an active part in formulating effective measures that could help ease the suffering of these children and save their future. The interest demonstrated by the author in this subject is not purely academic, it is his personal cause, the one that he encountered seeing children being a part of the cross fire. Their innocent faces broken and futures compromised have brought a feeling of urgency and responsibility in the need to speak out on their behalf. The author is quite determined that children are not only unfortunate victims of war, they also have some rights and agency that must not be underestimated, even on the battlefield.

The study method can be described with the help of a multi-faceted lens that combines the elements of the legal analysis and empirical data and legal considerations. The research is going to explore complexities of laws that regulate child protection in armed conflict paying close attention to study of international humanitarian law along with issues in human rights law. The author is a critical observer of the gaps in these frameworks and inconsistencies in the frameworks and she understands well the issues rendering legal provisions into actual protection on the ground. It is also based on the rich empirical evidence, the case studies that uses a first hand account, interviews, and surveys to give a qualitative feel of what it means to live as a child in a conflict region. Analysis made by the author goes beyond simple statistical data going into in-depth descriptions of psychological, social and developmental effects of the war on children. The study focuses on the long-term effects that extend long after hostilities have ended indicating the need to look at things long term and give continuous support to child victims.

Within the research, the ethical position of the author is rooted in the fact that all children have a dignity and value as everyone. The paper interrogates the dominant discourses that criminalize and sexualize children into the position of collateral damage or passive victims, and places focus on the strengths and resiliency of children. The author insists on a child protection approach which

has a child focus it gives emphasis to the child where they are included in decision-making and also it gives power back to the child in their lives and future.

The final goal of the study is to help shift the paradigm of approach adopted within the international community to child protection in armed conflict. The study also demands a more proactive and holistic position that should be beyond reactive steps and that should touch on the root causes of conflict. Based on these recommendations, the author offers tangible suggestions as to how to enhance legal foundations, increase accountability provisions, empower humanitarian entities to support children in conflict areas. The author creates a future where a child is not only spared of the ugly experience of war but is helped to recover and become a force in the development of the society. The study acts as a testimony to the importance of the author in their support of the child to believe in the potential they possess as well as to the shared responsibility of ensuring children live in the world where their rights can be afforded and their future secured.

Increasing violence in the Gaza Strip and in russia-Ukraine war has made the child protection issue the top-priority in the international community. The systematic abuse of child rights as is manifested in the alarming number of killing, maiming, abduction, sexual violence, attacks on schools and hospitals, denial of humanitarian access requires a holistic coordinated effort on the part of the international community. The devastating impact of the conflict on children in Gaza is undeniable

The toll of the Gaza and Israel conflict and russia-Ukraine war, in terms of human life is enormous especially among the children. Palestinian and Ukerene children have also been killed and injured in thousands, others displaced and essential infrastructure such as schools and hospitals destroyed. These young lives are like wounded warriors; they carry with them, physical and psychological scars, which have far reaching effects on their personal growth, schooling achievements, and well-being in general. Such pain is not restricted to either party. However, in addition to the tremendous effects to the Palestinian children, the Israeli children as well have sustained severe trauma. In October 2023, terrorist Hamas launched their attacks on civilian areas that led to the great amount of distress and the loss of lives, including those touching the Israeli children. It has become a world of fear with missile attacks being a threat constantly, with injuries, life being lost and having serious psychological outcomes. Similar to their Palestinian counterparts, Israeli children also

experience insurmountable challenges to their development, education, and well-being due to the trauma caused by the existing violence as they live in constant fear that they may be calling to pick up the pieces of their stunted, destabilized life. The random bombing and shelling of residential areas, such as homes, schools, and hospitals have led to the death of many children and injuries of innumerable numbers of children. The introduction of heavy weaponry and explosive munitions in densely populated areas has increased the risk of children and these are usually not able to take shelter or run away violence. The outright act of targeting kids in school and hospitals, which contravenes international humanitarian law, has also denied them their right to education and healthcare experience, which has exposed them to more exposure and loss.

The allegations that Hamas leaders have utilized civilian infrastructure to military ends i.e. stashing weaponry, and locating headquarters in schools, hospitals, and residential blocks have to be explained by the drastic dearth the current siege and the tightness and compactness of the Gaza environment. Gaza is among the most crowded places in the world where more than 2 million people are living in a small enclosed territory. This fact of entrapment implies that there exists little space to allow the civilians and military operations to coexist independently. Through the Palestinian perspective, many of them would say that the fact that Hamas has been placing military resources in the midst of the populations have not necessarily been an act that has been strategic in an effort to harden civilians as human shields; this has merely been a response to do to the fact that there were no safe areas due to Israeli blockades, the destruction of facilities and the ongoing stress of the Gazan population. Operating in this kind of hostile neighbor, Hamas and other militant organizations do not have many options besides operating in densely populated areas where options are minimal, and maybe absent. Moreover, Palestinian leaders and a significant proportion of the citizens would underline that the people in Gaza have been experiencing continuous displacement, loss of residence, and the inability to find escape routes because of the Israeli domination of airspace and the borders of Gaza. The international community should not ignore the bigger picture of the conflict where the Palestinian civilians usually find themselves caught in closed sections where they have no safe way of evacuation or protection against violence. Civilian casualties in such environment cannot be attributed solely to the application of human shields given that the whole population is essentially placed in a state of war without escape.Although allegations by the Israeli military, including the claims that Hamas prevented people to leave or

fired on civilian population, are of grave legal nature, they are to be taken with a grain of salt because, more often than not these claims cannot be verified independently. Palestinians hold the view that such allegations have been used to stimulate unreasonable military actions by Israel that have caused a lot of damage to its civilian population. It is in the perspective of the Palestinians that the attention on the utilization of human shields by Hamas may pull attention out of the severity of the damage done by the Israeli air-strikes, ground attacks and destruction of civilian assets which is much greater in numbers. Thus, the bigger picture that Gaza is in dire humanitarian need is the way to look at this situation in a Palestinian view. The international community should unquestionably hold all parties to account by keeping in mind that the protection of civilians comes as the first priority in the scenario of extreme conditions which the Palestinians are exposed to in the ground. The rejection of humanitarian access which affects even mere delivery of medical supplies and food aid have further worsened the situation leading to cases where children have become malnourished, diseased, and died. The situation in Gaza caused by the blockade has been appalling because the normal needs of children as well as chances of having normal lives are denied. Another serious violation of rights by children is the kidnapping that can be connected with forced migration and human trafficking. Children born into conflict areas, especially in war broke out areas are highly vulnerable to exploitation and abuse, with the likelihood of losing their families and societies, meaning that the children are easily exposed to the mercy of militant groups and organized gangs. Through the employment of children as soldiers, human shields or spies, they further become vulnerable to violence and helps to spread the violence. The psychological effects of children concerned with such events cannot be valued, which causes long-term trauma, anxiety, and depression.

The war between Russia and Ukraine and Gaza-Israel which continues to unfold has transformed the geopolitics in addition to causing severe humanitarian catastrophe- more so to children. Children have been disproportionately affected by the horrors of the ongoing conflict as they keep on bearing the brunt of the suffering. Thousands have been killed, injured or traumatized. A number have lost their families, houses, their education and health. The international organizations have reported serious breaches of children rights such as forced displacement, kidnapping of children, joining armed forces, and violence against schools and hospitals. These are gross

violations of international humanitarian law and rights of the child as contained in UN Convention on the Rights of the Child. The war has produced a breed of children who are growing up in fear, instability and loss. They should be at the center of attention when dealing with their needs during any peacebuilding and recovery. The wounds of this conflict can only be healed by justice, accountability and support of the affected children in the long term to ensure that the future is one of dignity and.

Children should be provided with protection during armed conflicts and this should be done morally and legally by the international community. Through the Convention on the rights of the child and other international humanitarian and human rights mechanisms, children have a mechanism of protection of their rights. But the momentum of violations in Gaza illustrates crucial need of a more effective enforcement of such laws and subsequent responsibility of those committing crimes against children. All parties to the conflict should be made to abide by international law by applying pressure on the international community through prioritizing child protection. This involves guarantying unimpeded access in the avenue of humanitarian assistance, investigating and prosecuting the cases of war crimes and in assisting the rehabilitation and the reintegration of child victims. Additionally, there is great need to avail holistic support services so as to respond to the varied needs of conflict affected children. These incorporate physical and psychological wellbeing, psychosocial exposure, education, entertaining and recreational activities. The decision to invest in these services is important in trying to get the children healed of their trauma, being able to restructure their lives as well as be able to fulfill their potentials. International community should also extend support to long term development plans in Gaza in order to deal with the basic causes of conflict and prepare a more stable and secure world with children. This involves the efforts of enhancing peacebuilding, conflict resolution, and tolerance and understanding education. The case of Gaza acts as an eye opener of how detrimental armed conflict can be to children. It is a clarion calling international community to lead international fight against the situation where the most vulnerable members of the society are denied their rights of protection of their own rights. Caring about child protection, accountability, and long-term support services we can provide more optimistic future to the children of Gaza and prevent the occurrence of similar atrocities in other conflict areas of the world.

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LIST OF ABBREVIATIONS

AP	Additional Protocol
CAAC	Children Affected by Armed Conflict
CRC	United Nations Convention on the Rights of the Child
DRR	Disaster Risk Reduction
GC IV	Fourth Geneva Convention
HEI	Higher Education Institutions
HRMMU	Human Rights Monitoring Mission in Ukraine
ICRC	International Commity of Red Croos
ICTY	International Criminal Tribunal for the former Yugoslavia
IDF	Israel Defense Forces
IDPs:	Internally Displaced Persons
INGOs	International Non-Governmental Organizations
MOEHE	Ministry of Education and Higher Education
NGO	Non-Governmental Organizations
OCHA	UN Office for the Coordination of Humanitarian Affairs
OP-CRC-AC	Optional Protocol to the CRC on the Involvement of Children in Armed Conflict
OP-CRC-SC	Optional Protocol to the CRC on Child Prostitution and Child Pornography
PCBS	Palestinian Central Bureau of Statistics
RUF	Revolutionary United Front
SGBV	Sexual and Gender-Based Violence
SPSS	Statistical Package for Social Scientists
UDHR	Universal Declaration of Human Rights
UN	United Nations
UN	Uinted Nation
UNDP	United Nations Development Program
UNFPA	United Nations Population Fund
UNGA	United Nations General Assembly

UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNRWA	United Nations Relief and Works Agency for Palestine Refugees
WFP	World Food Program
WHO	World Health Organization

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ABSTRACT

The Israeli aggression on the Gaza Strip1 in 2023 and led to a large-scale escalation following the Hamas attack on IsraeL, with These recent events of the Israeli aggression on the Gaza Strip in 2023 that resulted in the massive escalation after the attack of Hamas on IsraeL, the 2023 Israeli aggression on the Gaza Strip which is still being fought with constant aberrating violence and dire humanitarian crisis has made the critical issue of child protection to come on the frontline of world concern. This study attempts to be preliminary in nature as a result of the ever-changing condition on the floor, and seeks to be structured, and scientific in tackling Israeli abuses of global protections of children during this war. The research explores the kind of protections, contained in international humanitarian law, human rights law, and other pertinent bodies of law. It analyzes the scope of such violation through written facts and figures. The study also assesses the merit of international systems that are meant to safeguard the rights of children during such conflicts, inquiring whether the international community is able to effectively react towards the crisis. Treaties and conventions that were supposed to protect the civilian as well as the combatants have been on the rise in the twentieth century, which had seen numerous wars and armed conflict. The Geneva Conventions in 1864, the Hague Conventions in 1907, the Geneva Conventions in 1949 and the Additional Protocols in 1977 are major landmarks in the sequential evolution of the laws which control armed conflict. Nonetheless, these legal instruments have been deficient due to the complexity of modern humanitarian emergencies. The laws of war are usually ignored by the parties involved in conflicts and humanitarian considerations are neglected as governments do not provide access to humanitarian organizations. The effects of such violations are disastrous as the people at large especially children have to bear the brunt of it to a quite unbearable extent.

The population of children who are victims of armed conflict, refugees, internally displaced persons (IDPs) as well as those requiring medical care has shot to the roof. The Occupied Palestinian Territories being regarded as one of the most serious and acute humanitarian crisis of this time, the gross abuse of civilian rights is observed according to the provisions of the international humanitarian law, human rights law, and other laws. The effects of the conflict on vulnerable groups of people (particularly children) are most appalling. The children in Gaza are

[1] As of 18 August 2024.

subject to many problems such as recruitment and deployment as soldiers,[2] killing and maiming, abduction, sexual violence, attacks on schools and hospitals, and denial of humanitarian access. International community has not adequately responded to these violations and this poses much concern to the reliability of the current protective measures in place. The study is the first in its entirety to be implemented in the 2023 Israeli aggression campaign against the Gaza Strip and scientifically evaluates the solvable accounts of violations of international laws related to child protection. It analyzes the particular conditions and level of such offenses, citing documented reports and figures, besides considering how well the global structures that have been set in place in order to protect the rights of children amid conflicts are functioning. Another issue that has been addressed in the study is the historical aspect of child protection laws and how they have evolved historically since the days of Geneva Conventions in the year 1864. It points out to the unfinished battle to guarantee the safeguarding of youngsters during armed conflicts disregarding the presence of a healthy legal arrangement. This study ends with an emphatic assertion that international laws should be enforced more strictly, suspects of crimes against children brought to book and comprehensive and competent support services provided to take care of the multifaceted nature of victims of crime. It requires a more active and comprehensive intervention by the international community in defending children in conflict areas so that the same can never happen again

Introduction:

In 1859, during a business trip, Henry Dunant, a Swiss businessman, and social activist witnessed the atrocities which took place in Solferino; 40.000 dead and wounded were the result of the battle which involved the French-Sardinian against [3]the Austrian forces [1].However, what stroke Dunant was the lack of provision of basic care for the wounded and sick. [2]

As a result, Henry Dunant organized the civilian population, provided them with materials, and erected temporary, emergency hospitals. He managed to convince the civilian population to help

[2] Matthew Happold,*Child Soldiers in International Law* (Manchester University Press, 2005).

[3] Pierre Boissier and A. Durand, "History of the International Committee of the Red Cross," 1985.

people in need under the motto "Tutti Fratelli" (All are brothers), without considering their side, and achieved to release of the Austrian doctors captured by the French.

When he returned to Geneva, Henry Dunant, wrote the book (A Memory of Solferino), which was published at his own expense. The book described the atrocities of war, human suffering, and the need for an organization to be created, responsible for providing care in times of an armed conflict. The book had a great impact on the political avant-guard of the century, leading to the adoption of the Geneva Convention of 1864[5]. It was the first time that legally binding rules for the protection of wounded soldiers and medical personnel were adopted guaranteeing neutrality[6]. The organization that Dunant described in his book in 1862 became a reality one year later. The creation of the 'International Committee of the Red Cross (ICRC), " which changed during years to being like this in 1876 from the International Committee for the Relief to the wounded", established in 1863, was a landmark of contemporary history since it is the gatekeeper of the normative framework which protects victims of armed conflicts, namely International Humanitarian Law (IHL) [6]

From 1864 when the creation of the International Committee of the Red Cross to 2024, the legal framework for protecting victims of armed conflicts has immensely developed after adopting the Geneva Convention. Thus, history decided, taking the worst scenario, to remind diplomats that civilian protection in armed conflicts is mandatory; during the two World Wars, the number of casualties exceeded 100 million, with a high toll of civilian life[7]. Detention, indiscriminate and non-proportional attacks, mass extermination, hostage-taking, and pillage were only some of the cruel practices used during the armed conflicts[8]. The international community's response was the adoption of the Fourth Geneva Conventions (GC) in 1949, with the fourth focusing on the 'Protection of Civilians in Time of War[9].

Civilian protection is becoming one of the most challenging issues in armed conflicts, which has attracted considerable attention in the last decade. In all the most critical humanitarian fora, debates within the UN, NGO, Red Cross system, and the agenda of the World Humanitarian Summit, which took place in 2016, the significance of civilian protection and serving the needs of people in conflict zones.

In the last century, the world has suffered from major armed conflicts that continue to strike with great severity. Gaza is an example of the atrocities committed by combatants during armed conflicts against the civilian population[10]. In contemporary armed conflicts, civilians often constitute an overwhelming majority of victims and have, at times, been deliberately targeted[11]. Consequently, they face displacement and are powerless against attacks, harassment, and maiming by munitions. To make matters worse, they suffer from the indirect consequences of conflict; disease and famine. Most civilians affected by risk are vulnerable populations, especially children, victims of numerous abuses, and forced to become soldiers [12]

Basic principles, which are found in the Fourth GC, are the humane treatment of civilians in all circumstances, without any adverse distinction[4]. In addition, they must be protected against all forms of violence and 'degrading and humiliating treatment', including murder and torture[5]. Finally, fair trial is one more basic provision[6]. [13]

Moreover, protection is also granted to specific groups of individuals are also granted such as; women, children, the aged, sick, refugees and Internally Displaced People (IDP's) are highly vulnerable during armed conflicts and therefore highly protected[13]. IHL prohibits forced displacements by intimidation, violence or starvation.

Even with the wide provisions given to the civilians, there were still gaps in the given provisions. The four (In this case, the four GC stands for the four Geneva Conventions of 1949, which are mainly applicable in regulating international armed conflicts (IACs)-wars between states. Although these conventions significantly protect civilians, military personnel and captured members of the military, they are largely concerned with the kind of conflicts that involve other countries, as opposed to Non-International Armed Conflicts (NIACs) (e.g., civil wars or conflicts among actors that are not formal states) GC primarily was concerned with the creation of a normative rating on International Armed Conflicts (IAC).

However, even if regulatory principles for the protection of civilians do exist, several issues are causing considerable debate on how enhanced protection could be granted to civilians, and more

[4] GC IV, art. 3.1
[5] GC IV, art. 3.2
[6] GC IV, art. 3.3

precisely children, due to issues such as ‘state sovereignty’ and willingness of states to abide by IHL.

As a result, most humanitarian and development organizations have the core of their mandate protecting civilians in the short-, mid, and long- term. However, in the last decades, the role of humanitarians in protecting the civilians, thus people not actively taking part in the conflict, has an escalating difficulty. According to OCHA (2014), humanitarian organizations are constantly being targeted by armed forces, thus not allowing adequate protection to victims of armed conflicts. Organizations cannot develop their programs in remote areas or areas controlled by insurgents to make matters worse, thus leaving huge populations at risk.

However, according to treaty law, civilians are granted a generous protection framework derived from IHL. Numerous treaties focus on civilian protection, especially children, most of them ratified by a significant number of states[14]. Emphasis has been giving to vulnerable groups such as children, women, elders, disabled, etc., who, without exception, should be exempted from the consequences of war and protected under concrete frameworks[15]. However, the truth tells us that the matter is not easy. The significance of the need to safeguard children against the effects of armed conflicts has been demonstrated by international humanitarian law because the effects of armed conflicts are detrimental to the rights of the children. Such a focus is particularly important because of the specific psychological and physical weaknesses of children and their many needs, which they can hardly fulfill with the help of others. International treaties, thus, make sure that the rights of the children are secured even in armed conflicts to avoid or reduce these effects. Nevertheless, the violations against the rights of Palestinian children, especially the latest and worst case in the form of the 2023 aggression on the Gaza Strip, cannot be stopped by these international protections. Although everyone should be entitled to international protections as a civilian, including children, the ground estimation is complicated. The war has led to the causalities of both sides i.e. the Israeli civilians involving Israeli children who have fallen victims to the Hamas rocket attack. There is however, an asymmetry of scale and impact of violence. Military assaults in Israel especially in Gaza have resulted in a considerable number of civilian deaths, especially substantial proportions of Palestinian children. These contravENCIestions reported by international agencies bring attention to the excessive use of force and organized abuse of the Palestinian rights. It should be noted that all civilian suffering needs to be reconciled but it is also

necessary to examine the causes of the conflict that are vital such as the occupation and blockade that promote violence.

[16] The conflict in Gaza is complex, with various factors contributing to military escalations. Hamas has been known to use various military strategies, including launching rockets toward Israeli territory, which Israel cites as justification for its military offensives in Gaza. The group has also been accused of operating within civilian areas, a practice that Israel argues makes it difficult to conduct targeted strikes without harming non-combatants. However, it is important to note that international law prohibits the targeting of civilians under any circumstances, regardless of the military actions of the opposing party.

Israel, for its part, states that it takes precautions to minimize harm to Palestinian civilians, such as issuing warnings before airstrikes and calling for evacuations. However, these measures have been widely criticized as insufficient, given the dense population of Gaza, the lack of safe zones, and the restrictions imposed by the ongoing blockade. International organizations have documented large-scale destruction and high civilian casualties in Israeli military operations, raising concerns about whether these actions comply with international humanitarian law.

While some argue that actions by Palestinian armed groups, including Hamas, have provoked Israeli responses, it is crucial to consider the broader context of occupation, blockade, and repeated military offensives. Israeli military actions, particularly in Gaza, have led to significant civilian casualties, including large numbers of Palestinian children. These violations, documented by international organizations, highlight the disproportionate use of force and systemic violations of Palestinian human rights. It is important to acknowledge all civilian suffering while also addressing the root causes of the conflict, including the occupation and blockade, which contribute to the ongoing violence.

The study is relevant because it is the first study that was carried out about the 2023 Israeli aggression against the Gaza Strip in a systematic and scientific data analysis of the Israeli breach of international protection of children in the conflict [16]. The nature of these protections and the extent to which they are violated are analyzed by the study based on documented information and statistics provided by the questionnaire carried out by the researcher. Additionally, it evaluates the

effectiveness of international mechanisms designed to protect children's rights during such conflicts.

To this end, this chapter will present the regulatory framework for the protection of children in periods of armed conflicts, the notion of R2P, and, finally, the main challenges in terms of child protection.

Statement of the Problem and Rational

The rationale behind this thesis is to examine one major vulnerable category of civilians which is highly affected in armed conflicts; children. The main goal discussed in the dissertation is the protection granted to children during armed conflicts, one of the most legally protected, but less practically protected, group of individuals[17]. Even though children are considered part of vulnerable populations, they are being targeted in several cases, thus assuming that they should do more regarding their protection[18]. The extensive IHL and Human Rights law framework protects, in theory, children from the consequences of the conflict. However, numerous conflict have proven that children are not only being targeted, e.g., in Gaza but also used by the belligerents as human shields or child soldiers. To this end, the UN concluded, after considerable debate, on a list of six grave violations against children during armed conflicts, which will discuss throughout the thesis[19].

The numbers, in terms of child protection, are shocking. According to different UN agencies, over 1 billion children live in countries affected by conflict, including 300 million under five years old[20]. Many of them are among the, usually high, civilian death toll. Children are sexually exploited, used by armed groups, and are often victims of land mines. Moreover, according to UNHCR, an estimated 7 million children were refugees, while almost 13 million were internally displaced due to conflict. Finally, 28.5 million conflict-affected children were out of primary school in 2013, and 350.000 children were child soldiers [21].

The Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomaraswamy (2009) was highlighted the magnitude of the issue on her report to the Human Rights Council in Geneva on 12th session. She exposed the fact that the groups most exposed to

armed conflict are children, and they are the most violating basic rights, and confirmed that the cases of detention of children and the physical violence practiced against them have become a daily phenomenon that amounts to a serious violation of international humanitarian law and human rights laws. “Sexual violence has been used as a premeditated tactic of war designed to humiliate or exterminate a population or to force displacement. For children, the physical and mental consequences are devastating, with far-reaching negative effects on sustainable peace and security”, said Coomaraswamy (2009).[22]

However, to look at the subject of toddler protection, a reference to civilians appears obligatory. Children belong to the broader group of the civilian population and, consequently, enjoy protecting civilians. According to AP I to the Four GC, a civilian is 'any person who does not belong to one of the categories of persons referred to in Article 4 A (1), (2), (3) and (6) of the Third Convention and in Article 43 of this Protocol. In case of doubt, whether or not someone is a civilian, shall consider the character to be a civilian.' additionally, 'the civilian population accommodates all persons who are civilians and the presence inside the civilian population of those who do not come in the definition of civilians does now not deprive the population of its civilian person.'

By elaborating the definition of a Civilian, it can be noted that people not taking direct participation in hostilities should be protected at all times. To this end, women, men, children, humanitarians, levees en masse not actively participating in the combat are afforded the protection of **Fourth Geneva Convention** (1949) GC IV and Additional Protocol AP. However, the reality is different.

As a result, the author's interest in researching child protection issues is linked to his will to identify the grave violations of children's rights during armed conflicts and complex emergencies and the subsequent tools for their protection. The role of humanitarian organizations in this regard and their contribution towards an enhanced child protection framework was also an important reason for conducting the research.

Study Objectives

The study has an overall and three specific objectives.

The overall objective of the study is as follows:

*** How to improve the protection granted to children during armed conflicts.**

According to the literature and the reality on the ground, it is noted that armed conflicts are becoming more complex, and their intensity has radically increased[23]. As a result, civilians pay the highest death toll, with vulnerable populations being in despair. However, one of the most exploited and ill-treated parts of the people are children. Hence, the general objective is to identify how can improve the framework for child protection.

Will achieve the general objective of the study via the analysis of three specific goals.

- **Specific objective 1:**

To outline the legal framework protecting children during armed conflicts. In addressing this objective, the researcher will present the leading legal tools to understand the international humanitarian law, Human Rights law, and Child law provisions that deal with children.

- **Specific objective 2:**

To identify the gaps in terms of child protection via examining the 'Six Grave Violations of Children Rights.' The analysis of the six violations will provide the reader with an understanding of the existing protective framework and the difference between theory and reality via case studies. I will use examples of Occupied Territories.

- **Third specific objective:**

to discuss potential solutions and ways to alleviate the protection granted to children. The UN mechanism of Monitoring and Reporting (MRM), the mandate and modus operandi of peacekeeping and peace enforcement operation (PK/PE), existing mechanisms provided by treaty bodies, and the amelioration of the UN protective system will be examined to providing concrete recommendations.

Research Problem

To what extent did the Israeli occupation forces and Russians violate international protections for children's rights during their 2023 aggression on the Gaza Strip and Ukraine?

Research Questions

1. What protections does international law provide for children during armed conflicts?
2. What mechanisms exist for protecting children's rights during armed conflicts?
3. What are the grave violations for children that have happened in the Russian-Ukrainian war?
4. What are the specific nature and extent of Israeli violations of these protections during the 2023 aggression on the Gaza Strip?

Research Hypothesis

The Israeli occupation forces violated international protections for children's rights during their 2023 aggression on the Gaza Strip, while the actions of Hamas, including the placement of military assets within civilian areas, contributed to the exacerbation of civilian casualties, ultimately affecting the protection of children during the conflict, as the same as Russia did in her war with Ukaine in 2022.

Research Design

The study employs three methodologies: legal, descriptive, and analytical. The method of research used to conduct the study was qualitative and quantities analysis. The rationale of these choices was the potential of these methods to provide insights into the study's overall objective, namely the protection of child protection during IAC and NIAC. Achieved the aim by analyzing specific goals the quantitative analysis quantified data and generalized results from a population sample.

As far as the strengths of using qualitative analysis were concerned, the present context demanded an experimental methodology, which was used due to the need to focus on the different practices of armed groups in various armed conflicts. In addition, the need to investigate the six grave violations of children's rights in periods of armed conflicts and the mechanisms for providing enhanced protection demanded an experimental methodology. In addition, qualitative analysis is an excellent technique to describe complex phenomena and provide detailed information [24].

Additionally, using the qualitative theory of the existing normative framework and examining case studies, finding sustainable solutions.

During the research, three methods are being used to achieve the overall objective; desk research and discussions with field workers and policymakers, and questionnaire with some of the victims. The document series turned into a remarkable volume to conclude around an analytical look, joined with discipline notes. The gathering of files and tracking the scenario in the Gaza Strip played a sizable role in the study[25]. Otherwise, the researcher used quantities analysis to document a violation that happened in Gaza. To this end, the methods allowed examining how different armed groups or governmental forces acted in terms of child protection and developed best practices.

Finally, throughout the study, content analysis and discourse analysis were used to analyze the data. Content analysis was used to analyze the books, book chapters, essays, and discussions. Then the texts were coded or broken down into manageable categories on various levels and examined using conceptual analysis. Several different case studies were used to underline the significance of the problem and the immediate need to find solutions. These examples have been at the core of establishing the study framework. In addition, the researcher using SPSS to analyzing data.

Structure

The thesis structure will be based on the objectives of the current study, and the seven chapters will present the extensive legal framework protecting children during armed conflicts. Additionally, the introduction will be focusing on making briefly outlined the rationale behind the research and general notions on child protection More precisely, it will outline, International Humanitarian Law, and Child law instruments to give a comprehensive overview.

The First chapter presents a historical premise on the legal position of Gaza Strip. It examines how its legal and political status has come to its current position including the major events and developments which have led to this. The chapter explores past agreements, global declarations and how inter-regional conflicts affect the legality of Gaza Strip. The purpose of the analysis is to provide a detailed and clear picture in terms of the complicated legal system that regulates the territory, and present the extensive legal framework protecting children during armed conflicts.

The second chapter will provide a detailed explanation of how children are protected internationally during armed conflicts. will analysis and discussion of potential solutions to enhance child protection during armed conflicts. This chapter will examine the role of treaty-based mechanisms, peacekeeping forces, the Monitoring and Reporting Mechanism (MRM), and other UN mechanisms.

The third Chapter will analyzes the main challenges of child protection by presenting the six grave violations of children's rights during armed conflicts, supported by specific examples. The case study of the Gaza Strip will highlight the challenges and the complex environment in which child protection efforts are currently taking place.

Chapetr four This chapter will address the grave violation of children that has befallen the Russian -ukerene war.

Chapter Five This chapter will focus on Palestine, particularly Gaza, discussing its legal status before 2023 and the ongoing aggression against Palestinian children.

Chapter Six will outline the research strategy and design, detail the research population and sample, explain the questionnaire design, describe the data collection process, and cover the statistical analysis of the data.

Chapter Seven seeks to use statistics to analytically criticize the political facts obtained in a formal questionnaire to give a clear view of how Enforcement of child protection laws was applied in the Gaza Strip at the armed conflict in 2024. This chapter includes two major parts: the first revolves around personal characteristics, and the second tells about the results of the research and analyzes and comments upon them..

Lastly, chapter Eight will have the conclusion and recommendations, including the action plan on the child protection within the region of conflict

Utility of the Study

The utility of the study is grounded on different reasons. The growing insecurity and threats for vulnerable populations during armed conflicts has led practitioners to investigate how could

improve the global, regional, and national policy, a legal and humanitarian framework to increase the threshold of child protection.

Unfortunately, the reality in the field reveals that children are targeted more than ever, insurgents use unlawful means to achieve their goals, and the global community seems powerless to defend them. To make matters worse, the extremist reality in which humanitarians operate in 2024 could not make people optimistic about the future, even though it could take essential steps towards a better protective framework.

As a result, the current study could benefit policymakers, scholars, or students in finding all the legal tools protecting children during armed conflicts, the existing gaps in their protection, and potential solutions. The recommendations are not new and will not solve all the drawbacks per se. However, the study gathers existing tools and adds specific elements in terms of the potential solutions on child protection for readers to understand where we are and how we could enhance the protective system in complex emergencies under the reality of a 2024 humanitarian response.

1. CHAPTER 1

1.1 General Framework of International Law

International law is the legal framework that regulates the actions of states and other international actors in the international arena.[7] It is a decentralized structure, not having a central legislative authority or enforcement mechanism, as is the case with domestic legal systems. Still, it is a primary contributor to the international order[8], the encouragement of cooperation, as well as the control of peaceful relationships and armed conflicts. The power of international law lies in the consent and custom of the states, in the acknowledgment of some of the major norms as legally binding. International law in this regard forms the umbrella framework in terms of which specific regimes,[9] such as international humanitarian law and international human rights law, emerge and exist. Article 38(1) [10]of the Statute of the International Court of Justice, which identifies treaties, customary international law, and general principles of law as sources of international law, are classically considered as the sources of international law. Judicial rulings and legal literature are subsidiary sources of the establishment of legal rules[11].

Treaties are explicit inter-state agreements, whereas customary international law arises out of the general and consistent state practice adopted as a law. Any gaps in the coverage of treaty and customary rules are filled by general principles of law, based on domestic legal systems. Collectively, these sources constitute a harmonious yet malleable legal system that is able to accommodate the changing international realities. Several basic principles of international law are: state sovereignty, the non-use of force, and non-intervention. Simultaneously, contemporary international law is putting more emphasis on the safeguarding of individuals, which has resulted in the emergence of human rights law and international humanitarian law. This change is an indication of a slowly evolving approach to a system that is no longer state-focused but takes into account human dignity and protection of the weaker parts of the population as its key elements[12].

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[7] Malcolm N. Shaw, *International Law* (8th edn, Cambridge University Press 2017)
[8] James Crawford, *Brownlie's Principles of Public International Law* (9th edn, Oxford University Press 2019)
[9] Ian Brownlie, *Principles of Public International Law* (7th edn, OUP 2008)
[10] International Court of Justice, *Statute*, Article 38(1)
[11] International Committee of the Red Cross, *Customary International Humanitarian Law* (2005)
[12] International Committee of the Red Cross, *International Humanitarian Law and the Challenges of Contemporary Armed Conflicts*

The international law has a number of special areas, the most prominent of them being the international humanitarian law that regulates the behavior in the case of armed conflict, and the international human rights law that applies universally. Although these regimes have different scopes and mechanisms, they are complementary and tend to be carried out concurrently.Their interaction is especially applicable in the case of armed conflict where both sets of laws serve in the protection of civilians and other vulnerable groups.

Under this wider legal regime, the issue of children protection has become a priority matter. International law offers general and specialized protection measures to protect children against the impacts of armed conflict. These safeguards are of both treaty and customary international law origin, and are guaranteed to be applicable even where universal treaty ratification does not exist. In line with this, the general framework and origin of international law would be imperative in the study of the respective legal principles that govern the safeguarding of children in armed conflict.

1.2 The Existing Legal Framework on Child Protection

International humanitarian law gives special importance to the protection of children. This does not mean that it discriminates between different categories of victims, but rather provides protection for all people who do not participate in hostilities. However, it takes into account the special vulnerability of some groups of the population, and therefore includes special rules to protect children, ensuring that they are not exposed to any potential danger due to military operations carried out between the parties to the armed conflict, and in all cases, the protection of children from the direct or potential effects resulting from war operations must be ensured [13].

To clarify this, we will divide this section into the following Four aspects:

- **First aspect: General protection of children from the effects of hostilities.**
- **Second aspect: Special protection of children from the effects of hostilities.**
- **Third aspect: Child Protection Under Military Occupation.**
- **Forth aspect: Child Protection in Islamic Law.**

[13] Talafa Fadil, Protection of Children in International Humanitarian Law, a paper presented at the International Conference on Children's Rights from an Educational and Legal Perspective, Al Isra University, Jordan, 24/5/2010, p. 9.

1.2.1 The first aspect: General Protection of Children's Rights During Armed Conflicts.

Because they are individuals who do not directly participate in hostilities, children enjoy general protection which gives them basic guarantees.

International humanitarian law also guarantees special protection for children because they are particularly vulnerable.[14] More than 30 articles in the four Geneva Conventions and their Additional Protocols specifically address children. International humanitarian law gives special protection to children who do not participate in armed conflicts[15].

General protection of children in international Armed conflicts:

Contemporary armed conflicts make civilians the primary target during their military operations, as the vulnerable segments of society are the most affected[16]. Because children are the weakest among civilians, it makes them the most vulnerable to harm and most in need of care. This is why we find the international community paying special attention to this group to ensure their protection [17].

In this context, Article 48 of the First Additional Protocol to the Geneva Conventions relating to international armed conflicts states[16]: "Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives" [18].

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[14] Graça Machel,*Impact of Armed Conflict on Children* (UN Report, 1996).

[15] Mosleh Hassan Ahmed, The Protection of Children in Armed Conflicts, Journal of the Faculty of Basic Education, Issue 67, 2011, p. 33

[16] Sabab Hakim, Legal Protection of Children Victims of Aggression Crime: A Comparative Study in Light of the Rules of Human Rights Law and International Humanitarian Law, Intervention presented at the Third International Conference on the International Protection of the Child After the Expiry of the Third Optional Protocol, Tripoli, Lebanon, from 20 to 22 November 2014, p. 119.

[17] Aliwa Salim, Protection of the child during armed conflicts, Thesis for obtaining a Master's degree in International Law, Faculty of Law, University of Hadj Lakhdar, Batna, p. 49.

[18] Article 48 of the First Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, was adopted and opened for signature, ratification, and accession by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law

This article contains a set of principles, which are:

A. Distinguishing between combatants and non-combatants:

Weapons should not be directed at unarmed civilians who have no role in combat operations.

B. Prohibition of attacking civilian populations and civilian objects

The war is between the combatants, so civilians and civilian objects should not be attacked, as targeting them does not achieve any military gains for either party to the conflict.

C. Taking necessary precautions to avoid civilians during the attack:

Indiscriminate attacks are prohibited without taking the necessary precautions that would ensure avoiding casualties among the civilian population during the attack [19].

General Protection of Children in Non-International Armed Conflicts:

Non-international armed conflicts have spread throughout the world. In Africa, for example, 30 armed conflicts erupted, and these conflicts were responsible for half of the world's deaths in 1996 [20]. Non-international armed conflicts fall within the scope of international humanitarian law under the terms of Article 3 of the 1977 Second Additional Protocol and common to the four Geneva Conventions together with the four Geneva Conventions . Article 3 lays out the following:[21].

Article 3 states the following:

"In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

Applicable in Armed Conflicts on 8 June 1977, and entered into force on 10 December 1978 in accordance with the provisions of Article 95

[19] Sabab Hakim, Previous Reference, pp. 241-244

[20] Talafa Fadil, Previous Reference, p. 13

[21] Barkani Khadija, Previous Reference, p. 104

1- Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed 'hors de combat' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- taking of hostages;
- outrages upon personal dignity, in particular humiliating and degrading treatment."
- Issuing sentences without a prior trial before a legally constituted court that guarantees the necessary judicial safeguards for civilized peoples.

2- Collects the sick and wounded and takes care of them.
3- An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the parties to the conflict shall endeavour, by special agreements, to implement all or part of the other provisions of this Convention. The application of the foregoing provisions shall not.

This article stipulated a set of general principles binding on all parties, and gave the International Committee of the Red Cross an important role in this type of armed conflict, and left the matter of resorting to special agreements as a possible matter [22].

International humanitarian law mandates that warring parties avoid targeting civilians during hostilities and imposes restrictions to shield civilians from the effects of military operations. This protection specifically extends to children, who are among the most vulnerable civilians and thus require special protection, granting them immunity from being targeted during combat operations. This protection is reflected in the principles of international humanitarian law[16], Article 3 must

[22] Barkani Khadija, Previous Reference, p. 105

apply in non-international armed conflicts, and it is considered a basic reference in the protection of victims of non-international armed conflicts [23]. These rules are:

First - The principle of non-discrimination:

In times of war, there's a crucial rule called the principle of distinction. It means that those involved in the conflict must always be able to tell the difference between civilians (regular people) and combatants (those fighting), as well as between civilian buildings and military targets. This rule strictly limits attacks to only military targets.

People who are no longer engaged in combat, such as those who are wounded, ill, shipwrecked, or taken prisoner of war, are likewise covered by the principle of distinction. It also includes members of organizations that aid and shield people, as well as medical and religious personnel, both military and civilian. These people and organizations are forbidden and ought not to be targeted, and it is considered the cornerstone of protection, as it prohibits any harmful discrimination based on race, color, religion, belief, sex, birth, wealth, or any other similar criterion[24].

Discrimination between people always entails a concept of contempt, as it is discrimination practiced against the interests of some individuals because they belong to a particular group [25].

Second - Humane treatment: So without discrimination, everyone must be treated humanely. This phrase may be difficult to define, as it is impossible to list all the actions it entails and the prohibitions it requires, but it can only be said that it is the minimum necessary for an acceptable life [26]. This principle is fundamental in safeguarding the inherent dignity of all human beings at all times, including during war. Its importance lies in its obligatory application in situations not

[23] Samia Ajaz, Legal Protection of Children from Recruitment and Use in Armed Conflicts, Maarif Journal, Issue 06, University of Bouira, June 2009, p. 47
[24] Abu Al-Khair Ahmad, The Protection of Civilian Populations and Civilian Objects During Armed Conflicts, 1st Edition, Dar Al-Nahda Al-Arabiya, Cairo, 1998, p. 46
[25] Barkani Khadija, Previous Reference, p. 105
[26] Jelena Pejic, The Scope of Protection Provided by Common Article 3, International Review of the Red Cross, Issue 881, Volume 93, March 2011, p. 881, p. 15.

covered by international agreements or when one or both warring parties are not signatories to such agreements. Upholding the principle of humanity requires prohibiting warring parties from targeting individuals who are not participating in combat or those who are incapacitated and unable to bear arms, based on the principle of humane treatment.

collect the wounded and sick and care for them The collection of the wounded and sick is a guaranteed right for these two groups, and there is a corresponding duty on the warring parties to protect and assist them, as the victims have the right to reach them [27].

During the outbreak of a non-international armed conflict, children have the right to enjoy the protection granted to persons who do not directly participate in hostilities, and the principle applies to them that states: "Neither the civilian population nor civilians shall be the object of attack" [28].

Civilians, including children, of course, continue to benefit from the principle of not being targeted as long as they do not play a direct role in hostilities, and for the duration of their role. Civilians may not be the object of attack, and all acts of violence or threats of violence aimed at spreading terror among the civilian population are prohibited [29].

Third- Principle of Military Necessity

The principle of military necessity states that the amount of force employed during a war should only be what is absolutely essential to weaken the enemy. Any actions beyond this are considered unnecessary brutality. Although humanitarian laws allow for certain exceptions, any use of force must be proportionate to the objective and the methods used should be regulated to minimize harm to the enemy. This principle aims to uphold a certain level of humanity even in the midst of conflict. Thus, warring parties must ensure that any means they use comply with what is

[27] Barkani Khadija, Previous Reference, p. 108.
[28] Article 13(2)
[29] Urooba Jabar Al-Khazarji, Children's Rights between Theory and Practice, 1st Edition, Dar Al-Thaqafa for Publishing and Distribution, Jordan, 2009, pp. 223-222.

permissible under international humanitarian law. In all cases, the objective of military necessity must be to achieve military advantages.

Forth- Principle of Proportionality

In warfare, using excessive force that goes beyond what's needed to achieve a military goal is never justified, even in the name of military necessity. All sides in a conflict must do everything they can to protect civilians and their property. They are not allowed to launch attacks that are expected to cause excessive harm to civilians or their property, especially when compared to the potential military gains of such an attack.

As the 1989 Convention on the Rights of the Child stipulates the application of the provisions of Article 77 of the First Additional Protocol to non-international armed conflicts regarding the prohibition of the direct participation of children under the age of 15 in hostilities and their recruitment into the armed forces [30].

With the difficult conditions that children suffer from, the general protection for them is represented in the commitment to implement Common Article 3 of the four Geneva Conventions and the implementation of the provisions of the Second Additional Protocol, as this is the only way to protect children from the serious consequences of internal armed conflicts [31].

1.2.2 Second aspect: Special Protection for Children During Armed Conflicts.

Having examined the legal framework governing general protection during armed conflicts, This part on scope of special child protection. According to 'Save the Children' (2013)[32] child protection 'means measures and structures to prevent and respond to abuse, neglect, violence and exploitation affecting children' and has become a core issue in the humanitarian agenda[26]. The increasing number of armed conflicts posing a serious threat on the well-being of children and the

[30] Article 38 of the Convention on the Rights of the Child, adopted and opened for signature, ratification, and accession by the General Assembly of the United Nations Resolution 44/25 of 20 November 1990, date of entry into force: 2 September 1990, in accordance with Article 49.
[31] Mosleh Hassan Ahmed, Previous Reference, pp. 33, 34
[32] Save the Children. (2013). *Child Protection Strategy 2013–2015*.

limited compliance of governmental and non-state actors with international law has grave consequences for this vulnerable part of the society [26]. However, children are being protected by a large number of IHL and HR provisions, which will be outlined in the present chapter.

THE NORMATIVE FRAMEWORK

The underlying framework for the protection of children during armed conflicts derives from two bodies of international law; International Humanitarian Law and Human Rights Law. Notably, the legal framework protecting children during armed conflicts consists of the 4 GCs of 1949 and APs of 1977, the 1989 Convention on the Rights of the Child and its Optional Protocol, the Universal Declaration of Human Rights of 1948, the International Covenant on Economic Social and Cultural Rights of 1966, the International Covenant on Civil and Political Rights of 1966, Customary International Law, the Statute of the International Criminal Court (1948) and International Labour law. Over the past decades, a comprehensive body of international norms has developed, aiming to safeguard children from the Six Grave Violations: killing and maiming, recruitment and use of children by armed forces or groups, sexual violence, attacks on schools and hospitals, abduction, and the denial of humanitarian access.This body of law does not originate from a single treaty or institution; rather, it emerges from several overlapping legal regimes—international humanitarian law, international human rights law, international criminal jurisprudence, and the binding resolutions of the United Nations Security Council. Each of these legal spheres contributes unique rules, enforcement mechanisms, and interpretive guidance that, together, form the global framework for protecting children from the horrors of war.

Because this framework is broad and multisectoral, understanding the connections between these legal sources is essential for scholars, practitioners, and policymakers working on child protection. To support this understanding, the following mind map provides a clear, visual overview of the key instruments and mechanisms that govern the Six Grave Violations. It organizes the legal sources into four main branches, showing how each contributes to the broader system of normative protection. This visual summary serves as an entry point for the more detailed analysis that follows in the chapter.

Figure 1: International Legal Sources Protecting Children from the Six Grave Violations.

HUMAN RIGHTS LAW

Even though IHL is considered as the 'Law of Armed Conflict', thus having prevalence over Human Rights Law, this latter corpus of law outlines extensive provisions in terms of child protection which could be applied during armed conflicts [35], [38]. For the need of the thesis, the Universal Declaration of Human Rights, the International Covenant on Economic Social and Cultural Rights, the International Covenant on Civil and Political Rights, Convention on the Rights of the Child, the Optional Protocols to the Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography[33], will be examined.

Universal Declaration of Human Rights

The 'humanity's Magna Carta' as it has been referred by Eleanor Roosevelt, who chaired the United Nations (UN) Commission on Human Rights, constitute a fundamental and foundational

[33] Jean-Marie Henckaerts & Louise Doswald-Beck, *Customary International Humanitarian Law, Volume I: Rules*(Cambridge University Press & ICRC, 2005).

document of International Human Rights Law [39][34]. However, great emphasis has been put on its legal status.

As a GA resolution, the UDHR is not legally binding. Thus, it can be considered as a collective State expression of their will to recognize human rights[40]. Nevertheless, nowadays, questions arise on whether UDHR constitutes International Customary Law, deriving from opinion juris and state practice [40]. In addition, it should be stated that the UDHR has been empowered by the Vienna Convention on the Law of Treaties in 1980 which introduces the concept of jus cogens[35]. Judge Tanaka had already expressed this opinion in the South West Africa Case in 1966. However, time is still needed in order for UDHR to be considered as a binding document[40].

As far as child protection is concerned, the UDHR[36] states that "motherhood and childhood are entitled to special care and assistance" and describes the family as "the natural and fundamental group unit of society." Despite the limited reference to children, the document's significance for all human beings, including children, makes this document extremely important in terms of child protection.

International Covenant on Economic Social and Cultural Rights

The soft law nature of the UDHR led to the agreement among state parties that the provisions of the UDHR, shall be transformed into legally binding documents in the form of one or more treaties [41]. As a result, in 1966 two treaties were adopted, including the vast majority of the provisions of UDHR. The first one was the International Covenant on Civil and Political Rights (ICCPR), and the other, the International Covenant on Economic, Social and Cultural Rights (ICESCR). The ICESCR was adopted by the United Nations General Assembly on 16 December 1966 and entered into force on 3 January 1976[41].

Children are entitled, as every human being, to enjoy the rights provided in the ICESCR[37]. In addition to the right to education, art. 10 stress the need for special protection and assistance to be

[34] The Universal Declaration of Human Rights (UDHR) was adopted unanimously by the UN General Assembly on December 10, 1948. The UDHR is referred as a "common standard of achievement for all peoples and all nations" (Brittanica, 2014). The Declaration is divided in four parts. The first constitutes rights of the individual such as the right to life and the prohibition of slavery. The second column constitutes the rights of the individual in civil and political society. The third column is concerned with spiritual, public, and political freedoms such as freedom of association, thought, conscience, and religion. The fourth column sets out social, economic, and cultural rights.

[35] Art. 53, Vienna Convention on the Law of the Treaties

[36] UDHR, art. 25(1)

[37] The economic, social and cultural rights provided in the International Covenant on Economic, Social and Cultural Rights are the right to self-determination of all peoples; the right not to be discriminated against due to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth and other status; the equality

given to children, in particular to avoid economic and social exploitation, including such labour which is harmful to their morals or health. Finally, art. 12 establishes 'the right of everyone to the enjoyment of the highest attainable standard of physical and mental health'. More precisely, the article lists some of the steps to be taken by States parties such as: the reduction of stillbirths and infant mortality; ensuring the healthy development of children; improving environmental and industrial hygiene; the prevention, treatment and control of diseases; and access to medical care for all.

The International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights (ICCPR) was adopted by the United Nations General Assembly on 16 December 1966 and took effect in 1976. The ICCPR deals with the fundamental right to life and establishes a protective framework against some of the worst forms of human rights abuses, such as torture, enslavement, arbitrary imprisonment and forced labor [42].

As far as child protection is concerned, most of the rights[38] apply directly to children and form also part of IHL. In addition, the ICCPR maintains the rights of the Child to protection, the right to have a name and a nationality; 'Every child, with no discrimination based on his race, colour, sex, language, religion, national or social origin, fortune or birth, has a right, from his family, his society and his state, to protection accorded to its status as a minor' [42]

Convention on the Rights of the Child

The need to establish a concrete framework for the protection of children during war and peace, led to the adoption of the Convention on the Rights of the Child (CRC) in 1989, which is the treaty with the most ratifications [43]. The Convention sets out the civil, political, economic, social, health and cultural rights of children. It also provides a definition on who should be considered a child; 'A child is any human being under the age of eighteen, unless the age of majority is attained

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of men and women in the enjoyment of the rights set forth in the Covenant; the right to work, the right to join and form trade unions; the right to social security; the right to the protection and care of the family.

[38] According to the Covenant, a set of the most significant human rights is legally guaranteed, such as the right to life, the prohibition of torture and any cruel or degrading treatment or punishment, the right to liberty and security of person, the right to freedom of movement, the right to a fair trial, the right to privacy, the right to freedom of religion, expression and peaceful assembly, the right to family life and the special protection rights of children, the right to participate in the management of the state affairs, the universal right of equal treatment, and the special rights of the representatives of the ethnic, religious and These rights constitute the legal framework of protecting persons and collective on the basis of the responsibility of the States Parties to the Covenant (CIRP, n.d.).

earlier under a state's own domestic legislation.' However, the Committee on the Rights of the Child, monitoring body of the Convention, has encouraged states to review the age of majority if it set below 18 and to increase the level of protection for all children under 18 [43]

The Convention deals with a significant number of children rights, such as civil, political, economic, social or cultural and acts 'in the best interest for the child'[43]. As far as armed conflicts are concerned, art. 38 makes provision for children in situations of armed conflict and was introduced at a session meeting of the working group from 28 January to 1 February 1985, which preceded the 41st session of the Commission on Human Rights upon the initiative of the delegations from the Netherlands, Sweden and Finland, seconded by Belgium, Peru and Senegal . According to this article, states should 'respect and ensure respect for IHL rules' and protect children during armed conflict[39]. In addition, they should take all feasible measures for children under 15 not to directly participate in hostilities[40]. It is interesting to be noticed that 'recruiting among those persons who have attained the age of fifteen years but have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.' .

The provision of article 38 have provoked considerable debate and criticism. The first reason is that all other provisions protect children until the age of 18[44] . The second reason is because it adds nothing new and according to scholars, it could also undermine existing provisions of IHL (the parts relating to recruitment and participation in hostilities repeat Protocol I to the Geneva Conventions, which only prohibits direct participation, whereas Protocol II also prohibits indirect participation) [44].

Finally, the creation of a Committee on the rights of the child is provided by the Convention in Lastly, the Convention establishes the formation of a Committee on the rights of the child to ensure that increase compliance of states with the fulfillment of their obligations in the spirit of the Convention. Nevertheless, the protection provided was highly criticized[44], hence two Protocols were introduced to improve the protection system [44]; The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC) and Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.[41]

[39] CRC art. 1(4)
[40] CRC, art. 1(2)
[41] CRC, art. 43

The Optional Protocols to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

A number of states had an objective of several years to adopt a legally binding instrument that would make 18 years the minimum age against participation in hostilities and recruitment [45].]. This was to be the Optional Protocol to the CRC adopted by the UN General Assembly on 25 May 2000, and coming into force on 12 February 2002. States Parties shall take all available means to make sure that members of their armed forces that have not reached the age of 18 years are not involved in a direct part in hostilities [42]. (OPAC). This major provision addresses a major gap in international law, albeit leaving out indirect involvement to hostilities, which is becoming more of a reality in the past 20 years. It further provides that State Parties will make sure that anyone below the age of 18 years is not forcibly enlisted in their military service [43]. Although this provision is good, it would be blighted by the next provision that allows voluntary recruitment at the age of below 18 years..

Lastly, there should be no cases of armed groups, which are not the armed forces of a State, recruiting or engaging in hostilities persons under the Although this provision is good, it would be blighted by the next provision that allows voluntary recruitment at the age of below 18 years. age of 18 years 44. This was especially a good development to the ICRC which regarded NSA as being considered and incorporated into the OPAC. As of May 2014, 156 states have signed the protocol and 17 others have signed and are not yet ratified by the protocol .45 Altogether, the Optional Protocol is evidently an improvement of the current international law, yet there is also apparent weaknesses in the text.

Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography

In 2000 the United Nations General Assembly adopted the Protocol which came into effect on 18 January 2002 with 167 states parties and 10 states in the ratification process. This Protocol is significant because it offers definitions to the crimes of sale of children, child prostitution and child pornography and the establishment of duty on governments to make individuals responsible on the

[42] OPAC, art. 1
[43] OPAC, art. 2
[44] OPAC, art. 4(1)
[45] Available from; https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&lang=en

committal of the said offenses. The Protocol held that it was not just the traffickers and smugglers who should face punishment over such acts and that those who take the child on such activities must also be punished.[46].

The Protocol safeguards the rights of child victims and complies with governments in giving assistance to such children particularly on how to interact with the criminal justice syste[46]. As well, the provision of psychological, medical and financial services must be provided to help the children to re-integrate into their respective communities, and it must be done according to principles of non-discrimination, best interests of the child and child participation[46].

Lastly, much emphasis is being laid as far as international cooperation as well as public education is concerned. Most of the acts described above such as human trafficking, sex exploitation and so on are transnational and thus would require a closer collaboration between states to counter such issues. The information and education campaigns are the most significant instruments of child protection in terms of the education and awareness of people[46].

In conclusion, the fact that there are significant numbers of the human rights treaties that safeguard children and that there are many ratifications of the treaties demonstrates the desire of the states to comply with the law and safeguard the children both during peace and the war period. Moreover, although IHL was common during armed conflicts, many of the provisions contained in the human rights treaties may help in strengthening the protective system of children during armed conflicts.

INTERNATIONAL LABOUR LAW

Along with the international humanitarian law, human rights law, international civil law there is also the international labor law provision that is geared towards enhancing the protection of children. In this regard, the Minimum Age Convention and Worst Forms of Labours Convention of the International Labour Organization accentuate the establishment of a minimum age at which children may start working and the worst forms of labors, which aims at minimizing child labor exploitation. [50].

[46] Art. 4

Minimum Age Convention

The Convention concerning Minimum Age for Admission to Employment has been adopted in 1973 by the International Labour Organization and emphasizes on the need to adopt a national policy of abolition of child labor and to raise the minimum age for obtaining a job [50].

According to the document, countries are allowed to choose the minimum age for labor, with a minimum of 15 years or 14 years for a specified period of time. The minimum age of 18 years is specified for work which "is likely to jeopardise the health, safety or morals of young persons"[47].

Worst Forms of Child Labour Convention

This convention was adopted on 16 June 1999 and came into force on 19 November 2000. It sets out that states should "take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency"[48]. The term "child" applies to all persons under the age of 18 years, and the worst forms of child labor include forced or compulsory recruitment of children for use in armed conflict[49].[50]

The Convention includes forms of child labour, which are predefined worst forms of child labor [50]. This specific category includes 'all forms of slavery or practices similar to slavery, such as the sale of a child; trafficking of children, meaning the recruitment of children to do work far away from home and from the care of their families, in circumstances within which they are exploited; debt bondage or any other form of bonded labour or serfdom; forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; Commercial sexual exploitation of children (CSEC), including the use, procuring or offering of a child for: prostitution, or the production of pornography or for pornographic performances; use, procuring or offering of a child by others for illegal activities, also known as children used by adults in the commission of crime (CUBAC), including the trafficking or production of drugs work by its nature that is likely to harm the health, safety or morals of children' [51].

Finally, the last category of worst form of child labor, is work which by its nature is likely to harm children [50]. The Convention recommends that programs of action should be put into place in order to protect young boys and girls from potential threats to their lives [52].

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[47] Art. 3(1)(2)
[48] Art. 1
[49] Worst Forms of Child Labour Convention, art. 3(a)

The provisions of the International Labour Organization (ILO) Conventions on the Minimum Age Convention and the Worst Forms of Child Labour Convention are of considerable relevance to armed conflict and this is one of the most relevant aspects given the recruitment and use of child soldiers and exploitation of children in circumstances of war. The following are the critical aspects as to why it is that child protection in armed conflicts have links to these ILO conventions:

1. Child soldiers Recruitment in the Armed Conflict: The Worst Forms of Child Labour Convention (1999) explicitly categorizes the forced or compulsory recruitment of children for use in armed conflict as one of the "worst forms of child labor." This provision deals squarely with the serious issue of child soldiers which is a repugnant practice in most armed conflicts. In many cases, the state and non-state actors have forcefully recruited children to either fight in the battle or in support capacities (e.g., as scouts, cooks, as logistics staff members). The ILO Convention shows the importance of preventing the exploitation of a child in this regard so that they are not exposed to any form of military exploitation or forced labor that may jeopardize their physical and psychological health. This provision is useful in strengthening the obligation of the international community to prevent the militarization and exploitation of child during war since recruitment of children into this type of armed combats falls under child labor in general. The Convention urges governments to embark on concerted efforts to do away with the practices of child soldiering, an element of the larger humanitarianism flows within the international law such as the International Humanitarian Law (IHL) and International Criminal Law (ICL), which outlaws the enrolment and usage of children in both hostilities.

2. Trafficking, slavery and exploitation :The Worst Forms of Child Labour Convention contains clauses more specific to eliminating child trafficking and slavery both of which play an important role in the context of armed conflicts. During war, children are susceptible to kidnappings, slavery, selling and other abuses, and they could be recruited as soldiers into battle, workers, or sex slaves. As an example, the children in the refugee camps can be kidnapped, evicted out of their homes, or seized forcefully out of their families to be employed as soldiers, workers, or sex slaves by the armed groups. In the Convention, there is urgency in eliminating these forms of exploitation thus establishing an international benchmark requiring the states to enact laws and other measures against child trafficking, child labour and enslavement. Certain practices such as abduction of children, their exploitation during war, which can be characterized as slavery are recognized by

the Convention and can be discussed as a vital means through which one of the worst effects of war can be countered.

3. Valuable Work in war Zones: Both Minimum Age Convention and Worst Forms of Child Labour Convention underline that some forms of labor may be obviously detrimental to children, especially in those cases when work activities put their health, safety, or morals under threat.

In most cases, armed conflicts have known to push children into risky situations that are capable of greatly compromising their lives. For example: The children can be forced to labor in militarized areas where the threat of violence, explosions, and trauma can always occur.

Children have the possibility of participating in the combat, which can easily cause severe injury or even death. Children can also be forced to participate in war-based supply chains, including carrying weapons or explosives among other military materials and this puts them at risk of being physically attacked and psychologically traumatized. These circumstances directly violate the Convention's standards by placing children in situations that are harmful to their health, safety, and moral development. By recognizing these activities as among the "worst forms" of child labor, the ILO calls for urgent action to remove children from such dangerous contexts.

4. The necessity of Programs to defend Children: The Worst Forms of Child Labour Convention underlines this by stressing the requirement of the intensive action planning to ensure that children are free of such exploitation that encompasses education, social reintegration as well as the psychological support of the conflict-related child. Such programs are especially critical when establishing support following armed conflict when children can become victims not only of the loss of their loved ones and homes but to severe long-term psychological and physical harm. As the Convention underscores the necessity of states to assume their responsibility in offering protective measures to children, the Convention connects to this extent with the broader child protection mechanisms adopted within the conflict areas or zones such as under IHL and those resolutions issued by the Security Council of the United Nations.

5. Holistic Child Protection during Armed Conflict: The ILO Conventions further extend the protection over children regarding armed conflicts since it gives a comprehensive approach to the issue, taking into consideration the economic and social aspects of the problem. Whereas IHL monitors the direct impact of hostilities on children (e.g., IHL prevents use of children as soldiers and gives them access to humanitarian assistance), the ILO Conventions pay attention to economic

exploitation through child labor. Combined, they constitute a holistic system of child protection which is in a better position to deal with the complexities of how children are still harmed in conflicts and in the post conflict contexts. The Worst Forms of Child Labour Convention and the ILO Minimum Age Convention are most suitable to armed conflict since direct reference is made based on exploitation of children in conflict-affected regions, such as forced recruitment, child trafficking, slavery, and unsafe work. These provisions supplement the safeguards offered by International Humanitarian Law (IHL) and International Human Rights Law (HRL) in providing meta frames that will avert child economic exploitation and protect the well being of the children during and after armed conflicts. They underscore the international community's responsibility to prioritize the protection of children and prevent their use as tools of war, ensuring their well-being, safety, and future development in conflict-affected areas.

