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## Children right violation in armed conflicts amongst the Arab nations

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### Abstract

The research aims to study the children's international protection during armed conflicts according with rules of international humanitarian law, at time when violations against children have increased as result of the expansion of international and non-international armed conflicts, especially in the Arab world, where children are killed daily, and to assess the effectiveness of the methods and systems of protection established for children in international conventions, to ensure that measures are taken towards demobilizing children used in armed conflicts, and what is necessary towards their rehabilitation and recovery, and working to put an end to impunity and punish perpetrators. The research concluded that there are many international agreements and charters that decided to protect children during armed conflicts, and they are in need of a new and comprehensive international convention that regulates what concerns children during armed conflicts, similar to the 1989 Convention on the Rights of the Child, especially after the practical reality proved the lack of their protection in the Geneva Conventions of 1949, and the international community is in urgent need to activate the methods and systems of international protection of children during the currently established armed conflicts.

**Keywords:** armed conflict, child's protection, impunity, international conventions, punishment, perpetrators



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## Public Interest Statement

The importance of the research lies in its clarification of the provisions of international humanitarian law on the protection of children during armed conflicts, as this group is one of the most vulnerable groups during conflicts, despite the protection granted to them by international law, they are exposed to multiple violations, which requires assessing this protection, and activating executive measures on punishing violators of this protection in order to prevent these violations.

## Introduction

The issue of protecting children during armed conflicts has received great attention from the international community, as they need protection more than others due to their vulnerability, ease of temptation, and falling victim to violations during conflicts as a result of their immaturity, as well as the impact of these violations on the child and his future, and then the future of the nation.

Since armed conflicts are a reality that the international community has been unable to stop, it has worked to give special importance to the protection of civilians, so the rules of international humanitarian law gave them special importance as they are not involved in the fighting or have stopped participating in the fighting, which applies to children, this is what is known as general protection, there is also special protection for children given their age, they are more protected due to their lack of experience, ease of seduction and guidance to commit violations against the rules of international humanitarian law, whether these violations are committed by or against children, as the description of the victim prevails over the perpetrator's description among children.

Based on the vulnerability of children, the international community and international organizations, led by the United Nations, which has been unable to stop conflicts, must work to protect children by integrating and rehabilitating them as victims of armed conflicts, as well as bringing perpetrators of child violations to the International Criminal Court under individual responsibility.

The international community must address the grave violations to which this group is subjected during armed conflicts and punish those who violate the protection afforded to them in international agreements and conventions.

## Research methodology

The researcher used a descriptive and analytical approach that relies on presenting the international protection of children during armed conflicts, applying it to them in accordance with the rules of international humanitarian law, and determining its effectiveness, by referring to original and specialized references.

### 1. International care for children during armed conflicts

This chapter, we address the concept of the child and the justifications for protecting the child during armed conflicts, followed by the care that international humanitarian law guarantees the child during these conflicts, as follows:

#### 1.1. The concept of the child and the justifications for protecting him during armed conflicts

##### 1.1.1. The concept of the child

The 1989 Convention on the Rights of the Child, defines a child as: "Every human being below the age of eighteen years, unless he has attained the age of majority under the law applicable to him."

The European Convention defines the child as: "Every human being who has not reached the age of eighteen years," as the African Charter on the Rights of the Child of 1990 defined him with the same meaning.

The same meaning was stated in the Paris Principles of 2007 as: "any person under eighteen years of age". It also referred to a child associated with an armed force or armed group as: "Any person under the

age of eighteen years who has been recruited or used, currently or in the past, by an armed force or armed group.

Article 24 of the Fourth Geneva Convention granted special care to children under fifteen years of age, so that the parties take the necessary measures to ensure that those who have been orphaned or separated from their families due to war are not neglected. The same article also required the parties to take the necessary measures to verify their identity. All children under twelve years of age by carrying an identification plate or by any other means.

