

**Arab American University**  
**Faculty of Graduate Studies**  
**Department of Legal Sciences**



**Master Program in International Law and Diplomacy**

**The Israeli Aggression on Gaza Strip and Palestinian  
Children's Rights in Light of International Agreements**

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**This Thesis Was Submitted in Partial Fulfillment of the  
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and Diplomacy**

**Palestine, July /2025**

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## **Thesis Approval**

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Palestine, July /2025

## **Declaration**

I declare that, except where explicit reference is made to the contribution of others, this thesis is substantially my own work and has not been submitted for any other degree at the Arab American University or any other institution

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## **Dedication**

To the noblest martyrs of Palestine, who sacrificed their lives for the freedom of their homeland; to steadfast Gaza, which still confronts aggression with courage and determination; and to our heroic children, who carry the dreams of the future in their eyes despite all challenges.

I also dedicate this achievement to all those who have shaped my journey:

To my father, who has been a model of strength and perseverance, instilling in me a love for knowledge and the determination to achieve my goals. To my beloved mother, my eternal refuge, who granted me unwavering support and affection, and taught me to face challenges no matter how great they may be.

To my brothers and sisters, who have always been my backbone; their presence by my side has been the greatest support throughout my journey.

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This work is the fruit of collective effort, a reflection of will and determination. I dedicate it to everyone who believed in me, who dreamed with me, and who strove to raise the banner of science and knowledge.

Long live a free Palestine, from the river to the sea.

Maha Hani Mahmoud

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I am also deeply grateful to the esteemed faculty members for their invaluable guidance and advice during my time at AAUP. Their expertise and insights were instrumental in shaping my understanding and knowledge.

# **The Israeli Aggression on Gaza Strip and Palestinian Children's Rights in Light of International Agreements**

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## **Abstract**

The researcher addressed the rights of children in Gaza during the Israeli siege that began in 2006 and included several wars, up to the events of October 7, 2023, leading to the ceasefire on January 19, 2025. She focused on the challenges faced by children living in conditions that comply with international laws and agreements in Gaza, primarily the Convention on the Rights of the Child (1989) and the Fourth Geneva Convention (1949). She noted that the aggression resulted in the deaths of 17,881 children as of January 19, with numbers increasing due to the resumption of hostilities, reflecting gross violations of international law.

The researcher concentrated on several key areas, including the definition of children's rights according to international treaties, the violations children faced during the ongoing Israeli aggression in Gaza, the international protection mechanisms established for them, the role of the United Nations in protecting children's rights, the role of international criminal law in holding war criminals accountable, and the significant role played by the Hind Rjeb Foundation in revealing and tracking war criminals while amplifying the mobilization against the Israeli occupation and its crimes.

The researcher adopted a descriptive analytical legal approach in her research, reviewing relevant laws, describing the reality of children before and after October 7, and analyzing the resulting outcomes. In her findings, the researcher indicated that Palestine is a state under international protection and that children's rights laws must be applied to protect them from the Israeli occupation, which considers itself above the law and violates the Convention on the Rights of the Child and the Fourth Geneva Convention. The researcher stated that the recent aggression is the most significant violation of international protection rules since 1967, and the continuation of these violations reflects the impunity of the perpetrators.

The researcher recommended the need to enhance psychological and social support programs for affected children, increase international powers to prosecute war criminals, and utilize diplomatic pressure through boycotts and sanctions against Israel.

**Keywords:** Israeli Aggression, Gaza Strip, Palestinian Children's Rights, International Agreements

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## **Introduction**

International humanitarian law places significant importance on children, recognizing them as one of the most vital groups in society, representing hope and the future. Therefore, their rights are a priority for humanitarian communities, as they are the foundation for building an international society. It is essential to prepare children properly to bear the burdens of tomorrow. The significance of human and children's rights became evident in the early twentieth century, amid the horrors and massacres between European nations during the two World Wars, which brought considerable attention to this issue in international circles. When the United Nations was established, its charter emphasized the respect for human rights. The League of Nations issued the Geneva Declaration in 1924 regarding children, followed by a series of international agreements encompassing various aspects of children's rights, such as the right to education, healthcare, and protection from abuse and exploitation. These rights form the basis upon which national and societal policies should be built.

The Universal Declaration of Human Rights, adopted in 1948, marked a significant starting point in promoting children's rights, outlining fundamental principles that guarantee human dignity and basic rights. It includes six essential treaties: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Discrimination Against Women, and the International Convention on the Elimination of All Forms of Racial Discrimination. Most countries have ratified this declaration.

The international protection of children in conflict zones is a matter requiring special attention, and the world is obligated to fulfill what has been proclaimed and ratified in its agreements, primarily the Convention on the Rights of the Child of 1989, its optional protocol, and the Geneva Conventions of 1949. To achieve this protection for children, the international community has developed protection mechanisms, which are a set of agreements and treaties aimed at ensuring the safety and rights of children, obliging states to protect them from all forms of violence. Additionally, there are mechanisms like the United Nations and its specialized agencies, including UNICEF, which has played a significant role in the recent war on Gaza.

This research will focus on the suffering of Palestinian children in Gaza and the impact of the Israeli blockade on them (referred to as the unilateral Israeli withdrawal); however, it is a systematic Israeli military encirclement and control over borders, airspace, and maritime areas by the Israeli occupation, leading to ongoing humanitarian crises and the horrors of wars in Gaza.

Despite the existence of numerous international agreements regarding children's rights, the reality in Gaza highlights the vast gap between legal texts and the painful reality experienced by children in the sector. Children in Gaza have faced high levels of violence and violations of their rights, including bombardment, displacement, and loss of family members, in addition to the deprivation of their basic rights to education during periods of Israeli wars, the destruction of infrastructure hindering their mobility, and suffering from poverty and malnutrition due to the impacts of the Israeli occupation's wars on the sector. They have lost their most fundamental right: the right to life without the constant threat of death. The failure to implement international agreements constitutes a direct violation of children's rights in Gaza, underscoring the challenges facing the international community in protecting children's rights, as well as the role of international criminal law and universal jurisdiction in this regard.

### **Research Problem**

The problem of this research lies in the extent of alignment between children's need to live a normal life in accordance with international laws and agreements, such as the Convention on the Rights of the Child of 1989 and the Fourth Geneva Convention of 1949, along with its two additional protocols from 1977, and the implementation of the protection granted to them during the war launched by Israeli occupation forces on the Gaza Strip from October 7, 2023, until January 19, 2025, the date when the ceasefire came into effect. This war resulted in the violation of numerous children's rights in Gaza, including their right to life, with 17,881 children reported killed.

International humanitarian law emphasizes both general and specific protections for children during armed conflicts, which must be respected under all circumstances. However, Israel has egregiously violated these rights in blatant disregard for international law, necessitating the activation of international criminal justice mechanisms to hold perpetrators accountable for these crimes .

The main research question is: To what extent has the Israeli occupation forces violated international protections for children's rights during their aggression against the Gaza Strip after October 7? This question will branch out into several sub-questions that the researcher will attempt to answer throughout the study.

### **Research Questions**

Main Question: To what extent has the Israeli occupation forces violated international protections for children's rights during their aggression against the Gaza Strip after October 7? This will be addressed by answering the following questions:

- What is the definition of a child and their rights stipulated in international agreements and treaties?
- What forms of violations have been perpetrated by the Israeli occupation during its ongoing aggression against the Gaza Strip?
- What are the international protection mechanisms established for children during wartime?
- What role has the United Nations played in protecting children's rights during the recent Israeli war on Gaza?
- To what extent has international criminal justice and universal jurisdiction been activated to prosecute war criminals in the Gaza Strip?

### **Importance of the Study**

The importance of this research stems from being one of the first studies conducted after the recent Israeli aggression on the Gaza Strip following the events of October 7, which addresses the Israeli violations of international protections for children during the aggression in a systematic scientific manner. It relies on analyzing the nature of this protection and the extent of its violation through documented information and statistics from relevant sources. It also examines the extent to which international protection mechanisms can hold perpetrators of crimes against Palestinian civilians, particularly children, accountable.

The research has shown that the recent Israeli aggression is the most significant violation of international protections for Palestinian children's rights since the

occupation of the Gaza Strip in 1967. The study concludes that the repeated crimes committed by Israelis against Palestinian civilians, especially children, are a natural result of their continued impunity for the atrocities they commit. However, this war, in the researcher's opinion, offers hope with the activation of the principle of universal jurisdiction to pursue war criminals among the Israeli occupation forces and hold them accountable with imposed penalties.

### **Scope of the Research**

Subject borders: The Israeli aggression on the Gaza Strip and the rights of Palestinian children in light of international agreements.

Human borders: Children of Palestine in the Gaza Strip.

Temporal borders: 2006/ 2024.

Spatial borders: The occupied Gaza Strip since 1967.

### **Research Methodology**

The researcher adopted the descriptive analytical legal approach, where the researcher described the Israeli violations of Palestinian children's rights in the Gaza Strip and analyzed the rules and international agreements regarding the legal protection of Palestinian children's rights in light of the Israeli aggression on the region. The researcher based her analysis of the judicial and criminal role on legal provisions from the Statute of the International Criminal Court.

### **Previous Studies**

- Faza' Amer, & Harb. (2019). The extent of Israeli compliance with laws and treaties protecting children in armed conflicts (PhD thesis, An-Najah National University) .

The researcher highlighted the severe violations faced by child victims due to armed conflicts and the mechanisms of international protection, benefiting from the role of the International Criminal Court. The study concluded that there is a legal shortcoming on the part of the State of Palestine in submitting the file of serious

violations against Palestinian children to the International Criminal Court and the international committees affiliated with the United Nations, due to incorrect political calculations that do not serve or protect Palestinian children.

- Miloud, Sheni. (2015). International protection of children's rights (Master's thesis, Mohammed Khider University of Biskra, Algeria) .

The researcher focused on the international protection of children's rights under general international charters, primarily the Universal Declaration of Human Rights of 1948, based on the premise that they are human beings, and under specialized international agreements, notably the Convention on the Rights of the Child of 1989, as they are vulnerable children requiring legal international protection. Among the most important forms of legal protection are international criminal protections, which mean the obligation to safeguard children from all forms of violations and infringements of their rights and freedoms as guaranteed by national and international law, regardless of the legal status of the child, whether a victim, perpetrator, or in any other special situation. International protection for children must activate active agencies, organizations, and international committees, in addition to an international judicial system.

- Al-Aqra, Abdul Qadir Mahmoud. (2023). International protection of children during armed conflicts in light of international humanitarian law rules. Shuqra University, Saudi Arabia .

The researcher focused on the international protection of children during armed conflicts and evaluated the effectiveness of the protection methods and systems established for children in international treaties. He concluded that the international community needs to establish a new comprehensive international agreement regulating matters concerning children during armed conflicts, similar to the Convention on the Rights of the Child of 1989, as practical reality has demonstrated a deficiency in their protection under the 1949 Geneva Conventions. The international community urgently needs to activate the methods and systems of international protection for children during armed conflicts currently in place.

- Riqit, M. (2017). Protection of civilians during armed conflicts (Master's thesis). Mohammed Khider University, Biskra .

The researcher focused on the nature of armed conflict and distinguishing civilians from combatants, the protection established for civilians during armed conflicts, and the specific rules pertaining to them. Her research included mechanisms for protecting civilians during armed conflicts.

- Boulhia, Sh. (2004). Children's rights in international agreements and criminal law. Mohammed Khider University, Biskra .

The researcher focused on the concept of a child and their rights in general international charters and specific agreements, as well as the measures established for minors to protect children's rights as stipulated in international agreements, most notably the Universal Declaration of Human Rights and its principles. The researcher also addressed the national Algerian criminal law and the circumstances surrounding the trial of children to safeguard their rights and prevent delinquency.

- Onis, S. (2022-2023). Serious violations of children's rights in international law (Master's thesis, Faculty of Law and Political Science, Shahid Arab Tebessi University, Tebessa, Algeria) .

The research aimed to identify the nature of children's rights in international law on one hand, and on the other hand, to analyze the criminal violations of children's rights in international law, whether of an international character or nature, and the main international bodies within the framework of protecting children's rights, the United Nations' role in safeguarding these rights, and the international agencies of the United Nations. The study clarified the role of international criminal courts and highlighted the protection of children, particularly under the Rome Statute adopted by the United Nations Diplomatic Conference.

## Commentary on Previous Studies

This study aligns with previous research related to children's rights in light of international agreements, as most of them employed a descriptive analytical methodology aiming to analyze international and regional rules regarding the legal protection of children's rights.

- Faza' Amer (2019) in his research "The Extent of Israeli Compliance with Laws and Treaties Protecting Children in Armed Conflicts" focused on the protections established for children in armed conflicts as a study, and the international and national mechanisms for protecting children during armed conflicts.
- Sheni (2015) in her research "International Protection of Children's Rights" concentrated on the nature of the child and the necessary international protection for them, as well as the specialized international mechanisms for protecting children's rights.
- Al-Aqra (2023) in his research "International Protection of Children during Armed Conflicts in Light of International Humanitarian Law Rules" focused on the violations faced by children during armed conflicts and the legal basis for protecting children during such conflicts.
- Riqit (2017) in her research "Protection of Civilians during Armed Conflicts" relied on the nature of armed conflict and the foundations for protecting civilians from different categories during armed conflicts.
- Boulhia (2004) in her research "Children's Rights in International Agreements and Criminal Law" focused on the international treaties and charters that address children's rights in general and studied any other international rules enacted for managing juvenile justice.
- Onis (2023) in his research "Serious Violations of Children's Rights in International Law" focused on the nature of the child and highlighted the forms of violations they face generally, emphasizing the legal protection of children's rights in the International Criminal Court and international criminal justice, as well as the role of relevant agencies.

However, this study will differ slightly from the previous researchers in terms of its objective, which is to focus on illustrating the magnitude and impact of the Israeli aggression on the Gaza Strip and its serious violations of Palestinian children's rights in Gaza, as well as the effects of these violations on their rights. It will also shed light on the international agreements and charters that form the foundations of international protection for children's rights, notably the Convention on the Rights of the Child of 1989 and the Fourth Geneva Convention of 1949, which stipulate the protection of children during armed conflicts, along with the foundations of legal and judicial international protection and its mechanisms.

### **Research Limitations**

The difficulty in accessing certain information due to the sensitivity of the topic of children, along with the scarcity of references on the international protection of children's rights and the similarity of many references in content and narrative style in presenting clauses and agreements. The most challenging aspect is the ongoing Israeli aggression on Gaza, which began on October 7 following a ceasefire, continuing to the present date (as of the writing of this research), making it difficult to obtain definitive international documents and reports on the recent war.

## **Chapter One: The Nature of the Child, their Rights, and the Impact of Israeli Aggression on them in the Gaza Strip**

In the first section, the researcher will shed light on the varying definitions of the concept of "child" according to its sources. Additionally, the researcher will review the rights of the child recognized internationally and regionally, focusing on the Convention on the Rights of the Child from the Universal Declaration of 1989, which aims to ensure protection and provide a suitable environment for growth. This includes rights to education, healthcare, and protection during armed conflicts, among other fundamental rights that guarantee a dignified life.

We will examine the international agreements and covenants that have contributed to the enhancement of these rights in this section, seeking to establish a strong foundation for understanding the importance of children's rights and their impact on society as a whole. This will allow us to delve into the issues and challenges faced by children in the besieged Gaza Strip and the effects of ongoing aggression during various periods on Palestinian children.

In the second section of this chapter, the researcher will look into the Israeli violations of international agreements and the 1989 Convention on the Rights of the Child during peacetime, as explained in the first section. However, the researcher will focus on the applicability of these rights to children in Gaza before the recent war. The second section will also emphasize the Israeli violations of children's rights during wartime, which contravene both the 1989 Convention on the Rights of the Child and the Fourth Geneva Convention, asserting that these actions amount to a complete act of genocide.

### **1.1 Definitions of the Child and Their Rights in International and Regional Instruments**

The concept of the child refers to various meanings and implications that often describe a specific age period in a person's life. Dictionaries, lexicons, and international organizations provide specific definitions that are distinguished by certain characteristics in line with the mission of the organization or entity defining the concept of the child.

### 1.1.1 Definition of the Child

According to the Oxford Dictionary, the term "child" is defined as "a human being who is small in age, below the age of puberty or the legal age." (Oxford Learner's Dictionaries- Child). The Cambridge Dictionary defines it as "a young person, especially one who has not yet reached adulthood." (Cambridge Dictionary - Child).

In international law, there has been considerable attention to the child and childhood, with these terms appearing in numerous international documents concerned with human rights in general or children's rights specifically. However, these documents do not include a precise and specific definition of the terms "child" and "childhood." One of the main disputes regarding the definition of the child lies in determining when childhood begins and when it ends.

For example, Article 1 of the Convention on the Rights of the Child of 1989 states: "For the purposes of this Convention, a child means every human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier." Some countries, such as Argentina and Egypt, have objected to this definition, as it does not clarify the specific moment marking the beginning of childhood, nor whether it starts from conception or at birth. Consequently, this text leaves it to each state party to the Convention to determine, according to its domestic law, when childhood begins. There are international agreements that define the child and specify when childhood begins and ends (Mukhaymer, 1991, p. 23).

The researcher believes that it is preferable to address the definition of the child from the stage of the fetus due to other legal dimensions that encompass many other issues, such as abortion.

- Arab Charter on Child Rights (1983): This charter does not contain a clear definition of the child but refers to the protection of children from birth until the age of fifteen (Alem, 2021, p. 202). Its preamble states that the charter aims to achieve the development and care of every Arab child, providing comprehensive protection from the day of birth until reaching the age of fifteen. It has been criticized for not aligning with contemporary trends, both

internationally and nationally, regarding the age of the child beyond this limit, in order to provide greater protection, especially during armed conflicts (Rajab, 2009, p. 372).

- African Charter on the Rights and Welfare of the Child (1990)\*: This charter defines the child as any human being under the age of eighteen, as stated in Article 2, which aligns with the United Nations Convention on the Rights of the Child. It was adopted in July 1990 and includes 48 articles addressing children's rights and welfare, encompassing their basic rights.
- Arab Framework for Child Rights (2001)\*: This framework does not provide a clear definition but emphasizes the importance of enshrining rights for children up to the age of eighteen. Although definitions and stages of childhood are mentioned in international human rights documents, they remain undefined, except for what is stated in some agreements (Rajab, 2009, p. 381).

Regarding the definition of the child in armed conflicts, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict of 2000 states in Article 1: "States Parties shall take all feasible measures to ensure that persons who have not attained the age of eighteen years do not take a direct part in hostilities".

From the above, it can be concluded that there is no fixed and precise definition for the stage of childhood; even the human rights conventions do not recognize the child before birth, which is seen as a significant oversight. The researcher believes it is preferable to define the child from the fetal stage until reaching the age of eighteen, considering other legal implications that encompass various issues, such as abortion.

Next, we will move to the second section, where we will review children's rights according to international agreements. This section will include an analysis of how states have sought to protect children's rights at the global level throughout history, contributing to improving their conditions and welfare in various contexts.