UN RESOLUTIONS AND THE RAISON D' ETRE OF THE 'SIX GRAVE VIOLATIONS OF CHILDREN RIGHTS DURING ARMED CONFLICTS'.

The UN have adopted resolutions of great importance in terms of child protection. However the historical background via which they were adopted should be examined. Before 1996, the ad-hoc responses on the protection of vulnerable populations, mainly children, led to tremendous gaps [53]. To this extent, the increasing numbers in child casualties, displacement and exploitation led to the adoption of a Report in 1996 which would change the way the international community dealt with children and prioritize among the numerous child protection challenges; The Machel Reports[50].

The Machel Reports

In 1996, a report of paramount importance reached the UNGA; The Machel Reports on the 'Impact of armed conflict on Children', which continues to be used as a foundation for advocacy in child protection [54]. The report, written by Graca Machel, expert of the Secretary-General, described the tremendous consequences of war on girls and boys and included some concrete recommendations for the protection of children in armed conflicts[54].

[50] Available from; https://childrenandarmedconflict.un.org/about-us/the-machel-reports/

More precisely, the Machel report, which was agreed to be reviewed after 10 years, made some specific recommendations in terms of peace and security, monitoring and reporting violations of child rights, health, psychological well-being and education, adolescents, gender-based violence, Internally Displaced Children, child soldiers, land-mines, prevention and the appointment of a Special Representative of the Secretary-General for Children and Armed Conflict (SRSG-CAAC) [55].

The conclusion of this report recognized that "war affects every right of the child."

The Machel Study 10 year Strategic Review

The 2006 Strategic Review highlighted the improvements which took place as far as child protection is concerned, while on the other hand, it stressed the changing nature of conflicts which leads to greater challenges [56].

In this document it is recognized that even though advances have been made in protecting children from war crimes, such as unlawful recruitment by armed forces and groups and sexual violence, numerous conflicts are still depriving children from their childhood. An issue which is pinpointed in the 2006 Strategic Review is the changing nature of conflict, comparing to 1996, when the Machel Study was published [54].

According to the 2006 report, the nature of conflict has altered significantly. These diverse forms of armed conflict have presented new threats for children [57]. As Coomaraswamy (2009) stated 'Armed conflicts today often feature small, ill-trained and lightly armed groups, can be fuelled and prolonged through exploitation of natural resources and economic motivations, and often involve shifting landscapes of transnational organized crime or forms of terrorism.'[58] Civilians, especially children, are targeted more and more, thus having to deal with the consequences of armed conflicts[57].

The impact of wars on children is harsher than ever. The last decade, the international community has focused on the direct consequences of war; unlawful recruitment, sexual violence, displacement, killing and maiming, separation from family, trafficking and illegal detention are some of the major violations children face today [59]. However, the most worrying effects are the indirect consequences of war; lack of water, sanitation, health and education, as well as the rise of poverty, malnutrition and disease, have an extremely negative impact on children and, in some cases, they are overlooked [57]. As a result, the impact of armed conflicts is tremendous, resulting

to poverty, early mortality, illiteracy and numerous threats, which pose a significant obstacle to the achievement of the Millennium Declaration and the Millennium Development Goals (MDGs)[59] .

The 90's was a decade when the emphasis put on child protection led to the adoption of norms, principles, standards and programmatic guidelines to respond to the needs and rights of children. However, the report re-affirmed that many gaps still remained in the application, implementation and monitoring of these developments [46]. Hence, the report urges all UN Member States to fulfill their duties concerning children, while ms. Coomaraswamy(2009) stated that "The needs of children must be prioritized before, during and after conflict. They must be part of all peace-making and peace-building processes".[60] Finally, the call to end impunity for the perpetrators of grave breaches of the Geneva Convention and crimes against children was also re-affirmed and had been established since the original Machel study was published [59].

Despite the progress identified by the two aforementioned reports, in 2012 the 'Cross-cutting Report; Children and Armed Conflict', published by the UNSC, stated that; 'After several years of largely positive developments and progress, in 2011 the protection of children in armed conflict agenda faced a number of challenges.'[59]. Therefore, in spite of the existing normative framework, which offers a comprehensive corpus in terms of legal protection for children during armed conflicts, it is important to touch upon the other initiatives which did- and do- exist [59]. Notably, after the ground-breaking Machel Report, the UNSC and UNGA emphasized on the protection of children during armed conflicts and, to this end, several resolutions started being adopted, with three of them being of primordial importance.

Security Council Resolution 1539 (2004)

The first major SC Resolution was the UNSC resolution 1539 of 2004. The SC requested that the Secretary- General take steps in order to develop an action plan for a comprehensive Monitoring and Reporting Mechanism to be adopted. The initial focus would be on the recruitment and use of children in armed conflicts by different actors, as well as other violations committed against children ([48]) Both the UN and the civil society would provide information on these grounds.

Additionally, different parties had been listed in the Annexes of the SG's report, highlighting the need to enter into dialogue with the UN in order to halt the recruitment and use of children (Reliefweb, 2004). Furthermore, for the first time, the SC discussed the potential impose of measures and sanctions on parties that did not seem willing to abide by law.

Security Council Resolution 1612 (2005)

One year after Resolution 1539 which paved the way for more concrete action on child protection, SC Resolution 1612 was adopted. It is considered as a cornerstone not only in terms of child protection, but for human rights as a whole [50]. To begin with, an unparalleled framework for children was agreed, with the involvement of different UN actors and partners in a Monitoring and Reporting Mechanism (MRM), developed by the Secretary-General [46]. According to the Action Plan, the MRM should focus on six grave violations of children's rights in armed conflict, namely the recruitment or use of children by armed groups and armed forces, killing and maiming of children, rape and other sexual violence abduction, attacks on schools and hospitals and denial of humanitarian access to children [61]. In addition, a SC Working Group on Children and Armed Conflict was established in order to review the reports of the Monitoring and Reporting Mechanism submitted by the SG. The Working Group is also responsible for monitoring the implementation and respect of the listed State and non-State parties towards the action plans [61].

INTERNATIONAL HUMANITARIAN LAW

IHL is the main body of law protecting civilians in periods of armed conflicts. The Fourth Geneva Convention GCIV and the two Additional Protocol AP constitute the gatekeeper of the protection granted to people not taking part in hostilities. These treaties are considered to be the lex specialis [27]. In other words, IHL has prevalence over Human Rights Law during armed conflicts, which constitute the lex generalis. However, the acceptance that human rights provisions can be applied during times of armed conflict has been reaffirmed by the International Court of Justice ICJ itself, as well as in regional courts such as the European Court of Human Rights ECHR and the Inter-American Court on Human Rights [28].

Civilians not taking part in hostilities, directly or indirectly, are guaranteed humane treatment and are covered by the legal provisions on the conduct of hostilities. Given the particular vulnerability of children, the Geneva Conventions of 1949 and their Additional Protocols of 1977 lay down a series of rules according them special protection. Children who take direct part in hostilities do not lose that special protection[27].

Geneva Conventions of 1949

The Fourth Geneva Convention, relative to the Protection of Civilian Persons in Time of War, sets out the principles protecting civilians and children during armed conflicts.

Protection of Children as Civilians

It is universally recognized and accepted that children form part of the civilian population and as such enjoy the rights and benefits accorded to the civilian population, in addition to special protection [27]. More precisely, Part II of GC IV specifies that the whole of the populations of the countries in conflict are enjoying these rights i.e., 'to enemy or other aliens and neutrals as well as to the belligerents' own nationals without any adverse distinctions based, in particular, on race, nationality, religion or political opinion, and are intended to alleviate the sufferings caused by war.' [51]However this is the case only during NIAC.

In NIAC, children are protected by the fundamental guarantees relating to the treatment of persons taking no active part in the hostilities, set forth in Article 3 common to the four Geneva Conventions[52]. Under this article, children have the right to be treated humanely, be protected against violence to their lives and person or dignity. Protocol II also codifies the principle according to which the civilian population as such as well as individual civilians, shall not be the object of attack [29].

International humanitarian law has guaranteed special protection for children, considering them as persons particularly vulnerable to danger. More than 25 articles in the four Geneva Conventions and their two Additional Protocols have stipulated special protection for this specific group.

The most important forms of this protection will be addressed here:

- ***Protection from effects of war-establishment of hospital and safety zones***

In terms of child protection from the effects of war, it is provided that in peaceful times, the High Contracting Parties to the Geneva Conventions and the parties to the conflict, after the outbreak of hostilities, can establish in their own territory and if the need arises, in occupied areas, hospital and safety zones and localities so organized as to protect from the effects of war children under fifteen, expectant mothers and mothers of children under seven[53]. It lies on the parties to conclude specific, on these issues, agreements on the recognition, respect and non-interference of these

[51] GC IV 1949
[52] Common Article 3 to the four GC 1949
[53] Customary IHL, Rule 35

safety, for the population, zones. The role of facilitating the establishment and recognition of these safety zones and hospitals, lies on the Protecting powers and the International Committee of the Red Cross[54].

Despite the aforementioned provisions, 'safety zones'[55] are not easy to be created. In the case-studies examined, and taking as an example Syria, it was noticed that without the consensus of all parties to the conflict, a 'safety zone' cannot be created. In the words of Hurd Ian (2012); 'I would expect the Assad government to bombard or starve any such territory'.[56] [30] As a result, concluding agreements between parties to the conflict is not always the case and the issue of non-compliance with IHL is creating important drawbacks to practitioners.

- **Children and their need for family**

The separation of children from their families has a significant impact on them, no less than the effects caused by armed conflicts. Therefore, the international community has taken upon itself the task of finding a solution to this dilemma. An extremely significant element of child protection is their need for family[57]. Family life is essential for the upbringing and development of children and the lack of family leads to more suffering among children, as a result of armed conflicts [31]. To this end, IHL recognizes and emphasizes on family well-being and the indispensable role family plays during armed conflicts, through various provisions in the Fourth Geneva Convention and the two Protocols[58].States that the parties to the conflict must facilitate the search efforts undertaken by members of families separated due to war to restore contact and reunite them [59].

To begin with, it is provided that during internment, children and parents should be lodged together, except from the temporary nature cases of employment or health. It is also given the opportunity to internees to request that their children who are left at liberty without parental care shall be interned with them. Another part of the article also describes that interned members of the

[54] GC IV 1949, art. 14

[55] Also mentioned as 'safe havens', 'humanitarian zones'

[56] Ian Hurd is an expert in international law and associate professor of political science at Northwestern University in Illinois.

[57] ISSUES OF MONITORING AND ENFORCEMENT OF THE CONVENTION OF THE RIGHTS OF THE CHILD | International Journal Of Law And Criminology

[58] GC IV, art. 82

[59] Article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949. Entry into force: 21 October 1950

same family should lead a proper family life, under some limited restrictions[60]. Further, in case of evacuation undertaken by an Occupying Power, it should endeavor to maintain the family unity[61], the Fourth Geneva Convention also emphasizes the right of persons residing in the territory of one of the parties to the conflict or in occupied territories to communicate with their family members about purely family matters and to receive news from them, either by regular mail or any other possible means . It also stipulates that each party to the conflict must establish an official information bureau to receive and transmit information related to protected persons under its authority[62].

Additionally, the Convention[63] prescribes that the Occupying Power shall cooperate with local, regional and national authorities, in order to provide children with protection. Despite the generality of the article, it allows practitioners to use it in order to cater a wide variety of institutions of a social, educational or medical character. The importance of the aforementioned institutions augments during war times and parties to the conflict should not only avoid interfering with their activities, but also support them actively in order to carry their mission[64]. The purpose of this obligation is that institutions and establishments should, by all means, continue to work in war times.

The rights of non-repatriated children are also outlined [32]. It is provided that children under fifteen years shall benefit by any preferential treatment granted to non-repatriated persons and to the same extent as nationals of the state concerned[32]. This may include the right to receive individual or collective relief, medical attention, practice religion etc.[65]As far as orphaned or separated children from their families as a result of war are concerned, it is provided that the Parties to the conflict should ensure that children under the age of fifteen should not be left on their own resources and that their maintenance, religion and education will be facilitated by all means and without restriction[66]. In terms of education, which includes physical, mental, religious and moral

[60] ibid
[61] GC IV, art. 49
[62] Article 136 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949. Entry into force: 21 October 1950
[63] GC IV, art. 50
[64] Ibid
[65] GC IV, art. 38
[66] GC IV, art. 24, 50

education, it should be entrusted to persons of the same cultural tradition to which the children belong. In addition religious and political propaganda are prohibited.[67]

Moreover the Convention provides that the parties to the conflict shall strive to reach local agreements in order for the vulnerable populations to be removed efficiently[68]. Even though the wording of the article 'the parties to the conflict shall endeavour' may indicate that it is not mandatory to conclude agreements for the removal of persons like children and maternity cases. Nevertheless, belligerents should be morally bound to protect civilians and the weakest part of the society from the effects of war[69].

An important element of the Geneva regime is the identification system which is introduced and permits children to be re-united with their families[33]. The organization which plays a major role to this regard is the ICRC which via its Tracing Mechanism, reunites children with their parents . Hence children should be registered from the parties to the conflict, regardless of their age[70], due to the fact that a child may be separated from their family any time during the conditions of armed conflict. In order to strengthen the provision of article 24, it is also underlined that the Occupying Power shall take all necessary steps to facilitate the identification of children and the registration of their parentage[71]. Moreover, parties to the conflict should at all times respect the 'personal status' of children in any case, namely their nationality, ethnic origin, family and religion[72].

Finally, the lack of means of communication during armed conflicts, results in losing contact between relatives. To this end, children shall be enabled to give and to receive news of a strictly personal nature to members of their families, wherever they may be, speedily and without undue delay. The ICRC played, and continuous to play a role of primordial importance to this regard[73].

- **Evacuation of Children from Besieged or Encircled Areas**

Due to the vulnerability of children and their special needs, as well as their inability to escape from the inferno of armed conflicts, which often leads to them being trapped in conflict zones, the Fourth Geneva Convention stipulates that parties to the conflict must endeavor to conclude local

[67] GC IV, art. 24
[68] Ibid
[69] GC IV, art. 17
[70] GC IV, art. 24
[71] GC IV, art. 50
[72] GC IV, art. 50
[73] GC IV, art. 25, 140

agreements for the transfer of wounded, sick, infirm, aged persons, children, and maternity cases from besieged or encircled areas, and for the passage of ministers of all religions, medical personnel, and medical equipment to these areas. [74]

The Protecting Power shall supervise this after agreement with the parties concerned, namely the party organizing the evacuation operation, the party hosting the children, and the parties whose nationals are being evacuated. All parties to the conflict must take all necessary measures to protect children from danger during the evacuation process. [75]

To facilitate the return of evacuated children to their families, international humanitarian law obliges the party that organized their evacuation to prepare a card for each child, accompanied by a photograph, and send it to the Central Tracing Agency of the International Committee of the Red Cross. [76]

This card should contain all information that can be obtained about the child, including their identity, health, family situation, addresses in the country of origin and evacuation, language, religion, etc., taking care not to mention any information on the card that might endanger the child. [77]

- **Health care for children:**

In many countries in Africa, South America, and Eastern Europe, the International Committee undertakes special health programs for children during armed conflicts, including:

- Expanded vaccination program: In southern Sudan in 2001, 20,000 children under five years old were vaccinated out of a total of nearly 34,000 children.

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[74] - Article 17 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949. Entry into force: 21 October 1950

[75] - Abdel Ghani Mahmoud, International Humanitarian Law, 1st Edition, Dar Al Nahda Al Arabiya, Egypt, 1991, pp. 133-134

[76] Delissen Alain, Protection of Children in International Humanitarian Law, International Review of the Red Cross, April 1984, pp. 161-148

[77] Khalil Farouk, The Arab Child in the Light of International Conventions on the Rights of the Child, Master's Thesis in International Law and International Relations, Faculty of Law, University of Algiers, 2006/2007, p. 14.

- Partnership with the World Health Organization in the framework of the polio eradication campaign, where 8,172 children were vaccinated against polio through a national campaign to eliminate this disease.
- Guiding children to hospitals when needed.
- Training local staff on treating childhood diseases [78].

- **Prohibition of Child Participation in Armed Conflicts**

A child soldier is defined as any person under the age of recruitment who is enlisted in the armed forces of a state or other armed groups. They are employed in various ways that violate their most basic rights, cause them physical, psychological, and spiritual harm, and undermine their development [79]. The roles that children play in wars vary, as they are used as soldiers, cooks, or drummers in war [80]

The number of children illegally, and often forcibly, recruited to be used as soldiers has increased to hundreds of thousands [81]. United Nations statistics reveal that the number of child soldiers in the world is estimated at around 400,000 fighters, active in 50 countries, distributed between regular armies and other armed groups. [82].

The methods of recruiting children vary. It can be through force and coercion, or children may choose to join government forces or other armed groups of their own free will [83].

The International Committee of the Red Cross is deeply concerned about the increasing number of children being recruited or volunteering to participate in hostilities occurring in various countries around the world [84].

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[78] Suhail Hussein Al-Fatlawi and Imad Mohammad Rabie - pp. 233-234.
[79] Les principes de Paris Principes et lignes directrices sur les enfants associés aus forces armées on aux groupes armés Février 2007.http://www.aniswf.fr/mediastore7/3107-4.pdf?kmi-a97a63clc3ad4b4837a5b4a86h20dbc9 .
[80] Enfants soldats, Centre pour le Contrôle Démocratique des Forces Armées Genève-P.2.
[81] The Machel Review 1996-2000-War-Alected children child soldiers-P.5.
[82] Yasser Abdel Aziz, Children of War, Al-Insani Magazine, Issue 51 - International Committee of the Red Cross, 2011, pp. 32-33
[83] Hoba Abdel Qader, The Legal Status of Combatants in International Humanitarian Law, Thesis for obtaining a Ph.D. in Legal Sciences, Faculty of Law and Political Science - University of Batna, academic year 2013/2014, p. 319
[84] Mohammed Fahad Al-Shallalda, International Humanitarian Law, D.T., Manshaat Al-Maarif, Alexandria, 2005, p. 202

Given these facts, the international community found itself obligated to intervene to put an end to this phenomenon. It became clear that there is an urgent need to prohibit the involvement of children in armed conflicts. Therefore, this will shed light on the position of international humanitarian law on the issue of child soldiers[85] by addressing the legal status of children participating in hostilities general protection , then international efforts to prohibit the involvement of children in armed conflicts in the special protection , child protection under military operation and the child protection in Imalic Law

1- The legal status of children participating in hostilities

The prohibition established by international humanitarian law regarding the involvement of children in armed conflicts is often violated. However, international humanitarian law provides protection for children in the event of their involvement in armed conflicts, granting them the status of combatants and, if captured by the enemy, the legal status of prisoners of war.

Children benefit from two types of protection in case of capture: the first is general protection

and special protection that takes into account their young age, providing them with special protection measures.

First: General Protection of Child Prisoners:

A prisoner of war is defined as any combatant who falls into the hands of the enemy during military operations. Scholars of Islamic law do not deviate from this concept in their definition of a prisoner of war, who is a combatant from the disbelievers if Muslims capture him alive [86].

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[85] Mark A. Drumbl,*Reimagining Child Soldiers in International Law and Policy* (Oxford University Press, 2012).
[86] Muhammad Al-Raysh, Criminal Protection of Prisoners of War under International Humanitarian Law, Doctoral Thesis in Law, University of Algiers, academic year 2008/2009, p. 101.

Being a prisoner of war is not a punishment but rather a means to prevent the person from participating in hostilities. Both parties to the conflict must release all prisoners once the armed conflict ends [87].

Prisoners of war are considered a phenomenon associated with armed conflicts. In contemporary international law, being a prisoner of war is primarily linked to the legal status of a combatant, as this status requires the fulfillment of a set of specific conditions to be considered a combatant and receive the protection guaranteed to prisoners of war if captured by the enemy [88].

International humanitarian law has been concerned with prisoners of war since its inception, as several international agreements have been concluded that outline the main aspects of their treatment. Some of these agreements are specifically dedicated to addressing the situations of prisoners of war, while others address the issue of prisoners within the articles of the agreement, such as the Hague Convention respecting the Laws and Customs of War on Land of 1907[16]. International humanitarian law concluded its development regarding the treatment of prisoners of war with the Third Geneva Convention, followed by the First Additional Protocol of 1977, which dedicated some of its articles to prisoners of war [89].

The general principles for the protection of prisoners of war, as established in the Third Geneva Convention, require that prisoners of war be treated humanely, as stated in Article 3, which is common to the Geneva Conventions of 1949. This is also affirmed in specific provisions of all four conventions. Additionally, Article 13 of the Third Convention emphasizes that prisoners of war must be protected at all times, and it prohibits the detaining power from committing any unlawful act that could cause the death of a prisoner in its custody[90]. It is forbidden to inflict any

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[87] Ahmed Abu Al-Wafa, The General Theory of International Humanitarian Law in International Law and Islamic Law, 1st Edition, Dar Al-Nahda Al-Arabiya, Cairo, 2006, p. 36.
[88] Amer Al-Zamani, Introduction to International Humanitarian Law, 25th Edition, Arab Institute for Human Rights, Tunisia, 1997.
[89] Fatima Yalaish, Protection of Prisoners of War in International Humanitarian Law, Master's Thesis in Public Law, Faculty of Legal and Administrative Sciences, Hassiba Ben Bouali University - Chlef, 2007/2008, p. 8.
90 Ali Mohammed Ali Jalas, Protection of Prisoners of War and Detainees in the Occupied Palestinian Territories (An Analytical and Applied Study of the Third and Fourth Geneva Conventions of 1949) - Master's Thesis in Public Law, Faculty of Law, Al-Azhar University - Gaza, 2010, p. 43.

physical or moral torture, any bodily harm or injury[91], or any form of coercion on prisoners of war to obtain information of any kind, whether from them or from third parties. It is also forbidden to punish a prisoner of war for an act that is not explicitly prohibited by the laws of the detaining power or international law at the time the act was committed, or to exert pressure on him during interrogation, and he must be given the opportunity to defend himself and appoint a lawyer to defend him [92].

The detaining power must also detain prisoners away from the front lines of fighting, ensure their protection, provide them with necessary services, and provide medical care in accordance with their health conditions for free. The detaining power must also allow prisoners to practice religious rites and engage in intellectual and physical activities [93], enable them to exchange letters with their families, allow delegates of the International Committee of the Red Cross to visit them, not force them to perform hostile actions against their country, or enlist them in the forces of the detaining power, and their absolute right to return to their homelands as soon as hostilities end.[94]

While international law permits warring parties to target the enemy's armed forces, both individuals and equipment, it prohibited harming non-combatants and legitimate combatants of the adversary who are unable to continue fighting due to illness, injury, or drowning. It is also forbidden to kill them if they voluntarily lay down their arms to the enemy. In this case, those unable to fight or who surrender can be taken as prisoners of war and enjoy the protection afforded to prisoners of war from the moment they fall into the hands of the enemy [95].

Second: Special Protection for Child Prisoners of War

The harsh reality witnessed in many conflict zones globally, marked by blatant violations of the international humanitarian law's prohibition on child involvement in armed conflicts, has led to a situation where children are participating in hostilities and being captured. Despite this,

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91 See Article 13 of the Geneva Convention relative to the Treatment of Prisoners of War of 1949, adopted and opened for signature, ratification, and accession by the Diplomatic conference for the Establishment of International Conventions for the Protection of War Victims held in Geneva from 21 April to 12 August 1949.
[92] Article 99 G.C. of the same. For more details, see Reesh Mohammed, Previous Reference, p. 272 et seq.
[93] Khaled Yukni, Yidir Mokhtar, Violations of the Rules of International Humanitarian Law, Master's Thesis in Law, Faculty of Law and Political Science, Abdel Rahman Mira University - Bejaia, academic year 2012/2013, p. 21
94 Article 118 of the Third G.C.
95 Fatima Balaish, Previous Reference, p. 60

international humanitarian law provides these child combatants with special respect and protection measures as outlined in the First Additional Protocol. Specifically, it states:

"In exceptional cases, children under the age of fifteen who directly participate in hostilities and fall into enemy hands shall continue to benefit from the special protection granted by this Article, whether they are prisoners of war or not." [96]

It is noteworthy that children participating in hostilities enjoy special protection, whether they are prisoners of war or civilian detainees.

Child Combatants as Prisoners of War

If children participating in hostilities are captured, they are considered combatants and entitled to the legal status of prisoners of war [97].

All parties to the conflict must strive to provide the necessary protection for children captured while participating in hostilities, despite international humanitarian law prohibiting their involvement. Since the International law does not prevent children participating in hostilities from being granted prisoner of war status. Age is merely a factor justifying better treatment [98].

Children who participate in armed conflicts and are captured can be tried by the enemy and potentially receive criminal penalties for serious violations of international humanitarian law or national laws of the detaining state. However, the detaining state must assess their responsibility considering their age, often imposing disciplinary measures rather than criminal penalties. The death penalty cannot be imposed on children under 18 at the time of the offense, as stipulated in the Fourth Geneva Convention [99].

96 Article 77/3 of Additional Protocol I
[97] Article 4 of the Third Geneva Convention
[98] Talafa Fadil, Previous Reference, p. 32
99 Article 68, paragraph 4 of (04)

Regarding the return of child prisoners after hostilities cease, captured child combatants must be repatriated[100] unless they have been sentenced for criminal offenses [101].

Civilian Child Detainees

Children who participate in hostilities but are not considered combatants under international law are subject to the national law of their country. If captured, the International Committee of the Red Cross requests special treatment for them considering their young age, and if they are not considered prisoners of war, they are considered civilians who must be subject to special protection measures that protect them.[102]

The national law of the country to which children belong, who participate in hostilities without being considered combatants in the eyes of international law, is the applicable law.

But in the case of their detention by enemy authorities, and if they are not considered prisoners of war, they should be treated as protected civilians and enjoy special treatment.

Accordingly, detained children have the right to be placed in the same detention centers as their parents, and the detaining Power must provide them with all means that provide them with comfort, and they must be given sufficient and necessary food that meets their special needs. Their ages must be taken into account when issuing disciplinary sanctions against them, and they must not be punished for their direct participation in hostilities unless they are fully capable of distinguishing and understanding the implications and consequences of their actions at the time of committing the violation, and they must not be sentenced to death, nor should the sentence be carried out [103].

Detained civilian children must be released as soon as the reasons for their detention cease to exist. Detention is an exceptional measure, as is known, and in this regard, the Fourth Geneva Convention stipulates that every detained person - including children - must be released as soon

100 Article 118 of (04)
101 Article 19, paragraph 5 of 04.1
102 Omar Fayez Al-Bazour, Special Protection for Certain Groups in International Humanitarian Law, Thesis for obtaining a Master's degree in Public Law, Faculty of Higher Studies, An-Najah National University, Palestine, 2012, p. 52
103 Omar Fayez Al-Bazour, Special Protection for Certain Groups in International Humanitarian Law, Thesis for obtaining a Master's degree in Public Law, Faculty of Higher Studies, An-Najah National University, Palestine, 2012, p. 51

as the reasons for his detention cease to exist. Also, the parties to the conflict must work to return them to their homeland or shelter them in a neutral country [104].

2- Civilian Objects

To begin with, according to the GC Conventions of 1949, the principle of distinction protects at all times civilian objects from military objects [34]. Even though the GC do not provide us with a definition of what consists a civilian object, different military manuals include schools and hospitals under this category[105]. A definition of what is a civilian object and when its protection ceases can be found in the Additional Protocols and will be presented in the following pages[34].

3- Additional Protocols of 1977

The two World Wars and the mass atrocities committed, led to the adoption of the four GC, which managed to deal with a vast range of issues. However, as far as child protection is concerned, some gaps still existed and the Additional Protocols of 1977 played an important role towards this direction[35].

To begin with, the First Additional Protocol which regulates IAC, fills this gap by stating that "children shall be the object of special respect and shall be protected against any form of indecent assault. The Parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason"[106]. To this end, special protection of children is being introduced for first time. More precisely, the terms 'shall be object of special respect' and 'shall be protected against any form of indecent assault', introduces a duty to the parties to the conflict **cannot deviate from** or **avoid** their responsibility to respect the special protections for children, as outlined in AP I. T[36]. Additionally, the use of the word 'special' highlights the emphasis which AP I is trying to put on child protection. In order to strengthen this argument, it should also be noted that the use of 'special' before the word 'respect' gives more importance to the notion of child protection. In the words of Jean Pictet(1960) "the word 'respect' (respecter) means, according to the Dictionary of the French Academy, "to spare, not to attack (epargner, ne point attaquer) whereas 'protect' (proteger) means 'to come to some one's defence, to give help and support'. These words make it unlawful to kill, ill-treat or in any way injure — while at the same

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104 Article 132 of the Fourth Geneva Convention Available from; https://www.icrc.org/customary-ihl/eng/docs/v2_rul_rule9

106 AP I, art. 77

time they impose an obligation to come to his aid and give him any care of which he stands in need".

Therefore, the introduction of special protection for children during IAC is clearly expressed. Additional Protocol II also provides that 'children shall be provided with the care and aid they require' during NIAC[107]. Moreover, both Protocols re-affirm the provisions of the IV GC. Notably, the following provisions can be found in both documents; evacuation, special zones[108], assistance and care[109], identification, family reunification and unaccompanied children[110], education, cultural environment[111] arrested, detained or interned children[112], exemption from death penalty[113].

To conclude, the IHL framework for the protection of children during armed conflicts could be considered as comprehensive and detailed[37]. In addition, the extensive corpus of law provided by the four GC is strengthened by the notion of 'special protection', introduced in the AP I and the provisions of AP II. As a result, children enjoy an important number of provisions, which are applied together with the Human Rights instruments which will be examined in the next pages. However, as mentioned above, the non-compliance of governments with IHL, mainly with rules relating to 'safety zones' and 'detention', create important lacunae in the IHL corpus of law.

Civilian Objects

'Civilian objects are all objects that are not military objectives'[114]. This is how AP I describes 'Civilian objects'. However, 'those objects which by their nature, location, purpose or use make an effective contribution to military action or whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage'[115], can be attacked.

The definition of a civilian object leads to the following conclusions. An attack to a school or hospital may constitute a war crime, with the precondition that they do not offer a definite military advantage[34]. In the case they could offer an advantage, two principles should be respected; the

[107] AP II, art. 4
[108] GC IV, art. 14,17,24(2), 49(3), 132(2)/ AP I, art.78/ AP II, art 4(3e)
[109] GC IV, art. 23, 24(1), 38(5), 50, 89(5)/ AP I, art. 70(1), 77(1)/ AP II, art. 4(3)
[110] GC IV, art. 24, 26, 49(3), 50, 82/ AP I, art. 74, 75(5), 76(3), 78/ AP II, art. 4(3b), 6(4)
[111] GC IV, art. 24(1), 50, 94/ AP I, art. 78(2) / AP II, art 4(3a)
[112] GC IV, art. 51(2), 76(5), 82, 85(2), 89, 94, 119(2), 132/ AP I, art. 77(3), 77(4)/ AP II, art. 4(3d)
[113] GC IV, art. 68(4)/ AP I, art. 77(5)/ AP II, art. 6(4)
[114] AP I, Art. 52(I)
[115] International Customary Law, Rule 8

principle of proportionality[116] and precautions in attack[117]. According to the principle of 'proportionality', the damage caused should not be excessive to the definite military advantage obtained, whereas in terms of 'precautions in attack', all feasible measures should be taken to avoid or minimize civilian loss and damaged property.

Proportionality and precautions in attack are fundamental characteristics of the international humanitarian law (IHL) especially on the protection of civilian objects e.g. schools and hospitals during periods of armed conflicts. These principles are meant to reduce the harm of actions carried out by the military on the civilians, including their infrastructure, as well as the fact that the effect that the military actions have on the overall military advantage should not be too severe. 1. Principle of Proportionality Proportionality is among the major principles of IHL, especially according to Additional Protocol I (AP I) of the Geneva Conventions. It stipulates that though a target judged to be a legitimate military objective, the damage to the civilian and civilian objects is not excessive as compared to the anticipated military gain in approaching the target. That is, the military action should not cause more damage among the civilian life and property than what it is benefiting. To take one example, when latent military use is being made of a school or hospital (an example being that the military or armed groups are storing weapons or using the building in a commanding position), then the target can nevertheless remain a legitimate military target under the laws of armed conflicts. Nonetheless, any time prior to an attack, the military has to evaluate whether such attack will cause damage to the surrounding civilians or civilian infrastructure that is in excess of the perceived military benefit of neutralizing the target. In case it is labeled to be excessive, attack must not be carried out. The said principle is to deter the mindless destruction of civil infrastructure. When sensitive facilities are involved, such as schools and hospitals, the application of proportionality is especially important since the damage to civilians may prove to be extremely detrimental and long-term, especially in cities and urban centers.

2. Care in the Attack: Precautions in attack is another principle that explains the responsibility of both sides of a conflict on taking measures that will reduce damage to civilians and civil objects. This comprises numerous measures including: Target identification: It is the responsibility of the parties to everything possible to verify that the target is a lawful military object and not a civilian

[116] International Customary Law, Rule 14
[117] International Customary Law, Rule 15

target (e.g., schools, hospitals, residential buildings) before an attack is carried out. Selection of means and methods of attack: A way must also be selected in case a legitimate military target is found, while considering the means and methods of attack, the civilian casualties and damage to a civilian property must be minimized. As an example, application of heavy weaponry or airstrikes in an inhabited setting is likely to pose risk of harm to civilians, and therefore, other means of assault (e.g., precision strikes) should be explored. Warning: Parties to the conflict must issue a warning to the civilians, at least in a situation of an impending attack when this is possible. This is critical in enabling the civilians to get out of the areas being targeted or seek refuge thereby minimizing the possible loss of life. Timing and location: The place and time of attacks should also be taken into concern. Military attacks must not be aimed at time and areas bereft of chances of having civilians like during school hours or when hospitals have an influx of people or during vacation when schools are closed.

In Practice:

The Schools and hospitals being attacked When the attack is implemented on civilian targets such as schools or hospitals, it is of utter importance that both principles of proportionality as well as precautions are observed. In the event a military target happens to be at or close to such a facility, measures should be taken to prevent or reduce the effects to the people found therein, typically including consideration of: Assessing whether the military target located within the school or hospital provides a "definite military advantage." The attack must be avoided in case the danger to civilians is higher than the potential reward. To find another way of neutralizing the military target other than a precision-guided munition or indirect, which would have had minimum damage to the civilian infrastructure around. The attentiveness to the time of the attack so that children are not in school or the hospitals are bustling with patients. This will be especially so because the principles of proportionality and precautions in attack are not only vital in protecting the civilians, but are also relevant to the wider objective of reducing the impact of armed conflict and ensuring that measures, including the military operation is carried out in accordance with the limit of law. Schools and hospitals are among the most sensitive things to attack because they involve the weakest members of the society, children and sickly. States and non-state actors holding a legal obligation to protect the lives of civilians through international humanitarian law can fulfill its duties through respecting these principles and ensuring the non-targeting of civilian objects in any discriminate manner during the course of armed conflicts.

Classification of Armed Conflicts under International Humanitarian Law

The international law of interstate violence began to shift after 1945. Whereas the classical international law views the declaration of war as a sovereign right of states, the United Nations, through the Preamble in the UN Charter, had the paramount goal of ensuring the posterity against the scourge of war, and in this regard, aimed to restrain violence between states as much as possible.[118]

Members of the Organization shall, in their global affairs, avoid threatening or using force against the territorial integrity or political independence of any State or in any other way which is incompatible with the Purposes of the United Nations

This provision made possible the introduction by the United Nations of a general prohibition of the use of force, which has become a new fundamental norm of the international legal order. Although the exact concept of force is undefined in the Charter,[119] it clearly prohibits any form of the use of armed force against another state and is considered by most authors as an ius cogens norm.[120] The text of the Charter provides for exceptions to this rule in only two cases: the exercise of the right of self-defence, and military action with a prior authorisation granted by the Security Council under Chapter VII of the Charter.[121] In addition, other exceptions have been claimed to have emerged, such as humanitarian intervention

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[118] Putin, V., 'Address by the President of the Russian Federation' (24 February 2022a) <http://en.kremlin.ru/events/president/transcripts/67843> accessed 2 April 2026..

[119] UN General Assembly resolutions 2625 of 1970 and 3314 of 1974 provide an exemplary list of the most typical forms of violence. See United Nations General Assembly, 'The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States' (24 October 1970) UN Doc. GA/RES/2625 (1970). and United Nations General Assembly, 'Definition of Aggression' (14 December 1974) UN Doc. GA/RES/3314 (1974).

[120] for example, Orakhelashivili, A., *Peremptory Norms in International Law* (OUP 2006). 51; Frowein, J. A., 'Ius Cogens' in Peters, A. (ed), *The Max Planck Encyclopedia of Public International Law* (online, OUP 2013). The International Law Commission, in its draft conclusions on the peremptory norms of general international law, cites the prohibition of aggression as the first of its conclusions. International Law Commission, 'Peremptory norms of general international law (*jus cogens*) - Texts of the Draft Conclusions and Annex Adopted by the Drafting Committee on Second Reading' *UN Doc*. A/CN.4/L.967. (2022)

[121] The UN Charter appears to allow a third exception. According to Article 107 of the Charter, 'Nothing in the present Charter shall affect or prohibit any operations which the Governments responsible for such operations may have undertaken or authorized in the Second World War against any State at war with any signatory to the present Charter as a consequence of the war.' However, such measures against so-called 'enemy States' have never been used, and by now this provision has become obsolete. Wood, M., 'United Nations Charter, Enemy States Clauses' in Peters, A. (ed), *The Max Planck Encyclopedia of Public International Law* (OUP 2008).

There are traditionally two types of armed conflicts: international armed conflicts (IACs) and non-international armed conflicts (NIACs), a distinction that forms a key part of the application of international humanitarian law (IHL)[122]. This classification not only defines what legal tools to be used, but also the degree and intensity of protection of the victims of hostilities, such as civilians and other vulnerable categories. An armed conflict between two or more states where armed force is employed is considered an international armed conflict irrespective of the level of hostilities or the period the hostilities last. In comparison, non-international armed conflicts take place on the territory of one state and can either be a conflict between the government forces and organised non-state armed groups or the armed groups themselves. The difference between IACs and NIACs is based on historical issues of state sovereignty and hesitation of states to have their internal conflicts widely regulated internationally. Because of this, IACs have been regulated by an overarching legal framework,[123] comprising of the four Geneva Conventions of 1949 and Additional Protocol I, [124]which offer detailed guidelines on how hostilities should be carried out, how prisoners of war should be treated, and how civilians should be treated under occupation. NIACs, however, have a narrower set of laws governing them, with the main being Common Article 3 of the Geneva Conventions[125], and in some cases, Additional Protocol II[126], that sets minimum thresholds of humane treatment, but does not completely equate internal conflicts with inter-state wars. In spite of this official difference, modern armed conflicts are becoming more and more problematic as to the definition of the IAC/NIAC boundary. Most contemporary wars have transnational aspects, the involvement of foreign states, insurgencies, or interstate military groups, making it difficult to distinguish between the traditional classifications and challenging the law. However, the difference is legally important as it defines the legal regime applicable and has still an impact on the interpretation of the protection obligations and their enforcement under the international humanitarian law.

[122] 4767_002_ How is the Term "Armed Conflict" Defined in International Humanitarian Law? International Committee of the Red Cross Opinion Paper 2024; 04.2024; PDF only
[123] How is "Armed Conflict" defined in IHL? | ICRC
[124] International Armed Conflict (IAC) (SO0101) | UNDRR
[125] Non-International Armed Conflict (NIAC) (SO0102) | UNDRR
[126] Doctors without borders | The Practical Guide to Humanitarian Law

Table 1Comparison between International and Non International Armed Conflicts

Aspect	International Armed Conflict (IAC)	Non-International Armed Conflict (NIAC)
Definition	Armed conflict between two or more states	Armed conflict within a state involving government forces and/or non-state armed groups
Parties involved	States	State vs non-state armed group(s), or non-state armed groups fighting each other
Geographical scope	Between states; may occur on one or multiple territories	Confined to the territory of a single state
Legal classification trigger	Any use of armed force between states, regardless of intensity	Protracted violence and a sufficient level of organisation among armed groups
Primary legal framework	Four Geneva Conventions (1949) and Additional Protocol I	Common Article 3 of the Geneva Conventions and, where applicable, Additional Protocol II
Scope of legal regulation	Detailed and comprehensive	More limited and less detailed
Prisoners of war (POWs)	Full POW status applies	No POW status; detainees protected by minimum standards
Occupation law	Law of occupation applies if territory is occupied	Law of occupation does not apply
Protection of civilians	Extensive protections under IHL	Fundamental but more limited protections
State sovereignty concerns	Lower, as conflict is between states	Higher, as conflict is internal
Typical examples	Armed conflict between two states	Civil wars, internal insurgencie

INTERNATIONAL CRIMINAL LAW

The Rome Statute of 1998 that created the International Criminal Court (ICC) has a clear legal provision on the protection of children during armed conflict. These regulations include the fundamental global crimes, including genocide, war crimes, and crimes against humanity, and the crime of aggression became the jurisdiction of the Court at a later step[47].

It is possible to consider the institution of the ICC as one of the mechanisms of implementation to enforce the international commitments of the Convention on the Rights of the Child and its Optional Protocols. The relevance of the ICC as a critical tool of international responsibility is emphasized considering the continuously growing number of children victimized in armed conflicts, especially via the growth of its members and the rise in the number of States Parties[48]. Such membership helps to motivate States to harmonize their domestic laws with international ones, which will facilitate the incorporation of more elaborate legal regimes on the protection of the rights of the children.[49].

The Rome Statute entrenches a series of guarantees of children rights that includes criminalizing the acts committed against them,[127] acknowledging the special procedures application to prove criminal responsibility in the cases involving children, and the provision of special protection to children as victims or witnesses in court, and the judges must apply special knowledge and sensitivity to issues related to children [49].

To be more precise, the Rome Statute criminalizes the recruitment, use or employment of children below fifteen years of age in hostilities, in international or otherwise armed conflicts[128]. It also includes acts like rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization and other forms of sexual violence as war crimes, and crimes against humanity when practiced as a part of a widespread or systematic attack, such as the acts of enslavement and child trafficking[129]

In addition, the Statute proclaims the forcible migration of children of one group to another with the aim of destroying, wholly or partially, a national, ethnic or racial group, as a constituent of the crime of genocide.[130].

Overall, the International Criminal Court has helped reinforce the legal safeguarding of children caught in the middle of armed conflicts either through its Statute or through its trailbazing verdicts and jurisprudence. The small number of States Parties, however, which is presently 122 limits the jurisdiction of the Court especially in matters that touch on non-members of the Statute like Israel and Syria since the Court has limited powers to apply its authority.

LAW OF OCCUPATION

The law of occupation is a subspecialised set of principles of the international humanitarian law (IHL) that regulates cases when the territory of a state is placed under the effective occupation of a belligerent foreign force. It is mainly used to control the relationship between the occupying power and the civilian population of the occupied territory, and to provide protection, continuity of civil life, and restrictions on the exercise of military power. Definition and Scope Occupation can be defined as the fact that a territory is literally put under the control of an enemy army in accordance with Article 42 of the Hague Regulations (1907). Effective control is the decisive factor, that is, the occupying power can impose authority over the territory, whether there is a resistance, active hostilities, or formal annexation. Occupation is not a legal title but a factual

[127] Sonja Grover,Children in Armed Conflict: International Law and the Responsibility of States (Springer, 2012).
[128] Rome Statute, art. 8(2)(b)(xxvi), (e)(vii)
[129] Rome Statute, art. 7(1)(c), (2)(c)
[130] Rome Statute, art. 6(e)

condition, without reference to the recognition of sovereignty or the end of a peace agreement. The law of occupation is only applicable in the international armed conflicts and is valid as long as as long as effective control is still maintained even when the fighting has stopped. This is unlike the general rules that govern the behavior of hostilities, which are applicable mainly during active combat. Legal Foundations The occupation law is mainly obtained by: The Hague Regulations (1907) that provide the fundamental structure of military administration and boundaries of power in the occupied territory. The Fourth Geneva Convention (1949) that offers extensive protections to civilians who have been placed under occupation and placed considerable obligation on the occupying party. Traditional international humanitarian law that supplements and seals gaps within the provisions of the treaties. Combining all these sources, a comprehensive regime of prevention against abuse, exploitation, and fundamental change of the occupied territory is formed. Core Principles One of the main tenets of the law of occupation is temporary occupation. The occupying power does not obtain sovereignty of the territory and has to govern it in the interest of the local population, but not in the interests of its own political or military good. In this regard, the occupying power must: Keep the people at peace and civil, Observe the current local legislation unless it is impossible, Guarantee the civilian population protection against violence, coercion and collective punishment, Make food, medical care, and other basic services accessible. The occupation forces are bound by a paradigm of law-enforcement and not the wider latitude of active hostilities. Military necessity is no excuse to carry out actions that will cause pain to civilians or deprive them of their basic rights. Protection of Civilians Occupation law revolves around civilian protection. The Fourth Geneva Convention categorically forbids: Collective punishment, Deportation or forced displacement, Destruction of property which is not warranted by the direct military necessity, Starvation of civilians and denial of humanitarian assistance. Protected persons are the people who are occupied and the occupying power has positive obligations to protect the welfare, dignity, and the basic rights of the people. These obligations apply to the vulnerable groups such as children, the aged, and the ill. Connection with International Law on Human Rights. The contemporary practice and jurisprudence have acknowledged that the international human rights law still remains applicable to the occupation law. Although in cases of occupation IHL is the lex specialis, the human rights norms supplement it with protections regarding life, health, education, and due process. This bilateral applicability reinforces the legal system of occupied territories.

1.2.3 Third aspect: Child Protection Under Military Occupation.

Military occupation is defined as the actual control of a territory of a country by foreign military forces capable of implementing its decisions with the actual absence of authority and influence of a national authority [131]. This is what Article 49 of the Fourth Hague Convention of 1907 states: that a territory is considered occupied when it actually becomes subject to the authority of the hostile army, and occupation extends only to the territories where this authority is exercised, and it is able to consolidate its influence in it [132].

The most important restrictions on the powers of the occupying power are to respect the rights of civilians in the occupied territories, including children. The Fourth Convention addressed this issue in detail, and the First Protocol added additional guarantees to ensure respect for civilians in the occupied territories [133].

And to highlight how to protect children in international humanitarian law, it is necessary to review the most important texts that provide general protection for children in occupied territories (the first requirement), and then present the child's right under occupation to care and education, as well as the right to an adequate standard of living (the second requirement).

General protection of children in occupied territories:

The third Geneva Convention addressed the issue of the protection of civilians, including children, under military occupation. In this context, a full section was devoted to this topic, in addition to several other provisions in other chapters of this convention. The situation of occupation was described as a situation resulting from armed conflicts [134].

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[131] Kerman Al-Salihi, The Rules of International Humanitarian Law and International Dealing, First Edition, Mokriani Foundation for Research and Publishing, Duhok, Iraq - 2008, p. 80.
[132] Fares Kal Sahran, Lizabet Testafad, Rules Governing War, Translated by Ahmed Abdul-Alim, Dust, International Committee of the Red Cross, Dibn, 2004, p. 76
[133] Fadi Qassem Shaddad, Protection of Civilians Under Military Occupation, First Edition, Dar Fadaat for Publishing and Distribution, Amman, Dsn, p. 73.
[134] See Article 2/3 of the Fourth Geneva Convention

In this topic, we will discuss the right of civilians to life and the prohibition of cruel and inhuman treatment, the prohibition of the transfer and deportation of the civilian population, and the prohibition of the destruction of private property of the civilian population.

First: Protecting the right of civilians to life and prohibiting cruel and inhuman treatment.

The Hague Rules enshrined the right of civilians to life in occupied territories, followed by the Fourth Convention, which contained provisions protecting this right by prohibiting any inhumane acts committed against protected civilians [135]. This is what Article 32 of the Fourth Convention stipulates [136].

The same convention also prohibited acts that would affect a person's right to life, whether by intentional killing or endangering his life through various acts of torture [137].

And the intentional killing is a prohibited and forbidden behavior according to international conventions, whether this killing is individual or collective. While individual killing is a denial of the right to life of an individual, genocide comes as a denial of the right to life for a particular group [138].

It also prohibits all kinds of physical punishment and mutilation operations that are considered a type of torture, as well as conducting medical experiments on protected persons [139].

As for the inhuman treatment, Article 27 of the Fourth Convention stipulated the necessity of refraining from inhuman acts against civilians by the occupying state. It stipulated natural rights that are not subject to any violation, whatever the justifications, to be crowned with a fundamental

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[135] Muhammadi Bouzina Amena, Legal Protection of Civilians in the Occupied Territories, Master's thesis in Public Law, Faculty of Legal and Administrative Sciences, University of Chlef, Academic Year 2010/2011, p. 49

136 Article 32 of [the Fourth Geneva Convention]

137 Article 147 of [the Fourth Geneva Convention]

[138] For more, see Fadi Qassem Shaddad, previous reference, pp. 84-90

[139] Samer Moussa, Protection of Civilians in the Occupied Territories, a thesis for obtaining a master's degree in public law, Faculty of Law and Economic Sciences, University of Biskra, academic year 2004/2005, p. 48

obligation, which is to ensure the treatment of the civilian population in a humane manner in all cases [140].

It is the same obligation stipulated in the Convention on the Rights of the Child, which stipulates that States Parties shall ensure that no child is subjected to torture or other cruel, inhuman, or degrading treatment or punishment [141].

But despite all these texts, reality reveals different facts to us. In occupied Palestine, the occupation forces violate this right by deliberately targeting children, and this is confirmed by the statistics which talks about scary numbers of dead children in every Israeli aggression, as Palestinian children are subjected in the occupation prisons to ill-treatment and all kinds of inhumane practices [142].

Second: Prohibition of the forced displacement and deportation of the civilian population.

Article 2 of the Statute of the International Criminal Court defines the forced displacement of the civilian population as the forcible transfer of protected persons from the area in which they are lawfully present by expulsion or any other coercive act without grounds permitted by international law [143].

The International Criminal Tribunal for the former Yugoslavia, in the case of RADISLAV KRSTIC, defined it as the forcible transfer of protected persons by expulsion or other coercive acts from the places where they are lawfully present without grounds permitted by international law.

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[140] Abbas Hashim Al-Saadi, Individual Criminal Responsibility for International Crime, Entered, Dar Al-Matbouaat Al-Jami`iya, Alexandria, 2002, p. 152

[141] Article 137 of the Fourth Geneva Convention.

[142] Alia Ahmed, El Ainani Maryam, The Suffering of the Palestinian Child Under Israeli Occupation, First Edition, Al-Zaytouna Center for Studies and Consultations, Beirut, 2008, p. 20

[143] Bin Shaira Walid, Forced Displacement and Deportation of Civilians in Light of International Humanitarian Law, a thesis for obtaining a master's degree in legal sciences - Faculty of Law, University of Batna, academic year 2009/2010, p. 07

It is clear from this definition that it is not comprehensive, as it did not refer to the occupation state transferring all or part of its population to the occupied territories [144]. The Fourth Convention prohibited the deportation and expulsion of the civilian population or their exile from the occupied territories to the territories of the occupying state or any other occupied or unoccupied state, whatever the motives [145]. The deportation and expulsion of the civilian population constitute a violation of international and national law and the state that has carried out these operations bears international responsibility to compensate for the damages suffered by the displaced civilians [146]. However, the occupying state may evacuate all or part of a particular occupied area if the security of the civilian population or imperative military reasons so require, provided that the deportation is to suitable places, and they must be returned to their homes as soon as the fighting stops in that area [147].

The International Convention on the Elimination of All Forms of Racial Discrimination also stipulates that everyone, without discrimination based on race, color, or origin, has the freedom of movement within the territory of the state, and also has the right to leave any country, including his own country, and the right to return to his country [148]. Also, every individual within the territory of a state has the freedom of movement and to choose his place of residence, and the text came to prohibit the transfer and forced deportation of protected civilians in the Rome Statute. It prohibited the occupying state from transferring parts of the civilian population to the land it occupies or deporting all of the population of the occupied land or parts of it inside and outside this land [149].

Despite the explicitness of these texts, the Israeli occupation continues to violate these texts, and examples of these violations are military order 1650, which allows the arrest of any Palestinian who holds identity cards of Gaza and resides in the West Bank and deports him, and this decision

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[144] Bin Shaira Walid, Forced Displacement and Deportation of Civilians in Light of International Humanitarian Law, a thesis for obtaining a master's degree in legal sciences - Faculty of Law, University of Batna, academic year 2009/2010p. 08.

[145] Article 49 of the Fourth [Geneva] Convention.

[146] Saleh Muhammad Mahmoud Badr Al-Din, Strict Liability in International Law, D, Dar Al-Nahda Al-Arabiya, Egypt, 2004, p. 25

[147] Burzuq Ahmed, Protection of civilians during war, thesis for a master's degree in Islamic sciences, Faculty of Islamic Sciences - University of Algiers, 2006, p. 127

[148] Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, issued in December 1965, by United Nations General Assembly Resolution No. 2106 - Twentieth Session.

[149] Al-Nitaji Sameh Jaber, Protection of Civilians in Armed Conflicts, D., Dar Al-Nahda Al-Arabiya, Egypt, 2004, p. 52

constitutes a violation of the right of the Palestinian citizen to move and freely choose his place of residence in his country [150].

Third: Prohibition of the destruction of private property of the civilian population

The protection of private property of the civilian population is an ancient rule in customary international law, and it is recognized in the Lieber Code, the Brussels Declaration, and the Oxford Manual, and it is codified in Article 46 of the Hague Regulations. In this regard, the Fourth Convention prohibits the occupying state from destroying any property, movable or immovable, related to individuals, groups, the state, public authorities, or humanitarian, social, or cooperative organizations unless absolutely necessary for military purposes [151].

In addition to that, there is a strict prohibition on the destruction of holy places and archaeological sites, which are not considered the property of the state in which these monuments and holy places are located, but are considered a common heritage of humanity that must be preserved [152].

But there are exceptions to the principle of respecting the private property of the civilian population in consideration of the principle of military necessity, and they are as follows:

1- The occupation authorities have the right, under certain circumstances and according to special conditions, to seize some of the necessities it needs to secure the needs of its forces from supplies and provisions available in the occupied territories, in exchange for paying the value of those properties that were seized, and the occupying authorities may seize military supplies, weapons, and ammunition owned by individuals or groups, provided that they are returned or compensated [153]. This is what the Hague Regulations stipulated, and the Fourth Convention reaffirmed it [154].

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[150] A report issued by the Al-Mezan Center for Human Rights, entitled Israeli Human Rights Violations - 2011, p. 6.
[151] Mary Henkerty, Louise Doswald-Beck, Customary International Law, Volume I: Rules, ICRC, Geneva, 2005, p. 160.
[152] Judy Zakia, Protection of the Rights of the Child in International Armed Conflicts, a thesis for obtaining a master's degree in law. Faculty of Law and Administrative Sciences, University of Algiers, 2008/2009, p. 21.
[153] - Ashmawi, Ma'al-Din Ali, Rights of Civilians Under Military Occupation, with a special study on Israeli violations of human rights in the occupied Arab territories, Ph.D. thesis submitted to the Faculty of Law, Ain Shams University, Egypt, 1972, pp. 485-487.
[154] Article 53 of the Fourth [Geneva] Convention.

For confiscation to be legitimate and within the limits of the law, the following conditions must be met:

A. The purpose of the confiscation is to meet the needs of the occupation army.
B. The seizure should not take place except by order of the local commander in the area where the seizure takes place.
C. The confiscation must be commensurate with the resources of the occupied territory. This condition is intended to ensure that the resources of the territory are not depleted by the occupier's continuous requests for resources and things.
D. The necessity of paying the price of what was confiscated or giving a receipt for this value, provided that it is paid as soon as possible.
E. That these payments are commensurate with the value of the confiscated property.

If these conditions are met, the occupier's seizure of what his forces need of materials is not contrary to the provisions of international law, and it also results in the transfer of ownership of these things to the occupier.

2- The occupation authorities may seize means of transportation, communications, and warehouses of weapons and ammunition owned privately. In general, all private property suitable for direct military use, even if it is owned by private companies and individuals, but it must be returned and compensated for upon the conclusion of peace.

3- The occupation forces may, in case of military necessity, such as if this property is in the hands of the hostile forces inside the occupied territory, destroy it during the operations they carry out.

It is forbidden for the occupying power to destroy private property, unless it is absolutely necessary for military operations. If the occupier destroys private property without justification, it has violated a rule of international law and exposed itself to liability. It is up to the occupation authority to assess the importance of military necessity, but it is bound by two conditions:

- There must be proportionality between the expected military benefits and the destruction committed.

- There must be a close link between the destruction and the defeat of enemy forces. Therefore, the occupation forces are allowed to blow up a house, for example, if it is being used by enemy forces, but it is not allowed to blow it up in revenge against its owner, because he still owes allegiance to his mother country [155].

Despite the clarity of these texts, what we see in reality is the repeated violation of this principle, which is what the Israeli authorities are practicing in the occupied Palestinian territories, where they confiscated Palestinian lands following the construction of the separation wall in the occupied West Bank, and also seized large areas of citizens' land without warning [156].

The right of children under occupation to care, education, and the right to an adequate standard of living.

Given that children are the most affected group by armed conflicts, including military occupation, international humanitarian law has guaranteed them a set of rights that guarantee them protection from any violations that may be committed by the occupying authorities against these rights.

In this part of the study, we have addressed models of these rights, which are represented in the right of children under occupation to care and education, and the right of children under occupation to an adequate standard of living .

[155] Muhammadi Bouzina Amina, previous reference, pp. 60-62.
[156] Al-Arousi Ahmed, the responsibility of the occupation state for human rights violations, a thesis for obtaining a master's degree in legal and administrative sciences. Faculty of Humanities and Social Sciences, Ibn Khaldun University, Tiaret, academic year 2006/2007, p. 107

The right of children under occupation to care and education

The right to education

The right to education, in addition to being a human right in itself, is an essential means to realize other human rights [157].

International conventions have considered the right of children to education, as they stipulated the necessity of achieving a set of measures necessary to implement them in reality [158], as Article 8 (b) (9) of the Rome Statute confirmed this protection, considering the deliberate targeting of buildings designated for education as a war crime [159].

To indicate, Article 50 of the Fourth Convention obliged the occupying Power to cooperate with the national authorities to ensure the proper functioning of the facilities dedicated to the care and education of children, and in the event that the national authorities are unable to help, the occupying Power shall bear this obligation alone [160].

As the Committee on the Rights of the Child considered that States parties are obliged to fulfill the minimum guaranteed economic, social, and cultural rights, including basic education. The International Court of Justice also stressed the obligation of the occupying Power to comply with the legally binding provisions of international instruments relating to human rights with regard to the exercise of the right to education in the occupied territories [161].

The Right to Care:

The Child Rights Conventions stipulated that the latter has the right to special care [162]. By extrapolating the second paragraph of Article 50 of the Fourth Convention, we find that it has

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[157] Mohtali Nadia. Protection of human rights under occupation, a thesis submitted for a master's degree in international humanitarian law, Faculty of Law, University of Baji Mokhtar, Annaba, academic year 2011/2012, p. 110

[158] El Keriny Idris, Education and Education in the Light of the International Convention on the Rights of the Child, Ru'a Tarbawiyya magazine, Issue 33, 2012, p. 133

[159] Mohtali Nadia, Protection of human rights under military occupation, previous reference, p .110.

[160] Talafah Fadil, previous reference, p. 36

[161] Mohtali Nadia, Protection of human rights under military occupation, a thesis submitted for a master's degree in international humanitarian law, Faculty of Law, University of Baji Mokhtar, Annaba, academic year 2011/2012.

162 Al-Hayleh Ahmed, Al-Ainani Maryam, Previous Reference, p. 65

established a new obligation on the occupation authorities aimed at guaranteeing children the right to care, since its purpose is to push the occupying Power to commit to protecting children and registering their lineage to avoid mixing lineages [163].

The occupation authorities must also implement appropriate measures to provide food and necessary protection for children, as children are given priority when evacuating from areas witnessing battles [164].

The Right of Children to an Adequate Standard of Living

The right to an adequate standard of living is severely affected by the practices of the occupation, which cause social and economic difficulties for the peoples living under occupation, especially the category of children who pay a heavy price as a result of these difficulties, where the International Covenant on Economic, Social and Cultural Rights recognizes the right of everyone to an adequate standard of living. Living for himself and his family provides them with their needs for food, clothing, shelter, and continuous development standard of living under occupation [165], and the Convention on the Rights of the Child reiterated this right [166].

From this right, the following rights branch out:

- **The Right to Food:**

Armed conflicts are one of the main obstacles to the realization of the right to adequate food, as it is known that it is a natural right for every individual as a human being, while hunger and malnutrition are a violation of human rights [167]. Although international humanitarian law seeks to protect the lives and dignity of individuals, it did not refer to this right, even though many of its provisions relate to food, and aim not to deprive individuals or groups who do not participate or no longer participate in hostilities from food or from obtaining it, where international humanitarian

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163 Muhammad Nasser Al-Khawaldah, The Rights of Palestinian Children under Occupation in Light of the Provisions of International Law, available at the following link: [invalid URL removed] [Date of Access: 2015/05/23]
164 Muhammad Fahad Al-Shalaldeh, Previous Reference, p. 199
165 Article 11 of the International Covenant on Economic, Social and Cultural Rights, which recognizes the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing
166 Article 27 of the Convention on the Rights of the Child, which states that States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
167 Faten Sabri Sayed Al-Leithi, International Protection of the Rights of the Child, Thesis for obtaining a Master's degree in Legal Sciences, Faculty of Law, University of Hadj Lakhdar, Batna, academic year 2008/2009, p. 33

law complements international human rights law relating to the right to adequate food by obligating parties to the conflict to certain conduct and prohibiting other conduct, with the aim of preventing food shortages or denial of access to food in situations of armed conflict, where parties to the conflict do not have the right to use certain methods in war such as starving civilians as a means of warfare, and this prohibition is not violated only when food shortages or denial of access to it leads to death, but also when the population is subjected to starvation as a result of deprivation of food sources and supplies [168].

