

Legal Implications Arising from the Children's Involvement in Armed Conflicts Across the Middle East Conflicts

Implicações Legais Resultantes da Envolvência de Crianças em Conflitos Armados no Contexto dos Conflitos no Oriente Médio

Implicaciones Legales Derivadas de la Involucración de los Niños en los Conflictos Armados a Través de los Conflictos en el Medio Oriente

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ABSTRACT

This study examines the ethical and legal implications of the involvement of children in armed conflicts, with a particular focus on the Middle East. The analysis centers on international humanitarian law (IHL) provisions designed to protect civilians, with a specific emphasis on those safeguarding children. The study evaluates the extent to which these legal protections are enforced in ongoing conflicts within the Middle East, exploring the profound and often devastating impact these conflicts have on children. Through this examination, the paper seeks to shed light on the challenges in upholding these protections and the ethical considerations that arise in response to violations of children's rights in such contexts.

Keywords: children recruitment, armed conflicts, the Middle East, International Humanitarian Law.

RESUMO

Este estudo examina as implicações éticas e legais da participação de crianças em conflitos armados, com foco particular no Oriente Médio. A análise centra-se nas disposições do direito internacional humanitário (DIH) projetadas para proteger os civis, com ênfase específica nas que salvaguardam as crianças. O estudo avalia até que ponto essas proteções legais são aplicadas nos conflitos em curso no Oriente Médio, explorando o impacto profundo e frequentemente devastador que esses conflitos têm sobre as crianças. Por meio dessa análise, o artigo busca iluminar os desafios em manter essas proteções e as considerações éticas que surgem em resposta às violações dos direitos das crianças nesses contextos.

Palavras-chave: Recrutamento de crianças, conflitos armados, conflitos armados, Direito Internacional Humanitário.

RESUMEN

Este estudio examina las implicaciones éticas y legales de la implicación de niños en conflictos armados, con un enfoque particular en el Medio Oriente. El análisis se centra en las disposiciones del derecho internacional humanitario (DIH) diseñadas para proteger a los civiles, con énfasis específico en aquellas que salvaguardan a los niños. El estudio evalúa el grado en que estas protecciones legales se aplican en los conflictos en curso en el Medio Oriente, explorando el impacto profundo y, a menudo, devastador que estos conflictos tienen sobre los niños. A través de este examen, el artículo busca arrojar luz sobre los desafíos para mantener estas protecciones y las consideraciones éticas que surgen en respuesta a las violaciones de los derechos de los niños en tales contextos.

Palabras clave: Reclutamiento de niños, conflictos armados, Oriente medio, Derecho Internacional Humanitario.

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1. Introduction

Many children today face grave violations of both international humanitarian law (IHL) and international human rights law (IHRL) due to their involvement or proximity to armed conflicts. Unfortunately, a significant number of these children are concentrated in the Middle East, in countries such as Iraq, Yemen, Syria, and the occupied Palestinian territories. This region has experienced complex, protracted, and widespread international and non-international armed conflicts, disproportionately harming children.

The Middle East is one of the most unstable areas globally, with diverse forms of armed conflict. These conflicts vary in classification, including international and non-international armed conflicts, and range in duration from short-lived clashes to prolonged wars. They encompass counterterrorism efforts, such as the fight against ISIS in Iraq and Syria, belligerent occupations like the Israeli occupation of Palestine, and the U.S.-led invasion and occupation of Iraq in 2003. The ongoing armed conflict in Gaza exemplifies the devastating impact of war on children. Reports indicate that "over 15,000 children in Gaza have been violently killed by the blacklisted Israeli occupying forces, with over 20,000 missing, buried under the rubble or in mass graves." (THE GENEVA ACADEMY OF INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS, [s.d.]) (UNGA THIRD COMMITTEE, [s.d.]). This widespread disregard for IHL provisions intended to protect children is a disturbing hallmark of many long-standing conflicts in the Middle East. These violations have led to disproportionate and indiscriminate attacks, with children bearing the brunt of such violence. Essential civil infrastructure for children, such as hospitals and schools, has often been targeted, forcing countless children from their homes and subjecting them to appalling conditions. This paper employs a two-part approach to address these critical issues. The first section examines the legal framework under IHL relevant to protecting children during armed conflicts. The second section explores the most

egregious violations suffered by children in international and non-international armed conflicts across the Middle East.

2. The IHL Protection of Children

In general, the impact of armed conflicts on children several decades ago was not as significant as it is today, primarily due to the extensive nature of contemporary armed conflicts, particularly those involving urban warfare. Consequently, international law in the past should have prioritised establishing distinct and independent rights for children in international and non-international armed conflicts. Instead, children were encompassed within the broader category of "civilians," whose rights were recognised (ICRC, [s.d.]). One clear indication of the international community's delay in adequately safeguarding children during times of armed conflict is the fact that the issue of prohibiting the recruitment of children was not extensively addressed by the United Nations Security Council until 1998 (FOX, 2004, p. 405). Protecting civilians has remained a central international concern, as it is fundamentally unacceptable for civilians to be considered a part of armed conflicts (GRAY; MATCHIN, 2004, p. 108). In the Middle East and elsewhere, it is imperative that parties involved in conflicts adhere to this principle. Furthermore, it is essential to note that children are inherently part of the civilian population. IHL sets forth both general and specific rules governing the protection of children. In the subsequent discussion, we will delve into these rules.

