

**Yurii BUT, Iryna CHURIKOVA, Oleksandra PTASHNYK,
Ruslan BESPALENKOV, Ivo SVOBODA**

*The role of international humanitarian law in ensuring
children's rights in conflict zones*

Secção

Investigação Científica / Scientific Research*

* Os artigos presentes nesta secção foram sujeitos a processo de revisão segundo o método *blind peer review* / The articles in this section have undergone a blind peer review process.

The role of international humanitarian law in ensuring children's rights in conflict zones

O papel do direito internacional humanitário na garantia dos direitos das crianças em zonas de conflito

Yurii BUT¹

Iryna CHURIKOVA²

Oleksandra PTASHNYK³

Ruslan BESPALENKOV⁴

Ivo SVOBODA⁵

ABSTRACT: This article presents a comparative law and empirical analysis of the application of international humanitarian law (IHL) provisions in four key conflict zones — Ukraine, the Gaza Strip, Syria, and Afghanistan — from 2014 to 2024. The research methodology is based on a combination of content analysis, statistical data, and expert interviews. Based on this approach, numerous systemic violations of children's rights were identified. These include forced displacement, recruitment into armed groups, sexual violence, and extrajudicial executions. Despite a comprehensive international legal regulation, in particular the Geneva Conventions and the Convention on the Rights of the Child, the implementation of relevant norms in the context of armed conflicts is uneven and often insufficient. The results of the study indicate a significant gap between legal regulation and its actual implementation. This emphasizes the need for more effective accountability mechanisms and for deeper integration of IHL principles into national and regional legal systems. The article contributes to the development of modern legal science by offering a structured comparative assessment of law enforcement and formulating recommendations for improving legal and institutional mechanisms to improve the children's protection during armed conflicts.

KEYWORDS: children's rights; international humanitarian law; armed conflict; accountability; legal protection; Geneva Conventions; conflict zones

RESUMO: Este artigo apresenta uma análise jurídica comparada e empírica da aplicação das disposições do Direito Internacional Humanitário (DIH) em quatro zonas de conflito importantes — Ucrânia, Faixa de Gaza, Síria e Afeganistão — de 2014 a 2024. A metodologia da pesquisa baseia-se em uma combinação de análise de conteúdo, dados estatísticos e entrevistas com especialistas. Com base nessa abordagem, foram identificadas inúmeras violações sistêmicas dos direitos da criança, incluindo deslocamento forçado, recrutamento para grupos armados, violência sexual e execuções extrajudiciais. Apesar de uma

¹ Candidate of Law Sciences/ PhD, Associate Professor, Doctorant, Scientific Institute of Public law, Kyiv, Ukraine. E-mail: but1967@gmail.com

² Candidate of legal Sciences, Associate Professor, Professor, Department of Criminal Process, National Academy of Internal Affairs, Kyiv, Ukraine. E-mail: valentynatyurina@gmail.com

³ PhD in Sociology, Associate Professor, Department of Law and Public Administration, Higher Educational Institution "King Danylo University", Ivano-Frankivsk, Ukraine. E-mail: olexandra78@ukr.net

⁴ Doctor of Philosophy degree, Associate Professor, Department of European and International Law, Law Faculty, Oles Honchar Dnipro National University, Dnipro, Ukraine. E-mail: b.ruslan84@gmail.com

⁵ Associate Professor, Guarantor of Security Management Studies, AMBIS, a.s. Vyská škola, Prague, Czech Republic. E-mail: ivosvoboda.dr@seznam.cz

regulamentação jurídica internacional abrangente, em particular as Convenções de Genebra e a Convenção sobre os Direitos da Criança, a implementação de normas relevantes no contexto de conflitos armados é desigual e frequentemente insuficiente. Os resultados do estudo indicam uma lacuna significativa entre a regulamentação jurídica e sua implementação efetiva. Isso enfatiza a necessidade de mecanismos de responsabilização mais eficazes e de uma integração mais profunda dos princípios do DIH nos sistemas jurídicos nacionais e regionais. O artigo contribui para o desenvolvimento da ciência jurídica moderna ao oferecer uma avaliação comparativa estruturada da aplicação da lei e formular recomendações para melhorar os mecanismos legais e institucionais para melhorar a proteção das crianças durante conflitos armados.

PALAVRAS CHAVE: direitos das crianças; direito internacional humanitário; conflito armado; responsabilização; proteção legal; Convenções de Genebra; zonas de conflito.

1. Introduction

Protecting the rights of children in conflict zones is one of the most difficult challenges of the International Humanitarian Law (IHL). Children are subjected to serious violations, including recruitment into armed groups, sexual violence, abduction and denial of humanitarian aid. According to UNICEF, more than 400 million children live in conflict zones, and every year about 12,000 children are recruited into armed forces or groups⁶. Despite the existence of international agreements such as the UN Convention on the Rights of the Child and the Geneva Conventions, their effectiveness in preventing violations remains questionable.

The article delves into the application of IHL in the protection of children's rights in the four most conflict-affected regions: Ukraine, Gaza Strip, Syria and Afghanistan. The current study is relevant against the backdrop of ongoing hostilities in these regions. In Ukraine, more than 2000 children died since Russia's invasion in 2022, many of them were abducted or forcibly displaced⁷. In Gaza Strip alone, approximately 1200 children were killed during the 2021 conflict, a large number was displaced and deprived of basic necessities⁸. In Syria, the civil conflict has resulted in the tragic loss of over 25,000 innocent children's lives, leaving numerous displaced and devoid of adequate shelter and educational opportunities⁹. In Afghanistan, where decades of instability caused numerous violations of children's rights, decades of turmoil led to

⁶ UNICEF. UNICEF reporting on children in armed conflict [online]. 2022. Available from: <https://www.unicef.org/reporting-children-armed-conflict>

⁷ UNICEF. Ukraine humanitarian situation report No. 35, December 2023 [online]. 2023. Available from: <https://www.unicef.org/ukraine/en/reports/sitrep-35#:~:text=UNICEF%20reached%208.76%20million%20people,2023%2C%20including%202.96%20million%20children>

⁸ B'Tselem. Gaza: A child's life in times of conflict [online]. 2021. Available from: <https://www.btselem.org>

⁹ SAVE THE CHILDREN. The impact of the Syrian conflict on children [online]. 2022. Available from: <https://www.savethechildren.org>

numerous infringements on children's rights, with 2020 witnessing approximately 2500 children falling victim to fatal or debilitating violence¹⁰.