### **1.1.2 Children's Rights According to International Agreements and Conventions**

In the 20th century, there was increased attention to child upbringing, especially after humanity suffered the horrors of the two World Wars. Countries began to enact laws and regulations to protect childhood. The international community focused on the rights of the child and the care of children, issuing declarations and international statements aimed at creating a better world for children. Nations reaffirmed their commitment to human rights and dignity in the UN Charter and subsequent declarations, believing in the child's right to grow in a manner that allows them to determine their own destiny. Consequently, countries pursued drafting and signing international agreements and regional charters to protect their rights (Universal Declaration of Human Rights, 1948).

- Rights of the Child in International Agreements:

Children's rights are among the most important rights that have garnered the attention of the international community through numerous international agreements and declarations that address and emphasize their significance. International charters consist of agreements and treaties from the United Nations and other international agreements. Human rights are essential for human existence, and these rights have significantly evolved since the early 20th century. The Universal Declaration of Human Rights mandates that states recognize that all humans are born free and equal in dignity and rights, regardless of nationality, place of residence, gender, ethnic or racial origin, color, religion, language, or any other status. Below is a summary of the most important international declarations and agreements related to children's rights.

- Geneva Declaration of the Rights of the Child (1924):

The Declaration of the Rights of the Child of 1924 is considered the first international document recognizing children's rights, consisting of a preamble and five principles (Houb, 2013, pp. 136-137). It was adopted by the League of Nations in Geneva and emphasized the following:

1. Right to Natural Development: The necessity to provide an environment that ensures the child's physical, mental, and emotional growth.

2. Health and Nutrition Care: Children must receive the necessary food and medicine to ensure their health.
3. Protection from Exploitation: Children should be protected from all forms of exploitation, whether economic or physical.
4. Provision of Education: Education is a fundamental right for children and should be accessible to all.

This document represents the formal beginning of international recognition of children's rights, officially adopted on September 26, 1924. It is noted that the Geneva Declaration was not issued in the name of a state and was directed toward society as a whole, leading to many subsequent agreements that explicitly or implicitly addressed children's rights, such as the Slavery Convention of 1926, the Stateless Persons Convention of 1945, and the Genocide Convention of 1948.

- Universal Declaration of Human Rights (1948):

Article 25 of the Universal Declaration of Human Rights emphasizes children's rights within the framework of human rights protection. It states: "Children should be protected regardless of their family status, whether born within or outside of marriage—maternity and childhood have the right to special care." This declaration enhanced the status of children's rights as an integral part of human rights.

- Declaration of the Rights of the Child (1959):

The Declaration of the Rights of the Child was adopted by the United Nations General Assembly on November 20, 1959, consisting of a preamble and ten principles, extending the previous Geneva Declaration. The declaration outlines the fundamental principles of children's rights (Convention on the Rights of the Child, 1989), including the equality of rights, with every child enjoying all rights without discrimination based on race, color, religion, origin, or any other reason. The declaration includes the right to education, especially at the primary level, the right to play, recreation, adequate nutrition, housing, sports, protection from all forms of cruelty and exploitation, prohibition of trafficking, and employment before a certain age and in hazardous work, and the right to live in peace and prosperity. Although this declaration is broader than

the Geneva Declaration, it did not comprehensively cover all children's rights, leading to the two international covenants.

- International Covenant on Civil and Political Rights (1966):

The International Covenant on Civil and Political Rights states in Article 24 (Abdel-Hadi, 1993, pp. 130-132):

1. Child Protection: Every child has the right to protection from the state and family.
2. Birth Registration: Every child has the right to be registered immediately upon birth and to have a name and nationality.
3. Non-Discrimination: Children must be protected from all forms of discrimination.

- International Covenant on Economic, Social and Cultural Rights (1966).

Article 10 of this covenant states (El-Anani, 1984, pp. 154-171):

1. Protection of Children and Adolescents: Children and adolescents must be protected from economic and social exploitation.
2. Prohibition of Child Labor: Child labor is prohibited in work that adversely affects their health or education.
3. Health Care: Conditions must be provided for the child's growth and development, including health care and education.

- Declaration on the Protection of Women and Children (1974):

This declaration was issued by the United Nations General Assembly on December 14, 1974, emphasizing the protection of women and children, especially in armed conflict situations. It states (Basyouni, 1989, p. 123):

1. Prohibition of Violence: Any form of violence or exploitation against children is prohibited.
  2. Protection in Armed Conflicts: Necessary measures must be taken to ensure the protection of children and women from the consequences and effects of war.
  3. Protection of Refugee Children: There is a need to provide protection and care for children who are refugees or displaced due to conflicts.
- Convention on the Rights of the Child (1989):

The Convention on the Rights of the Child, adopted on November 20, 1989, is one of the most significant international achievements affirming the importance of protecting children's rights and ensuring their well-being. Article 1 defines a child as any human being under the age of eighteen, unless they reach the age of majority sooner under applicable law. This convention represents the international community's commitment to promoting the dignity of the child and respecting their fundamental rights. It was adopted by the United Nations General Assembly by resolution No. (44/25) on November 20, 1989, and came into force on September 2, 1990, after 20 countries ratified it. The convention consists of 54 articles aimed at protecting children's rights and enhancing their welfare.

The Convention aims to ensure the protection of children's rights in various areas, such as health, education, protection from exploitation, and the right to express their opinions, focusing on principles of equality and non-discrimination. It emphasizes the need to take necessary measures to ensure the best interests of the child in all decisions and actions concerning them.

The text of the convention is divided into three parts: the first part defines the child and their rights (41 articles), the second part outlines how to disseminate the principles of the convention and its provisions, the committee on children's rights, and how state parties report, while the fourth article pertains to the committee's operation, which includes four articles (42-45). The third part of the convention (46-54) includes the signing of the convention, its provisions, ratification, and deposit with the UN Secretary-General. Additionally, the UN General Assembly attached two optional protocols to the Convention on the Rights of the Child in 2000 (Mekhmer, 1993, pp. 135-177).

## **Key Rights of the Child According to the Convention on the Rights of the Child (1989):**

### **1. Right to Life, Survival, and Development:**

The principle of the child's right to life ensures the child's survival and provides the necessary conditions for their optimal development. Article 6 emphasizes the obligation of state parties to protect children's rights to life and promote their well-being. It urges states to take all possible measures to reduce child mortality and ensure access to healthcare and education while focusing on eliminating factors that threaten their lives (Human Rights Center, 1997, p. 6).

### **2. Consideration of the Best Interests of the Child:**

The Convention stresses the necessity of considering the best interests of the child in all decisions affecting them. This principle ensures the protection and promotion of children's rights, enhancing their well-being and achieving their best interests through family, community, and state support. It serves as a basis for decisions regarding custody, education, and healthcare (Hassan, 1999, p. 61).

### **3. Principle of Equality and Non-Discrimination:**

Article 2 of the Convention mandates the protection of all children's rights without discrimination based on sex, color, religion, language, national origin, or any other status (Al-Nabsha, 2010, p. 235). This principle aims to ensure all children enjoy their rights without exception, particularly focusing on the most vulnerable groups, such as refugee children, those with disabilities, or economically disadvantaged children (United Nations Children's Fund, 2002, p. 41).

### **4. Right to Participation and Expression of Opinion:**

Article 12 guarantees children's right to express their opinions freely on all matters affecting them. Children are encouraged to participate actively in decisions concerning them, with their views considered in accordance with their age and maturity. This right also includes protection from any restrictions that would prevent them from voicing their opinions or participating in public life.

## 5. Right to Belong to and Maintain Relationships with Family:

The Convention underscores the importance of the family as the fundamental unit for the care and upbringing of the child. Article 7 states the child's right to a name, nationality, and knowledge of their parents, as well as to maintain relationships with their family. Article 9 ensures that a child is not separated from their parents unless it is in their best interests, such as in cases of abuse or neglect. Examples of family-related rights include:

### A. Right to Name, Nationality, and Parentage:

Article 7 stipulates that a child has the right to a name and nationality from birth, and to know their parents, preserving their identity without interference. This right is fundamental for legal recognition and social belonging.

### B. Arrangements for Contact Between the Child and Divorced Parents:

Article 9 guarantees the child's right to maintain regular contact with their parents even if they are separated, unless it contradicts the child's best interests. The Convention stresses the importance of avoiding arbitrary separation from parents while protecting the child's interests in family disputes.

### C. Right to Communicate with Parents Living in Different Countries:

Article 10 addresses situations where parents reside in different countries, emphasizing the need to facilitate regular communication between the child and their parents. State parties are obligated to take necessary measures to ensure this right is not used to harm the child or one of the parents.

### D. Right to Parenting by Parents

The right of the child to be raised by their parents is fundamental. According to Article 18 of the Convention, parents bear the responsibility of raising their children and must provide necessary support and care, creating a safe and healthy environment that promotes the child's development.

## E. Right of the Child Deprived of Family to Protection

The right of a child deprived of family to protection is a crucial consideration. Article 20 mandates that states provide care and protection for children without family, ensuring a safe environment for them.

### 6. Right to Expression and Freedom of Association:

The child's right to expression and freedom of association includes allowing children to express their opinions and feelings. According to Article 12, they should have the opportunity to participate in issues that affect their lives.

### 7. Right to Protection from All Forms of Abuse:

Children's rights must be protected from various forms of abuse. Article 16 states that children should be protected from violence and maltreatment.

### 8. Right to Education:

Every child has the right to education and essential services. According to Article 28, children should have access to quality education opportunities.

### 9. Right to Health Care and Social Security:

The right to health care and social security is fundamental. Article 24 mandates that children receive necessary health care and social support, requiring comprehensive health services including check-ups, treatment, and preventive care (UNICEF, 2003, p. 62). Additionally, children should have access to insurance and social assistance programs that ensure a dignified life, as stated in Article 26.

### 10. Protection of the Child's Right to Rest and Leisure

Every child should enjoy the right to rest and leisure, with opportunities for play and enjoyment of their childhood, as outlined in Article 31.

#### 11. Right of Mature Children to Participate:

Mature children should be granted the right to participate in decisions affecting their lives. The United Nations has facilitated this by inviting 400 children from 150 countries in May 2002 for a special session on children (Al-Nabsha, 2010, p. 265). This calls for opportunities for them to express their opinions and participate in society, in accordance with Article 12.

#### 12. Right to Freedom of Belief:

This right includes children's ability to express their religious or spiritual beliefs freely, without fear of discrimination or punishment. Article 14 of the Convention states the child's right to freedom of thought, conscience, and religion.

#### 13. Right to Participatory Life:

This right allows children to engage in social and cultural activities, helping them develop their skills and abilities.

#### 14. Rights of Children with Disabilities:

Providing a suitable educational and social environment for children with disabilities is essential for their integration into society. Article 23 of the Convention requires that disabled children receive the necessary care, including appropriate health care and education, ensuring equal opportunities for integration and providing necessary therapeutic support, particularly psychological and functional therapy.

#### 15. Protection of Juvenile Offenders:

Programs must include rehabilitation that supports juvenile offenders, aiding their positive reintegration into society. The United Nations principles for preventing juvenile delinquency emphasize that prevention is a fundamental part of crime prevention in society. Rule 52 states that states must enact and implement laws and procedures that promote and protect the rights of juveniles. Furthermore, Rule 53 requires legislations to prevent harm to children and adolescents, prohibiting their maltreatment or exploitation in criminal activities. The Riyadh Guidelines prohibit

subjecting minors in homes, schools, or any other institutions to harsh or degrading corrective or punitive measures (Moussa, 2006, pp. 13-15).

#### 16. Protection of Refugee Children:

Psychosocial support must be provided to refugee children, ensuring their access to education and health care. Article 22 of the Convention addresses the rights of children in refugee situations (Al-Fatlawi, 2014, p. 277).

#### 17. United Nations Committee on the Rights of the Child:

The Committee plays a vital role in monitoring the implementation of children's rights and ensuring their respect globally. Article 43 establishes the Committee on the Rights of the Child to monitor the implementation of the Convention (Convention on the Rights of the Child, 1989).

Next, we will move to the third section, which will include a distinction between human rights law and international humanitarian law in the context of protecting children's rights, highlighting differences in scope and objectives. This will set the stage for discussing Israeli violations of children's rights in Gaza, demonstrating arbitrary breaches of both frameworks by the Israeli occupation.

### **1.1.3 The Child in Human Rights Law and International Humanitarian Law**

International human rights law and international humanitarian law are two legal branches derived from public international law, which governs relations between states and international organizations. International human rights law focuses on the international protection of life, safety, freedom, privacy, and human rights. In contrast, international humanitarian law regulates the principles of war and armed conflict to prevent actions that could limit humanitarian means and rules, causing suffering to individuals (Al-Zama, 2006, p. 41) .

The primary goal of international humanitarian law is to protect victims of conflicts, specifying the rights of the wounded, civilians, and children. The fundamental motive behind its establishment is the principle of humanity rather than

the principle of rights, and its development has been facilitated by the idea of reciprocity among states.

Human rights have been linked to international law since its inception, addressing constitutional legal matters concerning the relationship between governments and their citizens. They remained subject to national laws until 1945, when human rights became part of international law following World War II (International Committee of the Red Cross, 2025).

- **Distinctions Between Human Rights Law and International Humanitarian Law:**

There are differences between international human rights law and international humanitarian law that arise from the state of peace versus the state of war and the relevant circumstances. The most significant difference is the scope of application, which depends on the category to which the person belongs. International human rights law includes protection for all individuals, while international humanitarian law focuses on the protection of civilians and combatants. Although mechanisms have been established to protect certain rights, all human rights are guaranteed to all people, including specific groups such as children, women, the disabled, or migrants (Ibrahim, 1995, p. 131).

Another difference is that states are responsible for violations of international human rights law, while responsibility under international humanitarian law also includes individuals. The areas of international human rights law and international humanitarian law overlap in the matter of protecting human rights, with their shared goal being the safety and dignity of individuals (Bakhtiyah, 2000, p. 65).

- **Protection of Vulnerable Groups such as Children and Women:**

The United Nations Convention on the Rights of the Child, adopted in 1989, stipulates in Article 38 that state parties must ensure that individuals under the age of fifteen are not recruited into their armed forces. States are also obligated to take measures to protect children affected by armed conflicts (Abd Al-Wahid, 2008, p. 31).

- **The 1949 Geneva Conventions also contain specific provisions for the protection of civilians and children during wartime:**

In Article 24, complementing international human rights law for the benefit of children in times of conflict. These conventions prohibit violence, cruel treatment, and torture, ensuring humane treatment for individuals who are not actively participating in hostilities, as stated in Article 50 regarding the care and custody of children during war.

Additionally, the First Additional Protocol to the Geneva Conventions concerning international armed conflicts is an important instrument for protecting children and stipulating their evacuation during armed conflict.

### **Recent Context: Gaza Conflict**

In the context of the recent war in Gaza following October 7, the intersection of these two laws is evident. Attacks on civilians and health facilities constitute violations of international humanitarian law, while also representing violations of fundamental human rights such as the right to life and the right to health. Israeli violations have been particularly pronounced during this conflict, with many civilians, especially children, suffering severe harm, reflecting a disregard for international standards.

Articles 24 of the Geneva Conventions and 38 of the Convention on the Rights of the Child highlight children's rights and their protection during armed conflicts. However, we have witnessed severe violations of children's rights, with many suffering physical and psychological harm due to military actions, necessitating effective steps from the international community to ensure the implementation of these provisions.

Article 24 of the Fourth Geneva Convention focuses on protecting civilians, including children, from the dangers of armed conflicts. It states the right of civilians to receive health care and humanitarian assistance. Nonetheless, Gaza has experienced dire humanitarian conditions, with health facilities being targeted and assistance denied, alongside many violations against children that do not align with human rights or international humanitarian law, exacerbating civilian suffering.

The researcher believes that the relationship between international human rights law and international humanitarian law is significantly intertwined, with applicable rules from both branches in conflict situations and under different circumstances. This intersection poses a challenge in enforcement, as both seek to protect individuals during conflicts but focus on different aspects of protection. International humanitarian law, also known as the law of war, regulates the conduct of conflicting parties during armed conflicts and aims to protect individuals not participating in hostilities, such as civilians, the wounded, and children. In contrast, international human rights law focuses on safeguarding individuals' dignity and fundamental rights at all times, including during wartime. This relationship will be further elucidated in the second section of this chapter.

## **1.2 Violations of Palestinian Children's Rights in Gaza**

Israel began imposing a blockade on the Gaza Strip following the victory of Hamas in the legislative elections in January 2006, and intensified it after the movement took military control of the Gaza Strip in June 2007. It declared Gaza a "hostile entity" and imposed additional sanctions that directly affected the basic rights of the civilian population, including children.

Children in Palestine represent nearly half of the population, making investment in this segment of society crucial for ensuring their rights and providing them with a dignified life in safety. However, their rights have been violated, and since the onset of the blockade, the occupation has not allowed for any investment in this demographic. According to 2021 data, there are approximately 2.31 million children in Palestine under the age of 18, including 1.18 million boys and 1.13 million girls. Thus, children constitute about 44.2% of the total population, with the percentage in the West Bank at 42.0% and in Gaza at 47.5%. These percentages of children, without exception, have been subjected to a suffocating blockade that violates human rights agreements and the Convention on the Rights of the Child of 1989 (Human Rights Organization, 2023).

## **The Convention on the Rights of the Child of 1989 and Its Applicability to Palestinian Children**

In November 20, 1989, the United Nations General Assembly adopted the Convention on the Rights of the Child, which came into force on September 2, 1990. The Palestinian Authority confirmed its commitment in the preamble of the basic law issued by the Palestinian Legislative Council, as endorsed by the then Chairman of the Palestine Liberation Organization, Yasser Arafat. In 1995, on the occasion of Palestinian Children's Day, the document was adopted legally and became binding. In 2004, the Palestinian Child Law was enacted to align with international law and human rights principles, thus committing to the provisions of the Convention on the Rights of the Child.

In previous sections, the researcher discussed children's rights in times of peace, according to the provisions of the 1989 Convention, which have been violated due to the Israeli blockade on the Gaza Strip (Human Rights Organization, 2023).

This section addresses the reality of Palestinian children's rights according to the 1989 Convention, focusing on their rights to life, dignity, health, education, and a decent living. The researcher emphasized the laws that protect these rights in times of war, as stated in the Convention, including Article 38, Paragraph 4, which states that "States Parties shall, in accordance with their obligations under international humanitarian law, protect civilian populations in armed conflicts, to ensure the protection and care of children affected by armed conflict" (Palestinian Authority, 2023).

Other relevant articles include:

- Article 16, which states that "No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home, or correspondence, nor to unlawful attacks on his or her honor and reputation".
- Article 4, which states that "Children have the right to a standard of living adequate for their physical, mental, spiritual, moral, and social development".
- Article 28, which recognizes the child's right to education and commits States Parties to progressively realize this right on the basis of equal opportunity,

ensuring free primary education and access to secondary education (Convention on the Rights of the Child, 1989).

These rights are guaranteed by international laws and endorsed by the United Nations General Assembly, but the Israeli occupation has blatantly violated these guaranteed rights since the onset of the blockade on Gaza, disregarding the 1989 Convention on the Rights of the Child and other human rights agreements. For example, the Israeli judicial system violated Article 1 of the Convention by defining childhood as up to the age of 16, which is a clear violation of the Convention that defines childhood as up to 18 years (Human Rights Organization, 2023).