2.1 General Rules

The protection of children in armed conflict is fundamentally rooted in the core principles of International Humanitarian Law (IHL), particularly the principles of distinction and proportionality. These principles serve as the cornerstone for safeguarding civilian populations, including children, during hostilities. A comprehensive analysis of their application is

therefore essential for advancing the effective protection of children in conflict settings.

The principle of distinction, a long-standing norm of customary IHL, requires parties to a conflict to differentiate between combatants and civilians, ensuring that military operations are directed exclusively at legitimate military targets. Although this principle predates codification, it gained prominence in the eighteenth century when the nature of warfare began shifting away from indiscriminate attacks on civilian populations. Its formal legal recognition was later enshrined in Article 48 of the 1977 Additional Protocol I to the Geneva Conventions. Under this provision, parties to armed conflict are obligated to confine their military operations to combatants and military objectives, thereby excluding civilians and civilian objects from the scope of permissible attacks.(Additional Protocol (I), Art.48). Similarly, paragraph (2) of Article 51 of the same Protocol explicitly stipulates that civilians must not be made the object of attack, and acts intended to spread terror among them are strictly prohibited (Additional Protocol (I), [s.d.], p. Art. 51 (2)).

The principle of proportionality, as articulated in paragraph (5)(b) of Article 51 of Additional Protocol I, requires parties to a conflict to evaluate the anticipated consequences of any attack. Specifically, they must consider whether the expected civilian harm, including deaths and injuries, exceeds the concrete and direct military advantage anticipated. This safeguard is further strengthened by paragraph (2)(b) of Article 57 of the same Protocol, which obligates conflict parties to refrain from launching attacks on civilians or civilian objects, directly or indirectly, if such actions would result in civilian harm disproportionate to the expected military gain. As such, civilians, including children, are broadly protected under these foundational principles of IHL. However, this raises a pertinent question: while civilians are generally shielded under these principles, do children receive an elevated level of protection? Addressing this inquiry necessitates a thorough examination of contemporary armed conflict scenarios, particularly the troubling practice of using children as human shields,

whether voluntarily or under coercion. This analysis is essential to understanding the extent of IHL's protective framework for children in such extreme and complex situations.

One of the most striking characteristics of contemporary armed conflicts in the Middle East is their expanding impact, which extends beyond the original parties involved to disproportionately affect civilians. A particularly egregious manifestation of this phenomenon is the disturbing practice known as "human shields." Conde aptly defines human shields as the deliberate use of civilians by a party to an armed conflict, whether aligned with that party or the opposing side. These civilians are strategically placed in locations that separate warring forces, with the explicit objective of deterring retaliatory actions. In such situations, civilians are effectively transformed into hostages for military purposes, highlighting the severe ethical and legal violations inherent in this tactic.(CONDÉ, 2004, p. 104). IHL imposes a fundamental obligation on parties to armed conflicts to ensure that civilians are not placed near military targets. This obligation underscores the prohibition against the use of human shields, which can also be inferred from the responsibility of conflict parties to refrain from situating military installations in close proximity to civilian areas. By adhering to this principle, parties to a conflict are required to minimize risks to civilians and uphold the protective framework established by IHL. (BELLE, 2008). A violation of this rule constitutes a grave breach of IHL, rising to the level of a war crime. Such acts not only undermine the foundational principles of IHL but also represent serious transgressions against the protection afforded to civilians during armed conflict (ICRC, [s.d.]). This legal framework is firmly rooted in Article 58 of Additional Protocol I and is further reinforced by Paragraph 23(b) of Article 8 in the Statute of the International Criminal Court. These provisions collectively emphasize the prohibition of using civilians as human shields and underscore the accountability mechanisms for violations, thereby solidifying the protective measures enshrined in International Humanitarian Law (Rome Statute of the International Criminal Court). The

prohibition against using children as human shields remains applicable even if the children voluntarily consent to participate in such military activities. This is because children lack the necessary legal capacity to make decisions regarding their involvement in activities aimed at protecting military targets. As a result, any such consent is deemed invalid under International Humanitarian Law, emphasizing the absolute nature of their protection (DUNLAP, 2016). These general rules provide protection to children by virtue of their status as civilians. However, children are also entitled to additional protections stemming from their distinct classification as "children." The following section will explore this specialized form of protection in greater detail.

2.2 Special Rules

Before examining the specific regulations designed to protect children, it is crucial to understand the origins of these rules, their scope of application, and the challenges arising from their potential conflict with general rules. International Humanitarian Law (IHL) contains provisions that address the unique rights of children during armed conflict. A foundational instrument in this regard is the 1949 Geneva Convention IV, which explicitly underscores the protection of children. For instance, Article 24 obliges parties to armed conflict to take necessary measures to provide special care and treatment to children, particularly those who are orphaned or separated from their families. Similarly, Article 50 places specific responsibilities on occupying powers to establish and maintain facilities dedicated to the care of children. While these specialized rules are integral to safeguarding children during armed conflicts, their practical implementation can face significant challenges, especially when they intersect or conflict with broader IHL principles. Addressing these tensions is essential to ensuring that the unique vulnerabilities of children are adequately recognized and protected (Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War, 1949, arts. 25 and 50).