The aim of this article is to critically reflect on the practice of applying international humanitarian law in four selected regions. The study attempts to identify existing legal and institutional gaps, as well as to analyse opportunities for strengthening mechanisms for the protection of children's rights during armed conflicts. Unlike most studies that focus on individual conflicts or general legal doctrines, this study aims to fill a gap in the comparative law analysis of the application of IHL to children's rights.

By systematically analysing compliance with the law, empirical data and institutional barriers, the study provides sound policy recommendations and contributes to the improvement of international standards for children's protection in the context of armed conflict. The main objectives of the study:

1. Assess the scope and effectiveness of the application of IHL in ensuring the protection of children's rights in selected areas of armed conflict.
2. Examine key legal and institutional barriers that complicate the realization of children's rights, in particular in the context of their recruitment, exploitation, and limited access to basic social services.
3. Identify gaps in law enforcement and provide practical recommendations for improving international legal and humanitarian response mechanisms to violations of children's rights in armed conflicts.

2. Literature review

The protection of children during armed conflicts is a key aspect of IHL and the subject of considerable attention in modern legal scholarship. At the same time, the application of IHL provisions in different conflict zones demonstrates significant variability, which necessitates a comparative analysis. This section reviews leading academic and institutional approaches to the issue, revealing key findings and existing limitations in research. Ouyang¹¹ offers a humanitarian-oriented critique of the law of armed conflict, focusing on its reduced effectiveness in asymmetric wars. The author

¹⁰ UNAMA. Afghanistan Annual report on protection of civilians in armed conflict 2020 [online]. February 2021. Available from: https://unama.unmissions.org/sites/default/files/executive_summary_-_afghanistan_protection_of_civilians_annual_report_2020_english.pdf

¹¹ OUYANG, Wenting. Challenges and prospects for the law of armed conflict - a humanitarian perspective. *Law and Economy*, 2024, vol. 3, n. 7, pp. 53-59. ISSN 2788-7049. <https://doi.org/10.56397/LE.2024.07.06>

emphasizes that non-state actors often ignore IHL provisions, which complicates the legal regulation of armed actions, in particular in Syria and the Gaza Strip. At the same time, Ouyang's analysis is limited, as it does not cover mechanisms of legal responsibility in response to violations.

The study by Sheremet et al.¹² focuses on socio-cultural factors that influence the realization of children's rights in conflict. The authors argue that legal frameworks will only be effective if they are consistent with local values and cultural attitudes. However, the study lacks an analysis of international enforcement and law enforcement mechanisms, which is essential for a comprehensive study of this issue. Bilotsky and Krainii¹³ analyse the effectiveness of the Optional Protocol to the Convention on the Rights of the Child on the children's involvement in armed conflict. The authors conclude that law enforcement remains weak, especially in countries such as Ukraine and Afghanistan. Despite using regression analysis to support the findings, the study does not include a comparative assessment of effectiveness in other regions.

Bolborici¹⁴ conducts a doctrinal analysis of the legal status of children under the Geneva Conventions and their Additional Protocols. The author argues that the regulatory framework is quite comprehensive, but its implementation is often fragmentary. Mangku and Yulartini¹⁵ expressed a similar position, who point to regional differences in the application of IHL as a source of systemic gaps in the children's protection. At the same time, both studies do not analyse the role of international institutions, such as UNICEF or the International Committee of the Red Cross, in the operational provision of protection. Bhutta et al.¹⁶ emphasize the need to reform humanitarian assistance, taking into account the current challenges faced by children in current conflicts. Although the study has an empirical background, it does

¹² SHEREMET, Oleg S. et al. (2021). Sociocultural dominants of developing students' value intentions: context of civilization challenges. *Amazonia Investiga*, 2021, vol. 10, n. 45, pp. 31-41. ISSN 2322-6307. <https://doi.org/10.34069/AI/2021.45.09.3>

¹³ BILOTSKY, Sergiy and KRAINII, Ivan. International legal regulation of preventing the involvement of children in armed conflict. *Actual Problems of International Relations*, 2024, vol. 1, n. 159, pp. 80-85. ISSN 2308-6912. <https://doi.org/10.17721/apmv.2024.159.1.80-85>

¹⁴ BOLBORICI, Ana Maria. Children's rights and conflict according to the international humanitarian law. *Bulletin of the Transilvania University of Braşov Series VII: Social Sciences. Law*, 2023, vol. 16, n. 65, pp. 15-20. ISSN 2066-7701. <https://doi.org/10.31926/but.ssl.2023.16.65.3.2>

¹⁵ MANGKU, Dewa Gede Sudika and YULIARTINI, Ni Putu Rai. Legal protection of children in armed conflict in the view of international humanitarian law. *Indonesian Journal of Criminal Law Studies*, 2021, vol. 6, n. 1, pp. 1-10. ISSN 2548-1568. <https://doi.org/10.15294/ijcls.v6i1.27836>

¹⁶ BHUTTA, Zulfiqar A. et al. When is enough, enough? Humanitarian rights and protection for children in conflict settings must be revisited. *BMJ*, 2024, vol. 386, art. e081515. <https://doi.org/10.1136/bmj-2024-081515>

not contain a detailed legal analysis of the provisions of IHL or relevant case law.