The right to food is a fundamental human right closely linked to human dignity, and it is indispensable for the enjoyment of other human rights enshrined in the International Bill of Human Rights [169]. However, in practice, there are flagrant violations of this right. In the besieged Gaza Strip, children suffer from malnutrition as a result of the Israeli occupation authorities closing crossings and imposing curfews [170].

- **The Right to Water:**

Water is an essential element of life, and it is one of the inalienable rights recognized for peoples under occupation in international law, based on the principle of the permanent sovereignty of peoples over their natural resources, in addition to what is included in the rules of international law relating to occupation, which do not permit the occupying state to dispose of the occupied territories as it disposes of its territory, and prevents it from carrying out any action aimed at achieving political or economic goals that benefit it and its inhabitants [171].

International humanitarian law imposed protection for water from the effects of conflicts on the basis that water is an indispensable element, as thirst in some cases may be more deadly than weapons [172].

- **The right to adequate housing:**

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[168] Jelena Pejic, The right to food during armed conflict, International Review of the Red Cross, No. 844, Geneva, February 2001, p.20.
[169] Mohtali Nadia, Previous Reference, p. 100
[170] Al-Hayleh Ahmed, Ainani Maryam, Previous Reference, p. 21
[171] Mohtali Nadia, Previous Reference, pp. 101-102
[172] Zamani Amer, Protection of Water during Armed Conflicts, International Review of the Red Cross, Issue 308, p. 9

The Convention on the Rights of the Child adopted this right [173], and the right to adequate housing includes security of tenure of property, which means that everyone should enjoy legal protection from forced evictions, harassment, or other threats, and States parties to the International Covenant on Economic, Social and Cultural Rights are obligated to provide this security.

The Violation of this right leads to a violation of the right to family life and privacy, and given that housing is a place that provides security for its residents, violation of the right to housing ultimately means a violation of the right to life.

In conclusion of this chapter, the child, despite the distinctive protection granted to this vulnerable group by international humanitarian law, and despite the recent international efforts that have been and continue to be made to put an end to the suffering of this group in various armed conflicts, whether international or non-international armed conflicts, and even in the case of military occupation, these efforts remain insufficient to achieve the optimal protection that children should benefit from, who are the torch of tomorrow. There is no future for humanity in a world that violates the rights of a group that does not even know the reasons for the outbreak of these conflicts.

1.2.4 Forth aspect: Child Protection in Islamic Law:

The child's right to protection in times of war, relief and assistance in disasters:[174]

Islam focused on protecting the child in cases of disasters and emergencies, and set a living example for us in the migration of Muslims from Mecca to Medina, and how the Companions, may God be pleased with them, dealt with this urgent situation, and the immigrants were contained to be a fundamental building block in their society... and the immigrant children became brothers to the rest of the children and shared with them sustenance, play, and rights.

Islam also focused on protecting the child during battles and wars. Al-Bukhari narrated from Nafi' that Abdullah, may God be pleased with him, informed him that a woman was found killed in

[173] Article 3/27 of the International Covenant on Economic, Social and Cultural Rights.
[174] Rial, Nabih Salah. Children's Rights from an International Perspective. Internet, Aman website. p.3.urgent And Muhammad: Protection of Motherhood and Childhood in International Agreements and Islamic Law. pp. 32-33

some of the Prophet's, may God's prayers and peace be upon him, battles. So the Messenger of God, may God's prayers and peace be upon him, denied fighting women and children.

In a narration from him: The Messenger of God, may God's prayers and peace be upon him, forbade the killing of women and children [175].

It is worth noting here that the immunity of the enemy's children is waived in two cases [176]:

The first: If they are fighters, then the jurists agreed on the permissibility of killing them in this case. Ibn Hazm said: "And none of those whom we mentioned, so there is no escape for the Muslim from any of them except by fighting... so it is permissible to kill their women, nor to kill any of those who have not reached puberty from them except by killing him, so it is permissible to kill him at that time."[177]

Al-Nawawi said in his explanation of the previous hadith: "The scholars unanimously agreed on acting upon this hadith and prohibiting the killing of women and children if they do not fight. But if they fight, the majority of scholars say that they should be killed." [178]

The origin of it: That everything that was from the people of fighting is permissible to kill, whether they fight or not, and whoever was not from the people of fighting is not permissible to kill except if they fight in reality or in meaning [179].

Second: The immunity of the enemy's children is also waived if there is no way to reach the fighting enemy army except by killing them. Evidence for this is what Al-Bukhari narrated from Sa'b ibn Jaththamah, may God be pleased with him, who said: "The Prophet, may God's prayers and peace be upon him, passed by me in Al-Abwa' or Budan, and he was asked about the people

[175] Al-Bukhari: Sahih Al-Bukhari, vol. 3, p. 1098, Book of Jihad and Expeditions: Chapter on War
[176] Al-Sawa: Humanitarian Legal Measures Aimed at Protecting Children in Times of War. Journal of Studies, pp. 283-380.
[177] Ibn Hazm: Al-Muhalla, vol. 7, p. 296.
[178] Al-Nawawi: Sharh Sahih Muslim, vol. 2, p. 48.
[179] Al-Kassani: Bada'i' al-Sana'i', vol. 7, p. 101.

of the house who spend the night among the polytheists, so that some of their women and children would be afflicted. He said: "They are from them." [180]

- Ibn Hajar said: "They are from them: that is, in the ruling of that situation. It is not meant to permit killing them by intentionally targeting them, but rather it is meant that if it is not possible to reach the fathers except by killing the children, then if they are afflicted because of their mixing with them, it is permissible to kill them." [181] When considering the implication of this interpretation by Ibn Hajar in the 1923 Gaza war, it is highly problematic to render its application to contemporary wars and conflict. Although earlier Islamic religious jurisprudence clearly stated that civilian casualties could be inevitable in some combats, warfare in the modern context is incomparable to how it was previously in terms of magnitude and effects. The means of targeting, the capability of the modern weaponry, and the possible mass destructions are significantly greater than in the era of Ibn Hajar.During the previous wars, wars were commonly conducted using weapons that had a limited range, and collateral damage was restricted. In modern times accuracy bombing, heavy gun, high powered explosives have the potential to be devastating in a scale never before seen. It implies that something that might have had been acceptable even though in a deplorable fashion back in the day can no longer be defended in a similar fashion. It is necessary to understand these rulings in terms of modern day realities given the risk of mass civilian casualties, the devastation on an entire community at large and the seriousness of humanitarian crisis. Also, the current international law (applied to Geneva Conventions), strictly forbids the targeting of civilians, and requires the attempts to minimize harm in the best way. Military action must be conducted in obedience to the rules of distinction and proportionality even when combatants are integrated with civilians which in the context of Ibn Hajar was not codified in a similar manner. As such, although the information found in historical written pieces can be very informative, it cannot be directly used in the present conflicts without adjusting it to the radically changed circumstances under which the modern war is waged.

[180] Al-Bukhari: Sahih Al-Bukhari, vol. 3, p. 1097, Book of Jihad and Expeditions, Chapter on the people of the house who spend the night, so that the children and infants are afflicted at night.
[181] Ibn Hajar: Al-Fath, vol. 6, p. 102.

- **Finally,** taking precautions for children and those who are not permissible to kill from the enemies is a matter imposed by Sharia (Islamic law). If the Muslim fighters excuse the enemies and warn them to move away from the children and civilians in general, and then they refuse, then killing them is because of their state and their families, and there is no sin on the Muslim fighters, and it is killing out of necessity [182].
- And afterthese are the rights of the child that were established by Islamic law in the texts of the Holy Quran and the noble Prophetic Sunnah, and in the jurisprudence of the jurists,. In general, they revolve around protecting him from everything that harms him, protecting him from all kinds of neglect, cruelty, and exploitation, and enjoying security and social stability. Everything that is in his interest is his right over his parents or whoever takes charge of his affairs, because the child does not possess the complete will to bring it about and achieve it for himself. Also, protecting him from everything that causes him harm and hurt is also considered one of his basic rights and the responsibility of his parents and society because he is weak and unable to ward off harm from himself. Thus, his life will be righteous, and he will grow up to be a righteous person and a beneficial individual to his society and nation.

[182] Al-Sawa: "Humanitarian Legal Measures Aimed at Protecting Children in Times of War," pp. 381-382.

2. CHAPTER 2

2.1. Mechanisms for International Protection of Children's Rights During Armed Conflicts.

The child was granted rights guaranteed by various international covenants, but in order to embody the content of these covenants on the ground and ensure that they are not violated, it was necessary to have mechanisms to monitor respect for these rights, which vary between political and judicial mechanisms.

This is what this chapter will try to review by addressing the role of the United Nations and the International Criminal Court in the field of child protection.

The United Nations and the International Criminal Court as mechanisms for protecting children in international humanitarian law.

With the blatant violations targeting children in various armed conflicts that the world has witnessed, it was necessary for international bodies to move to put an end to these arbitrary practices and save the innocence of those who are the future of humanity. The United Nations, the largest and most important international body of a political nature, mobilized through the mobilization of its various structures in order to achieve this goal.

And because it was necessary to have judicial mechanisms that would deter those who allow themselves to violate the international rules governing armed conflicts and impose appropriate penalties, the need was, therefore, to create these mechanisms represented in the temporary courts and the International Criminal Court.

In order to clarify the role of the United Nations and international criminal justice in protecting children from the scourge of conflicts, we will divide this chapter into the following three topics:

A. The Monitoring and Reporting Mechanism
B. The role of the United Nations in the protection of children.
C. The role of the International Criminal Court in protecting children.

2.1.1. The Monitoring and Reporting Mechanism

National level:

At a national level, the MRM works under the UN Country Task Force on Monitoring and Reporting [62]. It is composed of UN agencies and different partners, with a role of collecting information on the six grave violations and discussing action plans with parties to the conflict. The Head of the Task Force is the UN representative in the country concerned [63].

International level:

At an international level, the UN Country Task Force forwards the information gathered to the **Secretary-General(SG)** of the United Nations is latelly included in the SG's country reports[64]. The Working Group meets every two months to review these reports and then adopts conclusions and recommendations addressed to an important number of stakeholders, such as the parties to a conflict, Non-State Actors, the Security Council, the Secretary-General and other bodies[46], [64].

Security Council Resolution 1882 (2009)

The SC Resolution 1612 of 2005, was considered an important and essential step towards establishing a more efficient mechanism in child protection . However it needed time to become fully operational. Thus, four years after the resolution,[183] the SC adopted resolution 1882 of 2009 which focused specifically on children and armed conflict . In order for this Resolution to be adopted, the international community had to advocate strongly in order to strengthen the mechanisms that had been put in place to protect children in armed conflict.

Resolution 1882 condemned specific violations of children rights. It was explicitly outlined the case of deaths caused from indiscriminate attacks, the use of cluster munitions and the cases of rape and sexual violence against children as a method of war [46]. Additionally, it developed the mechanism established by resolutions 1379, 1539 and 1612, by asking the SG to add to its annex parties that kill and maim or commit rape and other grave sexual violence against children [64]. What's more, the resolution called enlisted parties to develop action plans under which they would end child abuses in addition to halting the recruitment and use of children in armed conflict. The Resolution also reaffirmed the need to impose sanctions on perpetrators of crimes against children and to parties which do not abide by the SC resolutions [64]. In this regard, enhanced cooperation

[183] Ben-Arieh, A. (Ed.). (n.d.). *Children's well-being: Indicators and research* (Book series). Springer Nature. https://link.springer.com/series/8162.

between the Working Group on Children and Armed Conflict and SC Sanction Committees is being proposed.

To conclude, the aforementioned SC Resolutions provide a framework for the protection of children in armed conflict situations, with the strategy focusing on country-specific situations and specific thematic areas of concern. The work of the Working Group in terms of observations and recommendations reflects the emphasis put on this issue. Moreover, the work done by the Task Force and implementing partners, produces a considerable amount of data which should be fully utilized. Finally, the SC Resolutions on children and armed conflict reflect the growing involvement of the Council on this issue and the attempt to put armed conflict high on the agenda of the international community.

2.1.2 The role of the United Nations in the protection of children

Maintaining international peace and security is considered one of the most important goals of the United Nations, which is stated in the Charter of the Organization and for which it was established to achieve and establish in reality [184].

The body consists of several structures established under the Charter of the United Nations, which are responsible for achieving the goals and objectives of the organization. The most prominent of these structures are the General Assembly and the Security Council. These two bodies have been assigned many tasks in various fields, including the field of human rights [185], which includes the rights of the child. Therefore, children must be at the center of the body's attention, which is clearly evident in the intensive activities of its various structures.

This section will try to highlight the role of both the General Assembly and then the Security Council in the field of child protection.

The role of the General Assembly

The General Assembly is the only body in the United Nations that includes all member states of the organization, which gives it great importance as it is more expressive of the positions of the

[184] Mohamed El Magdoub, International Organization, 7th edition, Al Halabi Legal Publications, Lebanon, 2002, p. 190.
[185] Mohammed Saeed Al-Daqaq, International Organization, University House, Egypt, without a year, p. 22.

international community [186]. It has the original authority to discuss any matter within the scope of the Charter or related to the powers or functions of any of the organs stipulated in the Charter [187].

The United Nations Charter has granted the General Assembly the power to conduct studies and make recommendations in order to: help achieve human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion [188].

The General Assembly has adopted several charters dealing with human rights, including the Convention on the Rights of the Child in various forms,[189] whether in the form of declarations, resolutions, or others. These include the Convention on the Rights of the Child (1989), the Optional Protocol on the Involvement of Children in Armed Conflict (2000), and the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (2000)[190].

First: The Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1974).

Based on a recommendation from the international conference held in Tehran, in 1968, the General Assembly conducted a study covering all areas of human rights during armed conflicts. Based on this study, the Economic and Social Council requested in 1970 that the General Assembly consider drafting a declaration on the protection of women and children in emergency or armed conflict situations. The General Assembly, by adopting the Universal Declaration on the Protection of Women and Children in Emergency and Armed Conflict on December 14, 1974 [191].

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[186] Mohamed Sami Abdel Hamid, The Law of International Organizations, Part One: The United Nations, 8th Edition, University Press, 1997, p. 145.
[187] Alwan Abdel Karim, Mediator in Public International Law, Book Four: International Organizations, 1st Edition, Legal Library, Amman, 2002, p. 97.
[188] Article 13 of the United Nations Charter
[189] Methodology: A Human Rights-Based Framework for Monitoring Compliance with the CRC pp 9–18, Children's Well-Being: Indicators and Research Volume 28: Asher Ben-Arieh, Paul Baerwald School of Social Work & Social Welfare The Hebrew University of Jerusalem Jerusalem, Israel
[190] Adopted and published by General Assembly resolution 3318 (XXIX) of 14 December 1974, based on the recommendation of the Economic and Social Council contained in its resolution 1861 (LVI) of 16 May 1974.
[191] Khlafousi Abdel Aziz, The United Nations and International Criminal Justice as Mechanisms for Protecting International Humanitarian Law, Gil Journal of Human Rights, published by the Gil Scientific Research Center, Issue 05, December 2014, p. 67.

The declaration included a set of standards and principles, namely:

1- Prohibition of attacks and bombing operations against civilian populations, from which children and women suffer more than others, and these acts are condemned.
2- The use of chemical and biological weapons during armed conflict is one of the most serious violations of the Geneva Protocol of 1925, the Geneva Conventions of 1949, and the principles of international humanitarian law. It inflicts significant losses and damages on civilians, especially defenseless women and children, and should be strongly condemned.
3- All States must provide guarantees for the protection of children and women during armed conflicts, in fulfillment of their obligations under the 1925 Geneva Protocol, the 1949 Geneva Conventions, and other international law instruments concerning respect for human rights during armed conflicts.
4- States involved in armed conflicts and military operations in territories still under colonial control must do their utmost to spare children the scourge of war. These states must also take all necessary steps to ensure the prohibition of measures of persecution, torture, punitive measures, degrading treatment, and violence, especially against women and children.
5- All forms of repression and cruel and inhuman treatment of women and children, including imprisonment, torture, execution by shooting, mass arrest, collective punishment, destruction of homes, and forced displacement, committed by belligerents during military operations or in occupied territories are considered criminal acts.
6- Women and children who find themselves in situations of emergency and armed conflict, or who live in occupied territories, may not be deprived of shelter, food, medical aid, or other rights guaranteed to children under international law [192].

Secondly: The Special Representative for Children and Armed Conflict:

The General Assembly was interested in the issue of protecting children during armed conflicts. In this context, in 1993, Ms. Graça Machel was assigned to conduct a study on the suffering of

[192] Abbasi Al-Asiri, Rights of Women and Children in International Humanitarian Law, Dar Al-Hoda for Printing, Publishing, and Distribution, Algeria, 2006, pp. 79-80.

children in armed conflicts and their effects on them. She submitted a report on it, which covers the period between August 2009 and 2010. It identifies child rights issues of great importance, and during this period, she made strenuous efforts to protect children [193].

After the success of this study, the General Assembly recommended, in its resolution 77/51 of December 12, 1996, the appointment of a Special Representative for Children and Armed Conflict [194].

The Special Representative was tasked with highlighting the effects of armed conflict on children, and in doing so, conducts studies that would clarify the progress made, the measures taken, and the problems facing the consolidation of child protection in armed conflict [195].

In order to ensure that the Special Representative performs his duties as required, the Security Council issued Resolution 1379 (2001), in which the Council affirmed its support for the tasks carried out by the Special Representative concerned with children in armed conflict and called upon all parties to the conflict to fulfill the obligations they have committed to the Special Representative regarding the protection of children during armed conflicts [196].

The role of the Security Council

The Security Council holds a significant position among the various bodies of the United Nations. This significance is derived from the broad and effective powers granted to it by the United Nations Charter, as well as the method of its formation and the voting system within it [197].

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[193] United Nations Report prepared by Graca Machel on the Impact of Armed Conflicts on Children, August 26, 1996-A/51/306.
[194] Ahmed Abu Al-Wafa, International Protection of Human Rights within the Framework of the United Nations and Specialized Agencies, 2nd Edition, Dar Al-Nahda Al-Arabiya, 2005, p. 58.
[195] Hakim Sabab, Previous Reference, p. 251.
[196] Hakim Sabab, Previous Reference, p. 251
[197] Faten Sabri Sayed Al-Leithi, International Protection of Children's Rights, Previous Reference, p. 6

The Security Council is considered the executive arm of the United Nations, in addition to being the primary authority responsible for maintaining international peace and security. This inevitably leads the council to address some issues of children's rights in the context of armed conflicts [198].

The Security Council considered the conflict in some areas as a threat to international peace and security due to the dire situation of children resulting from the massacres committed against them [199].

Security Council Resolutions Related to Child Protection:

The serious and repeated violations of children's rights in armed conflicts led to the intervention of the Security Council and placed the issue of child protection on its agenda. The Council issued several resolutions to protect children from the dangers of armed conflicts [200].

In 1999, the Security Council recognized that violations against children during conflict are a matter of peace and security, and as a result, it requested the Secretary-General to submit an annual report to the Council on children and armed conflict [201].

Since October of that year, 37 discussions, 7 resolutions, and 6 presidential statements have included references and provisions on the protection of children affected by war. In the second half of 1999, the Council adopted resolutions incorporating child protection into the mandates of United Nations peacekeeping operations in Sierra Leone and the Democratic Republic of Congo [202].

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[198] Ahmed Abdullah Abu Al-Elaa, The Development of the Security Council's Role in Maintaining International Peace and Security, Dar Al-Jamiaa Al-Jadida, Alexandria, 2008, p. 11.
[199] Linda Al-Ammari, The Role of the International Security Council in Implementing the Rules of International Humanitarian Law, Master's Thesis, Faculty of Law, Mouloud Mammeri University - Tizi Ouzou, 2012, p. 30.
[200] BLACHER Philippe, droit des relations internationals, 2ème edition, lexis nexis litec, France, 2006, p. 36
[201] -rôle-du-conseil-de-sécurité, https://childrenandarmedconflict.un.org/fr/qui-sommes-nous/role-du-conseil-de-securite/ site visité le 20/06/2023
[202] Shahata Fatima, The Child Center in Public International Law, D.T., Dar Al-Jamiaa Al-Jadida, Alexandria, 2007, pp. 366-367

Resolution 1261 (1999) was the first resolution dedicated to children and armed conflict, creating a political and empowering framework and establishing general principles and provisions for the protection of children affected by war [203].

Following the 1999 resolution, the Council mandated the Secretary-General to annually report on children and armed conflict, submitted by the Special Representative addressing the impact of armed conflict on children. Member states are afforded an opportunity to provide feedback on current trends in this domain. The Council consistently issues resolutions or presidential statements to conclude discussions and specify requisite actions to address pressing concerns related to safeguarding children. Moreover, the Council has issued 8 resolutions and numerous presidential statements collectively serving as supportive mechanisms to protect children, applying pressure on perpetrators of crimes against them to conform with international standards of protection. These mechanisms include:

- **Exposure of violations and identification of perpetrators:** The Security Council has issued multiple resolutions to expose violations against children and publicly identify perpetrators, placing them on a "list of shame." Resolution 1379 in 2001 directed the Secretary-General to include in his annual report a list of parties that recruit and use children. Subsequently, Resolution 1882 in 2009 and Resolution 1998 in 2011 expanded recommendations to include killing, mutilation, sexual violence, and attacks on schools and hospitals.
- **Resolution of disputes with offenders through action plans:** The Security Council seeks, through this tool, to encourage offenders to cease violations and remove their names from the "list of shame." Resolution 1460 in 2003 introduced the concept of action plans, urging listed parties to engage in dialogue with the United Nations and commit to halting violations upon confirmation of full implementation of the relevant action plan and cessation of violations.

Monitoring and reporting mechanism: In Resolution 1539 the Council requested the Secretary-General to develop an action plan regarding an organized and comprehensive monitoring and

[203] RESOLUTION 1261 (1999) Adopted by the Security Council at its 4037th meeting, on 29 August 1999. S/RES/1261 (1999)

reporting mechanism on grave violations against children's rightssix grave violations. [204] The Security Council established the monitoring and reporting mechanism on through Resolution 1612 in 2005, mandating reporting on violations against children during armed conflicts:

1. Killing or maiming of children.
2. Recruitment or use of children as soldiers.
3. Rape and other severe sexual violence against children.
4. Attacks against schools or hospitals.
5. Denial of humanitarian access to children.
6. Abduction of children.

Working Group on Children and Armed Conflict

The Working Group on Children and Armed Conflict was established by the Security Council pursuant to Resolution 1612 in 2005. This body systematically reviews reports concerning the situation of children in specific conflict settings and provides strategic guidance to parties involved in conflicts and to the United Nations on measures to enhance child protection.[57]

The Council also issued Resolution 1314 in 2000, calling on states to limit the illicit trade in small arms and light weapons, and other criminal activities that prolong conflicts or increase their impact on civilians, including children [205].

In addition to the specific recommendations addressed to the Security Council, the working group also has tools at its disposal to address child protection concerns, including the possibility for members of the working group to conduct field visits, hold emergency meetings, and/or issue press releases [206].

[204] Resolution 1539 (2004) Adopted by the Security Council at its 4948th meeting, on 22 April 2004, document number S/RES/1539 (2004)
[205] Resolution 1314 (2000) Adopted by the Security Council at its 4185th meeting, on 11 August 2000, S/RES/1314 (2000)
[206] Working Group on Children and Armed Conflict created by resolution 1612 (2005). [invalid URL removed] date of visit to the site 10/05/2015

Sanctions

The Security Council has implemented rigorous sanctions targeting individuals persistently engaged in violations against children during armed conflicts. These sanctions encompass arms embargoes, asset freezes, and travel bans. Notably, in Resolution 1539 of 2004, the Council articulated its initial intention to consider imposing targeted and graduated measures against parties to conflicts found to be violating children's rights. This commitment has been reaffirmed through subsequent resolutions, including Resolutions 1612 (2005), 1882 (2009), and 1998 (2011).[58]

Integrating Child Protection into Peacekeeping Operations:

Due to the repeated and systematic violations that children are subjected to in areas of armed conflict, the United Nations has resorted to using peacekeeping forces to protect children.

These forces play an important role in achieving the necessary protection for children. Therefore, in 1999, the Security Council adopted several resolutions that included the issue of child protection in peacekeeping operations in Sierra Leone and the Democratic Republic of the Congo established by the United Nations and approved the to deploy advisors to protect the child in both operations. In July 2008, the Council issued its Resolution 1769, under which it established a joint peacekeeping mission between the African Union and the United Nations in Darfur [207].

This is one of the new roles of these forces, as their mission was previously limited to monitoring ceasefire, separating forces, or monitoring the truce. These forces have also been tasked with new missions in areas witnessing armed conflicts [208]. Regarding the composition of peacekeeping forces, it is mixed, consisting of military and civilian personnel [209].

[207] Dahia Abdel Latif, The Efforts of the United Nations to Combat the Recruitment of Children in Armed Conflicts, Sharia and Law Journal, Issue Fifty-Four, College of Law - United Arab Emirates University, 2013, p. 283.
[208] Siab Hakim, Previous Reference, p. 284
[209] Talafa Fadil, Previous Reference, p. 43

In 2001, the Security Council issued Resolution 1379, which provides for continued support and guidance on a large scale for efforts aimed at promoting the protection of children in peacemaking and peacekeeping operations [210].

Undoubtedly, armed conflicts have a direct impact on children, and this is where the importance of peace emerges, as it guarantees the rights and well-being of children. Peace is also linked to international solidarity and the recognition of children's rights and well-being. Ensuring and respecting the fundamental rights of children in peace should be a collective global responsibility and a contribution to the survival of children and the perpetuation of peace in the world [211].

Integration of Child Protection in Peace Negotiations

All parties involved in armed conflicts have been asked to pay attention to the issues of child protection during peace negotiations by the Security Council. The Secretary-General of the United Nations has been given a mandate to consider child protection in the peace planning presented to the Council. Also, the United Nations agencies, funds and programs have been directed to coordinate respective activities with peacebuilding activities and therefore applying a blueprint of peace. This involves promotion of peace education programs and other activities that are geared towards rejection of violence to preempt and solve conflicts. The Security Council, in the same manner, has placed a specific focus in the problem of child soldiers and how they should be involved in peace processes in the hope that they could be demobilized, disarmed, and reintegrated back into the community. Many governments and armed parties in conflict areas have also religiously accepted to fulfilling the provision of child rights and protection by ensuring that child rights and protection constitute the agendas of peace operations due to this repeated instructions of the Security Council.[61]

While acknowledging the Security Council's vital role in protecting children during armed conflicts through its enforcement powers and sanctions, the researcher criticizes the Council's structure. The dominance of the five permanent members, often prioritizing political interests, can

[210] Tarabit Rashida, The Legal Status of Minors in International Law between Theory and Application, Master's Thesis, Faculty of Law, Mouloud Mammeri University, Tizi Ouzou, 2010, p. 38.
[211] Al-Shahatah Fatima, Previous Reference, p. 380

obstruct justice for victims. This is highlighted by the Council's inaction on repeated Israeli offenses against Palestinian children, notably their omission from the 2015 "list of shame" despite documented war crimes in Gaza.

2.1.3 The role of the International Criminal Court and International Cout of Justice in protecting children

The International Criminal Court (ICC)

Is the first permanent international judicial institution, which was formed to prosecute people of the most serious crimes of interest to the international community as a whole. The ICC, established through the acceptance of the Rome Statute in 1998, and it has been in effect since 2002, is a significant advancement in institutionalising international criminal justice. Its inception is an indication of the international community determination to fight impunity and hold individual criminals accountable of any acts that offend the conscience of humanity. The ICC has jurisdiction over four fundamental crimes namely, genocide, crimes against humanity, war crimes, and crime of aggression. In contrast to the former ad hoc tribunals like the International Criminal Tribunals of the former Yugoslavia and Rwanda, the ICC is permanent and focuses not on a particular conflict or time-bound mandate. Its jurisdiction is complementary, that is, it intervenes only when national courts are unwilling or incapable actually to prosecute the perpetrators. This principle of complementarity helps to maintain state sovereignty and at the same time eliminate the possibility of committing serious crimes without being punished. Notably, the ICC targets the personal responsibility of criminals, which is a difference between it and other international courts. It does not prosecute states, but military commanders, political leaders, and other individuals. This is especially applicable in the context of the safety of civilians and children as the Rome Statute specifically conscripts the following acts as criminal offences: the use and recruitment of child soldiers, willful attacks on civilians and other protected objects, and sexual violence against children. The ICC, by its jurisprudence, most notably in the cases of Prosecutor v Lubanga, has been instrumental in understanding children as both victims of international crimes and as

possessing rights to enforced rights under the international law. However, ICC is associated with structural and political challenges such as lack of jurisdiction, dependence on state cooperation in making arrests and allegations of biased justice. Irrespective of these shortcomings, it has been a fundamental pillar of the modern international legal order and an important means by which the international humanitarian law and international criminal law are implemented.After establishing the principle of individual international criminal responsibility for human rights violations committed in armed conflicts, it was therefore necessary to establish international criminal courts to prosecute those responsible for these violations [212].

Heinous violations have been committed against civilians, including children, during armed conflicts, and therefore it was necessary to establish an effective international system for criminal accountability for these violations, after a strong guarantee that ensures respect for these rights in situations of armed conflicts [213].

These courts, which are concerned with the trial of violators of children's rights during international and non-international armed conflicts, have varied between temporary and permanent courts [214].

Therefore, in order to address the role of international criminal justice in protecting children in armed conflicts, we should address the role of temporary international courts in establishing individual responsibility for war crimes, as well as the role of the International Criminal Court

The enormous amount of bloodshed resulting from armed conflicts has called for the establishment of a permanent international criminal court instead of creating temporary courts every time crimes

[212] Hijazi Abdel Fattah Bayoumi, The International Criminal Court, Dar Al Fikr Al Jami'i, Alexandria, 2004, p. 377.
[213] Khenfousi Abdel Aziz, Previous Reference, p. 72.
[214] Kousa Ammar, National and International Mechanisms for the Protection of Children during International Armed Conflicts, intervention presented at the National Forum on 14 and 15 May 2014, Faculty of Law and Political Science, University of Jijel, p. 16.

against civilians, including children,[215] occur. This aims to put an end to impunity regarding the most serious crimes committed against children [216].

The history of the International Criminal Court is a long one that took decades to materialize as numerous seminars and conferences were undertaken until the United Nations secretariat held the diplomatic conference in Rome on June 15 to July 17, 1998 where the Rome Statute of the International Criminal Court was agreed upon.. [217]

As far as the subject matter jurisdiction of the court is concerned, it entails investigating and prosecuting individuals who commit the most serious crimes perpetrated against civilians including children. The crimes that the court can consider are included in Article 5 of the Statute, namely:

- The crime of genocide
- Crimes against humanity
- War crimes
- The crime of aggression [218]

The gravest offences in international criminal law are war crimes, crimes against humanity, and genocide. The customary international law and major legal documents, in the most significant, the Rome Statute of the International Criminal Court (1998) prohibit these crimes[219]. They are characterized by the contextual needs, the magnitude and the character of the forbidden activities and the motive behind them, but collectively they are the fundamental framework of international responsibility on mass atrocities.

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[215] Ghazelan Flij, The Legal Status of Individuals during Non-Peace in International Law, Thesis for obtaining a Doctorate in Public Law, Faculty of Law and Political Science, Abu Bakr Belkaid University - Tlemcen, academic year 2013/2014, p. 324

[216] Resolution adopted by the General Assembly on December 18, 2013, the sixty-eighth session, item 65 (a) of the agenda, document number A/RES/68/147: business.

[217] Khenfousi Abdel Aziz, Previous Reference, p. 74

[218] Mohamed Youssef Alwan, Muhammad Khalil Al-Mousa, International Law of Human Rights (Sources and Means of Control), 1st Edition, Dar Al-Thaqafa for Publishing and Distribution, p. 286

[219] ICTY, Prosecutor v. Tadić Appeals Chamber Judgment, IT-94-1-A (15 July 1999). (Defines armed conflict; clarifies war crimes applicable in NIACs.)

War crimes are severe contravention of the international humanitarian law that are carried out in case of armed conflicts that are international or non-international. They involve the intentional targeting of civilians, assaults on fortified targets such as hospitals and schools, torture, inhuman treatment, and the employment of forbidden warfare tactics. More importantly, war crimes are characterized by their connection to an armed conflict and breaches of the rules regulating the behavior of hostilities[220].

Crime against humanity is a combination of some of the forbidden activities like murder, extermination, deportation, imprisonment, torture, rape, and persecution when committed as a part of some large-scale or systematic assault on a civilian population. In stark contrast to war crimes, crimes against humanity do not presuppose an armed conflict and are equal both in times of peace and war. Their characteristic features are size, structure, and aiming at civilians as such.

Genocide is considered to be the most serious international crime because of its specific intent requirement. Under the genocide convention of 1948, defined as acts that are committed with the intention of destroying, in their entirety or in part, a national, ethnic, racial or religious group, so defined[221]. These actions can involve the killing of group members, infliction of grievous bodily or psychological injury, intentional infliction of situations of life that are calculated to result in the physical annihilation of the group, introduction of actions to stop births, or forcible transfer of children. [222]The aspect that makes the difference between genocide and other international crimes is not the magnitude of violence itself, but the proven desire to get rid of a guarded population.

These three types of crimes make the legal basis of the responsibility of the international criminal justice, as the international community is determined and obligated to make the most serious crimes against human dignity and to punish them. They are also critical tools of analysis in

[220] International Criminal Tribunal for the Former Yugoslavia. (1999). *Prosecutor v. Tadić* (Judgment on the appeal on jurisdiction), Case No. IT-94-1-A, Appeals Chamber, 15 July 1999. https://www.icty.org/x/cases/tadic/acjug/en/tad-aj990715e.pdf

[221] International Court of Justice. (2007). *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)* (Judgment of 26 February 2007). https://www.icj-cij.org/en/case/91/judgments

[222] Schabas, W. A. (2009). *Genocide in international law: The crime of crimes* (2nd ed.). Cambridge University Press.

determining state and individual behavior during modern conflicts, especially those where the mass violence against civilians and systematic acts of abuse are claimed.

Table 2: Comparison of Genocide, Crimes against Humanity, War Crimes, and the Crime of Aggression

Crime	Legal Definition / Core Concept	Context Requirement	Key Elements	Protected Interest	Distinguishing Feature
Genocide	Acts committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group	Can occur in peace or armed conflict	Killing, causing serious harm, inflicting destructive conditions of life, preventing births, forcible transfer of children	Protection of group existence	Requires specific intent (dolus specialis) to destroy a protected group
Crimes against humanity	Certain acts committed as part of a widespread or systematic attack against a civilian population	No armed conflict required	Murder, torture, rape, deportation, persecution, enforced disappearance	Protection of the civilian population	Requires widespread or systematic attack, not isolated acts
War crimes	Serious violations of international humanitarian law during armed conflict	Requires armed conflict (international or non-international)	Targeting civilians, attacking hospitals/schools, torture, unlawful killing, use of prohibited weapons	Protection of persons in armed conflict (especially civilians and combatants hors de combat)	Must be linked to armed conflict and breach of IHL rules
Crime of aggression	Planning, preparation, initiation, or execution of an act of aggression by a State leadership	Requires inter-state use of force	Invasion, military occupation, annexation, bombardment	Protection of state sovereignty and international peace	Focuses on leadership responsibility for unlawful use of force between states

These crimes, of course, can affect children, and therefore criminalizing them will contribute to protecting the category of children from violations in armed conflicts.

The jurisdiction of the Court is only prospective, meaning that it will only consider crimes committed after the entry into force of this Agreement, which is what Article 11 of the Court's Statute stipulates, as it has jurisdiction over:

"Crimes committed after the entry into force of this Statute." [223]

With regard to personal jurisdiction, it has jurisdiction to try only natural persons, and the person who commits a crime that falls within the jurisdiction of the Court is individually responsible for it and is subject to punishment, and is criminally liable whether he committed the crime individually or jointly with others [224].

The Statute of the Court has included provisions that protect children from the crimes that fall under the jurisdiction of the Court, where Article 26 of its Statute stipulates that the Court has no jurisdiction over any person under the age of 18 at the time of the commission of the crime attributed to him, and it is understood from the context of this The text is that children do not commit these crimes stipulated in this agreement of their own free will, but rather are motivated by adults who are the ones who incited them to commit them. [225]

This also touches upon the prominent role of the Court in suppressing the recruitment or use of children during armed conflicts during hostilities, through what is stipulated in the Statute of the Court.

The act of recruiting children has been listed among the war crimes under the jurisdiction of the court. Paragraphs (b) and (e) of Article 8 of the Court's Statute state that the compulsory or voluntary recruitment of children under the age of fifteen into national armed forces or their use in active participation in hostilities is considered a serious violation of the laws and customs applicable in international or non-international armed conflicts [226]. In this regard, the first ruling

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[223] Khayati Mokhtar, The Role of International Criminal Justice in Protecting Human Rights, Thesis for obtaining a Master's degree in Public International Law, Faculty of Law and Political Science, Mouloud Mammeri University, Tizi Ouzou, 2011, p. 145
[224] Khalfousi Abdel Aziz, Previous Reference, p. 75
[225] Talafa Fadil, Previous Reference, p. 49 52
[226] Chetter Abdel Wahab, The Role of the International Criminal Court in Combating the Crime of Recruiting Children During Armed Conflicts, Gil Journal of Human Rights, Issue 05, Gil Scientific Research Center, Lebanon, 2014, p. 108

was issued by the International Criminal Court in March 2012 regarding the war crime of voluntary or compulsory recruitment of children under the age of fifteen into the national forces for the liberation of the Congo and their use in active participation in hostilities. This was in the case of the Prosecutor v. Thomas Lubanga Dyilo, who was convicted of this crime [227].

While the Statute of the Court has classified crimes committed against women and children, it has not neglected the protection of children in the rules of evidence and procedural rules before the Court. This is in a way that guarantees the protection of victimized children and witnesses who are subject to the Court's procedures at every stage [228].

It appears from the foregoing that the establishment of the International Criminal Court is a giant step towards reducing violations of children's rights at all times and ensuring respect for their rights. However, there are shortcomings that plague the Court, limiting the crimes under its jurisdiction to only four crimes and neglecting several other serious crimes outside its scope of jurisdiction.

Since the outbreak of the 2023 war, Israel has been accused of numerous violations of the rules of international humanitarian law (IHL), and some of the violations could amount to war crimes, crimes against humanity, and genocide. These suspected infractions are manifested in mass patterns of murder, demolition, and assaulting of civilians throughout the Gaza Strip. The high casualty figure, over 72,000 individuals, most of whom are women and children as per the United Nations Office of the Coordination of Humanitarian Affairs is a big cause of concern as far as the adherence to the IHL requirements is concerned. The war has also caused on a scale never before seen the devastation of infrastructure, in the form of houses, mosques, schools, universities and hospitals. Moreover, policies of siege, starvation, and limitations of humanitarian help have been much criticized as contrary to IHL. These practices can be considered as the prohibited acts in the framework of the major legal documents, such as the Fourth Geneva Convention, the Additional Protocol I to the Geneva Conventions and the Rome Statute of the International Criminal Court. In comparing the behavior of Israel in the present conflict and past military actions, the issue of

[227] Annual Report of the Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomaraswamy, submitted to the Human Rights Council of the United Nations, twenty-first session, item 03 of the agenda, document number A/HRC/21/38:

[228] Talafa Fadil, Previous Reference, p. 49

how Israel has followed several international legal tools that regulate armed conflict has been brought up. These are the Saint Petersburg declaration, the Hague convention, the Geneva protocol, the Chemical weapon convention, the Convention on the Prevention and Punishment of the Crime of Genocide and the Hague convention on the protection of cultural property. Together, these structures form binding regulations aimed at defending civilians, limiting ways of engaging in war, and creating accountability to violations.

The International Criminal Justice (ICJ)

A The main judicial organ of the United Nations is the International Court of Justice (ICJ),[229] which was formed in 1945 according to the UN Charter. The ICJ, in contrast to the ICC, is not a criminal court but does settle disputes between states and issue advisory opinions on questions of international law on request by authorised organs of the UN and specialised agencies[230]. Its mandate therefore is well rooted in the aspect of regulating the inter-state relations and the elucidation of laws of the international system. The ICJ is also mandated to deal with a vast array of problems such as the use of force, self-defence, territorial sovereignty, occupation, treaty interpretation and state responsibility of internationally wrongful acts. The Court has been instrumental in making and clarifying several principles of international law, especially in international humanitarian law, international human rights law, and international genocide law, through its various controversial cases and advisory opinions. Its jurisprudence is generally considered to be authoritative even in the form of non-binding advisory opinions. Even though the ICJ is not a criminal prosecutor or imposes criminal liability directly, its activity has important repercussions on civilian and child protection. The Genocide judgment in Bosnia and Herzegovina in Serbia and Montenegro[231] and the Wall Advisory Opinion of 2004 [232]give examples of how the Court deals with questions of occupation, proportionality, collective punishment and the relevance of the international humanitarian law and human rights law in the armed conflict contexts. These

[229] International Court of Justice, *Statute of the International Court of Justice* (1945), Article 92–96.
[230] James Crawford, *Brownlie's Principles of Public International Law* (9th edn, OUP 2019)
[231] International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro)*, Judgment (2007)
[232] International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion (2004).

decisions influence the legal environment in which the actions of the state are evaluated, as well as actions associated with children. Whereas the ICC is concerned with the criminal accountability, the ICJ is concerned with the state responsibility. It decides whether states have violated their international obligations and in some cases, specifies the legal consequences of violations. Consequently, the ICJ has an indirect impact on child protection, as it enhances the normative system that regulates state behaviour and enhances the primacy of legal restrictions on the use of force.

Table 3: Differences between ICJ and ICC

Subject	International Court of Justice (ICJ)	International Criminal Court (ICC)
Establishment of the Court	Established in 1945; entered into force in October 1945.	Established in 1998; entered into force in July 2002.
Relation to the United Nations	Principal judicial organ of the UN.	Independent from the UN, cooperates closely.
Personal Jurisdiction	Handles disputes between states only.	Prosecutes individuals aged 18 or older.
Subject-Matter Jurisdiction	Legal disputes, advisory opinions.	Genocide, crimes against humanity, war crimes, aggression.
Number of Judges	15 judges.	18 judges.
Judges' Term	Nine years.	Seven years (non-renewable).
Membership	All 193 UN Members participate.	123 States Parties.
Relation with UN Security Council	Judgments may be enforced through the SC.	SC may refer cases under Chapter VII.

2.1.4 The role of temporary international courts in establishing individual responsibility for war crimes:

International responsibility is not limited to the state that commits violations of human rights, including children, in armed conflicts only, but the individual is considered criminally responsible

for the international crimes he commits, and this is what international agreements have stipulated [233].

The Nuremberg and Tokyo Tribunals, established after World War II to try war criminals, were the first to stipulate the criminal responsibility of individuals and the protection of civilians, including children. This was confirmed by the United Nations when the General Assembly issued Resolution 95 (1-3) in 1946, approving the principles of international law stipulated in the charters of the Nuremberg and Tokyo Tribunals. In 1947, the International Law Commission was tasked with formulating and codifying these principles.

In 1950, the International Law Commission submitted its report, which included the principles of international law recognized in the Nuremberg Tribunal Charter.[234]

In this context, the four Geneva Conventions adopted the principle of individual criminal responsibility for serious violations of human rights, including children's rights. Such as the Article 50 of the First Convention, Article 51 of the Second Convention, Article 130 of the Third Convention, Article 147 of the Fourth Convention, Articles 85 of the First Protocol and 4 of the Second Protocol.[235]

The onset of the nineties saw the world face scenes of gruesome armed conflicts in Yugoslavia and Rwanda that translated into the most heinous abuse of the spirit of international humanitarian law provisions. The Security Council had to arrange an international criminal tribunal by exercising its powers mandated to keep international peace and security, namely, to prosecute the war criminals in Yugoslavia and another in Rwanda[236].

These crimes lead to the issuance of Resolution 808 by the Security Council on February 22, 1993, which called on the creation of an international criminal tribunal to put on trial individuals who had committed serious crimes against international humanitarian law in the territory of the former

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[233] Nabil Mahmoud Hassan, Individual Criminal Responsibility for Victims of Crime in International Humanitarian Law, Dar Al-Jamiaa Al-Jadida, Alexandria, 2009, p. 290
[233] Khenfousi Abdel Aziz, Previous
[234] Ahmed Abu Al-Wafa, Previous Reference, p. 166, 167
[235] - Khenfousi Abdel Aziz, Previous Reference, p. 73.
[236] Mona Boumaaza, The Role of the International Criminal Court in Implementing International Humanitarian Law, Master's Thesis, Faculty of Law, University of Badji Mokhtar - Annaba - academic year 2008/2009, p. 6.

Yugoslavia as of 1991. Next was the Security Council Resolution 955 which was issued on November 8, 1994 to create the International Criminal Tribunal of Rwanda to prosecute individuals who committed serious violation of international humanitarian laws in the state of Rwanda or nationalities of persons in the territories of Rwanda neighboring countries or who were responsible between January 1, 1994, and December 31, 1994. [237]

2.1.5 The International Labour Organization (ILO)

Is specialised agency of the United Nations having a special tripartite structure, consisting of governments, employers, and representatives of workers. The ILO was formed in 1919 and its main role is to enhance social justice and internationally recognised labour rights. Although its initial area of concern was on labour standards, working conditions, and social protection, the organisation has grown to play an important role in child protection, especially in its normative framework covering child labour, forced labour, and exploitation. The ILO role in child protection is generally best embodied in its principal conventions which are binding international treaties on ratification. The most important one of these is the ILO Convention No. 138 (1973) on the Minimum Age of Employment, according to which the States are expected to set a minimum age to join the working force and the Convention is intended to eliminate child labour gradually. This convention indicates the understanding of the fact that economic exploitation of children denies them the possibility to develop, get education and live a long and healthy life. Of greater importance in the context of armed conflict and extreme exploitation is ILO Convention No. 182 (1999) on the Worst Forms of Child Labour which is one of the most popular international labour conventions. Convention No. 182 urges States to urgently and effectively put an end to the worst forms of child labour. These most heinous types specifically involve slavery, forced, or compulsory labour, child trafficking, debt bondage, and forced or compulsory recruitment of children to serve in armed conflict. In this respect, the ILO framework directly overlaps with the international humanitarian law, as well as the international criminal law, strengthening the prohibition of child soldiering and extreme exploitation of children. Besides child-specific instruments, ILO has a wider approach to protecting children by using other instruments like ILO Convention No. 29 (1930) on Forced Labour, which forbids all forms of forced or compulsory

[237] Al Obaidi Khalil Ahmed Khalil, Protection of Civilians in International Armed Conflicts in International Humanitarian Law and Islamic Law, University of St. Calments International 2008, pp. 236-240

labour. This convention is especially applicable to armed conflict, occupation, or post-conflict situations, where children are prone to forced labour by armed forces, militias, or occupying forces. Combined, these conventions create a legal framework to safeguard children against economic exploitation, coercion and participation in combatant forces. ILO lacks the enforcement powers similar to those of the international criminal tribunals. Rather, it is based on the supervisory measures, such as regular reporting by States, observation by independent committees of professionals, and discussion with governments. These mechanisms, although mainly preventive and normative, as opposed to punitive, are significant in the formation of state behaviour, the establishment of international standards and the enhancement of accountability through legal and political coercion. Even though ILO is not directly involved in working with children in humanitarian contexts, its normative framework is complementary to the efforts of other organizations like UNICEF and the UN Special Representative of Children and Armed Conflict. The ILO also supports the comprehensive protection system of child exploitation under the international law by addressing the structural dimensions and root causes of the problem, including poverty, forced labour, conflict-related recruitment of children, etc.

The distinctive role of some international bodies concerned with the protection of children in international humanitarian law.

Several international organizations are active in the field of protecting children's rights, but we notice that some of them have a prominent role in the field of child protection. They play a very important and vital role, as they conduct fact-finding and publish reports on the status of human rights, among other tasks. They also make great efforts to protect those affected by armed conflicts [238].The United Nations Children's Fund (UNICEF) and the International Committee of the Red Cross are examples of these bodies that have a distinctive role in the field of child protection.We have decided to talk about UNICEF , , the International Committee of the Red Cross , Human Rights Council, Ofiice of the United Nation High commissioner of Human Rights, Committee on

[238] - Khaw Khaw Ramzi, The Role of Non-Governmental Organizations in the Protection of Human Rights and Fundamental Freedoms, Journal of the Legal Forum, Issue 07, Faculty of Law and Political Science, University of Biskra, December, p. 01

the Rights of the Child, and International Criminal Court as leading examples of international bodies that care about supporting children's rights.

United Nations Children's Fund "UNICEF"

The conditions of children in light of the conflicts taking place in several regions around the world lead to depriving these children of the opportunity to enjoy their childhood. Here, the role of the United Nations Children's Fund (UNICEF) in protecting children in these difficult circumstances emerges [239].

Therefore, we will devote the first section to defining the United Nations Children's Fund (UNICEF) and the circumstances of its establishment, while in the second section, we will discuss the role of the Fund in protecting children.

Defining the fund and the circumstances of its establishment:

The United Nations Children's Fund (UNICEF) is an affiliated body of the United Nations, with the task of providing for the special needs of children in conflict and disaster areas, and removing obstacles created by poverty, disease, and discrimination that stand in the way of children. The fund is spread across 155 countries worldwide [240].

The General Assembly recognized the need for continuous work to alleviate the suffering of children, especially in developing countries or those that have suffered from the scourge of armed conflicts. It issued Resolution 802 (VIII) in 1953, requesting the Economic and Social Council to continue reviewing the work of the fund periodically and submit recommendations to the General Assembly, and to change the name of the fund from "Temporary Emergency Fund" to "United Nations Children's Fund," known in short as UNICEF

UNICEF does not fit the strict definition of an international organization that is specialized, but operates as a branch of the United Nations. The criterion for distinguishing between specialized

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[239] UNICEF, Humanitarian Action for Children 2013, p. 03. Available at the following link:http://www.unicef.org/arabic/publications/43689_69454.html

[240] Taken from the UNICEF website: [http://www.unicef.org/arabic/about/who/25234.html] Date of access: 22/05/2023

organizations and subsidiary bodies of the United Nations is through examining the legal instrument that established the body. If it was an international agreement, then it is a specialized international organization. However, if it was in the form of a resolution issued by one of the main international bodies, then it is a subsidiary body [241].

UNICEF finances its programs by relying on donations from the governments of developed countries, which constitute two-thirds of the funding. The remaining third is obtained from various sources, particularly from the proceeds of selling UNICEF greeting cards and gifts, along with donations from businessmen and individuals [242].

The Distinctive Role of the Fund in Protecting Children in International Humanitarian Law

UNICEF has worked for over fifty years on child care worldwide in the fields of health, nutrition, water and sanitation, education and literacy, community development, media, evaluation and monitoring, and emergency programs.

While UNICEF's assistance is primarily directed towards long-term children's programs, it still moves quickly to meet the urgent needs of children in emergencies resulting from natural disasters, civil wars, or epidemics. Emergency relief is followed by long-term rehabilitation and reconstruction operations [243]. Every year, UNICEF responds to more than 200 emergencies worldwide, working with governments, civil society, private sector companies, and non-governmental organizations to meet urgent needs, protect children's rights, take decisive actions to improve adaptability, enhance capabilities, and reduce risks. The organization's response is based on existing programs, partnerships, and resources. UNICEF's mission, in both humanitarian and developmental fields, is to promote and protect children's rights and help them fulfill their basic needs, expand their opportunities to reach their full potential [244].

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[241] Muhammad Sami Abdul Hamid, Law of International Organizations, Part One: The United Nations, previous reference, pp. 229-230
[242] Talafa Fadil, Previous Reference, p. 51
[243] Faten Saber Al-Leithi, Previous Reference, p. 132
[244] UNICEF Humanitarian Action for Children Report, 2010, p. 01, available at the following link:http://www.unicef.org/arabic/publications/43689_69454.html

UNICEF conducts studies and research on children covering all areas of children's rights around the world and publishes them in publications and periodic reports aimed at spreading knowledge and promoting understanding of children's rights, and learning about the progress made and existing problems. Among the most important annual reports issued by UNICEF are the State of the World's Children report and the Progress of Nations report [245].

Also among UNICEF's activities is the Humanitarian Action for Children report, which is a humanitarian funding appeal issued annually by UNICEF for children and women affected by protracted emergencies [246].

UNICEF's Child Protection in War program is considered the greatest evidence of the Fund's commitment to reaching children affected by conflict. The recently approved policy on child protection represents an important step in supporting the work program, as the Fund has worked to release and reintegrate child soldiers.

Since UNICEF is an international organization with the biggest and most significant priority, which is to protect children and secure their well-being under any circumstances, this organization should be regarded as a prominent and high-profile partner of the Special Representative of the Secretary-General to the children and armed conflict. UNICEF helped to compile the report of the Special Representative of the Secretary-General of Children and Armed Conflict, Radhika Coomaraswamy on the effects of armed conflicts on children. It was observed that some steps have been achieved in terms of protecting children against war crimes Such as recruitment of children by armed groups, hence this report challenges the international community to implement concrete actions to stop the violation of children in armed conflicts..[247]

UNICEF was awarded the Nobel Peace Prize in recognition of its efforts to work for peace, progress, and the well-being of children, and it became a permanent subsidiary body in 1973[248] .

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[245] Alwash Farid, Children's Rights in International Conventions and Charters, Legal Forum Journal, Issue Six, a journal issued by the Faculty of Law at the University of Biskra, Biskra, p. 113.
[246] UNICEF, Humanitarian Action for Children, 2009, p. 09
[247] Dehya Abd Elatif, Previous Reference, p. 302-305.
[248] Maalem Youssef, Previous Reference, p. 85

International Committee of the Red Cross

The International Committee of the Red Cross (ICRC) is considered one of the most important international bodies working to achieve the protection of children during armed conflicts. Its long history, spanning over 150 years, has been filled with achievements in the humanitarian field. This is due to its ability to rapidly deploy during armed conflicts, as well as the professionalism and dedication of its staff [249].

Definition of the Committee and its Basic Principles

The ICRC is an international non-governmental organization that has played the role of a neutral mediator in armed conflicts since its inception. It seeks to ensure protection for victims of international and non-international armed conflicts [250].

It was joined by four Swiss citizens, Gustave Moynier, General Henri Dufour, and Doctors Appia Louis and Maunoir Theodore, who initially founded the International Committee for Relief to the Wounded in February 1863. A few months later, in response to their invitation, 16 countries and four humanitarian associations sent representatives to the international conference that opened in Geneva on October 26, 1863. This conference adopted the emblem of the Red Cross on a white background, and from it, the International Committee of the Red Cross was born [251].

The International Committee of the Red Cross is based on a set of fundamental principles, which are:

- **Humanity:** This organization was established to guarantee human rights.
- **Impartiality:** It seeks to achieve its goals without discrimination between people.
- **Neutrality:** It refrains from taking any side in armed conflicts.
- **Independence:** It is not affiliated with any state or international organization.
- **Voluntary Service:** It does not seek profit in any way.
- **Unity:** There should be only one Red Cross or Red Crescent Society in each country.

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[249] Ban Ki-moon, The International Committee of the Red Cross and the Changing Humanitarian Landscape, International Review of the Red Cross, Issue 888, Volume 94, Geneva, June 2012, p.
[250] BIAD Abdelwahab, International Humanitarian Law, 2nd Edition, Ellipses, France, 2006, p. 16-16, 94
[251] 2- MICHEL-CYR Djiena, Le Droit International Humanitaire, 1st Edition, L'Harmattan, Paris, p.34.

- **Universality:** It is not a regional organization but operates worldwide.

These principles, which the International Committee is tasked with safeguarding, were officially declared at the 20th International Conference of the Red Cross held in Vienna in 1965 [252].

The Role of the International Committee of the Red Cross in Protecting Children:

The **International Committee of the Red Cross (ICRC)** is committed to upholding international humanitarian law (IHL) and ensuring that children's rights and well-being are safeguarded during times of war, displacement, and disaster.

1. **International Humanitarian Law:** Protection of the law Promoting and ensuring the adherence to the international humanitarian law (IHL) is one of the most important duties of the ICRC, which constitutes the Geneva Convention of 1949 and the Additional Protocols of 1949. These legal tools contain special safeguards on children in conflict zones, which include:

• The banning of the recruitment and utilization of child soldiers.

• Making sure that children receive humanitarian aid, such as food, water, and medical treatment.
• Leaving schools, hospitals, as well as other civilian buildings, out of reach of attack.

• The prevention of the separation of the children to their families and reunion of families.

2. **Humanitarian Aid**

ICRC provides children with much-needed humanitarian assistance in conflict regions. This includes:

• Medical Care: Giving first aid treatment and psychological healing to the children who have experience war related trauma.

• Food and Nutrition: Food aid delivery to the malnourished children particularly in besieged or inaccessible places.

252 - Mohamed Shawqi Abdel Aal, International Organization, Dar Al Shorouk Library, Egypt, 2002, pp. 290-2922-

• Education and Protection: Providing safe places and their empowerment to campaigns of safeguarding schools and educational establishments against assaults.

3. Racimet Separated Families

Through conflicts, most children are displaced, abused or imprisoned and this causes them to be separated with their families. The ICRC Restoring Family Links (RFL) initiative aims at:

• Locate lost children and get them into the hands of their families.

• Issue documents to unaccompanied minors that will assist them to gain assistance and shelter.

• Be an activist in propagating the eradication of forced disappearance of children.

4. The Abatement of Child Soldiers Recruitment

The ICRC engaged in the many activities to deter the practice of child soldier recruitment and employment by armed groups and by states. It liaises with governments and other non-state players in order to promote adherence to the international laws that forbid child recruitment and also offer rehabilitation programs to ex-child soldiers.

5. Promotion and Awareness-raising

The ICRC works with governments, international organizations and the civil society in order to ensure the protection of children in armed conflicts. Through public campaigns, legal dialogues, and diplomatic engagement, the ICRC ensures that children's rights remain a priority in global humanitarian efforts.

Human Rights Council

The Human Rights Council, an international body within the United Nations, is dedicated to promoting and protecting human rights globally. In order to safeguard children and hold those who violate them accountable, it tackles human rights breaches, makes recommendations, and creates regulations.

The Council uses specialized processes to concentrate on certain human rights issues and topics. These processes include monitoring, advisory services, and public reports. Additionally, it can receive complaints regarding persistent abuses and evaluates each UN member state's human rights record through the Universal Periodic Review procedure.

By providing yearly updates on advancements and difficulties, the Special Representative on Children and Armed Conflict serves as an invaluable source of information for the Council regarding the plight of children in conflict areas. In response, the Council may act by passing resolutions and making recommendations.

The Council also names independent experts and special rapporteurs to keep an eye on and report on human rights matters, especially those pertaining to children involved in violent conflicts. As seen by its investigations into Israeli actions against the Al Athamna family and during the "Operation Cast Lead" campaign, it also sets up fact-finding missions to look into individual examples of abuse.

The Israeli authorities' refusal to collaborate with these investigating organizations and their subsequent findings is noteworthy, nevertheless. The researcher draws attention to the July 2014 UN resolution that established an investigation committee, charged with entering Gaza and other Palestinian territory to look into serious human rights breaches. The committee's efforts were impeded by Israeli forces, which prevented its members from accessing Gaza to inspect the crime scenes and speak with the victims. This prevented the probe from moving forward as planned. The committee's activities commenced approximately 11 weeks after the cessation of hostilities in the region These situations reveal the limitations of the Human Rights Council in effectively protecting human rights, especially those of childrenAlthough the Council has commissioned a number of inquiries on Israeli activities in Gaza, it has had limited success on convicting Israeli criminals who committed atrocities against the Palestinian children. Although the 2015 Council resolution where war crimes were demanded to be prosecuted in Gaza managed to capture Israeli offenders lacking international accountability as well as give the Palestinian people deserved justice, it still marked a step into the correct international justice direction. The United States in particular, which frequently obstructs the formation of investigative bodies when they clash with its interests or those of its allies, is partially to blame for the Council's limited role. This consistent

defense of Israeli interests over the rights of Palestinians speaks much about how the preference over politics is evidently put over the human rights. In the meantime, the Office of the United Nations High Commissioner for Human Rights, which is part of the UN Secretariat, continues to exercise human rights protection in prevailing conflict, violence, and insecurity circumstances.

Office of the United Nations High Commissioner for Human Rights:

UNHCR founded by United Nations General Assembly in 1950 has a scorecard of mandate to coordinate and harmonize refugee problems through international effort by organizing refugee protection and ending their status on international level. Children comprise approximately half of the individuals under UNHCR's care, totaling around 34 million people, including refugee children, asylum seekers, stateless individuals, returnees, and internally displaced persons who benefit from UNHCR's support and protection. UNHCR's mission focuses on meeting the comprehensive needs of all children under its protection, collaborating with partner organizations to ensure their safety, nutrition, shelter, healthcare, education, security, growth, and overall well-being. In the recent past, UNHCR has started working on main stream of the age, gender and diversity perspectives as well as child protection and rights have been incorporated in programmes and preventive strategies at UNHCR. Specific indicators related to children, including indicators concerning recruitment, are integrated into UNHCR's reporting frameworks and standards. Additionally, UNHCR has enhanced its UN child protection since it has deployed specialized personnel in other field operations. At present, UNHCR is concluding its guidance on Security Council Resolution 1612 (2005) and the monitoring and reporting mechanism with particular focus on its responsibility at national and headquarters level within this structure. The Office of the High Commissioner of Human Rights, which works under the UN, strives to uphold human rights in conflict, violent or unstable regions. It offers its expertise and assistance to many human rights mechanisms in the U.N. system. The Office is taking a proactive role and propagating the incorporation of child protection in the mainstream operations of human rights machinery. It also has a fast reaction system to respond to grave human rights abuses especially those that affect children and in its capacity, the High Commissioner can make press releases, conduct dialogue sessions with governments and also send fact-finding missions. More so, the Office welcomes complaints about the individual and collective complaints about human rights abuses.