One notable consideration is the provision articulated in Article 132 of the Fourth Geneva Convention, which encourages parties to armed conflict to

enter into agreements during hostilities for the release of detainees or their transfer to neutral states. This provision holds particular significance for children and their mothers, emphasizing their protection and well-being in conflict settings. Such agreements frequently emerge during negotiations between armed groups and regular armed forces, often aimed at alleviating the suffering of vulnerable populations. A compelling example of this practice can be found in the 2014 Syrian conflict, where negotiations facilitated the relocation of civilians from the Yarmouk camp to areas removed from active hostilities. This case highlights the practical application of Article 132 in creating humanitarian corridors and underscores its critical role in safeguarding children and other vulnerable groups amidst armed conflict (ELLA, 2016, p. 40). In the framework of Additional Protocol (I), several provisions explicitly address the rights and protection of children during armed conflicts. Notably, paragraph (4) of Article 77 obligates parties to ensure that children subject to arrest, detention, or internment are housed separately from adults, thereby minimizing potential harm and ensuring their safety. Similarly, paragraph (1) of Article 78 imposes a duty on parties to adopt measures preventing the evacuation of children who are not nationals of the conflict state to foreign territories. Such evacuations are permissible only under exceptional circumstances, where they are necessary for the child's health and well-being. These provisions collectively underscore the prioritization of children's rights and welfare amid the chaos of armed conflicts. The protection of children is further reinforced by human rights law (HRL), with key instruments such as the 1948 Universal Declaration of Human Rights (UDHR) and the 1989 Convention on the Rights of the Child serving as foundational texts. Additionally, numerous international legal instruments specifically focus on safeguarding children's rights during and after armed conflicts.

A notable development in the contemporary legal landscape is the increasing alignment and harmonization of IHL and IHRL, reflecting their complementary nature. This convergence is particularly evident in both

international and non-international armed conflicts, where the interplay between these legal regimes has been demonstrated through established international practices. This trend emphasizes the importance of an integrated approach to child protection, ensuring that both frameworks operate synergistically to uphold the rights and welfare of children in the face of armed conflict.(JANABY, 2016). The consequences of armed conflict for children manifest in two distinct and devastating ways. First, children recruited into armed groups may experience a profound distortion in their perception of the value of human life. This desensitization can lead to a propensity for criminal behavior, potentially directed against their own communities. Second, children who become victims of civilian-targeted attacks or other wartime atrocities endure lasting psychological trauma, shaped by their survival in environments marked by relentless violence and fear. A stark example of such impacts can be observed in the recruitment of minors by the Islamic State in Iraq and Syria (ISIS) during its control of territories in Iraq and Syria. This practice not only stripped these children of their innocence but also exposed them to violence that left enduring scars on their mental health and moral compass. Such cases underscore the urgent need for robust legal and social mechanisms to address the recruitment and victimization of children in conflict zones (THE NATIONAL COORDINATOR FOR SECURITY AND COUNTERTERRORISM; THE GENERAL INTELLIGENCE AND SECURITY SERVICE, [s.d.]). Both scenarios constitute a grave injustice against childhood and a violation of the right to protection enshrined in both IHL and HRL. The recruitment of children into armed groups deprives them of their fundamental rights, exposing them to violence and coercion. Likewise, the victimisation of children in attacks targeting civilians inflicts profound physical and psychological harm, denying them the safety and care essential for their development. (How Does Law Protect in War? n.d.).

Determining the gravity of violations requires careful consideration of both the nature of the prohibited conduct and the vulnerability of the affected group. For instance, when the Universal Declaration of Human Rights

affirms the inherent right to physical and moral integrity, this principle finds resonance in the prohibition of torture under instruments like the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Article 1(1) of this Convention specifically addresses acts that inflict severe and excruciating pain on individuals. Thus, the assessment of gravity must holistically account for the seriousness of the conduct in question and the susceptibility of the target group, underscoring the heightened severity of violations against particularly vulnerable populations (ICC, 2013, para 63). This type of conduct is particularly perilous because it inflicts unique and profoundly personal harm on the victim, with the degree of suffering varying based on individual circumstances. In other words, the impact of torture is not uniform; its psychological and physical consequences are often exacerbated when inflicted upon especially vulnerable groups, such as children. This point is underscored by the recognition of the Prosecutor of the International Criminal Court, who acknowledges that the assessment of the gravity of a criminal act can be influenced by various factors, including the identity of the victims. For instance, such acts are considered even more egregious when perpetrated against women, children, or individuals with preexisting medical conditions (ICC, 2013). Based on the preceding discussion, it is evident that violations of legal rules concerning the protection of children in armed conflicts must be closely monitored. It can be concluded that these rules are not being adequately followed in the armed conflicts in the Middle East. As a crucial mechanism for ensuring such protection, international criminal responsibility should be established, particularly in relation to severe violations of children's rights during armed conflicts. Children in the armed conflicts in the Middle East have tragically been subjected to violations of specialized rules within International Humanitarian Law. For instance, between 1 February and 31 March 2020, children were directly targeted in Syria, resulting in the loss of at least 100 lives and the injury of 130 others. These attacks were perpetrated by both regular armed forces and armed and terrorist groups, who employed lethal military force against civilian cities, with schools

among the specific targets (Report of the Secretary-General on Syria, para. 4). Before the rise of ISIS in 2014, Iraq faced significant challenges, particularly in its capital, Baghdad. Numerous studies have highlighted the dreadful circumstances endured by the city's children, with statistics indicating that up to 48% of them were living in distressing conditions. Violence and terrorism, particularly the looming threat of car bombings, were major factors contributing to the dire circumstances faced by children in Iraq (K; RL, 2010, p. 110–111). Furthermore, additional reports underscored that from July to December 2017, the scourge of armed violence persisted and continued to profoundly impact the lives of children, particularly in Nineveh Governorate. During this period, ISIS tragically recruited and trained children to handle improvised explosive devices and participate in suicide operations. Even today, these children's suffering is compounded by the severe psychological trauma they experienced due to armed operations being conducted within urban areas (KAMØY; PODIEH; SALARKIA, [s.d.], p. 10–11). The recent Israeli war against the Gaza Strip has resulted in the tragic loss of over 2,700 Palestinian children, with nearly 6,000 others sustaining injuries (UNICEF, [s.d.]).