Similarly, Mavole¹⁷'s study on access to health services in conflict zones does not address the legal safeguards for children under international humanitarian law. Oberg et al.¹⁸ raise the issue of improving child protection policies, particularly for children with disabilities. Their arguments are supported by Cherymovych¹⁹, who identifies structural weaknesses in IHL mechanisms that prevent children with special needs from being adequately protected. Both studies emphasize the need for more inclusive norms within international law, an aspect that is also addressed in this study. Maarouf²⁰ analyses the tensions between international and national legal standards that emerge in situations of internal armed conflict. His findings point to a lack of harmonisation between legal systems, with particular emphasis on the examples of Afghanistan and Syria. This approach is relevant for the purposes of the study, which also draws attention to legal fragmentation and institutional constraints.

The literature review identifies a number of recurring problems: inconsistent application of IHL norms, weak enforcement mechanisms, and lack of coordination between international and national legal systems. At the same time, there is a significant gap in cross-regional comparative research on the effectiveness of IHL in the field of child protection. This study aims to fill this gap by systematically assessing the implementation, identified violations, and corresponding institutional measures in four key zones of armed conflict.

3. Methods

3.1 Research procedure

This study uses a structured and replicable methodology to assess the

¹⁷ MAVOLE, Johnson. Protection and maintenance of healthcare services for civilians' well-being in conflict-affected areas: Comparative analysis of the African situation. *European Journal of Health Sciences*, 2023, vol. 9, n 2, pp. 1-17. ISSN 2520-4645. <https://doi.org/10.47672/ejhs.1507>

¹⁸ OBERG, Charles, GOLDHAGEN, Jeffrey and SPENCER, Nicholas. Renewing our commitment to protect children experiencing armed conflict. *Journal of Paediatrics and Child Health*, 2023, vol. 59, n 3, pp. 427-430. ISSN 1034-4810. <https://doi.org/10.1111/jpc.16367>

¹⁹ ČERIMOVIĆ, Emina. At risk and overlooked: Children with disabilities and armed conflict. *International Review of the Red Cross*, November 2022, vol. 105, n 922, pp. 192-216. <https://doi.org/10.1017/s181638312200087x>

Children and Armed Conflict. Annual report of the secretary-general: Children Affected by Grave Violations. Trends and developments 2022 [online]. 2023. Available from: https://childrenandarmedconflict.un.org/wp-content/uploads/2023/06/23-00045_CAAC_AnnualReport_Summary_2022-FINAL.pdf

²⁰ MAAROUF, Akram Ghalib Ali. International protection of Children during interrelated armed Conflict. *RIMAK International Journal of Humanities and Social Sciences*, 2022, vol. 4, n 6, pp. 186-198. ISSN: 2717-8293. <https://doi.org/10.47832/2717-8293.20.11>

effectiveness of IHL in protecting children's rights during armed conflicts. The method involves a multi-stage approach that includes the identification of relevant data, case selection, analytical processing and synthesis of the obtained information. The procedure is detailed in the study flow chart (Figure 1) and is designed to ensure transparency, replicability and reliability of the results across different contexts of armed conflict.

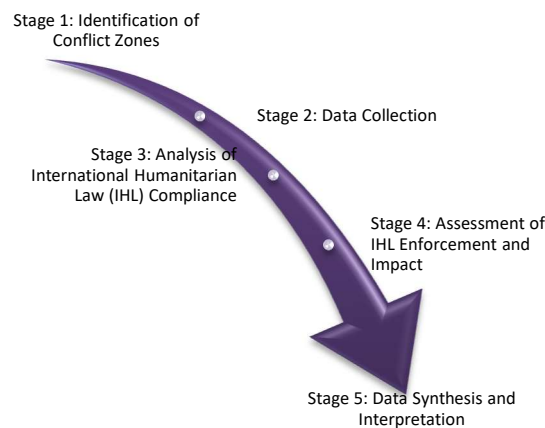


Figure 1 – Research Procedure

Source: developed by the author based on MiniTAB²¹

3.2 Sample formation

In view of serious violations of children's rights, documented consequences of hostilities, and compliance with IHL, the current study covers four main zones of armed conflict, namely Ukraine, the Gaza Strip, Syria, and Afghanistan (Table 1).

Table 1 – Analysis of Children's Rights Violations in Armed Conflict and Their Compliance With International Humanitarian Law (IHL)

Conflict zone	The nature of the conflict	Violation of children's rights	Sources of documentation	Compliance with International Humanitarian Law (IHL)
Ukraine (2022–present)	The armed conflict between Russia and Ukraine, which led to destruction, displacement and human rights violations.	– Forced displacement as a result of bombing. – Illegal removal of children. – Attacks on schools and hospitals. – Recruitment of children	- Reports of the UN, Human Rights Watch, Amnesty International. - Record keeping by the Ukrainian government. - ICC arrest warrants for war	- Violation of the Geneva Conventions and additional protocols. - Difficulties in ensuring accountability for war crimes against children.

²¹ MiniTAB. Home page [online]. 2025. Available from: <https://www.minitab.com/en-us/>

		paramilitary formations.	crimes related to the deportation of children.	
Gaza Strip (ongoing Israeli-Palestinian conflict, intensifying from 2023 to present)	Escalation of hostilities in Gaza with heavy civilian casualties.	- Children were killed by airstrikes and bomb shelling. - humanitarian crisis caused by the blockade. - Psychological trauma. - The use of minors in hostilities.	- UN Human Rights Council, UNICEF, B'Tselem, Al-Haq. - ICRC data on attacks on civilian infrastructure.	- Violation of proportionality, distinction and protection of citizens. - Assessment of international enforcement mechanisms.
Syria (2011–present, civil war and foreign intervention)	A civil conflict entailing government forces, opposing factions, extremist groups, and external interventions.	- Massacres, explosions and attacks using chemical weapons. - Recruitment of child soldiers. - Sexual violence against minors. - Targeting schools and hospitals.	- UN Commission of Inquiry on Syria, ICC reports, SJAC. - Satellite imagery and independent investigations into war crimes.	- Problems in ensuring adherence to International Humanitarian Law (IHL) in conflicts involving non-state actors. - Difficulties in prosecuting violations due to Syria's non-participation in the International Criminal Court.
Afghanistan (Taliban rule, post-2021 crisis, and insurgency)	The Taliban's return to power after the US withdrawal led to rights violations, including against women and children.	- Restrictions on girls' education. - recruitment of minors into armed groups. - Exploitation of child labour. - Attacks on girls' schools.	- UNAMA, Human Rights Watch, civil society organizations of Afghanistan. - Testimonies of witnesses regarding the displaced population.	- The rule of the Taliban makes it difficult to comply with international laws. - The role of international sanctions and diplomatic interventions regarding children protection.