Furthermore, many provisions of the 1989 Convention have been violated, and continuous wars have been waged on the Gaza Strip, leading to ongoing tragedies for the children of Gaza that persist even after the wars end, from her:

- **First War (2008-2009)**

During Ehud Olmert's term as Israeli Prime Minister, on the morning of December 27, 2008, Israeli forces launched the "Operation Cast Lead" against the Gaza Strip. In response, Palestinian resistance movements countered with attacks under the name "Battle of Al-Furqan".

The fighting lasted until January 18, 2009, when both Israel and Hamas declared a ceasefire. At that time, the number of Palestinian casualties exceeded 1,400, including around 300 children, with thousands injured (Euro-Mediterranean Human Rights Monitor, 2023).

- **Second War (2012)**

On November 14, 2012, the Israeli military targeted Ahmed Al-Jaabari, a leader in the military wing of Hamas, and Mohammed Al-Homs, a member of the Al-Qassam Brigades, in an airstrike on their car on Omar Al-Mukhtar Street in Gaza City. The Israeli newspaper Haaretz reported that Al-Jaabari had been negotiating a permanent truce with Israel just hours before his assassination .

Israel named the operation "Pillar of Cloud," while Hamas called their response "Operation Stones of Baked Clay." The Israeli military described their attacks as an effort to enhance deterrence, deliver a "painful blow," and destroy Palestinian factions' rocket-launching capabilities .

The war claimed the lives of 165 Palestinians, including between 99 and 105 civilians, of whom 42 were children. Additionally, 1,220 were injured, including 430 children. A ceasefire agreement was reached on the evening of November 21, 2012 (Euro-Mediterranean Human Rights Monitor, 2023).

- **Third War (2014)**

The operation "Protective Edge" was launched by the Israeli security cabinet under the leadership of Prime Minister Benjamin Netanyahu. Hamas referred to it as the "Operation Eaten Straw." The conflict lasted 51 days, with the stated objective of halting Palestinian rocket fire into Israel and preventing further attacks .

According to a report by the United Nations Office for the Coordination of Humanitarian Affairs published on October 3, 2014, the war resulted in 2,189 Palestinian deaths. The report states that 70% of the child fatalities—numbering 513—were children under the age of 12 (Euro-Mediterranean Human Rights Monitor, 2023).

- **Fourth War (2021)**

In April 2021, the "Battle of Sword of Jerusalem" erupted, referred to by Israel as "Operation Guardian of the Walls." Tensions began when residents of Sheikh Jarrah neighborhood in East Jerusalem started protesting against what they described as "plans" to evict Palestinian families from their homes. This led to escalations with settlers, some of whom attempted to seize Palestinian properties .

The protests and clashes in Jerusalem between Palestinians, settlers, and Israeli security forces escalated, leading Hamas to launch rockets towards Israel. In retaliation, Israel carried out intense bombardments on Gaza and other areas. After 11 days of continuous fighting, and following mediation efforts, both sides agreed to a ceasefire, with each side declaring itself the "winner" of the war (Euro-Mediterranean Human Rights Monitor, 2023) .

According to official figures from Gaza authorities, 243 Palestinians were killed, including 66 children (BBC News, 2023).

**Additional Operations and Context.** Between these wars, Israeli military operations, such as the "Battle of Breaking Dawn" in 2019 and "True Dawn" in 2022, resulted in the deaths of civilians, including six children. The systematic targeting and escalation of Israeli aggression in recent years have imposed severe and dangerous conditions on Palestinian children. This is evident in the increasing numbers of child martyrs, prisoners, and injured individuals under the age of 18 (Al Jazeera, 2022) .

The repercussions of Israeli aggression go beyond turning children's lives into a cycle of death, imprisonment, and disabilities. Despite children constituting the largest demographic segment of the Palestinian population, their share of attention in political matters remains minimal. These circumstances have imposed harsh living conditions on children growing up in Gaza under an Israeli occupation-driven political reality. This has culminated in the October 7 attacks, followed by a catastrophic and disproportionate war that claimed the lives of thousands of children.

### **1.2.1 The Situation of Palestinian Children in Gaza before October 7 War**

The Israeli blockade is one of the biggest challenges facing Gaza and its residents, particularly the children. It restricts the movement of goods and people, negatively impacting the economy, education, health, and the overall lives of the population, as well as the healthy development of children. Several pressures arise from this situation, including:

- **Social and Economic Reality of Children in Gaza**

The Palestinian child in Gaza has had their most basic rights violated. Many children are deprived of their right to life, a fundamental right for every human being. This right is affirmed by God, who states, "And do not kill the soul which Allah has forbidden, except by right" (Surah Al-Isra, Ayah 33). How can this right be unjustly taken away from a person, denying them their life?

The targeting of children by occupying forces, their deliberate killing of many, and the use of tear gas represents a clear violation of laws and norms. This situation

generates issues of violence among children, negatively affecting their behavior and responses.

Undoubtedly, the general conditions in the sector have had a significant negative impact on the prevailing economic situation, affecting every individual in society, with children bearing the brunt of this situation. Children cannot comprehend the economic issues or their inability to receive daily allowances, which reflects on their performance and behavior at home, school, and in the community. Some children may drop out of school, while others experience a decline in academic performance, and negative phenomena such as begging, theft, and aggression towards others may arise.

Moreover, the occupation's policies of closure, economic and security blockade, arrests, and destruction have been major driving forces behind the spread of child labor, alongside poor economic conditions and negative family upbringing due to parental conflicts caused by these circumstances (Mohsen, 2016).

Regarding the poverty experienced by the Palestinian people as a whole due to the Israeli blockade, a report from the Palestinian International Relations Council stated that the poverty rate in Gaza has reached 64%, which is twice that of the West Bank. Additionally, 33.8% of Gazans live below the extreme poverty line. The report indicated that Gaza, home to approximately 2.5 million Palestinians, has 47% of its inhabitants under the age of 18. Over 70% of families in the sector are unable to build new housing units, while the sector needs to construct more than 130,000 housing units to keep pace with natural population growth. About 20% of Gaza's families live in overcrowded housing, with more than three people per room (Al-Shami, 2022). Due to social and economic conditions, children in Gaza have been forced to work.

Table (1.1): Percentage of Working Children in the Gaza Strip

Observations	Number of children working in the sector	Age
Full-time work	4,840 (2%)	10-17 years
They work while they are enrolled in school.	1,490	10-17 years
Total number of children	372,600	10-17 years

This table is according to the Palestinian Central Bureau of Statistics (PCBS) (United Nations Office for the Coordination of Humanitarian Affairs, 2019).

- **The Educational Reality of the Palestinian Child**

Since its establishment, the Palestinian National Authority has prioritized public education. It has developed the necessary plans to expand the construction of schools, increase the number of classrooms, and raise the number of teachers across various educational stages to accommodate the growing number of students.

Table (1.2): Children's enrolment rate in the Gaza Strip

Total Enrolment Rate	Male	Females	Age
97,0	95,6	98,4	12-14 years
84,3	79,1	89,9	15-17 years

(Palestinian Central Bureau of Statistics, 2017)

The data also indicated a significant decrease in the illiteracy rate from 1997-2021 (Wafa, 2022).

Table (1.3): Illiteracy rate in Palestine

Overall decline	Year 2021	year 1997	Category
11,6 %	2,3 %	13,9 %	Illiteracy rate among Palestinians (15 years and above)
6,6 %	1,2 %	7,8 %	Male illiteracy rate
16,8 %	3,5 %	20,3 %	Female illiteracy rate
8,9 %	5,2 %	14,1 %	West Bank
11,7 %	2,0 %	13,7 %	Gaza Strip

(Wafa, 2022)

The impact of the Israeli siege on the education sector is evident, as schools are a central pillar of the educational process, serving as a nurturing environment whose effectiveness depends on multiple conditions. The electricity crisis in Gaza has significantly affected cultural rights in general, and the right to education in particular, posing a real challenge to the progress of the educational process. Prolonged power outages have impacted students' academic performance across all age groups, as they face genuine difficulties in studying, completing homework, and preparing for lessons, whether through in-person education or online learning .

One of the major challenges facing education, highlighted by the remote learning system, is the digital divide between Gaza and the outside world. This gap has been exacerbated by Israel's continued control over the Palestinian frequency spectrum, as well as its control over Gaza's border crossings and restrictions on the entry of technologies and equipment necessary for the development of internet services. This has weakened the ability of some families to keep up with scientific advancements, benefit from internet services, and connect with schools to support their children's education, particularly after the adoption of online education (Malli, 2023) .

The United Nations has declared in a report that access to digital rights and the internet is a fundamental human right, and cutting off these services constitutes a violation of international laws protecting human rights. Digital rights can be defined as the rights that allow individuals to access, use, create, and publish content on the internet and digital media or access computers and other electronic devices and communication networks. This term is particularly tied to the protection of established rights, such as the right to privacy or freedom of expression, in the context of new digital technologies, especially the internet. Access to the internet is considered a right guaranteed by the laws of multiple countries (Al-Arab, 2023).

Israel has prevented the entry of the equipment necessary to build third-generation (3G) networks in Gaza. As a result, the two cellular companies operating in the region are still providing second-generation (2G) internet services to their subscribers. The companies have allowed Palestinians to purchase limited data packages at high prices to use on their smartphones in public places without fixed internet access. Palestinians, however, have complained about the inefficiency of these packages in performing various remote tasks, as their use is limited to sending and receiving text messages and accessing some social media applications. Officials have stated that depriving Gaza of fourth- and fifth-generation (4G and 5G) technologies creates a significant digital divide, hindering economic growth across all technological, industrial, and vital sectors (Al-Arab, 2023).

The lack of internet access has deprived children in half of Palestinian households from participating in remote learning during the COVID-19 lockdown. Statistics show that 48.5% of families lack internet at home, which prevented children from engaging in educational activities during the closure (Awad, 2021).

Due to the deteriorating social and economic conditions in Gaza and the ongoing Israeli siege, children’s rights and access to education—both in schools and at home—have been severely affected. This has manifested in academic failure, with 50% of students in Gaza failing to meet international standards for learning outcomes due to the siege, Israeli attacks, and dire humanitarian conditions. There has also been cumulative learning loss since the COVID-19 pandemic, further exacerbated by the harsh conflict (Al-Sakkaafi, 2024). These children face an increased risk of child labor or involvement in life-threatening activities, which heightens the demand for protective services already under immense pressure in Gaza (United Nations Office for the Coordination of Humanitarian Affairs, 2019), as well as the risk of school dropout.

Table (1.4): Children's school dropout rate in the Gaza Strip

Overall percentage	Male dropout rate	Female dropout rate	Age
11,5	15,6	7,2	12-14 years
34,7	37,5	31,9	15-17 years

(Palestinian Central Bureau of Statistics, 2017)

The direct Israeli targeting of schools through bombing has also had a devastating impact. During the 2009 war, the Al-Fakhoura School in Jabalia, northern Gaza, was struck with incendiary white phosphorus bombs. Israel justified the attack by claiming the presence of armed militants inside the school, a claim that was categorically denied by UNRWA.

In the aftermath of the 2014 war, 27 public schools did not open their doors at the start of the academic year due to complete destruction caused by Israeli military machinery. Additionally, around 30 other schools could not receive students as they were being used as shelters for displaced refugees. A total of 174 schools in Gaza were bombed and damaged. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported that nearly half a million Palestinian children were unable to return to their classrooms under normal conditions at that time (Adalah, 2014).

- **The Health Reality of Children in the Gaza Strip**

Article 24, Paragraph 1, of the Convention on the Rights of the Child states that parties to the convention recognize the child's right to enjoy the highest attainable standard of health and their right to access facilities for the treatment of illnesses and rehabilitation of health .

Accordingly, the actions of the Israeli occupation authorities in targeting children with gunfire—whether to kill, wound, or terrorize them—constitute a blatant violation of the divine right to live in safety, as well as international conventions (Awad, 2021). The Israeli occupation authorities have escalated their assaults on Palestinian citizens and community institutions, leading to an increase in injuries, especially among children, with thousands of cases resulting in various disabilities. The disability rate among school students reached 1.17% (Al-Sakkaafi, 2024) .

Israel has also seized Gaza's water resources during the blockade, allowing untreated sewage to flow into the sea, leaving 97% of Gaza's water unfit for human consumption. As a result, water collection has become dependent on barrels, plastic bottles, rooftop water tanks, and water trucks. This situation has exposed children to a greater risk of diseases and weakened immune systems. Moreover, restrictions on fuel and electricity cuts have increased air pollution and the spread of toxic substances, as people have resorted to using private generators. This has led to a continual decline in living standards in the Palestinian territories, resulting in food insecurity. The food insecurity rate in Gaza has reached 64.4% (ESCWA, 2023) .

In 2020, the percentage of children in Gaza suffering from moderate underweight was 2.1%, while 0.3% suffered from severe underweight. The percentage of children suffering from moderate stunting (short stature) was 9.0%, while 1.8% suffered from severe stunting. The percentage of children suffering from moderate wasting was 1%, while 0.5% suffered from severe wasting (Palestinian Central Bureau of Statistics, 2024) .

According to a report from the Palestinian Council on International Relations, citing estimates from the World Health Organization, the anemia rate among children in Gaza is approximately 70%, while 40% of pregnant women suffer from anemia.

Cancer mortality rates in Gaza are higher than the global average. The Gaza Strip records around 1,800 new cancer cases annually, more than half of which require urgent travel abroad for chemotherapy and radiotherapy treatment that is unavailable in Gaza (Al-Masry Al-Youm, 2023) .

Additionally, the Israeli occupation authorities have restricted access to life-saving vaccines, such as those for measles, diphtheria, and tetanus, allowing them to enter only through specific countries (Al-Watan, 2019). This has made it difficult for children to receive necessary vaccinations. Moreover, vaccines have been subjected to delays and exposure to heat, reducing their viability and effectiveness

- **The Psychological Reality of Children in Gaza**

Children are the most affected group by the harsh reality of Palestine and the ongoing war between Palestinians and the Israeli occupation. This impact has affected their psychological, social, and cognitive development, leading to various disorders, tension, and anxiety. As a result, their natural psychological growth is disrupted, as they require protection, a sense of security, and healthy psychological development.

The study concluded that the prevalence of violence is sharply increasing due to children witnessing scenes of destruction, killing, and bombardment. This has played a significant role in psychological disturbances. The majority in Gaza feel that Israeli violence has led to psychological disorders in children within their families. While Palestinian media has its positives, it often conveys events without direct oversight to children, repeatedly exposing them to traumatic incidents. This exposure has led to an increase in post-traumatic symptoms, with more than half of school students suffering from sleep problems, increased tension, irritability, loss of appetite, weight loss, feelings of hopelessness, frustration, and abnormal thoughts about death. Furthermore, more than a third of students have experienced difficulty concentrating. The repeated destruction of institutions that provide recreational activities to address psychological issues, along with weak support for these institutions, has exacerbated the problem for children (Mohsen, 2016, p. 47).

According to a report by the Palestinian International Relations Council, estimates from the World Health Organization indicate that 360,000 people, or 20% of Gaza's population, suffer from mental health challenges due to the blockade.

Table (1.5) Percentages of children with mental health challenges

Percentage	Problem
61% (WHO, 2022)	Children with mental disorders
51% (WHO, 2022)	Children who have lost the desire to participate in activities.
47% (WHO, 2022)	Children who are unable to do school and family homework.
48% (Economic and Social Commission for Western Asia, 2023)	Malnutrition diseases

(Council on International Relations - World Health Organization, 2022)

Among every five children in Gaza, four suffer from depression, sadness, and fear before October 7, according to school students (Methodologies for Contemporary Education, 2023).

For example, from Gaza's reality, Umm Muhammad Al-Banna recalls the image of her daughter, a third-grade student, when she returned home trembling from fear and panic. She shared her story with the newspaper "Palestine," saying: "The occupation soldiers had closed the road leading from my daughter's school, Mustafa Habib School in Gaza, to the Sabra neighborhood where we live. She tried to crawl under the fence to cross the street, but during her crawl, the occupation forces arrested her and placed her in a military vehicle. The local elders intervened and insisted on her release to prevent her from experiencing trauma. She returned home in a difficult state, traumatized, and remained ill for a long time due to the incident" (Palestine Online, 2021).

The painful reality that children in Gaza endure is extremely difficult. The impact of the blockade on their upbringing is evident, depriving them of many opportunities for healthy growth and safe living. After the unilateral Israeli withdrawal from Gaza, the situation worsened. We have mentioned excerpts of their suffering previously. Before the arrival of 2023, the year that began with the most horrific war, during which the Israeli occupation practiced the worst brutal tactics of killing,

mutilation, and bombing entire families, the effects of the Israeli military violations on Gaza's children will persist for many years to come. This will be detailed in the next section of this research.

### **1.2.2 Forms of Israeli Violations of Palestinian Children's Rights in Gaza (Post-October 7)**

The Convention on the Rights of the Child, established in 1959, is one of the most significant agreements that defines children's rights. It emerged from Poland's initiative, presented to international bodies to draft a comprehensive convention clearly outlining the human rights of children (Abu Khwat, 2005). The Convention aims to intensify global efforts to continuously improve the conditions of children worldwide, advancing their education, health, security, and safety, and ensuring their full enjoyment of all human rights and fundamental freedoms.

A monitoring and reporting mechanism for serious violations of children's rights was established by Security Council Resolution 1612 in 2005, which reports on six grave violations against children in armed conflict:

- Killing or maiming children.
- Recruiting or using children as soldiers.
- Rape and other serious sexual violations against children.
- Attacking schools or hospitals.
- Denying humanitarian access to children.
- Abducting children.

However, Israeli violations against children in Gaza have disregarded all international agreements and declarations. Here, we will apply the violations stipulated in the Convention on the Rights of the Child to what children in Gaza have faced during the war, from her:

## **First: Physical Violation - Killing and Maiming of Children**

Various international covenants have stipulated the guarantee of children's survival. The 1989 Convention on the Rights of the Child also provided for the child's right to life and development without any form of discrimination, regardless of the child's race, or that of their parents or legal guardian, their color, sex, language, political opinion, national origin, wealth, disability, birth, or any other status. Furthermore, the Fourth Geneva Convention, according to Article (32), obligated parties to the conflict to refrain from killing, torture, corporal punishment, and mutilation of children, whether by civilian or military agents, as they are among the categories protected under international humanitarian law.

However, the Israeli occupation has committed multiple grave violations against children, including killing and maiming. Children represent a huge and horrific percentage of the civilian victims killed during the Israeli military aggression, which used internationally prohibited phosphorus weapons whose temperature reaches 1300 degrees Celsius during combustion, causing thermal and chemical burns upon contact with the skin. It also used the deadliest "Sword" missile - [صاروخ السيف] Translator's note: Exact missile type may need verification, translated literally ,[numerous modern weapons, and indiscriminate bombing with them in places crowded with children, violating the UN Convention (RT, 2024). According to the Palestinian Central Bureau of Statistics, 17,881 children [were killed] by the end of the war. This constitutes double the rate of child killings compared to the numbers witnessed over the past twenty years. Among the thousands of children whose lives were ended by Israeli bombing was Mazen Essam Khattab, 16 years old, a member of the Palestine Children's Council, an initiative formed by the Palestinian Centre for Human Rights. He had received training on human rights concepts and documenting violations against children, only to become one of the victims of these violations against the population in Gaza. More than ten children on average lose one or both legs daily in Gaza since the beginning of the Israeli military aggression, according to Save the Children, due to the lack of medical equipment, supplies, and medicines compared to the overwhelming number of victims. Additionally, power outages and the depletion of fuel to operate the only power plant in Gaza led to the deaths of many newborns in incubators (Al-Haq Foundation, 2024).