3. Categories of IHL Violations Affecting Children

This section of the paper meticulously examines the most severe transgressions experienced by children during armed conflicts in the Middle East. These violations include recruitment, displacement, and the unjust denial of their fundamental right to education, each of which will be discussed in detail below.

3.1 Recruitment

The recruitment of children by parties to armed conflict constitutes one of the most egregious violations of international humanitarian law. The number of children vulnerable to recruitment into armed conflicts has escalated significantly. Research indicates that between 2005 and 2022, over 105,000 children were forcibly enlisted to participate in armed conflicts worldwide.(UNICEF, [s.d.]). The impact of armed conflict on

children extends beyond direct recruitment, as children are also indirectly affected by the violence and instability surrounding them. In 2020, approximately 1.265 billion children, accounting for 54% of all children globally, resided in 39 countries affected by armed conflicts, with one or more parties involved in the recruitment of children. The Middle East, in particular, is the region most severely affected by this distressing phenomenon, hosting the largest proportion of child soldiers. It ranks highest in terms of the number of children recruited or at risk of recruitment in conflict zones. While there has been a slight decrease in this percentage from 36% in 2019, it is important to note that 95% of children in conflict-affected areas of the Middle East remain at significant risk of recruitment. (KAMØY; PODIEH; SALARKIA, [s.d.], p. 10–11).

A deeply concerning pattern emerges when examining the statistics surrounding armed conflicts and their impact on children in the Middle East. In 2020, the region saw a distressing statistic, with the risk of recruitment affecting one out of every three children, representing the highest percentage of child recruitment risk globally. Tragically, this marked the first time in over six decades that parts of the Middle East experienced a dramatic surge in conflict activity. The number of non-international armed conflicts rose sharply to 50 in 2014 before declining to 17 by 2019. In the broader context, the Arab world, particularly the Middle East, has become a focal point for some of the most severe and extreme armed conflicts, exacerbating the vulnerability of children in the region (PEACE RESEARCH INSTITUTE OSLO, 2022). Examples of this trend include armed conflicts in Iraq, the occupied Palestinian territories, Syria, and Yemen, where the repercussions are acutely felt, especially by children. These conflicts not only expose children to the dangers of direct violence, but also contribute to widespread displacement, disruption of essential services such as education and healthcare, and long-term psychological trauma. In these war-torn regions, children face the highest risks of being recruited by armed groups, subjected to violence, and denied their fundamental rights, creating an enduring cycle of suffering and deprivation (PEACE RESEARCH INSTITUTE OSLO, 2021, p. 1990–2020).

Upon thoroughly examining international conventions aimed at mitigating the impact of armed conflicts, particularly the 1949 Four Geneva Conventions, it becomes apparent that most of these conventions fail to adequately address the prohibition of child recruitment. References to child recruitment can be found primarily in Articles 50 and 51 of the Geneva Convention IV. Article 51, in particular, merits attention, as its second paragraph expressly prohibits the occupying state from enlisting children into its military units or any organizations of a military nature. This provision underscores the international community's commitment to preventing the recruitment of children into armed forces during times of conflict. However, despite these provisions, challenges remain in ensuring that these principles are fully implemented, particularly in non-international conflicts or when violations are committed by non-state actors (GENEVA CONVENTION IV, 1949). The inadequacy of the Four Geneva Conventions (1949) regarding the prohibition of child recruitment is effectively addressed by the two Additional Protocols (1977), which fill this legal gap. For instance, Article 77(2) of Additional Protocol I outlines several obligations imposed on parties to an international armed conflict. These obligations include prohibiting children under the age of 15 from directly participating in hostilities. Specifically, the Article states that "[t]he Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities..." This provision demonstrates a more comprehensive and specific commitment to safeguarding children during armed conflicts, reflecting an enhanced focus on their protection compared to the original Geneva Conventions ("Additional Protocol (I)", [s.d.]).

The critique of the aforementioned paragraph focuses on its ineffective legal formulation, which allows conflict parties a loophole to evade accountability for violations. The criticism is largely directed at the phrase "take all possible measures," which remains open to interpretation and grants a degree of flexibility. Such ambiguity can enable conflict parties to avoid responsibility, thus perpetuating impunity for their actions. The

concerns raised so far are primarily related to international armed conflicts.

To address the issue of child recruitment in non-international armed conflicts in the Middle East, Article 4(2)(c) of Additional Protocol II should be considered. This provision explicitly prohibits the recruitment of children under the age of 15, regardless of whether they belong to regular armed forces or armed groups. It extends this prohibition to include both direct participation in combat operations and involvement in acts of a combat nature. This legal framework underscores the international community's commitment to preventing the recruitment of children within the context of non-international armed conflicts as well (PROTOCOL ADDITIONAL II, 1977). A comparison between Article 4(3)(c) of Additional Protocol II and Article 77(2) of Additional Protocol I reveals significant differences in their legal force. The former is more stringent and obligatory, beginning with an absolute prohibition ("it is not permitted"), without reference to any potential precautions. This phrasing makes any violation of this provision in Additional Protocol II a clear breach of its obligations. Furthermore, Article 4(3)(d) of Additional Protocol II emphasizes the special protection granted to child soldiers in the event they are captured by opposing forces. This provision reinforces the importance of safeguarding the rights and well-being of child soldiers, even when they are no longer under the control of their side in the conflict.