Source: developed by the author based on data from the Children and Armed Conflict²², UNICEF²³, United Nations²⁴, Syria Justice and Accountability Centre²⁵, B'Tselem²⁶

The study focuses on four key conflict zones: Ukraine, Gaza, Syria and

²² Children and Armed Conflict. Annual report of the secretary-general: Children Affected by Grave Violations. Trends and developments 2022 [online]. 2023. Available from: https://childrenandarmedconflict.un.org/wp-content/uploads/2023/06/23-00045_CAAC_AnnualReport_Summary_2022-FINAL.pdf

²³ UNICEF. *Six grave violations against children in times of war* [online]. 30 May 2024. Available from: <https://www.unicef.org/children-under-attack/six-grave-violations-against-children>

²⁴ UNITED NATIONS. United Nations assistance mission in Afghanistan [online]. 2025. Available from: <https://www.un-spider.org/united-nations-assistance-mission-afghanistan-unama#:~:text=The%20United%20Nations%20Assistance%20Mission,and%20development%20in%20the%20country>

²⁵ SYRIA JUSTICE AND ACCOUNTABILITY CENTRE. Home page [online]. 2025. Available from: <https://syriaaccountability.org>

²⁶ B'TSELEM. Gaza: A child's life in times of conflict [online]. 2021. Available from: <https://www.btselem.org>

Afghanistan. The regions were selected based on the following criteria:

- high intensity and frequency of documented violations of children's rights;
- compliance with the principles of international humanitarian law, including the principles of distinction, proportionality and protection of civilians;
- availability of reliable and verified information from international and state sources;
- representation of different types of armed conflict, including both international and non-international, and the involvement of both state and non-state actors.

The analysis covers the period from 2014 to 2024, including both active hostilities and post-conflict phases. The study used a dataset of 800 documented cases of child rights violations, 200 cases per conflict zone. To ensure legal credibility, the sample included only those episodes that were confirmed by at least three independent sources, such as UN reports, court documents, and verified media publications.

3.3. Research methods

The research methodology combines quantitative and qualitative approaches, supplemented by legal and analytical tools.

1. Quantitative analysis. The frequency distribution of individual types of violations was calculated, in particular child recruitment and unlawful killings. The chi-square test was used to determine the statistical significance of regional variations. This stage confirmed the validity of the comparative legal assessment.

2. Comparative case analysis. Compliance with IHL was assessed by analysing specific cases of violations of the provisions of the Geneva Conventions, Additional Protocols, as well as the provisions of customary international law. The study used judicial precedents, materials of investigations by the International Criminal Court, and official interstate requests as the main sources for assessing the effectiveness of law enforcement mechanisms.

3. Content analysis. International legal instruments, national legislation and reports of international and national institutions were systematically coded and analysed. This allowed for the identification of consistent patterns of law enforcement, as well as regulatory gaps that hinder the effective implementation of the principles of international humanitarian law.

4. Expert survey. A structured survey was conducted among legal and humanitarian specialists working in areas of armed conflict. The questionnaire covered

issues of compliance with humanitarian law, legal responsibility and suggestions for improving mechanisms for its implementation. Although this stage was auxiliary, it significantly increased the empirical validity of the findings.

5. Triangulation. The triangulation method was used to verify the reliability of the data. Each case was confirmed using multiple independent sources of evidence: legal documents, eyewitness accounts, and forensic medical reports. This approach provides increased reliability of the results and minimizes the risk of analytical bias in the context of researching conflict-sensitive environments.

4. Results

4.1 Frequency of violations in each region

Table 2 contains statistics on violations of children's rights in four conflict zones, classified by type. Cases of forced displacement, unlawful murder, sexual violence and recruitment of children into armed groups are presented.

Table 2 – Frequency of Children's Rights Violations by Conflict Zone

Conflict zone	Forced displacement	Recruitment of child soldiers	Attacks on schools and hospitals	Sexual violence	Psychological trauma	Unlawful murder	Total violations
Ukraine	115	45	25	30	65	50	330
Gaza Strip	105	50	40	20	75	45	335
Syria	120	60	50	35	90	55	410
Afghanistan	100	40	30	15	80	45	310

Source: developed by the author based on data: UNICEF²⁷, Save the Children²⁸, United Nations²⁹

Syria has committed the most serious violations of international humanitarian law, including children's recruitment and the infliction of psychological harm. Such actions constitute serious violations of Article 77 of Additional Protocol I to the Geneva Conventions.

Cases in Ukraine and the Gaza Strip demonstrate a relatively high level of unlawful killings and forcible displacement of civilians. This constitutes a violation of

²⁷ UNICEF. *Six grave violations against children in times of war* [online]. 30 May 2024. Available from: <https://www.unicef.org/children-under-attack/six-grave-violations-against-children>

²⁸ SAVE THE CHILDREN. *Worst places to be a child* [online]. 2025. Available from: <https://www.savethechildren.org/us/charity-stories/worst-conflict-affected-countries-to-be-a-child>

²⁹ UNITED NATIONS. *Facing record-high violations in 2023, security council explores ways to bolster norms to protect children in armed conflict* [online]. 26 June 2024. Available from: <https://press.un.org/en/2024/sc15745.doc.htm>

fundamental principles of international humanitarian law, including the principle of distinction between combatants and civilians.

In Afghanistan, widespread psychological trauma among children has been documented, as well as systematic violations of their right to education, which are contrary to articles 24 and 38 of the Convention on the Rights of the Child.