The researcher recognizes the fact that the mechanisms of the Office of the High Commissioner do a great job in the safeguarding of human rights especially that of children. Yet, these mechanisms are limited by the lack of executive powers: the appeals and statements formulated are not taken as measures to be respected, and the complaint mechanism is of minor practical importance since such complaints are not liable to assessment by the courts with the powers to indict the individuals violating the relevant provisions.

Committee on the Rights of the Child

Committee on the Rights of the Child was formed under the Convention on the Rights of the Child of 1989, including its major aim of evaluating compliance of States parties under their duties as identified in the Convention. The Committee's responsibilities include monitoring the compliance of States parties with their obligations under the Optional Protocols related to the sale of children, child prostitution, child pornography, and children's involvement in armed conflict, which are annexed to the Convention. Moreover, the Convention on the Rights of the Child has an Optional Protocol since 2014 that establishes a communications procedure according to which the Committee can consider complaints by individuals or groups of individuals about the infringement of their rights guaranteed under the Convention and other Protocols to it. When nations that have ratified the Convention on the Rights of the Child allege grave abuses of children's rights, the Committee on the Rights of the Child is empowered to look into the allegations. Since these nations are required by international law to protect children's rights even during times of war, their jurisdiction also covers abuses that occur during armed conflicts. Additionally, the Committee publishes guidelines and recommendations to advance the defense of children's rights. The researcher contends, however, that the international community's propensity to put political interests ahead of human rights limits the Committee's efficacy. This can be observed through the continuous harms that the Israeli soldiers have been subjecting the Palestinian children to that have been largely avoided by the international community. The Committee has a vital role in it, however, it cannot implement robust enough regulations in order to protect children and prosecute the offenders who are harming them.

In conclusion, this chapter has shown that the United Nations plays a very important role in protecting children from the consequences of armed conflicts, despite the organization's inability to achieve its goal of guaranteeing respect for human rights and dignity.

We also concluded the importance of prosecuting violators of children's rights, as this will greatly contribute to putting international texts that protect children into actual implementation, which has been embodied in reality, especially after the establishment of temporary international tribunals and the International Criminal Court.

We also concluded that UNICEF and the International Committee of the Red Cross play a distinctive role in the field of child protection, as evidenced by their long history spanning decades.

3. CHAPTER 3

3.1 Introduction

Beginning on 7 October 2023, Israeli occupying forces significantly escalated their military operations in Gaza Strip following by cross-border attacks which are carried out by Hamas during which Israeli civilians were killed and some others are taken hostages. These events result a large-scale and sustained military campaign which is characterized by the extensive aerial bombardment, ground incursions and the targeting of the civilian infrastructure across Gaza. The scale, intensity and the duration of these attacks have resulted in record level of civilians' harms which is particularly affecting the children.[253]

The 2023 ongoing military operation are representing on the most severe contexts of the violations of the international child protection norms happened in Palestinian territory since the beginning of the Israeli occupation of the Gaza Strip in 1967. These alleged violation against the children are monitored and documented through the Monitoring and Reporting Mechanism (MRM) which is established pursuant to United Nations Security Council Resolution (1612) (2005).[254] Which supports accountability and child protection responnces.With in the territory of occupied Palestinian, this mechanism operates with the support of UNICEF and other relevant United Nations agencies which are documenting grave violations against the children committed all parties to the conflict.[255]

Since 2007, an informal working group has voluntarily submitted the report on the six grave violations which are identified by the Security Council itself. In addition to these six violations,

[253] Altarawneh, M. E., Alokour, O. S., & Khasawneh, A. A. (2025). The Israeli Aggressive War on the Gaza Strip: An Analytical Study from the Perspective of International Law. *Jordanian Journal of Law & Political Science*, *17*(1).
[254] McHale, M. J. (2014). Children Affected by Armed Conflict: A review of the United Nations Security Council, International Criminal Court and UNICEF's work on children in situations of armed conflict.
[255] Debarre, A. (2017). Monitoring and Reporting Mechanism on Grave Violations against Children in Armed Conflict (MRM-CAAC).

the Palestinian human rights organization have continuously documented three further patterns of abuse affecting children which are namely detention, torture and the enforce displacement. These practices are not formally included in the six grave violences framework but are increasingly recognized as an integral to the understanding the full spectrum of the harms and suffered by the children in the armed conflict.[256]

3.2 The Six Grave Violitions of Children Rights During Armed Conflicts

Having examined the Chapter one of the general legal framework governing the protection of the civilians during the armed conflict, the chapter tow narrowed the scope of the specific protections afforded to the children. As previously established in chapters, the applicable legal regime governing the armed conflict which is consists of a composite body of the international humanitarian law, international human rights law and the international child law and the international labour law. These violations are also closely linked to protections under the UN Convention on the Rights of the Child (UNCRC) and its Optional Protocol on the involvement of children in armed conflict (OPAC). Together all these bodies and international treaties of law impose binding obligation on the both side of the non-state actors.[257]

In the chapter two we also examine the historical development and normative rationale behind the establishment of the "Six Grave Violations of the Children's Rights during the Armed Conflicts" and in addition it also explore the role of United Nations Security Council in institutionalizing the framework. While building on that foundation the present chapter contextualizes and analyses each of the six violations through the contemporary case studies which is demonstrating how armed conflicts systematically generate serious and recurring breaches of the children's rights.

Accordingly, this chapter examines the following:

1. The recruitment or use of children by armed forces or armed groups;
2. Killing and maiming of children;
3. Rape and other forms of sexual violence against children;
4. Abduction of children;

[256] Boukari, Y., Kadir, A., Waterston, T., Jarrett, P., Harkensee, C., Dexter, E., ... & Devakumar, D. (2024). Gaza, armed conflict and child health. *BMJ Paediatrics Open*, *8*(1), e002407.

[257] Riaz, R., Mohamand, A. S., & Sahibzada, S. A. (2025). Analysis of the Third Common Article of Geneva Convention: Protected Persons, Legal Value, and Practical Implication.

5. Attacks on schools and hospitals; and
6. Denial of humanitarian access to children.[258]

The chapter demonstrated examples form The Palestinian Occupied Territories and Ukraine to show the prevalence and severity of these violations. Additionally, this chapter provides a comparative overview of these violations subject to other countries. In Chapters 4 and 5 will focus in detail on the violations against Palestinian children during the 2023 conflict and the Ukrainian-Russian war. The research will delve into the specifics of the aggression and its impact on child protection during the war.

3.2.1 Killing and Maiming of Children

Beyond the protections which is outlined in the Chapter Two, the international law unequivocally prohibits the arbitrary deprivation of life as well as the killing or mutilation of the civilians which including children. The UNCRC Article 6: Right to life, survival, and development and Article 38: Protection of children in armed conflict prohibits killing and maiming of children. These prohibitions are constituting the core principle of both the international humanitarian law and the international human rights law and have been consistently affirmed in the international jurisprudence. While the prohibition of the killing and maiming is considered non-derogable and applies in all situations of armed conflict which is irrespective of their classification or the identity of the parties involved.[259]

United Nations Security Council and the General Assembly resolutions have played a significant role in reinforcing the protection against the killing and maiming of the children which is repeatedly condemning the deliberate or indiscriminate targeting of the civilains and other protected persons.[260] Nevertheless, it was not until the adoption of the Security Council Resolution 1882 (2009) that killing and maiming of the children which were formally incorporated into the

[258] Office of the Special Representative of the Secretary-General for Children and Armed Conflict. (2009, updated 2013). Office of the Special Representative of the Secretary-General for Children and Armed Conflict. (2009/2013). The six grave violations against children during armed conflict: The legal foundation (Working Paper No. 1, p. 9).UnitedNations.https://childrenandarmedconflict.un.org/publications/WorkingPaper1_SixGraveViolationsLegalFoundation.pdf.

[259] Porter, T. E., & Cox, J. (2025). *Genocide: A Thematic Approach*. Anthem Press.

[260] Agu, S. (2025). Protection of Children in Street Situations in Other International Human Rights Treaties. In *The International Legal Protection of Children in Street Situations* (pp. 191-232). Cham: Springer Nature Switzerland.

framework of the six grave violations. This inclusion is reflecting a delayed acknowledgment of the severity of these violations and their particular impact on children in the armed conflicts.

With regard to torture, the Convention of the Rights of the Child article 37(a) states "No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment and guarantees in the inherent right to the life of every child and the obliges States Parties to take all the appropriate measures to ensure the survival and the development of the child to the maximum extend possible.[261] The right of the children to life and protections against the torture and other cruel, inhuman or degrading treatment is also affirmed in the African Charter on the Right and Welfare of the Child (1990) and in addition to that a number of other international instruments. This framework is further reinforcing by the convention against the Torture which is establishes an absolute prohibition on torture which is applicable in both peacetime and armed conflict.[262]

The international judicial practice has played a decisive role in codifying and enforcing these rules. Ad hoc international criminal tribunals have repeatedly affirmed that willful killing committed during armed conflict may constitute a war crime or a crime against the humanity.[263] In this regard, the International Criminal Tribunals for Rwanda and the former Yugoslavia and as well as the Special Court for Sierra Leone have successfully prosecuted the political and the military leaders which are responsible for the serious violations of the Geneva Convention which is including indiscriminate killing, torture and other forms of ill-treatment of the civilians and have held superior Criminal Court further confirms that killing and maiming may depending on the circumstances and the required criminal intent, constitute war crime, crimes against the humanity and or the acts of genocide.[264] The Rome Statute of the International Criminal Court further confirms that killing and maiming may, depending on the circumstances and the required criminal intent, constitute war crimes, crimes against humanity, or acts of genocide.[265]

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[261] Nyathi, L. When bullets threaten the pursuit of knowledge: Reclaiming children's right to education in armed conflict through a human dignity-centred approach under IHRL and IHL. *International Review of the Red Cross*, 1-29.

[262] Cryer, R. (2020). International law, crime and torture. In *Research Handbook on Torture* (pp. 288-313). Edward Elgar Publishing.

[263] Shilaho, C. V. (2025). *The Role of State Parties to the Rome Statute in the Interpretation of the Statute: An Evaluation of Past Practice and Future Prospects* (Vol. 20). BRILL.

[264] Δημητρίου, Μ. (2025). The role of the international criminal tribunal for the former Yugoslavia to the evolution of international humanitarian law: the application of the principles of distinction and proportionality.

[265] Popov, G., Puhach, A., Shkolnikov, V., Baranovska, T., & Orobets, K. (2025). Assessing war crimes during armed conflicts: Insights from Ukraine and global standards. *Journal of Lifestyle and SDGs Review*, *5*(1), e03391-e03391.

Nevertheless, the modern armed conflict has significantly increased the risk to the lives and the physical safety of the children particularly through the extensive use of the landmines, cluster munitions and other explosive weapons.[266] According to the fundamental principles of the international humanitarian law most of the notably distinction and proportionality parties to the conflict must distinguish between the civilians and combatant at all times and any attack must be proportionate to the anticipated military advantage.[267] In practice, however, the children frequently become victims of the violations of this principle either directly or indirectly. The situation is further aggravated when children are drawn into the suicide attacks or used as human shields to the protect the military objectives. However, such practices typically result in the killing or severe injury of the children and constitute blatant violations of the both international humanitarian law and the international human rights law.[268]

In conclusion, although a comprehensive legal framework and international treaty (UNCRC) is existed to safeguard and protect the lives of the children during the armed conflict. The effective application of these rules remains extremely challenging given the realisms of the contemporary warfare. The continued increase in the number of the children killed and injured in the recent conflicts are demonstrating an urgent need to strengthen the existing protection mechanism against the killing and maiming. The occupied Palestinian territory provides a particularly vivid examples of this troubling reality. Despite the existence of the clear legal obligations the children are continue to constitute a significant proportion of the victims of the armed conflict.[269]

Killing and Maiming of Children in the Occupied Palestinian Territory

The Israeli-Palestinian conflict which began in 1947 is remains one of the longest and most complex conflict in the contemporary international system. Despite a sustained international effort to achieve a peaceful resolution there are still serious violations to the children's rights continues

[266] Al Tolkani, S. S. Y., & Alfatlawi, A. A. (2025). Legal Implications Arising from the Children's Involvement in Armed Conflicts Across the Middle East Conflicts. *Atâtôt-Revista Interdisciplinar de Direitos Humanos da UEG*, *6*(1).

[267] Al Tolkani, S. S. Y., & Alfatlawi, A. A. (2025). Legal Implications Arising from the Children's Involvement in Armed Conflicts Across the Middle East Conflicts. *Atâtôt-Revista Interdisciplinar de Direitos Humanos da UEG*, *6*(1).

[268] Bonati, M. (2025). Child mortality following armed conflict: how long does it take to reduce to pre-conflict level?. *BMJ Paediatrics Open*, *9*(1), e003379.

[269] Ghulam, M. Q. D. (2025). CHILDREN'S RIGHT TO EDUCATION IN INTERNATIONAL ARMED CONFLICTS: GAZA-PALESTINE. *Modern Science and Research*, *4*(3), 429-455.

to be committed. Both Israeli armed forces and the Palestinian non-state armed group which including Hamas and Islamic Jihad have committed grave violations of the children's rights with killing and maiming consistently which is ranking among the most prevalent.[270]

According to the United Nations data, eight Palestinian children which constitute six boys and two girls were killed and 1256 injured in the occupied Palestinian territory in the in 2013 alone. While no Israeli children were reported killed during the same year.[271] The loss of the life is increased dramatically during the armed hostilities that erupted in the summer of the 2014 and lasted fifty days. During the period, 495 Palestinian children were killed and further 3105 injured as reported by the United Nations Office for the Coordination of the Humanitarian Affairs (OCHA).[272] OCHA has further reported that since 7 October 2024 at least 40 Israeli children and over 14000 Palestinian children have been killed and the conflict remains ongoing and the number of the child victims continue to rise day by day.[273]

3.2.2 Recrutment or Use of Children By Armed Groups and Armed Forces

The Convention on the Rights of the Child Article 32: Protection from exploitation, Article 38: Protection from recruitment and participation in hostilities and Optional Protocols on the involvement of children in armed conflict, Prohibits compulsory recruitment and use of children under 18. Additionally, additional Protocols to the Geneva Conventions had prohibit the recruitment or the use of children under the age of fifteen in hostilities.[274] This prohibition has attained the status of the customary international law and it is binding on all the parties to armed conflict whether international or non-international.[275] Accordingly, non-state armed groups,

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[270] Domi, I., & Lata, K. (2025). Israel-Palestine Conflict: A Retrospective Analysis from Origins to the Present Day and Prospects for the Future. *Interdisciplinary Journal of Research and Development*, *12*(1 S1), 71-71.

[271] Bouri, S. (2024). The role of women in the construction of peace in conflict zones under the UNSC Resolution 1325: insights from the Israeli-Palestinian conflict.

[272] To-Hauser, K. (2024). *Compounded Nature of Civilian Harm: Infrastructure Damage in the 2008-2009 and 2014 wars in Gaza* (Master's thesis).

[273] Elkahlout, G. (2024). War on Gaza: an unceasing humanitarian tragedy. In *Gaza's Cycle of Destruction and Rebuilding: Understanding the Actors, Dynamics, and Responses* (pp. 209-223). Cham: Springer Nature Switzerland.

[274] Lloyd Kabara, *The Protection of Children in Armed Conflict under International Law* (LLM thesis, University of Zimbabwe, Faculty of Law, 2022) 46

[275] Dahlial, F., Maulana, R. F., & Yunarti, S. (2025). Child Protection in International Law: Synergy between CRC, Humanitarian Law, and Human Rights. *RIGGS: Journal of Artificial Intelligence and Digital Business*, *4*(1), 410-416.

including Hamas and Islamic Jihad, are equally bound by these norms despite not being state actors.

International human rights law has further strengthened this protection by raising the minimum age for direct participation in hostilities and compulsory recruitment to eighteen. States Parties are required to adopt heightened safeguards even in cases of voluntary recruitment, while non-state armed groups are prohibited under any circumstances from recruiting or using children under eighteen.[276]

This normative framework is strengthened by the international criminal law, where the detention of the child soldiers by the opposing forces does not negate their entitlement to the special protect under the law of International. The children those are associate with the armed groups remain the victims and must be treated in accordance with their age and vulnerability.

The international humanitarian law and the international human rights law prohibited the arbitrary or unlawful detention on the children. Further UNCRC Article 37 (b) states that, "no child shall be deprived of his or her liberty unlawfully or arbitrarily" and further clarify that the detention, arrest, or imprisonment of child shall be used only as a measure of the last resort and for the shortest appropriate period and torturing or ill-treatment is prohibited without the exception.[277] Furthermore, UNCRC Article 37(c) states that children deprived of their liberty must be treated with humanity and dignity and be separated from adults unless it is in the child's best interests. Article 37(d) affirms that children have the right to legal assistance and to challenge the legality of their detention before a court, while Article 40 provides guarantees for children in conflict with the law, emphasizing due process and alternatives to detention. Even when the children are prosecuted for the acts of committed during the hostilities, fair trial guarantees and procedural safeguards must be strictly observed.[278]

3.2.3 Sexual Violence Against Children

[276] Agu, S. (2025). Convention on the Rights of the Child, Its Optional Protocols, and Work and Documents of the CRC Committee. In *The International Legal Protection of Children in Street Situations* (pp. 121-190). Cham: Springer Nature Switzerland.

[277] Annoni, A. (2019). La CRC e la Convenzione europea dei diritti dell'uomo. In *La Convenzione delle Nazioni Unite sui diritti dell'infanzia e dell'adolescenza. Conquiste e prospettive a 30 anni dall'adozione* (pp. 20-42). Autorità garante per l'infanzia e l'adolescenza.

[278] Andrássy, G. (2025). The Real Meaning of Article 27 ICCPR and the Deeper Understanding of Overlapping Human Rights Its Exploration Requires. *Austrian Review of International and European Law Online*, *28*(1), 61-93.

Sexual Violence against Children includes rape, sexual slavery, forced marriage, and other forms of sexual abuse constitutes among them most serious violation of the international human right law and in such situation of armed conflict which amount to grave breaches of the international humanitarian law.[279] While depending on the circumstances, such acts may constitute war crimes, crimes against the humanity or acts of genocide.[280] Recognizing their gravity, the Security Council had included sexual violence against the children among the sic grave violations in the Resolution 1882 of (2009).[281]

Similarly, UNCRC Article 19 (protection from all forms of violence), Article 34 (protection from sexual exploitation and abuse), and Article 39 (recovery and reintegration of child victims) place strong emphasis on the prohibition of violence against children, including sexual violence. Sexual violence is also explicitly prohibited by the four Geneva Conventions and in their additional protocols. The Common Article 3 requires humane treatment at all time while the Article 27 of the Fourth Geneva Convention commands the respect for the dignity and the protection of the women and girls.[282] On the other side, international courts which including ICTY, ICTR, the European Court of Human Right and the Inter-American Commission on the Human Rights have consistently recognized the gap as a form of torture and the absolute violations under the international law.[283]

However, despite the significant legal development, the violence of sexual and gender-based continue to be employed as a weapon of war against men and women and on adults across numerous conflicts setting.

3.2.4 Attacks Against Schools and Hospitals

School and hospitals are playing a critical role in providing safety, shelter, education and the medical care which is required for civilians during the armed conflict. Nevertheless, these facilities are increasingly targeted or the militarized practice that may be constitute to war crimes against

[279] Lloyd Kabara, The Protection of Children in Armed Conflict under International Law (LLM thesis, University of Zimbabwe, Faculty of Law, 2022) 46ulty of Law, 2022) 50

[280] Ahmad, N., Rahim, F., & Ariffin, D. I. (2024). Legal Challenges of Prosecuting War Crimes and Crimes Against Humanity: A Comparative Analysis of Islamic Law and Modern International Law. *Manchester Journal of Transnational Islamic Law & Practice*, *20*(3).

[281] Guercio, L. (2025). The link between cultural heritage protection and children in armed conflict: the absence of a dedicated resolution and the potential role of the United Nations Security Council.

[282] Marconi, R. (2024). From female morality to human dignity: an evolutive interpretation of 'honour'under article 27 (2) of the Fourth Geneva Convention. *International & Comparative Law Quarterly*, *73*(2), 527-542.

[283] Viviani, A. (2023). Sexual Violence and Torture: Lessons Learned and Open Challenges in the ICTR Judgement on the Case of Akayesu. *RIVISTA DI DIRITTI COMPARATI*, (special issue III), 100-115.

the humanity under the international law.[284] UNCRC Article 24 (right to health), Article 28 (right to education), and Article 38 (protection during armed conflict) place strong emphasis on the prohibition of attacks on schools and hospitals, as well as on the use of these premises for military purposes.

The international humanitarian law is enforcing civilian objects which including the schools and hospitals under special protection. Under this principle distinction all parties to the conflict must distinguish between civilian objects and military objectives all the time. Attacks against the school or hospitals are prohibited unless they are used for miliary purposes and even when or under conditions of strict necessity and proportionality.[285] . In cases of doubt such facilities must be presumed to civilian and protected form attack during the time..[286]

The destruction of the schools and hospital has devastating consequence for children which are undermining their right to education and health. The international jurisprudence which include the International Court of Justice, affirms the protection of the civilians and the objective of civilian as a cornerstone of the international humanitarian law. The Rome Statute provides for individual criminal responsibility for the international attacks against such as the facilities in both the international and non-international armed conflict.[287]

3.2.5 Abduction of Children

UNCRC Article 11: Protection against illicit transfer and non-return and Article 35**:** Prevention of abduction, sale, or trafficking of children encompass abduction of children. As per UNCRC, the abduction of children includes kidnapping of children for recruitment, exploitation, ransom, hostage-taking and enforced disappearance which is prohibited under the international law and UNCRC and may constitute a war crime or a crime against the humanity.[288] Abduction is

[284] Abbassi, S. (2023). The Decision of the International Criminal Court in the Palestine Situation: A Beginning in the Prevention of Impunity for Israeli Crimes. *The Iranian Review for UN Studies (IRUNS) Volume*, *4*, 24-48.
[285] Farhat, S. A., Nurdin, R., & Basir, S. B. (2025). Attacks against civilian objects: An analysis under international humanitarian law. *Hasanuddin Law Review*, *8*(1), 60-78.
[286] Capone, F. (2025). *Dual-use Objects under International Humanitarian Law: Towards a Paradigm Shift*. TMC Asser Press.
[287] Gabrielli, G. (2023). Individual Criminal Responsibility of Non-State Actors Operating in Cyberspace for War Crimes Under the ICC Statute. *EU and comparative law issues and challenges series (ECLIC)*, *7*, 286-315.
[288] Yehene, E., Israeli, S., & Levine, H. (2025). The trauma of mass kidnapping and ambiguous loss: A socioecological framework from the lived experience of Israeli hostage families. *Psychological Trauma: Theory, Research, Practice, and Policy*.

frequently accompanied by the forced displacement, trafficking or the enslavement, which in particularly in conflict settings where the children are traded, exploited or transferred across borders.[289]

The international instruments which addressing the trafficking in persons and the Rome Statute of the International Criminal Court criminalize unlawful deprivation of liberty, enslavement deportation and the forcible transfer of populations. The international jurisprudence has further recognized enforce disappearance and enslavement as the crime against the humanity under the customary international law.[290]

3.2.6 Denial of Humanitarian Access

The Fourth Geneva Convention and its implementation mechanism which are establish in a legal framework governing the humanitarian access to the civilian population. International humanitarian law which had prohibits the attack against humanitarian workers and obliges the parties to the conflict to facilitate the rapid and unimpeded humanitarian access in particular to children's.[291] The UNCRC define "Denial of Humanitarian Access" as humanitarian actors are prevented from reaching children in need of life-saving assistance and it is reflected in the UNCRC Article 6: Right to survival and development, Article 24: Right to health and Article 27: Right to an adequate standard of living. Obstruction of the humanitarian assistance may be constitute a war crime or the crime against the humanity which depending on the circumstances.[292]

Humanitarian relief operation must adhere to the principle of humanity, neutrality, impartiality and independence. State is required to consent to and to facilitate humanitarian assistance should not be arbitrarily deny the access to the populations under their own control.[293] The denial of the

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[289] Okyere, J. (2025). *Eradicating Violence Against Children: Understanding the Experiences of Community Activists and Advocates in Addressing Child Labor Practices in Ghana* (Doctoral dissertation, University of Manitoba).

[290] Quadt, T. (2025). Reimagining crimes against humanity: confronting impunity for crimes against migrants in peacetime under article 7 of the Rome statute.

[291] Atadjanov, R. (2022). Crimes against Humanity. In *International Conflict and Security Law: A Research Handbook* (pp. 1031-1072). The Hague: TMC Asser Press.

[292] Cattin, D. D. (2025). The Unique Function of the Crime against Humanity of Other Humane Acts in the Progressive Development and Codification of International Criminal Code. *Cardozo Int'l & Comp. L. Rev.*, *8*, 615.

[293] Dirikgil, N. (2023). Revisiting the Content of United Nations General Assembly Resolutions in Shaping and Expanding the International Legal Content of Humanitarian Assistance. *Public and Private International Law Bulletin*, *43*(2), 681-714.

humanitarian access is results in severe violations of the fundamental rights which including the right of life and freedom from hunger.[294]

International legal instruments which emphasize the need for special protection of children during the operation of humanization law. The Convention of the Right of the Child and the Guiding Principle on the Internal Displacement underline the responsibility of the national authorities and to ensure the access to the humanitarian assistance for the internally displaced individuals.[295] The Rome Statute further criminalizes the international use of starvation as a method of warfare and deliberate the obstruction of the humanitarian relief.[296]

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4. CHAPTER 4

4.1 Introduction Russo-Ukrainian War:

In this chapter, the researcher will assess the severity of six major violations of child protection in the Russia–Ukraine war.

In 2022, following the Russo-Ukrainian crisis, a series of events of growing tension between Ukraine and Russia, the Russian invasion of Ukraine took place[87] [88]. Efforts have been ongoing to end the conflict such as the Minsk agreements of 2014 and 2015, with little to no success in the end of the war that has led to the loss of lives in the region.[89] The full-scale Russian invasion of Ukraine in 2022 caught the attention of the entire world, evoking the great price of war on the human population. Since the eruption of hostilities, the country has registered many cases of human rights violations with children being among the most victims. They have been victims of killings, mutilations, sexual violence and abductions. In order to tackle the wider question of human rights abuses in war-torn regions it is important to recognize the dynamics and the far-reaching repercussions of such abuses.

[294] Kowalski, J., & Kowalska, A. (2022). The realization of the human right to food: Preliminary remarks on assessing food security. *Przegląd Prawno-Ekonomiczny*, (1), 9-32.

[295] Stepanenko, N., Bazov, O., Ohanisian, T., Duiunova, T., & Dontsov, D. (2025). Effectiveness of international legal instruments in the protection of children in conflict zones. *Sociologia e Ricerca Sociale*, (2024/134).

[296] Nwotite, A. (2023). International Humanitarian Law and the Use of Starvation as a Method of Warfare: Positive Duties on the Parties to the Conflict. *ABUAD Law Journal*, *11*(1), 17-44.

Ruining children through conflicts and instability is also cause of concern since it is still less recognized. Ever since the beginning of the Russian invasion on Ukraine in February 2022, many children have had to abandon their households and homes and moved to other locations in search of asylum. In the present chapter, will be a review of what the war might or already has brought to the children, particularly, those of the war between Russia and Ukraine[90]. The elucidation of the lives of the children at the present is important since people are not really giving muchconcern to the children presently, or they lack a systematic over-sight of what the children are actually encountering.

4.2 Killing and maiming of children in the Russo–Ukrainian war

The intensification of the war between Russia and Ukraine in February 2022 has inflicted terrible effects on the population, especially children. Of the six serious violations provided by the United Nations, the murdering and mutilating of children seems to be the worst because of immediate and irreversible effects. This part explores the level of these offences, based on the official reports and personal testimonies. As stated by UNICEF, at least 2,406 children were killed or wounded in Ukraine upon the beginning of the war. This includes 659 children killed and 1,747 injured, averaging at least 16 children killed or injured every week. These figures underscore the alarming frequency and severity of attacks on children in conflict zones.[91]

Furthermore, the UN Human Rights Monitoring Mission to Ukraine reported a significant rise in child casualties between March and May 2025. During this period, 222 children were killed or injured, a more than 200% increase compared to the previous quarter[92].
Save the Children reported that in April 2025, at least 97 children were killed or injured in attacks across Ukraine, marking the deadliest month for children in nearly three years.[93]
Child physical injuries vary in terms of severity whereby some injuries are mild like bruises and others are life threatening such as amputations and traumatic brain injuries. The threat of violence, loss of family members and displacement have caused massive trauma among children psychologically. A large number of them experience anxiety, depression, and post-traumatic stress disorder (PTSD), The killing and maiming of children in the war in Russia and Ukraine is a severe

violation of the international law and human rights. The presented statistics and case studies indicate that the international intervention is necessary to save children and hold the culprits of such atrocities accountable.

Kharkiv

In Kharkiv, a decade-old female child named Yulia was playing on her yard and a shell exploded nearby, which badly injured her. She was taken to hospital and doctors were able to save her life, however she lost a leg and she had enormous trauma

Zhytomyr

In Zhytomyr three children were killed and at least 13 others were wounded due to the wave of lethal attacks. The youngest was only three months old. The killing and mutilation of children in the war has been denounced by the UN who demanded that the attacks on civilian settlements must be stopped at once. The UN Human Rights office has confirmed that there have been many cases of deaths or injuries of children owing to use of explosive weapons in civilian places[94].

Table 4: Comparative Overview of Child Fatalities, Injuries, and Weapon Systems Used in Major Conflict-Affected Regions (Ukraine and Gaza, 2023–2025)

Region	Children Killed	Children Injured	Weapon Types	Notes
Mariupol	280	740	Artillery, airstrikes, MLRS	Siege, urban bombardment [95]
Kharkiv	120	350	Artillery, cluster munitions	Urban attacks and occupation[96]
Kyiv	150	300	Missiles, small arms	Targeted missile strikes[97]
Donetsk	90	250	Small arms, mortars, IEDs	Street fighting [98]
Gaza (Oct 2023–2025)	>20,200	> 42,000	Airstrikes, artillery, urban demolitions	High-density urban area, shelters affected

4.3 Recruitment or use of child soldiers in the Russo–Ukrainian war

Though laid down in letter and spirit as not to use child soldiers in the Geneva Conventions, which say thatParties shall refrain from recruiting any person under the age of fifteen years into their armed forces, child soldiers are still recruited all over the world [99]. The UN believes that over 105000 children are serving as soldiers now. Whereas the boys are demanded to fight or carrysmuggled drugs, the girls, which form 40 percent of the existing child soldier population, will be required to give sexual services and others which are not easy to describe [100]. The recruiters are non-governmental armed forces that make the child soldiers become not only fighters but also spies, scouts, mine sweepers, and any other risky jobs. According to Antonio Guterres, in its annual report to the Security Council about Children, in 2020 8,521 child soldiers were actively used, 2,674 of them killed in battles and 5,748 child soldiers were wounded [101]. Despite such hazardousness of war to child soldiers, there continue to be child soldiers fighting in EastEuropean Plain. Both alleged to be using child or underaged soldiers based upon the reports published inboth countries of Russia releasing a 15-year boy standing on a tank taken in Ukraine and ofUkraine stating a 17-year boy fighting in the war. According to the propaganda in Russia, children of less than age are used as super heroes in fighting [102]. In Russia underaged soldiers are reported being used to join the militants.[103] In Ukraine there is also propaganda of the existence of a 17-year-old volunteer who underwent great battles on the front line and was ultimately injured and relegated to the back.[104] Therefore, not only is one part of the war utilizing children as soldiers but both sides arecondoning child soldiers and making it sound ordinary and admirable to take up arms at an early age. It will lead to an increasing number of children failing to realize the war cruelty.[100] The misconceptions cultivated in pro-war propagandaand placing particular stress on the role of children in the war, lead children to participate in the war, and thus, be exposes to more harm.

Table 5: Documented Instances of Child Recruitment in Conflict-Affected Regions of Ukraine

Region	Age Group	Recruitment Type	NGO/UN Source
Crimea	14–17	Paramilitary “cadet” programs	UNICEF 2024 [105]
Donetsk	12–17	Scouts, messengers, logistical support	HRW 2024 [105]

Region	Age Group	Recruitment Type	NGO/UN Source
Luhansk	12–16	Auxiliary combat support	OHCHR 2025 [106]
Mariupol	13–17	Civil defense units	Local NGOs [107]
Kharkiv	14–16	Logistics, weapons handling	NGO interviews[108]

4.4 Rape and other forms of sexual violence against children in the Russo–Ukrainian war

In a 2020 UN Secretary-General, CRSV was taken to mean rape, sexual slavery, forced prostitution, report. forced pregnancy, forced abortion, forced sterilization, forced marriage, and any other type of. sexual violence of similar seriousness committed on women, men, girls or boys that is. directly or indirectly connected to a conflict.[109] discussed in the report is sexually exploitative trafficking in conflict contexts Secretary-General report, a connection between a sexual violence incident and an on-going conflict could. be visible in the profile of the perpetrator (typically a member of an armed group) and victim. (usually a member of a guarded group)[110]. The definition used by UN gives a wide latitude to. classifying acts of violence as sexual and conflict-related. The UN is even more categorical in its implicit meaning of violence as such. per se. The threat of sexual violence and forced nudity are not mentioned in the definition. of CRSV, although they continue to be recorded by the Secretary-General in his 2020 report on global. CRSV. Also included is the UN Human Rights Monitoring Mission in Ukraine (HRMMU). a number of examples of enforced nudity and intimidation of sexual violence in their summaries of CRS V. incidents of the Russia-Ukraine war. These are acts that occupy a grey space between psychological. and physical violence; the UN presumably talks about them together with explicit acts since they are. commonly perpetrated in the same situations by the same perpetrators. [111]

As Russian forces were they were driven out to the eastern border, leaving behind them the traces of the crimes of war. Mass bodies were found and the survivors started narrating stories of rape, torture and so on. executions. On 13 October 2022, the UN special representative on sexual violence, Pramila. According to Patten, the UN had confirmed more than one hundred incidences of Conflict related sexual violance CRSV.[112] The victims were predominately-though not

invariably-women and girls, between four and eighty-two years of age. Patten explained that the tip of the iceberg is what is given out as cases reported.[112], [113] In an interview published On January 5, 2023, Ukrainian prosecutor Iryna Didenko told the New York Times that she had.54 cases of CRSV were opened as criminal cases, but the real count of victims was, by far, even higher.According to Didenko, psychologists discovered that every ninth woman had experienced sexual violence in the course of their village occupied by Russians.[113] The UN estimates that every rape reported in an armed conflict, ten or twenty rapes are not reported. According to a report based on the work.Victims of CRSV are frequently the target of the UN, Human Rights Monitoring Mission in Ukraine (HRMMU) unable or unwilling to communicate the attacks because of constant fighting, displacement, cut-off access to resources, the stigmatization of sexual assault, and fear of retaliation by Russian troops The leadership in Russia has responded to the current claims of rape with scorn and disbelief. In March 2022, the official spokesman of the Kremlin reacted to the accusations that the Russian soldiers were raping in Ukraine: it is a lie with the official Russian account of the occupation as a strategic military intervention and, therefore, designed to free the Ukrainians of the anti-Russian fascist government they are under now. Russians and Ethnic/cultural Ukrainians are very similar, although Ukraine has evolved to be an Since the split with the Soviet Union, independent democratic and uniquely Ukrainified country in 1991. The further Ukraine has gone outside of the orbit of Russia, the greater the distance that Russia has travelled made an effort to rejoin Ukraine.

Table 6: Reported Incidents of Sexual Violence Against Children in Conflict-Affected Regions of Ukraine

Region	Age Group	Type of Sexual Violence	Source/Verification
Mariupol	10–17	Rape, sexual assault in detention	UNICEF, Human Rights Watch, 2024 [115]
Kherson	12–16	Coerced sexual acts, intimidation	OHCHR 2024, local NGOs [117]
Donetsk	11–17	Sexual abuse, forced prostitution	UNICEF 2024, survivor interviews [119]
Kharkiv	13–16	Sexual assault during displacement	ICRC, NGO reports [120]

4.5 Abduction of children in the Russo–Ukrainian war

In 2025, the invasion of Ukraine moves into the 4th year, which causes another displacement. On On 17 March 2023, the International Criminal Court (ICC) issued an arrest warrant against Russian President.[114] Alekseyevna Lvova-Belova, Russian Presidential Commissioner of Children's Rights. Both of them are charged with the war crime of illegal deportation of population. (children) and that of illegal transfer of population (children) of occupied territory of Ukraine to the Russian Federation'. The ICC states that it appears reasonable to assume that. President Putin either directly, jointly with others, and/or through others committed the acts, or he did not. He was either weak in controlling his subordinates, both civilian and military, who committed the acts, or he permitted them to do so. his commission, and who were subject to his effective authority and control, pursuant to superior. Responsibility.[115] Ever since the beginning of the full-scale invasion of Ukraine the facts regarding core have been gathered by Russia. international crimes against the children of Ukraine. There are several reports that put Russia as being in. violation of the commitments of various international treaties and instruments that Russia is bound to. of traditional international law, and of custom. Since the beginning of the invasion it is well known that, some groups of people, such as women and children, have been over-represented. affected by the conflict. Civil society, institutional actors and international organisations. organisations have repeatedly voiced the huge take on children, including but not limited. to trafficking, sexual exploitation, abduction and illegal adoption.

According to the Ukrainian government, over 2,000 children have been abducted by Russian forces since the beginning of the conflict. These children are often taken from their homes and transported to Russia, where they are placed in institutions or adopted by Russian families.[116]

Case Studies

In one reported incident, a 10-year-old boy from Mariupol was abducted by Russian soldiers during an assault on his neighborhood. His whereabouts remain unknown, and his family has been unable to obtain information about his fate.[117], [118]

Table 7: Documented Cases of Child Abduction in Conflict-Affected Regions of Ukraine

Region	Age Group	Number of Children Abducted	Purpose of Abduction	Source/Verification
Crimea	3–17	120+	Relocation to Russia, orphanages	UNICEF, HRW, 2024[119]

Region	Age Group	Number of Children Abducted	Purpose of Abduction	Source/Verification
Donetsk	10–17	250+	Recruitment, forced labor	OHCHR, Local NGOs[120]
Luhansk	12–16	180+	Training, ideological indoctrination	UNICEF 2025[120]
Mariupol	8–17	300+	Siege-related relocation	Local NGOs, UN reports [121]
Kharkiv	11–16	50+	Short-term detention/raids	NGO interviews
Kyiv	10–15	30+	Street raids and temporary occupation	OHCHR, media reports [122]

4.6 Attacks against schools or hospitals in the Russo–Ukrainian war

Russia invaded Ukraine in 2014 and, since then, education in the country has been targeted. The full-scale Russian invasion of February 24, 2022 contributed considerably to the damage and destruction of schools and kindergartens across the country and endangered many children and school staff.[123] According to the Ukrainian government, 3428 educational establishments were damaged and 365 were destroyed during the period between February 2022 and October 2023[123]. The war has devastated the accessibility of Ukrainian children to education to the extent of being unlikely to be reversed even many years after as rebuilding and refurbishing schools, especially in the context of other destroyed civilian infrastructure, will be a resource and time-intensive process.

The damage and destruction of schools was usually when Russian troops seized the cities and towns in the first few weeks of the battle. Very seldom were the schools used by Ukrainian forces, and would, therefore, have been legitimate military targets. Another casualty of the withdrawal of Russian forces in occupied areas were the damages of schools in which their forces had established themselves and where their presence had left them as targets of the military.

Several critical measures have already been undertaken by the Ukrainian government to ensure education is not attacked. In 2019 Ukraine signed the Safe Schools Declaration.[123], [124] Russia has not signed the declaration. The Safe School Declaration is a political commitment of an international character, and is directed towards safeguarding education in the event of warfare by reinforcing action against, and reaction to, assaults on students, educators, schools, and universities. Governments sign the declaration under which they undertake to adopt the Guidelines on the Protection of Schools and Universities against the use during an armed conflict and which encourage militaries to avoid the use of schools and universities in any manner to support the military effort.

The vast majority of the harm that schools suffered, and which Human Rights Watch had recorded, was caused by aerial bombardment, artillery fire, and rockets. Some attacks were also carried out with the help of cluster munitions. Heavy explosive weapons have be used in populated areas and are likely to result in high civilian casualties. When Human Rights Watch researchers visited schools after they have been attacked, they frequently noticed that the roofs were severely damaged, the walls collapsed, and the classrooms had major debris in them.

Children and their education are features that do not receive much attention in the background of war. There are stipulations against attacking schools in wartime, but nevertheless there are schools all overstrike and students have been obliged to stop their education. The case is particularly severe when the enemy overlooks the regulations. At the end of January (24th) over 2,300 schools were damaged, and 400 destroyed completely across Ukraine and causing 2.3 million students to cease their education. Even those that were able to resume their studies could be surrounded by a massive feeling of uncertainty caused by sudden airstrikes or attacks. Not to mention the gigantic population of children driven to another land. They cannot be sure to stay in a school. Schools are indispensable not only because education is the very base of a country but also because schools can easily avoid psychological diseases. Being generally unable to think about their country in a desired way as they previously did, they cannot develop the correct attitude towards it. There have been various illustrations of invaders who tend to shift the vision of the history and languages. On the invasion of Singapore by Japan, there were incidences where in the regions controlled by the Japanese the people were coerced to implement Japanese practices and speak Japanese as opposed to Singaporean. They had to believe the Japanese version of history and they only got the chance

to know what the controller wanted them to know. For example, children were made to believe that invasion of Japanese is liberalization of oppression. Instead, they claimed that they will establish the Greater East Asia Co-Prosperity Sphere, which is nothing but a masquerade of invasions. During the process, the invaders continued to employ military domination, ideological penetration, and economy exploitation to ensure their domination in Eastern Asia.

In 2022, the World Health Organization (WHO) said [125]that the attack on healthcare facilities has now become a component of warfare in conflict zones and is denounced as a breach of international humanitarian law (IHL). It is also evident that during the ongoing war in Ukraine, attacks on healthcare are being witnessed, posing a major concern among health experts in the world. However, in addition to the direct impact of physical and mental injuries, fatalities, and destroyed healthcare infrastructure, attacks on healthcare result in broader disruptions of routine and acute emergency care, maternal and child health, and can augment the transmission of infectious diseases, hepatitis, tuberculosis, and human immunodeficiency virus (HIV)[125]. Prevention of any attacks on facilities providing healthcare is critical and must be documented in order to detect violations, develop mechanisms of protection and accountability, as well as, develop the political will to implement them. The Ukrainian Healthcare Center (UHC), a think tank which was the key player in the 20162019 health system reform in Ukraine, has focused on war-related efforts following the Russian invasion of Ukraine in 2022, such as gathering, verifying and documenting trauma to healthcare infrastructure.[126]

Table 8: Attacks on Schools and Hospitals in Eastern Ukraine: Impact on Children and Verified Sources

Region	Facility Type	Number Attacked	Children Affected	Weapons/Methods	Source
Mariupol	Schools	12	4,500+	Artillery, airstrikes	UNICEF, OHCHR 2024[127]
Mariupol	Hospitals	3	2,000+	Artillery, bombs	ICRC, local NGOs[128]
Kharkiv	Schools	8	3,200+	Missiles, shelling	OHCHR, UN reports[129]
Kharkiv	Hospitals	2	1,000+	Mortars, rockets	UNICEF, HRW[130]
Kyiv	Schools	5	2,500+	Missiles	UN reports, local media[131]

Region	Facility Type	Number Attacked	Children Affected	Weapons/Methods	Source
Kyiv	Hospitals	1	500+	Airstrikes	OHCHR [132]
Donetsk	Schools	7	3,000+	Artillery, sniper fire	Local NGOs, UNICEF[133]
Donetsk	Hospitals	2	800+	Bombings, shelling	ICRC, HRW [134]
Gaza (2023–2025)	Schools	30+	15,000+	Airstrikes, artillery	UNICEF, UNRWA[135]
Gaza (2023–2025)	Hospitals	10+	7,500+	Bombings, shelling	ICRC, local hospitals[136]

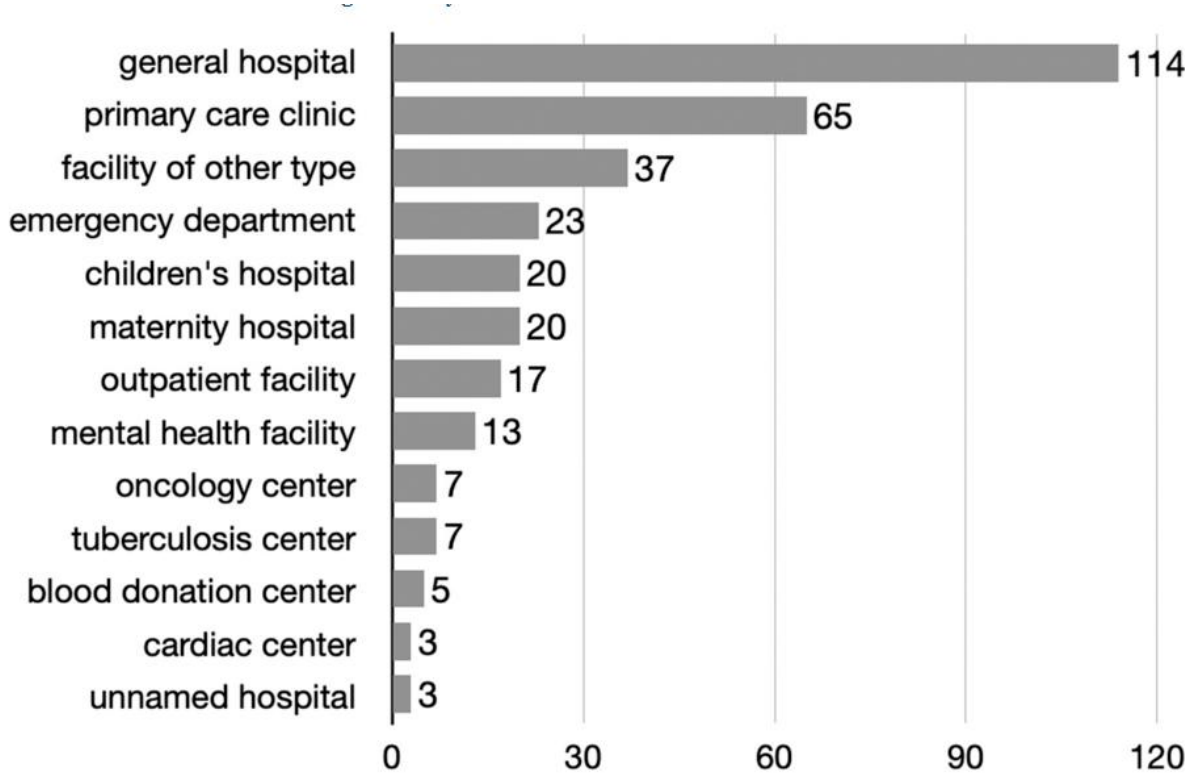

Figure 2: Attacks stratified by facility type.

Overall, 9 medical personnel and 105 civilians died during the attacks, 26 medical personnel and 88 civilians were also wounded [137]

. The attack with the most casualties (56 killed people) was the Stara Krasnianka care house attack on 11 March 2022 near Kreminna, Luhansk Oblast. The other massacre was the airstrike of the

maternity hospital in Mariupol on 9 March 2022. The outcome of this attack was 6 dead and 33 injured. [137]

4.7 Denial of humanitarian access to children in the Russo–Ukrainian war

Bombing of Ukraine in cities has not stopped. humanitarian corridors and destroying infrastructure. The Commission claimed heavy civilian loss and mass destruction. of residential buildings and critical infrastructure of the country. As an illustration, Russian soldiers, in their approach to the city. of Kyiv besieged the city of Cherniv and subjected the city to. heavy airstrikes and artillery firing, which cut it off at the vital, supply routes and evacuation routes.[138] With the retreat of Russian troops in part of the country, there were dozens of corpses and mass destruction. were discovered, news whereupon the General Assembly was caused, to request the suspension of Russa by the Human Rights Council. In revealing the violation of the human rights, the Commission. the results of the Russo-Ukrainian conflict in the city. Many humanitarian access have also been identified by landscapes. problems in Ukraine. Their report was, that in most of the affected. regions in Ukraine, where basic supplies are not available and there are humanitarian access issues. In Mariupol, repeated attempts to evacuate civilians were frustrated by heavy fighting. and limited the access of residents to necessities of life. the predictable effects of city warfare are causing the decline of civilians. have access to things previously available to them in their area as well. obstructing access by civilians to humanitarian aid[139]. However, in this case, incidental factors alone cannot be used to attribute access problems. effects of city war, but also to deliberate prevention by Russian forces. Absence of secure and affordable places to access necessities is a humanitarian access issue. In Ukraine, the civilians have been. collateral damage to explosives during the process of making purchases. such as bread and water. One such example is as victims. in March 2022 were waiting in line to get water at a hospital in Chernihiv. There was an assault involving cluster munitions that killed and wounded. civilians as well as children when the munitions hit the hospital.[140] There was another case in Chernihiv in. March 2022 in which munitions, including "unguided rockets," strike in an area close to a supermarket where over 200 civilians were queuing for bread." The bombing killed at least 14 civilians and injured 26." Ukrainian forces have not helped these grievous issues either. by not separating themselves with

civilian-populated zones[141]. For example, In Chernihiv, it was also reported that, despite schools 18 and 21 were employed to give the humanitarian aid to the civilian. The walls had been written with population and school staff writing children. Territorial Defense Forces of one of the school buildings, the Ukrainian military forces already established themselves in school. There was also 18 and members of 18 at school 21. Both civilians and military personnel were among the people killed. harmed as a result of an air bomb strike on both schools and neighboring houses on 3 March 2022.[142] Humanitarian aid agencies need to be formally. authorized, access to civilians and secure places where aid and shelter to civilians is distributed, otherwise, improvised housing like the schools that were destroyed in Chernihiv will remain an actuality and will be ignored and lost, at high cost to the civilians. The Commission found hundreds of instances of, too. Russian military shooting at civilians that were trying to. to take refuge or to procure food or other necessaries. In these in cases, the victims wore civilian clothes, used civilian cars, and were naked and in broad daylight they were most of the cases. hours, i.e. it was (or ought to have been) obvious to the attackers. that their victims were civilians. The Commission states that it was unlawful to do so. report, under the international humanitarian law, where there is doubt, a. person will be reckoned a civilian. While intentionally intentional, targeting a civilian is a war crime. civilians who are evacuating or attempting to obtain necessities. may be regarded as a negation of the duty of the State to provide. humanitarian aid access. In February and March of 2022, at the start of the conflict, Large numbers of civilians were arrested and imprisoned by Russian troops, infringing on the rights of those people including volunteers helping[143]. civilians were evacuated with. In many cases of torture or evacuation volunteers were also attacked. This demonstration of strength and trying to stay in charge of the population--and, in doing so, keep the greater in check. area—interferes with the rights of the humanitarian unlawfully. workers. Confinement also does not allow injured civilians to. not obtaining necessary medical assistance due to inability to access. hospitals. A large number of civilians, particularly the old ones who were left behind[144]. theirs as opposed to making an attempt to evacuate, might not be. imprisoned by military personnel, but they are also locked up. too near the front line with insufficient.

The ICRC released an announcement at the end of June 2022. concerning the worsening humanitarian crisis in Ukraine. Due to the violence of the overpopulated localities, the humanitarian crisis was deteriorating;[144] the report specifically said there were shortages of

medicine, inaccessible lifesaving services, destruction of schools and hospitals, and of bridges and. other infrastructures that are vital. Humanitarian access was harmed in. that, particularly in and about Severodonetsk, acuteness of the . Lily Hyde,[145] Evacuation Problems and Bad Optics: Why Ukrainians fighting blocked (or otherwise made extremely hard) "deliveries of food, water, and medical supplies, and, though, "evacuations. proposed[, had not yet] taken place due to were civilians. a failure to agree between the parties. In the press release, Pascal Hundt, the ICRC head of delegation. in Ukraine recalled to the world the responsibilities of States: Parties to the armed conflict are obliged to do everything[146]. all the precautions that are necessary to save civilians and necessities. infrastructure. They also need to make settlements which will guarantee safety. civilians to come to locations of their choice that were safer and to enable provision of significant amounts of unbiased humanitarian. aid[147]. The ICRC is preparing as impartial facilitator to facilitate such agreements. He advised the actors to save hospitals, schools, water and electricity. facilities, because whatever happens to such facilities will always result in more. human suffering." As can be seen, Ukrainian civilians are victims of hindrance. delivery of humanitarian aid, which was in direct contravention of the Fourth. Geneva Convention, and a raft of other deterrents to. access to humanitarian aid that was a by-product of the urban warfare. raging around them. Although there is no formal government. propositions on the problem of State obligations with regard to humanitarian. aid, Geneva Conventions and Additional Protocols, and so on. the Conventions on Human Rights are instruments of law, and the failure of States in the observance of their commitments therein. a significant menace to human existence as well as the effectiveness of international. law. The Additional Protocol I places requirements on States that cannot aid. themselves to permit the third parties to do so; the parties to war must. grant humanitarian aid organizations, which, like the ICRC, have provided their services and are already trying to apply them to conflict zones, to reach the population and achieve their. work. This has not been achieved to any great extent so far. Ukraine. Civilian property is not, either, by any means being safeguarded as. compulsory, which exacerbates the resource shortage. Additionally, attacks on humanitarian workers violate protections in the Additional. Protocol I that required respect and protection towards humanitarian. personnel. Most of these attacks and inhibitions of humanitarian workers are not necessarily supposed to sabotage the. advancement of relief operations, but States cannot actually maintain their legal. commitments to honor, defend and enable humanitarian

assistance[147]. actions when they proceed with operations which lead to the killing of civilians. reduced capacity to obtain humanitarian assistance.

Table 9: Denial of Humanitarian Assistance and Its Impact on Children in Conflict-Affected Regions of Ukraine

Region	Type of Denial / Obstruction	Number of Children Affected	Key Impact	Source / Verification
Mariupol	Blocked humanitarian convoys, delayed aid	15,000+	Malnutrition, lack of medical care	UN OCHA 2024, UNICEF[148]
Donetsk	Restricted access to hospitals and schools	10,000+	Educational disruption, trauma	OHCHR 2024, Local NGOs[149]
Luhansk	Bureaucratic obstacles for aid delivery	8,000+	Delayed food, medicine, psychosocial support	UNICEF 2025[150]
Kyiv	Temporary occupation restricted aid	3,500+	Medical shortages, school closures	UN reports 2024[151]
Kharkiv	Attacks / threats against aid workers	4,000+	Delayed pediatric care, food shortages	HRW 2024, ICRC[152]
Gaza (2023–2025)	Blockades, attacks on aid convoys	22,500+	Malnutrition, disrupted education, trauma	UNRWA 2024, UNICEF 2024[153]

5. CHAPTER 5

5.1 Abreif History of Palestine

The geographic region between the Jordan River and the Mediterranean Sea was calling Palestine until 1948. It has been on many controls of many empires like the Assyrian, Babylonian, Roman, Byzantine, and Ottoman empires.

The United Kingdom has administered Palestine under a Mandate received in 1922 from the League of Nations After World War I. The Palestinian modern history begins with the termination of the British Mandate, the creation of Israel, the Partition of Palestine, and the Israeli-Palestinian conflict.

"United Nations General Assembly Resolution 181 (II) Future Government of Palestine." was the United Nations' suggestion in In 1947 to participate in Palestine in 1947. The resolution noted Britain's planned termination of the British Mandate for Palestine. It recommended that Palestine partition into two states, one Arab and the other for Jewish, with keep Jerusalem-Bethlehem administered and protected by the United Nations.

The Israeli-Palestinian conflict (IPC), started by The Balfour Declaration of 1917, swore Britain's help for "the foundation in Palestine of a national home for the Jewish individuals." It paid lip administration to shield the common and political privileges of the non-Jewish people group in Palestine, November 29, 1947 - U.N. Resolution 181 – apportioning Palestine into a Jewish state (56.5% of Palestine) and a Palestinian state (43%); declined by the Palestinians and Arab states.

The contention in Palestine started in 1948 when the Arab-(Israeli) war started, and the State of (Israel) declared perceived by U.S. President Truman.

The Strip was set in Arab control, affirmed in the (Israel)-Egypt Armistice Agreement on February 24, 1949.

Control over the Gaza Strip has moved amongst Egypt and Israel a few times. The Suez emergency of 1956 offered control to (Israel), just to be returned to Egyptian control a year later. (Israel) controlled the Strip again after the six-day war in- 16 - 1967. West Bank and Gaza Strip wound up noticeably particular topographical units because of 1949 peace negotiation partitioning (Israel) from different parts of Mandate Palestine.

Jordan led the West Bank and East Jerusalem from 1948 to 1967, while the Gaza Strip was under Egyptian military organization. (Israel) took control of the western peace of Jerusalem. 750,000 Palestinians constrained by the (Israelis) to leave their homes and look for shelter in the neighboring Arab states (Egypt, Jordan, Syria, Lebanon, Iraq) (Israel) possesses Sinai Peninsula, Gaza Strip, West Bank, East Jerusalem, Golan Heights, ordinarily alluded to a while later as the Occupied Territories.

U.N. Security Council Resolution 242 (November 22, 1967) confirmed "the forbidden nature of the procurement of region by war" and called upon (Israel) to pull back "from domains possessed in the current clash.

After that, Palestinian young people started the first Intifada in 1987, throwing stones at the Israeli forces. The Intifada ended by the peace negotiations, which agreed upon between the PLO and the Israeli government) The 1990s major event was the signing of the Oslo Accords.

In 1993 Oslo agreed: Negotiations rapid formation of Palestinian Authority interval government in Gaza and West Bank when Declaration of Principles (DoP), marked by Yasser Arafat and (Israeli) PM Yitzhak Rabin set up the Palestinian Authority, however, neglected to determine the issues of return of Palestinian displaced people, the status of Jerusalem, (Israeli) settlements, last Palestine-(Israel) fringes, at that point Arafat came back to Gaza Strip and West bank to head the Palestinian Authority. July 2000 – U.S. President Bill Clinton called Camp David Summit. After two weeks of an escalated transaction with Arafat and Barak, the discussions ended without an arrangement. Barak leaves soon after, and Ariel Sharon chose Prime Minister. After that, the Second Intifada softened out up September 2000 with a challenge, common agitation, and bombings. Because Sharon entered into the Al-Aqsa Mosque and the violation of his holiness, in

2005, (Israel) expelled its- 17 - settlements from the Gaza Strip and gave much control of the territory to the Palestinian government (with exceptional cases, for example, the fringe, airspace, coastline). The outrage toward (Israel) advanced the ascent of developments, such as Hamas and Islamic Jihad [154]. Hamas defeated the existing government in Gaza in the 2006 elections. Many countries, including the U.S. and the E.U., have had Hamas placed on official lists of terrorist groups. Gaza then became independent of the Palestinian Authority in 2007. The victory of the Hamas only worsened the conditions for Gaza, and Hamas has not hold election since its victory for many reasonss such as : 1. The division of politics Among Fatah and Hamas

Tensions with Fatah, which controls the Palestinian Authority in the West Bank, intensified into a bloody battle when Hamas won the 2006 Palestinian legislative elections. Hamas seized complete control of Gaza by 2007. Since then, coordinated elections throughout Palestinian territory have been thwarted by the two parties' severe political differences.

2. Absence of Agreements and National Unity

Numerous attempts to bring Hamas and Fatah together, including agreements in Cairo and other locations, have not resulted in an electoral roadmap or a unified administration. National elections, whether parliamentary or presidential, have not been feasible without political reconciliation.

3. Regional Conditions and the Israeli Blockade

Election planning in Gaza has also become politically and logistically challenging due to the Israeli-Egyptian embargo and regional unrest.

4. International pressure and security concerns

Elections are less likely as a result of the political climate becoming even more complex due to the security situation in Gaza, internal political dynamics, and international isolation. (Israel) declared Gaza a hostile territory, almost entirely closed the border, with extreme, followed by the last three wars on the Gaza Strip, which left many losses.

The Strip borders Egypt on the southwest for 14 kilometers and Occupied Palestinian Territories on the east and north. The Strip is along a 51km2. Shown (Figure 2) Gaza Strip holds two million people, most of them descendants of refugees who were forced to leave their homes during past wars with (Israel) (in 1948 and 1967) and their descendants. (Israel) has permanently barred their return. Over half of these displaced people still dwell in Gaza's eight outcast camps [155], making it one of Earth's most crowded places. It has a 42 km coastline onto the Mediterranean Sea but has

no maritime claims (Israeli) administration. Gaza its primary city and administrative center and the region take its name from Gaza-city.

Gaza Strip was attacked several times during the (Israeli) occupation, and each attack remained much demolishing residential units, agricultural lands leveling, Martyrs and wounded, and destroying the Palestinian infrastructure. Almost four years after December 2008 war on Gaza, much of the destruction wrought upon the Gaza Strip is still not repaired besides civilians' losses. The blockade's continuation prevents a massive backlog of critical reconstruction, relief, and development interventions related to access to essential services from being implemented. As a consequence, responses to critical humanitarian needs have been delayed. This lead to many losses during the second aggression, which was happened on November 14, 2012. Gaza wakes up on a second war that lasted after eight days, causing more losses in civilians and buildings. As well as (Israeli) wars and crises that followed have not stopped, where on July 8, 2014, the (Israeli) army launched an extensive operation against Gaza Strip lasted in 51 days and caused massive destruction in all form of life.