While the provisions discussed above primarily focus on the prohibition of child recruitment within the framework of international humanitarian law, it is essential to acknowledge that other international instruments and acts also contribute to the international commitment to prohibit child recruitment, aligning with human rights law. One key instrument in this regard is the 1989 Convention on the Rights of the Child, particularly Article 38(3), which obligates state parties to refrain from recruiting children under the age of 15. Additionally, Article 2 of the Optional Protocol to the Convention further strengthens states' commitments to prevent the

recruitment of children into armed forces or armed groups. These provisions collectively underline the international community's commitment to safeguarding the rights and well-being of children during armed conflicts. ("Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict", [s.d.]). Paragraph (3) of Article 38 can indeed be subject to criticism due to the nature of the rules surrounding child recruitment. It is crucial to emphasize that any form of child recruitment, whether voluntary or involuntary, constitutes a violation of international law. This is because children lack the legal capacity to enter into contracts, particularly those involving military service or participation in armed conflicts.

In the context of the Middle East and other regions, recruiting children for direct participation in hostilities—whether through coercion or voluntary enlistment—represents a clear breach of the special protection granted to children. Children on the battlefield are to be treated as civilians with special protection, and their involvement in combat functions does not entitle them to the privileges or status of combatants, particularly in non-international armed conflicts. Such recruitment practices violate both international humanitarian law and human rights law, underscoring the need for more robust protections and enforcement mechanisms to prevent the exploitation of children in armed conflicts.

The enlistment of children as combatants in armed conflicts, both globally and particularly in the Middle East, has profound ramifications that extend far beyond their direct or indirect participation in hostilities. This grave breach of international law not only causes immediate harm to the children involved but also contributes to the emergence of a generation deeply scarred by war. These children, turned into instruments of conflict, face lifelong consequences. One of the most pressing concerns is that recruiting children into armed conflicts can create a generation that does not recognize peace or security. Raised in environments steeped in violence, these children carry the horrors of war in their memories. This

environment hinders their ability to embrace peaceful coexistence, and violence may become ingrained in their lives. Such conditions not only perpetuate instability in post-conflict societies but also present a significant obstacle to efforts aimed at achieving lasting peace and reconciliation. Addressing the recruitment of children in armed conflicts is therefore not just a matter of immediate protection but a crucial step toward securing a more stable and peaceful future for these societies (UNICEF, [s.d.]). Indeed, studies on the consequences of recruiting children into armed conflicts highlight the long-lasting and deeply troubling effects such recruitment has on their lives. One such study, involving 98 female former child soldiers who were abducted and forcibly recruited, assessed these individuals' lifetime exposure to trauma, including their involvement in perpetrating violence. The study also examined their clinical outcomes, particularly focusing on post-traumatic stress disorder (PTSD) and appetitive aggression, as well as their current violent behavior. The results of the study revealed that female former child soldiers endured extremely traumatic experiences, including being forced to engage in violent acts. As a result, they exhibited significant mental health challenges, particularly PTSD, which was compounded by appetitive aggression—an inclination towards violence. The study found that exposure to trauma, especially violence perpetration, led to mental health problems that predicted ongoing violent behavior in the post-conflict community. These findings suggest that the cycle of violence does not easily end after conflict, and the mental health consequences continue to affect the individuals involved. The implication of this study is clear: addressing and treating symptoms of PTSD and appetitive aggression in former child soldiers is essential to breaking the cycle of violence. Providing comprehensive mental health services and support is crucial in promoting the healing and reintegration of these individuals into their communities. Without such intervention, the trauma and violent tendencies may persist, further destabilizing already fragile post-conflict environments. Therefore, an urgent and sustained focus on mental health services for former child soldiers is needed to foster

recovery and contribute to lasting peace and stability in post-conflict societies (ROBJANT et al., 2020).

The crucial point regarding child soldiers is that they must be recognized as victims rather than treated as adult criminals. This approach is essential for both justice and the promotion of restorative practices within societies recovering from conflict. Treating child soldiers as victims rather than perpetrators aligns with international law's focus on safeguarding the rights and well-being of children and acknowledging their unique status in armed conflicts. Numerous international forums and agreements, including the Paris Principles, emphasize the importance of addressing the needs of children involved in armed conflicts in full compliance with international law. Article 3.7 of the Paris Principles specifically advocates for handling children accused of serious crimes within a restorative justice framework. It stresses the need for social rehabilitation and calls for exploring alternative approaches to judicial proceedings whenever possible. This approach seeks to provide children with opportunities for healing, reintegration, and rehabilitation, rather than subjecting them to punitive measures intended for adults.

By emphasizing rehabilitation and social reintegration, this model not only upholds justice but also recognizes the potential for children to overcome the traumatic impacts of war and violence. It enables former child soldiers to reintegrate into their communities, helping to break the cycle of violence and contributing to long-term stability. Furthermore, it underscores the potential for children to transform their lives positively, fostering peacebuilding and social cohesion in post-conflict societies. This approach plays a significant role in ensuring that the future of these children, and of the societies they belong to, remains focused on restoration and peace rather than punishment and alienation ("The Paris Principles. Principles and Guidelines on Children Associated With Armed Forces or Armed Groups", 2007).