4.2 Statistical analysis

A chi-square (χ^2) test was conducted to assess whether the differences in types of violations between regions are statistically significant (Table 3).

Table 3 – chi-square (χ^2) test for types of violations

Type of violation	χ^2	p-value	Interpretation
Forced displacement	3.45	0.03	Statistically significant difference
Child recruitment	5.21	0.01	Statistically significant difference
Attacks on schools/hospitals	1.67	0.19	No significant difference
Sexual violence	3.83	0.05	Boundary significance
Psychological trauma	4.29	0.04	Statistically significant difference
Unlawful killing	2.10	0.14	No significant difference

Source: developed by the author based on the data from Save the Children³⁰, United Nations³¹

The results indicate that certain IHL violations (in particular, forced displacement, recruitment and infliction of bodily harm) have pronounced regional specifics. This indicates differences in the mechanisms of law enforcement and in the course of armed conflict in different regions. At the same time, attacks on objects subject to protection, as well as unlawful killings, remain consistently widespread. This indicates systemic flaws in ensuring the protection of non-combatants, including children, in accordance with the IHL provisions.

4.3 Compliance with IHL

Data regarding compliance with International Humanitarian Law (IHL) are depicted in Figure 2, showcasing the correlation between documented violations and adherence to IHL within each conflict region. Despite numerous breaches, the data

³⁰ SAVE THE CHILDREN. Worst places to be a child [online]. 2025. Available from: <https://www.savethechildren.org/us/charity-stories/worst-conflict-affected-countries-to-be-a-child>

³¹ UNITED NATIONS. Facing record-high violations in 2023, security council explores ways to bolster norms to protect children in armed conflict [online]. 26 June 2024. Available from: <https://press.un.org/en/2024/sc15745.doc.htm>

also reveals gaps in law enforcement and their impact on safeguarding children's rights.

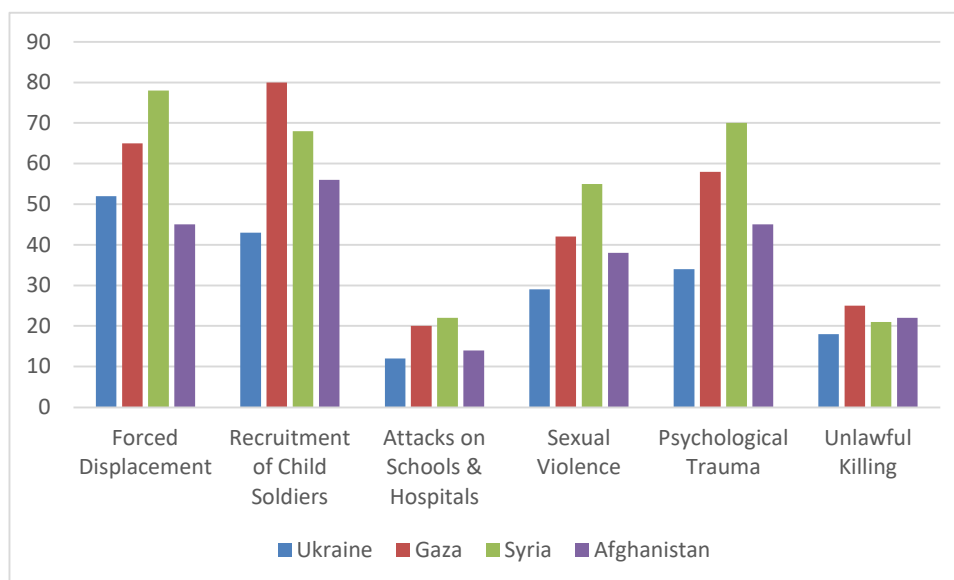


Figure 2 – Compliance with IHL and Violations of Children's Rights by Region
Source: developed by the author based on data: United Nations³², UNICEF³³, ICRC³⁴

The Gaza Strip and Syria are characterized by low levels of compliance with IHL and a significant number of violations. This indicates systematic violations of the principles of delimitation and proportionality, as provided for in Articles 51 and 57 of Additional Protocol I.

At the same time, Ukraine demonstrates a moderate level of compliance with IHL. However, the number of recorded violations remains significant, indicating existing limitations in enforcement and investigation mechanisms, despite the active involvement of the ICC.

As for Afghanistan, there is partial compliance with international standards. At the same time, persistent violations emphasize the difficulty of ensuring compliance in case of control by non-state actors such as the Taliban.

³² UNITED NATIONS. Facing record-high violations in 2023, security council explores ways to bolster norms to protect children in armed conflict [online]. 26 June 2024. Available from: <https://press.un.org/en/2024/sc15745.doc.htm>

³³ UNICEF. Six grave violations against children in times of war [online]. 30 May 2024. Available from: <https://www.unicef.org/children-under-attack/six-grave-violations-against-children>

³⁴ ICRC. International Humanitarian Law and the Challenges of Contemporary Armed Conflicts [online]. 2024. Available from: https://www.icrc.org/sites/default/files/media_file/2024-10/4810_002_CH%203.pdf

4.4 Data on gaps in law enforcement

Table 2 provides a comparative analysis regarding the major challenges of applying IHL in four conflict zones: Ukraine, Gaza Strip, Syria, and Afghanistan. Systemic deficiencies within the legal framework, political barriers, and constraints of international accountability that contribute to infringements on children's rights were identified. In addition, gaps in law enforcement and their impact on the protection of children's rights are considered separately.