### **1.1.2. The concept of armed conflict:**

The term armed conflict is one of the broad terms that covers very different conflicts. However, international humanitarian law has defined two types of armed conflicts: international armed conflict, which refers to situations that occur between two or more states, and in this case international humanitarian law or the Geneva Conventions are applied to them. The four and its two additional protocols. There is also a non-international armed conflict, which occurs when there is prolonged armed violence between government forces and organized non-state armed groups, or between groups, and this armed conflict is called (civil war - internal conflict) (Abu Al-Wafa A, 2003).

The protection of children in armed conflicts extends to both types, international and non-international armed conflicts, within the framework of Common Article 3 of the Geneva Conventions.

### **1.1.3. Justifications for protecting children during armed conflicts**

International humanitarian law guarantees special protection to some groups during armed conflicts, and children are the groups most in need of protection, for two basic justifications. The first is that this group is one of the most vulnerable groups and vulnerable to temptation and exploitation, the number of children recruited into armed conflicts for multiple uses has increased. The second is that this group has become the most affected by armed conflicts, in addition to the fact that children have become part of the war machine.

## **1.2. The care guaranteed by international humanitarian law for children during armed conflicts**

In this section, we discuss the definition of what is meant by international humanitarian law and its basic rules, then we follow it with the types of care it guarantees for children during armed conflicts, as follows:

### **1.2.1. What is meant by international humanitarian law and its basic rules**

#### **A- What is meant by international humanitarian law?**

International humanitarian law is concerned with human rights during armed conflicts (Al-Anbaki. N, 2010). Also known as the law of war or the law of armed conflict, the International Committee of the Red Cross has defined it as a set of rules that aim to limit the effects of armed conflicts for humanitarian reasons. This law protects people who do not participate in hostilities, or no longer participate in hostilities, and this law also imposes restrictions on the means and methods used in war.

In this sense, this law integrates with international human rights law, which also aims to guarantee all basic human rights, including the protection of human life, and the prohibition of torture and cruel treatment.

According to the above, international humanitarian law applies in times of international armed conflicts that occur between two or more states and wars of liberation, regardless of whether a state of war is declared or not, or whether the parties acknowledge its existence. It also applies to non-international armed conflicts that occur between government forces and armed rebels. Or among rebel groups.

While international human rights law applies at all times, in times of peace and war, the law has given states the right to suspend some rights in times of public crises, provided that these exceptions are proportionate to the crisis, and do not contradict other rules of public international law, especially international humanitarian law, in While there are some rights that apply at all times regardless of circumstances, such as

the right to life, the prohibition of torture and cruel, degrading and inhuman treatment, the prohibition of slavery and exclusion, and the prohibition of regressive criminal laws.

#### **B- The basic principles of international humanitarian law**

International humanitarian law aims to reconcile humanitarian considerations with considerations of military necessity. To achieve this, this law is based on several basic principles, represented by the following principles (Waseela. B, 2014):

##### **a. Distinguishing between combatants and non-combatants**

This principle is one of the basic principles of international humanitarian law in protecting civilians during armed conflicts, as this principle requires parties to the conflict to always distinguish between civilians and civilian objects, and between combatants and military objectives on the other hand, as military operations are directed only at combatants and military objectives, and this principle prohibits indiscriminate attacks.

##### **b. The principle of proportionality**

This principle requires that incidental loss of civilian life and civilian property, or excessive civilian casualties, should not exceed what is expected to result from the attack in terms of tangible and direct military advantages, and this principle is inherent to the first principle, which is the distinction between non-combatant civilians and other military personnel. Therefore, several factors must be taken into account, including the military importance of the target, the density of the civilian population, the effects expected to occur as a result of the attack, the potential release of hazardous substances, the types of weapons used to attack the target, and the method and timing of the attack.

##### **c. Taking precautions during the attack to avoid the civilian population**

This principle aims to protect civilians, including children, in order to take preventive measures not to injure them, which requires not establishing military objectives within areas densely populated by civilians, and also requires taking specific measures to protect them when planning an attack, and taking this into account when making the decision to attack by each military commander.