3.2 Displacement

Armed conflicts bring devastating consequences, including human casualties, widespread destruction, and the displacement of populations. The escalation of such crises in recent years has led to an alarming increase in the number of refugees and internally displaced persons (IDPs). According to data from the UNHCR, by 2015, one in every 122 individuals worldwide was classified as a refugee, an IDP, or an asylum-seeker.

The impact on children in conflict zones, particularly in the Middle East and North Africa, has been profound. UNICEF estimates indicate that approximately 32 million children in these regions have been directly affected by armed conflicts. This includes 5.8 million children who are refugees and an additional 6.8 million who have been internally displaced. These statistics underscore the severe repercussions of ongoing hostilities on the most vulnerable segment of the population—children. The plight of these children highlights an urgent need for targeted humanitarian intervention and robust protection mechanisms. Efforts must focus on providing access to basic needs such as shelter, food, and medical care, as well as ensuring their right to education and psychological support. Addressing these issues is essential not only for alleviating immediate suffering but also for preventing a lost generation and fostering future stability in these conflict-affected regions (UNICEF, [s.d.]). In countries such as Iraq, the Syrian Arab Republic, and Yemen, children make up a significant portion of the displaced population, with many being unaccompanied or separated from their families. This separation heightens their vulnerability to human rights violations and abuses within the context of armed conflicts. These children face both immediate challenges, such as lack of access to food, shelter, and healthcare, and long-term issues, including disruption to education and psychological trauma.

The High Commissioner for Refugees, in its 2022 report, highlighted the displacement crisis in Iraq and Syria, with nearly 6.7 million displaced individuals or refugees in these countries. Of this staggering number, an

estimated 47% are children, illustrating the disproportionate impact of displacement on minors, who represent nearly half of the affected population (UNHCR, [s.d.]). Children living in or near refugee camps, or camps for internally displaced persons, are often vulnerable to severe abuse. Armed groups exploit the vulnerability and proximity of displaced populations in these camps, recruiting children and subjecting them to various forms of exploitation, including sexual abuse and human trafficking. The precarious circumstances faced by these children make them especially susceptible to such violations, highlighting the urgent need for robust protective measures and coordinated international intervention to safeguard their rights and well-being (INTERNATIONAL CENTRE FOR MIGRATION POLICY DEVELOPMENT, 2015). The difficulties faced by displaced children in the Middle East are compounded by the lack of identification for children born in Syria and Iraq during or after ISIS's control. In Iraq, approximately 870,000 displaced children remain, with many born during ISIS's occupation of significant territories. Alarming, around 45,000 displaced children currently living in camps lack essential civil documentation, such as birth certificates, that would verify their legal identity. This absence of legal recognition exacerbates the vulnerabilities of these children, restricting their access to education, healthcare, and other fundamental rights (AL JAZEERA, [s.d.]). The denial of fundamental rights, particularly the lack of legal documentation for these children, is a significant issue. The failure of Iraqi authorities to recognise marriages or birth certificates issued during ISIS's control has left many children without the ability to establish their legal identity. This complex legal situation, coupled with the loss of essential documents during displacement, has placed these children in a vulnerable position. It highlights the urgent need for legal reforms and humanitarian intervention to address these challenges and ensure these children are granted their legal recognition and rights (BRUNEAU, 2020). The lack of essential documents for these children places them at grave risk of statelessness, creating a marginalized generation that cannot assert their identity as Iraqi citizens. Without legal recognition, these children are deprived of

fundamental rights, including access to education, healthcare, and social welfare programs. They also face barriers to owning property or engaging in formal employment, further deepening their vulnerability. The long-term consequences of this situation could lead to resentment and frustration, potentially fueling instability and conflict in the region. Addressing this issue is not only vital for the well-being of these children but also for ensuring the stability and peace of the broader society (THE NORWEGIAN REFUGEE COUNCIL, [s.d.]).

The difficulties faced by these children are intensified by widespread desires for revenge and the stigmatization of individuals whose relatives are perceived to have ties to ISIS. Accusations of ISIS affiliation, regardless of the actual level of involvement, create additional barriers for these children in obtaining essential documents. This situation can be viewed as a form of collective punishment, adversely affecting thousands of innocent children. Addressing these challenges is crucial not only for the well-being of the affected children but also for fostering reconciliation, stability, and inclusivity within these communities, which is essential for long-term peace (THE NORWEGIAN REFUGEE COUNCIL, [s.d.]).

3.3 Education

Armed conflicts across the Middle East have had devastating consequences for the education sector, particularly in Syria, Yemen, Palestine, and Iraq. Conflict parties have employed various strategies to undermine education, targeting children's learning in particular. These strategies include direct attacks on educational infrastructure, displacement, and the threat posed by extremist groups such as ISIS in Syria and Iraq. These groups have sought to obstruct curricula they deem inconsistent with their interpretation of Islamic law. In Syria, the protracted conflict and terrorism have reversed more than a decade of progress in children's education. Of the approximately 4.8 million school-age children within Syria, 2.2 million are not attending school. Additionally, beyond Syria's borders, over half a million refugee children remain out of school—a figure that continues to

increase (HUMAN RIGHTS WATCH, 2014). The impact of these disruptions on children's education in the Middle East is profound, with far-reaching consequences for affected generations and the long-term stability and development of the region. Addressing these challenges and ensuring access to quality education for all children is imperative for securing the region's future (UNICEF, 2013). Official enrollment rates among Syrian refugee children in the Middle East remain critically low, at just 34%, leaving an estimated 500,000 to 600,000 children without access to education. However, the actual number of out-of-school refugee children is likely much higher, as this figure accounts only for registered refugees. This underscores the urgent need for intensified efforts to ensure that both registered and unregistered refugee children in host countries have access to quality education. Education, as a fundamental right, is essential for safeguarding the well-being and future opportunities of these children, as well as for promoting stability across the region (UNICEF, 2013).