UNICEF spokesperson Tess Ingram stated that the "torn-apart bodies and shattered lives" of Gaza's children are a testament to the brutality being inflicted upon them. She stressed that with a child being killed or injured every ten minutes, the only way to stop the killing and maiming of children is a ceasefire. She added: "These children have become the faces of the ongoing war. From the devastating injuries sustained in airstrikes to the trauma of being caught in violent clashes, their stories paint a horrifying picture of the human consequences of the conflict".

She recounted to journalists the story of a 14-year-old boy named Yousef whom she met at a field hospital in Khan Younis, saying: "Imagine being subjected to a strip search, left naked, and interrogated for hours. When they told you that you were safe and could leave, you hurried quickly down the street, reciting prayers (dua). But then, you were shot. Your father was killed, and a bullet pierced your naked pelvis causing serious internal and external injuries requiring reconstructive surgery" (UNICEF, 2024).

Furthermore, stripping children is a form of sexual violence and constitutes an international crime against children according to the Rome Statute of the International Criminal Court, considered one of the crimes against humanity listed in Article (7/1/g).

It also falls under war crimes during armed conflicts as stipulated in Article (8/2). The Security Council also issued two resolutions in 2009 (1882 and 1888), in which it appointed a UN Special Representative on Sexual Violence in Conflict; this strengthens the mechanism for monitoring and reporting these violations against children and the possibility of applying international law. (Al-Aqra', 2023, p. 34)

The story of the child Hind Rajab, killed by the occupation along with her relatives as they tried to flee, is one of the painful stories that cannot be erased from memory. An independent forensic investigation concluded that the car in which Rajab was killed was hit by 335 bullets. The report also stated that the tank that fired on the car was positioned at a distance ranging from 13 to 23 meters when it killed Layan, Rajab's 15-year-old cousin. This means that the proximity of the Israeli tank to Hind's car could be interpreted as the tank crew being able to clearly see the car and its occupants, and perhaps were aware of the presence of two children inside, yet they deliberately killed them. (Al Arabi TV, 2024).

## **Second: Forced Displacement**

Israeli occupation forces resorted to the forced displacement of the population during their aggression, using official military instructions, phone calls, and dropping leaflets from warplanes, through which they ordered residents to leave entire neighborhoods and move to other locations. This resulted in the forced displacement of over 700,000 children, without providing safe exit routes from their areas and lacking safe shelters that meet the minimum standards for preserving inherent human dignity, causing immense suffering for all residents of the Strip, especially children. Furthermore, 92% of families in Gaza had their homes completely destroyed, and 90% of families were displaced with their children (Sawa News Agency, 2025).

Since that day, children have found themselves trapped in a horrific cycle of hostilities and violence. Every minute, the number of child casualties rises; not to mention the terrible impact of this situation on children's mental health.

Jannat, a child displaced from her home, says while watching other children play in the yard of an UNRWA school turned into a shelter: "I would like to play with the other children, but I'm afraid to leave the room. I don't know how they play without fear; I just want to go back home." Jannat is one of hundreds of thousands of children who, along with their families, were forced to leave their homes in the Gaza Strip (UNICEF, 2023).

International humanitarian law (IHL), the UN Charter, and the Geneva Conventions all criminalize forced displacement. International law defined the crime of forced displacement according to General Comment No. 7 issued by the UN Committee on Economic, Social and Cultural Rights in 1997, as "(the permanent removal of individuals, families or communities from the homes or land which they occupy, against their will or without the provision of, or access to, appropriate forms of legal or other protection).

## **Third: Health Violations against Gaza's Children**

Since October 7, 2023, Israel has destroyed 34 out of 38 hospitals, including governmental and private ones, leaving only 4 hospitals operating with limited capacity despite being damaged, amidst a severe shortage of medicines and medical

equipment, according to statistics from the Government Media Office in Gaza. Life-saving medical supplies have been prevented [from entering]. Israeli raids have also put 80 health centers completely out of service, in addition to destroying 162 other medical facilities. Ambulances were not spared from Israeli targeting; 136 vehicles were destroyed, severely paralyzing the ability of medical teams to respond to emergencies.

One of the painful documented events occurred when Israeli forces compelled medical staff to evacuate Al-Shifa Hospital, leaving the fate of newborn babies unknown. The World Health Organization later announced that 31 babies were evacuated to a relatively safe place by their medical mission and the Palestinian Red Crescent Society, according to a report published by the Washington Post. During the rescue operation, eight babies died, and three remained in southern Gaza, according to health officials in the Strip. Twenty-three babies were transferred to Egypt. In the children's ward at the hospital in Egypt, cribs line up, unclaimed by anyone, identified only by their mothers' names taken from tags attached to their ankles at birth (Alhurra, 2023).

According to reports, the Israeli occupation army killed 238 infants born and martyred during the genocidal war on Gaza, in addition to 853 infants born before the war who were killed before reaching their first year of age (Anadolu Agency, 2024).

The actions of the Israeli occupation, including bombing hospitals in the Gaza Strip and preventing the entry of humanitarian aid such as food and medicine, violate the text of Article (50) of the Geneva Convention, which stipulates that "the Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children" and that it should provide facilities for the care of children (BADIL Resource Center, n.d.). Also, "under the pretext of self-defense and combating terrorism, Israel commits international crimes in the Gaza Strip".

Children in Gaza have lived through tragic conditions, facing the risk of starvation. The latest Integrated Food Security Phase Classification (IPC) report indicated devastating levels of food insecurity in the Gaza Strip. The report confirmed

that the entire population of Gaza is experiencing crisis or worse levels of acute food insecurity, and that many adults are going hungry so that children can eat.

Children are the group most at risk of death from malnutrition. 3,000 children, with no healthcare facilities available, were deprived of treatment for severe acute malnutrition. Infectious diseases such as scabies, lice, chickenpox, skin rashes, and respiratory illnesses are spreading amidst widespread destruction of infrastructure and essential water and sanitation services. This danger comes at a time when the health system in the Gaza Strip faces complete collapse. Children under the age of five, numbering 335,000, are particularly at risk. More than 80% of young children suffer from severe dietary poverty. Documented information shows that the rate of child wasting has significantly increased compared to the situation before the current crisis, affecting thousands of children (Al-Haq Foundation, 2024), according to nutrition screenings conducted by UNICEF which showed rates of severe acute malnutrition among children under two.

Table (1.6): Acute malnutrition rates among children under two years of age

Region	Malnutrition type	Percentage before January 2024	Percentage After January 2024
North Gaza	Acute malnutrition	16%	31%
Rafah	Acute malnutrition	13%	25%
North Gaza	Severe wasting	3%	4.5%
Rafah	Severe wasting	1%	4%
Khan Younis	Acute malnutrition	-	28%
Khan Younis	Severe wasting	-	10%

Consequently, as pregnant women suffer from malnutrition, dehydration, and face severe food poverty during the war, many of their children are born underweight and with health problems. Additionally, they are unable to receive vaccinations due to shortages, resulting from hospitals and health centers being out of service after being targeted by the occupation. This leads to the re-emergence of diseases previously eradicated among children, such as measles, whooping cough, polio, and others.

As a result, the persistence of these catastrophic conditions leads to the deaths of many newborns. It is estimated that there are around 55,000 pregnant women in Gaza, with over 180 women giving birth daily. It is likely these women were unable to access desired and necessary health services during pregnancy or childbirth, either because health facilities are non-operational or due to their inability to reach care centers and hospitals. This is compounded by their deteriorating nutritional, psychological, and physical states, placing them in high-risk pregnancies which could lead to increased maternal and infant mortality rates (Al-Khamash, 2024).

Accessing sufficient clean water has become a matter of life and death, as at least 50% of water and sanitation facilities in Gaza have been damaged or destroyed. 1.5 million displaced people, including 700,000 children, struggle to obtain water. The lack of safe water for displaced children in the southern Gaza Strip has led to further child deaths from disease. Meanwhile, children in northern Gaza sometimes barely get a drop of water to drink. This occurs amidst the systematic killing and indiscriminate bombing experienced by Gaza's children and their families (Al-Haq Foundation, 2024). In July 2024, poliovirus was detected in sewage water at six different locations. At least one case has been confirmed, with others suspected (Arab 48, 2024).

According to a survey conducted by humanitarian relief organizations in May 2024, 85% of children under five went without food for at least one full day within a three-day period. Statistics indicate that at least 30 child deaths due to starvation have been recorded in Gaza so far since the start of the war (Euronews, 2024).

#### **Fourth: Psychological Violation\***

The devastating war waged by Israeli occupation forces on the Gaza Strip since last October 7th has left—in addition to the killing and destruction—psychological scars that cannot be erased without treatment or follow-up. Its most prominent victims are children.

Psychiatrists in the Gaza Strip said that many children there suffer from psychological crises and disorders after the intense Israeli bombing, which targets sites of "terrorist organizations," as Israeli authorities claim. Children constitute about half of Gaza's population of 2.3 million, living under near-constant bombardment. Many of

them have filled temporary shelters in UN-run schools after fleeing their homes, with negligible amounts of food or clean water, according to Reuters. Data according to the Palestinian Central Bureau of Statistics indicates that more than 816,000 children in the Gaza Strip need psychological assistance due to the effects of the ongoing Israeli aggression on the Gaza Strip (Alhurra, 2023).

Psychiatrist Fadl Abu Hein said, "Children have begun showing serious symptoms of trauma, such as convulsions, involuntary urination (bedwetting), fear, aggressive behavior, nervousness, and clinging to their parents." Mental health experts in Gaza say that "there is no such thing as post-traumatic stress disorder (PTSD), because the trauma in the Strip is ongoing," with recurrent episodes of armed conflict spanning nearly two decades (Alhurra, 2023).

Furthermore, the traumas of war, represented by direct physical injury which is often accompanied by psychological injuries, and direct exposure to scenes of death, killing, and others, will leave difficult psychological scars that will last throughout their lives, most notably post-traumatic stress disorder (PTSD), as one of the most common disorders among children living in war-torn areas. Even if children escape death in Israeli occupation raids, they cannot escape facing the destruction and scenes of death and horror resulting from the bombing that targeted safe homes, schools, mosques, and even hospitals and healthcare facilities (Al-Haq Foundation, 2024).

Losing family and loved ones or being separated from them is among the harshest suffering faced by thousands of children in the Gaza Strip. They have lost or been separated from their fathers, mothers, and sometimes siblings or direct relatives, leaving them in harsh isolation, without anyone to offer protection or support. According to estimates, about 35,060 children in Gaza are living without one or both parents, each carrying a tragic story of loss and bereavement in their heart. This leaves a deep psychological impact that destabilizes them and plunges them into a state of depression and constant anxiety. The longer the absence of parents lasts, the greater their suffering and the higher the risk of exposure to these devastating dangers, which leave a destructive mark on their lives and future. The Palestinian Centre for Human Rights (PCHR) has documented dozens of cases of loss, forced separation from family, and the associated psychological illnesses in children due to this (Palestinian Centre for Human Rights, 2024). The Guardian newspaper published on 12/12/2024 that Gaza's

children are experiencing acute psychological trauma due to the war. The study included interviews with 504 families comprising children with disabilities, injured children, or those separated from their families, and reached horrifying conclusions regarding children's mental health (Al Jazeera, 2024). The study reported that:

- 96 % of children feel death is imminent.
- 92% do not accept reality (are in denial).
- 87% show intense fear.
- 79% suffer from nightmares.
- 77% avoid talking about traumatic events.
- 73 % exhibit aggressive behavior.
- 49% wish for death because of the war .

An example of this from an incident in Gaza: during the Israeli aggression on Gaza, the Palestinian child Ali Qaaoud was displaced with his family through the 'Netzarim' checkpoint. Ali suffered severe psychological trauma due to the bombing, arrests, and what he witnessed, and became silent and terrified of sounds. After an airstrike on their tent, Ali sustained head injuries and developed hyperactivity, leading to the loss of his ability to speak and concentrate. His family suffers due to his health condition and constant fear, and his father appeals to the international community to provide treatment and restore his son to his normal state, saying, "I am tired and sad, my son doesn't sleep all day. He screams and cries 24 hours a day" (Al-Quds, 2024).

#### **Fifth: Intellectual Violation [Violation of the Right to Education]**

Under the 1989 Convention on the Rights of the Child, which emphasizes the right of children to education, this right is considered fundamental and must receive special protection. State parties to the Convention are obligated to provide compulsory primary education for all children and ensure secondary education is accessible to all. Additionally, the 1966 International Covenant on Economic, Social and Cultural Rights serves as a further international guarantee, stipulating the right to education and stressing that education must be available to all without discrimination, directed towards the development of individuals and the promotion of respect for human rights. The Covenant also states that primary education must be compulsory and free for all

children, and educational opportunities must be available to everyone at all stages of education.

The United Nations confirms that the war in Gaza differs from any other war; the current context has not witnessed a similar crisis in terms of the scale of displacement, loss of life, and widespread destruction of infrastructure, including educational facilities. Alongside the material damage, approximately 625,000 students have been deprived of education, and the work of 23,000 teachers has been disrupted due to the current situation. Reconstructing the education sector in Gaza is an urgent necessity that goes beyond rebuilding destroyed buildings; it requires empowering Palestinians to lead the process of rebuilding their educational system (Palestinian Human Rights Foundation [PHRF], 2024).

The ongoing Israeli attack has also led to widespread destruction in Gaza's education sector, with over 93% of school buildings destroyed. Many of these schools have been converted into shelters for the displaced. Military operations have also resulted in the deaths of many students and educational staff. Israel has continued to target civilian facilities, including schools, even though the Fourth Geneva Convention prohibits the targeting of such facilities. In just one month (August), Israeli forces targeted five schools in Gaza, resulting in the deaths of 179 people and injuring dozens. These attacks constitute a flagrant violation of international humanitarian law and international human rights law, adding new suffering to the Palestinian people (Palestinian Human Rights Foundation [PHRF], 2024).

Children in Palestine live day by day, where each day brings a new tragedy. Children have witnessed their homes and memories destroyed by occupation forces and have lost the closest people to them, including family members and friends. Now, the occupation targets the last remaining hope for them: their schools and teachers. As the new school year begins around the world, the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees (UNRWA), Philippe Lazzarini, stated in a post on the X platform, "Children across the region are returning to UNRWA schools, except in Gaza," explaining that "more than 600,000 children, including half of those who were in UNRWA schools, remain deprived of education and live under the rubble" (Arabi21, 2024).

Table (1.7): Number of Martyrs and Wounded Students Enrolled in Schools in Palestine

Category	Gaza strip	West bank	Total number
MartyrsChildren	6,050	5994	56
Wounded children	10,219	9,890	329

(Palestinian Central Bureau of Statistics, 2024)

Even if alternative study locations are available, the long-term psychological and social effects of war—along with increased anxiety, fear, and learning difficulties due to trauma—prevent them from receiving a proper education (Palestinian Central Bureau of Statistics, 2024).

Israel continues to justify its targeting of schools in Gaza by claiming that some of these educational institutions are used by "terrorist elements" for military purposes, making them legitimate targets for attacks. These justifications have been met with strong criticism from the international community and human rights organizations. The United Nations Human Rights Commission expressed its shock at the recurring pattern of Israeli airstrikes targeting schools, noting that they hit Palestinian civilians seeking safe refuge (Palestinian Human Rights Foundation, 2024).

### **Sixth: Denial of Aid Access for Children in Gaza**

Every child throughout Gaza has experienced extremely traumatic events and witnessed horrors that no child should see. It is estimated that around 1.7 million people have been internally displaced due to violence, with nearly 700,000 of them being children. Families desperately seeking safety have been pushed into small, overcrowded areas without water, food, or adequate protection. The winter rains have flooded tents and other shelters, creating rivers of waste in some areas. The little food available is insufficient to meet children's nutritional needs, resulting in thousands of children suffering from malnutrition and illness (Al-Maghrabi, 2025).

Since the outbreak of the war, widespread destruction, alongside ongoing displacement due to military orders for the repeated evacuation of Gaza's residents trying to stay safe from Israeli strikes, has led to hundreds of thousands losing their jobs and more than 60% of buildings being destroyed or damaged. The continuous cut-

off of water and electricity has forced children to work to support themselves. For example, the story of 16-year-old Khamis Al-Qudra and his younger brother Samy (13 years old) illustrates this, as they sell juice on the streets among the rubble of homes and in the alleys of displacement camps. Khamis stated, “We suffered from heatstroke, and due to the debris in the streets, a shard entered my brother's foot, causing an infection.” He added that his brother suffered from fever and “developed rashes all over his body, and he continues to suffer due to the lack of available medicine” (Monte Carlo International, 2024).

Algeria's Permanent Representative to the United Nations, Amar Benjelloun, expressed his regret over the "dire" consequences of blocking humanitarian aid to children in Gaza, attributing this situation to the power of the occupation in Palestine. During a UN Security Council meeting on "Confronting the Consequences of Blocking Humanitarian Aid to Children in Armed Conflicts," Mr. Benjelloun stated, "We are currently facing a terrifying reality, where the prevention of humanitarian aid places children in the line of conflict. The tragic humanitarian situation in Gaza is a stark example of this." The Algerian diplomat added that "the occupying power in Palestine deliberately prevents humanitarian aid from reaching those in need" (Algerian Radio, 2024), resulting in horrific humanitarian consequences, particularly the death of children from malnutrition, dehydration, and lack of medical treatment.

He noted that "those who survive will suffer lifelong consequences, unable to grow and develop as they would in normal circumstances, with their dreams shattered" (Algerian Radio, 2024) .

Mr. Benjelloun mentioned that UNICEF confirmed in February 2024 that children in Gaza are dying at a tragic rate, with thousands killed and many more injured. Over 600,000 children in Rafah are under siege with nowhere to turn,” he added. The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) indicated that the number of children killed in Gaza in recent months was greater than the number of children killed during four years of conflicts worldwide (Algerian Radio, 2024). According to the UN, among children aged 6 to 59 months, 60,000 cases of acute malnutrition are expected, including 12,000 cases of severe malnutrition, between September 2024 and August 2025.

The International Organization for Migration expressed deep concern about the devastating impact of winter rains and freezing temperatures on displaced Palestinians in Gaza, adding to the unprecedented humanitarian catastrophe in the region. IOM Director General Amy Pope stated that several individuals are at risk, including at least seven infants who died from hypothermia, saying, "These tragic deaths highlight the urgent need for the people of Gaza to access shelter and other assistance immediately." She added that heavy rains and flooding have inundated displacement sites and temporary shelters throughout Gaza, exposing families to harsh conditions as they struggle to repair damaged tents after months of use (Al-Maghrabi, 2025).

According to the Office for the Coordination of Humanitarian Affairs, systematic restrictions on the delivery of humanitarian aid to displaced Palestinians have severely impeded the provision of life-saving assistance (Al-Maghrabi, 2025) .