The precautionary principle also requires taking precautionary measures to verify that these specific targets are military targets or to give civilians actual warning before the attack begins, as well as imposing restrictions on the timing and location of the attack, which Syrian forces have not always done, attacking densely populated areas such as markets and schools.

#### **1.2.2. The care guaranteed by international humanitarian law for children during armed conflicts**

##### **A- Special care**

International humanitarian law guarantees special protection for children during armed conflicts or occupation, so that children have special respect, and are guaranteed protection against any form of indecent assault, while providing care and assistance to them in what they need due to their age or for any other reason (Shufi. A, 2017).

These children must also receive education, including religious and moral education, in accordance with the wishes of their parents or guardians in the absence of parents.

##### **B- Gathering the children with their families**

International humanitarian law has given special attention to the issue of gathering children with their families during armed conflicts; It requires the parties to take appropriate measures to facilitate the reunification of families that have been separated for a temporary period. States parties also work for the same goal to encourage the work of humanitarian organizations that devote their efforts to the same task of reuniting children with their families during armed conflicts.

International humanitarian law also obligates the parties to the conflict to work to reunite the family with its children, facilitate communication between them, and facilitate the receipt and receipt of correspondence between them. The occupying state must establish an official information office to receive and transmit information about protected persons, including children. A main information center must also be established in the state. Neutral information gathering in relation to the official information office.

#### **C- Children's relief:**

Child relief is one of the most important measures aimed at protecting children during armed conflicts in terms of their access to health care and food, as it is prohibited to deprive them of shelter, food and clothing, which is confirmed by the International Committee of the Red Cross, which has a prominent role in this regard (Jaafar. A.I, 2004).

#### **D- Do not evacuate or deport children**

International humanitarian law has established the principle of the inadmissibility of evacuating or deporting children during armed conflicts, by stipulating that they may not be evacuated except temporarily in besieged areas, and in compelling cases that are in the best interest of the children with regard to their health or medical treatment, or if their safety in the territory requires it. The occupier, after written approval from their guardians or those responsible for them by law or custom.

The evacuation must be temporary and take place to another, safer area within the country and accompanied by people responsible for their safety and comfort.

Therefore, the parties have a duty to approve local arrangements aimed at transferring children from besieged or cordoned off areas.

#### **E- Protection of detained children**

International humanitarian law requires the protection of detained children, such that members of the same family, especially parents and children, are gathered in one detention facility for the duration of the detention, except in cases where it is necessary to separate them, provided that this separation is temporary, while providing them with the necessary facilities to live a family life (Suleiman Issa. M.A, 2013).

In addition to the necessity of placing detained children away from places designated for the detention of adults, with the exception of cases of families for which places of residence are prepared as family units.

#### **F- Prohibiting the involvement of children in armed conflict**

In addition to the protection afforded to children by international humanitarian law, it prohibits their recruitment into armed conflicts, as Article 51 of the Fourth Geneva Convention stipulates that protected persons may not be forced to work in the armed forces, or to assist, unless they are over eighteen years of age.

Article (77/2) of the First Protocol also guarantees special protection for children, in that the parties to the conflict must take all possible measures not to directly involve children who have not yet reached the age of fifteen in hostilities, and to refrain from recruiting them into their armed forces, and in the event of Recruiting those who are under fifteen years of age and have not yet reached eighteen years of age, priority will be given to those who are older than them.

This is confirmed by Article (3/4/c) of the Second Additional Protocol that children under the age of fifteen may not be recruited into armed forces or armed groups, and that they may not be allowed to participate in hostilities.