Figure 3: A map for Gaza Strip (source: Google Earth)

5.2 The Legal Status of the Gaza Strip Before 2023 and the Aggression Against Palestinian Children

The term "Gaza Strip" officially appeared in May 1949, to refer to the area of Palestine that remained under the control of Egyptian forces, which had entered the Palestine War on May 15, 1948. This followed the signing of the Egyptian-Israeli Armistice Agreement on February 24, 1949. Until then, it was called the area under the control of the Egyptian forces in Palestine [297].

The Gaza Strip was subjected to Israeli occupation following the June 1967 war. Since then, the Israeli occupation forces have imposed their military, legal, and administrative control over the West Bank and Gaza Strip, through regulations and military orders issued by the military commander of the region [298]. Nevertheless, the international community, the human rights and humanitarian agencies, headed by the International Committee of the Red Cross (ICRC) [299], and the United Nations representatives, such as the Security Council [300], and the United Nations General Assembly [301], realized that the reality of the Palestinian territories which fell under the military occupation was an occupied territory, and Israel is a belligerent occupying power. They confirmed as well the relevance of the provisions of the Fourth Geneva Convention in the occupied Palestinian territories where the occupied territories of the Gaza Strip and the West Bank including the occupied city of Jerusalem have been under continued military occupation by the Israeli occupation since 1967. Occupation authorities have a duty in everything they do in the occupied territories[302]

[297] Al-Ashtal, The Legal Status of the Gaza Strip under Egyptian Administration (p. 3). For more, see Al-Ashtal, The Legal Status of the Gaza Strip under Egyptian Administration (pp. 27-31).
[298] Palestinian Center for Human Rights, The Fourth Geneva Convention and the Israeli Occupation of the Palestinian Territories (p. 8).
[299] Statement issued by the International Committee of the Red Cross (ICRC) on December 5, 2005.
[300] Security Council Resolution No. (465) issued in 1980.
[301] In accordance with dozens of resolutions issued by the United Nations General Assembly, see (p. 9).
[302] The Independent Commission for Human Rights, The Israeli Aggression on the Gaza Strip: War Crimes and Unprecedented Collective Punishment (p. 3). For more on the protection of civilians in the occupied Palestinian territories (Fourth Geneva Convention), see Hamdan, Protection of Civilians in the Occupied Palestinian Territories (Fourth Geneva Convention) (pp. 10-59).

Considering the terms of the agreement[303], thus, the Fourth Geneva Convention regarding protection of civilian population in times of war is legally binding on the Palestinian territories, and the Israeli occupation regime is subjected to obligations to fulfill the Convention terms and protect civilians. The Security Council and the UN General assembly have adopted dozens of resolutions expressing the premise that the Palestinian territories are occupied territories to which the Fourth Geneva Convention is applicable . It should be emphasized that when international resolutions require the States Parties to the Geneva Convention to take all the necessary steps to apply the Convention in the occupied Palestinian territories this implies the following: 1. Making official that the Palestinian territories occupied in 1967 were legally occupied territories with the provisions of the Geneva Conventions of 1949 being applicable. 2. Given the fact that there has been an armed conflict between the people of Palestine and the Israeli occupation authorities as occupying force, the international armed conflict to which the Geneva Convention is applicable.[304].

Despite the Israeli withdrawal from the Gaza Strip on September 12, 2005, which was a unilateral step, it has repositioned and redeployed its forces around the Strip, encircling it from land. It has also taken control of the territorial waters and airspace of the Strip. Thus, the occupation forces have established complete control over most elements of sovereignty over the territory, especially after controlling all crossings leading to it[305]. Therefore, the legal status of the Gaza Strip remains unchanged because Israel continues to exercise effective authority and control over key aspects of Gaza's governance, such as borders, airspace, and movement.

There is no Security Council resolution that indicates a change in the legal status of the Gaza Strip after the Israeli withdrawal in 2005.

In September 2007, the Israeli occupation forces declared the Gaza Strip a "hostile entity" after Hamas [306]took control of the de facto authority there, Hamas is designated as a terrorist

[303] For more information: See: Shadid, The Legal Consequences of Considering the Gaza Strip a Hostile Entity in the View of International Humanitarian Law, (pp. 1-15); Abu Eid, The Ongoing Aggression on the Gaza Strip, Crimes and Mechanisms of Legal Accountability (A Study in International Criminal Law), (p. 5); Al-Ramlawi, The Gaza Strip Between Liberation and Israeli Domination (pp. 46-82); The International Court of Justice. (2004). Advisory Opinion
[304] Abu Amer, Israeli Violations of Human Rights in the Gaza Strip (p. 21).
[305] Abu Eid, The Ongoing Aggression on the Gaza Strip (p. 4).
[306] Hamas Movement: It is the abbreviation for "Islamic Resistance Movement." It is a popular Palestinian resistance movement that works to provide suitable conditions to achieve the liberation of the Palestinian people and their salvation from oppression, and the liberation of their land from the usurping occupation. For more, see Hassouna, The Evolution of the Political Thought of the Hamas Movement from 1991-2006 (pp. 11-22).

organization by several countries and international bodies, including the United States[307], the European Union, Canada[308], and Israel. This is however different with other countries and organizations that still stick with Hamas as a political player. They stated that they would only allow the entry of materials related to humanitarian affairs into the Strip. However, this designation given by the occupation forces to the Strip is considered strange in the context of international law and international politics, especially since most members of the international community and the International Committee of the Red Cross still consider the Strip an occupied territory. Also, the Oslo Accords and their annexes considered it so.

Therefore, it is clear from the foregoing that the Gaza Strip is occupied territory, to which the Fourth Geneva Convention applies, which stipulates the protection of the rights of civilians in times of war[309]. Also, resistance to the occupation is legitimate as long as the Strip remains occupied territory under international law. Consequently, Israel needs to execute international legitimacy resolutions on occupied lands. Another legal view argue that the Gaza Strip is not any more to be considered as occupied since Israel made an unilateral decision to remove its settlement and military units there in the year 2005. According to advocates of this opinion, the governing and conducts of Gaza are the responsibility of Hamas rather than Israel owing to the aggressive actions of the Hamas towards Israel and ownership of the land. This argument holds that Israel has the right to protect itself from threats coming from Gaza, and that any action conducted in response to such threats is covered by Article 51 of the UN Charter's definition of self-defense.

307 U.S. Department of State. Foreign Terrorist Organizations. https://www.state.gov/foreign-terrorist-organizations/.
308 Government of Canada. Listed Terrorist Entities. https://www.publicsafety.gc.ca .
309 Abu Eid, The Ongoing Aggression on the Gaza Strip (p. 4).

In this chapter, we will discuss the history of the Gaza Strip and the various settlements and escalations that have occurred there, as shown in Figure 2 below.

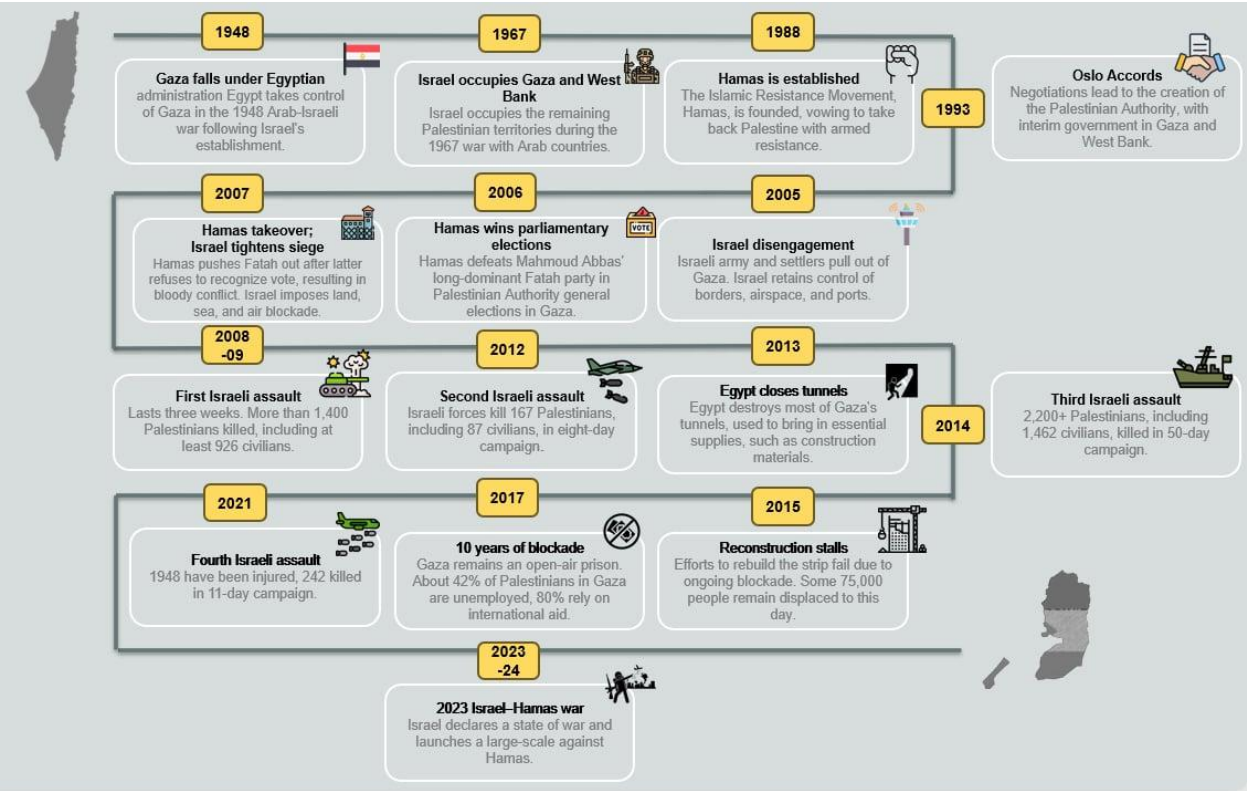

Figure 4: 76 years of occupation

5.2.1 Gaza Strip (1967-2023 AD)

Gaza strip is 1.3 percent of the territory of historic Palestine and is in the southern edge of Palestine. Since the Chalcolithic period (4500 - 3200 BC), the Gaza region has enjoyed a rich civilization and it was the empire of the Canaanites, Assyrians, Chaldeans, Persians, Greeks, Romans, and Byzantines. It was subsequently overwhelmed by Islamic conquest in 636 AD, occupied by Crusaders in 1099 AD and reoccupied by its leader Salah al-Din al-Ayyubi [310] following the Battle of Hattin in 1187 AD. It later fell under the rule of the Mamluks and the Ottomans then the British

[310] Salah al-Din al-Ayyubi: He is Yusuf bin Ayyub bin Shadi. His family originated from the village of Dwin, east of Azerbaijan, from a Kurdish tribe called the Rawadiya. His reign began with his ministry in 564 AH and continued after he assumed all powers in 567 AH until his death in 589 AH (Al-Kali, et al.: Encyclopedia of Politics (Part 3/640-641).

occupied it in 1917 AD. They continued to occupy it until the year 1948 AD. In the war of 1948, the region of Gaza became under the reign of Egypt that continued until June 1967 AD [311].

There were also large expectancies of refugees, which were about 250,000 due to the war that happened in 1948 in a time when the Gaza Strip population did not pass the 80,000 mark, and eight camps were built to accommodate the refugees [312].

British, French, and Israeli interests converged to strike Egypt, so the tripartite aggression took place in 1956 AD[313] .Israel's goal was to occupy Sinai and Gaza in pursuit of territorial expansion and to eliminate the fedayeen operations that were launched from the Strip into the territories occupied in 1948 AD. Consequently, the Gaza strip and the Sinai peninsula were occupied and commits gruesome massacres by the Israeli army in Rafah, Khan Yunis, Gaza and Jabalia [314].

Soviet Union together with the US interfered and forced Britain, France and Israel to quit the Sinai Peninsula and the Gaza Strip. The evacuation occurred on March 7, 1957, and the Strip was put under a special international administration. However, it did not last more than a few weeks due to the demands of the Islamic National Front in the Strip to return to Egyptian rule[315]. Egyptian administration returned in March 1957and continued until June 5, 1967 AD[316],

and the elimination of fedayeen operations that were launched from the Strip into the territories occupied in 1948 AD **[317].** Consequently, the Gaza Strip and the Sinai Peninsula were occupied and the Israeli army was launching massacre in the cities of Rafah, Khan Yunis, Gaza, and Jabalia. **[318]**

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[311] Butler, Linda: Gaza at a Glance, journal of Palestinian studies, volume 38 (p. 93); Roy, Gaza Strip (p. 172).
[312] Roy, Gaza Strip (p. 172).
[313] The Tripartite Aggression is also known as the Second Arab-Israeli War (1956). It was launched by Israel, Britain, and France against Egypt. It began on the evening of October 29, 1956 AD. For more, see: Al-Kali, et al.: Encyclopedia of Politics (Part 2/205-207).
[314] The Battle of Hattin: a decisive battle in Islamic history that took place on the land of Palestine in the Hattin region between the Islamic army led by Salah al-Din al-Ayyubi and the Crusader army led by Guy of Lusignan. The Muslims were victorious, and one of its results was paving the way for the liberation of Jerusalem in 1187 AD. For more, see: Abu Khalil, Hattin under the leadership of Salah al-Din (pp. 77-92).
[315] Black, Eilan and Benny Morris: Israel's Secret Wars, p. 128. For more, see Abu Al-Naml, The War of the Fedayeen in the Gaza Strip (pp. 170-199).
[316] Al-Sinwar, Fedayeen action (p. 72). For more, see: Al-Hut, Palestine: The Political History (pp. 100-200).
[317] Ghunaim, Israeli Violations against Citizens in the Gaza Strip (p. 6).
[318] Al-Sinwar, Fedayeen action (p. 41).

The Occupation to the First Intifada (1967-1987 AD) Gaza Strip Israeli troops launched war against Egypt, Jordan and Syria on June 5 th 1967 AD, but only after 6 days, the Israelis found themselves in control of the Sinai, Golan heights, West Bank- including a portion of Jerusalem as well as the Gaza Strip [319], where Israeli troops entered the Strip in the afternoon of Wednesday, June 7, 1967 AD, after fierce fighting [320]. Under the Israeli point of view the war was an act of self-defense, which was necessitated by the closure of the Straits of Tiran by Egypt, mobilization of the Arab forces along its borders and increase in regional threat. Most Israeli and western scholars argue that Israel carried out a preemptive act in order to avoid a looming threat to its existence.[321]

Nonetheless, there is an argument among the critics and most foreign observers which questions the legality of the occupation of Israel according to international standards because the extent and the implications of Israeli conquests to form a new territory was doubted. UN Security Council Resolution 242, passed after the war, emphasized "the inadmissibility of the acquisition of territory by war" and called for the withdrawal of Israeli armed forces from territories occupied in the conflict.[322] The Israeli group undertook the massacres of heinous nature when it occupied Gaza strip and then set about to displacing tens of thousands of citizens, destroying houses, seizing property and lands, applying collective punishments, raiding homes in the parade of searching weapons and parking suspects, and subjecting a great number of citizens to house arrest [323].

After the occupation of the Gaza Strip in 1967 AD, resistance factions emerged, including the Palestinian National Liberation Movement (Fatah) [324], operating in the sector. The start of the resistance in Gaza was swift. While Israel was still basking in the euphoria of victory, a few months

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[319] Talmi, The Shield and the Sword - From the Guard to the Six-Day War (Hebrew) (p. 138); Butler, Gaza at a Glance, journal of Palestinian studies (VOL 38 / p93) Roy, Gaza strip, (p. 173).

[320] For more, see: Azmi, Experiences of the Battles of Rafah and Gaza in the 1967 War (pp. 43-59); Report on the Battle of Gaza in June 1967 (pp. 82-83).

[321] Michael Oren, *Six Days of War: June 1967 and the Making of the Modern Middle East* (Oxford University Press, 2002

[322] United Nations Security Council Resolution 242 (1967): https://unispal.un.org

[323] Al-Sinwar, Preludes That Are Indispensable (p. 23).

[324] Fatah Movement: It was launched on the first of January 1965 AD. The roots of the "Fatah" movement go back to the late fifties of the last century, most likely around 1958 AD, when Yasser Arafat and Abu Jihad arrived in Kuwait during that period and began publishing the newspaper "Filastinuna" in October 1959 AD. The list of founders of the Fatah movement consists of Yasser Arafat, Khalil al-Wazir, and Salim al-Za'noun. For more, see: Ahmed, The Palestinian National Liberation Movement (Fatah) and its Impact on Political Development 1993-2006 AD (pp. 11-41).

later, it began pursuing the fedayeen. The people rallied around the revolutionaries, and the resistance operations diversified [325]. The Israeli army responded with harsh measures against the residents of the Strip, including: fragmenting the camps, bulldozing the wells, opening streets, displacing residents, and dispersing the camp populations. This was aimed at stopping the fedayeen operations, which forced the resistance to shift towards working through secret cells and individual actions [326].

However, the resistance gradually weakened in the Strip due to the lack of unity among the resistance factions, as well as their ideological and political weaknesses [327].

In the period between 1967 and 1987 AD, the Israeli occupation forces practiced further human rights violations in the Gaza Strip against resistance fighters, detainees, citizens, movable and immovable property. They also violated the Palestinian economy and targeted educational, cultural, and health institutions [328].

1- First intifada to the onset of the Al-Aqsa Intifada, Gaza Strip (1987-2000 AD))

The first Intifada Palm kindled itself[329] in 9 th of December 1987 AD amid the martyrdom of four Palestinian laborers in a malicious hit-and-run event. This was followed by the ongoing fall of the martyrs and the spread of demonstrations all over the West Bank and the Strip which all Palestinians participated in. This Intifada stood out as it was characterized with extensive grassroots mobilization, civil disobedience and largely unarmed resistance through strikes, boycotts and formation of popular committees that co-ordinated the communities reaction against Israeli military occupation. First Palestinian Intifada

[325] For more, see: Al-Sinwar, Fedayeen Action in the Gaza Strip from 1967-1973 (pp. 133-233).
[326] Mustafa, The West Bank and Gaza Strip under Israeli Occupation (p. 31).
[327] For more on the weakening of the resistance in Gaza, see: Al-Sinwar, Fedayeen Action (pp. 363-370).
[328] For more, see: Ghunaim, Israeli Violations against Citizens in the Gaza Strip from 1967 to 1987 AD (pp. 36-250).
[329] For more on the Intifada, see: Saleh, The Palestinian Cause: Its Historical Background and Contemporary Developments (pp. 103-104); Abdul Rahman et al., The Intifada: Preludes (pp. 10-30); Jreis, The Intifada: The Balance of Five Years (pp. 141-148).

The First Palestinian Intifada

The intifada was distinguished by the fact that the people of the West Bank and Gaza Strip took the reins of the jihadi struggle initiative[330], after it had been in the hands of the [Palestinian Liberation Organization][331] working abroad.

During the first Palestinian Intifada, the Israeli occupation forces practiced repressive measures against the citizens[332], including:

- Shooting to kill
- Mass arrests
- Closure of schools and universities
- Setting up military checkpoints
- A policy of beatings and vandalism
- Preventing Palestinian workers from working
- Deporting a number of citizens from their homes
- Demolishing many homes under security pretexts.

While the First Palestinian Intifada (1987–1993) was initially characterized by largely unarmed civil resistance such as demonstrations, general strikes, refusal to pay taxes, graffiti, and boycotts there were also violent acts committed by Palestinian individuals and factions during the uprising.

Actions by Palestinian Fighters and Protesters During the First Intifada:

- Stone-Throwing and Riots

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[330] Abdul Rahman et al., The Intifada: Preludes (pp. 91-113); Abu Amer, Israeli Violations of the Civil and Political Rights of Palestinians in the Gaza Strip During the First Intifada 1987-1993 (pp. 65-225); Yaqub, The Intifada and Israel's Violation of Human Rights (pp. 84-90).

[331] The Palestine Liberation Organization (PLO): was established at the first Palestinian conference held in Jerusalem in 1964 AD, during which Ahmed Al-Shuqairi was elected head of the organization's Executive Committee. The Palestinian National Charter and the Basic Law of the National Fund were also approved. The presidency of the organization was held by Ahmed Al-Shuqairi, Yahya Hammouda, Yasser Arafat, and currently Mahmoud Abbas. For more, see: Barham, Reforming the Palestine Liberation Organization (pp. 40-80).

332 IX. The First Intifada And The Beginning Of Israeli-Palestinian Negotiations 1987-1993 interactive encyclopedia of the palestine question – palquest | ix. the first intifada and the beginning of israeli-palestinian negotiations

The most dramatic picture of Intifada was the image of stone throwing by young Palestinians against the heavily armored Israeli troops. This was rampant and it represented popular resistance.

Improvised explosives and Molotov Cocktails

During the course of the uprising, there were instances of Molotov cocktails, improvised weapons and on rare occasions guns against Israeli soldiers and settlers by protestors..

Liquidation of Cooperators

Militant groups had executed hundreds of Palestinians suspected of assassinating Israeli authorities. Human rights organizations have condemned due process in most of these cases.[333]

Assault of Israeli Soldiers and Settlers

In addition to attack in West Bank and in Gaza, armed groups including members of Fatah, Hamas, the Popular Front for the Liberation of Palestine (PFLP) attacked Israeli soldiers and settlers.[334]

- Use of Children in Demonstrations

While children were often voluntarily involved, there was also criticism (including from Palestinian intellectuals) that children were too often exposed to lethal risk by being on the front lines of confrontations.

- Rise of Hamas

At the course of the Intifada, Hamas emerged to prominence and started forming its own cells, among which were armed resistance ones.[335]

[333] Human Rights Watch, "A Victory Turned Sour," 1993
334 B'Tselem, "Violence Against Civilians," 1990s Reports
335 Shaul Mishal & Avraham Sela, "The Palestinian Hamas," 2000

Between 1991 and 1993 AD, the PLO and Israel signed settlement deals, one of them being Oslo agreements [336]of 1993 AD, which led to the progressive Gaza Strip entering into the state of Palestine by the Palestinian police, which began on May 8, 1994 AD [337]. Gaza Strip fell into two authorities:

1. **The Palestinian Authority,** with its powers that encompassed education, health, social affairs, direct taxes and tourism**.**.
2. **The Israeli occupation authority**, which retained control over the settlement lands [338].

The Tunnel Intifada [339] erupted on September 26, 1996, following the Israeli occupation forces' to open a tunnel under the blessed Al-Aqsa Mosque. This measure that endangers Al-Aqsa Mosque was confronted by a general strike in the West Bank and the Gaza Strip and clashes arose which resulted in the martyrdom of 31 Palestinians and the injury of 450 others [340] from the Gaza Strip [341]. In its turn, the UN Security Council demanded to stop all acts leading to the deterioration of the situation which adversely influences the peace process and emphasized the necessity to provide the Palestinian civilians with their safety and protection and requested to restart the negotiations immediately, too.[342].

Israeli Perspective:

In the Israeli perspective it was considered that digging of the tunnel was an extension of the archaeological and historical survey, not something meant to stir up trouble. According to Israel

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[336] Oslo Accords: Signed on September 13, 1993 AD, it is considered the first official direct agreement between Israel and the Palestine Liberation Organization. It aims to establish a transitional Palestinian self-government authority and an elected council for the Palestinian people in the West Bank and Gaza Strip for a transitional period not exceeding five years, leading to a permanent settlement based on UN Security Council Resolutions 242 and 338. For more, see: Declaration of Principles on Interim Self-Government Arrangements (Oslo Accords) August 19, 1993 AD.
[337] Roy, Gaza Strip (p. 174).
[338] For more, see: Documents of the Peace Negotiations, the Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip, Washington, September 28, 1995 AD.
[339] **The Tunnel Intifada:** It was called the September Uprising or the Tunnel Intifada, in reference to a tunnel dug under the blessed Al-Aqsa Mosque. It lasted for three days, during which 63 martyrs were killed and 1600 were wounded, including 450 wounded in the Gaza Strip. The governorates of the Gaza Strip occupied the first place in the number of martyrs who were martyred in the Tunnel Intifada, where the number of martyrs reached 31. (For more, see: Palestinian National Information Center, the 1996 Tunnel Uprising, online).
[340] The statistic includes only the Gaza Strip.
[341] Abdel Aziz, The Tunnel Intifada (pp. 2-4).
[342] For more information, see: UN Security Council resolution on the situation in the West Bank and Gaza Strip, New York, September 28-29, 1996.

officials, the opening of the tunnel ran along the western wall, not the temple mount compound and the opening was part of the process to facilitate the access to visitors. They argued it was not a threat to Islamic holy sites and that it is misinformation that was generating a backlash [343].

Israeli Prime Minister, Benjamin Netanyahu, who approved the opening, put forward that the move was an administrative rather than a political one. According to him, Israel had sovereign right to open tunnel entrance and the violent reactions were planned by the Palestinian leadership against the peace process.

Palestinian Perspective:

Palestinians understood the opening of the tunnel as a direct threat to the sanctity of the Al-Aqsa Mosque and an attempt to establish Israeli rule over Islam holy places. This was received as an infringement of the status quo agreements on religious sites in Jerusalem. The resulting protests and clashes were seen as a defense of religious and national rights[344].

Israeli Violations

For its part, the Israeli occupation forces continued to violate human rights through the confiscation of lands, the demolition of residential homes, the bulldozing of agricultural lands, the arrest of citizens, the closure of the Strip's crossings, preventing workers from reaching their workplaces, preventing patients from going out for treatment, expanding settlements, and firing at Palestinian fishermen [345].

[343] Tunnel Opening in Jerusalem Sparks Protests," Los Angeles Times, September 25, 1996
[344] Yearbook of the United Nations 1996 (excerpts)," United Nations.
[345] (5) For more on Israeli violations, see: The Palestinian Center for Human Rights, Annual Report for the year 1997, 1998, 1999.

2- The Gaza Strip during the Al-Aqsa Intifada up to period of Israeli withdrawal (2000-2005 AD)

On Thursday September 28, 2000 AD, in open assault on the sensitivities of Palestinians, Arabs and Muslims, Ariel Sharon [346]the leader of the Israeli opposition, made a provocative visit to the courtyards of Al-Aqsa Mosque.

The Al-Aqsa Intifada

The Al-Aqsa Mosque, and this visit was met with popular protests that swept the West Bank and the Gaza Strip, and the territories occupied in 1948[347] , to begin a new phase in the history of the Palestinian people, which is the Al-Aqsa Intifada [348].

Therefore, the Israeli occupation forces imposed evere restrictions on the movement of the population in the Gaza Strip, and according to its policies, the Gaza Strip was completely separated from the West Bank, and the residents of the Gaza Strip were prevented from entering the territories occupied in 1948 AD, and the West Bank for social purposes, and only some medical cases that need treatment were allowed[349] .

The Israeli occupation forces carried out many Israeli military operations against the residents of the Gaza Strip during the Al-Aqsa Intifada, including assassinations, targeting security headquarters, destroying infrastructure, bulldozing agricultural lands, and expanding buffer zones, which led to a number of martyrs and wounded among the citizens [350].

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[346] Ariel Sharon: He is Ariel Scheinermann, born in 1928 AD in Kfar Malal near Tel Aviv. He was assigned to form Unit 101 after committing the Qibya massacre in 1953 AD. He won the sixteenth Knesset elections (2003 AD) and was assigned to form a government. During his rule, he withdrew from the Gaza Strip (2005 AD). He died on January 11, 2014 AD. (Mansour, Dictionary of Zionist Flags and Terms, p. 276).

[347] Statement No. (1) of the Independent Commission for Human Rights (October 2, 2000); Roy, Gaza Strip, (p. 174).

[348] The Al-Aqsa Intifada or the Second Intifada: It took place for several reasons, including: the failure of the second Camp David summit in 2000 AD, Israel's procrastination in implementing the agreements signed with the Palestinian Authority, and its attempt to impose a fait accompli through Zionist settlement in the West Bank and Gaza Strip. For more, see: The Palestinian Authority, the General Information Authority: The Al-Aqsa Intifada (Diaries and Documents), the first book, September 29-October 28, 2000 AD, Abu Juma'a, The Al-Aqsa Intifada in 2000 and its political impact on the Palestinian cause (2000-2008) (pp. 30-40).

[349] Keller, Israeli policies towards the Gaza Strip (Hebrew) (p. 1).

[350] For more on Israeli military operations, see: Esposito, Israeli military operations against Gaza 2000-2008 AD (pp. 1-12); Esposito, Military operations, losses, suicide attacks, and assassinations (p. 191).

The Israeli occupation forces continued their violations of human rights during the second Palestinian intifada, including the repeated bombing of Palestinian areas, the invasion of cities and villages, and the killing at military checkpoints. These crimes, from the beginning of the intifada until the end of 2005 AD, led to the martyrdom of 2936 citizens [351] and the injury of tens of thousands with various injuries, including 8662 wounded in the Gaza Strip, including hundreds who were permanently disabled [352].

Israeli governments perceived the Second Intifada as a time when there was a sudden surge in anti-terror acts such as suicide bombings and targeting of civilians [353]. To counter that, the Israel Defense Forces (IDF) conducted military actions to break out militant groups and stop any further bloodshed. Among the most substantive was Operation Defensive Shield in 2002 [354], staged in the aftermath of a series of attacks such as the April 2002 Passover massacre; large-scale incursions into the West Bank cities were used to nab militants and confiscate weapons. The Israeli sources stated that more than 1,000 Israeli civilians and soldiers were killed in a conflict and thousands wounded during this period as well as pointing out that most of the Israeli military activities linked to this period were carried out in areas suspected to be inhabited by militants, and that every effort was taken to cause minimal harm to the civilians. Legally, the Israeli authorities claims that these operations have been within the international law and were aimed at pursuing valid security goals as approved by the Israeli Supreme Court. Nevertheless, human rights organizations, including B'Tselem [355], documented cases where Israeli forces were accused of killing Palestinian civilians who were not directly involved in hostilities.

And due to the escalation of Palestinian resistance operations in the Gaza Strip [356], and the development of its weapons, especially the missiles that were bombarding Israeli settlements in the sector day and night, the Israeli occupation forces announced their intention to withdraw from

[351] The statistic includes the West Bank and Gaza Strip.
[352] The Palestinian Center for Human Rights, Annual Report for the year 2005 AD (p. 22).
[353] The Implications of the Second Intifada on Israeli Views of Oslo | The Washington Institute
[354] A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution | HRW
[355] 10 years to the second Intifada – summary of data | B'Tselem
[356] For more, see: Abu Amer, the resistance's defeat of the occupation of the Gaza Strip (pp. 59-149); pp. 163-179.

the Gaza Strip, and they withdrew from the sector on September 12, 2005 [357], and this recorded a great victory for the Palestinian resistance in the sector.

The Israeli withdrawal from the sector also led to the freedom of internal movement of citizens between the governorates of the sector, but the Israeli occupation forces continued to control the land, air and sea crossings of the sector), and the exit of residents from the sector and the movement of goods became in the hands of the Israeli occupation forces[358] , and this indicates the continuation of the Israeli siege and closure of the sector despite the withdrawal from the sector.

3- The Gaza Strip between Hamas winning the Palestinian elections and the Israeli aggression 2023 AD (2006-2023 AD)

That period was characterized by several features, including Hamas winning the majority in the legislative elections in 2006 AD, and its formation of the tenth Palestinian government, which led to the imposition of (Israel) a comprehensive siege and closure on the sector, and the repeated title on the sector between 2006 AD 2014 AD, and the escalation of violations of human rights, which will be discussed in detail during the study chapters.

- **Gaza Strip (2006-2008)**

On January 25, 2006 AD, the Palestinian legislative elections were held in the areas of the Palestinian Authority, and Hamas achieved a landslide victory, as it won (74) seats, while the Fatah movement won (45) seats, and the Popular Front won (3) seats, and the rest were distributed. The seats on the rest of the lists and independents, which paved the way for Hamas to form the [359]

[357] For more: see the plan of Israeli Prime Minister Ariel Sharon to disengage from the Palestinian Studies magazine (No. 15 / pp. 165-170); Esposito, from the beginning of the idea until the unilateral Israeli disengagement with Gaza on the eve of the war (p. 130).
[358] Clare, Israeli policies towards the Gaza Strip (Hebrew) (p. 1) Amnesty international, 2006 report (p.149).
[359] Central Elections Commission For more on the results of the Palestinian legislative elections, the results of the 2006 legislative elections on the Internet

tenth Palestinian government headed by Ismail Haniyeh [360], which was announced on March 29, 2006 AD[361].

The outcomes of the elections were sufficient to enable the Hamas movement to run the Palestinian government, except that the results of the elections were not acceptable to the United States of America and Israel and the conflict across the Fatah and the Hamas movements also arisen. Israel did not accept the new Palestinian government controlled by Hamas, and started withholding 23 tax revenues that must be paid to the Palestinian Authority, and the key donor countries ceased direct aid to the government on the basis of considering the Hamas a terrorist government; This situation led to a harsh crisis in the Palestinian economy, and Israel began negotiations with the United States and the European Union[362] , and agreed to impose a siege on the Gaza strip, and terminated relations with the Palestinian Authority until it responds to the demands of the Quartet of: recognizing Israel. The Israeli occupation authorities deliberately escalated the military after the formation of the Palestinian government by Hamas, and were seeking through this escalation to weaken the Hamas government and push it to accept a truce[363] . The explosion, and the rockets

led to the dismissal of the tenth government of Hamas.

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[360] Ismail Haniyeh: He was born on May 23, 1963, in the Beach camp in Gaza. He was arrested by the Israeli occupation forces in 1987, 1988, and 1989, and then deported to Marj al-Zuhur. He was subjected to assassination attempts on September 6, 2003, and headed the Change and Reform list in the elections of the Legislative Council in 2006, and became the Prime Minister of the Palestinian Authority in February 2006. He holds the position of leader of the Hamas movement in the Gaza Strip, and deputy head of the political office of the Hamas movement, He was assassinated in Iran by the Israeli military on August 1, 2024.

[361] stands for **Anno Domini**, a Latin phrase meaning "**in the year of our Lord**." It is used in the Gregorian calendar to label or number years after the birth of Jesus Christ

[362] Amnesty international, 2007 report (p. 204). 4 The Quartet on the European Union and the United States: The International Quartet on the Palestinian issue is made up of the United Nations, the European Union, the United States of America, and the Russian Federation. 5 Al-Zaytouna Center, the Palestinian Strategic Report for the year 2006, p. 28.

[363] The truce was concluded on March 17, 2005, and was announced at the end of the Palestinian dialogue conference that was held in Cairo, and it came at the invitation of the Arab Republic of Egypt, and the truce period was until the end of 2005, See: The Cairo Declaration issued by the Palestinian factions on March 17, 2005 at the Zaytouna Center: Selections from the Palestinian Writings, pp. 69-70

On June 2006, three wings of the Palestinian resistance movement the Izz al-Din al-Qassam Brigades [364], al-Nasser Salah al-Din Brigades [365], and the Army of Islam [366], launched an attack on an Israeli military installation in the Kerem Shalom crossing area [367], killing two Israeli soldiers and leaving the third one missing in addition to other four of them injured, but two [368] members of the Palestinian resistance forces also were killed as part of the operation. [369].

As part of the policy of collective punishment that the Israeli occupation army has frequently been conducting against Palestinian civilians as they violate the international humanitarian law, the Israeli Air Force made some raids such as bombing the ministry of interior in Gaza [370], bombing the power station [371], and bombing the main water line that supplies the city of Gaza, resulting in lack of water in the city. [372], as part of the collective punishment policy that the Israeli occupation forces have intensified against Palestinian civilians despite their violation of international humanitarian law.

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[364] Izz al-Din al-Qassam Brigades are the military wing of the Islamic Resistance Movement Hamas. The Brigades aim to liberate Palestine from the Zionist occupation that has forcibly usurped it since 1948, and to obtain the rights of the Palestinian people that were taken away by the occupation. For more information, see the Qassam Brigades website: Izz al-Din al-Qassam Brigades (online).

[365] Al-Nasser Salah al-Din Brigades: The military wing of the Popular Resistance Committees, which was established as an independent popular struggle framework since the first spark of the Al-Aqsa Intifada in September 2000. It is based on an Islamic doctrine and relies on all forms of resistance. Among its most prominent leaders are Abu Yusuf al-Quqa, Jamal Abu Samhadana, and Sheikh Zuhair al-Qaisi (Al Jazeera Net, Al-Nasser Salah al-Din Brigades, online).

[366] Army of Islam: A Salafi Palestinian organization loyal to al-Qaeda, founded by Mumtaz Dughmush, who previously worked in the Preventive Security Service of the Palestinian Authority in 2000. The organization emerged mainly during its participation alongside the Qassam Brigades and the al-Nasser Salah al-Din Brigades in Operation "The Disappearing Illusion" and the capture of the soldier Gilad Shalit in June 2006 (Wikipedia, Army of Islam, online).

[367] Kerem Shalom: Located in the far southeast of Rafah, it is a commercial crossing linking the Gaza Strip with the lands occupied in 1948 (Saleh, The Suffering of the Gaza Strip, p. 21).

[368] They are the martyrs Hamid al-Rantisi and Muhammad Azmi Frawneh, both from the al-Nasser Salah al-Din Brigades (Joint Statement of the Izz al-Din al-Qassam Brigades, al-Nasser Salah al-Din Brigades, and the Army of Islam on June 25, 2006).

[369] Al-Ayyam newspaper (Ramallah), The Fall of Two Martyrs and the Killing of an Israeli Officer and Soldier in the Kerem Shalom Operation (p. 1); Qassam Brigades website, Statement of Operation "The Disappearing Illusion" (online).

[370] Al-Ayyam newspaper (Ramallah), Issue 3752, dated June 29, 2006, (p. 1).

[371] B'Tselem: Acts of Revenge (Hebrew) (p. 3); Palestinian Center for Human Rights, Retaliation (pp. 6-7).

[372] Al-Quds newspaper (Jerusalem), Israeli Raids on Gaza (p. 1).

The Israeli occupation forces continued their aggression against the Gaza Strip during 2007, and incursions into the Strip's territories constituted one of the most prominent Israeli violations of human rights in that year, in several areas of the Strip [373].

During 2007, clashes between Fatah and Hamas movements increased, which forced Hamas to take military action [374] in the period from June 11 to June 14, 2006, where it was able to control the Strip by military force and took over its rule [375]. In response to Hamas' control over the Gaza Strip, Israel announced the closure of all Gaza Strip crossings on June 15, 2007, tightening its already imposed siege on the Gaza Strip [376]. To give a humanitarian character to its actions, Israel allocated the Al-Muntar and Sofa crossings to transport commercial goods and humanitarian aid to the sector [377].

On January 18, 2008, Israel decided to close all the Strip's crossings and completely cut off the fuel supply to the Strip, starting from January 20, 2008, so the Strip was plunged into complete darkness [378].

- **Gaza Strip from the 2008 esclation to the 2012 Aggression:**

Since the truce agreement [379] in June 2008, the movement on the crossings has remained the same, with the Rafah crossing actually closed for 163 days and partially opened for 20 days. The Beit Hanoun crossing also remained completely closed throughout that period, while the Al-Muntar crossing was closed to exports and imports from and to the Gaza Strip for 149 days [380]. This

[373] For more information on the incursions, see: Al Mezan Center for Human Rights, Crimes of the Occupation Forces in the Gaza Strip and the Humanitarian Impact of the Siege for 2007 (p. 26), Al-Ayyam newspaper (Ramallah), Seven Martyrs and 13 Wounded in a Wide Israeli Aggression on Rafah and Khan Yunis (p. 1).
[374] Fatah movement called it a military coup, and in latr years it became known as the Palestinian division.
[375] Al-Zaytouna Center, Annual Report for 2007 (pp. 44-50).(
[376] Al-Ittihad newspaper (UAE), the closure of all Gaza Strip crossings (online).
[377] Office for the Coordination of Humanitarian Affairs - Occupied Palestinian Territory (OCHA-OPT), Gaza Strip Humanitarian Fact Sheet, Jerusalem, December 2007.
[378] B'Tselem, Annual Report for 2008 (p. 4).
[379] The truce agreement was signed between Hamas and the Israeli occupation state under Egyptian mediation on June 18, 2008. The agreement stipulated agreeing to a mutual cessation of all military actions, setting zero hour starting from six o'clock on the morning of Thursday, June 19, 2008, and the duration of the truce is (6 months), as agreed upon in factions under Egyptian auspices. For more, see: Al-Zaytouna Center, Palestinian Documents for the year 2008 (p. 405).
[380] Al-Zaytouna Center, The Israeli Aggression on the Gaza Strip 2008/2009 (p. 6).

indicates Israel's non-compliance with the truce agreement, lifting the siege, and allowing the entry of goods into the Gaza Strip.

Hamas refused to extend the truce [381], and Israel conditioned the extension of the truce agreement on Hamas' commitment to the truce [382]. But on the eve of the expiry of the truce period, Israel ameliorated its attacks on the Gaza Strip that led to a big aggression on Gaza Strip on December 27, 2008..

Israel announced a set of goals for the aggression on the Gaza Strip, the most important of which are: eradicating the resistance from Gaza and dismantling its structure and disarming it, uprooting Hamas' authority from Gaza, liberating the captive Israeli soldier Gilad Shalit, preventing the arrival of any weapons or ammunition to the resistance factions in Gaza [383], removing the idea of resistance from the minds of the Palestinian people [384], and destroying the steadfastness of civil society by striking fuel stations and supply stores [385].

On the other hand, the Palestinian resistance, led by the Al-Qassam Brigades, set defensive military goals from the beginning of the aggression, represented by maintaining power in the Gaza Strip in the hands of Hamas, preserving the structure of the resistance, its organizations, and its military capabilities as much as possible to carry out military field operations against the occupation forces.

The Israeli Aggression: Escalation of the Israeli violations of the truce agreement and preventing the arrival of supplies to Gaza, in addition to preventing the occupation forces from reaching the hiding place of the captive soldier Gilad Shalit [386].

The Beginning of the Aggression: The Israeli occupation forces began the most violent wave of bombing in the history of the Gaza Strip, in the hours before noon on Saturday, December 27, 2008, with a series of air sorties targeting all police and security centers and command headquarters in one fell swoop across the Strip, where it began at 11:30 in the morning, where more than 50 F-

[381] Palestine newspaper (Gaza), Mashal and Haniyeh: The truce will most likely not be renewed (p. 1).
[382] Al-Dustour newspaper (Amman), Two martyrs and Israel rejects a conditional truce (p. 1).
[383] Hatit, The Military Performance of Hamas and the Resistance Factions during the Aggression on Gaza (p. 99).
[384] Yassin, Preparing the Theater of Operations (p. 19).
[385] Adwan, Coverage of the Israeli Press of the War on Gaza 2008-2009 (p. 59).
[386] For more, see Hatit, The Military Performance of Hamas and the Resistance Factions during the Aggression on Gaza (pp. 10-100).

15 and F-16 aircraft dropped about 100 bombs and missiles on 50 targets in the Gaza Strip in just 3 minutes [387], resulting in the martyrdom of 334 Palestinians, including 238 policemen, including the chief of police in Gaza, Major General Tawfiq Jabr [388], but the Gazan citizen was able to absorb the first air strike and stand up to the Israeli enemy, despite the high number of martyrs and wounded in the first day.

The Israeli occupation forces continued for a whole week in the air operation before starting their ground operation, which began on January 3, 2009, with tanks entering through the al-Muntar and Beit Hanoun crossings, and Gaza International Airport [389], and those forces began dividing the Gaza Strip into several areas and advanced hundreds of meters into residential neighborhoods at the governorate level of the Strip, thereby deliberately violating the rules of international humanitarian law, which provide protection for civilians and their property in time of war, and this coincided with the Israeli occupation forces' disregard, with all recklessness and arrogance, for all international, official, and popular calls that swept the world demanding that it stop the aggression [390].

An unnamed senior Israeli Air Force officer said that combat helicopters carried out 1,500 raids on targets in the Gaza Strip and fired 1,000 Hellfire missiles[391].

The first independent British medical mission that arrived in the Gaza Strip after the end of the aggression reported that the Israeli occupation forces dropped about 1.5 million tons of explosives on the Gaza Strip during the aggression [392], which demonstrates the criminality of the Israeli occupation forces and their eagerness to kill Palestinian civilians.

On the other hand, the Palestinian resistance played a major role in defending its people. The Al-Qassam Brigades stated that they were able to kill 49 Zionist soldiers directly and injure hundreds

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[387] Abdel Rahman, Diary of the Israeli War on Gaza (p. 137), Al Rayes, Gaza in the Belly of the Whale (p. 42); Saeed, The Zionist Position on the War (p. 53), Al-Awa, Gaza the Resistance and Defiance (p. 23), Saeed, When They Poured Lead on Gaza (p. 113).
[388] Palestinian Center for Human Rights, Civilians Targeted (pp. 20-21).
[389] Al-Sharq Al-Awsat newspaper (London), Israel begins ground invasion of Gaza (p. 1); For more on the Israeli arsenal, see: Esposito, The Israeli Arsenal Used Against Gaza During Operation Cast Lead (p. 182).
[390] Palestinian Center for Human Rights, Civilians Targeted (p. 25).
[391] Haaretz, 9/2/2009 (On the internet).
[392] For more on the mission report, see: Al-Rai newspaper (Kuwait), Horrifying facts about Israeli weapons against civilians in Gaza, p. 50.

during their operations to confront the aggression[393]. They also achieved some military achievements, including: continuing to launch rockets during the Israeli aggression, expanding the range of their targets by using a large number of long-range rockets, and possessing a successful deterrent and defense force, as Israel was unable to occupy the entire Gaza Strip. The resistance also succeeded in adapting to the changing conditions on the battlefield and surviving as an organization with the safety of most of its leadership [394].

The decision to stop the aggression:

The Prime Minister of Israel, Ehud Olmert, announced on January 17, 2009, a unilateral cessation of the aggression on the Gaza Strip [395], after a lengthy meeting of the Israeli Security Cabinet. Olmert said that Israel would stop firing at 2:00 a.m. on the morning of Sunday, January 18, 2009 [396].

For their part, the Palestinian resistance factions fired a number of rockets at the settlements.

The Israeli occupation forces withdrew from Gaza in the early hours of Sunday morning, January 18th, 2009, then announced a ceasefire later in the morning, in a symbolic move aimed at proving that the ceasefire was not mutual, and that it was they who had the final say, and that the occupation forces could not impose their conditions [397]. Thus, the aggression on the Gaza Strip ended on January 18th, 2009, after 22 days of bombing and destruction, leaving behind unprecedented devastation in lives and public and private property.

The Goldstone Report and the Israeli Aggression on the Gaza Strip

Following the end of the aggression, in April 2009, the United Nations, through its Human Rights Council, established a committee that would look into the Israeli aggression against the Gaza Strip between 2008 and 2009 and which was led by the international judge, Goldstone. The committee's

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[393] For more on the jihadist harvest of the Al-Qassam Brigades: See the Al-Qassam Brigades website, the text of the victory speech after the Battle of Al-Furqan, and the statements of the Al-Qassam Brigades on the Internet (the statement of the Al-Quds Brigades dated January 18, 2009, on the Internet); Abdel Moneim, Harvest of Resistance Operations between the Crossing and the Tunnel (pp. 189-235).
[394] Cohen, Yoram, and Jeffrey White: Hamas in Combat (p. 16).
[395] Al-Sharq Al-Awsat newspaper (London), Israel announces a unilateral ceasefire at two o'clock this morning (p. 1).
[396] Yedioth Ahronoth newspaper, 17/1/2009, see (On the internet)
[397] Al-Zaytouna Center, The Israeli Aggression on the Gaza Strip 2008/2009 (p. 11).

report covered the period from June 19th, 2008 to June 31st, 2009, and was issued in mid-September 2009. The report condemned the Israeli occupation forces and clarified that they targeted the entire population of the Gaza Strip in a form of collective punishment of the population, and that they violated the Geneva Conventions on the protection of civilians [398], However, the Goldstone Report also found that "Palestinian armed groups had committed war crimes, as well as possibly crimes against humanity," particularly in relation to the launching of rockets and mortars into civilian areas of southern Israel.

Despite the end of the occupation forces' aggression on Gaza on January 18th, 2009, and the complete calm on the part of the resistance in Gaza throughout the year, the occupation forces continued their crimes against citizens in Gaza between 2009 and 2012, where 224 citizens were martyred before the 2012 aggression in the Strip [399]. The crossings of the Strip also remained closed. The Al-Muntar crossing [400] (Karni) was permanently closed on March 2nd, 2011, and its closure and reliance on the Kerem Abu Salem crossing led to exacerbating the suffering of the industrial, commercial, and agricultural sectors in the Gaza Strip, and also led to an increase in transportation and transportation costs [401]. All these fueled the plight of people of Gaza and diverted resistance factions in responding to the Israeli atrocities by launching attacks on areas within Israel bordering the Gaza Strip and next morning, 18th January 2009 they made declarations of another ceasefire.

The year 2011 witnessed a breakthrough regarding the issue of prisoners in the occupation's prisons by completing the "Wafa Al-Ahrar" exchange deal, under which 1,027 Palestinian prisoners were released in exchange for the release of the Israeli soldier Gilad Shalit. It had two releases of the prisoners, the first was October 18, 2011, and release of phase two was December 18, 2011 . October 18 got recognized as a day of national holiday, as it marked the pride of the Palestinian resistance and how they succeeded in getting Palestinian prisoners out of Israeli

[398] For more, see the United Nations, Human Rights in Palestine and the Occupied Territories (Report of the United Nations Fact-Finding Mission on the Gaza Conflict, September 2009).
[399] Palestinian Center for Human Rights, Annual Report for 2009 (p. 32), Palestinian Center for Human Rights, Annual Report for 2010 (p. 32), B'Tselem, Annual Report for 2011 (p. 6); Palestinian Center for Human Rights, Annual Report for 2011 (p. 25).
[400] The crossing is located east of Gaza City, and since its establishment in 1995, it has been the main commercial crossing for the Gaza Strip (Saleh, Crossings of the Strip (p. 5-10).
[401] Palestinian Center for Human Rights, Annual Report for 2011 (pp. 37-38)

prisons.. 3- Gaza Strip from the Israeli aggression in November 2012 to the beginning of the 2014 aggression The Israeli occupation forces continued to assassinate the leaders of the Palestinian resistance factions from time to time, as part of a policy that has become a traditional Israeli pattern. The most prominent of these assassinations in 2012 was the assassination of leader Ahmed Said Al-Jabari, 52 years old [402], and his companion Muhammad Al-Hums, 28 years old, on Wednesday, November 14, 2012 [403]. His assassination marked the beginning of the 2012 aggression [404] on the Gaza Strip, which lasted eight days between November 14 and November 21, 2012. More than 1.7 million Palestinians lived through eight days of aggression on Gaza, witnessing scenes of terror and destruction. There was no safe place in the Strip, and everyone was at risk.

Exception across the sector, and to make matters worse, the Israeli occupation forces forced hundreds of Palestinian families to leave their homes, where thousands took refuge in the agency's schools to protect themselves [405].

During the aggression, the Israeli occupation forces did not adhere to the basic principles of international humanitarian law, where civilian targets were hit, and the occupation forces did not warn civilians when hitting civilian targets, especially the bombing of houses [406].

The aggression ended on November 21, 2012, after eight days of killing, bombing and destruction, with an agreement between (Israel) and the Palestinian resistance under Egyptian auspices [407], and the resistance saw that it had achieved a victory; Because it achieved two things related to the security of the sector and the needs of the citizens, (Israel) promised to alleviate the burdens arising

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[402] Ahmed Al-Jabari: Born on December 4, 1960, in the Shujaiya neighborhood, he was assigned by the leadership of the Hamas movement to supervise an institution that cares for the affairs of prisoners, the wounded, and martyrs. He was martyred on Wednesday, November 14, 2012. For more information, see: Ibdaa Foundation for Research, Studies and Training, Chief of Staff of the Resistance (pp. 200-25).

[403] Stein, et al., Human Rights Violations (Hebrew) (p. 3); Women's Center for Palestine, Diary of Aggression (Hajjar Al-Sijil War) (p. 19); Palestinian Ministry of Information, Eight Days of Aggression (p. 10).

[404] The occupation forces called it "Operation Pillar of Cloud," while Hamas called it "Stones of Baked Clay," and the Islamic Jihad Movement called it "Blue Sky."

[405] Palestinian Center for Human Rights Annual Report 2012 (p. 36).

[406] For more, see Stein et al.: Human Rights Violations (Hebrew) (pp. 3-26).

[407] The terms of the agreement A. The occupation forces will stop all hostilities on the Gaza Strip by land, sea and air, including incursions and operations targeting people. For more, see the terms of the agreement to stop hostilities on November 21, 2012 , Journal of Palestinian Studies, terms of the agreement Stop Hostilities (E) 93 (223)

from the siege, and not to prejudice the security of its leadership, and in return (Israel) saw that it had achieved its goal of stopping the firing of rockets from the sector [408].

After the truce entered into force on the evening of November 12, 2012, the Israeli occupation forces kept their siege on the sector during the period between 2012 and 2014, where the closure of the crossings and the naval blockade continued. War Minister Moshe Ya'alon [409] decided on March 21 (March) 2013 to reduce the fishing distance in the Gaza Sea for Palestinian fishermen to only three nautical miles [410], and the crimes of killing against Palestinian citizens also continued, as 8 citizens were martyred in the Gaza Strip, and 66 others were injured during the year 2013.

It appears from the foregoing that the Israeli occupation forces did not adhere to the ceasefire agreement in 2012, and this was represented in not lifting the siege on the Strip, and not allowing large quantities of goods to enter, and not allowing fishermen to reach a distance of 12 nautical miles and reduced it to three miles, and the firing on the border agricultural areas continued, and their owners were not allowed to cultivate them, with the succession of incursions with tanks and bulldozers, and the Gaza Strip reached a new stage of aggression represented by the aggression of 2014.

- **Gaza Strip During the 2014 esclation:**

The Israeli occupation forces launched a third aggression in less than six years, against the Gaza Strip [411], committing the most heinous crimes against human rights, and the most intense aggression in the history of the Arab-Israeli conflict, where the aggression began on July 7, 2014 AD, and continued until August 26 2014 AD (51 days), with violent air and missile strikes, targeting civilian installations, government buildings, charitable and civil institutions, public parks and mosques, universities, media institutions, and economic installations. The bombing operations

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[408] Hatt, reading in the Israeli aggression on the Gaza Strip (p. 9) See: Israel and Hamas: Fire and Ceasefire in a New Middle East Report No. 133, 22 November 2012.

[409] Moshe Ya'alon was born in 1950 AD in Kiryat Haim near Haifa, and he is the seventeenth Chief of the General Staff of the Israeli Army. He studied political science at the University of Haifa, and held some leadership positions in The Israeli army, the last of which was appointed Minister of the Occupation Forces of Israel (Mansour, Dictionary of Flags And Zionist Terms (p. 524).

[410] Al-Zaytouna Center Strategic Report for 2012-2013 (p. 104). (7) Palestinian Center for Human Rights Annual Report 2013 (p. 20).

[411] The occupation forces launched its title (Protective Edge), while the Qassam Brigades launched (the Battle of the Eaten Storm), and the Al-Quds Brigades (the Battle of the Solid Structure).

were accompanied by a ground invasion from several axes on the Strip, and the occupation forces mobilized tens of thousands of soldiers and hundreds of tanks, amid air cover, and heavy artillery, air, and sea bombardment. During its incursion into several areas, it committed massacres against Palestinian citizens, which will be discussed in the chapters of the study.

The development of events until the beginning of the aggression on the Strip

The events accelerated before the Israeli aggression on Gaza in 2014 significantly, where the siege was tightened on the Gaza Strip by closing the Rafah crossing except in exceptional cases, and destroying the tunnels with the Gaza Strip, which was the lifeline of the Strip where food, construction materials and fuel were brought through it [412], As for the internal situation, the events began to escalate and worsen clearly and significantly, as follows:

- The kidnapping of the three settlers in the city of Hebron on June 12, 2014 AD.

The Escalation Phase of Israeli Aggression Accusing Israel of kidnapping the three settlers [413] and the Israeli occupation forces launching a fierce military campaign against safe civilians throughout the West Bank, including widespread arrests of Hamas and Islamic Jihad leaders [414], the closure of several charities, the confiscation of approximately $2.9 million [415], and the execution of the boy Muhammad Abu Khudair, a resident of the Shuafat neighborhood in occupied Jerusalem, after he was kidnapped by settlers and burned alive on July 2, 2014, and his body was found burned in the forests of Deir Yassin in Jerusalem [416].

- The Palestinian resistance movements, led by the Hamas movement, represented by the Qassam Brigades, bombed Israeli settlements and towns (established on the lands occupied in 1948) adjacent to the Gaza Strip, as a natural response to the crimes of the Zionist

[412] For more, see: Baba, Egypt's relationship with the Gaza Strip and the latest Israeli aggression in 2014 (p. 124-132).
[413] Novik, Minutes of Death, Yedioth Ahronoth, July 1, 2014, p. 8721; Haaretz newspaper, the three were killed shortly after their abduction, July 1, 2014, translated by Quds Net Center for Studies and Media.
[414] The Arab Center for Research and Policy Studies, The Israeli Aggression on Gaza (p. 1); Joshua, the kidnapping, Yedioth Ahronoth, June 15, 2014, issue 8707, Al-Risala website, 6/15/2014 Amad Media website on 6/15/2014.
[415] For more, see: The Euro-Mediterranean Observatory, Confiscation of Citizens' Property in the West Bank, 2014; Haaretz newspaper, widespread arrests among Hamas leaders, June 16, 2014 (translated by Quds Net Center for Studies and Media)
[416] Levy, Killing and Anger, Yedioth Ahronoth, July 3, 2014, issue 8723 (5) Haaretz newspaper, dozens of missiles fired from Gaza on July 5, 2014 (translated by Quds Net Center for Studies and Media).

occupation against the people of occupied Jerusalem and the West Bank and its violation of the truce signed with it after the aggression on the Gaza Strip in 2012 through Egyptian mediation, where the number of missile shells reached about 230 missile shells between July 2 [417].

- The Israeli occupation forces bombed citizens' homes on July 8, 2014, and the Qassam Brigades responded in a statement on the same day that targeting citizens' homes represents a crossing of all red lines, and that if the Zionist army does not immediately stop attacking homes. Citizens, the Qassam will expand the range of missile shells, and that it will act in an unexpected way [418].

The Declared Goals of the Israeli Aggression on the Gaza Strip

The most important goals repeated by Israeli political and military leaders were to achieve security for Israeli settlements neighboring the Strip, significantly weaken the military capabilities of Palestinian resistance factions, destroy tunnels connecting the Strip with the lands occupied in 1948, and finally, disarm the Palestinian resistance in the Strip [419]. However, during the aggression, new goals emerged, such as: recovering the bodies of soldiers, preventing the resistance from achieving any accomplishment, and seeking international cooperation with neighboring countries [420].

The Start of the Aggression on the Strip and its Course.

The aggression began after the Israeli Ministerial Cabinet for Political and Security Affairs announced on July 7, 2014, the start of Operation Protective Edge. On the night of July 7-8, 2014, about 50 targets in the Gaza Strip were raided [421]. Among the most prominent targets were the

[417] After these escalating and accelerating events, the Zionist enemy began a fierce aggression against the Gaza Strip that began on July 7, 2014, and lasted for 51 days.
[418] Qassam Brigades statement dated July 8, 2014.
[419]) For more, see: Al-Muslimi, Analytical Reading of the Causes of Aggression (p. 116).
[420] Al-Taher, Gaza: A Preliminary Reading of the War (p. 87).
[421] B'Tselem, Black Flag (p.) (5) Maariv newspaper, Ministerial Cabinet expands attacks, translated by Quds Net Center for Studies and Media, Arab Center for Research and Policy Studies, The Israeli Aggression on Gaza (p. 2).

repeated bombing of the destroyed Gaza International Airport and several Palestinian resistance sites, which led to the martyrdom of 9 Palestinians, including 6 from the Qassam Brigades [422].

A week after the aggression on the Strip, Egypt launched an initiative for an immediate ceasefire in Gaza [423]. Osama Hamdan, head of Hamas' foreign relations, described it as formulated with a defeatist mentality, and that the battle would not stop except on their terms. The Qassam Brigades also rejected the initiative [424].

(Israel) announced its acceptance of the initiative without preconditions [425].

Following the failure of implementing the Egyptian initiative, the Ministerial Cabinet approved launching a ground invasion of the Gaza Strip on July 17, 2014. Occupation forces entered through several axes within the Strip [426] until August 26, 2014.

In a shocking and stunning blow to the Israeli occupation forces, the Al-Qassam Brigades, at the beginning of the ground invasion, managed to kill 30 Zionist officers and soldiers in multiple operations [427]. They also announced the capture of an Israeli soldier, Shaul Aron, in an ambush on the Gaza border on July 20, 2014 [428].

During the aggression on the Strip, the Israeli occupation forces committed heinous crimes, resulting in the martyrdom of dozens of Palestinian families through indiscriminate shelling of residential neighborhoods and the targeting of entire residential areas, destroying homes and killing civilians inside. Among the families completely wiped out were the Al-Batsh and Abu

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[422] Palestine Online website, Bombing of several resistance sites in Gaza, online.
[423] The most important points in the initiative: A. Israel shall cease all hostilities against the Gaza Strip by land, sea, and air, with the emphasis on not carrying out any ground invasion of the Gaza Strip or targeting civilians. B. All Palestinian factions in the Gaza Strip shall cease fire from the Gaza Strip towards Israel by air, sea, land, and underground, with the emphasis on stopping the launching of rockets of all kinds and attacks on the borders or targeting civilians. For more, see: Ma'an News Agency website: The text of the Egyptian initiative to stop the aggression on Gaza (online).
[424] For more on the Egyptian initiative and its comparison with the 2012 Egyptian initiative, see: Abu Al-Namal, Comparative reading of the 2014 Egyptian initiative with the 2012 understandings, August 2014.
[425] Russia Today website: Israel agrees to the Egyptian initiative and continues bombing Gaza (online).
[426] Voice of Israel website: Urgent – Israel forces launches ground invasion of areas in Gaza Strip (online).
[427] For more, refer to the military statements of the Al-Qassam Brigades during Operation Protective Edge, Al-Qassam website (online).
[428] Al-Qassam Brigades statement dated 7/20/2014.