Before the war, the number of aid trucks entering Gaza ranged from 500 to 600 daily, but the initial Israeli blockade imposed on Gaza prevented humanitarian aid from entering. As the war progressed, aid was allowed in limited quantities. Entities such as Oxfam, the European Union, the United Kingdom, and the United Nations reported that Israel deliberately prevented nearly 70% of humanitarian aid from entering. These restrictions contributed to a severe humanitarian crisis and famine. Israeli airstrikes and ongoing restrictions on aid access have led to significant shortages of food and supplies. Humanitarian agencies have warned of the dire humanitarian consequences resulting from these restrictions, especially after major Western donors announced they would stop funding UNRWA, the main relief agency in Gaza (Humanitarian Aid During the Palestinian-Israeli War, 2024).

### **Seventh: Child Labor**

The "unprecedented destruction" inflicted on the Palestinian labor market and the broader economy outside of Gaza and the West Bank was highlighted in a new report by Amnesty International dated June 7, 2024. According to data collected by the International Labour Organization and the Palestinian Central Bureau of Statistics, unemployment in Gaza has reached 79.1%. The report's authors noted that "these figures raise the average unemployment rate to 50.8% in the occupied Palestinian territories," and they pointed out that the actual number is likely higher, as it does not

include individuals who have completely exited the labor market due to a lack of opportunities (International Labour Organization, 2024).

Not surprisingly, Gaza's gross economic output has shrunk by 83.5%, while the West Bank's economy has contracted by 22.7% over the past eight months. The overall Palestinian economy has decreased by about 33%, as reported (United Nations News, 2024).

Gilbert Hounbo, the Director-General of the International Labour Organization, emphasized the need to link the reconstruction of infrastructure and services in Gaza to a commitment to providing decent work, describing the situation in the sector as "particularly catastrophic." He stated that Palestinian workers are enduring "the toughest year since 1967," noting that the situation "has never been this bleak." This dire circumstance has forced families in Gaza to accept their children working on the streets as a necessity imposed by the war (International Labour Organization, 2024).

UNICEF estimates that around 17,000 children in Gaza have become orphans since they lost one or both parents after October 7, 2023. Each of these children represents a heartbreaking story of loss, comprising about 1% of the total number of displaced persons, which stands at 1.7 million in Gaza (Palestinian Central Bureau of Statistics, 2024).

Children are driven to work at a young age due to the daily burdens faced by their families, which grow heavier day by day as the catastrophic effects of Israeli aggression continue. The worsening economic crisis, rising prices, and a shortage of humanitarian aid—which 80% of Palestinians relied on before the onset of hostilities—have forced many to depend on it. The motivations behind children entering the workforce below the legal age vary; some seek to provide income for their displaced families after the death of the family breadwinner, while others aim to assist families that have lost their homes or sources of income due to the destruction of over 70% of buildings, markets, and businesses, or due to severe shortages in humanitarian aid and the cessation of financial allocations to poor families (Palestinian Central Bureau of Statistics, 2024).

For instance, 11-year-old Yasser Ghanem roams the Deir al-Balah market in central Gaza, carrying a small cooler to sell cold water to passersby, taking advantage

of the high temperatures and the Palestinians' longing for cold drinks due to the complete power outage since the beginning of the aggression, which has prevented them from using refrigerators. He says he works to help his father, who was injured by shrapnel in his foot and can no longer move without a wheelchair, trying to provide for his family of five. Similarly, 13-year-old Ata Hamada, whose father passed away two years ago, works with a hand-pushed cart to assist beneficiaries of humanitarian aid, helping them reach their tents or designated areas. Most working children face harsh circumstances, accompanied by deprivation and difficult economic conditions (Al-Helo, 2024)

### **Eighth: Arrest of Children**

The crime of genocide has not been limited to the killing and injuring of children; it has also extended to the arrest and detention of children under harsh and inhumane conditions. According to documentation by the Palestinian Center for Human Rights, numerous testimonies from released children reveal that police dogs have been used to intimidate them. They are forced to strip in the freezing cold, handcuffed, and blindfolded for long hours outdoors. They are subjected to beatings with sticks and rifle butts, deprived of food and water, and even denied medical treatment amidst rampant epidemics and a lack of personal hygiene supplies. This brutal treatment leaves severe and long-lasting psychological and physical effects, preventing them from leading normal and active lives (Palestinian Center for Human Rights, 2024).

The phenomenon of using children as human shields has also been evident throughout the conflict between Palestinians and Israelis, particularly during the recent war on Gaza. For example, Majed Rabah, an orphan who lost his father when he was two years old, was used by Israeli soldiers as a human shield during the war in Gaza. He was placed in terrifying situations, where he was required to open a bag that soldiers suspected contained explosives (RT Arabic, 2010).

And here, the narratives of war and its atrocities against children have yet to be fully revealed. Part of the truth will be carried by Israeli soldiers for the rest of their lives, while another part of the truth has died with the victims. The remaining testimonies from the living can barely indicate the horrors that citizens in Gaza endured during the war.

Anne Skelton, Chair of the UN Committee on the Rights of the Child, stated that Israel is severely violating the rights of children in Gaza at a level rarely seen in modern history. No child in Gaza is free from fear, pain, or hunger, and those who manage to survive are considered fortunate in the midst of this war. She noted that children in the region have lost their childhood, suffered psychological trauma, and will live forever with its impact on their mental health. She referenced the International Court of Justice ruling on January 26 regarding the case brought by South Africa regarding Israel's commission of genocide in Gaza, which ordered Israel to "take all necessary measures to prevent the commission of all crimes and acts falling within the scope of Article II of the Convention," including the killing of members of the group and preventing and punishing direct and public incitement to commit genocide, as well as enabling the provision of humanitarian assistance (Wafa, 2024). This underscores the necessity of distinguishing between serious violations that constitute international crimes to establish that Israel is committing targeted genocide, including against children, despite their legal protected status.

### **1.2.3 Serious International Violations**

International crime is defined as any act that violates the rules of international law set forth in treaties and international agreements, harming interests and deserving punishment. These crimes include actions committed by individuals or groups, such as genocide, crimes against humanity, and war crimes. Perpetrators of these crimes are held accountable for their actions, and international laws aim to bring them to justice. International crime is considered a threat to international values and interests, and thus laws seek to protect these values by imposing penalties and legal actions against offenders (Al-Salih, 2004, pp. 88-111). According to the Rome Statute of the International Criminal Court, the most serious crimes in international humanitarian law are classified as follows:

## **First: Crime of Aggression**

The crime of aggression is defined in resolution RC/Res.6 adopted during the thirteenth plenary session in 2010 (Article 8), which states:

1. For the purposes of this statute, "crime of aggression" means that a person, in a position to effectively control or direct the political or military action of a state, plans, prepares, initiates, or executes an act of aggression that constitutes, by its character, gravity, and scale, a manifest violation of the Charter of the United Nations.
2. For the purposes of paragraph 1, "act of aggression" means the use of armed force by a State against the sovereignty, territorial integrity, or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations (ICC, 2010).

### **The resolution specifies acts that qualify as acts of aggression, such as:**

- Armed forces of a state invading or occupying the territory of another state.
- Bombing or using any weapons against the territory of another state.
- Blockading ports and coasts.
- Attacking the land, sea, or air forces of another state or its naval and air fleets.
- Sending armed bands, groups, or irregular forces, including mercenaries, by one state or on its behalf to commit acts of armed force against another state that are of such gravity as to be equivalent to the acts listed above, or the state's substantial involvement in that (ICC, 2010).

All these actions, if conducted in the presence of children without implementing protective and evacuation mechanisms for them, constitute a violation of children's rights agreements and invoke the principle of criminal jurisdiction.

The elements of the crimes defined by the court have also been amended to specify the components of this crime. One of the crime's elements emphasizes that the perpetrator must be one or more individuals in a position to exercise control or direct the political or military actions of the state that committed the act of aggression. This definition is restrictive, as it excludes the prosecution of individuals from non-state armed groups acting on behalf of a foreign state. However, judicial proceedings against

the leaders of these groups may still be possible before the International Criminal Court under other crimes. Furthermore, recent judicial rulings indicate that attacks by non-state armed groups can be recognized by judges as a substantive element of an act of aggression if it is proven that these groups act as actual agents of a foreign state (Mauro & Nisi, 2004, p. 193).

### **Secondly: The Crime of Genocide**

The crime of genocide is defined according to the Rome Statute as any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group as such:

- a) Killing members of the group .
- b) Causing serious bodily or mental harm to members of the group .
- c) Deliberately inflicting living conditions on the group intended to bring about its physical destruction in whole or in part .
- d) Imposing measures intended to prevent births within the group .
- e) Forcibly transferring children of the group to another group.

The crime of genocide is based on the presence of essential elements, including that the victims belong to a specific national, ethnic, racial, or religious group, as well as the existence of intent to commit genocide, with the purpose behind the actions being genocide.

### **Thirdly: Crimes Against Humanity**

We are dealing with crimes against humanity when acts are committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. This scope defines crimes against humanity as acts directed against civilians, following a policy of a state or organization aimed at achieving those objectives. "There is no requirement for the acts to be military in nature; the crime can occur in times of peace or armed conflict." It is understood that the policy aimed at carrying out this attack requires the state or organization to promote or encourage the

act of attack against civilians. The acts committed in relation to crimes against humanity include (Assembly of States Parties to the Rome Statute, 2010, p. 140)<sup>(1)</sup>:

- Intentional Killing: Whether the perpetrator kills one person or more, an adult or a child .
- Extermination: Based on imposing living conditions intended to destroy part of the population, such as depriving them of food and medicine. It differs from genocide in that it is not based on discrimination due to race, religion, or nationality, but targets the population within a widespread and systematic attack with the intent to destroy them, in whole or in part, including children .
- Slavery: Exercising ownership rights over individuals, such as trafficking them or imposing hard labor in exchange for food, or living in conditions of slavery, including women and children .
- Forced Displacement or Transfer of Civilians: Illegally, using force, or the threat of force, or any unlawful act to achieve this, with the perpetrator aware of the legality of their presence and the illegality of their actions as part of a widespread or systematic attack against civilians .
- Imprisonment or Severe Deprivation of Liberty: In any other unlawful form .
- Torture: Causing severe physical or mental pain and suffering to a person or persons under the authority of the perpetrator .
- Rape, Sexual Slavery, Forced Prostitution, Forced Pregnancy, Forced Sterilization, or any form of sexual violence, whether committed against a male or female, child or adult, using force or the threat of force or any form of coercion.
- Persecution: Involves the severe or intentional deprivation of a group of people or a population group on racial, national, ethnic, religious, cultural, gender, or any discriminatory basis .
- Enforced Disappearance of Persons: This occurs through the arrest, detention, or abduction of one or more persons by state or organizational agents unlawfully, with denial of such detention or abduction and refusal to provide information about these individuals, aiming to deprive them of legal protection

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<sup>(1)</sup> Assembly of States Parties to the Rome Statute. (2010). Elements of Crimes adopted by the Assembly of States Parties to the International Criminal Court - Document 5/1/ASP/ICC, updated and amended by Resolution 60 RC/RES dated June 11, 2010.

for an extended period. This makes crimes against humanity a substantive basis worthy of universal jurisdiction to prosecute and suppress those accused of committing them (Assembly of States Parties to the Rome Statute, 2010, p. 140)<sup>(1)</sup>.

#### **Fourth: War Crimes**

These crimes occur in international and non-international armed conflicts. The Rome Statute of the International Criminal Court, in Article 8, paragraph 2, enumerates fifty-three acts considered war crimes, which include protections. They are also outlined in the fundamental additional protocols related to various categories covered by the four Geneva Conventions of 1949, as well as the Hague Conventions of 1899 and 1907 (Dreidi, 2009, p. 137). The provisions of its paragraphs address violations occurring against civilians in general, and children in particular. A war crime is established based on the subject matter and the criminal intent according to Articles 13 (b) and 12 of the Statute, where it must be:

- That the person or persons protected fall under one or more of the Geneva Conventions of 1949, and that the perpetrator of the crime is aware of the protected status of the person.
- That the conduct occurs in the context of an international or non-international armed conflict, or is associated with a general plan or policy, or within the framework of a widespread commission of acts, and that the perpetrator is aware of the factual circumstances establishing the existence of an armed conflict.

#### **Thus, war crimes fall within the scope of universal jurisdiction:**

- They include the killed of all categories, prisoners, wounded in the field, civilians, and civilian objects (Dreidi, 2009, p. 137).
- Considering that their rules have definitively become part of customary international law, which obliges states to respect and ensure respect for the rules of international humanitarian law in light of Articles 13 (b) and 12 of the Statute concerning criminal jurisdiction.

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<sup>(1)</sup> Ibid.

In summary, based on international agreements, media reports, and statements by Israeli officials, the Israeli war on Gaza can be categorized as genocide for several reasons. These reasons include the deliberate and systematic targeting of all sectors of Palestinian society, including children who are granted special protection under international law. This classification is consistent with the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide, as well as the 1989 Convention on the Rights of the Child, which ensures protection from violence and exploitation. According to international humanitarian law, targeting civilians, including children, constitutes a war crime. However, Israel's actions involved indiscriminate and aggressive targeting of all segments of Palestinian society, in violation of the Fourth Geneva Convention (1949), which protects civilians during armed conflicts and prohibits attacks on civilian objects. Additionally, these actions breached the Additional Protocol I (1977), which mandates the protection of civilians from indiscriminate attacks.

These violations, combined with other crimes, amount to genocide and crimes against humanity, requiring international accountability and prosecution. The classification of these actions as genocide is supported by two main components: the physical act of targeting all groups indiscriminately and the intent to commit these crimes. Evidence of intent can be found in statements by Israeli leaders explicitly expressing their desire to harm children. For example, Israeli National Security Minister Itamar Ben-Gvir, during a meeting with Israeli Chief of Staff Herzi Halevi, called for the shooting of women and children in Gaza, referring to them as "terrorists" (Russia Today, 2023). Similarly, Yoav Gallant described the situation by saying, "We are fighting animals in Gaza" (Oktay, 2023) .

Nevertheless, in the international arena and legal frameworks, Israel has attempted to justify its actions differently. It claimed to be exercising its right to self-defense in response to the Al-Aqsa Flood operation. The United States played a central role in reinforcing this narrative, with U.S. President Joe Biden stating on October 7, 2023, that Israel has the right to defend itself and its citizens. Israel also alleged that Palestinian resistance forces were using civilian infrastructure and human shields for military purposes.

## **Summary of the Chapter**

The researcher shed light on the various definitions of the concept of a child and concluded that the most appropriate definition is one that addresses the child from the stage of fetal development until reaching the age of eighteen, due to its legal dimensions. She examined international conventions on children's rights, particularly the 1989 Convention on the Rights of the Child, and the definition of the child and their rights according to the articles of the convention, which consists of three parts. The researcher highlighted the intersection between human rights law and the rules of international humanitarian law by revealing the violations of these laws and the 1989 Convention on the Rights of the Child committed by the Israeli occupation in the Gaza Strip, both before and after the war.

The researcher concluded that the grave violations committed by Israel in the recent war (post-October 7) constitute organized genocide and do not align with the right of legitimate self-defense, as Israel claims. These actions cannot be justified morally or humanly; they are merely a means to fuel violence and exacerbate crises and tensions in the region. Furthermore, the aggressive actions carried out by Israel are disproportionate to the military operation conducted by the Palestinian resistance on October 7. These violations against civilians and children in the Gaza Strip necessitate consideration of mechanisms and means of international protection for children during war, to expose Israel's breaches of international laws and regulations, and to advocate for their international prosecution and accountability in courts.

## **Chapter Two: International Protection of Palestinian Children**

In this chapter, the mechanisms for the international protection of Palestinian children will be clarified, along with the laws and methods of international protection for children during aggression, as well as the protocols and regulations governing them. This will be followed by the role of the United Nations and its international agencies in this regard. In the second section, the researcher will explain the role of the international criminal judicial system, the principle of universal jurisdiction, how referrals occur, and the impact of this principle on the recent war in Gaza and its role in protecting children.

### **2.1 Mechanisms for the International Protection of Children's Rights**

Interest in children began after World War I, when the League of Nations adopted what was called the "Geneva Declaration," which guarantees special care for children regardless of their race or nationality. However, children were not recognized as part of civilians until the Geneva Conventions of 1949. Although the Fourth Geneva Convention, which concerns the protection of civilians, did not explicitly state this protection, there was no text that could be considered a basis for such protection. It was not until the Additional Protocols of 1977 that this point was addressed. Article 1/77 of the first protocol states that children must be respected and protected against any form of indecency, and that the parties to the conflict must provide them with the care and assistance they need, whether due to their age or any other reason. Article 2/4 of the second protocol of 1977 states that "care and assistance must be provided to children to the extent that they need it" (Tim, 2010).

Therefore, it is necessary to study the available protections for children in times of armed conflict. In this section, we will address two branches: the first is the methods of international protection for children during aggression, followed by the second branch: the role of the United Nations and international agreements in this regard.

#### **2.1.1 Methods of International Protection for Children during Aggression**

International law requires both international and non-international armed forces to take precautionary measures to protect children, as they are the most vulnerable

group in times of armed conflict. The methods of their protection include general protection, which is based on several principles, followed by special protection and its provisions.

### **First: General Protection**

This involves restrictions imposed on warring parties to limit the effects of operations on children and vulnerable groups, granting them immunity from direct targeting. This protection is based on the following principles:

- **Principle of Humanity**

This principle emphasizes the necessity of safeguarding the dignity of all human beings at all times, including during wartime. This is affirmed by the Fourth Geneva Convention concerning the protection of civilian persons in time of war, dated August 12, 1949, in Article 27, which states that "protected persons are entitled, in all circumstances, to respect for their persons and their family rights, and they must be treated humanely at all times." This protection includes children, the wounded, and the sick among the armed forces in the field, as well as those who do not participate in hostilities (Al Mezan Center for Human Rights, 2008).

- **Principle of Military Necessity**

This principle requires warring parties to use only the necessary force to weaken their adversary, considering any violence used for other purposes as barbaric (Al Mezan Center for Human Rights, 2008, p. 4).

- **Principle of Proportionality**

This principle means that there must be a balance between the potential harm inflicted on the adversary and the military advantages gained from using force. It emphasizes respecting victims and not retaliating against them, in accordance with the provisions of the Additional Protocols of 1977 attached to the four Geneva Conventions, to ensure and respect the principle of proportionality in all military operations to prevent unnecessary suffering of civilians.

- **Principle of Distinction**

The principle of distinction is a fundamental principle of international humanitarian law that requires distinguishing between civilians and combatants, as well as between civilian and military objectives. Parties to the conflict must respect this principle at all times, which means limiting attacks to military targets only. This also includes protecting those unable to fight, including children (Al Mezan Center for Human Rights, 2008, p. 10).

## **Second: Special Protection**

The escalation of armed conflicts and their severe repercussions on children's rights have led to the development of specific international humanitarian law rules to protect children's rights, imposed on warring parties during these conflicts. This necessity arises due to the unique vulnerabilities associated with childhood, as well as the psychological and physical composition of children, making them particularly in need of protection. This protection has been reinforced by the provisions of the Fourth Geneva Convention of 1949 and its protocols as follows:

- **Prohibition of Gunfire**

During armed conflicts, precautionary measures must be taken to avoid harming children and to avoid populated areas to prevent their injury. Even if weapons are lawful, their unlawful use in military operations exposes children to indiscriminate attacks, and any actions prohibited during war must be minimized (Al-Sufi, 2024, p. 64).