## **2. Violations against children during armed conflicts**

The United Nations was concerned with putting an end to the recruitment of various forms of violations to which children are exposed during armed conflicts, including conscription, killing, mutilation, arbitrary

detention and torture, and schools being attacked as well as their use for military purposes, to the possibility of monitoring them, which requires addressing them with some clarification as follows:

### **killing or maiming children**

The killing and mutilation of children is one of the most prominent violations that children are exposed to during armed conflicts, and it can be defined as any act that results in death, permanent injury, disabling injury, scarring, facial disfigurement, or leads to the amputation of organs (Jaber Qasim. R. M, & Abu Aoun. N. M, 2015).

According to Article 22 of the Fourth Geneva Convention, parties to the conflict have a duty to refrain from killing, torturing, corporal punishment and maiming children, whether by civilian or military agents, as they are protected categories under international humanitarian law.

Killing and maiming by willfully inflicting severe pain, serious injury to physical integrity, or serious harm to health are considered grave breaches under Article 147 of the Fourth Geneva Convention, in which the parties undertake to take any legislative measure to impose effective penal sanctions on persons who commit or order the commission of such acts.

Public international law prohibits killing and maiming as a fundamental principle of international humanitarian law and international human rights law, and Security Council Resolution 1882 (2009) defines patterns of killing and maiming of children that are contrary to international law.

### **Recruiting children and using them in armed forces and groups**

The issue of recruiting children into armed forces and groups is one of the most serious violations against children, as there are hundreds of thousands of children used in combat and support around the world, many of whom are kidnapped and have been beaten into submission, or are fleeing poverty, or are fighting to protect their communities, or a desire to Revenge (Sarrah. N, 2016).

Recruitment of children under the age of 15 is prohibited under the rules of international humanitarian law, treaties and customs, and is a war crime according to the Statute of the International Criminal Court. Accordingly, the Convention on the Rights of the Child 1989 and the First Additional Protocol to the Geneva Conventions 1977 prohibit the recruitment of children under the age of fifteen years into the armed forces, and require states to take all measures to prevent their participation in hostilities under this age, and in the event that they are recruited between the ages of fifteen and eighteen years. ; Priority is given to those who are older, but before the age of fifteen; According to the Second Protocol to the Geneva Conventions, a child may not be recruited or allowed to participate in military operations.

The International Committee of the Red Cross began to pay attention to child soldiers as a result of the increase in the number of child soldiers, and the resulting increase in the number of deaths among child soldiers, which prompted the International Committee of the Red Cross to submit two additional drafts of the Geneva Conventions before the Diplomatic Conference in Geneva, between the years 1974. – 1977, as a result of the absence of an explicit text in the Geneva Conventions prohibiting the recruitment of children and their involvement in military operations.

However, although international humanitarian law prohibits the recruitment of children; However, it granted the status of a combatant to a child participating in military operations who was recruited in violation of this ban. If captured, this child enjoys the status of a prisoner and benefits from the general rules regarding the protection and treatment of prisoners of war in accordance with the Third Geneva Convention. Article (43/2) of the First Additional Protocol also stipulates that if the child conscript is under 15 years of age, he also enjoys the status of a combatant and is treated like a prisoner of war, but with a better degree of treatment because he is a child.

### **Attack on schools and hospitals**

Schools, hospitals and markets are protected objects under international humanitarian law. For example;

Hospitals, medical units and medical personnel are afforded special protection because of their specific humanitarian tasks, and parties to a conflict must take additional specific measures before targeting them (Bassiouni. M. S, 2016).

International law also requires that schools and hospitals remain a safe place for children during conflicts to ensure that they are protected, whether from the direct and physical effects on them that lead to the forced closure or disruption of the functions performed by these institutions, or from the indirect effects caused by the opposition of some armed groups to civilian education, girls' education, the treatment of girls by male medical professionals, or parents preventing their children from going to school, as well as from the fact that they are not allowed to go to school.

### **Rape and other forms of sexual violence against children**

Rape and other forms of sexual violence are among the most common violations that occur during armed conflicts against children of both sexes, which entails international responsibility for the devastating effects it causes on those who are assaulted.