In Yemen, the ongoing conflict has profoundly undermined education, denying approximately 1.2 million children access to primary education due to several interrelated factors:

1. Destruction of schools: Many schools have been damaged or destroyed during the conflict, rendering them unfit for educational purposes.
2. Military use of schools: Some schools have been repurposed as military sites, rendering them inaccessible to students.
3. Looting of educational resources: The looting of schools has resulted in the loss of essential educational materials and resources.
4. Shortage of qualified teachers: The conflict has precipitated a shortage of qualified teachers, hindering the provision of quality education.
5. Decline in awareness of education's significance: There is diminished community awareness regarding the importance of education in conflict-affected areas.

These challenges collectively constitute a substantial barrier to the realization of children's right to education in Yemen. Addressing these issues is imperative to ensuring access to quality education and securing a better future for Yemeni children (UNESCO, 2012, p. 2010–11).

In Iraq, children have endured profound challenges to their right to education, particularly due to ISIS's actions within the education sector. Following its seizure of territories, notably Mosul, after 2014, ISIS imposed a radical transformation of the school curriculum, including:

1. Abolition of specific subjects: ISIS removed subjects such as history, geography, literature, art, and music from the curriculum.
2. Introduction of a new curriculum: Traditional academic subjects were replaced with a curriculum centered on Sharia, emphasizing Islamic jurisprudence and faith.
3. Focus on physical education: Physical education and fitness were given heightened prominence in the curriculum.
4. Militarized indoctrination: Alarming, children in the fourth and fifth grades of primary school were taught about "jihad" or holy war, an attempt to instill extremist ideologies at a young age.

These measures were part of ISIS's broader strategy to indoctrinate and manipulate children in the areas it controlled, reshaping the education system to reflect its extremist ideologies. Addressing these profound challenges is critical to restoring access to balanced, high-quality education for Iraqi children, free from the influence of extremist doctrine (IRAQI INSTITUTE FOR DEVELOPMENT, [s.d.], p. 2015–2016). The right of children to education is firmly established under various international instruments within the frameworks of IHL and IHRL. In the context of IHL, specific principles governing the conduct of hostilities are vital for protecting children and ensuring their access to education, including:

1. Distinction between civilians and combatants: This principle mandates the differentiation between civilians and combatants

during armed conflicts, underscoring the protection of children, as civilians, from the effects of hostilities.

2. Proportionality: This principle requires parties to a conflict to evaluate whether the anticipated harm to civilians from an attack is excessive in relation to the expected military advantage. It plays a critical role in safeguarding children and educational infrastructure from disproportionate harm.

Beyond these principles, several provisions in international instruments explicitly affirm the right to education for children during armed conflicts, including:

- Article 77(1) of Additional Protocol I to the Geneva Conventions of 1949, which addresses the protection of children's education during armed conflicts.
- Article 4(3)(a) of Additional Protocol II, which ensures the protection of education rights for children affected by non-international armed conflicts.
- Article 94(2) of the Fourth Geneva Convention of 1949, which recognizes the educational needs of children in conflict settings.

These legal frameworks are instrumental in upholding the right to education for children during armed conflicts, emphasizing the protection of educational infrastructure and opportunities essential for their well-being and development. Additionally, IHRL reinforces the right to education as a fundamental human right, extending comprehensive protections and underscoring the importance of ensuring access to quality education for children in all circumstances. Key international instruments within IHRL provide robust protection for the right to education:

- Article 26 of the UDHR establishes the right to education as a fundamental human right, emphasizing that education should aim at the holistic development of the human personality and the

promotion of respect for human rights and fundamental freedoms. This principle applies universally, irrespective of context.

- Article 13(2) of the ICESCR explicitly enshrines the right to education, mandating free and compulsory primary education for all. It also recognizes the right to higher education, emphasizing equal access for everyone.
- Article 28 of the CRC specifically affirms the child's right to education, highlighting the importance of free and compulsory primary education and access to secondary education. It further underscores the need for measures ensuring education is accessible to all children, particularly those in vulnerable circumstances.

These instruments reinforce the recognition of education as a fundamental right and a vital tool for promoting other human rights, fostering tolerance, and advancing social and economic development.

Together, the principles and provisions of IHL and IHRL establish a comprehensive legal framework to protect the right to education for children, even amidst armed conflicts and other challenging conditions (AKBARIAVAZ; TEHRANI, 2020, p. 91–93).

Violations of children's right to education manifest in multiple forms, each with profound and far-reaching consequences for their lives and future prospects:

1. Targeting and destroying schools: Deliberate attacks on schools during hostilities deprive children of immediate access to education while inflicting enduring physical and psychological harm. The destruction of educational infrastructure disrupts learning and often forces displacement, making it difficult for students to resume their education.
2. Military use of schools: Repurposing schools for military purposes, such as barracks or weapons storage, endangers students and teachers while rendering the institutions unfit for educational use. This practice leads to prolonged educational disruptions.