Najm families [429]. They also carried out numerous indiscriminate attacks, such as the massacres in Shujaiya, Khuza'a, and Rafah, as well as mass killings and deliberate murders of civilians [430]. All these crimes will be discussed in detail in subsequent chapters of the study.

Decision to Halt the Aggression

After continuous rounds of talks in Cairo between the unified Palestinian delegation and the Israeli delegation indirectly[431], it was announced that an agreement had been reached, resulting in a ceasefire between both sides on August 26, 2014 [432].

Thus, the Israeli aggression that lasted for 51 days ended with too much of lost for the Palestenian pepole.

- **Israel–Palestine escalation (10−21 May, 2021):**

Violence flared again in 2021 when Israel threatened to evict Palestinian families in a neighbourhood of East Jerusalem, called Sheikh Jarrah, where holy sites are important to Jews, Christians and Muslims. The Israeli police also gave restrictions around the al-Aqsa Mosque during Ramadan, which is the holy month of the Muslim. Such measures triggered angry confrontations between Palestinians and Israeli police officers that grew into a large-scale fight. Hamas fired rockets into Jerusalem and Israel responded with airstrikes on the Gaza. Even though the warlike attacks by Israel were said to be on the Hamas and its infrastructure, over 200 civilians were killed. It took 11 days to end the combat during which a ceasefire was negotiated through the efforts of Egypt and Qatar. But the Palestinian frustrations were not to be settled so the violence between the Israelis and the Palestinian militants ensued..

When it comes to crimes of premeditated homicide of, children, attacking medical teams, and the use of internationally banned weapons, we will read all that in this part of the study that studies

[429] For more, see: The Palestinian Center for Human Rights, Annual Report 2014 (pp. 32-36).
[430] For more, refer to the Euro-Mediterranean Observatory: Indiscriminate Attacks and Deliberate Killing, October 2014.
[431] Including all factions of the Palestine Liberation Organization, Hamas, and Islamic Jihad, led by Azzam Al-Ahmad, a leader in Fatah.
[432] For more, see: Yedioth Ahronoth, Without Disarmament and Crossings Will Open, August 27, 2014 (Translated by Quds Net Center).

the crime of deliberate murder and violation of the right to life in the Gaza Strip 2006-2014 ADAD[433].

This part is associated with the situation within Gaza Strip between the years 2006 and 2024, which is presented in Figure 2

2. This time was accompanied by a siege, shutdown and frequent aggression. The occupation forces attacked Gaza both in 2008-2009, again in 2012, a third in 2014, a fourth in 2021, and the current aggression which began in October 2023 began in October The origins of this outburst stem deep into Israel-Gaza tensions when, in a massive surprise attack on southern Israel, Hamas killed some 1,200 Israelis and captured around 250 hostages into the Gaza region. Before the October attacks, the West Bank had seen rising levels of violence, Jerusalem was also experiencing religious site access disputes and there was a "worsening humanitarian situation" in Gaza as a result of an on-going blockade. Hamas cited these factors, along with the continued occupation and restrictions on Palestinians, as motivations for their actions.. During these periods, numerous human rights violations were committed, which will be explored in detail in the chapters of this study.

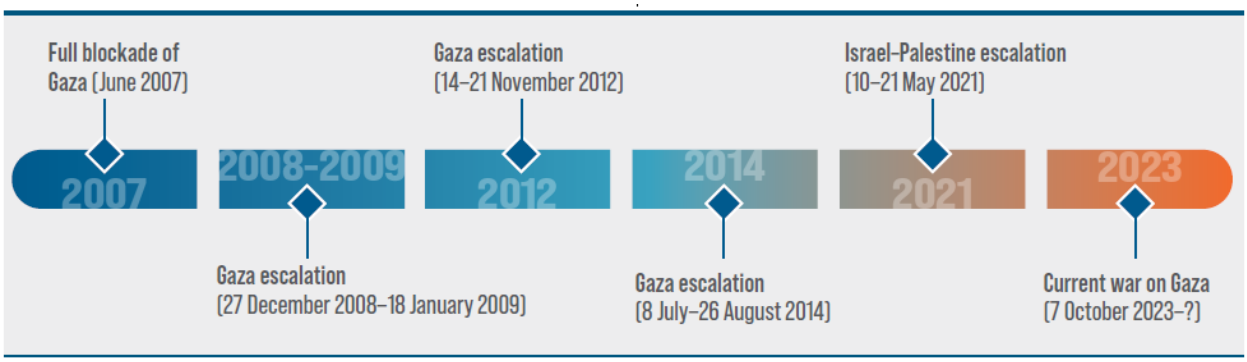

Figure 5: Timeline of major military interventions in Gaza

[433] For more on the jihadist harvest of the resistance factions, see: Shabir, Opening the Missile War in the Firm Cliff, The Firm Cliff, Repercussions and Lessons, p. 46; Qassam statement dated 7/28/2014 Qassam statement dated 7/21/2014 Qassam statement dated 7/19/2014 For more on the jihadist harvest of the Qassam Brigades, see the military statements of the brigades through the Qassam Brigades website on the Internet. Al-Quds Brigades statement: The harvest of the battle of the solid construction on August 29, 2014 The website of the Nasser Salah al-Din Brigades on the Internet); Al-Aqsa Martyrs website on the Internet).

- **Middle East Normalization Efforts Undermined by New Conflict 2023:**

The US was seeking a more unified, successful and stable Middle East region in the past years back, it shifted its focus to the global issues such as Russia and China rather than Iraq and Afghanistan. Despite the fact that the US-led negotiations between Israel and the Palestinian Authority stalled in 2014, the Trump administration achieved some of the deals regulating normalization of US relations with Israel and a range of Muslim majority nations: the United Arab Emirates, Bahrain, and Morocco. These treaties were aimed at creating diplomatic and economic relations. The desire of the Biden administration to normalize the relationship between Israel and Saudi Arabia was also based on containing Iran as they are also a common antagonist that provides financial support to Hamas. However, Hamas's attack on October 7 and Israel's severe response in Gaza have disrupted these efforts. This war between Israel and Hamas is the deadliest of the two sides as both are accused of war crimes. Israel has been keen to cause loss of civilian lives with the aim of destroying Hamas. Worldwide protests have erupted, including in neighboring Arab countries, condemning the US for its perceived complicity in Israel's actions against Palestinians. It has been whispered that the war might spill over to Lebanon as the level of violence intensifies in the northern border of Israel-with Hezbollah. Iran has also threatened "preemptive action" by the "resistance front," likely referring to groups like Hezbollah, against Israel as it prepares for a ground invasion. It appears difficult to get the resolution. The possibility of a ceasefire can be linked to the US using its influence and power in Israel to stop the violence and the further escalation. The scholar will analyze recorded cases of aggression in the war conflict that took place in Gaza in 2006-2009 and 2012 and 2014. In the next chapter, the innuendo will change and will be based on the current war in Gaza in 2023 presenting that violence against children is not a novelty.. In the following chapter, the focus will shift to the ongoing war in Gaza in 2023 to highlight that violence against children is not a new occurrence.

6 CHAPTER 6

6.1 Research Methodology:

Methodology

This section outlines the methodology employed in this study, which aims to examine the impact of Israeli aggression on the protection of children's rights in the Gaza Strip. The research approach combines both qualitative and quantitative techniques to provide a comprehensive understanding of the issue. Key elements of the methodology are discussed below.

Research Strategy and Design

The study adopts a mixed-methods approach, integrating a literature review and survey-based data collection. This strategy allows for triangulation, enhancing the reliability and validity of the findings. The research design is descriptive-analytical, focusing on the lived experiences of children in Gaza and the structural factors that exacerbate their vulnerability under occupation and conflict.

Literature Review

A thorough review of existing literature related to child protection, international humanitarian law, and the effects of armed conflict on children was conducted. The literature review provides a theoretical framework, highlighting the legal protections afforded to children under international conventions, such as the UN Convention on the Rights of the Child, and documenting documented violations in conflict zones, particularly Gaza. It also contextualizes the socio-political environment of the occupied Palestinian territories and historical patterns of aggression and settlement expansion.

Population and Sample Selection

The study population includes Palestinian children residing in Gaza, as well as key informants such as educators, child protection officers, and NGO staff working in the region. Due to logistical and ethical constraints, a purposive sampling technique was employed, targeting individuals most

directly affected or involved in child protection. The sample size was determined based on accessibility, representativeness, and the goal of obtaining meaningful insights into the experiences of children under military occupation.

Questionnaire Design and Data Collection

Data collection relied on a structured questionnaire designed to capture quantitative data regarding the prevalence and types of violations against children, as well as qualitative insights into their experiences and perceptions. The questionnaire was pre-tested in a pilot study to ensure clarity, relevance, and appropriateness of language. Data were collected through a combination of online surveys, telephone interviews, and field-based interactions where possible, taking care to respect ethical standards and ensure participant confidentiality.

Statistical Data Analysis

The collected data were analyzed using statistical techniques to identify patterns and trends in child protection violations. Descriptive statistics, including frequencies and percentages, were employed to quantify the extent of violations such as killing, maiming, abduction, and recruitment of child soldiers. Inferential statistical methods were used where appropriate to examine relationships between variables, such as age, gender, and exposure to violence.

Content Validity and Pilot Study

To ensure content validity, the survey instruments were reviewed by experts in child protection and international law. Feedback from this review informed revisions to the questionnaire to improve clarity, reduce ambiguity, and ensure alignment with the research objectives. A pilot study was conducted with a small subset of respondents to test the practicality of the survey process and to identify any potential logistical challenges. The pilot findings were incorporated into the final data collection approach.

The Israeli aggression violates the international protection of children's rights in the Gaza Strip.

After decades of occupation, Gaza, a 2.3 million-person occupied Palestinian, has been subject to an Israeli blockade for the past 16 years. The region has faced continuous and repeated attacks on

its citizens and sacred sites like the Al-Aqsa Mosque. Homes have been burned, settlements expanded, and settler violence has increased. Over the past ten years, there has been a surge in youth activism among Arab-Palestinians in Israel, addressing political and social issues. Children, especially Palestinian children in Jerusalem, suffer the most due to their precarious legal status. While Israeli children enjoy legal protections, Palestinian children in Gaza and the West Bank are subjected to military courts system, a practice that has drawn significant international concern. Israel is the only country that systematically prosecutes children in military courts. Palestinian minors aged as young as 12 are currently tried, interrogated and arrested every year between 500-700in line of the military law[434]. Israel has exercised two distinct jurisdictions in the West Bank since 1967 Israeli settlers are governed under the civilian law, whereas children and Palestinians are governed under the military law. Israel has never had a juvenile military court until 2009 when one was implemented and became the only of its kind in the world. Nevertheless, there are many reports that Palestinian children are cruelly treated in the course of arrest and detention. Night raids, blind folding, agonizing acts of restraint and solitary confinements are the common practices. Questioning is common and not even accompanied by a lawyer or family members and the results of questioning are often signed in Hebrew, a language most of the Palestinian minors are unaccustomed to, according to a report released by Save the children in 2023, 86 percent of detained Palestinian children reported being beaten.

69% were strip-searched

60% experienced solitary confinement

68% were denied healthcare

58% were denied visits or communication with family[435]. These findings align with a 2013 UNICEF report, which concluded that the ill-treatment of Palestinian children in Israeli military detention is widespread, systematic, and institutionalized, violating international law. The case of

[434] How does Israel violate international law to detain children under military law?
[435] Defenceless: The Impact of Israeli Military Detention on Palestinian Children - occupied Palestinian territory | ReliefWeb

Ahmad Manasra, arrested at age 13 in 2015, highlights these issues. He was sentenced to nine and a half years in prison and spent significant time in solitary confinement, leading to severe mental health deterioration. His case has been cited by human rights organizations as emblematic of the systemic problems within the Israeli military justice system concerning Palestinian minors[436].Figures like Ahed Tamimi highlight the resistance and struggles of these young individuals. Future discussions will delve into child protection amid activism, conflicts, detentions, and recruitment for terrorism. Since October 7, 2023, Israeli forces retaliated with heavy aerial bombardment and ground operations in Gaza after Palestinian armed groups launched an attack on Israel that claimed 1,200 Israeli and foreign lives, including 40 children, and kidnapped 36 children as hostages. A series of humanitarian pauses began on November 24, 2023, lasting until December 1, 2023, with intermittent extensions sought through the UN Security Council, after the International Criminal Court (ICC) received an application concerning Israel's actions in Gaza. The ICC's provisional measures order acknowledged plausible claims of genocide and imposed duties on Israel to prevent such atrocities. Nevertheless, continuous destruction in Gaza has not taken into account such actions; even with international outcry and as being recorded by human rights bodies such as Amnesty International, Human Rights Watch, United Nations, among others. By August 15, 2024, there are now unfortunately 40004 lives lost in the Gaza leaving 70 percent children and women who get killed in the conflict, and many children are yet to be found among the displaced 1.7 million people in the area. Another 126 children have died in the West Bank via Israeli forces or settlers.

The ongoing escalation of Israel's long-standing conflict in Gaza has resulted in severe destruction and a significant humanitarian crisis. More than 92401 individuals, of whom are civilians have been wounded and, thousands continue missing after the deployment of 34000 tonnes of explosives since October 7, which is equitable to two nuclear bombs. The 2.2 million residents of Gaza are experiencing extreme food insecurity, One out of every four households is experiencing severe conditions, such as starvation. The situation is particularly dire for the 335,000 children under five in Gaza, who are at a high risk of severe malnutrition and preventable death.

As scholars focused on critical childhood studies, The systematic violations of children's rights in the occupied Palestinian territories, particularly Gaza, cannot be overlooked. The ongoing violence, destruction, starvation, and displacement that children in Gaza endure are beyond

[436] Defense for Children Palestine

comprehension.These children, who are especially vulnerable to physical and emotional trauma, are supposed to be protected under international law protections that Israel's actions in Gaza blatantly disregard

Israeli military conduct in Gaza is against the UNCRC and any other international laws or regulation that are meant to help save and protect civilians caught in a conflict like the 4th Geneva convention and its supporting laws.. These legal frameworks are crucial for protecting children's rights to their cultural environment, education, and religious practices, all of which are significantly undermined by the continuing conflict.

The 2023 aggression is the most violating of the international protection of children's rights since the Israeli occupation of the Strip in 1967, and to clarify the extent of these violations, they will be highlighted through the monitoring and reporting mechanism established pursuant to the aforementioned Security Council resolution (1612), which includes (6) serious violations, namely (killing or maiming children, recruiting and using children as soldiers, attacking schools or hospitals, rape and other serious sexual violations, kidnapping children, and cutting off humanitarian aid to children). In the occupied Palestinian territories, a mechanism has been established to monitor and report violations of children's rights in accordance with the same Security Council resolution on children in armed conflict and with the support of UNICEF. Since 2007, an informal working group has been submitting voluntary reports on the six violations against children. The Palestinian team added three violations to the initial list:(arrest, torture, and forced displacement).

6.2 Research Sample:

The researcher created two questionnaires, one for parents and another for children, to assess the effectiveness of child protection measures.

The researcher employed a method of data collection involving a questionnaire distributed to citizens who experienced conflict and were forced to leave their homes, aiming to measure the quality of the protection process. Table 3.1 illustrates the distribution of population in the Gaza Strip for each region.

Table 10: Population Distribution by Governorate in the Gaza Strip.

Region	Population
North	388945
Gaza	893932
Middle of Gaza	331945
Khan Younis	463744
Rafah	296611

A stratified random sample was selected from the population of the Gaza Strip, which is divided into five regions (Governorates). The sample included participants from all these regions to identify any regional differences in responses. The researcher randomly distributed the questionnaire to families, ensuring distribution based on their availability. Out of 770 questionnaires distributed by hand, 385 were returned.

$$n = \frac{Z^2 \cdot p \cdot (1-p)}{E^2 \left(1 + \frac{Z^2 \cdot p \cdot (1-p)}{E^2 N}\right)}$$

To determine the sample size for a population of 2.3 million, the researcher used a specific formula.

Where:

- N = Population size (2,374,177)

- Z = Z-value (the number of standard deviations from the mean; derived from the confidence level)
- p= Estimated proportion of the population (if unknown, use 0.5 for maximum variability)
- E = Margin of error (the desired level of precision, use 0.05)

Common Z-values for Different Confidence Levels

- 90% Confidence Level: Z=1.645Z = 1.645Z=1.645
- 95% Confidence Level: Z=1.96Z = 1.96Z=1.96
- 99% Confidence Level: Z=2.576Z = 2.576Z=2.576

assuming an estimated response rate of 50%. Such an assumption resulted in 770 questionnaires distributions. The researcher employed a particular formula so as to deduce the sample size per region. This method offered a clear indication of the number of the samples that were required to adequately cover each region in accordance to the population percentage of each region. As a result, the researcher assigned a particular sample size to each area. Also, to determine the child to parent distribution, the researcher employed the population percentages such that in Gaza where there are 1.1 million children in a total population of 2.3 million, the percentages were established as 48 percent of the total samples to the children, and 52 percent to the parents..

7 CHAPTER 7

7.1 Data Analysis and Discussion:

7.1.1 Introduction

This section aims to statistically analyse the empirical data collected through structured questionnaires to provide a realistic picture of the enforcement of child protection laws during the war in the Gaza Strip as a case study. This chapter is divided into two main sections. The first addresses personal traits, while the second discusses and interprets the research findings.

7.1.2 Personal traits

Gender

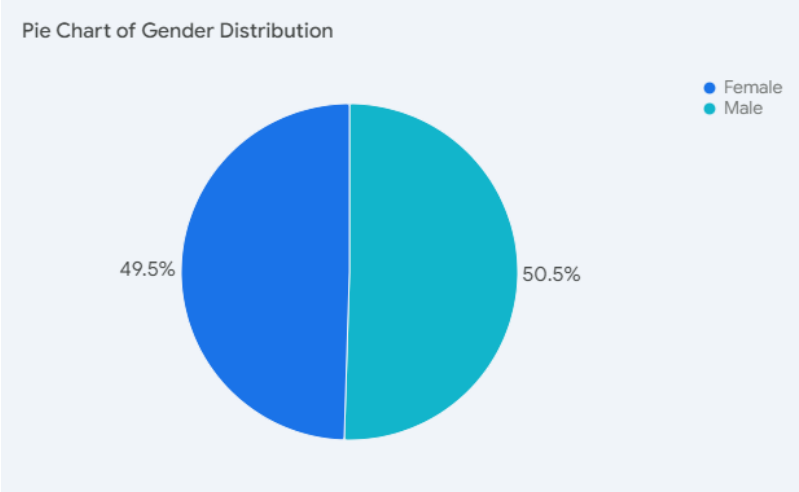

Figure 6: Pie Chart of Gender Distribution

Figure 5 illustrates that 50.5% of the sample were male, while 49.5% were female. The researcher views this distribution as typical, attributing it to the demographic composition of the community from which the samples were drawn, where females constitute 49.3% of the population.

Age:

The sample age group ranges from 9 to 60 years. For children, the mean age is 13.4 years, with a

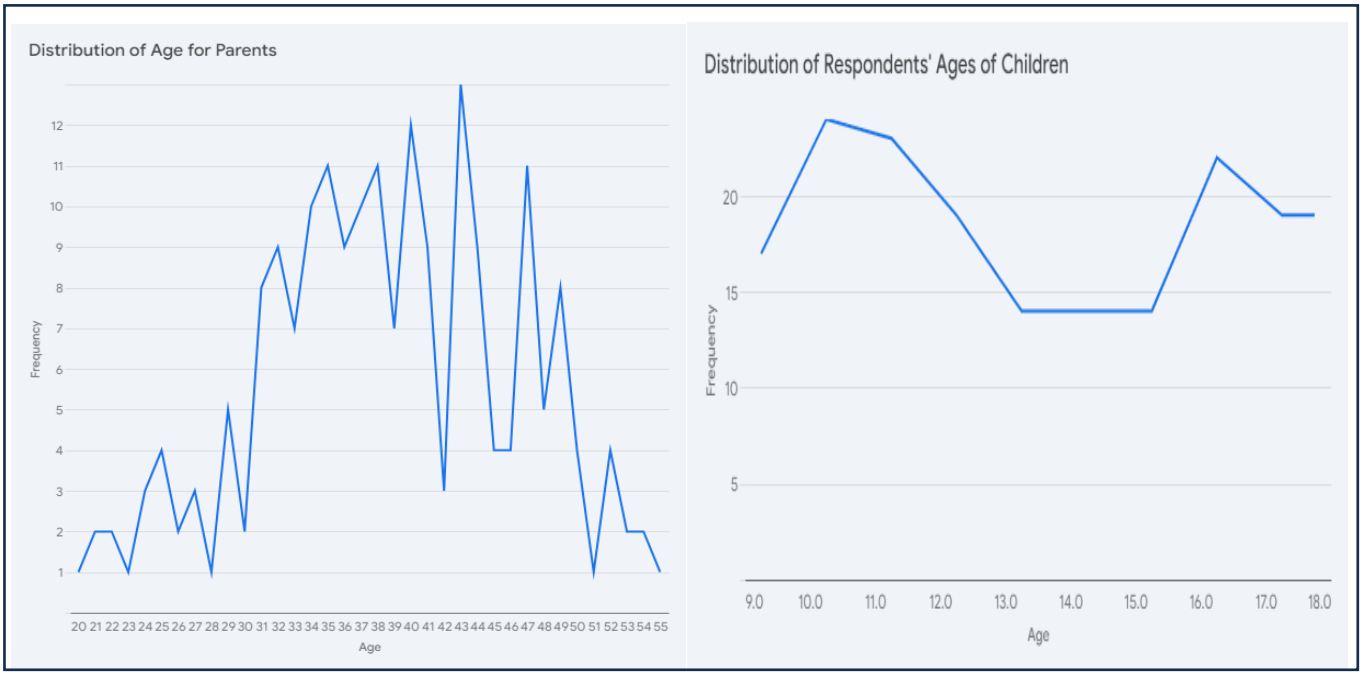

Figure 7: Distribution of Age for Children and Parents

standard deviation of 2.96 years. For parents, the mean age is 38.58 years, with a standard deviation of 7.68 years.

Region :

The researcher determined the sample size for each region based on their respective populations:

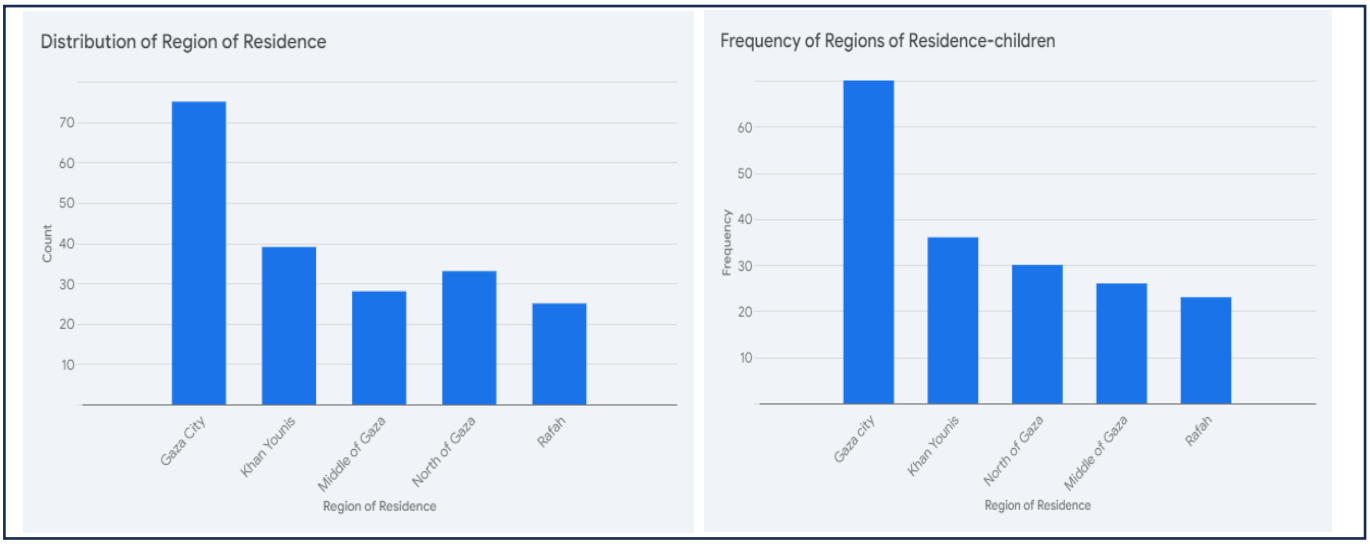

Figure 8: Distribution of region of sample

Gaza City (893,932), Rafah (296,611), Khan Younis (463,744), the Middle Area (331,945), and

the North Gaza (388,945). By using a specific formula, the researcher calculated the appropriate sample size for each region. The figure below clearly shows the sample distribution for each region.

7.2 Discussion and Interpretation of the Study Dimensions

7.2.1 First Violation: Killing and Maiming of Children in Gaza

Table 11: shows the respondents' data on the first violation, which is the killing and maiming of children, along with frequencies and percentages for each question

	Value	Frequency	Percentage
Educational Level	Elementary	83	44.86%
	Secondary	60	32.43%
	Primary	42	22.70%
Did you feel afraid during the conflict?	Yes	138	74.59%
	No	47	25.41%
If yes, has fear negatively impacted your life?	Yes	73	52.90%
	No	65	47.10%
To what degree?	Low	27	36.99%
	Moderate	26	35.62%
	High	20	27.40%
Do you feel safe at home?	No	185	100.00%
What are the concerns you have about your safety?	Various Concerns	185	100.00%

The table above gives an elaborative account of the answers to different questions in the dataset. It indicates how often and in percent each of the answer alternatives was chose in relation to each question..

For example, the question "Afraid During Conflict" has two response options: "Yes" and "No". The table indicates that 138 respondents (74.59%) answered "Yes" and 47 respondents (25.41%) answered "No"

Children expressed their fear, with 27.4% rating it as high and 35.6% as moderate. All children reported not feeling safe at home, which is understandable given the constant threat of attacks surrounding them. UN agencies highlighted the severe impact of the conflict on children, stating, “This war is a war on children. It is a war on their childhood and their future,” according to UNRWA Commissioner-General Philippe Lazzarini. He described the latest data from Gaza health authorities as "staggering," indicating that at least 12,300 children have died in the enclave in the past four months, compared to 12,193 globally between 2019 and 2022.[156]

To verify the accuracy of the children's responses, we asked more detailed questions to the parents. The results closely matched the children's responses, as shown in the table below. The table below shows the percentage and frequency of parents' responses in the section on killing and maiming violations.

Figure 9: The World vs. Gaza: A Disparity in Child Deaths (Source: United Nation and MoH in Gaza)

Table 12: shows the respondents' data on the evacuation process.

Question	Yes/No	Frequency	Percentage
Did your children feel afraid during the conflict?	YES	199	99.5
	NO	1	0.5
If yes has fear negatively impacted their lives?	YES	195	97.5
	NO	4	2
	No	1	0.5
To what degree?	high	121	60.5
	moderate	67	33.5
	low	12	6

Have you been forced to leave your home?	YES	200	100
If yes has a place been provided for you to sleep?	YES	156	78
	NO	44	22
Who provided it?	UN agency	49	31.41
	Donor Institutions	44	28.21
	Relatives	40	25.64
	Government	23	14.74
Did you leave your house during the bombing putting yourself at risk?	YES	186	93
	NO	14	7
Was a safe evacuation route provided for leaving your home?	NO	116	58
	YES	84	42
Were you directly targeted while leaving your residential area?	NO	159	79.5
	YES	41	20.5
If yes, what method was used to target you?	Shooting	35	85.37
	Bombing aircraft	6	14.63
Did you receive assistance from any organisation to leave your home?	NO	190	95
	YES	10	5
If yes, which organisation provided the assistance?	PRCS	6	60
	UN organization	4	40
If not did you request assistance from any	NO	119	62.63
	YES	71	37.37

Israel's actions have subjected the 2.3 million people of Gaza to unprecedented attacks from the air, land, and sea, resulting in the deaths of thousands of civilians and the destruction of homes and essential public infrastructure, insisted Adila Hassim. As shown in the table, 99.5% of parents indicated that their children were afraid, with around 60% reporting a high level of fear. Additionally, 100% of respondents mentioned being forced to leave their homes, aligning with UN reports that more than 1.7 million Palestinians have become internally displaced persons (IDPs).

Over two percent of Gaza's child population have been killed or injured in the past six months of war [157], which has devastated the health system and disrupted access to education, according to Save the Children. Every single child in Gaza is suffering from" relentless mental harm" due to the "complete psychological destruction" from the ongoing genocide.

Consider the traumas these children and their families are enduring. The horrors they continue to live through are unimaginable. No child should be subjected to such death and violence. One mother confided that she needed mental health support more than food.

A pie chart titled "Distribution of Fear Levels Among Children Who Felt Afraid" illustrates the varying degrees of fear experienced by children during the conflict. Key insights from the graph include:

A majority of children (60.8%) experienced a high degree of fear.

A significant proportion of children (33.2%) experienced a moderate degree of fear.

A small percentage of children (6.0%) experienced a low degree of fear.

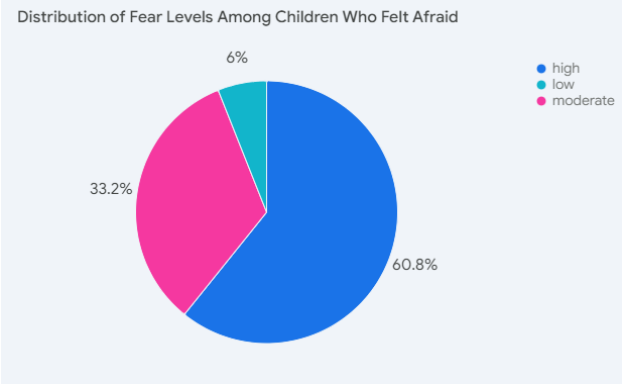

Figure 10:Shows the Distribution of Fear Levels Among Children Who Felt Afraid

The conditions for providing humanitarian assistance to children in Gaza are worsening. The Gaza children are having the nightmare. They have lived to see months of siege and bombardment that has both trauma-ed their bodies and souls. Some have lost their limbs, loved ones, homes and schools and cannot imagine the trauma they have suffered. Already existing mental health crisis has been increased by the violence that intensified in October 2023. Nearly half of Gaza's population is under 18, and they are now struggling with anxiety, depression, post-

traumatic stress disorder[158] and other serious conditions. Regretfully, this was not the case as the PTSD already affected more than half of the children in Gaza even before this fight. Caring for such children mentally is extremely hard. It concentrates on the immediate requirements such as food, water, and shelter, but there is no place to hide and stay safe incessantly due to the bombing. Hospitals and clinics are destroyed or are left without medicine, and disrupted internet access precludes the possibility of remote therapy. The kids in Gaza are desperately in need of aid, yet there is difficulty in reaching the study because of the crisis.Many children suffer from physical trauma symptoms. "A lot of them have been impacted by the bombs," Safe children said. "They bear wounds, their bodies are filled with splinters and broken pieces. Some have lost their sight, and others have lost limbs."

Also observed a wide range of psychological and behavioral health issues in the children, including "fear of darkness, general anxiety, flashbacks, nightmares, avoidance, difficulty sleeping, and traumatic memories."

Various researches have indicated that many children in Gaza and the West Bank are mentally ill and emotionally traumatized. In a 2011 review, it was noted that prevalence of PTSD among Palestinian children is very high where the estimates have shown between 23 and 70 percent in various studies.

Before the most recent crisis in 2021, UNICEF reported that one in three Gazan children needed care for trauma due to the fighting. Save the Children conducted a study in 2022, interviewing 160 parents and nearly 500 children in Gaza. The study found that 80% of the children showed signs of mental distress, around 50% had contemplated suicide, and 60% were self-harming[159]. Four out of five children reported living with depression, grief, and fear. A mother from Gaza expressed her worries to the survey crew, saying, "Our children have been through many conflicts. They were already having trouble being resilient, and now they are finding it very difficult to cope. The kids can't stop sobbing and acting scared and angry. Adults are responding in a similar way. Even adults find this to be too much to bear, let alone kids.

Approximately 1.8 million Gazans now live in the south after an Israeli Defense Forces order to evacuate the north in mid-October. Gaza's government media office has warned against these evacuation orders, stating that they lead to "death traps, killings, and field executions." According to the Israel forces, the goal of such orders was to evacuate civilians who were not expected to be

in or near the combat areas and to provide easier actions of the military against Hamas. It was also part of the plan of the evacuation to prevent excessive casualties among civilians because of the ground operations that would have targeted Hamas infrastructure in the highly populated locations .Humanitarian concerns were brought up however because of the evacuation orders and the actions that followed by the military. The displacement of around 1.8 million Gazans to the south has overstretched resources and infrastructure that prove to be overcrowded and have limited access to necessities. Evacuation orders have been criticized by human rights agencies that claim that it might amount to forced displacement and lead to grave legal and ethical issues. This has been worsened by denying access to humanitarian aid hence making the humanitarian situation in Gaza to be critical.Further, 22% of those forced to leave reported having no place to stay, often sleeping on the streets. Even those who found shelter provided by UN agencies stated that these places were not safe, as they were also under attack. According to a UN report, 190 UNRWA facilities have been impacted, with at least 520 displaced individuals killed while sheltering in UN buildings[160]. The International Committee of the Red Cross (ICRC) noted that at least 22 people were killed in a strike on civilians sheltering in southern Gaza on Friday 14/7/2024

Additionally, 93% of those forced to evacuate did so during bombings, putting themselves at great risk, and more than 58% reported no safe evacuation routes. Of those who received safe route instructions, 20% still faced attacks, including shootings and bombings. Reports from BBC and

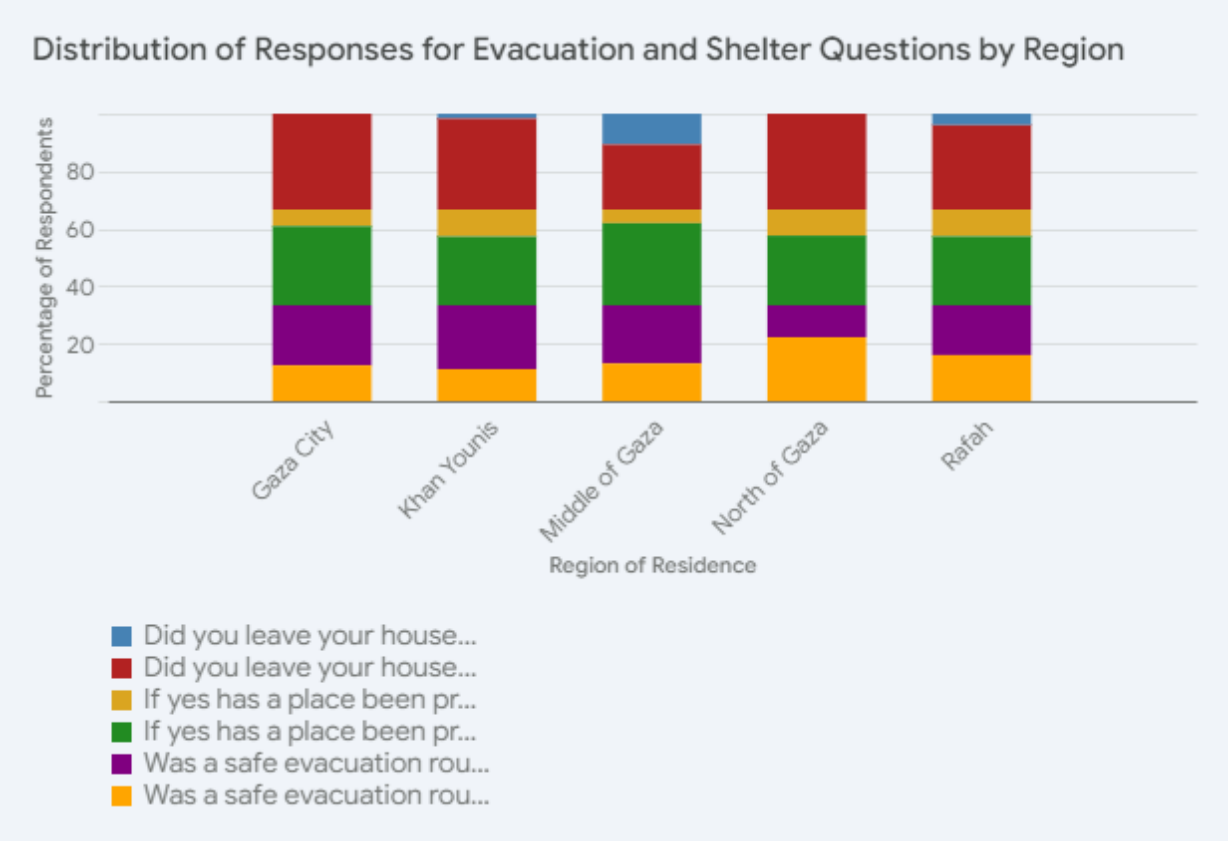

Figure 11: 'Distribution of Responses for Evacuation and Shelter Questions by Region'

the New York Times revealed that Israeli airstrikes hit convoys of Palestinian evacuees, killing 70 people, mostly women and children.

The figure titled 'Distribution of Responses for Evacuation and Shelter Questions by Region' illustrates the experiences of respondents regarding leaving their homes during bombing, the availability of safe evacuation routes, and access to shelter. The x-axis represents the different regions, while the y-axis shows the percentage of respondents. Each bar is colored according to the question and response:

1. 'Did you leave your house during the bombing, putting yourself at risk?':
    - **steelblue** represents 'NO'
    - **firebrick** represents 'YES'

2. 'Was a safe evacuation route provided for leaving your home?':
    - **goldenrod** represents 'NO'
    - **forestgreen** represents 'YES'
3. 'If yes has a place been provided for you to sleep?':
    - **purple** represents 'NO'
    - **orange** represents 'YES'

Such visualizations give some indication about the levels of safety and shelter faced by the respondents during the conflict along with the regional variation and possible humanitarian assistance gaps. The conflict in Gaza is so far-reaching as it has led to displacement and suffering. With Israeli military orders to leave their homes, over two-thirds of Gaza's people have been uprooted, creating a massive humanitarian crisis. It is estimated that 1.5 million individuals most of them women and children are currently displaced in Gaza. Many are crammed into congested UN shelters, and some ended up sheltering wherever they can, whether it be in hospitals or places of worship, schools or just sleeping on the street. The scenario is that of desperation with most of the families being unable to get security and basic needs. The Israeli government continues to give evacuation orders in the northern parts of Israel but there are no safe havens left to accept the incoming displaced persons. Around 160,000 internally displaced persons in gaza city/north Gaza are taking shelter in 57 UNRWA shelters[161]Nevertheless, such facilities are overstretched, and they are not in a position to offer vital services any longer.. Since the initial Israeli evacuation order on October 13, accurate information regarding the needs and conditions of these IDPs has been lacking. This situation persisted until most of the UN facilities were attacked, leaving Palestinians with nowhere to seek shelter, “We are in the street now, as there is no place to go,” a palestenian woman said, She said she fled with her family after they received a call notifying them to move south. But as they left the area, it was under heavy bombardment, she said

This massive displacement has been exacerbated by the destruction of homes and significant damage to residential structures, necessitating urgent rubble removal. On Monday July 8, 2024, Israel launched a new military offensive in Gaza City, further complicating the situation[437]. Evacuation orders created confusion as tens of thousands of Palestinians fled the bomb-ravaged northern city amid what residents described as

[437] Israel steps up Gaza strikes; polio vaccination halted by blockade | Reuters

some of the most intense bombardments since the war began[438]. Residents, U.N. officials, and civil defense workers reported chaos as tanks moved into neighborhoods where some families had only just arrived after following evacuation orders from other parts of the city a day earlier.

It all began with an unprecedented directive. "The command to evacuate 1.1 million people from northern Gaza in October defies the rules of war and basic humanity," wrote Martin Griffiths, head of the UN Office for the Coordination of Humanitarian Affairs. Israel's military instructed all residents of Gaza City and northern Gaza to move south, a command never before seen in the long history of conflicts between Israel and Hamas.

The mass exodus was chaotic. One man, who left with his family to southern Gaza, described seeing families packed nine or eleven to a car, while those who couldn't afford transportation were forced to walk. "There were people who walked 45 kilometers on foot families," he reported. "Every day we are displaced. Every hour we are displaced."

Palestinians out of north gaza acted on the alerts given to them by the Israeli military in terms of phone call, text messages, and fliers thinking that they were escaping to the possible safety. The guidance was issued on Friday by the Israeli Defense Forces advising all the civilians in north Gaza to move to the places south of Wadi Gaza. Nevertheless, Israeli airstrikes in places beyond the evacuation zone killed some of those Palestinians who heeded these warnings and left their homes. The Gaza Strip's crossings with Egypt and Israel were closed, leaving overcrowded homes of relatives and friends in southern Gaza as the only option. The roads were strewn with rubble, and fuel was scarce. For many older people, people with disabilities, and hospital patients, evacuation was impossible.

On November 12, in the al-Rimal neighborhood, a Palestinian woman was shot by a sniper while fleeing with her grandson, who was holding a white flag[162]. Not many days after, on November 15, when one of the three Israeli hostages, shot dead by Israel forces was having a white flag as well. An inquiry into this event established that Israel forces did not observe the rules of engagement. Relying on such cases among others, the Commission suggests that this is a clear demonstration of the common occurrence of shooting people without identifying their identity or determining whether they are a threat or not.

[438] Netanyahu remarks complicate cease-fire negotiations, critics say - The Washington Post

The pie chart titled 'Relationship between Targeting and Method Used' illustrates the distribution of targeting methods among respondents who were directly targeted while leaving their residential area.

Key insights from the graph include:

- A majority of those targeted (85.37%) were targeted by shooting.
- Less of them (14.63 percent) were also attacked by bombing airplanes.

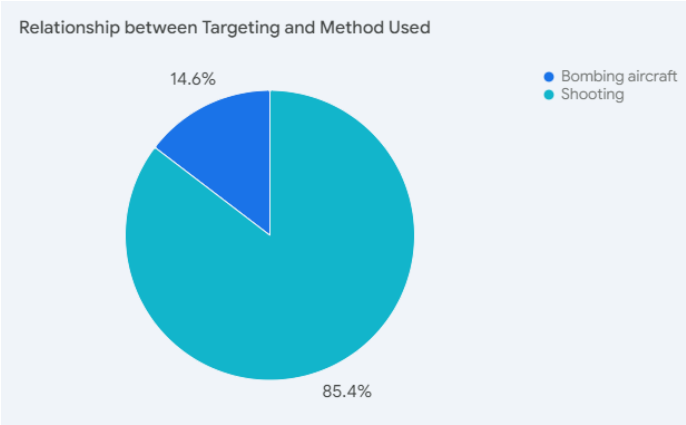

Figure 12: Shows the 'Relationship between Targeting and Method Used

Thousands of people escaped through courses designated by Israel in the north of Gaza, despite the series of airstrikes and rockets. Sadly, according to Palestinian health officials, during evaculation, 70 people, most of them women and children, were murdered. Gaza's main hospital, Al-Shifa, struggled to treat over 9,000 injured Palestinians, making evacuation impossible[163]. These casualties highlighted how areas of evacuation and Israel warnings were not enough to ensure that civilians were safe in Gaza as there was no hiding place against the Israeli bombs. The EU's top diplomat, Josep Borrell, condemned the situation, stating, "There are no 'safe zones' in Gaza." He had fears that the offensive would lead to a great number of poor souls killed out there. There was also the problem of fuel shortages within Rafah, which further deterred any evacuation efforts. A lot of the residents were just feeling helpless and having no place to go. The international humanitarian law delineates the course of duty amongst the sides of the conflict and their citizens, irrespective of whether the opposite partner acts in accordance with the law or not. Hamas's targeting of civilians did not justify the Israeli military targeting civilians or neglecting its responsibility to protect them. The evacuation order raised concerns under international law. First, effective warnings should be issued to civilians, but alerting them to flee without a safe destination or means of safe travel does not offer protection. Even if warned to leave, civilians in Gaza remain protected under international law. The Israeli military must not target them or civilian structures.

Additionally, using threats to scare civilians is forbidden under the laws of war. The broad evacuation order, impossible to safely follow, raised concerns that it was meant to frighten people from their homes. Furthermore, the order could lead to forced displacement, a war crime.

Many older Gazans recalled their 1948 displacement and Israel's refusal to let them return. Israeli government calls to Gazans to go to Egypt to flee stoked fears of losing homes again. UN Secretary-General has described this evacuation, without a place of safety as disastrous, which is also the view of international aid organizations.

Despite this, Israel ordered Palestinians in eastern Rafah to leave for a designated "humanitarian area" before a military operation. This caused panic among the estimated 100,000 affected[164]. Israel claimed this was necessary to defeat Hamas, but the UN and US cautioned against attacking a city sheltering over a million displaced people. On May 6, the Israeli military's evacuation order sparked widespread fear and desperation. Many fleeing had already been displaced multiple times during the conflict. According to the UN, the war had displaced 1.7 million people in Gaza, 1.4 million of whom were now crammed into Rafah. Prior to the war, Gaza's population exceeded two million.

By May 11, the Israel forces stated that "approximately 300,000 Gazans have moved towards the humanitarian area in al-Mawasi" since Monday[165]. Petropoulos said tens of thousands have been forced to flee in the past 24 hours,7 June with some displaced three times in the past 10 days.

Predominately, it is estimated that nine out of ten people have been dislodged in Gaza, successive flows of displacement are catching up with people who have undergone a multiple displacement. Obliged to escape once more in cases of shelling, they have to reconstruct their lives over again, deprived of belongings once more and without really reliable access to basic services. Newer Israeli guidelines have had inhabitants evacuate into or via neighborhoods that were actively fighting, or evacuation zones that would be identified afterward. It has been observed that the people are running in all classes, without knowing which way is the safest to go. There has been displacement of many due to gun fire and bombing and they have few things with them. According to the published report of the United Nations office of the coordination of humanitarian affairs, the violence that has continued and the repeated evacuation orders in the Gaza are resulting in the

never-ending cycle of displacement and it is becoming more and more difficult to give people what they need to survive after 10 months of war.[439]

Israel military has since released nine evacuation notices that are currently sweeping up to 213,000 individuals in Khan Younis, Deir al Balah areas and to a smaller extent northern Gaza since early August., 314 square kilometres of the Gaza strip (86 per cent) have been placed under evacuation orders[166]. The population is increasingly concentrated within the Israeli-designated zone in Al Mawasi, which continues to shrink and the density in this area has surged to an estimated 30,000 to 34,000 people per square kilometre compared to an estimated 1,200 people per square kilometre before October 2023. The area has decreased from 50.28 square kilometre on 22 July to 41.05 kilometre or just 11 per cent of the Gaza Strip[167]. This reduction in space, combined with overcrowding, heightened insecurity, inadequate and overstretched infrastructure, ongoing hostilities, and limited services is exacerbating the dire humanitarian situation for the hundreds of thousands of people forced to live inside it.

[439] As of August 18, 2024

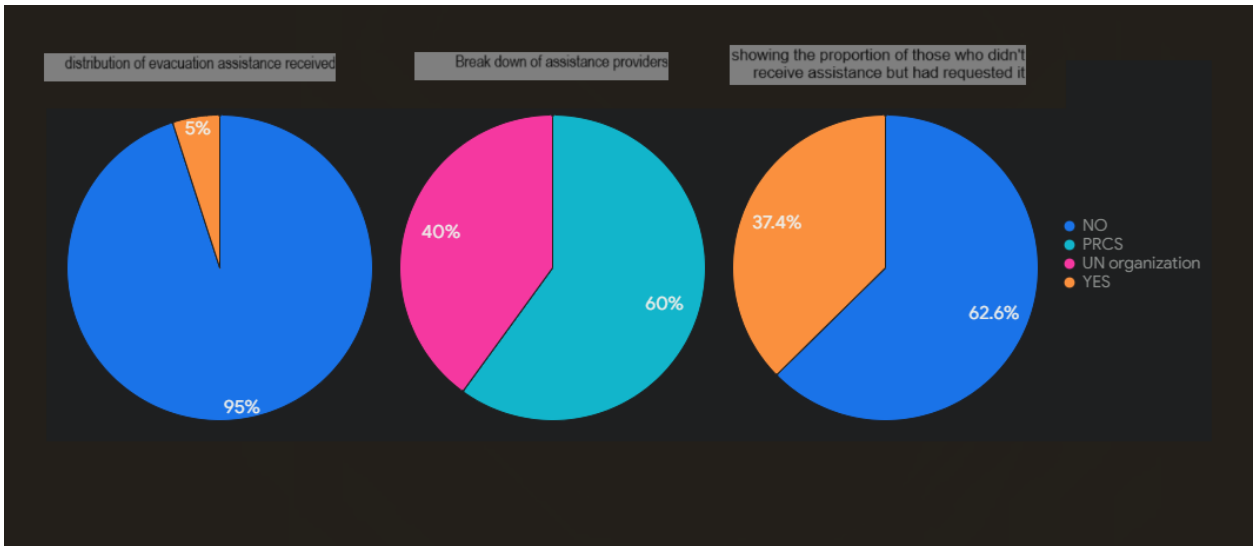

Figure 13 : Distribution of Responces for evacuation assistance question.

Distribution is depicted by pie chart as follows:

1. of reaction to evacuation assistance received in the conflict. The main pie chart ('Distribution of Assistance Received') shows the overall proportion of respondents who received assistance ('Yes') versus those who didn't ('No').

2. The second pie chart ('Breakdown of Assistance Providers') delves deeper into the 'Yes' category from the first chart, illustrating the breakdown of which organizations provided assistance.

3. The third pie chart ('Breakdown of Assistance Requests') further explores the 'No' category from the first chart, showing the proportion of those who didn't receive assistance but had requested it, compared to those who didn't request assistance at all.

In essence, the charts now provide a more comprehensive picture of the assistance landscape, including not only whether assistance was received and from whom, but also whether it was sought in the first place by those who ultimately didn't receive it. This graduated image can provide more context to the ambiguities of delivering humanitarian aid access during the war. The pie charts depict the distribution of responses related to receiving evacuation assistance during the conflict, breaking down the data into those who received assistance, those who didn't, and further categorizing those who didn't receive assistance based on whether they requested it. To receive a general picture of the state of help in the conflict we will examine the percentages of each category

and subcategory. The pie charts show the grim picture in terms of options and opportunities of getting help in the conflict:

- Astounding Lack of Evacution Assistance: An overwhelming number (95%) of selected respondents did not get any evacution assistance during the named crisis accord with organizations which are charged with the responsibility of assisting individuals to evacuate their homes.

- Unmet Requests for Help: Among those who didn't receive assistance, a further breakdown shows that 37.37% actively requested help but their requests went unanswered. This will imply the possibility of difficulties in accessing those who need help and the possibility of communication or coordination problems among aid organizations.
- Few places to get help: The small percentage (5%) who have said they did get help had the Palestine Red Crescent Society (PRCS) giving them help 60 percent of the time. UN organizations contributed the rest which was 40 percent. It implies extreme dependency on national and international humanitarian bodies and leaves very small engagement of other possible actors.

Such findings create an emergency necessity of humanitarian support and coordination of aid organizations to warrant that the aid reaches those who require most assistance particularly in times of conflict and displacement. The significant rate of unmet requests of help present the predicament of vulnerable populations in the ability to receive help and the emergence to make humanitarian interventions more effective and responsive**.**

In addition to this, 90 percent of the respondents reported that they were not assisted by organizations to evacuate though 37.4 percent sought assistance of the UN, ICRC and PRCS
. The PRCS reported that their facilities and staff were often attacked, hindering their ability to assist[168].
Respondents cited a number of reasons why their children had not attended to medical treatment. The most extensively quoted is the fact that hospitals and clinics are overwhelmed with patients and thus have experienced a shortage of staff, supplies and equipment.

Also, occasionally people were exposed to risk or could not access treatment services because of the distance or hazardous situation. The usage of roadblocks, airstrikes, shelling, and other dangers did not give the injured an opportunity to be provided by ambulances or people to go outside their houses. Roads, communication, and hospitals have also been major victims of the conflict. Also, a large number of medical practitioners have been killed, wounded or gone into hiding hence creating a dire situation where doctors, nurses and other medical personnel are scarce. With the people forced out of their homes by the conflict, most of them find themselves in the already overcrowded refugee camps and shelters whose medical facilities are limited and sanitary conditions are poor. Another tragic instance is the story of Hind, a young girl caught up in an attack who cried out in demand of help. PRCS responders stayed on the phone with her for over three hours, but ambulances could not reach her due to military restrictions. The rescue team lost contact.

The Palestinian Ministry of Foreign Affairs holds the Israeli government responsible for the lives of Hind and the two paramedics who attempted to rescue her. By June, 19 PRCS workers had been killed, 36 injured, and 53 facilities damaged[169]. The UN reported that Israel justifies killing any Palestinian by labeling them as terrorists or human shields, a sentiment echoed by Majed Bamya, the deputy Palestinian U.N. envoy.

Mohammed Bhar, a child with autism and Down syndrome, was tragically killed by occupation forces, soldiers set dogs on Mohamed, who was unable to defend himself, resulting in severe bites that caused his death.

The Palestine Red Crescent Society expressed concern about the continuous displacement of nearly two million people, highlighting that nowhere in Gaza is safe, and there is no way for people to leave, even if they are sick or injured. SPOLJARIC said" We have lost two colleagues. We are just seeing that it is increasingly dangerous to move. We are not assuming that we are being targeted deliberately, but it is a very dangerous operating space for humanitarians because there are not - no sufficient security guarantees for us to move and to reach all parts of Gaza. And there are large parts of Gaza that we cannot reach regularly or at all".

The bar chart illustrates the distribution of responses to the question "Was your child injured (directly or indirectly) during the conflict?" and “Was any child of yours killed during the conflict?” across different regions in Gaza

In all regions, a significant proportion of respondents reported that at least one of their children was killed during the conflict or that their children were injured during the conflict. This highlights the devastating impact of the conflict on families and the loss of young lives and children's safety and well-being.

While the rates of child injury are high across all regions, there are slight variations. Gaza City and Rafah have the highest percentages of respondents reporting child injuries (approximately 60%), while Khan Younis and the North of Gaza have the lowest (around 40%), and for the death part, there are slight variations. Gaza City and North of Gaza have the highest percentages of respondents reporting child deaths (around 35%), while the Middle of Gaza has the lowest (around 20%).

According to Save the Children, more children have been killed in the ongoing conflict in Gaza over the past six months than in all global armed conflicts over the last four years. It has already led to the death or harm of more than 2 percent of Gazan child population, has crippled the health system and interfered with access to education. Due to the chaotic conditions, collecting and verifying information is nearly impossible, but it's believed that at least 17,000 children are unaccompanied or separated, and around 4,000 may be buried under rubble. An estimate provided by Save the Children fleets that up to 21,000 children are unaccounted[170], they might be lost to

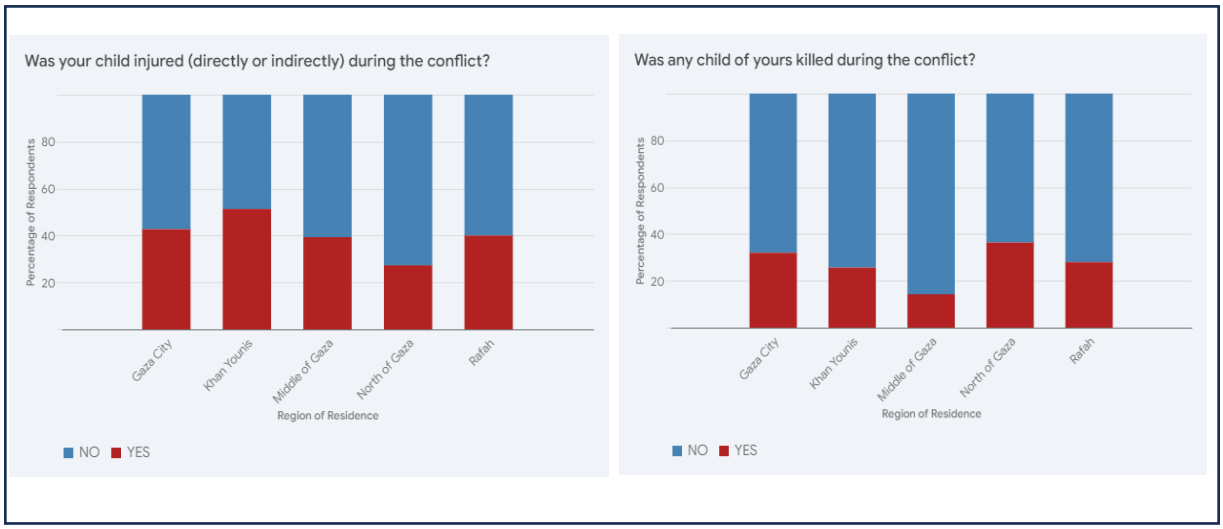

Figure 14: Was your child injured (directly or indirectly) or Killed during the conflict?.

the family, possibly buried in mass grave or imprisoned. The latest offensive in Rafah has further displaced children, increasing the strain on families and communities.

As of 15 August, Gaza's Ministry of Health reports that more than 40004 Palestinians have been killed and 100,097 have been injured since October 7, more16,900 of them are children have been killed, [170]with many bodies not yet identified due to severe harm. UN experts have found children among those in mass graves, some showing signs of torture and summary executions. An average of 10 children per day are losing one or both legs in Gaza.Reading the names and ages of every Palestinian child who has died since October 7 would take over 18 hours. Israeli reports indicate that over 1,200 individuals were killed by members of various Palestinian armed groups, as well as by rockets and mortars fired from the Gaza Strip[440]. Among the deceased, at least 809 were civilians, including at least 280 women. The casualties also included 68 foreign nationals and 314 Israeli military personnel. The fatalities included 40 children and 25 elderly individuals aged 80 and above. Moreover, 14,970 individuals received injuries and had to be hospitalized as a result of hospital treatment. According to a report published by the United Nations, violence against children in the year 2023 was at a very drastic level as it was never seen before as far as the killings and injury to children was concerned especially in the occupied Palestinian territory.. For the first time, Israeli forces were added to the UN's blacklist for violating children's rights, with 5,698 grave violations reported in Israel and the occupied Palestinian territory in 2023.

[440] Israeli souces did not include disaggregated figures for the number of civilians killed. The Commission based this figure on a manual count through the website of the Israeli National Insurance, see https://laad.btl.gov.il/Web/He/TerrorVictims/Default.aspx?lastName=&firstName=&fatherName=&motherName=&place=&year=&month=&day=&yearHeb=&monthHeb=&dayHeb=&region=&period=32`%22.

The pie chart titled 'Relationship between Child Injury and Appropriate Treatment' illustrates the experiences of respondents whose children were injured during the bombing and whether they received appropriate treatment. The size of each slice represents the percentage of respondents in each category, and 'Relationship between Child Doctor Visit and Ease of Arrangement' illustrates the experiences of respondents whose children needed to visit a doctor during the conflict.

Key insights from the graph include:

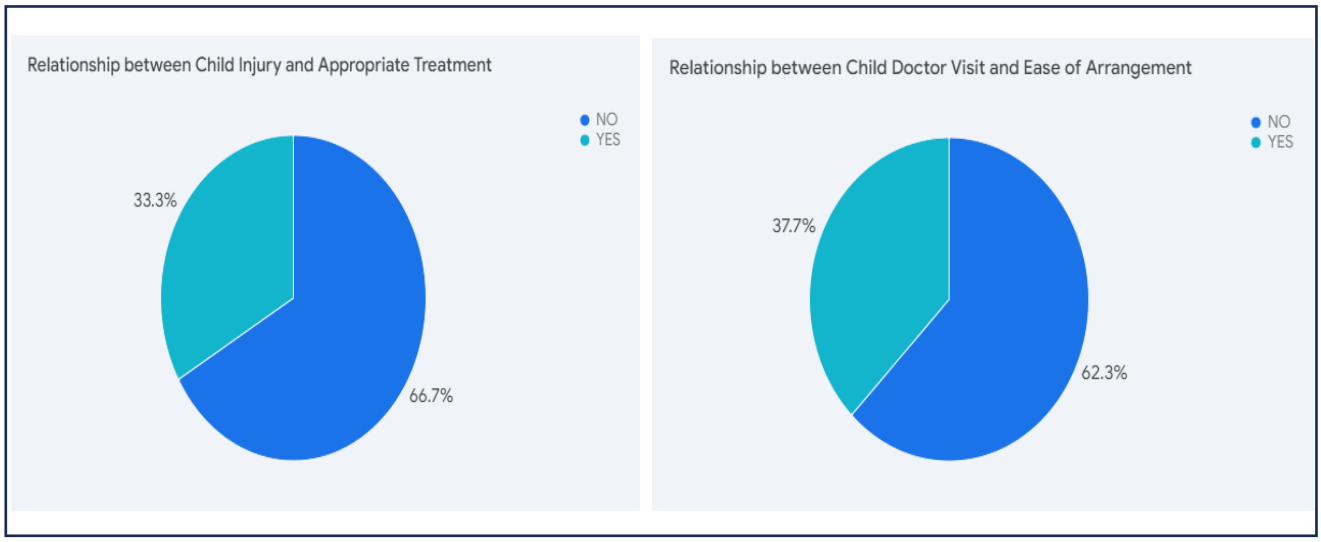

Figure 15: Relationship between Child Injury and Appropriate Treatment

- Among those whose children needed to visit a doctor, a majority (62.32%) reported that the visit was not easy to arrange.
- A smaller percentage (37.68%) reported that the visit was easy to arrange.