The International Criminal Tribunal for Rwanda first defined rape in 1998 as a physical assault of a sexual nature committed against a person under coercive circumstances. The court recognized coercive circumstances as an element of the crime, and does not require evidence or proof of the use of physical force. These are threats, intimidation, blackmail, and any other form of coercion to exploit fear or despair, including, of course, coercion related to armed conflict (Sayyab. H, 2014).

As for sexual violence, it is broader in scope than rape, as it may take different forms, such as indecent assault, sexual slavery, forced prostitution, forced nudity in front of others, mutilation or mutilation of sexual organs, and stripping of clothing.

Rape and other forms of sexual violence are considered international crimes against children according to the Statute of the International Criminal Court, as they are one of the crimes against humanity mentioned in Article (7/1/g). It also falls within war crimes during armed conflicts stipulated in Article (8/2). As a result of the increase in cases of rape and sexual violence in all its forms, in 2009, the Security Council issued two important resolutions (1882, 1888) in which it condemned sexual violence during conflicts. It also appointed a new United Nations special representative concerned with sexual violence during conflicts, thus strengthening the mechanism for monitoring and reporting this violation against children, and enables the application of the provisions of international law.

### **Kidnapping of children during armed conflicts**

Kidnapping of children during armed conflicts is one of the grave violations committed against children, as it occurs in large numbers that alarm the international community and requires it to be confronted and punished (Abu Al-Enein. A. F, 2002).

There are many reasons why children are abducted during armed conflicts. The motive may be to recruit them, demand ransom, or sexually abuse them, which requires the international community to address and punish the phenomenon of abduction while reintegrating abducted children.

The United Nations referred to this violation, which may constitute a crime against humanity and a war crime due to the abduction of children from their homes, schools, or camps, and the other violations practiced against them, such as forced labor, sexual slavery, and recruitment, as a result of the use of this crime by parties to conflicts to terrorize and retaliate against civilians.

### **Preventing humanitarian aid from reaching children**

Humanitarian assistance is one of the fundamental principles of international customary law, and is essential in armed conflicts where children are in dire need of assistance, and thus being denied it is a crime against them (Allam. W. A, 2003). It is worth mentioning here that the arrival of humanitarian aid is contingent on the consent of the parties to the conflict, which makes the parties to the conflict assess their reasons, and here

international humanitarian law strikes a balance between the interests of individuals and military necessity, but military necessity is not a legitimate reason for not accepting aid in the field of relief, except when there are no needs that require assistance, or the offer of aid is not from an organization that is impartial and humanitarian in nature, as aid cannot be refused for arbitrary reasons, and the refusal must be based on a valid basis in order not to be used as a means of starving civilians, which is prohibited under the provisions of the law. International humanitarian law is also concerned with providing assistance in a timely and appropriate manner, taking into account the needs of girls and children with disabilities, and the obligation to facilitate the rapid transit of humanitarian supplies, equipment, and personnel.

### 3. The legal basis for protecting children during armed conflicts

International humanitarian law grants children two types of protection: general protection as civilians who do not participate in hostilities, and special protection because of their weakness and being children. This special protection continues with them even if they participate in military operations. We will discuss the legal basis for these two types of protection as follows:

#### 1.1. The legal basis for general protection of children during armed conflicts.

##### a. Convention on the Rights of the Child of 1989

This agreement stipulates in its article (38) the application of the provisions of Article (77) of the First Additional Protocol, which requires parties to the conflict not to directly involve children who have not yet reached the age of fifteen years in hostilities, and not to recruit them into the armed forces, and also, to give priority in recruitment for those who are older. In all cases, States Parties must take the necessary measures in accordance with international humanitarian law to protect and care for children affected by the conflict (Abdel Karim. J, 2016).

##### b. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict 2000

This Protocol, which was adopted on May 25, 2000, pursuant to United Nations General Assembly Resolution No. (263), reinforces the principle of protecting children during armed conflicts. Among its provisions is what is stated in Article 1 of it that States Parties pledge to take practically possible measures to prevent the involvement of children. Those who have not completed eighteen years of age within its armed forces participate directly in hostilities.