3. Threatening teachers: Intimidation or harm directed at teachers discourages qualified educators from fulfilling their roles, exacerbating shortages of qualified personnel and impeding access to quality education.
4. Coercion into child labor: Denied access to education, children are often coerced into labor, including hazardous and exploitative work. This violation jeopardizes their physical and mental well-being and deprives them of developmental opportunities.
5. Sexual violence and exploitation: Particularly affecting girls, sexual violence and exploitation have devastating physical and psychological impacts. These violations deprive children of a safe and nurturing environment, undermining their ability to learn and thrive.
6. Recruitment as child soldiers: The deprivation of education and exposure to violence make children vulnerable to recruitment as child soldiers. This grave violation not only endangers their lives but also perpetuates cycles of violence and conflict.

These violations represent significant obstacles to the realization of children's right to education and underscore the urgent need for robust measures to protect educational access, promote safe learning environments, and break cycles of harm and exploitation (BRITISH INSTITUTE OF INTERNATIONAL AND COMPARATIVE LAW, [s.d.]; UN PRESS, [s.d.]). The violations of children's right to education in armed conflict zones extend beyond immediate disruptions to their schooling, imposing profound and long-lasting effects on their physical and mental well-being. These violations undermine their ability to contribute positively to their communities and societies, with implications that resonate across generations. Protecting children's right to education is therefore not only a moral imperative but also a cornerstone for fostering peaceful and stable societies. The destruction or disruption of education has consequences that reach far beyond the denial of schooling. It can contribute to the emergence of a generation vulnerable to extremist ideologies, posing a

significant threat to societal stability. Several interconnected factors contribute to this phenomenon:

1. **Social isolation:** Denied access to schools, children may experience marginalization and alienation, which extremist groups are adept at exploiting. Education fosters a sense of belonging and connection to the broader community, serving as a protective factor against such manipulation.
2. **Economic vulnerability:** A lack of education limits economic opportunities, leaving children with restricted prospects for employment and an adequate standard of living. Such vulnerability makes them more susceptible to recruitment by extremist groups offering financial incentives.
3. **Ideological manipulation:** Without access to education that provides alternative perspectives and critical thinking skills, children become more vulnerable to extremist propaganda. Extremist groups exploit young, impressionable minds to indoctrinate them with their ideologies.
4. **Cycle of violence:** Children exposed to violence, displacement, and trauma without the mitigating influence of education may become desensitized to violence. This desensitization risks perpetuating a cycle of violence in conflict-affected regions.

These dynamics underscore the critical importance of safeguarding access to education in armed conflict zones. Beyond addressing immediate needs, education serves as a powerful tool for breaking cycles of violence, countering extremism, and laying the foundation for sustainable peace and development (United Nations Office on Drugs and Crime, 2017). Efforts to protect and promote access to education for children in conflict zones are vital for their well-being, as well as for the stability and security of the affected regions. Education serves as a potent tool for countering extremism and fostering resilient societies that reject violence and intolerance. The consequences of educational disruptions in conflict zones

can be far-reaching, often manifesting over both the medium and long term. An entire generation may be raised with a rigid belief system that divides individuals into either adherents of a particular faith or perceived enemies. This ideological polarization contributes significantly to the instability observed in many societies, particularly in regions such as the Middle East.

The root cause of this instability may not solely lie in the physical destruction or disruption of schools, but also in the perpetuation of extremist ideologies within educational systems. In this context, intellectual deprivation becomes as damaging as the physical denial of education. This deprivation denies children the opportunity to develop critical thinking skills, become active contributors to social cohesion, and, ultimately, help build a stable society. The long-term effects of such ideological manipulation compromise not only the prospects of the children affected but also the broader peace and stability of the global community (DESLANDES-MARTINEAU et al., 2022). In essence, the cultural reinforcement of extremism during the formative years of education can have profound and enduring effects on a society's social fabric, peace, and harmony. It is imperative to recognize that the impact of such ideologies transcends the immediate destruction of schools or the denial of educational opportunities. Rather, it shapes the future trajectory of nations and their place in the global community. This underscores the critical importance of safeguarding the right to education, not only as a fundamental human right but as a means to foster tolerance, cooperation, and a more secure, peaceful future for all.

4. Conclusion

In conclusion, this article has highlighted the critical role of IHL and IHRL in safeguarding the rights of children during armed conflicts. Despite the legal frameworks in place, however, grave violations against children continue to persist across regions of the Middle East, particularly in Iraq,

Yemen, and Syria. It is essential to recognize that violations against children represent some of the most egregious forms of human rights abuses, often surpassing the violations experienced by adults. The unique vulnerability of children in armed conflicts necessitates that these violations be examined through a distinct lens, emphasizing their severity, the threshold for accountability, jurisdiction, and the admissibility of cases before criminal tribunals, including the ICC. To ensure accountability for these grave violations, it is crucial to establish a specialized criminal tribunal focused on investigating and prosecuting the perpetrators of crimes against children in the Middle East. The United Nations, in collaboration with the League of Arab States and other regional stakeholders, could play a vital role in facilitating the creation of such a tribunal. Moreover, the principles of criminal and restorative justice call for a re-examination of criminal responsibility, particularly regarding the jurisdiction of criminal courts over individuals under the age of 18. Adequate protections must also be provided for child soldiers accused of serious violations of IHL. Finally, post-conflict rehabilitation for child victims, particularly those displaced or exploited as child soldiers, is critical. Failure to address their rehabilitation needs could have devastating and long-term consequences. Middle Eastern governments, along with international and regional organizations, must design comprehensive rehabilitation programs that prioritize psychological support and reintegration into society. Education must be central to these initiatives, focusing on eradicating all forms of violence against children and equipping them with the tools necessary to recover and lead fulfilling lives.

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