- Among those injured, a substantial number did not receive appropriate treatment (66.67%).
- A smaller percentage of those injured received appropriate treatment (33.33%).

More than 25,000 cildren patients in Gaza need treatment abroad, including around 980 children with cancer, a quarter of whom require urgent evacuation. Even children with common health issues struggle to get treatment, let alone those with critical conditions or injuries from the war's outset. Since October 7, attacks by the Israel forces have destroyed over 39 healthcare facilities

and 31 ambulances, while severe fuel shortages affect all operating hospitals and clinics. The toll on Gaza's children has been devastating: over 16,000 killed, 12,000 wounded, and thousands missing. In October, families were ordered to evacuate to Rafah, swelling its population to 1.2 million[170]. Now under attack, Rafah's 600,000 children are at risk. On May 7, Israeli forces took control of Rafah's border crossing, jeopardizing humanitarian aid. UNICEF spokesperson James Elder described Rafah as a "city of children" with no safe place to go in Gaza. International criticism of Israel's campaign against Hamas has grown as Palestinians face severe hunger, with the war cutting off food, medicine, and basic goods. The top UN court warns of a "plausible risk of genocide" in Gaza, a charge Israel denies. Malnutrition has left 9 out of 10 children under five vulnerable to infectious diseases, with acute watery diarrhea levels 20 times higher than normal. Twenty-five of Rafah's 36 hospitals have been destroyed, and the rest are damaged. UNRWA reports over 50,000 children in Gaza need immediate treatment for acute malnutrition.

7.2.2 Second Violation: Recruitment or use of children as soldiers in Gaza

The table presents data on the recruitment and use of children as soldiers in a conflict setting. It includes responses to first question for the children themselves:

1. **"Used by Armed Group":** This question inquires whether the respondent themselves was used by Israel forces during the conflict. The vast majority (95.14%) responded No, while a small minority (4.86%) reported Yes.

Table 13: shows the respondents' data on the recruitment and use of children.

Question	Value	Frequency	Percentage
Used by Israel forces	No	176	95.14%
	Yes	9	4.86%

The table presents data on the recruitment and use of children as soldiers in a conflict setting. It includes responses to two questions for the parents.

Question	Value	Frequency	Percentage
Was your child captured by Israel forces during the conflict?	NO	194	97.0
	YES	6	3.0
Was your child recruited or used as a soldier during the conflict?	NO	198	99.0
	YES	2	1.0

1. **Was your child captured by Israel forces during the conflict?":** This question focuses on whether the respondent's child was captured by Israel forces. Once again, most (97%) expressed that their child was not captured and 3 percent said that their child was..

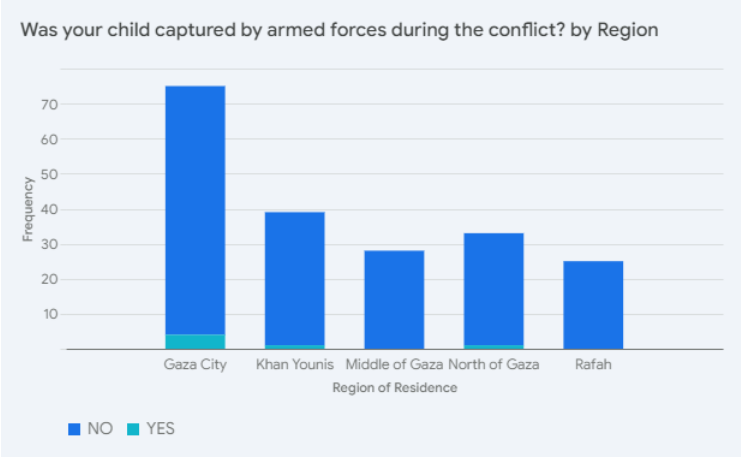

Figure 16: Was your child captured by IDF during the conflict?

2. **"Was your child recruited or used as a soldier during the conflict?":** This question directly addresses the recruitment or use of the respondent's child as a soldier. The staggering majority (99%) has responded that their child was not recruited or used and 1 % responded that their child was. In general, the evidence shows that direct recruitment or direct use of children as soldiers is not very high (1 per cent). Overall, the data indicates that the direct recruitment or use of children as soldiers is relatively low (1%). However, it's important to note the significant number of respondents who were themselves used by Israel forces (4.86%) and those whose children were captured by Israel forces (3%). These figures may suggest a broader vulnerability of children to involvement in armed conflict,

even if not directly as soldiers. The proportion of children recruited or used as soldiers is very low in all regions, with only a few cases reported in Gaza City and North of Gaza.

A preliminary version of the UN's 2023 Children and Armed Conflict report charges Israel with enlisting three Palestinian minors as human shields and combatants. The United Nations has confirmed that Israeli military and security forces used five Palestinian boys to shield their personnel during operations. Additionally, three children disclosed that Israeli forces had tried to recruit them as informants.[171]

This chart reveals the following:

- The majority of respondents across all regions reported that Israel forces did not capture their child during the conflict.
- The region with the highest proportion of children captured is Gaza City.

The United Nations has affirmed that Israel had arrested 906 Palestinian children under the breath of security offenders of which 897 were boys and 9 girls by Israeli military and security services. This was comprised of 435 in the occupied West Bank, 458 in East Jerusalem and 13 in the Gaza Strip[170].

As of December 31, Israeli authorities reported that 49 Palestinian children were under administrative detention. Testimonies from 84 children detailed instances of ill-treatment by Israeli forces during their detention. Additionally, there was the UN received reports indicating that detained Palestinian children in Gaza experienced various forms of sexual violence.[172]

Figure 17: Was your child recruited or used as a soldier during the conflict?

No verified proof is offered regarding the allegation that Palestinian militants put an Israeli child as a decoy to lure families out of the shelter. Although a lot of atrocities are recorded in the October 7, 2023, attacks by Hamas the

kidnapping and murder of civilians, particular instances such as this one have not been proved. This has been the case as Israel authorities have disproved a much-spread rumor regarding 40 beheaded babies in Kfar Aza, which highlights the need to give claims the necessary degree of scrutiny.[441].Most individuals responding to the question concerning measures that can discourage the recruitment and use of children highlighted the need to enforce the existing international legal instruments and national laws which are against child recruitment, with the perpetrators being brought to book, as one of the measures that can prevent the recruitment and utilisation of children. The latter also indicated that independent monitoring and reporting systems deserve to be introduced so that violations would be revealed, parties engaged in the conflict could be subjected to pressure to adhere to international law, and accountability guaranteed. Also, it was advisable to sanction those who recruit children and the organizations by exerting pressure on them to modify their actions and discourage others who may opt to recruit the child..

7.2.3 Sexual Violation Against Children in Gaza

The table shows information on people's awareness of sexual violence and how comfortable they feel discussing it. The information is significant in comprehending the social dimensions of this sensitive topic primarily in identifying hindrances that may not allow individuals reporting the incident or seeking support. The following analysis will be concentrated on principal findings in the data and its implications..

Table 14: shows the respondents' data on the sexual violance questions

	Value	Frequency	Percentage
Know About Sexual Violence Contact	No	158	85.41%
	Yes	27	14.59%
Comfortable Talking to Parents	Sometimes	74	40.00%
	No	74	40.00%
	Yes	37	20.00%

[441] '40 beheaded babies': Deconstructing the rumor at the heart of the information battle between Israel and Hamas

The Knowledge of Sexual Violence: A big proportion (85.41%) of the respondents said they were aware of sexual violence. The level of awareness is also high, which is encouraging because information on the issue is finding its way to the target audience. Recently, 20.00 percent of them are comfortable talking about sexual violence with their parents. The communication gap is great, which might be because of such factors as fear, shame, or the idea that parents might not comprehend. A notable portion (40.00%) said they feel "sometimes" comfortable, indicating that their comfort level might change based on the specific situation or type of violence.

	Value	Frequency	Percentage
Are there reports of sexual violence against children in your area during the war?	NO	193	96.5
	YES	7	3.5

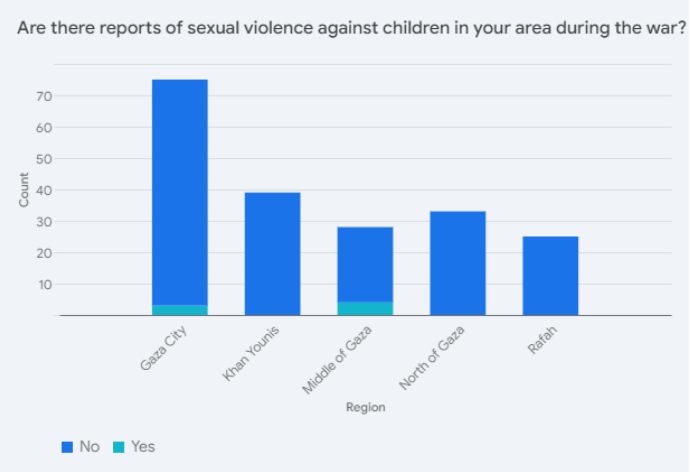

Figure 18:A report of sexual violance against children

Knowledge about sex violence: no information about sexual violence of children during the war: The majority of participants (96.5 percent) stated that they were not aware of sexual violence against children in the vicinity of the war. Although this might seem positive, it's important to consider the limitations of self-reported data and the possibility of underreporting due to fear or stigma. The chart illustrating the responses to the question, " Were any reports of sexual violence against children in your area during the war attributed to actions by the Israel Defense Forces (IDF)? “Are there reports of sexual violence against children in your area during the war?" Bar chart indicates the reported instances of sexual violence to the children during the war in varied areas of the Gaza Strip. It is announced in the data that the tendency of such occurrences is alarming as the Middle of Gaza has the highest percentage of these incidents (14.3). This implies that this region may be susceptible to sexual violence perhaps

because of issues such as high displacement, law and order dissolution, targeted violence, and access to services. Although other regions reported lower numbers, it's important to recognize that even a single case is a significant issue. Nevertheless, there have been different reports and talks about sexual violence in conflict areas. As an example, the United Nations published statements on claims of sexual and gender-based crimes in the framework of the Israeli-Palestinian conflict. A commission supported by the United Nations accused Israeli security forces of using sexual violence against Palestinians including children as a form of war, though it can be noted that, there were no substantiated reports of Israeli forces committing sexual violence to children.

Sexual Violence Awareness: The bar chart shows access to support services by children who have been sexually assaulted. These services fall under four categories: Legal assistance: 14.3 percent of respondents responded that there is a legal support that can be extended to the affected children. Medical care: According to 14.3 percent of participants, victims of sexual violence can easily receive medical care. None: This was answered significantly by 42.9 of the sample as they said there are no services to take care of children exposed to sexual violence. Psychological support: 28.6 percent of the respondents have referred to the support of psychological help of these children.

The chart indicates troubling absence of overall support to children whom have been sexually violated with nearly half of the respondents reporting no service is available. There are some legal, medical and psychological services available though there has been a significant lack of delivering a more comprehensive service to these poor children.

The results raise the need to invest more into the services that support multiple needs of children being victims, survivors of sexual violence, legal, medical, psychological and social support.

7.2.4 Abduction of Children in Gaza

	Value	Frequency	Percentage
Know Someone Abducted	No	148	80.00%
	Yes	37	20.00%
Feel Safe Moving Around	No	178	96.22%
	Yes	7	3.78%

The statistics demonstrate a society that is crammed with concern of safety especially the fear of being kidnapped. The opinion that the fear is not unfounded could be supported because a large part of the respondents (20 percent) personally knows someone who has been abducted. Almost all (96.22%) feel unsafe moving around, which states a mass of vulnerability and that the causes of this insecurity require instant solution, which might encompass such elements as poor law application, augmented military officers, or special violence against certain groups of people.

Table 15: shows the respondents' data on the abduction and free movement questions

Did you have freedom of movement within the Gaza Strip during the conflict?	No	200	100%
Have there been cases of children being abducted in your area during the conflict?	No	196	98.0%
	Yes	4	2.0%
Was your child transported across borders by any armed forces during the conflict?	No	199	99.5%
	Yes	1	0.5%

The table presents survey results on the experiences of individuals during a conflict, presumably in the Gaza Strip. Here's an analysis of the data:

Free Movement:

- Nine out of ten (97.5%) of the respondents indicated that they did not have freedom of movements in the enclave of Gaza Strip during the conflict. This indicates large scale complications as well as the necessity to face practical challenges in the access of necessary services, healthcare, and safety.

Child Abduction:

- Other percentages that are still worrying but not alarming include the percentage of the respondents who said that in their region, there were instances to do with child kidnapping

during the conflict which are 2 out of 100. This highlights a significant risk to children's safety and well-being in the region.

Child Transportation Across Borders:

- A very small percentage (0.5%) of respondents reported their children being transported across borders by armed forces during the conflict, . Although the percentage is low, this indicates that the outcome is not significant and might mean random efforts instead of an established trend. Nonetheless, even an individual report about children transported across the borders by armed forces should be considered with sufficient attention since it may point at potential breach of international humanitarian law and violation of the rights of children.. Low percentages do not mean the issue is unimportant—forced displacement of even one child is a severe concern from a human rights perspective. .
- The bar chart illustrating the responses to the question "Was your child transported across borders by any armed forces during the conflict?" shows a worrisome trend, the North of Gaza having the highest percentage of such case (2 per cent). This is an indication of a greater susceptibility to child kidnapping and involuntary transfer in this region possibly resulting due to an aspect such as proximity to national borders, presence of more military establishment, or a specific force of violence directed to specific groups. According to a July 2023 the report by Save the Children, the number of missing children is currently 17,000 and above and there is no information on where to find them [442]. Some testimonies have confirmed that some of these children are being held and taken as hostages, even before October 7[173], Palestinian children detained by Israeli forces endured severe physical and emotional abuse. The report highlighted that 86% of these children were subjected to

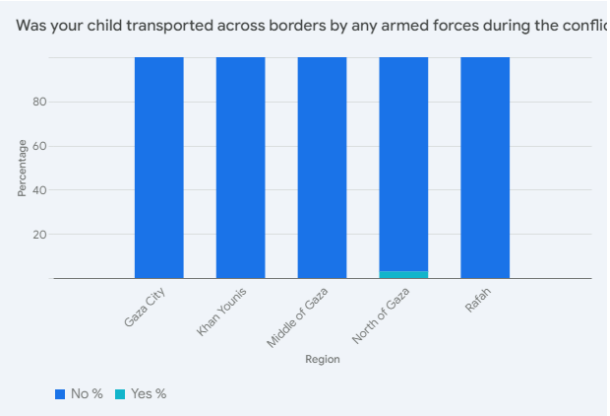

Figure 19: Was your child transported across borders by any armed forces during the conflict?

[442] Over 20,000 children estimated to be lost, detained or buried under rubble

beatings, and 69% were strip-searched[443], from otherwise On October 7, 2023, 36 children were abducted and taken to Gaza, where they were held captive. Hamas later issued statements demanding the release of Palestinian prisoners from Israeli jails in exchange for the freedom of these Israeli hostages. As of August 15, 2024, all the child hostages have been released.

While other regions reported lower proportions, it's crucial to acknowledge that even a single case represents a grave violation of children's rights. The absence of reported cases in some regions doesn't necessarily imply the absence of child transportation but could be attributed to underreporting due to fear, or lack of awareness..

Since there have been credible reports indicating that Palestinian children have been forcibly taken from Gaza and transferred to unknown locations during the ongoing conflict. Human rights organizations and media outlets have documented several such incidents:

Abduction of a Palestinian Infant by an Israeli Soldier: In January 2024, reports emerged that an Israeli officer, Captain Harel Itach of the Givati Brigade, took a Palestinian infant from Gaza to Israel after the child's family was reportedly killed. The Euro-Med Human Rights Monitor was highly concerned of this occurrence saying that it was not an eyewitness experience and it has heard a lot of testimonies of how the Israeli army was detaining and transferring the Palestinian children without indicating where they were taking them to.[444].

Loss of Palestinian Children in Evacuations: With evacuations or military measures, many displaced families in the north of Gaza and also areas of Khan Younis have reported losing their children. According to these accounts, children were unable to be with their families but taken to other places of secret locations, which in turn is an issue of serious concerns regarding enforced disappearance.

[443] Stripped, beaten and blindfolded: new research reveals ongoing violence and abuse of Palestinian children detained by Israeli military | Save the Children International
[444] Israeli army abducts children, takes them out of Gaza: Rights monitor

The bar chart illustrating the responses to the question "Was your child captured by armed forces during the conflict?" discloses an overall comforting tendency, as more than 90 percent of all the surveyed counterparts within districts of Gaza stated that their child was not captured. However, the presence of any "yes" responses, even in small percentages, highlights the occurrence of child captures, however infrequent. Notably, Gaza City and North of Gaza exhibit slightly higher proportions of "yes" responses compared to other regions, suggesting a potentially heightened risk of child capture in these areas. This may be related to many factors, including the intensity of the conflicts, the closeness of military activity, or even specific (children) targeting by armed forces. While the data indicates a relatively low prevalence of child capture overall, it's imperative to remember that even a single case represents a severe violation of children's rights and well-being. The bar chart illustrating the responses to the question "Have there been cases of children being abducted in your area during the conflict?" shows that more of such reports were recorded in the North of Gaza. Even though the disaster may be few, this is a terrifying indication of the safety of the children in the region. The factors might be increased instability, nearness to military activities or existence of armed groups. Even incidences of child abduction, which are banned in isolated form, are to be investigated.

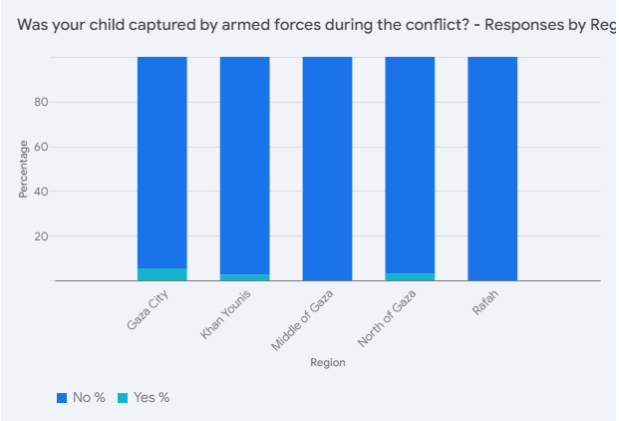

Figure 20: Was your child captured by armed forces during the conflict?

The bar chart illustrating the responses to the question *"Have there been cases of children being abducted in your area during the conflict?"* shows that the highest number of such reports came from the North of Gaza. While the absolute number of cases may be small, this raises serious concerns about the safety of children in that area. Contributing factors could include heightened instability, proximity to military operations, or the presence of armed groups. Even isolated reports of child abduction warrant urgent attention and investigation. .

A hundred percent of respondents indicated that the children had no safe places to study and play during the conflict. It is a worrying trend as an overwhelming majority of the respondents report

that they do not feel free to move. This indicates that during the conflict, there was extensive limiting of mobility in Gaza Strip, which may be as a result of issues such as presence of a check point, closure or hostilities.

7.2.5 Attacks against Schools or Hospitals in Gaza

The current war in the Gaza Strip has already had greater harm than the confrontation between Israel and Hamas and other militant groups in 2008-2009, 2012, 2014 and 2021. As we had seen in other conflicts, Israeli raids as always have targeted residential and business premises, and infrastructure equipment, most prominent in health and education centers. Sanitation systems, water systems, roads, power and communication systems have also been destroyed.

The Gaza Strip is experiencing a harsh health crisis with the hospitals and clinics overloaded with the casualties and not being able to operate effectively due to attacks and fuel shortage. Medical scarce commodities are on the verge of circulation, thousands of patients are straining to be airlifted to receive medical services outside Gaza. Even those hospitals which are still open are struggling to manage.

Table 16: shows the respondents' data on the attack against hospitals and schools.

	Value	Frequency	Percentage
Hospitals and Schools Safe	No	175	94.59%
	Yes	10	5.41%
Safe Places to Learn and Play	No	185	100.00%
Help from Doctors During War	No	130	70.27%
	Yes	55	29.73%

The table presents data on three aspects of safety and well-being in a conflict setting, related to children:

Hospitals and Schools Safe:

A vast majority (94.59%) of respondents indicated that hospitals and schools were not safe.

A small minority (5.41%) felt they were safe.

Safe Places to Learn and Play:

All respondents (100%) indicated there were no safe places for children to learn and play.

Help from Doctors During War:

A majority (70.27%) of respondents reported not receiving help from doctors during the war.

A large minority (29.73) did.

Actual destabilization of basic services: Health and education, which are essential services, are considered unsafe to a large extent due to hospitals and schools. Additionally The complete absence of safe places for learning and play indicates a dire situation for children's well-being and development. In addition to that, the access obstacles to medical care during the conflict indicate the exposure of population particularly children to disease and injury.

Table 17: shows the respondents' data on the attach against schools

	Percentage	Frequency	Percentage
Did your child attend school during the conflict?	NO	200	100%
Were any schools or hospitals used by Israel forces during the conflict?	YES	152	79%
	NO	48	21%
Have there been attacks on schools or hospitals in your area during the conflict?	YES	200	100%
Were any staff members of schools or hospitals directly attacked?	YES	193	96.5%
	NO	7	3.5%

The table summarizes the responses of 200 parents regarding their children's education and the safety of schools and hospitals during a conflict.

School Attendance: No parents did their children go to school during the conflict (0%). Israel forces use of Schools/Hospitals: One-fifth of the parents (21%) stated that schools or hospitals were not utilized by Israel forces. Nevertheless, a large percentage 79% of these facilities was used in military purposes and this gave rise to the likelihood of violation of international humanitarian law. Infrastructure Attacks on Schools/Hospitals: Attacks on schools or hospitals were reported by all parents (100%) in the area and it is an indication of deep concerns over the safety of those logistical facilities that are absolutely necessary during the conflict. Staff Attacks: This incidence (direct attack effected on staff members of schools or hospitals) was directly verified by 96.5 percent of parents who stated that the staff was under target by the attack.

The data reveals a dire situation for children's education and the safety of schools and hospitals during the conflict. The complete disruption of schooling, coupled with the frequent attacks on educational and healthcare facilities and their staff, indicates a severe humanitarian crisis.

The bar chart illustrates the responses to the question, "Were any schools or hospitals used by armed forces during the conflict?" In five Gaza regions. The graph indicates that amongst respondents in all the five regions, most of them said armed forces used schools or hospitals. This issue is particularly notable in Gaza City, where over 70 respondents answered "Yes." There were also large positive responses in Khan Younis but the other areas which were only relatively different in the number were the middle of Gaza, north of Gaza, and Rafah. The evidence implies that most of the residents believed that, and not much was spared, with most of the important civilian infrastructures, including schools and hospitals, being hit by the conflict. This may have grave consequences on the health and safety of the people with children being particularly vulnerable and may pose obstacles to education and medical facilities. The bar chart also illustrates the responses to the question, "Have there been attacks on schools or hospitals in your area during the conflict?" Gaza full of five regions. In each of the five regions, more than 80 percent of respondents said that either schools or hospitals have been attacked in their vicinity as part of the conflict. The proportion of those attacked is relatively constant and the same in all regions citing about 95 to 100 percent respondents. This implies that most people in Gaza went through the experience of attacks on these important civilian facilities. Additionally, the bar chart shows responses to the question, "Were any schools or hospitals used by armed Israel forces?" The dominant proportions of the surveyed people in all five regions said that schools or hospitals in their area were occupied by Israel forces during the conflict. Percentage of respondents peaked in the Gaza City, then Rafah and the Middle Area, Khan Yunis, as well as the North had different percentages.

The bar chart illustrates the responses to the question "Were any staff members of schools or hospitals directly attacked?" across five regions in Gaza.

The Majority Reported Experiencing Attacks: In all five regions, the majority of respondents answered "Yes", indicating that they did witness or have knowledge of direct attacks on staff members of schools or hospitals.

Gaza City Highest "Yes" Responses: Gaza City had the highest number of "Yes" responses, suggesting a relatively hilgh perceived risk of direct attacks on staff in this region compared to others.

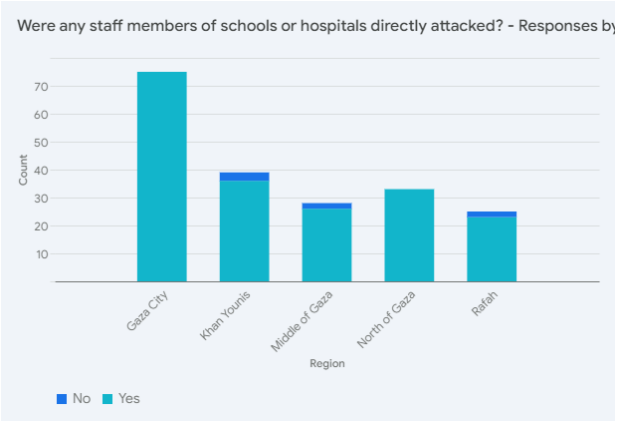

Figure 21: The responses of the question "Were any staff members of schools or hospitals directly attacked?

Slight Variation Across Regions: There are slight variations in the number of "NO" responses across the regions. Khan Younis and Rafah have a slightly higher proportion of "NO" responses compared to the Middle of Gaza and North of Gaza. Nevertheless, these disparities are not very big. The information implies that direct assaults against personnel were just as common as any other type of violence, meaning that there were certain risks among vital service providers. The bar chart shows the percentage breakdown of children that had no access to school during the conflict in the Gaza Strip by region.

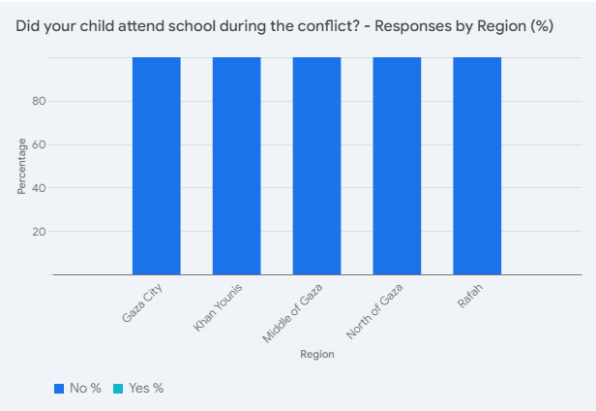

Figure 22: a responce of question of your child attend school during the conflict

The conflict uniformly affected school attendance across all regions of the Gaza Strip. In all five regions (Gaza City, Khan Younis, Middle of Gaza, North of Gaza, and Rafah), 100% of respondents indicated that their children did not attend school during the conflict, the chart highlights the devastating impact of the conflict on children's education in the Gaza Strip. It

underscores the disruption of schooling and the potential long-term consequences for children's development and future prospects.

The ongoing Israeli military operations in Gaza have severely impacted healthcare facilities and humanitarian aid efforts, exacerbating an already dire humanitarian crisis. Since 7 October, attacks on hospitals and health centers have led to significant damage, with WHO documenting 102 attacks, damaging 39 healthcare facilities and 31 ambulances. Nearly half of the 35 hospitals with inpatient capacities and 71 percent of all primary care facilities across Gaza are non-functional due to damage or fuel shortages. In Gaza City, 74 percent of hospitals are not operational, while in North Gaza, this figure rises to 92 percent[174].

On 7 May, the closure of the Rafah crossing limited the delivery of essential supplies, including vaccines, which had to be returned to storage in Jordan. This evacuation order disrupted the functioning of hospitals, further affecting healthcare delivery and increasing the demand for medical and nutritional services. Since 7 May, no health-related supplies have entered Gaza, compounding the healthcare crisis.

As hostilities continued, on 5 July, Médecins Sans Frontières (MSF) reported that the Nasser Medical Complex was "running on emergency medical stocks" and overwhelmed with patients. The paediatric department, with 56 beds, received 100 patients on 3 July[175], forcing children to lie on the floor. MSF warned that the complex is critical for sterilizing equipment for field hospitals, which would cease functioning without electricity. The same day, the Kuwaiti Specialized Field Hospital received a small quantity of fuel through WHO and UNRWA, sufficient to maintain operations for a few days.

On 7 July, Dr. Hosam Abu Safia, head of Kamal Adwan Hospital, reported that fuel shortages forced the hospital to suspend dialysis services, depriving 21 kidney patients of life-saving treatment and putting newborns and critical patients at risk. The Health Cluster aimed to address urgent needs at Nasser Medical Complex, the last tertiary hospital in southern Gaza, by delivering medicines, medical supplies, and 11,000 liters of fuel on 8 July[175].

Despite these efforts, the situation remains dire. WHO Regional Director for the Eastern Mediterranean, Hanan Balkhy, highlighted that over 10,000 patients still require medical care

outside Gaza. Of the 13,872 people who applied for medical evacuation since 7 October, only 35 percent have been evacuated[175]. Hospitals that remain partially functional struggle to maintain operations amid chronic fuel shortages, affecting all operating hospitals and clinics.

Since 1 May, UNICEF has provided essential medicines and supplies to support 150,000 women and children for one month at Al Awda hospital and a field hospital. However, new evacuation orders affecting northern Gaza, including the area around Al Awda Hospital, are likely to increase injuries and demand for medical services. UNICEF has already provided infection prevention control material and tents to assist in the health and nutrition work as refugees are expected to move increasingly to the west coast of Rafah. The reduced availability of humanitarian access due to lack of fuel has driven hospitals to stringently ration their supplies raising the pressure on the entire healthcare system. Government and health officials are in crisis with nearly half a million women and girls of reproductive age in Gaza requiring hygiene, health services. Enmity, especially the 7 May ground operation in Rafah, has been aggravated, which has raised the number of evacuations, as well as the medical demands. Lack of fuels, security problems, and financial systems complicate issues of humanitarian organizations such as UNICEF and other organizations, which affect their capacity to maintain a constant flow of care and assistance.The children of Gaza have been entirely deprived of education. Over 625,000 children and adolescents have no access to schools or safe spaces, as 80% of educational facilities have been destroyed[176]. This devastation includes the destruction of almost all educational equipment—chairs, desks, whiteboards, and textbooks—either by relentless bombardment or burned by desperate civilians seeking warmth. Schools, which could have been safe havens and centers for humanitarian services, are no longer operational, and more than half of all school buildings have sustained damage, including direct hits on facilities run by UNRWA.

That is terrible with children in Gaza. These constitute more than fifty percent of the population of Gaza and have been disproportionately impacted with the on-going conflict. Even before the hostilities, Gaza's children bore a heavy mental health burden, with toxic stress significantly impacting their psychosocial well-being. These attacks have worsened this crisis since UNICEF has recorded 352 attacks on learning institutions since October 7, 2023, to December 8, 2023.. By January 20, 2024, 151 UN Relief and Works Agency (UNRWA) workers had been killed[177]. Mass displacement has forced schools to be used as emergency shelters, leading to even more

casualties when these facilities are attacked. For example, the attack on the UNRWA Al Fakhoora School in the Jabalia refugee camp resulted in numerous deaths among the approximately 20,000 individuals sheltering there.

Other facilities targeted have also been the healthcare facilities with WHO documenting more than 464 attacks on healthcare facilities, 102 facilities and 113 ambulances as of May 30, 2024, 727 health workers have been killed and 933 injured and 128 detained or arrested. M dateurs Sans Fronti\x82~yers has said Israeli forces had targeted its vehicles. These forms of attacks destroy and disrupt many rights laid out by the UNCRC as prescribed in particular with the privilege to the highest level of standard of health and healthcare (Article 24) and the privilege to education (Article 28). The damage to educational infrastructure further violates children's rights to relax and play (Article 31), freedom of expression (Article 13), and safety from violence (Article 19). In addition to the direct impact of the military campaign, Israel's blockade has severely restricted the entry of food and medicine into Gaza since 2007, intensifying during the current hostilities. This has resulted in starvation, sickness, destruction of hospitals and water supplies and power outages. On January 17 2024 the Israeli army destroyed the last remaining university in Gaza. Most of the population has been displaced with the destruction and as a result house people either in the tents or outside in the open air. This continuous conflict and siege have been causing a devastating humanitarian crisis in Gaza where the children have no way to go to schools or receive any healthcare services or food. The overstepping of their rights along with the destruction of the infrastructure support the necessity to use international intervention in order to provide relief and secure the vulnerable population. The attacks on residential structures have exposed the affected children to deep physical, emotional, and cognitive issues because most of them were rescued out of the rubble with serious injuries.The field researcher also documented several examples of children harmed by air bombardments or shelling in general, one of the most disturbing stories about a three-year-old boy losing both legs because of an air strike on an UNRWA school in November of 2023. Even worse, his parents and younger brother had been killed in October 2023 According to UN reports, an average of 10 children a day were losing one or both legs in Gaza, about 4, 000 children had had one or more limbs amputated, with some operations being reportedly done without anesthetic. Such attacks also badly affected basic infrastructure e.g.hospitals, school, and basic services, caused additional deaths, and even provided poor care to the injured. This will

leave a lasting and generational impact on children as far as their health, education and social life will be concerned. Overall, the blockade and ongoing conflict have crippled Gaza's healthcare system, leading to severe shortages of medical supplies, overwhelming hospitals, and leaving thousands in need of urgent medical care. International community still demands implementation of safe medical evacuation corridors and enhanced humanitarian assistance so as to curb the escalating crisis. The author of the study is greatly worried about the psychological effects, which will be experienced in the long-term consequences, with significant numbers of children showing increased signs of post-traumatic stress.

7.2.6 Denial of Humanitarian Access for Children in Gaza

Table 18: shows the respondents' data on the denial of humanitarian access

	Value	Frequency	Percentage
Denied Humanitarian Access	Yes	149	80.54%
	No	36	19.46%

The table reports the presence or absence of humanitarian access and its frequency by Israel forces The vast majority (80.54%) of occasions was characterized by the denial of humanitarian access whereas the minority (19.46) was not. Such a serious discrepancy is an indication of a larger problem with offering assistance to people who need it. The evidence demonstrates how the humane, humanitarian access is excessively denied, which points to the necessity of adequate policy changes and better implementation to provide assistance to vulnerable communities. The pervasive denial of humanitarian access not only exacerbates suffering but also raises ethical concerns about the international community's commitment to protecting human rights in conflict and disaster zones.

Table 19: The table gives the data surveyed on internal people displacement on the experiences of humanitarian aid to internally displaced persons (IDPs)

Question	Response	Frequency	Percentage
Did you receive relief assistance?	YES	188	94
	NO	12	6
What kind of relief assistance?	Physical Relief Assistance	136	68
	Emotional and Psychological Relief	30	15
	Social Relief Assistance	22	11
If yes, who provided it	UN	53	26.5
	international	50	25
	NGO	38	19
	family	25	12.5
Was the relief assistance enough to lead a normal life?	NO	200	100
Was the distribution of assistance fair and just?	NO	195	97.5
	YES	5	2.5
Did the assistance provided match the main needs of the IDPs?	YES	112	56
	NO	88	44
Was there a safe route to access the assistance?	NO	156	78
	YES	44	22
Was the distribution of assistance conducted according to a timetable?	NO	200	100
Was humanitarian aid for children blocked in your area at any specific time during the war by Israel forces?	YES	108	54
	No	92	46
What is the impact of blocking humanitarian aid on your children?	Lack of medical care-Lack of education-Malnutrition	200	100

The table gives the data surveyed on internal people displacement on the experiences of humanitarian aid to internally displaced persons (IDPs). The replies indicate an underestimation of critical issues of the supply and the allocation of aid. Important findings are:

Reach of Assistance: Although most of the IDPs (94%), received any sort of relief assistance given, a sizeable proportion (6%) failed to, showing a loss of balance in relief providing sectors.

Forms of assistance: The most popular form of this assistance is the physical aid which amounted to 68%. Eleven percent of the respondents got social support and 15 percent got emotional and psychological support. It means that attention is paid to satisfying the immediate needs in the material sense not to the long-run psychosocial support.

Source of Assistance: The primary source of help was UN agencies and international organizations that offered assistance to 51.5 percent of respondents. Family members assisted 12.5% and NGOs assisted 19% which draws the attention of dependencies on external aid to the displaced persons.

Adequacy and Fairness of Assistance: Adding to above all the respondents (100%) voted that the provision of the relief was inadequate to live a normal life. Also, 97.5 percent believed that aid allocation was neither fair nor just indicating great levels of insufficiencies and inequities of aid distribution..

Relevance of Assistance: 44 percent of the displaced persons considered that they were not provided with the assistance covering the main needs of the population, which shows the mismatch between the assistance received and the needs of people..

Access and Safety: The majority of the displaced persons (78%) said that they were not accessible to access help. Moreover, the distribution of aid was not permanent in nature, and 100 percent of respondents claimed that it was not scheduled, which explained difficulties and dangers to receive such assistance..

Impact on Children: More than half (54%) of respondents reported that humanitarian aid for children was blocked in their area at some point during the conflict, raising serious concerns about the protection of children's rights in such situations.

The survey data presents a large disparity/disparity in the humanitarian response to the displaced persons and cites better coordination, targeting and accountability in provisions of aid delivery systems. As expressed by the experiences of displaced persons, the current practice of humanitarian aid is insufficient in meeting the needs of affected populations including the various and changing needs of the affected populations. The results of the study elicit grave doubt on protection of displaced persons during conflicts, particularly children, that makes stronger legal and operational bodies vital to securing them and safeguarding their interests..

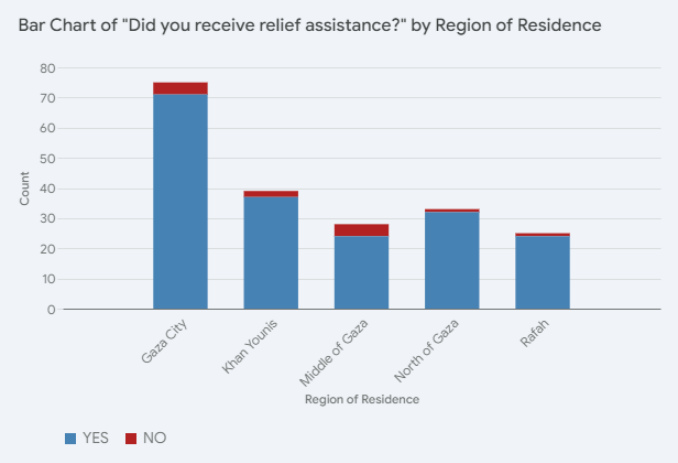

Figure 23: Shows shows the number of people who received relief assistance

Gaza Relief Efforts:

Although Gaza relief operations have benefited a good number of people spearheaded by UN agencies and other international bodies, the statistics indicate heavy emphasis on physical assistance including food and shelter facilities, with massive gap in the distribution of relief facilities between areas. The emphasis on urgent needs makes the realm of emotional and psychological assistance lacking on a very significant level, which is confirmed by the minimal number of persons to whom this kind of assistance is addressed. There is also a lack of social relief effort as compared to physical aid indicating a lack of disparity in meeting the various needs of the affected populations. The external dependency demonstrates the necessity to improve the coordination and resources distribution in order to provide all types of assistance, even mental health assistance and social services, to vulnerable people in every part of the country.

Relief Assistance Data:

The bar graph shows the proportionality of relief assistance that was obtained in various regions of Gaza. Although the relief effort has covered most of the population, large gaps occur in the delivery of aid especially to specific areas which proves that better planning is necessary to reach the vulnerable populations.

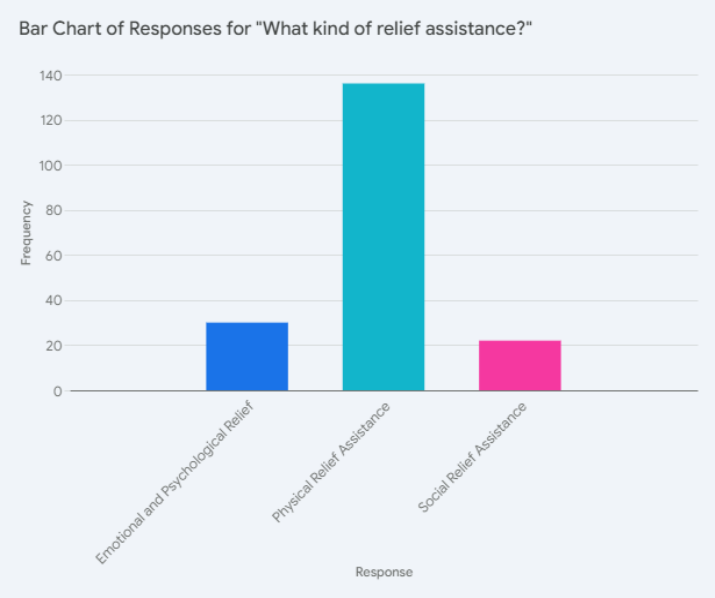

Figure 24: shows the frequency of different types of relief assistance requested

The Majority of Aid Received was Physical Relief: The most reported was physical relief which had about 140 rejoinder to that question. This implied that the aid agencies primarily paid attention to the basic material needs such as food, water, shelter and medicine..

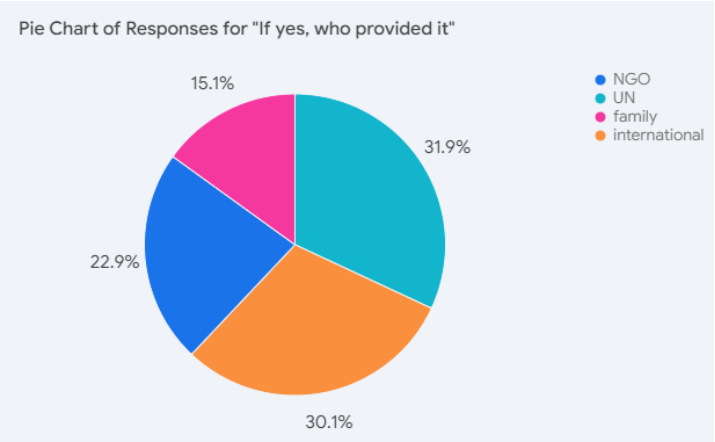

Figure 25: shows the responses to the question "If yes, who provided it?" regarding relief assistance.

Emotional and Psychological Relief Underrepresented: Emotional and psychological relief was the least popular category of the received help and the number of responses was approximately 30. It implies that one of the greatest deficiencies is related to looking after the emotional state and mental health of those who were hit by the crisis.

Social Relief Assistance Moderately Provided: Social relief assistance, including forms of services such as community support, family reunification and social integration programmes, also lie in the middle with nearly 20 responses. This implies that some care is given to social needs not

the same level of heaviness as to physical needs. Most of the respondents considered that the distribution of assistance is not administered in accordance with their expectations or standards, which may reflect issues of fairness, efficiency, or targeting in the process of distribution.

UN agencies are the primary providers: UN agencies of course acted as the main relief providers to the greatest number of respondents, which is much greater than any other category. This implies that it has a high-dependancy level on foreign aid agencies in moments of crisis.

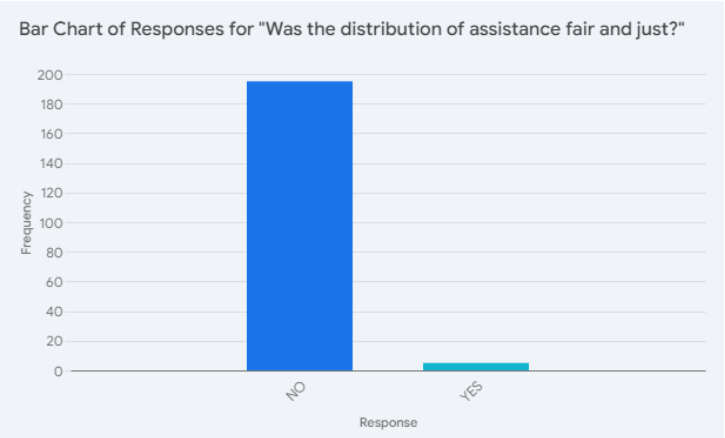

Figure 27: shows the responses to the question "Was the distribution of assistance fair and justice?"

There is also an important role of international organizations: International organizations come right after the UN in the order of how frequently the assistance is offered. This portrays that there is a significant effort by the wider international community in meeting humanitarian demands..

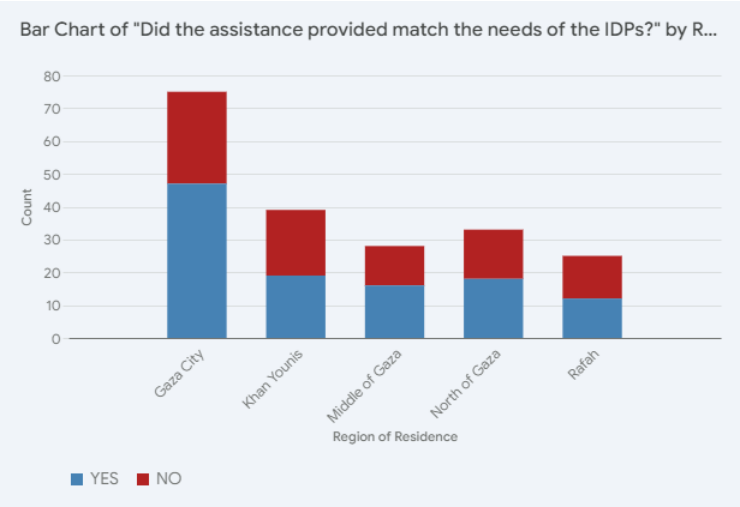

Figure 26: shows the responce of did the assistance provided match the needs of IDPs

NGOs and family sometimes contribute, less frequently: NGOs and family contribute also to relief, but, unlike international organizations and UN agencies, they do it less often. This may either be as a result of scarcity of resources or ability.

The bar chart displays responses to the question, "Was the distribution of assistance fair and justice?"

Overwhelming majority said "No": A vast majority of respondents (approximately 190) felt that the distribution of assistance was not fair and justice.

Few respondents said "Yes": A very small number of respondents (approximately 10) indicated that the distribution was fair and just.

On a totality basis: The findings indicate high levels of dissatisfaction on how aid was distributed.

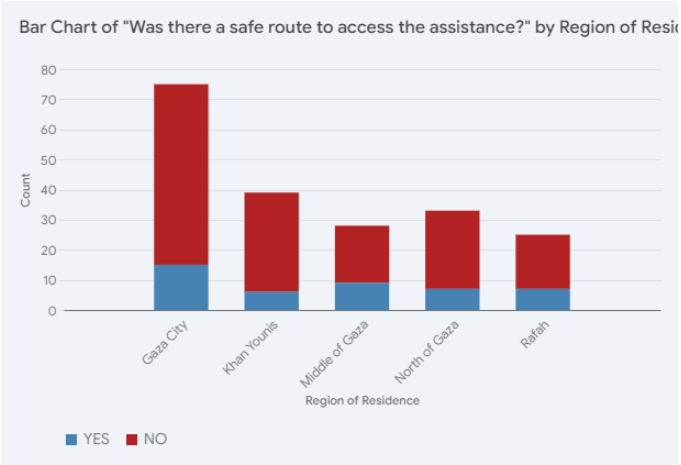

Figure 28: shows if there was safe route to access assistance

The bar chart displays responses to the question, "Did the assistance provided match the needs of the IDPs?" The difference across various locations of residence. Gaza City needed the most: Gaza City recorded the largest number of IDPs who were not contented by the kind of aid offered. The least need was in Rafah: Rafah had the fewest number of IDPs whose needs were not met, and a comparatively high percentage of needing IDPs whose needs were met than in other areas. General misfit: In general, most IDPs stated that the aid failed to meet their standards in all the regions..

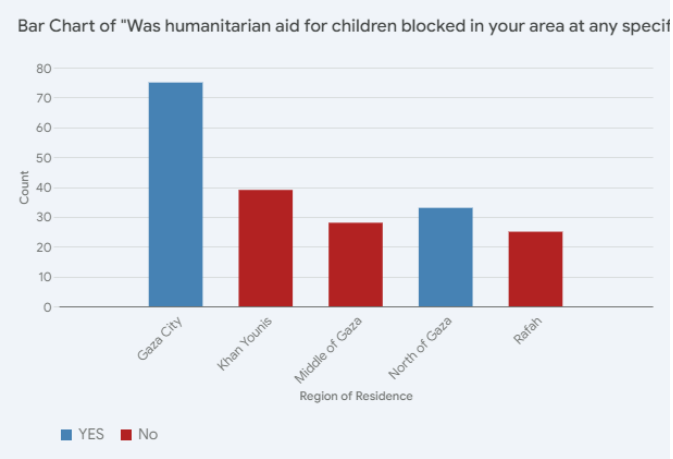

Figure 29: Was humanitarian aid for children blocked in your area at any specific time during the escalation?

The bar chart illustrates the responses to the question "Was there a safe route to access the assistance?" opted by region of residence. Majority had no safe access: In every region, majority of the residents were not found to have safe route to get access to assistance. This is indicated by the significantly taller red ("No") bars compared to the blue ("Yes") bars in each region. Gaza City was the most in need: Gaza City was where the most residents could not securely access aid. The lowest need was in Rafah: The It ends up discussing key findings

and recommendations, including the action plan on the child protection within the region of conflict number of residents without safe access in Rafah was lowest of all regions and the number of residents with safe access was relatively more..

The bar chart displays responses to the question "Was humanitarian aid for children blocked in your area at any specific time during the escalation?" across different regions of residence.

Gaza City most affected: Gaza City had the highest number of respondents reporting that humanitarian aid for children was blocked at some point during the escalation.

Khan Younis and Rafah less affected: Khan Younis and Rafah had a lower number of respondents reporting blockages of aid, with a slightly higher proportion indicating no blockages compared to other areas.

Overall blockages prevalent: In all regions, a significant number of respondents reported that aid for children was blocked at some point.

For the question, "What is the impact of blocking humanitarian aid on your children?" All answers represented a distinct lack of vital humanitarian aid, which has a significant influence on people. The effects reported are the absence of medical care, low nutrition, and a restricted possibility to get an education..

Military action in Gaza by Israel has added to an already disastrous humanitarian situation. The economy has already been ravaged by continued blockade that had been imposed on them by Israel since 2007 which had greatly violated the basic human rights of the people. Israel intensified this on 9 October when it sealed off Gaza completely, separating it of supplies and preventing delivery of goods as a measure that reduced access of the population to food, water, fuel and electricity to a great extent. With the sealing of all crossings between Israel and Gaza regular and humanitarian aid packages were stopped.. Between 7 and 20 October, no aid trucks entered Gaza, significantly impacting nearly two-thirds of the population who were already heavily dependent on humanitarian aid.

Israel's Defense Minister, Yoav Gallant, described the siege as a punitive measure, declaring "a complete siege... no electricity, no water, no food, no fuel. We are fighting human animals, and we act accordingly.[445]" The researcher recorded several public statements from Israeli officials that suggest, in addition to punitive motives, a strategy to use basic necessities as leverage, holding

[445] The battle between Netanyahu and his defense minister

the population of Gaza hostage to achieve political and military goals, such as the forced displacement of civilians from northern Gaza and the release of Israeli hostages. The actions constitute collective punishment of the whole population over the acts of a handful, which is a contravention of the international humanitarian law (IHL). On 7 October, Israel's Minister of Energy and Infrastructure, Israel Katz, ordered a halt to all electricity supplies to Gaza. The next day, Israeli authorities cut off all water supplies from Mekorot through the three pipelines that connect to Gaza. Between 8 October and 14 November, Israel stopped any fuel from entering the territory, citing concerns that it might be used by Hamas. These actions had an immediate effect on water and electricity supply. On 14 October, the three water desalination plants that had a capacity to produce 21 million liters of drinking water daily stopped production as a result of electricity and fuel shortage. More than 650,000 people were directly influenced by the cutting off of water supplies in Israel. Even the Gaza Power Plant ceased operations on 11 October because fuel shipments via Kerem Shalom Crossing were suspended[175].

Although the needs keep increasing, on 7 October to 16 December, Israel fully closed the Kerem Shalom Crossing which is the primary source of goods by Israel to Gaza. After heavy international pressure, Israel opened the crossing to aid trucks on 17 December. On 21 October Rafah Crossing was also reopened, but even then the goods and humanitarian supplies coming to Gaza was greatly inadequate to supply the population. Further setback of life-saving humanitarian aid was delayed and blocked because of more inspection efforts at the Nitzana Crossing between Egypt and Israel. Israeli leaders have made statements to show that they intend to control the population of Gaza by providing them basic needs like food and water; they believe that this aspect can be used to exert political and military control of the region. Since December 2023, over 90% of Gaza's population has faced severe food insecurity, with northern Gaza being the hardest hit[177]. his has been brought about by a combination of events such as destruction of local food production activity, blockade which hindered adequate importation of foodstuff and the risks taken by humanitarian aid workers that distributed the little food available. By March 2024, the situation has only worsened because at that point, 1.1 million people have been faced with catastrophic food insecurity levels..

On 26 January, in the South Africa v. Israel case under the Genocide Convention, the International Court of Justice (ICJ) ordered Israel to "enable the provision of urgently needed basic services and humanitarian assistance" to the people of Gaza. Despite this order, attacks on humanitarian

convoys persisted. On 28 March 2024, the ICJ issued a second order for Israel to [446]"ensure, without delay, the unhindered provision at scale of urgently needed basic services and humanitarian assistance." The siege, hostilities and displacement has disproportionally affected vulnerable groups in enjoying their rights as all equally enjoy fundamental rights. Students in these categories are children, newborns, the aged, disabled, households headed by females, widows, mothers of young children as well as pregnant and nursing mothers. Children have been affected the most with at least 34 dying as a result of severe malnutrition and dehydration[178], and will still be susceptible to the propagation of infectious diseases. Mothers and other women and girls have had gender-specific adverse effects in the fields of sexual and reproductive health, involving; no access to care during pregnancy and after childbirth, and failure to handle their menses in a hygienic and dignified way. Structural discrimination that already existed has contributed to the exacerbation of controlling behaviors by male relatives of the family further constraining the agency of individuals of the female gender. WFP and partners have since 1 May been distributing nutritional supplements to 60,000 children under five and pregnant and breastfeeding women to avoid malnutrition[178]. However, right-wing Israeli protests have blocked aid shipments, further straining the flow of essential supplies to Gaza, While it's true that right-wing protesters blocking aid shipments do not officially represent the Israeli state, their actions still have real-world consequences—especially when they directly obstruct humanitarian efforts. The distinction between state policy and individual or group actions is important, but it doesn't negate the impact on civilians in Gaza who rely on that aid for survival.

Moreover, the state's response—or lack thereof—to such blockades can signal either tacit approval or a failure to enforce international obligations. The failure of the government to act in the best interest of the people including non-intervention to uphold the unstinted delivery of humanitarian aid makes us question both the accountability and protection of humanitarian traditions against the international law.

In conflict settings, it's essential that both state and non-state actors respect humanitarian access, and that governments actively prevent interference with aid delivery, regardless of political pressure or public sentiment.

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[446] https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf, https://www.icj-cij.org/sites/default/files/case-related/192/192-20240328-ord-01-00-en.pdf .

“The situation has worsened after 300 days of the Israeli siege and genocidal attacks including an unprecedented starvation campaign by the occupier. Israel is starving people in Gaza after a 17-year blockade, where the Israeli government deprives Palestinians of the vital supplies, dismantles their means of livelihood, and ruins their civilian infrastructure. Israel prevents delivery of humanitarian aid, bombing convoys and targeting aid workers and civilians, including 289 aid workers in Gaza (most of them staff members of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) who were killed in the line of duty. UNICEF is present in Gaza in very limited conditions aimed at answering the pressing needs of children and families. Regardless of air strikes, fuel shortages, and malnutrition services to the medical personnel, UNICEF has developed over 80 outpatient treatment centers dealing with malnutrition and remains active to deliver essential supplies.

Israeli authorities close Rafah and Kerem Shalom crossings which bar the necessary aid and puts children lives in danger even more. Denial of humanitarian access is a serious offence to children, as stipulated by the UN, and a possible contrary to international humanitarian law. The outcomes of providing aid by humanitarian organizations are immense challenges, including great delays and dangers. New supply of foods has been delayed by several weeks and this illustrates the challenges that aid agencies are facing. No aid has been reaching the population at Gaza via Rafah crossing since 7 October, and this has rendered them not able to address the needs of the population. Children are dying in the aftermath of months of systematic denial of humanitarian access, due to causes of malnutrition and dehydration. They are dying of starvation because of the lacking food and water. Approximately 350,000 under five children are facing the danger of starvation.

The first aid trucks joined Gaza on 21 October but insecurity and the access restrictions restrict a humanitarian response. Since 7 October, 34 Palestinians have expired because of malnutrition with the majority being children. Severe humanitarian crisis is produced because of the 16-year blockade of Gaza and the regulation over the necessary supplies. The new attack has cut fuel and electricity as well as humanitarian aid among other things, making the situation even worse.

There is a dire need of food that is innumerable compared to the available aid trucks given that they were already allowed to enter the country on 21 October 2023.

The fuel and aid restrictions leave hospitals in desperate situations and children born are victims that require electricity enabled medical attention.

The humanitarian community is unable to maintain the increased needs and the inability of people to receive aid is resulting in mass hunger and desperation. UN final court warns about a possible risk of genocide in Gaza which is denied by Israel.

7.3 Availability and Effectiveness of Child Protection Services in Gaza

Table 20:The table presents data on children's knowledge and utilization of child protection services

	Value	Frequency	Percentage
Know Where to Go for Help	No	148	80.00%
	Yes	37	20.00%
Used Child Protection Services	No	167	90.27%
	Yes	18	9.73%
Know Protection Laws	No	111	60.00%
	Yes	74	40.00%
Laws Followed in Community	No	180	97.30%
	Yes	5	2.70%

The table presents data on children's knowledge and utilization of child protection services, as well as their awareness of protection laws and the extent to which these laws are followed in their communities.

Intimidation refers to the fact that a significant majority (80%) of children have not known where to seek assistance, hence not being aware of services available to protect children. There are few who have accessed services about child protection (9.73%). Although the values of the protection laws are known by 40 percent of children, a higher percentage (60 percent) do not know this and therefore, it can be stated that more education is required to inform people about child rights and protection. More than nine out of ten (97.30%) consider that protection laws are not observed in their neighborhood and the disparity between the legislation systems and reality is considerable. Generally: the data gives a worrying picture of child protection. Children are unaware of the availability of help, unlikely to utilize the services that are already available, and think that rarely are the laws on protection applied in their communities.

This implies that there is a need of holistic interventions that would enhance child protection and these may include:

Awareness Campaigns: To make the children aware of their rights, rights, services available and means of help.

Enhanced Access: Responding to stigma, fear or logistical issues of accessing child protection services. Strengthening Enforcement: Making certain the laws that are meant to help children are put in place and effectively enforced.

Community Engagement: Incorporation of communities in the protection of their children to ensure there is a secure environment to the children.

These issues can be solved thus empowering children with knowledge that they need to arm themselves up with, to stay safe and ensure that they remain well.

Table 21:The table presents data on parents' awareness and perceptions of child protection services and laws during the war.

Question	Response	Frequency	Percentage
Are you aware of any child protection services available in your area during the war?	NO	149	74.5
	YES	51	25.5
How accessible are child protection services for you and your children?	Not accessible	158	79
	Somewhat accessible	33	16.5
	Very accessible	9	4.5
How effective are current child protection services in meeting the needs and safety of children during the war?	Not effective	193	96.5
	Somewhat effective	5	2.5
	Very effective	2	1
Do community leaders and local institutions (such as schools religious organizations) support child protection efforts during the war?	NO	200	100
Are you aware of any laws or policies aimed at child protection in your area during the war?	NO	110	55
	YES	90	45
If yes how well are these laws and policies being implemented in your community?	Not well	90	100

The table presents data on parents' awareness and perceptions of child protection services and laws during the war.

Limited Awareness: A majority of parents (74.5%) are not aware of child protection services available in their area during the war.

Inaccessibility: For those aware of such services, most (79%) report them as not accessible for themselves and their children. Even among those who can somewhat access these services, very few (4.5%) find them very accessible.

Ineffectiveness: Only a small nest (3.5%) considers the child protection services provided presently to be effective enough to consider the needs and safety of children during the war. Unsupportiveness: All respondents (100%) indicate that community leaders and local institutions do not support child protection efforts, It is worrying and also interesting to note that all the respondents indicate that there is no assistance in support of child protection by the community leaders and institutions that support the efforts. It is this unanimous agreement that points to a deeper level of ignorance in one of the most susceptible covers of the population children and is an indication of a structural failure in the governance mechanisms on the local level in its ability to roll out the most basic human rights as well as responsibilities. This is a dangerous finding especially in the backdrop of Gaza where Hamas is the de facto running government. Part of effective leadership is to look after the interests of the civilians particularly the children who are most adversely impacted by war, poverty, displacement and trauma. Lack of any institutional and community support of child protection implies that in actuality the powers that are have no time to think about the protection, growth and dignity of their own people or refuse to think about it. Such failure of protection is not interchangeably a local one but has wider humanitarian and legal consequences. The provisions of the international humanitarian law and the UN Convention on the Rights of the Child (CRC), of which Palestine acceded in 2014, the governments have a legal mandate of covering children against violence, abuse, exploitation, and impacts of armed conflict. The inability to fulfill on these requires can amount to breach of international law.

Scanty Information about the Laws: Forty five percent of the parents know the laws or the policies enforced to protect children, but 55 per cent do not. Among the people who are aware, 100 percent suspect that these laws are not applied in a proper way. On a whole: The record presents a bleak picture of what was happening in terms of protection of children during the war. Parents have

awareness and access problems and feel that these services are ineffective and also not supported by the community.

The pie chart illustrates the responses to the question "Are you aware of any child protection services available?"

Key Insights:

Absence of Awareness: 74.5 percent of the respondents stated that they lack awareness of any possible child protecting services.. This suggests a significant gap in knowledge and awareness regarding resources designed to safeguard children's well-being.