This Protocol also stipulates the protection of children, with the States Parties pledging to raise the age of voluntary conscription, which does not apply to military schools that may accept students who are fifteen years of age as a minimum, in addition to the inadmissibility of armed groups distinct from the armed forces for any A state may under no circumstances conscript or use persons under the age of eighteen in hostilities, and criminalize and prohibit these practices as stipulated in Article Four of the Protocol. From this standpoint, children who do not participate in military operations enjoy the general protection stipulated in the Fourth Geneva Convention relating to the Protection of Civilians in Articles (27-34), the most important of which is the protection of basic rights such as the right to life, physical and moral integrity, prevention of coercion, prevention of corporal punishment, and prevention of torture.

#### 1.2. The legal basis for special protection of children during armed conflicts

There are many forms of special protection for children during armed conflicts in international conventions, and they are as follows (Matar. A, 2014):

1- Evacuation and special areas, which were covered by the Fourth Geneva Convention in Articles (14, 17, 24/2, 49/3, 132/1), as well as the First Additional Protocol in Article (78), and the Second Additional Protocol in Article (4/ 3/5). It refers to the principle that children may not be evacuated or deported during armed conflicts except temporarily, in compelling cases that are in the best interest of the children, and after



the approval of their guardians or those responsible for them.

2- Special care (assistance and care), which was covered by the Fourth Geneva Convention in Articles (23/24/1, 38/5, 50, 89/5), as well as the First Additional Protocol in Articles (70/1, 77/1), And also the Second Additional Protocol in Article (4/3), which refers to the special protection guaranteed by international humanitarian law for children during armed conflicts or occupation, so that children have special respect against any form of indecent assault, with special assistance and care being provided to them in every situation. What they need because of age.

3- Reuniting children and determining the identity of those not included in their families. It provides for the special protection of children who have been separated from their families, while supporting and assisting humanitarian organizations that aim to reunite children with their families during armed conflicts.

4- Education, addressed in the Fourth Geneva Convention (24/1, 50, 94), the First Additional Protocol (78/2), and the Second Additional Protocol (4/3/A4), which indicates the necessity of providing the child with education, including schooling. Religious and moral in accordance with the wishes of his parents.

5- What concerns detained, detained and detained children is covered by the Fourth Geneva Convention (51/2, 76/5, 85/2, 89, 94, 119/2, 132), as well as the First Additional Protocol (77), paragraphs (3, 4) , and the Second Additional Protocol (4/3/d), which refers to the protection of children under the age of fifteen, whether they are prisoners of war or not, with the allocation of separate places from adults in the event of their arrest, detention, or detention.

6- The death penalty. The Fourth Geneva Convention (68/4), Additional Protocol I (77/5), and Additional Protocol II (6/4) decided to exempt children who had not reached eighteen years of age at the time of committing the crime from the death penalty.

### **3. Means and systems for protecting children during armed conflicts**

International humanitarian law has created several means, the aim of which is to establish the protection of children during armed conflicts, establish international responsibility, and hold violators of the protection it has created for children accountable.

#### **4.1. Means of protecting children during armed conflicts**

##### **4.1.1. Pledge to respect and implement international humanitarian law**

Among the established means of protecting children during armed conflicts is the principle required by international humanitarian law of respecting and ensuring respect for international humanitarian law, and enforcing this law in the internal system (Allama. Z, 2018).

##### **A. The principle of respecting and ensuring respect for international humanitarian law**

This principle finds its basis in the principle of fulfilling covenants, which is affirmed by the Geneva Conventions and their Additional Protocols, and this is based on emphasizing the general principle of fulfilling covenants in terms of pledging to respect international humanitarian law in general, and in relation to children in particular, and is one of the most successful means to ensure the enforcement and implementation of international humanitarian law, as well as establishing a doctrine of respect for it and compliance with its obligations by all persons subject to its provisions.