Table 2 – Gaps in IHL implementation by region

Region	Legal Gaps Identified	Impact on Child's Rights
Ukraine	Partial ICC jurisdiction; Security Council deadlock	Hinders prosecution of deportations and unlawful transfers
Gaza Strip	Blockade; lack of tribunal access; political impunity	Restricts humanitarian aid; escalates trauma and detentions
Syria	Non-party to ICC; non-state actors; fragmented judicial authority	Fosters impunity for recruitment, sexual violence, school attacks
Afghanistan	Taliban non-recognition; IHL non-observance; no enforcement channels	Enables child labour, education bans, and recruitment

Source: developed by the author based on data from the ICRC³⁵, Hathaway³⁶, United Nations³⁷, Brauman³⁸

1. Ukraine

Faces challenges in upholding International Humanitarian Law due to inadequacies in enforcement, exacerbated by the ongoing conflict with Russia. This legal instability complicates adherence to IHL norms. Political factors hinder the effective investigation of war crimes, as the parties to the conflict blame each other. Although Ukraine recognizes the jurisdiction of the International Criminal Court (ICC), it is not a party, which limits the legal prosecution of perpetrators. International responsibility is limited by Russia's status as a permanent member of the UN Security Council, and the lack of access by independent international organizations complicates

³⁵ ICRC. *International Humanitarian Law and the Challenges of Contemporary Armed Conflicts* [online]. 2024. Available from: https://www.icrc.org/sites/default/files/media_file/2024-10/4810_002_CH%203.pdf

³⁶ HATHAWAY, Oona A. War unbound: Gaza, Ukraine, and the breakdown of international law. *Foreign Affairs* [online]. 23 April 2024. Available from: <https://www.foreignaffairs.com/ukraine/war-unbound-gaza-hathaway>

³⁷ UNITED NATIONS. Facing record-high violations in 2023, security council explores ways to bolster norms to protect children in armed conflict [online]. 26 June 2024. Available from: <https://press.un.org/en/2024/sc15745.doc.htm>

³⁸ BRAUMAN, R. Ukraine, Gaza: Double standards. *Alternatives Humanitaires* [online]. 2024. Available from: <https://www.alternatives-humanitaires.org/en/2024/11/26/ukraine-gaza-double-standards/>

investigations.

Impact on child protection: Mass displacement of people increases risks for children, including human trafficking and recruitment into armed groups. The prosecution of war crimes against children is made more difficult by political and legal obstacles.

2. Gaza Strip (Palestinian Territories)

Deficiencies in the enforcement of International Humanitarian Law (IHL) pose challenges in the context of the Israeli-Palestinian conflict. The governance of the Gaza Strip by Hamas introduces complexities in conducting investigations, while the blockade hinders the accessibility of international organizations. The presence of political instability and the exercise of vetoes within the UN Security Council obstruct the adherence to IHL.

Impact on child protection: Children experience psychological trauma due to military operations. Educational institutions are often targeted or used as shelters. The detention of children without due process and the high mortality rate due to the bombing of residential areas remain serious problems.

3. Syria

Challenges in the enforcement of International Humanitarian Law (IHL): Syria is not a signatory to the Rome Statute of the International Criminal Court (ICC), thereby constraining the capacity to prosecute breaches of IHL. A multitude of armed factions, including terrorist entities, are engaged in the conflict, further complicating the avenues of accountability. The prevailing political inconsistencies within the United Nations hinder the transfer of cases to the ICC.

Impact on child protection: The widespread enlistment of children into armed groups, instances of sexual violence, and assaults on educational institutions flagrantly infringe upon the rights of minors. The forced displacement of children significantly heightens their vulnerability to exploitation and radicalization.

4. Afghanistan

Gaps in the enforcement of International Humanitarian Law: The resurgence of the Taliban regime has resulted in a de facto rejection of adherence to international legal standards. The limited global acknowledgment of the Taliban administration complicates the exertion of diplomatic pressure on human rights violations. The International Criminal Court's (ICC) lack of jurisdiction over the Taliban and other insurgent groups obstructs the prosecution of those accountable. Impact on child

protection: In Afghanistan, constraints on female education, coerced child labour, and premature marriage within displaced communities persist.

These findings confirm that existing gaps in legal and policy enforcement significantly weaken the protective potential of IHL. This is particularly true in cases of conflicts involving non-state actors or states that have not ratified key international treaties. While IHL provides a regulatory framework for regulating such conflicts, its effectiveness is limited by jurisdictional boundaries and the influence of geopolitical factors. This applies in particular to the complexities of the processes of appeal to the International Criminal Court (ICC) and the United Nations Security Council.

5. Discussion

This study examines the effectiveness of IHL in protecting children's rights during armed conflict, focusing on such regions as Ukraine, the Gaza Strip, Syria, and Afghanistan. The empirical findings support the hypothesis that, despite the existence of an established international legal framework, mechanisms for ensuring compliance with IHL remain fragmented and often ineffective in situations of active hostilities.

One of the key findings is the apparent discrepancy between the normative obligations of international law and their practical implementation. This is consistent with the criticism expressed by Ouyang³⁹, who emphasizes the reduced effectiveness of IHL in asymmetric conflicts, especially when non-state actors such as Hamas or the Taliban are involved and ignore legal norms. Our analysis complements these observations by demonstrating the link between legal vacuums and increased levels of child recruitment and forced displacement in conflict-affected regions. Sheremet et al.⁴⁰ emphasize the importance of socio-cultural resilience in protecting children during armed conflict. While this factor is essential, our study suggests that it is insufficient without adequate legal mechanisms. Even in communities with well-developed protection agencies, such as in parts of Gaza and Afghanistan, the lack of effective legal instruments significantly reduces the effectiveness of child protection.

³⁹ OUYANG, Wenting. Challenges and prospects for the law of armed conflict - a humanitarian perspective. *Law and Economy*, 2024, vol. 3, n. 7, pp. 53-59. ISSN 2788-7049. <https://doi.org/10.56397/LE.2024.07.06>

⁴⁰ SHEREMET, Oleg S. et al. Sociocultural dominants of developing students' value intentions: context of civilization challenges. *Amazonia Investiga*, 2021, vol. 10, n. 45, pp. 31-41. ISSN 2322-6307. <https://doi.org/10.34069/AI/2021.45.09.3>

Bilotsky and Krainii⁴¹ found significant gaps in the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Our findings confirm particularly profound difficulties in implementing this instrument in Syria and Afghanistan, where the legal environment makes it difficult to implement obligations. We complement existing research by revealing the lack of effective judicial protection and external monitoring, which leads to systematic violations of articles 38 and 39 of the Convention. The quantitative data obtained in our study are consistent with the findings of Jawad et al.⁴², who demonstrated the long-term consequences of armed conflict on children's health. At the same time, we emphasize the legal dimension of this impact: attacks on medical and educational infrastructure prohibited by Article 8(2)(b)(ix) of the Rome Statute constitute not only a humanitarian violation, but also a war crime subject to international prosecution.