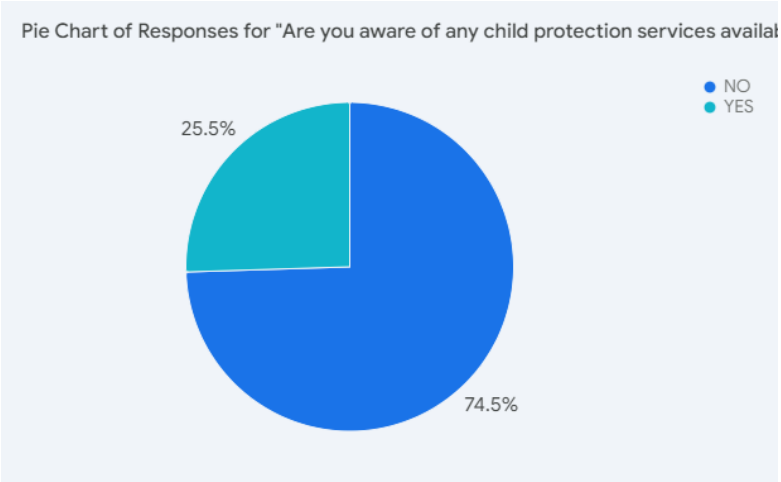

Figure 30: Shows the responses to the question "Are you aware of any child protection services available in your community?

Limited Awareness: A minority (25.5%) reported being aware of such services. While this suggests some knowledge within the community, it highlights the need for broader outreach and information dissemination.

The pie chart illustrates the responses to the question "How accessible are child protection services for you and your children?" and "How effective are current child protection services?"

Key observations:

Majority perceive services as inaccessible: An overwhelming majority (79%) of those surveyed do not find any of the child protection services to be accessible. It means that there are quite low rates of access to such important services to children and family..

Limited accessibility: A smaller proportion (16.5%) find the services somewhat accessible, suggesting that while some access exists, it may not be adequate or meet everyone's needs.

The access rates are incredibly low: Only a small number (4.5 percent) of respondents report that they perceive child protection services as being very accessible and thus show a significant service shortcoming and outreach failure. Incomparable ineptness: Majority (96.5%) of respondents indicates that the current services of child protection are ineffective. This shows that there is a general feeling of disappointment and no trust in the current structures put in place to aid the protection of the children. Minimal Effectiveness: The respondents have very small percentage (3.5) who found the responses to be pretty much effective. This suggests that while some positive impact might be acknowledged, it's not considered significant enough.

Notably Absent: The "Very effective" category appears to have no respondents, indicating a complete absence of individuals who believe the services are highly effective. Failure to provide awareness on child protection services could put children at greater risk of being abused, neglected and exploited. It may get in the way of their connection to support systems

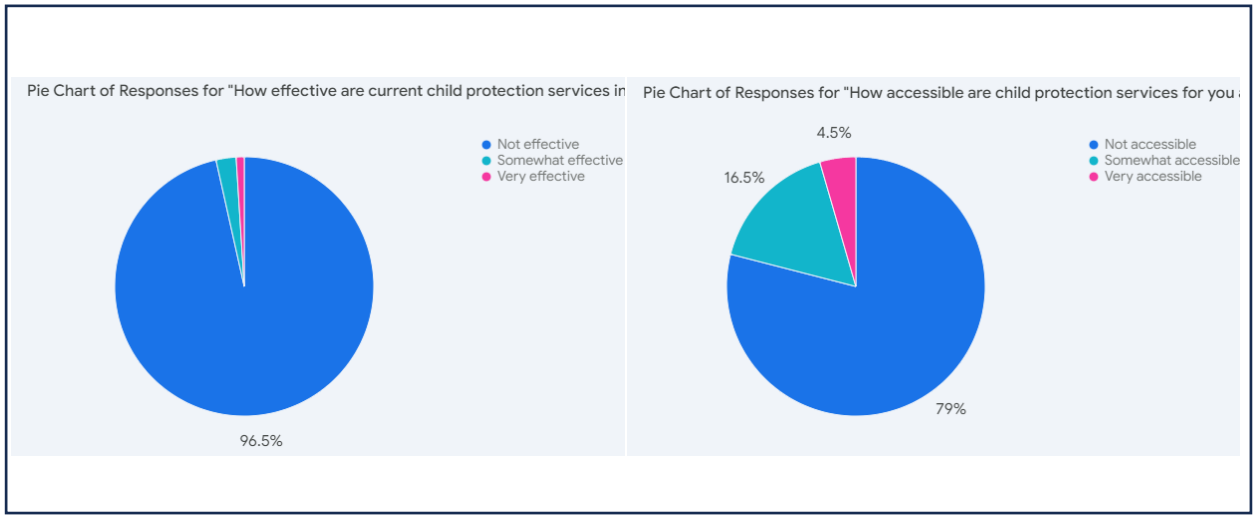

Figure 31: Shows the relationship between awareness of child protection services and perceived accessibili

and resources that should guarantee their safety and well-being.

wich underlines the matter of informing people about child protection services in society. This could involve targeted campaigns, educational initiatives, and community-based programs to inform individuals about the existence and importance of these services.The chart explains the correlation between the awareness and accessibility of child protection services. These significant observations can be made::

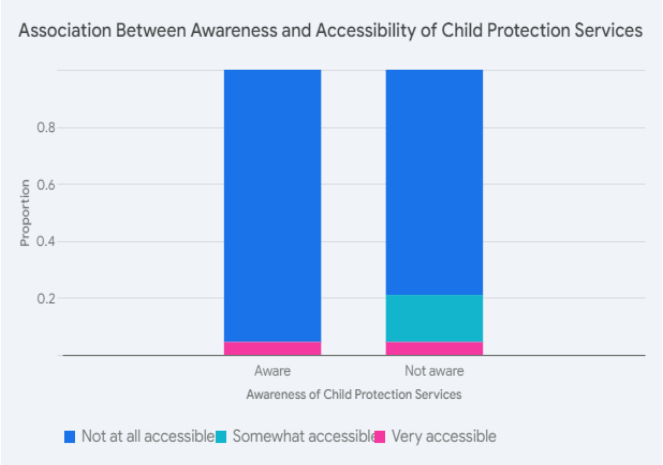

Figure 32: shows the results a survey about child protection servics

- **Individuals who are not aware of services often find them inaccessible:** Of the respondents not aware of child protection services, the percentage stating that these services were not at all accessible to him or her amounted to 79..
- **It has a problem with access, even when education is present:** Even in the group that is aware of the services, a large amount (95.5%) still dismissed the lack of accessibility.

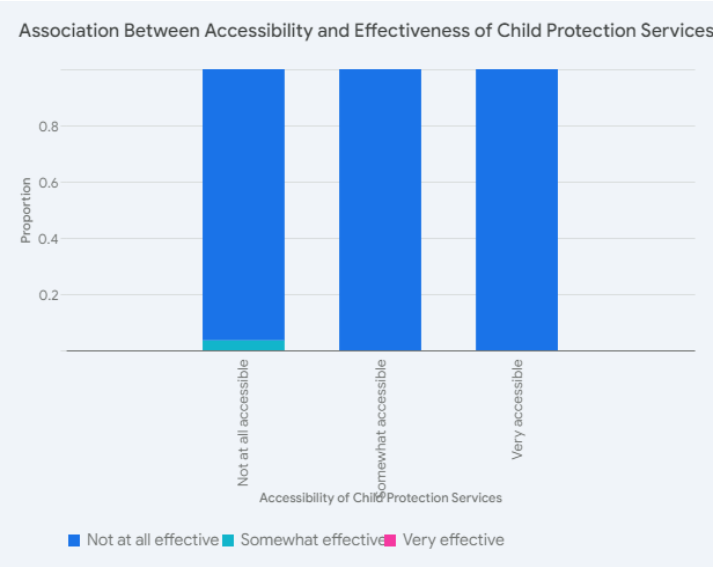

Figure 33: Shows the relationship between the accessibility of child protection services and their perceived effectiveness

Services are accessible to few people: It is only a small group of respondents (4.5% of the aware and unaware respondents) who stated that child protection services are very easily accessible.The data however gives an indication that there is positive correlations between awareness and accessibility. Nonetheless, despite the fact that people know about the existence of child protection services, there is still a vast field of obstacles to its utilization. That is why it is necessary to introduce interventions that can not only increase awareness about the existence of such services but also appropriate factors related to the access, such as their logistical challenges, cultural stigma, or a lack of information regarding how to access such services. A strong correlation between the perceived effectiveness and accessibility of child

protection services is depicted in the chart. These significant observations can be made: Not available services are considered to be ineffective: The results of all the stratum levels of accessibility (not at all, somewhat, very) show that the respondents consider child protection services to be not at all effective (96.5 percent to 100 percent). No marked differentiation according to accessibility: The perceived effectiveness is the same even when the services are slightly or highly accessible, and this means that accessibility does not promote effectiveness entirely. The data as a whole points to a high negative correlation between accessibility and degree of perceived effectiveness. This indicates the necessity of the interventions improving not only accessibility of the child protection services but also implemented to enhance their quality and responsiveness to the needs of children during the war.

All the respondents reported that the community leaders and the local institutions do not protect children during the war. This suggests a significant gap in community involvement and responsibility towards safeguarding children's well-being in times of conflict.

Without community support, children may be more susceptible to all forms of risks and abuse, neglect, exploitation and recruitment into armed groups are some of the common risks faced. Community support can also affect the efficiency of any formal child protection mechanisms and initiatives since community support always plays a vital role in ensuring that child protection mechanisms and initiatives are successfully implemented.

- The graph demonstrates dependence between child protection law awareness and how the laws are implemented:
- **Among those unaware of the laws:** 55% of respondents reported being unaware of child

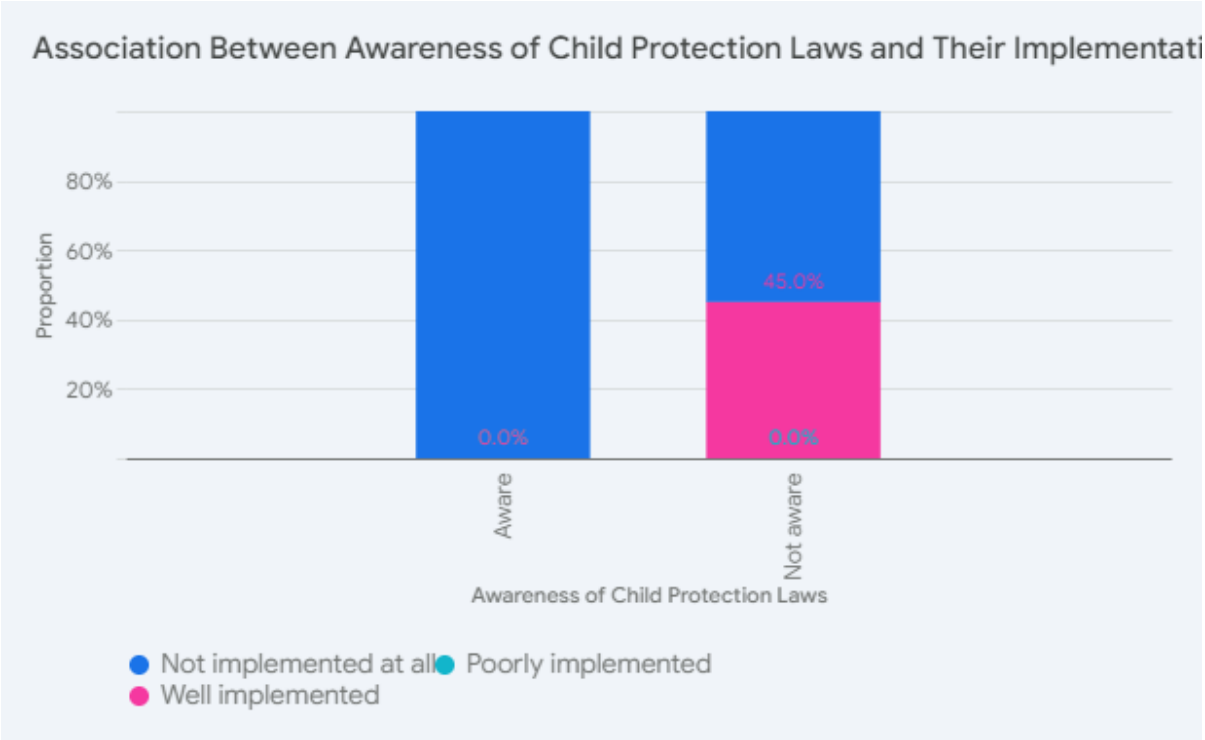

Figure 34: Shows the relationship between awareness of child protection laws and their perceived implementation

protection laws, and for this group, it's assumed that none of the laws are implemented (as they cannot assess implementation without awareness).

- **Among With knowledgeable of the laws:** 45 percent of the respondents attested that they are knowledgeable of the child protection laws, yet, 100 percent of this category responded that the laws are not applied at all.

Generally, the statistics illustrate critical scenario how child protection legislation, even being known, is not being properly introduced. This points to the necessity of interventions that would not only introduce the awareness of such laws but would also be dedicated to solidifying their application and guaranteeing that they can be turned into actual protection of the children.

Responding to the question What changes or improvements are required in the legal and policy framework to better protect children during the war?, and What do you feel should be done to improve child protection in your area? people came up with the following::

Build Awareness and Access to Child Protection Services: The information shows a serious awareness and availability gap of child protection services by their parents. This implies that there is a need to:

Public Awareness Campaigns: Special campaigns should be run to enlighten parents and communities about existing services, their potential and the means to receive them.

Decentralization of Services: Bringing the child protection closer to the child, e.g. setting up protection centers in schools and/or community centers..

Mobile Services: Use of mobile units to access remote and marginalized location.

Frontline Worker Training: Providing frontline workers (teachers, healthcare and community leaders) with the skills and information to report and address child protection issues.

Increase the efficacy of the Child Protection Services: Developing child protection services is (considered to be) an effortless venture, but there is also a perceptible ineffectiveness of the services existing as of yet in the contemporary world, hence, the following should be enhanced:

Increased Funding: Using more funds to child protection programs done to properly staff and train programs and infrastructure.

Specialized Services: It focuses on creating specialized interventions that respond to the special needs of children in war times such as psycho social assistance, counseling on trauma, and family reunification.

Data Collection and Evaluation: Establishing effective monitoring and evaluation mechanisms to monitor the effectiveness of interventions and to help to understand any opportunities that require improvement.

Strengthen Legal Frameworks and Enforcement: According to the data, there is no awareness and punishment on child protection laws. This necessitates:

Harmonization of Laws: Making it a point that the national legislation and policies conform to international protection on child fighting in armed conflict.

Clear Sanctions: This is creating deterrence sanctions clearly stated in acts of breaching child protection laws.

Capacity Building: The process of equipping the law enforcement members and staffs of judicial organs with training and resources that would assist them to efficiently investigate and prosecute child related crimes.

Foster Community Engagement and Support: Children need to be provided with community support through community mobilization and engagement because the absence of the community engagement is an urgent issue, which needs to be overcome in the following way:

Community-Based Initiatives: Formulation of programs that engage the parents, community leaders and the religion agencies in child protection practice.

Sensitization and Training: Enlightenment to the members of the community on child rights and value of protecting the children in conflict.

Child Participation: Developing space/avender where the young would air out their opinions and take part in the determination of actions that would affect their destiny.

International Cooperation and Advocacy:

Support of Tougher International Laws: Campaigning to enforce more powerful international laws on protection of children in armed conflict and enforcement of proper commitments by the states.

International Aid and Support: Enlisting the international community, financial and technical resources in coming to aid of war-torn countries in the protection of children.

8 CHAPTER 8

8.1 CONCLUSION

8.1.1 Introduction

The comparative analysis of the Ukraine and Gaza wars reveals a troubling convergence of legal, humanitarian, and ethical violations. While the contexts differ, Ukraine being an interstate conflict and Gaza involving a state versus a non-state actor the patterns of violence, legal breaches, and civilian suffering are strikingly similar. Drawing on my comprehensive study, this integrates key findings with current scholarly literature and presents the Israeli position on each issue to ensure a balanced and scientifically rigorous conclusion.

There is a French expression which says that comparison is not reason i.e., things should not be compared that are not similar to prevent the false equivalence. The wars in Ukraine and in Gaza that are now a focus of global concern have key differences—for instance one happens is an interstate conflict and the other in an interstate a state versus a non-state actor -non-state conflict, and while there were many causes which lead to each conflict, under analysis, it is impossible to avoid concluding that there were several features of these wars that present comparable similarities: (1) the instrumentalization of history, (2) the dehumanization of the enemy, (3) massive violations of international law such as collective punishment, (4) the asymmetry which caused colossal civilian deaths (5) effect on regional and global security, and (6) lack of success in trying to arrive at just and lasting resolution.

Systemic Violation of Human Rights are breaches of human rights which are:

Widespread: Touching upon extensive parts of the population or vulnerable groups.

Persistent: Not single instances, but having a long history.

Institutionalized: These violations are condoned, supported, or provide the basis of laws, policies, or practices by the state or powerful players.

Structural: Legal, political, economic and social institutions create, enable, or normalize the rights violations. This can be manifested in the form of discriminatory or repressive rule.

The Council of Europe and the European Court of Human Rights (ECtHR) underline that systematic infractions[447] emerge when the legal framework or the administrative system is the root

[447] Systemic Remedies in International Human Rights Law " MB-Expose-23-05-21" .

cause of the right infractions or contributes to the infractions themselves, and that structural solutions are necessary, separate of compensatory ones[448]. I concur with the methodology promoted by the Council of Europe that does not provide a strict definition but relies on the assessment based on criteria. The criteria of the ECtHR evaluation are:

Semantic Transparency: Systemic means a pattern, not single events.

,Two fold reasoning: It takes into consideration the scale and root causes of violations.

Remedial implications: It leads to the decision whether the response should be individual or structural. This definition would be more practical and flexible in various contexts and legal systems. It permits subtle examination and helps to create systemic solutions, including alterations to policy, institutional reconfiguration and international regulation[449]. This approach allows my dissertation to assess systemic violations not just by counting incidents, but by evaluating intent, structure, and impact, especially relevant when analyzing child rights abuses, occupation dynamics, and asymmetric warfare.

8.1.2 Evaluation of violations

Children's suffering during armed conflict is devastating and morally wrong. Every war may have isolated cases of harm, but systemic abuse of children's rights is something else entirely. Abuse is not random; it is patterned and systemic. It is common, and often prolonged and incorporated into the military operational framework.

UNICEF has described Gaza as "the most dangerous place in the world to be a child," noting that thousands of children have been killed or maimed, with casualty levels "unprecedented in any conflict in recent decades" (UNICEF, Nov–Dec 2023). Save the Children [450]likewise reports that more children were killed in Gaza in the first three months of the bombardment than in all global conflicts combined over several recent years. The UN Secretary-General's Office for Children and Armed Conflict (CAAC) [451]has repeatedly documented widespread "grave violations" against children in Gaza, including killing, maiming, denial of humanitarian assistance, and attacks on

[448] Methodology for assessment of systemic human rights violations " 16809e2a76"

[449] [449] WHAT IS THE MEANING OF "SYSTEMATIC VIOLATION OF RIGHTS" MENTIONED IN THE ECHR YALÇINKAYA DECISION? – CrossBordersJurist

[450] In Gaza, Nealy Every Single Child is at Risk of Famine | Save the Children

[451] Document Viewer

schools and hospitals . The scale and regularity of civilian harm, especially in densely populated areas, raises serious concerns about proportionality and necessity, which must be addressed through transparent investigations and legal accountability.

The use of rape and other forms of sexual violence has been systematically employed as a weapon often in an organized, even military, fashion in Ukraine . There have been widespread reports of deportations and abusive kidnappings of children over 35,000 documented cases many of whom have reportedly been indoctrinated and militarized [452]. Civilians infrastructure such as schools, hospitals, and power plants have been struck by air attacks despite not serving military purposes, placing millions of children at risk. There have been mass instances of torture and murder of prisoners of war. The International Criminal Court has issued arrest warrants for President Putin and Maria Lvova-Belova[453].

All of these actions appear aimed at eliminating Ukrainian opposition, eradicating national identity, and consolidating territorial control. The breaches described are deliberate rather than accidental. In Gaza, there have been heavy civilian casualties, thousands of which are children caused by airstrikes, and the extensive destruction of civilian infrastructure. It has been reported that Israel uses precision munitions and knock on warning bombs that aim at warning impending strikes to the civilians[454]. However it's the effectiveness of these mitigation measures has been questioned since the scale of civilian impact has been immense, and schools and hospitals have been struck too often. Frequentlythe Israeli authorities defend such strikes by claiming the presence of Hamas combatants while these claims cannot be substantiated. Over 68.234 civilians have been killed[455] with children being disproportionately hit. The campaign is said to have resulted in demolition of approximately 80 percent of civilian infrastructure[456]in Gaza includingshelters, and medical centers[457]. The operations are presented as attempts to annihilate Hamas's military apparatus, the al Qasem Brigade and underground tunnel systems. The widespread destruction of civilian infrastructure is commonly presented to the public as a necessary evil of collateral damage and not targeting of innocent people but all these measures, as

[452] World Report 2024: Ukraine | Human Rights Watch
[453] The Other Hostage Crisis—Russia's War Crime Against Ukraine's Children
[454] Understanding Israel's New Tactics in Gaza: What Lies Ahead?
[455] Reported impact snapshot | Gaza Strip (22 October 2025) | United Nations Office for the Coordination of Humanitarian Affairs - Occupied Palestinian Territory
[456] https://www.972mag.com/tunnels-hamas-lethal-gas-bombs-gaza/
[457] Understanding Israel's New Tactics in Gaza: What Lies Ahead?

explained above, have brought disastrous humanitarian impact to the civilian population in Gaza[458]. Although the authorities of Israel may deny the intent to harm children, various Israeli sources, including the Israeli government's oversight and investigation bodies, own Israeli military communications, and Israeli human-rights organizations indicate the presence of repetitive policies and patterns of operations,that often disproportionately affects children. The consistent repetitive nature of sufficient to refer to the harm as systemic rather than occasional. Official oversight documents such as the post- protective edge audit by the State Comptroller included evidence of continuing deficits in the incorporation of the laws of armed conflict during training in the Israel forces as well as in the systems designed to minimize the harm to uninvolved civilians-issues which in inherent form cause repeated and predictable civilian deaths in crowded locations such as Gaza[459].

The current war also broadly utilizes large-scale evacuations and ongoing attacks in urban areas including the areas designated for evacuation. The Israel forces operations do not ignore the warnings but these warmings also state that operations[460] will take place where civilians, including children, are residing if they do not leave their homes, creating predictable patterns of child damage once more.

High incidences of child casualties and the broad area impacted by Israeli military operations are consistently recorded by Israeli civil-society monitors running statistics and case work in Gaza and the West Bank. B'Tselem, an Israeli human rights organization,, has documented repeated incidents involving minors[461]. Physicians for Human Rights Israel, has documented how restrictions on movement, fuel, and aid, as well as strikes on health infrastructure, have gradually reduced pediatric survival chances[462]. A UN Special Committee on Israeli practices in the occupied Palestinian territory (Nov 2024)[463] established that Israeli officials had, publicly, endorsed such policies that deprive Palestinians of the needs necessary to live entirely, namely food, water, and fuel, and found that a pattern of systematic and unlawful interference of humanitarian aid evidences an intent to instrumentalise life-saving supplies to political and military advantage. In a

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[458] Bomb the area, gas the tunnels: Israel's war on Gaza's underground
[459] Israel Defense Forces. *Evacuation Map for Gaza.* https://www.idf.il/en/minisites/israel-at-war/evacuation-map/
[460] Israel Defense Forces. *Situation Updates – IDF Spokesperson.* https://www.idf.il/en/articles/situation-updates/
[461] Explanation of statistics on fatalities | B'Tselem
[462] B'Tselem https://statistics.btselem.org/en/all-fatalities/by-date-of-inciden
[463] https://www.ohchr.org/en/press-releases/2024/11/un-special-committee-finds-israels-warfare-methods-gaza-consistent-genocide

statement, a team of UN independent experts (March 2025)[464] said that Israel had restarted weaponising starvation in Gaza by breaching a ceasefire agreement and obstructing humanitarian aid, which they termed a flagrant violation of the international law. In the meantime, Israeli government web sites elaborate and debate the control over humanitarian access and nutrition statistics, demonstrating that Israeli agencies are in charge of the so-called aid system which they also claim is adequate- further indication that child outcomes are being premeditated by organized policy decisions, and not mere chance circumstance. These official and Israeli-selected materials, combined, allow making a conclusion that the tendency of child harm is systemic in its consequences, and not the intention of separate soldiers, because it is the work of recurrent operational patterns and governmental controls, the consequences of which on children are repetitive and long-lasting.

To assess whether such violations are part of a systemic pattern, it is necessary to consider a number of factors: the scale of death and injury among children; the extent to whichinfrstrucutre whose primary purpose or broad spectrum of its services are child focused have been targeted, such as schools and hospitals; the severity of obstacles that hamper humanitarian assistance reaching children with essential services; as well as use of rhetoric that dehumanizes children and justifies violence against them. These are evidence of something more severe still not just children as collateral in a conflict, but are being systematically targeted for military or social goals of the Israeli government and military intervention.

There is extensive documentation of systemic abuse in Ukraine. Russian forces are accused of forcibly deporting children from occupied territories, attacking schools and turning heavy weapons on civilian areas.[465] Such moves have prompted international arrest warrants and outcries of condemnation. The coerced transport of children, specifically, is considered an act of genocide under international law.

Not to be outdone, the scene in Gaza is no less appalling. The total number of children the Israel has killed in just a few months of fighting is more than double the figure for all casualties among minors worldwide over several years. Entire neighborhoods have been leveled, schools and

[464] Gaza: Experts condemn Israeli decision to re-open 'gates of hell' and unilaterally change conditions of truce deal | OHCHR.

[465] https://ukraine.ohchr.org/en/UN-report-details-devastating-impact-of-hostilities-on-children-in-Ukraine.

hospitals obliterated, and access to food, water and medical supplies all but cut off[466] [467]. Children are not just dying in airstrikes, they're suffering from trauma, malnutrition and displacement on a staggering scale[468]. What is even more troubling is the environment where these abuses take place. Gaza is one of the most densely populated places on earth, and civilians children in particular have nowhere to run. Even when attacks are preceded by warnings, the fact is that escape is frequently unfeasible. All feasible precautions to prevent civilian harm are required by the principle of precaution in international humanitarian law. But these measures are of questionable value when the population is trapped. Israel is obligated by the principle of all practicable precautions in Article 57[469] of Additional Protocol I and customary International Humanitarian Law to delay, cancel, modify military interventions when an attack will most likely result in the excessive civilian casualties, particularly, the civilians who cannot possibly evacuate the area despite the fact that this might mean forging immediate military objectives related to enemy combatants[470]. Article 57 of Additional Protocol I and customary IHL practically implies that when civilians are at risk, especially when children are at risk, commanders need to think of other ways, when to attack, what angles to attack, what weapons to use, and need to interrupt the attack in case such changes would not allow reducing the harm adequately.

The proportionality rule also binds decision-makers to avoid attacks where civilian losses as compared to the tangible and direct military benefit would be too great[471]. Safety precautions then cannot be limited to the matter of warnings, as warnings cannot be legally considered effective as long as civilians have no realistic means of escape; rather, active evacuations, actual deconfliction of defended objectives, such as hospitals and schools, careful munition choice and timing of strikes are all necessitated by the need to reduce the number of people at risk. In addition, the humanitarian corridors and breaks should be kept open and extended where feasible to curtail the issue of people who are stuck in combat zones. Basically, the law does not require Israel to renounce military goals, but rather tailor the methods and timing of actions in order to avoid civilian casualties where practical, and to wait until a legitimate and less destructive target can be hit.

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[466] UNOSAT
[467] United Nations Office for the Coordination of Humanitarian Affairs - Occupied Palestinian Territory
[468] Press releases | UNICEF
[469] IHL Treaties - Additional Protocol (I) to the Geneva Conventions, 1977 - Article 57.
[470] https://academic.oup.com/jcsl/article/29/1/21/7644943.
[471] IHL Treaties - Additional Protocol (I) to the Geneva Conventions, 1977 - Article 51.

The official Israeli stance is that harm to children in Gaza is unintentional and an unavoidable consequence of military operations, which are targeted at Hamas and other armed formations that are not located in civilian territories. According to the Israeli Ministry of Foreign Affairs, Israel is targeting the infrastructure, operatives, and command centers of combatants and say that civilians are killed since Hamas uses civilians, including children, as human shields and operates within hospitals, schools and residential neighborhoods[472]. The Israel Military also affirm that it provides advance warnings, evacuation areas and makes what it terms unprecedented humanitarian precautions to minimize civilian casualties in their operations[473]. The Military Advocate General (MAG) Corps, which is the organization that deals with the internal legal supervision, says that the IF attacks are evaluated according to the principle of distinction and proportionality, and that the credible allegations of the wrongdoing are examined[474]. Israeli Supreme Court has reiterated multiple times that the IF policies are legal, in response to challenges, and that the army had the obligation to balance military necessity with the requirement to protect civilians but had no responsibility toward victims of the decision by the enemy to act among the civilians[475]. Government of Israel). Moreover, the Coordinator of Government Activities in the Territories (COGAT) asserts that Israel enables humanitarian assistance delivery as well as medical evacuations to the level that security conditions permit, citing failure to do so as caused by the conflict situation and not Israeli policy[476]. Combined, Israeli state policy is that child suffering is a sad result of combatand not a policy or objective and that it is mainly the military strategy of Hamas that is the source of child suffering and not the operational intent of the Israeli.

While some of the mitigation measures to reduce civilian death have been observed being implemented in combat zones, the broader picture of the scale children killed, documentation by medical organizations of deliberate targeting of children, and the damage to the non-military infrastructure demonstrates that these measures are either not suffient or not being applied with the true intention of reducing civilian harm, including on children. One factor indicating that the

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[472] Ministry of Foreign Affairs. Hamas' Use of Human Shields. State of Israel, https://www.gov.il/en/departments/general/hamas-human-shields.

[473] Israel Defense Forces. Israel at War: Operational Updates. https://www.idf.il/en/minisites/israel-at-war/

[474] MAG Corps. Fact Sheet: Investigations and Legal Oversight. Israel Defense Forces, https://www.idf.il/en/minisites/mag-corps/investigations.

[475] [475] HCJ 769/02 The Public Committee Against Torture in Israel v. Government of Israel. Supreme Court of Israel. English translation at: https://versa.cardozo.yu.edu/opinions/public-committee-against-torture-v-government-israel.

[476] COGAT. Humanitarian Coordination and Aid Updates. Government of Israel, https://www.cogat.mod.gov.il/en/humanitarian_aid/pages/default.aspx.

impacts on civilian infrastructure is intentional rather than collateral is the continuous targeting of hospitals, schools, and shelters of displaced persons[477]. The official stance of Israel assures that any civilian and child casualties in Gaza are unintentional and due to Hamas placing its fighters, command centers, and weapons in civilian targets, which causes the IF to claim it only targets military targets and that it makes wide use of precautions including phone calls, SMS and leaflets and loudspeakers, evacuation orders, Eight temporary corridors, a so-called roof-knocking warning strikes, target verification, and proportionality analysis, as well as assistance to humanitarian aid where security conditions allow[478]. This stance is evident throughout the Ministry of Foreign Affairs, the Israel forces operations statements, the oversight framework in the Military Advocate General Corps, and the humanitarian access reporting in COGAT and is supported by the Israeli Supreme Court ruling on targeted-killings that military force should meet the principles of distinction, necessity, and proportionality, and that capture should be preferred to lethal force where possible and investigations needed after occurrences of civilian casualties.

Nevertheless, the literature on the international humanitarian law focuses on the fact that warnings are not enough to meet the requirement of protecting civilians during dense urban warfare, commanders must take all reasonable precautions to reduce civilian casualties which may include the suspension or cancelation of attacks to which the expected loss of civilian life became out of proportions, organization of evacuations so that civilians may be able to realistically reach safety, choice of munitions and angles of attack to minimize the impact of blasts, timing and method adjustment of attacks to ensure that the loss of civilian life will be proportional, and the necessity of humanitarian corridors that operate in practice, ongoing oversight to wait until targets can be attacked with fewer risks, and post-strikes measures of civilian injury can be further suggested by the literature and professional manuals on air and urban warfare to avoid repetitive harm patterns.

Accordingly, although Israel claims to take considerable precautionary steps, legal and scholarly opinion is that in such a densely populated and restricted movement environment as Gaza, precautions must be considered not merely in reference to the existence of warning, but to whether

[477] OHCHR Thematic Report - Attacks on hospitals during the escalation of hostilities in Gaza (7 October 2023 - 30 June 2024) - Question of Palestine.
[478] Ministry of Foreign Affairs

both civilians, particularly children, had a reasonable opportunity to escape casualties and whether more hazard-safe alternatives of operation were in fact sought wherever possible.

8.1.3 Legitimacy and the right of self-defense

The right to self-defense is one of the fundamental pillars of international law, spelled out in Article 51 of the Charter of the United Nations. There it is mentioned that if a state is exposed to an armed attack, it has the fundamental right of self-defense. However, the whole concept is much more complex in the situation when the threat is coming from a territory under occupation.

Legal interpretations of self-defense vary considerably. One interpretation, which can be termed the halting and repelling theory, only allows a person to defend themselves when an attack is still ongoing and they want to stop it. Contrarily, the trigger theory allows a person to defend themselves, whatever the scale of the attack. There is a third interpretation, which is termed the future attack theory, which allows a defender to take preemptive actions[479] .

In spite of the fact that in 2005 Israel pulled out its troops and settlements from the Gaza Strip, that territory is still considered under occupation by the vast majority of the international community[480] [481]. By the international humanitarian law, especially, Article 42 of the Hague Regulations of 1907[482], an occupied territory is one actually subjected to the control of a hostile army, and occupation is limited to the territory where such control has been set up, and where it can be effectively maintained[483].Academic and other more institutional interpretations, such those of the ICRC and Oxford Law Pro[484], focus on the fact that occupation does not transfer sovereignty, the occupying force is only a transient trustee charged with keeping the population in order and security. In addition, the rights of the local people and the sovereign absent should be considered and the status of occupation can be used irrespective of whether it is lawful or agreed by the UN Security Council. Despite withdrawal from the boundaries of the territory, the reason that Gaza is still considered occupied is that Israel still fully controls Gaza's land crossings and airspace and

[479] Justifying the Right to Self-Defense: A Theory of Forced Consequences
[480] ICRC: Neutral humanitarian action | Protecting lives in conflict
[481] ICJ, *Advisory Opinion* (9 July 2004), para. 78.
[482] Occupation and international humanitarian law | ICRC
[483] International Committee of the Red Cross. (n.d.). *Occupation*. ICRC. Retrieved November 6, 2025, from https://www.icrc.org/en/law-and-policy/occupation
[484] Occupation in International Law | Oxford Law Pro | Oxford Academic

has sole access to water, electricity, and communications services. According to international law, particularly The Hague Rules and the Fourth Geneva Convention, this type of control is known as an effective occupation[485]. And it is important since the law prohibits using self-defense against the occupied space.

Eric A. Heinze (2024)[486] applies the interpretations of self-defence under Article 51 of the UN Charter to the IsraelHamas War and considers the post-9/11 state practice as having broadened the right of states to use force against non-state actors. He argues that the scale, cross-border nature, and severity of the 7 October 2023 attacks qualify the event as an armed attack under the legal threshold, thus possibly justifying the response of Israel under jus ad bellum. Heinze disagrees with the restrictive interpretations of the ICJ Wall Advisory Opinion, pointing out that it is not binding and lacks pertinence to the reality on the ground. He even continues to argue that the modern day practice is becoming more agreeable that non-state actors, including Hamas, may under their own initiative instigate the right of self-defence without being attributed to a state. Using international precedents he indicates a new agreement that extraterritorial self-defence should be covered by the doctrines of unwilling or unable. But, as much as he believes that the first step of Israel could be warranted, he casts doubt proportionality in long term operations. Notably, Heinze distinguishes between jus ad bellum and jus in bello and points out that the legality of force does not guarantee the adherence to the international humanitarian law. More importantly, his analysis does not give enough credit to the fact that the occupation law is still relevant in Gaza and this is one of the gaps in his argument. A key weakness in Heinze's argument is that it underestimates the relevance of occupation law and sidelines jus in bello, despite the fact that large-scale civilian harm, siege tactics, and control over Gaza strongly engage core IHL rules and may indicate ongoing effective control. His prioritization of a broad interpretation of Article 51 of the UN Charter and selective state practice ignores such authoritative interpretations as the ICJ Wall Advisory Opinion, and does not critically evaluate the humanitarian impacts of extending self-defence against non-state actors.

Indeed, T.D. Gill (2024)[487] contends that Israel had a valid legal reason to invoke self-defence by Article 51 of the UN Charter in response to the 7 October 2023 Hamas attack, refuting the

[485] Determining the beginning and end of an occupation under international humanitarian law
[486] International Law, Self-Defense, and the Israel-Hamas Conflict.
[487] The Jus ad Bellum and the War in Gaza in: Journal of International Peacekeeping Volume 27 Issue 3 (2024).

suggestion that the status of occupation or the role of non-state actors obviate this right. He argues that Gaza is not in the classical sense of occupation and that modern use of occupation permits in self-defence against non-state actors, so the first response of Israel is arguably within the law of jus ad bellum. Nevertheless, he emphasizes that necessity and proportionality should be continually evaluated, considering the magnitude of civilian casualties. Gill points out that the restriction of humanitarian aid has resulted in a critical legal violation as he says that this practice is not connected with self-defence and is rather against legal boundaries. Critically, his analysis is constrained by a very limited perception of occupation, and lack of interaction with the emerging IHL interpretations and academic agreement on functional occupation.

In the wake of the 9/11, the U.S. National Security Strategy of 2002 presented preemptive and preventive doctrines based on the premise that there is a need to attack potential threats before they occur especially rogue states and terrorist groups[488] [489]. Such a logic justified the invasion of Iraq that was packaged as a preemptive move to curb the proliferation of weapons of mass destruction and terrorism[490]. Nevertheless, opponents argue that preemptive occupation is not legitimate under the international law unless there is a demonstration of an imminent danger. The Bush Doctrine was widely criticized as antidemocratic to multilateralism and as a foreign policy that trampled the sovereignty of the states which is why the Iraq War is often referred to as a failure by the Bush Doctrine, where preemptive occupation could not be applied in accordance to the principles of the law and ethics[491], 1368 and 1373[492]. There have been controversies concerning how this right can be implemented in the case of Israeli response to Hamas where Israel is making the claim that its current actions in Gaza are preemptive. Eric Heinze (2024) [493] asserts that Israeli response after the Hamas attacks on October 7 is within the context of article 51, the changing nature of threats around the world and subsequent legal purpose of self-defense by Israel. In line with this, Nicholas

[488] Byman, D. L. (2007, July 1). *Iraq and the global war on terrorism*. Brookings Institution. Retrieved from https://www.brookings.edu/articles/iraq-and-the-global-war-on-terrorism/

[489] [489] Striking First: Preemptive and Preventive Attack in U.S. National Security Policy | RAND

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[491] Dealing with Fear: Implementing the Bush Doctrine of Preemptive Attack - Dockrill - 2006 - Politics & Policy - Wiley Online Library

[492] Article 51 and Israel's inherent right to self-defence - AIJAC

[493] "International Law, Self-Defense, and the Israel-Hamas Conflict" by Eric A. Heinze

Tsagourias (2023)[494] asserts that self-defense is not an exception to Article 2(4) of the rules of international law, and that Israel is entitled to legally use the self-defense against Hamas irrespective of whether Gaza is a legal entity. Conversely, Kushal Morey (2025) provides a critical insight into the situation by arguing that the actions of Israel in Gaza tend to compromise the right to self-defense because of the breach of necessity, proportionality, and distinction in the scope of the International Humanitarian Law. In the meantime, Geir Ulfstein (2024) and Marko Milanovic[495] hypothesize the irrelevance of self-defense in the case of threats posed by occupied territories based on the ICJ Advisory Opinion on the Wall (2004), and concluded that Israel can not invoke Article 51 against threats that arise on its territory.

The International Court of Justice (ICJ) in its 2024[496] advisory opinion was clear on this point: Israel does not have the right of self-defense under Article 51 of the UN Charter to respond to threats emanating from territory over which it exercises control. If a response is warranted, the right to self-defense must be exercised in accordance with IHL.

The International Court of Justice (ICJ) has repeatedly in several advisory opinions of 2024-2025 reiterated that Gaza is occupied and as the occupying force, Israel must comply with the international humanitarian law[497]. The ICJ has dismissed allegations that these humanitarian obligations can be subordinated to the concerns of national security. In a similar manner, the UN General Assembly and Human Rights Council have pointed out that the right to self-defense cannot be taken to mean that collective punishment is acceptable as well as the use of disproportionate force especially in occupied territories[498]. Some arguments stand out in the consideration of the self-defense claims that Israel had. On the one hand, Israel was attacked on a large scale by military forces on October 7 and such an attack could justify the defensive action under Article 51 of the UN Charter. The fact that non-state actors such as Hamas are recognized as lawful targets by shifting definitions of self-defense further bolsters the Israeli position and the precision of weapons and tactics such as knocking bombs further prove an effort to avoid as much civilian casualties as possible. Conversely, the occupation of Gaza makes Israel unable to employ

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[494] Israel – Hamas 2023 Symposium – Israel's Right to Self-Defence against Hamas - Lieber Institute West Point ijlmh.com/wp-content/uploads/The-Paradox-of-Protection-Israels-Right-to-Self-Defence-and-its-Erosion-through-Conduct.pdf

[495] Does Israel have the right to self-defence – and what are the restrictions? – EJIL: Talk!

[496] https://www.icj-cij.org/node/204176.

[497] ICJ tells Israel to let UN aid flow into Gaza – but UN's own failures throughout the war loom large

[498] Obligations of Israel in relation to the Presence and Activities of the United Nations, Other International Or

self-defense against the threat posed by the internal forces and the 2004 Wall Advisory Opinion of the ICJ, as well as the more recent decisions ICJ 2024 [499], remind Israel that the self-defense does not apply to the threats that emerge due to the occupation of the territories. Moreover, the extent of the destruction and loss of civilian lives in Gaza provokes some serious questions on adherence to the principles of necessity and proportionality.

Considering the scale and brutality of the attack, one could argue that Israel's response to the October 7 Hamas attack was justified under the trigger theory. However, the fact that Israel exercises effective territorial control over Gaza treats Israel's self-defense claims as an external threat as more questionable. This situation also begs the question of whether the response to the Gaza situation is more akin to internal policing rather than international self-defense. Though the Hamas has the potential of conducting systematic attacks, the international legal organizations like the International Court of Justice, United Nations and the international committee of red cross persist in viewing Gaza as occupied by Israel. Their argument lies in the fact that occupation in international law is not determined by the presence or absence of resistance against an authority but whether there is effective control in the territory. The fact that Israel still controls the borders of Gaza, the airspace, the territorial waters, the population registry, and the key infrastructures of Gaza is considered to be the demonstration of this power, as well as the possibility to interfere militarily whenever it wants. The existence of armed resistance does not in any respect invalidate occupation, on the contrary, as one legal scholar noted, it can support it[500]. This is why the capacity of Hamas to make a massive attack does not change the legal situation in Gaza: although the attack brought to light critical security shortcomings, it did not alter the overall situation Israeli domination. Therefore, even after the signing of the peace treaty, Israel remains the occupying power under the international law and the responsibilities and obligations that occupying power bears.

Determining the legitimacy of Israel's military response is self defence or not it should in the first place depend on the criteria of IHL namely, the principles of distinction, proportionality, and precaution. The distinction principle states that military operations must differentiate between combatants and civilians. The proportionality principle means that the excess harm done to

[499] https://www.icj-cij.org/node/204176.

[500] human rights obligations of belligerent occupiers: Israel and the Gazan population | Journal of Conflict and Security Law | Oxford Academic

civilians must not outweigh the military advantage gained. Finally, the precaution principle means that all feasible steps must be taken to minimize the civilian death toll. This is especially important in places like Gaza, where civilians are trapped and unable to escape, and where shelter is unavailable.

How these are to be adopted in Gaza is a matter of controversy. The principle of distinction demands the division of fighters and civilians, whereas reports by the UN Human Rights Office have been of continual Israeli attacks using large high yield bombs in densely populated localities such as Jabalya and Al-Bureij, where civilians were inevitably found. Medical or civilian buildings suspected to be used by the military should receive clear warnings and the opportunity to evacuate even in the case when there are reasons to believe that they are used by Hamas who is accused of numerous violations, even so-called human shields[501], denying civilians the right to protection. There is further concern in the principle of proportionality as there have been occasions where certain strikes have resulted in hundreds of civilian deaths like in the late-October attack in Jabali and prompted consideration of whether the military benefit being purported to accrue could be worth such a civilian price. The IF did make some evacuation warnings in sections of Gaza which would be in line with precautionary measures, however a great deal of civilians had no safe place to evacuate to as the borders were closed, there was overcrowding in the area and it continued to be bombarded. Although, in the case of human shields, they should be in a position to ignore the lives of civilians, the law still requires the attackers to verified targeting and minimization of damage. Combined, the Gaza situation demonstrates that the aspects of distinction, proportionality, and precaution were not always followed in the given practice, although some legal action was to be considered.

The assertion of self-defense itself is not adequate for justification. Self-defense claims need actions that remain within the bounds of both the legal and moral expectations set forth by international law. The right to self-defense does not provide the opportunity to use violence indiscriminately. It must be executed with moderation and documented efforts to preserve civilian and civilian structures[502].

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[501] Gaza, Human Shields, and the Problem of a Bomb-First Strategy | Opinion - Newsweek.

[502] ICJ, *Armed Activities on the Territory of the Congo* (Democratic Republic of the Congo v. Uganda), Judgment of 19 December 2005, paras. 146–147.

In conclusion, it should be noted that a nation defending its own citizens armed attacks isan obligation and right of states,, but it does not outweigh all other considerations. It must be balanced against international law and cannot ignore the obligations of being an occupying power. The threats Israel is responding to pose will not be the only decisive factors, the legal and moral price of Israel's actions also rely upon the character of the response and adherence to the humanitarian law principles that protect the lives of civilians during armed conflict.

8.1.4 Author opinion

The October 7 events killed over a thousand civilians and hundreds more were abducted and thus constitutse a clear violation of international humanitarian law. Deliberate attacks against civilians, hostage-taking, and indiscriminate violence are inhuman and are defined by law as war crimes. The leadership of Hamas, as the governing authority in Gaza and the command structure behind these operations, would bear direct legal responsibility for these actions.

This is a dual conceptual-looking acceptance: so, under the law of the Geneva Conventions and of the Rome Statute of the International Criminal Court (ICC), non-state actors like Hamas are considered equally with state militaries in the conduct of hostilities. Thus, civilians cannot be targets, human shields cannot be used, and attacks cannot be launched against civilian infrastructure. These rules, all of them, are mandatory at least under any circumstance and irrespective of the political or military context in question.

In the main situation is the very essence behind the doctrine of command responsibility. Any leaders who planned, prepared, or allowed war crimes committed by their subordinates to take place are individually liable. This implies that Hamas officials who either organized or allowed the attacks of October 7 or who did little to prevent further violations are liable under international criminal law. Arrest warrants and initiation of prosecution are not merely symbolic; rather, they are a means at least to ensure remedies and deter further atrocities.

However, it is just as important to agree that the responsibility of Hamas does not free other parties from their own legal obligations. The acts perpetrated by one side in a conflict cannot be used as justifications for violations committed by the other. Collective punishment is prohibited under international law, and civilians must never be targeted in retaliation for crimes committed by armed

groups. This principle becomes all the more crucial in dense places such as Gaza, where the mix of combatants and civilians is blurred and where the effects of military operations are devastating. Legal accountability must be sought through judicial means and not through indiscriminate violence because, after all, it is justice that we want, not vengeance. Holding Hamas leadership to account for their crimes is important in its own right but must be done respecting due process and without harming innocent people. It is incumbent upon the international community to see to it that such violations are investigated, prosecuted, and averted, irrespective of political difficulties. In conclusion, the law looks at the leadership of Hamas as responsible for having instigated the conflict and for having committed the war crimes. They must stand trial in an appropriate international forum, with any response contemplated having to adhere to the dictates of humanity. Justice must be sought not only for the October 7 victims but for all civilians fallen victim to the present-day violence.

Hamas does have a legal and moral responsibility to the loss of Palestinian civilians in cases where its activities contravene the international humanitarian law, such as laying military installations in civilian locations albeit in Justified reasons because of the small territory. This policy is directly forbidden under IHL and they are isolated crimes irrespective of the action of the opposing side. This accountability does not however take away the separate duty of Israel to adhere to the principles of distinction, proportionality, and precaution in all attacks. That is, war responsibility does not represent a zero-sum game: responsibility may exist on either side of the equation, but with different causes. The scholarly discussions have repeatedly pointed out the fact that although one party illegally places military resources among civilians, it does not excuse the aggressor and justify the consideration of civilian casualties and the decision to suspend or modify an attack in case such damage would be excessive. It is also widely accepted that even volunteers who are put in the line of fire against their own wish, like the one caught in the path of military targets, have to be included in the proportional methodology, and that incitement to excess is no defense to breaches of the duty of the person who attacks. Hence, I would say that the responsibility of Hamas in making Palestinian civilians vulnerable by the manner in which it employs its own forces is grave but Israel has got its share where the Israeli action falls short of the legal provisions that are meant to curb civilian casualty, but its become a geniocide. The best and correct way of framing, a legal and ethical position, would be the concurrent responsibility frame, where the violations of one party will not be used to justify or to cancel those of another.

8.2 Recommendations for Resolving the Conflict under International Law

8.2.1 **To the Government of Israel**:

(a) Immediately stop every action injuring people in Gaza, lift the blockade and create a cease fire. Compensate property that was illegitimately destroyed quickly and appoint critical assistance to civilians at once..

(b) Hold international standards in military practice. Explore and charge violation of all international humanitarian law and human rights. Make known both the rules of engagement and the result of the investigations.

(c) Determine the damage done to various age and gender populations and adopt policies that help in protecting the civilians in times of a military operation.

(d) Stop forcible nudity in the streets and bloody searches, taking off religious attires and abuse of Palestinians. Punish offenders and deal with discrimination..

(e) Ensure safety of return of displaced Palestinians and reconstruction of Gaza by adherence to legal requirements.

(f) Handle all detainees humanely and grant them access to medical treatment, visits by the ICRC and contact with their families in accordance with international law.

(g) Fulfill completely the International Court of Justice (ICJ) decisions and assure the free passage of vital services and relief to Gaza, and avoid what infringes upon the rights of the Palestinians..

(h) Conduct free investigations on crimes committed in accordance with the principle of human rights and charge those arrested to stand their trials in open court.

(i) Grant access Give the Occupied Palestinian Territories and Israel full and fair investigations, as directed by the ICJ order.

(j) Address the psychological needs The needs of survivors and communities should be addressed psychologically, with a bias toward the vulnerable groups.

8.2.2 To the Palestinian Government and Authorities in Gaza:

(a) **Immediately and unconditionally release** Terminate the detention of all hostages immediately and without any preconditions holding them in secure conditions and protection against sexual and gender-based violence. Give them regular updates of their health conditions, permit ICRC visitation, the contact with their family, and medical attention. (b) **Stop all indiscriminate attacks** on civilian populations.

(c) **Thoroughly investigate and prosecute** violations of international law by Hamas and other armed groups, as well as violations against suspected collaborators.

(d) **Do not use civilian objects or property for military purposes**, and maintain a clear separation from civilian areas.

8.2.3 To the UN Security Council:

(a) **Invoke Chapter VII of the UN Charter** An immediate ceasefire against Palestenian, removal of blockade on Gaza, provision of humanitarian food aid, ending assault on civilians and unconditional freedom of hostage-takers.

(b) **Reiterate the right of self-determination of the Palestinian people.**.

8.2.4 To the UN Secretary-General:

(a) **List Israel in the upcoming annual report on Children and Armed Conflict, and set a task force to oversee the situation in the Occupied Palestinian Territories.**.

8.2.5 To All Member States:

(a) **Ensure compliance** Abide by international conventions, such as the Geneva Conventions, the Convention Against Torture and the Genocide Convention.

(b) Carry out investigations into international crimes committed in terms of the conflict.

8.2.6 To All State Parties to the Rome Statute:

(a) accept the investigation by the International Criminal Court of the situation in Palestine fully and cooperate.

generally manner to gaza-israel or russian - ukeren suggest to the researher. promote UN-based institutions like the Monitoring and Reporting Mechanism (MRM) on severe offenses against children in armed conflict. Authorize the International Criminal Court and other tribunals to investigate and prosecute crimes of violence against children. Send trained child protection officers to conflict-affected regions and in refugee camps. Create safe areas and child friendly environments where children will receive psychosocial support, education, and medical services.Long-term medical, psychological, and legal assistance with survivors of violence.Protect confidentiality and dignity in reporting and treatment procedures.By urging governments to ratify and implement international treaties, educate train policemen and army officers about child rights and child protection norms. Establish national registries and reporting mechanisms on how to track and respond to violations and prosecute.

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APPENDIX

7.4 APPENDIX I: QUESTIONNAIRE – PARENTS

Questionnaire

Enforcement of Child Protection Laws in Armed Conflict

(Gaza Strip - A Case Study)

Prepared by: Dima Ziad Alburai

Supervised by: Prof. Dr. Bencze Mátyás

Fulfillment of the requirement for the Ph.D. in Legal Studies

July 2024

Dear Sir/Madam:

Subject: Questionnaire for Doctoral Thesis

I am conducting a study on the enforcement of child protection laws in armed conflict, using the Gaza Strip as a case study, to complete my doctoral degree at the University of Debrecen, Hungary.

Purpose:

This questionnaire aims to gather information on the experiences of both parents and children during the 2023 war in Gaza. Your responses will be invaluable in understanding the impact of armed conflict on children and identifying areas where child protection laws can be strengthened.

Confidentiality:

All data collected will be treated with the utmost confidentiality and used solely for the purpose of this research study.

Thank you for your time and cooperation.

Sincerely,

Dima Alburai

- First section: General Information

Personal information	
Gender	☐ Male ☐ Female
Age	
Educational Level	☐ Primary ☐ Secondary ☐ High School Diploma ☐ Bachelor ☐Postgraduate
Region of Residence	☐North of Gaza ☐Gaza city ☐Middle of Gaza ☐Khan Younis ☐Rafah

- Section 2: Parent Questionnaire

Parents questionnaire	
1. How many children do you have?	

Killing and maiming of children		
2. Did your children feel afraid during the conflict?	☐YES	☐NO
• If yes, has fear negatively impacted their lives?	☐YES	☐NO
▪ To what degree?	☐Law ☐ Moderate	☐ high
3. Have you been forced to leave your home?	☐YES	☐NO
4. If yes, has a place been provided for you to sleep?	☐YES	☐NO
If the answer is yes: Who provided it?	☐Relatives ☐Donor Institutions ☐UN agency ☐Government	
5. Did you leave your house during the bombing, putting yourself at risk?	☐YES	☐NO
6. Was a safe evacuation route provided for leaving your home?	☐YES	☐NO
7. Were you directly targeted while leaving your residential area?	☐YES	☐NO
8. If yes, what method was used to target you?:	☐Bombing aircraft ☐ Artillery ☐Shooting ☐ Tank shells	
9. Did you receive assistance from any organization to leave your home?	☐YES	☐NO

10. If yes, which organisation provided the assistance?	☐ICRC ☐PRCS ☐UN organization	
11. If no, did you request assistance from any organization but receive no response?	☐YES	☐NO
12. Was your child injured (directly or indirectly) during the conflict?	☐YES	☐NO
13. If yes, did they receive appropriate treatment	☐ Yes	☐ No
14. If not, please explain the reasons.	----------	
15. Did your child need to visit a doctor during the conflict?	☐YES	☐NO
16. If yes, was the visit easy to arrange?	☐YES	☐NO
17. Was any child of yours killed during the conflict?	☐YES	☐NO
Recruitment or use of children as soldiers		
1. Was your child captured by opposing Israel Forces ?	☐YES	☐NO
2. Was your child used by Israel forces during the conflict?	☐YES	☐NO
3. What measures do you think can prevent child recruitment or used currently?	----------	
Sexual Violence Against Children		
1. Are there reports of sexual violence against children in your area during the war?	☐YES	☐NO
2. What services are available to support children who have experienced sexual violence during the war? (Select all that apply)	☐Medical care ☐Psychological support ☐Legal assistance ☐None ☐Other (please specify): _____	
Abduction of Children		
1. Did you have freedom of movement within the Gaza Strip during the conflict?	☐YES	☐NO

2. Have there been cases of children being abducted in your area during the conflict?	☐YES	☐NO
3. Was your child transported across borders by any armed forces during the conflict?	☐YES	☐NO
Attacks on Schools or Hospitals		
1. Did your child attend school during the conflict?	☐YES	☐NO
2. Were any schools or hospitals used by Israel forces during the conflict?	☐YES	☐NO
3. Have there been attacks on schools or hospitals in your area during the conflict?	☐YES	☐NO
4. Were any staff members of schools or hospitals directly attacked?	☐YES	☐NO
5. How have these attacks affected your children's education and health?	----------	
Denial of Humanitarian Access for Children		
1. Did you receive relief assistance?	☐YES	☐NO
What kind of relief assistance?	☐Physical Relief Assistance(Food and Nutrition, Medical Care, Shelter and Clothing) ☐Emotional and Psychological Relief(Psychosocial Support, Protection Services) ☐Educational Relief Assistance(Access to Education, Support for Continued Learning) ☐Social Relief Assistance(Family Reunification and Support, Community Support Programs)	
2. If yes, who provided it	☐International organization ☐UN organisation ☐NGOs ☐Family	
2. Was the relief assistance enough to lead a normal life?	☐YES	☐NO
3. Was the distribution of assistance fair and just?	☐YES	☐NO
4. Did the assistance provided match the needs of the IDPs?	☐YES	☐NO

5. Was there a safe route to access the assistance?	☐YES	☐NO
6. Was the distribution of assistance conducted according to a timetable?	☐YES	☐NO
7. Was humanitarian aid for children blocked in your area at any specific time during the war by Israel forces?	☐YES	☐NO
8. What is the impact of blocking humanitarian aid on your children?	☐ Lack of medical care ☐ Malnutrition ☐ Lack of education ☐ all of them.	
Availability and Effectiveness of Child Protection Services		
1. Are you aware of any child protection services available in your area during the war?	☐YES	☐NO
2. How accessible are child protection services for you and your children?	☐ Very accessible ☐ Somewhat accessible ☐ Not accessible	
3. How effective are current child protection services in meeting the needs and safety of children during the war?	☐ Very effective ☐ Somewhat effective ☐ Not effective	
4. Do community leaders and local institutions (such as schools, religious organizations) support child protection efforts during the war?	☐ Yes ☐ No ☐ Sometimes	
5. Are you aware of any laws or policies aimed at child protection in your area during the war?	☐YES	☐NO
6. If yes how well are these laws and policies being implemented in your community?	☐ Very well ☐ Somewhat well ☐ Not well	
7. What changes or improvements are needed in the legal and policy framework to better protect children during the war?		
8. What measures do you think should be taken to improve child protection in your area?		

7.5 APPENDIX II: QUESTIONNAIRE – CHILDREN

Questionnaire

Enforcement of Child Protection Laws in Armed Conflict

(Gaza Strip - A Case Study)

Prepared by: Dima Ziad Alburai

Supervised by: Prof. Dr. Bencze Mátyás

Fulfillment of the requirement for the Ph.D. in Legal Studies

July 2024

Dear Sir/Madam:

Subject: Questionnaire for Doctoral Thesis

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Purpose:

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Confidentiality:

All data collected will be treated with the utmost confidentiality and used solely for the purpose of this research study.

Thank you for your time and cooperation.

Sincerely,

Dima Alburai

- First section: General Information

- Second Section: Child Questionnaire

Personal information	
Gender	☐ Male ☐ Female
Age	
Educational Level	☐Elementary ☐ Primary ☐ Secondary ☐ High School Diploma
Region of Residence	☐North of Gaza ☐Gaza city ☐Middle of Gaza ☐Khan Younis ☐Rafah

Child	**Questionnaire**
The parent was present, and we obtained their explicit consent to speak with the child.	
Killing and maiming of children	
1. Did you feel afraid during the conflict?	☐YES ☐NO
• If yes, has fear negatively impacted your life?	☐YES ☐NO
▪ To what degree?	☐Law ☐ Moderate ☐ high
2. Do you feel safe at home?	☐YES ☐NO
3. What are the concerns you have about your safety?	
Recruitment or use of children as soldiers	

1. Have you or your friends been used by any armed group?	☐YES	☐NO
Sexual Violence Against Children		
1. Do you know what to do and who to contact if you or someone you know is subjected to sexual violence?	☐YES	☐NO
2. Do you feel comfortable talking to your parents or guardians about your safety concerns	☐ Yes ☐ No ☐ Sometimes	
Abduction of Children		
1. Do you know anyone who has been abducted?	☐YES	☐NO
2. Do you feel safe when moving around in your area, whether going to school or elsewhere?	☐ Yes ☐ No ☐ Sometimes	
Attacks on Schools or Hospitals		
1. Were hospitals and schools safe during the war?	☐YES	☐NO
2. Were there places where you could go to learn and play without worrying about fighting?	☐YES	☐NO
3. Could you get help from doctors and nurses, even during the war?	☐YES	☐NO
Denial of Humanitarian Access for Children		
1. Have you ever needed help (such as food, water, or medical care) and couldn't get it?	☐YES	☐NO
Availability and Effectiveness of Child Protection Services		
1. Do you know where to go or who to contact if you need help or protection during the war?	☐YES	☐NO
2. Have you ever used any child protection services?	☐YES	☐NO
If yes, how was your experience?	☐Very satisfied ☐satisfied ☐neutral ☐dissatisfied ☐very dissatisfied	
3. What do you think could make child protection services better for you and your friends?	----------	

4. Do you know any rules or laws that aim to protect you?	☐YES	☐NO
5. Do you think the rules and laws to protect you are being followed by armed party?	☐ YES ☐ NO ☐ Sometimes	