##### **B - Enforcement of international humanitarian law with regard to the protection of children in the internal system of states**

It means taking legislative measures in order to implement what is stipulated in the Geneva Conventions and their Additional Protocols or other documents of international humanitarian law, which aim to protect children during armed conflicts in their internal laws, which is confirmed by the First Additional Protocol in Article (80) by the contracting parties taking The parties to the conflict shall take all necessary measures without delay to implement their obligations under the Agreements and this Protocol, while issuing orders

and instructions to ensure respect for the Agreements and this Protocol and supervising their implementation. This text refers to the procedures towards enforcing international humanitarian law in the internal system of the States Parties according to their constitutional systems, and also the procedures related to its application. Also stipulates in internal legislation not to pardon or grant immunity to perpetrators of grave violations against children by any member of the armed forces or others.

#### **4.1.2. Disseminating the rules of international humanitarian law related to children during armed conflicts.**

Publication of rules for the protection of children aims to prevent the commission of grave violations against them, as knowledge of prohibited violations leads to the prevention of their occurrence. Therefore, states undertake to publish in accordance with the Geneva Conventions, Additional Protocol I, Additional Protocol II, and the Optional Protocol of 2000, so that effective respect for children can be achieved by publishing rules of international humanitarian law are broadest.

Publishing the rules related to children is one of the preventive means to ensure respect for the principles and rules of international humanitarian law when armed conflicts occur. Thus, the publication aims to cover all situations, whether in peace, crises, conflicts or beyond. Therefore, the International Committee of the Red Cross placed this matter on its shoulders from the beginning. As a custodian of the Geneva Conventions and international humanitarian law in general.

#### **4.2. Systems for protecting children during armed conflicts**

##### **Monitoring by States Parties and holding perpetrators of violations against children accountable:**

States have a primary and immediate legal, political and moral responsibility to protect children during armed conflicts, so they must comply with the rules of international law within their territories. For example, the International Criminal Court system stipulates that the recruitment and use of children in armed forces and groups is a war crime, and therefore they must Countries issue legislation to criminalize these violations and hold those responsible accountable, including military and political leaders responsible for recruiting children and other crimes they forced children to commit. States must also take action against grave violations against children through their national system and amend their legislation to be consistent with their international obligations (Abdelkader Bartal. A. K, & Ibn Attia. A. k, 2017).

This oversight is a subsidiary obligation for states and other non-state parties to implement international humanitarian law and ensure respect for it so that they can benefit from its other benefits, based on the principle of implementing obligations in good faith, as well as the law's obligation for the state to monitor its agents during the conduct of military operations and punish violators of its international obligations, as it is their responsibility to ensure that children have access to justice and redress for the harm caused to them as a result of grave violations against them.

##### **Control by the Protective State and its alternatives:**

According to Article 2(c) of Additional Protocol I, a Protecting State means a neutral state or a state that is not a party to the conflict, which is designated by one of the parties to the conflict and accepted by the other party to the conflict, and accepts to perform the functions assigned to the Protecting State in accordance with the Conventions and this Protocol.

We will address the most important humanitarian organization working in the field of protecting children during armed conflicts, the International Committee of the Red Cross (ICRC), in terms of its definition and field of work.

- Introduction to the International Committee of the Red Cross It is known as an independent, neutral and impartial organization that performs a purely humanitarian mission of protecting the lives and dignity of victims of war and internal violence and providing them with assistance.

The Committee was established in 1863, and is the source of the Geneva Conventions and the International Red Cross and Red Crescent Movement, keeping in mind the issue of avoiding the suffering

caused by armed conflicts, by disseminating and strengthening international humanitarian law and universal humanitarian principles.