- **Prohibition of Genocide**

The prohibition of genocide against children is a fundamental issue that the international community must adhere to. The Sixth Committee of the United Nations was able to draft and adopt the Genocide Convention. Many communities suffer from the effects of conflicts and wars, placing children's lives at risk. Therefore, the convention mandates the prosecution of individuals committing genocide by either international or national courts established for this purpose. Children's rights in the context of military actions and aggression require special protection, ensuring they

receive necessary care, psychological, and social support. Strict laws must also be enacted to prevent any assault on children and to guarantee their safety (Al-Khazraji, 2009, pp. 335-337).

- **Evacuation of Children**

Children must be evacuated from areas experiencing conflicts or unsafe conditions. This is essential to protect their rights and ensure their safety. The Fourth Geneva Convention of 1949 addressed the issue of evacuation during armed conflicts, stating in Article 17: "Parties to the conflict shall agree on local arrangements for the removal of the wounded, elderly, children, and women from besieged or encircled areas, and for the passage of all religious personnel and medical staff to these areas" (Fourth Geneva Convention, 1949). According to international treaties, clear plans for evacuating children and providing necessary care must be established, including specific conditions for evacuation, such as the child's health justifying evacuation and obtaining consent from the child's guardian, in addition to activating the central agency of the International Committee of the Red Cross to search for missing children.

- **Prohibition of Children's Participation in Armed Conflicts**

The international humanitarian law has been slow to address the recruitment of children. The Geneva Convention of 1949 did not include explicit provisions regarding this issue, followed by the 1977 Geneva Protocol and the Optional Protocol to the Convention on the Rights of the Child regarding the involvement of children in armed conflicts of 2000, which prohibits the participation of children under the age of 15 in armed conflicts and seeks to keep them away from the horrors of war and conflict.

- **Reunification of Dispersed Families**

Children are the most affected group when families are dispersed during armed conflicts, given their specific needs for care and support from their guardians. International humanitarian law guarantees protection for families disrupted by conflict and obliges the occupying power, when partially evacuating a specific area, to ensure that members of a single family are not separated (Fourth Geneva Convention, 1949,

Article 49), and recognizes the right of every family to know the fate of its members (Additional Protocol I, 1977, Article 32).

### **Protocols and Declarations Governing the International Protection of Children's Rights**

To deter abuses and exploitation against children worldwide, international protocols and declarations have been adopted. These efforts aim to enhance the implementation of agreements and increase the protection of children during armed conflicts, including:

- **Universal Declaration on the Protection of Women and Children in Emergencies and Armed Conflict**

Based on recommendations from the International Conference on Human Rights held in Iran in 1968, the Economic and Social Council requested the General Assembly in 1970 to consider drafting a declaration on the protection of women and children in emergencies or during armed conflict. The General Assembly, based on a draft prepared by the special committee, adopted the Universal Declaration on the Protection of Women and Children in Emergencies and Armed Conflict (Mustafa, 1989, p. 189). The declaration calls on member states to observe the following principles (Basyuni, 2010, pp. 128-129):

1. Prohibition of attacks and bombings against civilian populations, who suffer most, particularly children and women.
2. The use of chemical weapons during armed conflict is considered a violation of the 1925 Geneva Protocol and the 1949 Geneva Conventions, posing a particular threat to women and children.
3. All states must provide guarantees to protect children and women during armed conflicts, in fulfillment of their obligations under the 1925 Geneva Protocol and the 1949 Geneva Conventions, as well as other international legal instruments concerning the respect for human rights during armed conflicts.

- **Declaration of the Rights of the Child (1959).**

As mentioned in the previous chapter, this declaration focuses on the protection of children and their direct rights. It is an international document fully dedicated to recognizing children's rights. The main goals of this declaration are to promote children's welfare and to intensify global efforts to achieve continuous improvement in the status of children worldwide.

- **Special Protection for Children in the Additional Protocols of (1977)**

The First Protocol states in Article 1/8 that "births and newborn children shall be classified with the wounded and sick as a category requiring protection." The Fourth Convention recognizes in Article 24 that children need special care, stating that "the parties to the conflict must take the necessary measures to ensure that children under the age of 15 who are orphaned or separated from their families due to armed conflict are cared for and able to practice their religion and receive education in all circumstances." Article 77 of the First Protocol states that "children must be afforded special respect and protection against any form of indecency, and the parties to the conflict must provide them with the care and assistance they need, whether due to their age or for other reasons" (United Nations High Commissioner for Human Rights, 1977).

The First Protocol also allows for the temporary evacuation of children under strict conditions when compelling reasons related to their safety arise. Article 1/78 states: "No party to the conflict shall arrange for the evacuation of children other than its own nationals to a foreign country temporarily unless compelled by compelling reasons related to the health or medical treatment of the child, or if necessary for their safety in occupied territory" (United Nations High Commissioner for Human Rights, 1977).

Protection during non-international armed conflicts is guaranteed in Protocol II, which states in Article 3/4 that "care and assistance must be provided to children to the extent that they need it" and allows for the temporary evacuation of children under certain conditions from any area where hostilities are taking place to a safer area, as stated in Article 3/4(e): "If necessary, the temporary evacuation of children from the

area where hostilities are taking place shall involve moving children to safer areas within the country, accompanied by persons responsible for their safety and well-being, with parental consent whenever possible, or with the consent of individuals who are legally or traditionally responsible for their care" (United Nations High Commissioner for Human Rights, 1977).

- **Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000)**

Article 1 of the protocol states that states parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of eighteen do not participate directly in hostilities (Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 2000). This strengthens measures to prevent their involvement in the horrors of armed conflict and hostilities.

- **Protocol on the Protection of Children in Armed Conflict (2002)**

The Protocol on the Protection of Children in Armed Conflict entered into force on February 12, 2002. This protocol requires governments to ratify it to ensure that volunteer recruits under the age of eighteen are not enlisted. The protocol emphasizes in its preamble that protecting children from involvement in armed conflicts contributes to the enhancement of the rights enshrined in the Convention on the Rights of the Child. Raising the minimum age for recruitment into armed forces and participation in hostilities reinforces the principle of "the best interests of the child" as a primary consideration in all actions concerning children (Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 2000).

Considering the extent to which these agreements and laws apply to children in the Gaza Strip, it becomes evident that despite Palestine's accession to international agreements, Israel, through its ongoing aggression against Gaza, kills children, acts as a state outside the law, and does not adhere to any principles of international protection, whether general or specific. According to Article 48 of the First Additional Protocol to the Geneva Conventions (1977), international law is clear on the necessity of distinguishing between civilians and combatants, stating: "Military operations must

only be directed against military objectives." However, Israel deliberately targets homes, hospitals, markets, and schools, which constitutes a blatant violation of these legal principles.

Israel systematically targets innocent civilians and children, which constitutes a war crime under Article 147 of the Fourth Geneva Convention (1949), which classifies willful killing—as happened with the child Hind Rajab and many other children during the latest war on the Gaza Strip—torture, and inhumane treatment as grave breaches of international law. Moreover, the comprehensive blockade imposed on the Gaza Strip, cutting off electricity, water, food, and fuel, represents another violation. Article 33 of the Fourth Geneva Convention (1949) stipulates that: "Collective penalties and likewise all measures of intimidation or of terrorism are prohibited." Yet, Israel blatantly disregards these provisions. The Israeli Defense Minister, Yoav Gallant, declared: "No electricity, no water, no fuel—everything is closed" (Palestinian National Information Center, 2025).

Starving the civilian population and using the blockade as a tool of war is also a war crime under Article 8 of the Rome Statute of the International Criminal Court (1998), which states: "Intentionally starving civilians as a method of warfare is a war crime." In this context, the United Nations has confirmed that such measures constitute collective punishment prohibited under international humanitarian law. However, Israel dismisses international agreements protecting medical facilities and the personnel working in them. Article 18 of the Fourth Geneva Convention (1949) states: "Civilian hospitals may in no circumstances be the object of attack; they shall be respected and protected at all times by the Parties to the conflict." Despite this, hospitals in Gaza have been directly targeted by Israeli bombardments, resulting in hundreds of casualties among patients, doctors, children, and civilians seeking refuge inside them. Article 16 of the same convention emphasizes protecting the wounded, sick, children, and civilians and facilitating their transport. However, the blockade imposed on Gaza has deprived patients of basic medical care, constituting a humanitarian crime against Palestinians (Palestinian National Information Center, 2025).

Additionally, Israel's policies of forced displacement violate Article 49 of the Fourth Geneva Convention (1949), which states: "Individual or mass forcible transfers,

as well as deportations of protected persons from occupied territory, are prohibited" (Palestinian National Information Center, 2025).

According to Article 6 of the Rome Statute of the International Criminal Court (1998), genocide is defined as: "Any act committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group." This includes mass killings, targeting civilians and children, and inflicting serious physical or psychological harm on members of the group. This definition fully applies to Israel's systematic practices against Palestinian civilians in the Gaza Strip, including indiscriminate bombing.

It follows that the Israeli occupation authorities are obliged to respect the rules of international humanitarian law in the Gaza Strip and bear full responsibility for any violations of those rules. Evidence of this is found in Article 6 of the Fourth Geneva Convention, which states: "The application of the present Convention shall cease, in the territory of Parties to the conflict, on the general close of military operations." However, the occupying power is obligated to adhere to the essential provisions of the Convention throughout the duration of the occupation (Shadeed, 2025), as long as it exercises governmental functions in the occupied territories.

The researcher concludes from the above that the Israeli position rejecting the application of the Fourth Geneva Convention in the Gaza Strip is an illegal stance. This is because the Geneva Convention is applied automatically as soon as hostilities arise or in cases of armed conflict. This is due to the fact that humanitarian considerations form the core principle upon which the Geneva Conventions were established. These humanitarian considerations necessitate the mandatory nature of the conventions, which bind both the parties to the convention and non-parties alike. The conventions also apply as a minimum set of mandatory rules to protect human beings in non-international armed conflicts. Therefore, in light of Israel's non-compliance with international laws and regulations, it has become necessary to activate the role of the United Nations and its mechanisms to monitor, document, and follow up on violations of these laws, as well as to provide support and assistance to the victims of these violations.

## 2.1.2 The Role of the United Nations in Protecting Children's Rights

International agreements that are binding on parties to armed conflicts during hostilities are essential, but they remain an insufficient step as they are limited to recognizing rights without providing effective mechanisms to protect them. Concrete actions are required to ensure the protection of human rights, as legal texts alone are not enough unless accompanied by enforcement mechanisms that guarantee compliance. Therefore, United Nations bodies have implemented several measures aimed at protecting children's rights.

As a result, the international community has sought to develop mechanisms to ensure the effective implementation of these texts, providing the necessary protection to all individuals who deserve it during armed conflicts. Mechanisms for protecting children's rights in international law have varied, including general human rights mechanisms as well as specific ones aimed at protecting children during conflicts (Nashwan, 2001, p. 58). Among the most prominent of these mechanisms are a series of supervisory and monitoring measures adopted by the United Nations to ensure that state parties comply with international agreements related to human rights, including:

1. **The Security Council:** The Council has issued eight resolutions and numerous presidential statements that constitute tools to support the protection of children and pressure perpetrators of crimes to comply with international rules. These tools include (Office of the Special Representative of the Secretary-General on Children and Armed Conflict, 2023> )
  - Exposing violations against children: For example, Resolution 1379 of 2001, which requested the Secretary-General to prepare a list of parties recruiting and using children in conflicts .
  - Establishing the Monitoring and Reporting Mechanism under Resolution 1612 of 2005 to report grave violations against children in armed conflicts .
  - Imposing strict sanctions on individuals who violate children's rights in conflicts, such as arms embargoes and asset freezes (Office of the Special Representative of the Secretary-General on Children and Armed Conflict, 2023) .

- Deploying United Nations peacekeeping missions, which play a significant role in protecting children's rights .
- Emphasizing the importance of including children's rights in peace negotiations .

## **2. The General Assembly**

The Assembly has adopted several significant instruments to protect children's rights during conflicts, including:

- The Declaration on the Protection of Women and Children in Emergency and Armed Conflict .
- The Convention on the Rights of the Child .
- The Optional Protocol on the Involvement of Children in Armed Conflict .
- The Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (Office of the Special Representative of the Secretary-General on Children and Disarmament, no date) .
- The Optional Protocol on a Communications Procedure regarding violations of children's rights (United Nations General Assembly, 2011) .

In the context of enhancing the protection of children from the consequences of armed conflicts, the General Assembly has adopted several resolutions negotiated annually in the Third Committee on social, humanitarian, and cultural issues (Office of the Special Representative of the Secretary-General on Children and Disarmament). Additionally, in its Resolution 51/77 of December 12, 1996, the General Assembly mandated the appointment of a Special Representative on the impact of armed conflict on children to act as a coordinator for the United Nations system in this field, aiming to enhance international cooperation and coordination to ensure the protection of children during times of conflict (Office of the Special Representative of the Secretary-General on Children and Armed Conflict, no date) .

The researcher believes that while the General Assembly's mechanisms are of significant importance in protecting children's rights during armed conflicts, they remain limited due to the lack of executive authority that enables them to compel states to comply with the decisions and recommendations directed at them. This means that

the General Assembly's decisions and recommendations are merely morally binding rather than effectively so.

### **3. The Human Rights Council**

- The Council is responsible for proposing the necessary international rules for the protection of children's rights .
- The Council's international protection measures are divided into two types of rapporteurs: country-specific rapporteurs and thematic rapporteurs (Nashwan, 2001, p. 84).
- The Council allows for complaints concerning human rights violations worldwide .
- The Council adopts the Universal Periodic Review mechanism and establishes fact-finding committees to investigate human rights violations (Office of the High Commissioner for Human Rights, no date).

The researcher believes that despite the weak role of the Human Rights Council in protecting human rights, especially children's rights, and despite the multiple investigative committees formed by the Council to investigate Israeli aggression on the Gaza Strip during previous wars launched by Israel, the Council, following the war after October 7, adopted a resolution on April 5, 2024. This resolution calls for holding Israel accountable for potential war crimes and crimes against humanity in Gaza. Twenty-eight countries voted in favor of the resolution, 13 abstained, and six voted against it .

The Council also called for halting any arms sales to Israel. This is the first time the Human Rights Council has taken a position regarding the ongoing war in the Gaza Strip since October 7. However, the Council has no binding means to enforce its resolutions (Asharq Al-Awsat, 2024). The weakness of the Council's role is also attributed to the influence and power of certain states, foremost among them the United States. The U.S. obstructs the formation of committees, investigation processes, and their outcomes if they conflict with its interests or those of its allies. Furthermore, the United States opposed the Council's recent resolution, once again siding with the Israeli aggressor against Palestinian victims, clearly prioritizing political interests over human rights .

#### **4. The Office of the United Nations High Commissioner for Human Rights (OHCHR)**

The OHCHR has a rapid response mechanism to address serious human rights violations, especially those targeting children. In such cases, the High Commissioner can :

- Issue press releases, engage in dialogues with governments, and send fact-finding or monitoring missions (United Nations General Assembly, 2011) .
- Receive complaints from individuals and groups regarding human rights violations (Nashwan, 2001, p. 84) .

The researcher believes that the mechanisms of the OHCHR are important for protecting human rights, particularly children's rights. However, they remain limited due to the lack of executive authority. The appeals and statements issued by the OHCHR carry no binding power, and the complaints mechanism holds little practical value since these complaints are not reviewed by judicial bodies with the authority to punish violators.

#### **5. The United Nations High Commissioner for Refugees (UNHCR)**

The UNHCR was established in 1950 by the United Nations General Assembly. Its mission is to lead and coordinate international efforts to protect refugees and resolve their issues worldwide (UNHCR, no date). Children represent about half of the 34 million people under the UNHCR's care, which includes refugees, asylum seekers, stateless individuals, returnees, and internally displaced persons .

The UNHCR dedicates its efforts to meeting the needs of all children under its care. It has developed a strategy to mainstream age, gender, and diversity considerations into its programs, which includes provisions for integrating the protection of children and their rights into its programs and preventive measures (Integration of Children and Armed Conflict, no date).

## **6. The Committee on the Rights of the Child, 1989**

The Committee is responsible for monitoring the implementation of obligations by states, including:

- The two optional protocols related to the sale of children, child prostitution, and child pornography .
- The protocol addressing the involvement of children in armed conflicts (Committee on the Rights of the Child, 1989, pp. 43, 44, 45) .

The Committee examines complaints submitted by individuals or groups regarding violations of their rights established in the Convention and its optional protocols. It also has the right to investigate if it receives reliable information about grave or systematic violations committed by a state party against the rights stipulated in the Convention, under the Optional Protocol to the Convention on the Rights of the Child, which came into force in 2014 .

The Committee's competencies also include addressing violations related to children's rights during armed conflicts, as per Article (38) of the Convention on the Rights of the Child, which emphasizes the necessity for state parties to adhere to international humanitarian law concerning children in conflicts. The Committee issues recommendations, comments, and general discussions aimed at enhancing the protection of children's rights (Office of the United Nations High Commissioner for Human Rights, n.d.) .

## **7. The International Committee of the Red Cross (ICRC)**

The International Committee of the Red Cross is an impartial, neutral, and independent organization aimed at providing humanitarian assistance and protecting the lives and dignity of victims of armed conflicts and other acts of violence. Its activities include:

- Assisting states in developing their national laws in line with child protection principles .
- Prioritizing the protection of children affected by armed conflicts on the ground by providing medical assistance, food, and clothing .

- Giving special importance to preserving family unity and reuniting children with their families. The Central Tracing Agency of the ICRC undertakes family reunification processes, including for children who have lost their families (Tlafhah, 2010, pp. 53–54).
- Visiting detained or imprisoned children to ensure compliance with rules granting them special protection, considering their limited capacities due to their age .
- Intervening to ensure the repatriation or release of child soldiers after obtaining guarantees from the concerned parties that they will not return to combat (Tim, 2010, p. 104).
- Ensuring that parties to the conflict adhere to the Geneva Conventions and their protocols in protecting children, with ICRC delegates preparing reports submitted to relevant parties.
- In cases of grave violations, the ICRC communicates with the highest relevant authorities, usually taking such measures confidentially. However, in cases of repeated violations, the ICRC may publicly express its opinion (Tim, 2010, p. 105) .

The researcher believes that despite the significance of the ICRC's role in protecting children affected by armed conflicts, its work suffers from many shortcomings. Most notably, it often refrains from publicly stating its opinion on the party committing severe human rights violations, especially against children during conflicts. This, in turn, encourages conflicting parties to disregard the ICRC's directives, observations, and even complaints regarding violations of international humanitarian law, as long as the matter remains confidential. A clear example is the repeated and severe violations committed by Israeli occupation forces against Palestinian children, particularly during and after the recent Gaza war following October 7. Despite this, no decisive statement was issued by the ICRC condemning Israeli crimes .

## **8. The United Nations Children's Fund (UNICEF), 1946**

UNICEF focuses on directing its assistance toward long-term programs for children but often responds swiftly to address the urgent needs of children and mothers

in emergencies resulting from disasters, wars, epidemics, and famines (Tlafhah, 2010, p. 51) .