However, such cases rarely come to court because of political discrepancies within the UN Security Council and the limited jurisdiction of the International Criminal Court (ICC). Bhutta et al.⁴³ call for a more child-centred approach to the application of IHL. Our data support this approach and emphasize the need for institutional reforms focused on the child's rights. This should include effective mechanisms for compensation, as well as strategies for the long-term reintegration of affected children. Similarly, Mangku and Yuliartini⁴⁴ note regional disparities in the implementation of IHL, which we empirically detail in the four studied conflict zones. The issue of protecting children with disabilities in wartime, as outlined in the Ćerimović⁴⁵ study, remains poorly studied. We acknowledge this gap and propose the introduction of new regulatory provisions that would provide for special protection for vulnerable groups in future international instruments or regional protocols.

⁴¹ BILOTSKY, Sergiy and KRAINII, Ivan. International legal regulation of preventing the involvement of children in armed conflict. *Actual Problems of International Relations*, 2024, vol. 1, n 159, pp. 80-85. ISSN 2308-6912. <https://doi.org/10.17721/apmv.2024.159.1.80-85>

⁴² JAWAD, Mohammed et al. Implications of armed conflict for maternal and child health: A regression analysis of data from 181 countries for 2000–2019. *PLoS Medicine*, 2021, vol. 18, n 9, art. e1003810. <https://doi.org/10.1371/journal.pmed.1003810>

⁴³ BHUTTA, Zulfiqar A. et al. When is enough, enough? Humanitarian rights and protection for children in conflict settings must be revisited. *BMJ*, 2024, vol. 386, art. e081515. <https://doi.org/10.1136/bmj-2024-081515>

⁴⁴ MANGKU, Dewa Gede Sudika and YULIARTINI, Ni Putu Rai. Legal protection of children in armed conflict in the view of international humanitarian law. *Indonesian Journal of Criminal Law Studies*, 2021, vol. 6, n 1, pp. 1-10. ISSN 2548-1568. <https://doi.org/10.15294/ijcls.v6i1.27836>

⁴⁵ ĆERIMOVIĆ, Emina. At risk and overlooked: Children with disabilities and armed conflict. *International Review of the Red Cross*, November 2022, vol. 105, n 922, pp. 192-216. <https://doi.org/10.1017/s181638312200087x>

The Mavole⁴⁶'s research on health infrastructure is consistent with our findings on violations of IHL against civilian objects. Attacks on schools and hospitals have been documented in Ukraine and Syria, which not only violate international humanitarian law but also deprive children of their guaranteed rights to health and education, as enshrined in the Convention on the Rights of the Child and customary international law. Maarouf⁴⁷ draws attention to the tensions between international and domestic legal systems. Our research confirms that such contradictions are particularly acute in Afghanistan and Syria, where state actors either reject or selectively implement international legal obligations. This emphasizes the need to develop hybrid enforcement mechanisms that effectively combine international standards with national regulations.

From a legal perspective, the analysis shows that States' obligations under the Geneva Conventions, Additional Protocols I and II, and the Convention on the Rights of the Child are regularly violated with impunity. Despite improvements in documentation processes through satellite imagery, ICC warrants, and field reports, a lack of political will and limited judicial influence continue to hinder effective enforcement. Syria's non-participation in the Rome Statute and Russia's veto power in the UN Security Council over Ukraine illustrate the limitations of existing international enforcement mechanisms.

In summary, it is worth noting that IHL remains a conceptually powerful tool, but its effectiveness is often undermined in practice. The implementation of IHL provisions largely depends on the political environment, the recognition of actors and the support of international organizations. Legal innovations are needed to overcome existing gaps. In particular, this concerns the establishment of regional accountability courts, the expansion of the mandates of UN missions in the field of child protection, and the development of evidence-gathering tools, including through open-source investigations.

⁴⁶ MAVOLE, Johnson. Protection and maintenance of healthcare services for civilians' well-being in conflict-affected areas: Comparative analysis of the African situation. *European Journal of Health Sciences*, 2023, vol. 9, n. 2, pp. 1-17. ISSN 2520-4645. <https://doi.org/10.47672/ejhs.1507>

⁴⁷ MAAROUF, Akram Ghalib Ali. International protection of Children during interrelated armed Conflict. *RIMAK International Journal of Humanities and Social Sciences*, 2022, vol. 4, n. 6, pp. 186-198. ISSN: 2717-8293. <https://doi.org/10.47832/2717-8293.20.11>

5.1 Limitations

The overriding limitation of the study is its reliance on available reports and data, which may contain political biases or be incomplete, especially in conflict zones, particularly in Syria and the Gaza Strip. The focus on thematic cases limits the assessment of the global impact of international humanitarian law on children's rights in armed conflict. An additional challenge is the difficulty of measuring the effectiveness of this right due to the lack of coordinated mechanisms for its implementation, in particular in Ukraine and Afghanistan.

5.2 Recommendations

The identified gaps and conclusions give grounds for proposing the following legal and policy recommendations:

1. Improving international law enforcement. The jurisdiction and operational capacity of the ICC should be expanded, and the establishment of specialized tribunals to investigate crimes against children in armed conflict should be supported. It is also recommended to consider the possibility of applying universal jurisdiction in cases where national or international justice mechanisms are ineffective or blocked.

2. Developing regional accountability mechanisms. The institutional capacity of regional human rights courts (including the African Court on Human and Peoples' Rights, the European Court of Human Rights) should be strengthened to respond more effectively to violations of IHL against children, especially in circumstances where international mechanisms are hampered.