- Scope of work of the International Committees of the Red Cross:

The main humanitarian objective of the International Committee of the Red Cross is to ensure respect for the lives, dignity and physical and psychological integrity of victims of armed conflicts, including children. The Committee has a role in the field of protecting children during armed conflicts, which it derives from its main goal and seven basic principles (humanity - impartiality - neutrality - independence - voluntary service - unity - and universality), which distinguish it from other humanitarian organizations and which it derives from the International Cross Movement. Red and red crescent.

Since its inception, the Committee has been working to implement international humanitarian law through the process of publishing, holding seminars, and providing advisory support. It also has the right to receive any complaints about any violation of international humanitarian law, including violations of children, and it can report this violation to the competent authorities in order to avoid and prevent it from occurring again.

### **International Fact-Finding Commission**

It is one of the new matters stipulated in the First Protocol of 1977 in its ninetieth article. This committee is known as a permanent body whose main purpose is to investigate every incident that is alleged to represent a serious violation of the rules of international humanitarian law, or a serious violation of those rules, and in this capacity, it is considered one of the new matters stipulated in the First Protocol of 1977 in its ninetieth article. Bodies whose primary mission is to apply and implement international humanitarian law in times of armed conflict.

The committee is mainly concerned with two matters:

First: Investigating any incident alleged to represent serious violations of the Geneva Conventions and their First Protocol.

The other: working to restore respect for the provisions of the Geneva Conventions and their first protocol, through its good offices.

The role of the International Fact-Finding Commission is described as an investigation committee, not a court or judicial body, and it is specialized in investigating grave violations committed against children during armed conflicts, and it exercises its duties and powers after the approval of the parties to the conflict.

### **The International Criminal Court**

One of the systems that recognized the international protection of children during armed conflicts is what was stated in the Statute of the International Criminal Court of 1998, which considers the involvement of children under the age of fifteen in direct hostilities or their recruitment into armed forces and groups a war crime.

According to this text, recruiting children is considered a war crime during armed conflicts, whether this war is international or non-international.

Compulsory or voluntary recruitment into the regular and irregular armed forces is equal to all work committed by children, whether providing direct assistance, such as participating in hostilities, or indirect, such as transporting weapons and ammunition and transmitting information, based on the fact that these actions represent a serious violation of customs and laws. International law applicable in armed conflicts.

### **Conclusion**

Despite the existence of these rules, there are many violations that children are exposed to during armed conflicts, including murder, mutilation, sexual assault, recruitment into armed forces and groups, as well as their separation from their families and arbitrary detention, and all forms of violation and exploitation. Determining the general and special protection of children as civilians, and as special groups that need

special care in accordance with the rules of international humanitarian law. There are many protection methods and systems prescribed for children in international agreements and conventions, but international practices have proven their weakness, as evidenced by the large number of violations against children, whether by regular forces or armed groups, and their ineffectiveness in preventing and punishing violators of crimes against children.

### Recommendations

Holding an international conference to develop a new, comprehensive international agreement for everything related to children during armed conflicts along the lines of the 1989 Convention on the Rights of the Child. This conference would decide on the protection of children during armed conflicts, while establishing international responsibility and punishing violators of that protection.

The necessity of establishing an international body that works to communicate and cooperate with children or their families and specializes in collecting data on children who join armed forces and groups, which is called monitoring and reporting.

The need for the international community to take all efforts towards releasing children who join armed forces and groups, and reintegrating them into their homelands after their rehabilitation.

Noting the need to put terminology in its context, including the issue of children being involved in armed conflicts and not their participation, as they are victims of conflicts and are deprived of their will and are forced to participate in the fighting.

Activating international protection methods and systems for children in armed conflicts, as practical reality and international practices have proven the existence of many violations against children, and the lack of anything to deter the perpetrators of these violations, which encourages them to commit more violations against them.

Activating the role of the International Criminal Court in exercising its jurisdiction to punish crimes committed against children during armed conflicts.

Work to increase efforts to introduce international humanitarian law among all sectors, by disseminating its rules among the military, politicians, students, and others, in order to ensure its respect by all segments of society.

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