- UNICEF collaborates with the Office of the Special Representative in chairing the Steering Committee for the Monitoring and Reporting Mechanism (MRM), providing technical support and guidance to countries implementing this mechanism, as well as to conflict-affected countries .
- UNICEF participates at the national level in chairing country-level Monitoring and Reporting Task Forces in 15 countries implementing this mechanism. It works with partners to monitor, report, and address grave violations against children (Office of the Special Representative of the Secretary-General for Children and Armed Conflict, n.d.) .

## **9. The International Labour Organization (ILO)**

The International Labour Organization is committed to the overall goal of eliminating child labor and prioritizes addressing the worst forms of child labor, guided by ILO Convention No. (182) of 1999 (International Labour Organization, n.d.). It also facilitates the social and economic reintegration of former child soldiers and prevents the recruitment of children (Office of the Special Representative of the Secretary-General for Children and Armed Conflict, n.d.).

### **The Application of the United Nations' Role on the Children of Gaza in the Recent War (2023 – 2024).**

Fletcher, the UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, made three requests to the Security Council: First, to ensure the maintenance of a ceasefire; second, to ensure respect for international law throughout the occupied Palestinian territories in Gaza and the West Bank, including East Jerusalem. He emphasized the necessity of protecting civilians and meeting their basic needs, the release of all hostages, and the liberation of Palestinians who are arbitrarily detained. The third request is for member states to ensure adequate funding for humanitarian operations. He noted that the humanitarian appeal for 2025 calls for \$4.07 billion to meet the needs of 3 million people in Gaza and the West Bank, stating

that this appeal is essential to respond to the enormous needs and maintain the ceasefire. The UN official concluded his speech by saying, "The children of Gaza are not collateral damage; they deserve, like children everywhere, security, education, and hope. They tell us that the world has not stood by them during this war. We must stand by them now." He called on UN member states to support this effort by providing additional funding and resources to rapidly expand the necessary humanitarian assistance (Wafa Agency, 2025). The draft resolution received the support of 14 out of the 15 council members but was not adopted due to the United States— a permanent member of the council— using its veto (United Nations, 2024).

The Security Council has largely remained paralyzed regarding this issue due to the United States' frequent use of the veto to protect its ally, Israel. However, the General Assembly has adopted several texts in support of the Palestinians since the outbreak of the war in October .

The Chair of the Committee on the Rights of the Child, Skelton, also addressed the ruling of the International Court of Justice on January 26, 2024, in the case brought by South Africa regarding Israel's commission of genocide in Gaza, which ordered Israel to "take all measures to prevent the commission of all crimes and acts falling within the scope of Article II of the Convention," including the killing of members of the group, preventing and punishing direct and public incitement to commit genocide, and enabling the provision of humanitarian assistance".

The Chair of the Committee called on Israel to immediately comply with the court's decision and urged all states to take the necessary measures to end this war by achieving an immediate ceasefire, delivering urgent humanitarian assistance, resuming peace negotiations, and restoring funding to UNRWA without delay. She also urged donor countries that had suspended their funding for UNRWA to reconsider their decision and provide sufficient funds to ensure the delivery of all urgent assistance to everyone and to every child (Palestinian News and Information Agency, 2024). This is what international human rights law stipulates, including the Convention on the Rights of the Child of 1989, which is binding on the states that have recognized it, including Israel, and its optional protocol on the involvement of children in armed conflict in 2000. Specifically, states are obligated to protect children from the effects of armed conflicts. Given that Israel ratified the Convention in 1991, it is legally bound before

the international community to implement all its provisions, primarily taking all practical measures to ensure the protection and care of children affected by armed conflicts, as stipulated in paragraph four of Article 38. It must also not subject any child to torture or other forms of cruel, inhuman, or degrading treatment or punishment, nor deprive any child of their liberty lawfully or arbitrarily, according to paragraphs (a) and (b) of Article 37 (Palestinian Right Foundation, 2024).

As for UNICEF, it has worked with its partners in the Gaza Strip to establish "temporary education spaces," which are large tents in the middle of displaced persons' gatherings. However, due to the continued Israeli targeting of these areas, attempts to provide any services under the current conditions have been hindered, in addition to food and fuel assistance for hospitals and coordination with the World Health Organization to evacuate individuals needing treatment abroad (Wafa Agency, 2024).

In conclusion, despite the role of UN agencies in preventing and penalizing violations committed against children, each UN agency faces obstacles, as mentioned earlier, that prevent it from achieving its intended role. This necessitates activating the role of international criminal justice and the principle of universal jurisdiction, which the researcher will clarify in the next section.

## **2.2 International Criminal Justice in Protecting Children in the Gaza Strip**

This section discusses the criminal protection of children and the role of international criminal justice in achieving this protection, which includes international jurisdiction, the International Criminal Court, and special international tribunals.

### **2.2.1 The Role of the International Criminal System in Protecting Children**

Wars and armed conflicts leave behind many tragedies and destruction, exposing many groups to various forms of violence and exploitation. Among these groups are children, who represent the most affected category due to their vulnerability compared to other groups. To ensure the protection of children from the violations and international crimes resulting from wars and armed conflicts, international law has established three means: universal jurisdiction, which involves prosecuting those responsible for serious crimes worldwide, regardless of the nationality of the perpetrator or the victim, as well as the location of the crime; temporary international tribunals

established by the Security Council under Chapter VII of the UN Charter; and the establishment of the International Criminal Court. In this research, we will focus on the International Criminal Court due to its importance in preventing impunity for perpetrators of these crimes against children, while also addressing the other means mentioned.

The International Criminal Court is part of international efforts to prevent criminals from escaping punishment through international criminal justice. The court aims to hold accountable those responsible for their crimes and help prevent these crimes from happening again. It serves as a last resort when national courts are unable to act, seeking to complement rather than replace national courts (Rashad Salem, 2013). The International Criminal Court operates under an international treaty known as the Rome Statute, and it is the first permanent international criminal court in the world, subject to its jurisdiction for international crimes. It was officially established in 2002 and began its work to hold individuals accountable for the serious crimes covered by the statute, which include the following:

- Crimes of aggression
- War crimes
- Crimes against humanity
- Genocide

These crimes have become subject to accountability and punishment under the law of the International Criminal Court, provided that one of the parties to the crime is a member state that has signed the Rome Statute (Rashad Salem, 2013). To regulate these crimes and limit them, and to activate the role of the International Criminal Court in this regard, we will address the following points:

### **1. The Binding Nature of the International Criminal Court**

The International Criminal Court is binding and governed by the Rome Statute. It is the first permanent court established by a treaty to hold accountable those who commit the most serious crimes at the global level, such as war crimes, crimes against humanity, and genocide. Since 1998, the diplomatic conference on the establishment of an International Criminal Court concluded with the adoption of the court's statute. The

International Criminal Court is a permanent and independent institution and is not considered a part of the United Nations. The statute clarifies that the primary responsibility for prosecuting and punishing offenders lies with the states parties, and the court complements those efforts. The court is considered the focal point for applying the system of international criminal justice (International Criminal Court, 2021). Palestine's accession to the Rome Statute and the entry into force of the treaty on April 1, 2016, is one of the most important steps to ensure accountability for crimes committed by the Israeli occupation, while simultaneously securing protection for Palestinian civilians and the repeated crimes committed against them. As a result, the court announced in mid-January 2016 the opening of a preliminary investigation into war crimes committed by Israel during the Gaza War in 2014.

## **2. Criminal Responsibility of States for Serious Violations of the Laws and Customs of War Relating to Children**

International responsibility is defined as "the obligation imposed by international law on a person to repair the damage to the benefit of the victim of an act or omission, or to bear punishment as a penalty for this violation" (Hegazy, 2004, p. 377). International responsibility is divided into two types: direct responsibility and indirect responsibility.

- **Direct Responsibility**

This means a state violating its international obligations, as if it were directly attributed to a failure to perform these obligations. Direct responsibility is considered the normal form of international responsibility.

- **Indirect Responsibility**

This arises in cases where a state is responsible for the acts of another state. This form assumes a legal relationship between the state that committed the unlawful act and the state to which responsibility is attributed. It also includes the general responsibility of a state for the acts of the state over which it exercises a mandate, as well as the criminal responsibility of states for serious violations of the laws and customs of war relating to children (Ahmed, 2009, p. 129). A state is responsible for the actions of its armed forces as one of the state's apparatuses. If these actions represent a violation of international obligations, the state is considered responsible for the consequences of

these violations committed by its armed forces, including those related to children or their involvement in military operations (Al-Masdi, 2007, p. 117).

Article 91 of the Additional Protocol I states that "the party that violates the provisions of the agreements or this annex (protocol) shall be liable to pay compensation if circumstances require it, and shall be responsible for all acts committed by persons who are part of its armed forces" (Hague Convention, 1907, Article 3). Article 3 of the Fourth Hague Convention concerning the Laws and Customs of War on Land states that "the warring party that violates the provisions of the regulations concerning the laws and customs of land warfare shall be obliged to provide compensation if necessary." The draft Article 7 of the draft international responsibility for internationally wrongful acts also emphasizes the same principle (International Law Commission, 2001, Article 7)<sup>(1)</sup>, which was adopted by the International Law Commission in its thirty-fifth session in 2001.

The Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia confirmed this position in the "Tadic" case, where it decided on the state's responsibility for the acts of any organization or military group, as long as that foreign state exercised some control over the area. Thus, that state is responsible for the violations committed by that organization or group during the armed conflict (Al-Masdi, 2007, p. 130).

### **Palestine's Accession to the International Criminal Court and Individual Criminal Responsibility for Violations of Palestinian Children's Rights**

Palestine began its efforts to enhance its status within the United Nations as a first step toward joining the International Criminal Court. The Palestine Liberation Organization (PLO) requested to elevate its status from "observer entity" to "non-member observer state." This was part of a diplomatic strategy aimed at strengthening its international position. However, the PLO was unsuccessful in securing the necessary votes in the Security Council to elevate its status to that of a full member state, prompting it to turn to the General Assembly under the item of "Union for Peace." On November 29, 2012, the General Assembly granted Palestine the status of a

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<sup>(1)</sup> International Law Commission. (2001). Draft on International Responsibility for Internationally Wrongful Acts. Thirty-fifth Session

non-member observer state, allowing it to join various international agreements and treaties, including the possibility of joining the International Criminal Court. In June 2014, the Government of the State of Palestine accepted the jurisdiction of the International Criminal Court under a declaration pursuant to Article 12(3) of the Rome Statute, effective June 13. On April 1, 2015, Palestine officially joined the court. Palestinian diplomacy activated the international legal file in an attempt to achieve a ceasefire in Gaza (Erekat, 2024).

In the context of international responsibility for individuals regarding violations of children's rights, the rights of Palestinian children in Gaza have faced serious violations, as these children are directly targeted through aggression and repeated wars, in addition to violence and arrests. These violations range from killing and torture to arbitrary detention, necessitating urgent action from the international community to protect children's rights. Numerous reports indicate that these violations are not random acts but stem from a complex political and social context that requires immediate intervention. Under the blockade of Gaza, Palestinian children have witnessed traumatic events such as the wars of 2009, 2012, and 2014, culminating in the recent war in 2023, which followed the events of October 7 and was dubbed the "Battle of the Iron Swords." These events have left deep psychological and social scars on children and their families.

On May 20, 2024, the Prosecutor of the International Criminal Court, Karim Khan, confirmed that he is working on issuing arrest warrants for Israeli Prime Minister Benjamin Netanyahu and Defense Minister Yoav Gallant on charges of committing war crimes. Khan stated in a press release published on the official website of the International Criminal Court that "considering the evidence collected and examined, he has reasonable grounds to believe that Netanyahu and Gallant bear criminal responsibility for war crimes and crimes against humanity committed on the territory of the State of Palestine (in the Gaza Strip) since October 8, 2023," with charges including intentionally starving civilians as a method of warfare <sup>(1)</sup>.

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<sup>(1)</sup> In violation of article 8.2.b.25 of the Statute, intentionally causing great suffering or serious harm to body or health, in violation of article 8.2.a.ter, and willful killing, in violation of article 8.2.a.i, as well as intentionally directing attacks against the civilian population, in violation of article 8.2.b-i. The charges also include extermination and murder as crimes against humanity, in violation of articles 7.1.b and 7.1.a,

It is essential for individuals to be held accountable for these violations, as criminal responsibilities include those who carry out killings or torture, as well as those who plan or order the execution of these acts. These responsibilities should also encompass officials in governmental and non-governmental institutions who contribute to these violations directly or indirectly. Although the decisions of the International Criminal Court are binding, the court lacks clear and decisive enforcement tools, raising the issue of how to stop the ongoing crimes and genocide in Gaza and the targeting of civilians and to hold accountable the individuals involved. Historically, Israel is considered a state that acts as if it is above the law, violating international law and United Nations and Security Council resolutions without any repercussions. Addressing these violations is not solely the responsibility of governments; it is a collective responsibility that requires the concerted efforts of all stakeholders, including civil society and individuals. Working to protect human rights, especially the rights of Palestinian children, requires effective international cooperation to document crimes, hold those responsible accountable, and activate the principle of universal jurisdiction. This contributes to achieving justice and restoring hope for the victims and their families (Palestinian National Information Center, 2025).

### **2.2.2 Activating the Principle of Universal Jurisdiction**

International law has defined the most serious crimes that require the prosecution and trial of their perpetrators according to the principle of universal jurisdiction in war crimes, genocide, crimes against humanity, and aggression. The obligation to uphold the principle of universal jurisdiction in prosecuting and trying international criminals can be traced back to international treaties, especially the international humanitarian law agreements against acts that constitute international crimes in the context of international criminal law, which include:

- The four Geneva Conventions of 1949.
- International treaties related to combating international terrorism.
- The United Nations Convention against Torture of 1984.
- International customary law: International customary law also recognizes the authority of states to suppress international crimes that threaten the common

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persecution as a crime against humanity, in violation of article 7.1.h, and other inhumane acts, in violation of article 7.1.k.

interests of humanity by prosecuting their perpetrators, regardless of the nationality of the perpetrator or the victim or the location of the crime (Giorgi, 2025).

The Rome Statute did not leave the issue of the International Criminal Court's (ICC) connection to cases within its jurisdiction unregulated, but rather gave it significant attention, as it is one of the major issues that raises the idea of state sovereignty over its territory and the potential obstacles that could hinder the functioning of this new international judicial entity. Article 13 of the Rome Statute (International Criminal Court, 2021) states that it exercises its jurisdiction concerning the crimes mentioned in Article 5 in the following circumstances:

❖ **Referral by the Security Council:**

The idea that the principle of universality provides a legal basis for the ICC's jurisdiction is linked to Article 13(b), which pertains to referrals from the Security Council. The potential extension of the Court's jurisdiction in cases referred to it by the Council has led some commentators to believe that this grants the Court universal jurisdiction. This assessment is somewhat accurate, as the Court can, under certain circumstances, prosecute perpetrators of crimes in any country, by any citizen, regardless of whether the countries involved are parties to the Statute (Cormier, 2020, pp. 159-160).

From this perspective, Article 13(b) is seen as granting the ICC the possibility of exercising universal jurisdiction, but this does not mean that it has jurisdiction based on the principle of universality in an absolute sense. The Security Council can, theoretically, refer cases from any of the 193 member states to the Court, as there are no regional restrictions on the Security Council's referrals in the Rome Statute. For UN member states that are not parties to the Statute, jurisdiction is based on their acceptance of the UN Charter and the powers of the Security Council (Cormier, 2020, pp. 144-145).

The Security Council has the authority to defer the proceedings of the ICC at any time, which is not present in the Statute of the International Court of Justice. According to Article 16 of the Statute, no investigation or prosecution may be initiated if the

Council requests it, and this deferral can last for twelve months, renewable. The independence of the ICC as a reliable judicial institution is not guaranteed under the provisions of the Statute. Its independence and authority depend on its procedures being free from the political influence of the Security Council. Article 13 calls for the exercise of jurisdiction, but it does not automatically grant the Court jurisdiction (Al-Arabi, 2016, pp. 45-47).

**An example of a referral from the Security Council to the Court is when the UN Security Council, in Resolution 1593 of 2005, referred the situation in Darfur, Sudan, to the International Criminal Court (Human Rights Watch, 2025).**

#### ❖ **Referral by the Prosecutor of the International Criminal Court**

The Prosecutor has the authority to initiate investigations on their own based on information presented to them indicating that a crime falling within the Court's jurisdiction has been committed. However, this is conditional upon submitting a request to the Pre-Trial Chamber if they conclude that there are reasonable grounds to commence an investigation, in order to obtain permission for that.

The term "referral" implies the existence of two parties, where one party refers a matter to another. In this case, the Prosecutor refers the case to the International Criminal Court, and when the Pre-Trial Chamber grants permission to investigate, the Prosecutor proceeds with the investigation. Therefore, the referral process exists, meaning the referral to the Court's jurisdiction.

According to Article 15 of the Statute, the Prosecutor may initiate investigations on their own based on information related to crimes that fall within the Court's jurisdiction. To this end, they may request additional information from states regarding the case. If the Prosecutor concludes that there are reasonable grounds to commence an investigation, they must then submit a request to the Pre-Trial Chamber for permission to do so. Their work is contingent upon the Pre-Trial Chamber's authorization, even if the Prosecutor is strongly convinced, as the Chamber may reject their request. However, this does not prevent the Prosecutor from submitting a new request if they obtain new evidence in the future (Statute, 2025, Article 15, paragraphs 2, 3, 5).

This authority has raised concerns among many states, particularly the United States, fearing that the Prosecutor may exercise their powers in a way that could lead to political crises threatening international stability. Therefore, the Statute imposes certain restrictions on this referral.

**An example of a referral by the Prosecutor to the Court occurred after the 2007 elections in Kenya, which witnessed widespread violence resulting in hundreds of deaths and thousands of displacements. In 2010, the Prosecutor referred the situation in Kenya to the International Criminal Court for investigation after receiving information about the commission of crimes against humanity. Investigations revealed that prominent figures, including politicians, were involved in the crimes. In 2011, they were tried before the Court (United Nations News, 2010).**

❖ **Referral by a State Party:**

Based on Article 14 of the Statute, a State Party may refer to the Prosecutor any situation in which it appears that one or more crimes within the jurisdiction of the Court have been committed and request the Prosecutor to investigate the situation to determine whether charges should be brought against one or more individuals for committing those crimes.

It is noteworthy that this provision grants State Parties the right to refer any situation to the Court, regardless of where it occurred or the nationality of the perpetrators. Thus, State Parties can refer any situation even if they are not a party to the conflict or have no connection to it. This is based on the principle of good faith, whereby State Parties to any treaty are obliged to implement it in good faith, ensuring the treaty's effectiveness and proper execution. Since the function of the International Criminal Court is to prosecute the most serious crimes, assisting it in fulfilling this function requires State Parties to refer any situation of serious gravity, even if those states have no vested interest in it, to fulfill their obligation to the Court in good faith (Al-Akiabi, 2011, p. 14).

Therefore, the issue of referring a situation by a State Party to the Statute of the Court, which also concerns another State Party, is a normal and logical matter, and

indeed falls within its original jurisdiction. For a State that is not a party to the Statute, the situation cannot be the same. It may not connect this Court to the conflict at all if that state insists on the primacy of its national judiciary to resolve the presented dispute, as the jurisdiction of the international court is complementary, not original.

In the first case, cooperation with the International Criminal Court is obligatory, as the state is a party to the Statute. In the second case, cooperation with the Court is voluntary, as this state is not a party to the Rome Statute, unless that state accepts the Court's jurisdiction if necessary.

Paragraph (3) of Article (12) of the Statute states: "If the acceptance of a State not party to this Statute is necessary under paragraph (2), that State may, by declaration lodged with the Registrar of the Court, accept the exercise of the Court's jurisdiction with respect to the crime in question, and the accepting State shall cooperate with the Court without delay or exception in accordance with Part 9." In all cases, if State Parties refer a specific situation to the Prosecutor to initiate an investigation, this will only be possible if there is rational and logical information that allows for it, which can convince the Prosecutor to make this decision. Therefore, even when State Parties refer a case, it is the Prosecutor who must inform the Pre-Trial Chamber that there is a request for investigation referred to them by State Parties, in order to obtain permission for the investigation (Al-Masdi, 2014, p. 292).

According to Dr. Hazem Mohamed Atlam, the accession of State Parties to the Statute of the International Criminal Court is a privilege, as it is the general rule reinforced by the foundational principles of public international law, as states alone possess the prerogative of the principal actors in the system of international law (Atlam, 2023, p. 117). This means that State Parties to the Court are the first to refer cases that fall within the Court's jurisdiction before others, based on the principle of relative effects of international treaties.

However, the insistence on national jurisdiction is not always in good faith, as it may come to obstruct or at least evade the work of international criminal justice. Therefore, the participants considered another type of referral that might prevent this, similar to the referral initiated by the Prosecutor of the Court on their own.

**An example of a referral from State Parties to the International Criminal Court is the recent Gaza Strip war (post-October 7), which the researcher will clarify in the following section.**

### **2.2.3 Universal Jurisdiction and Its Impact on Gaza During the Recent Aggression (2023-2024)**

On November 17, 2023, the Office of the Prosecutor of the International Criminal Court, led by Karim Khan, received a referral regarding the situation in the State of Palestine from five State Parties: South Africa, Bangladesh, Bolivia (a plurinational state), the Comoros, and Djibouti.

According to the Rome Statute of the International Criminal Court, a State Party may refer to the Prosecutor any situation in which it appears that one or more crimes falling within the Court's jurisdiction have been committed and request the Prosecutor to investigate the situation to determine whether charges should be brought against specific individuals for committing such crimes.

With the receipt of the referral, Prosecutor Karim Khan confirmed that an investigation is currently underway regarding the situation in the State of Palestine. This investigation, which was opened on March 3, 2021, encompasses conduct that may amount to crimes as defined in the Rome Statute, committed since June 13, 2014, in Gaza and the West Bank, including East Jerusalem. It is ongoing and extends to the escalation of hostilities and violence since the attacks that occurred on October 7, 2023. According to the Rome Statute, the Office has jurisdiction over crimes committed on the territory of a State Party and against the nationals of State Parties. Upon taking office in June 2021, Karim Khan formed a specialized team to enhance the investigation concerning the situation in the State of Palestine, focusing on gathering, preserving, and analyzing information and communications from key stakeholders regarding relevant incidents (International Criminal Court, 2023).

The Hebrew news site Wainet reported that individuals or organizations in Israel who transfer sensitive information about war violations in Israel to the International Criminal Court in The Hague would be subject to a five-year prison sentence. It explained that the proposed law aims to protect Israeli soldiers who served in the war,

elected officials, and settlers from the Court's activities, in light of arrest warrants issued against Prime Minister Benjamin Netanyahu and former Defense Minister Yoav Galant. The law also aims to "establish a legal defense wall and prevent cooperation with the Court without state approval, which could lead to the prosecution of Israeli human rights organizations and Israeli citizens working against other citizens to have them tried in The Hague."

The site stated that the key elements of the proposal are that "cooperation with the Court is prohibited unless the Prime Minister decides otherwise," adding that although Israel does not recognize the Court's authority to rule on it, it unofficially cooperates with it to influence and modify its rulings (Quds Press, 2023).

On January 18, 2024, the Republic of Chile and the United Mexican States submitted additional referrals concerning the situation in Palestine. In May 2024, Karim Khan, the Prosecutor of the International Criminal Court, announced his intention to issue arrest warrants against political and military figures from Israel and Gaza, including Benjamin Netanyahu, Yoav Galant, Ismail Haniyeh, Yahya Sinwar, and Mohammed Deif. On September 26, 2024, Israel challenged the Court's jurisdiction, citing Article 19(2) of the Statute, and requested the Chamber to order the Prosecutor to provide a new notification regarding the commencement of the investigation in accordance with Article 18(1). Israel also sought to halt any proceedings before the Court concerning the arrest warrants issued against Netanyahu and Galant.

However, the Court issued arrest warrants against Israeli Prime Minister Benjamin Netanyahu, former Defense Minister Yoav Galant, and three Hamas leaders on charges related to war crimes and crimes against humanity. This step indicates a significant shift in how states are addressing Israeli crimes.

There are now 124 member states in the Rome Statute, which are obligated to implement the Court's decisions. Seven countries, including South Africa, Bolivia, and Djibouti, have renewed referrals concerning the crime of genocide, representing a historic achievement for international justice. These developments mark an important turning point in international law and affirm the necessity of holding war criminals accountable, despite attempts by Israel and the United States to obstruct the Court's work. Countries that challenge the arrest warrants will be held accountable, opening the

door for human rights organizations, child advocacy institutions, and individuals to file lawsuits against them, as international law supersedes local laws, and the signatory states to the Statute are obligated to implement and align their domestic laws accordingly (Erikat, 2024).

At the same time, South Africa filed a case against Israel in the International Court of Justice on December 29, 2023, stating in the text of the case that "Israel's actions may constitute genocide," as they aim to "destroy a significant part of the Palestinians as a national, ethnic, and ethnic group" in the Gaza Strip. In this context, the International Court of Justice issued legal measures against Israel that include legally binding provisional measures, requiring it to take all necessary steps to prevent acts covered by the Convention on the Prevention and Punishment of the Crime of Genocide. Additionally, the Court added further measures based on South Africa's request, including keeping the Rafah crossing open to provide essential services and humanitarian aid, highlighting the importance of responding to humanitarian needs (BBC News, 2024). However, as of the time of writing this research, Israel has not complied with any of the provisional measures issued by the Court, which clearly defines international laws and norms.

In this context, Palestinian child Hind Rajab captured the world's attention with her distress call, as she was trapped in a car among the bodies of several family members. Unfortunately, no one was able to reach her and rescue her. After 12 days, her family found Hind, a six-year-old girl, who had passed away among the bodies of her relatives who were instantly killed inside the car, which was transporting them near the Finance Roundabout in the Tel al-Hawa area, southwest of Gaza City. The Palestinian Red Crescent also found the bodies of two paramedics sent to rescue Hind after receiving a distress call by phone. Following these events, some human rights organizations were established to pursue Israeli soldiers, such as the "Hind Rajab Foundation," which was established in Belgium in 2024 to take serious steps to prosecute Israeli soldiers accused of committing genocide in Gaza. This organization has submitted arrest requests for a thousand Israeli soldiers with dual nationalities, reflecting a growing effort by the international community to hold perpetrators of crimes accountable. This pursuit comes in the context of increasing pressure on "Israel,"

especially since international arrest warrants were issued against Netanyahu and former Defense Minister Galant.

Yedioth Ahronoth noted that the tactic employed by the "Hind Rajab Foundation" in pursuing soldiers involves avoiding the announcement of their names so they do not have the opportunity to flee from prosecution or receive prior warning from their government to evade arrest. It is noteworthy that the Israeli consulate in Brazil recently succeeded in alerting soldier (Y), who committed the crime against Hind, after an arrest warrant was issued against him by Brazilian authorities, urging him to flee (Al-Mahbuh, 2025).

According to data from the Hind Rajab Foundation, it has filed a complaint with the International Criminal Court against a thousand Israeli soldiers, accusing them of committing war crimes based on eight thousand pieces of evidence, including violations documented by the soldiers themselves in photos they took and posted on social media. The foundation requested the Court to issue arrest warrants against them. The organization's activity would remain symbolic if it had not pursued soldiers, most of whom hold other nationalities, during their tourist trips to countries that might accept complaints against them. The organization's lawyer, Haroun Reda, stated in an interview with the Mundois website that the Israeli soldiers' inclination, at the recommendation of their management, to delete their tweets and photos on social media is evidence of their conviction of committing a crime and intent to commit it. However, the internet's memory does not forget, even after evidence has been deleted. The organization was finally able to pursue an Israeli soldier while he was on a tourist trip to Brazil, filing a complaint against him for committing war crimes that led to an investigation by the police, resulting in charges of "participating in large-scale demolitions of civilian homes in Gaza during a systematic destruction campaign" (Al-Eisawi, 2025).

The actions taken by the Brazilian court regarding the Israeli soldier accused in the Hind Rajab case, and earlier by a court in Sri Lanka, to detain Israeli soldiers and investigate them for committing war crimes represent a significant and unprecedented development in pursuing Israeli soldiers involved in committing crimes against humanity.

It appears that the occupying state has begun to realize that there are serious international entities working to hold it accountable. Even if it does not succeed in fully prosecuting it, these actions create increasing political and legal pressure on it.

Writer and political analyst Dragmeh emphasizes that despite the Israeli soldier's escape from the Brazilian court, it reflects the efforts made to document crimes and pursue their perpetrators. These steps also indicate a change in the global judicial approach toward Israel, as there have been 12 documented attempts to prosecute Israeli soldiers in international courts in recent months (Abu Badwi, 2025).

However, attempts to achieve international justice for Palestinians face various difficulties and pressures. For example, there is a U.S. bill pending approval in the Senate aimed at imposing sanctions on anyone cooperating with the International Criminal Court regarding investigations, arrests, or detentions against any Israeli. This reflects the extent of the political pressures faced by the Court, which could weaken it after activating national trials in several countries, thus undermining U.S. efforts (Abu Badwi, 2025).

The United States is the one that obstructs Security Council resolutions in favor of Palestine, and it continually attempts to do so, as the Security Council requires at least nine votes in favor, without the use of veto power by any of the major countries such as the United States, France, China, Britain, or Russia. The United States has used its veto power against a Security Council resolution calling for an immediate ceasefire in Gaza for humanitarian reasons, while 153 countries voted in favor of a United Nations General Assembly resolution for a ceasefire. The United States and Israel oppose a permanent ceasefire, believing it would only benefit Hamas (Al-Hurra, 2023).

With increasing pressure for International Criminal Court decisions regarding the prosecution of individuals, such as those imposed on Russian President Vladimir Putin, who recently traveled to Mongolia without being arrested despite an international arrest warrant against him, Dr. James Devaney comments on this situation, stating: "In the end, it comes down to the political will to enforce the law. It is clear that the international arena, under the activation of the principle of universal jurisdiction without relying on the United Nations, may witness a shift towards achieving justice and accountability in the Israeli-Palestinian conflict. Hope remains pinned on the

international community to work towards saving lives and achieving humanitarian justice" (Al-Qazi, 2024).

The researcher concludes in this chapter that the developments of the aggression against the Gaza Strip in the years 2023-2024 provide an unprecedented example of the importance of activating the principle of universal jurisdiction and the role of international justice in holding perpetrators of serious crimes accountable, especially in light of the shortcomings of the United Nations and the Security Council in providing adequate protection for Palestinian civilians and children. The actions of the International Criminal Court, along with the increasing referrals from States Parties to the Rome Statute and the rise of human rights initiatives such as the "Hind Rajab Foundation," are all indicators of a growing awareness of the importance of international solidarity and the pursuit of justice, despite the immense political and legal challenges posed by Israel and its international allies.

The researcher believes that the insistence of the international community, represented by some countries and organizations, on referring crimes to the International Criminal Court and providing evidence confirms that the culture of impunity is no longer acceptable as it once was, despite attempts to obstruct the legal process through local legislation or political pressures led by the United States. Additionally, the recourse of civil society organizations to national courts in various countries to pursue those accused of war crimes, along with the emergence of actual trials of Israeli soldiers in Brazil and Sri Lanka, represents a qualitative development in the path of justice, even if it is not yet sufficient to ensure comprehensive deterrence.

Although the commitment to implement the decisions of the International Criminal Court still faces challenges, particularly given Israel's non-recognition of the Court's jurisdiction, the issuance of arrest warrants against both Israeli and Palestinian political and military leaders sends a clear message that crimes against humanity do not expire and that no political or military position, regardless of its prominence, can protect the perpetrator. Furthermore, the actions of the International Criminal Court and the decisions of the International Court of Justice, especially the binding provisional measures, place member states under a moral and legal obligation to fulfill their international commitments, despite attempts to evade or obstruct them.

In conclusion, the researcher emphasizes that international justice is not merely a theoretical goal but has become a genuine political and moral pressure tool that contributes to documenting violations and opening new avenues for victims toward redress, even if it requires years of legal and political struggle. The researcher calls for the continued activation of international accountability mechanisms, intensifying documentation efforts, and providing legal support for civilian and child victims, while resisting attempts to politicize or undermine justice. This is the most effective way to establish the values of truth and justice and safeguard human dignity, especially in light of the ongoing suffering of the Palestinian people in the Gaza Strip.

## Results

- According to the Convention on the Rights of the Child of 1989, a child is defined as every human being under the age of eighteen, and their most important rights include the right to life, survival, and development; the right to protection from all forms of violence, abuse, and exploitation; the right to education and healthcare; and the right to freedom of expression and participation.
- Children in the Gaza Strip have faced severe hardships since the onset of the blockade in 2006, but the war following October 7 has witnessed grave violations of the rights of Palestinian children in Gaza, including a rise in casualties, loss of shelter and family, detention, displacement, and deprivation of basic needs.
- The war has led to a significant deterioration in the mental health of children in Gaza, who suffer from post-traumatic stress disorders, anxiety, depression, and chronic fear, adversely affecting their growth, development, learning ability, and social interaction, requiring long-term treatment.
- Despite the existence of the Convention on the Rights of the Child of 1989 and the Fourth Geneva Conventions of 1949, international mechanisms for the protection of children's rights remain inadequate in providing actual protection for children in conflict zones, failing to deter perpetrators from committing violations.
- It has become evident that the international community prioritizes political interests over human rights, allowing the continued violations against Palestinian children, particularly in Gaza, without any real deterrent.
- Referring the Palestinian file to the International Criminal Court and considering Netanyahu and Yoav Galant as war criminals, along with activating the principle of universal jurisdiction, represents an important step toward achieving justice and holding the responsible parties accountable.

- The documentation efforts of the Hind Rajab Foundation, which records violations by Israeli soldiers in Gaza and contributes to gathering evidence to present to international courts, enhance the chances of achieving justice.

In light of the scale of crimes committed by the Israeli occupation forces during their aggression against Gaza, the researcher recommends the following:

### **Recommendations**

- Programs for psychological and social support for children affected by the war in Gaza should be established and expanded, focusing on providing long-term support to help them overcome psychological trauma that may last for years. Specialized teams of trained psychologists and social workers should be formed, and programs should be implemented in schools, community centers, and shelters, providing a safe and supportive environment.
- Countries should activate the principle of international jurisdiction to pursue Israeli soldiers accused of committing war crimes against Palestinian children, even if they are present on their territories, issuing arrest warrants against these soldiers and cooperating with the International Criminal Court to bring them to justice, drawing on Brazil's experience in the Hind Rajab case.
- The international community should exert diplomatic and economic pressure on Israel to stop its violations of Palestinian children's rights by expelling Israeli ambassadors, imposing economic sanctions, banning arms exports to Israel, cutting tourism and trade links with it, launching campaigns to boycott Israeli products, and urging investors to withdraw their investments from companies supporting the occupation.
- Countries should prohibit arms exports to Israel and impose economic sanctions aimed at halting its military activities in the occupied Palestinian territories, enforce a ban on the sale of weapons, ammunition, and military equipment to Israel, freeze the assets of companies and individuals supporting the Israeli military, and impose sanctions by the United Nations under Chapter VII of the UN Charter.

- Efforts to document violations against Palestinian children should be intensified, providing legal support for civilian and child victims, collecting evidence and testimonies, and presenting them to international and national courts.
- The activation of international accountability mechanisms should continue, resisting attempts to politicize justice, supporting the work of the International Criminal Court, cooperating with the Court in investigating crimes committed in the occupied Palestinian territories, and pressuring Israel to comply with international law and cease its human rights violations.

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## العدوان الإسرائيلي على قطاع غزة وحقوق الأطفال الفلسطينيين في ضوء الاتفاقيات الدولية

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### الملخص

تناولت الباحثة حقوق الأطفال في قطاع غزة خلال الحصار الإسرائيلي، الذي بدأ منذ عام (2006) وتخللته عدة حروب، حتى أحداث (7 أكتوبر 2023) وصولاً لهدنة وقف إطلاق النار في (19 يناير 2025)، وركزت الباحثة على التحديات التي تواجه الأطفال في العيش في ظروف تتناسب مع القوانين والاتفاقيات الدولية في قطاع غزة، أهمها اتفاقية حقوق الطفل لعام (1989) واتفاقية جنيف الرابعة لعام (1949). وأشارت الباحثة إلى أن العدوان أدى إلى مقتل (17881) طفلاً حتى تاريخ (19 يناير)، وأن العدد بازدياد نظراً لاستئناف العدوان، مما يعكس انتهاكات صارخة للقانون الدولي.

وركزت الباحثة على عدة محاور رئيسية، منها تعريف حقوق الطفل وفقاً للمواثيق الدولية، والانتهاكات التي تعرض لها الأطفال خلال العدوان الإسرائيلي المستمر على قطاع غزة، وسبل الحماية الدولية المكرسة لهم، ودور الأمم المتحدة في حماية حقوق الأطفال، ودور القضاء الجنائي الدولي في محاسبة مرتكبي جرائم الحرب، والدور المهم الذي لعبته مؤسسة هند رجب في كشف وتتبع مجرمي الحرب، ومضاعفة الحشد ضد الاحتلال الإسرائيلي وجرائمه. كما أنها اعتمدت في البحث على المنهج القانوني الوصفي التحليلي، حيث استعرضت القوانين ذات الصلة، ووصفت واقع الأطفال قبل وبعد السابع من أكتوبر، وحللت النتائج المترتبة على ذلك. وأشارت الباحثة في النتائج إلى أن فلسطين دولة مشمولة بالحماية الدولية، ويجب تطبيق قانون حقوق الأطفال عليها لحمايتهم من الاحتلال الإسرائيلي، الذي يعتبر نفسه فوق القانون ويخترق اتفاقية حقوق الطفل لعام (1989) واتفاقية جنيف لعام (1949)، وأن العدوان الأخير يعد الأكثر انتهاكاً لقواعد الحماية الدولية منذ عام (1967)، ولذا فإن استمرار هذه الانتهاكات يعكس إفلات الجناة من العقاب.

وأوصت بضرورة تعزيز برامج الدعم النفسي والاجتماعي للأطفال المتضررين، وزيادة  
الصلاحيات الدولية لملاحقة مرتكبي جرائم الحرب، واستخدام الضغط الدبلوماسي ومقاطعة إسرائيل  
وفرض عقوبات عليها.  
الكلمات المفتاحية: العدوان الإسرائيلي، قطاع غزة، حقوق الأطفال الفلسطينيين، الاتفاقيات الدولية.