3. Codifying provisions on the protection of children in peace processes. It is necessary to ensure that provisions on the protection of children's rights are mandatory in all documents related to ceasefires, peace negotiations, as well as in the mandates of missions implemented under the auspices of the UN. Such provisions should be legally binding and subject to independent monitoring by authorized legal observers.

4. Supporting open platforms for evidence collection. It is appropriate to invest in the development of satellite monitoring technologies, mobile forensics and proven crowdsourcing platforms for collecting admissible evidence of IHL violations. It is also important to promote partnerships between international judicial institutions and technology companies to improve the effectiveness of legal investigations.

5. Harmonize national legislation with international standards. States should be encouraged to adopt and implement national legislation that reflects international

standards for the protection of children, as enshrined in the Geneva Conventions, the Convention on the Rights of the Child and the relevant protocols.

6. Empower civil society and local actors. It is worth supporting capacity-building programmes for local NGOs, teachers, lawyers and other specialists in areas of armed conflict. This will facilitate the effective documentation, reporting and protection of violations in accordance with international law.

7. Stimulating research on the protection of vulnerable groups. Research on the legal protection of children in the most vulnerable situations needs to be deepened. In particular, this applies to children with disabilities, girls in occupied territories, as well as internally displaced minors. The current practice of international humanitarian law in these contexts remains underdeveloped.

6. Conclusion

The protection of children's rights in armed conflicts remains a key but poorly implemented area of IHL. The study, which covers the period from 2014 to 2024 and focuses on the analysis of situations in Ukraine, the Gaza Strip, Syria and Afghanistan, shows that a developed legal framework – including the Geneva Conventions, their Additional Protocols and the Convention on the Rights of the Child – does not guarantee its effective implementation in practice. The implementation of these legal provisions remains inconsistent and sometimes ineffective.

All the studied conflicts have recorded systemic violations, including the recruitment of children into armed groups, attacks on protected objects, forced displacement, and restrictions on access to education and health care. These violations often go unpunished. They are directly exacerbated by political barriers, the involvement of non-state armed actors, and the limited jurisdiction of international judicial institutions, including the ICC. The study also found that the legal protection of children is most vulnerable in contexts where institutional control is weakened and state or military authorities do not demonstrate the willingness or ability to comply with IHL.

The academic novelty of the study is the application of a comparative law approach, which allows for a systematic analysis of both regulatory standards and gaps in the mechanisms for their implementation in different conflict zones. Unlike fragmentary case studies or general overviews, this study offers a structured understanding of the operational shortcomings of IHL and creates an evidence base

to inform reforms of law enforcement practice and policy.

The following key legal priorities are identified to enhance the effectiveness of child protection under IHL:

1. Improving accountability mechanisms through expanding the jurisdiction of international or hybrid tribunals for crimes against children;
2. Enhancing the operational capacity of international organizations (e.g. UNICEF, International Committee of the Red Cross) to monitor and legally relevantly report on violations;
3. Promoting legal harmonization between international standards and national legal systems to reduce gaps in enforcement;
4. Integrating child protection provisions into peace and ceasefire agreements;
5. Developing digital and forensic evidence capture methods using satellite technology and verified open-source data to ensure their admissibility in international legal platforms.

The research findings have practical value for representatives of state policy, legal science, international humanitarian organizations and institutions involved in peace settlement processes. They emphasize the critical need to move from declarative protection of rights to ensuring their implementation through the effective implementation of legal obligations established by IHL.

Further studies should include an analysis of regional legal instruments, such as the African Charter on the Rights and Welfare of the Child, research on the legal status of children associated with non-state armed groups, as well as an assessment of the potential of new technologies in ensuring compliance with humanitarian law. Such areas of research are necessary to guarantee not only the proclamation, but also the actual implementation of the legal protection of children during armed conflicts.

REFERENCES

- B'TSELEM. Gaza: A child's life in times of conflict [online]. 2021. Available from: <https://www.btselem.org>
- BHUTTA, Zulfiqar A. et al. When is enough, enough? Humanitarian rights and protection for children in conflict settings must be revisited. *BMJ*, 2024, vol. 386, art. e081515. <https://doi.org/10.1136/bmj-2024-081515>
- BILOTSKY, Sergiy and KRAINII, Ivan. International legal regulation of preventing the involvement of children in armed conflict. *Actual Problems of International Relations*, 2024, vol. 1, n 159, pp. 80-85. ISSN 2308-6912. <https://doi.org/10.17721/apmv.2024.159.1.80-85>
- BOLBORICI, Ana Maria. Children's rights and conflict according to the international

- humanitarian law. *Bulletin of the Transilvania University of Braşov Series VII: Social Sciences. Law*, 2023, vol. 16, n 65, pp. 15-20. ISSN 2066-7701. <https://doi.org/10.31926/but.ssl.2023.16.65.3.2>
- BRAUMAN, R. Ukraine, Gaza: Double standards. *Alternatives Humanitaires* [online]. 2024. Available from: <https://www.alternatives-humanitaires.org/en/2024/11/26/ukraine-gaza-double-standards/>
- ĆERIMOVIĆ, Emina. At risk and overlooked: Children with disabilities and armed conflict. *International Review of the Red Cross*, November 2022, vol. 105, n 922, pp. 192-216. <https://doi.org/10.1017/s181638312200087x>
- Children and Armed Conflict. Annual report of the secretary-general: Children Affected by Grave Violations. Trends and developments 2022 [online]. 2023. Available from: https://childrenandarmedconflict.un.org/wp-content/uploads/2023/06/23-00045_CAAC_AnnualReport_Summary_2022-FINAL.pdf
- HATHAWAY, Oona A. War unbound: Gaza, Ukraine, and the breakdown of international law. *Foreign Affairs* [online]. 23 April 2024. Available from: <https://www.foreignaffairs.com/ukraine/war-unbound-gaza-hathaway>
- ICRC. *International Humanitarian Law and the Challenges of Contemporary Armed Conflicts* [online]. 2024. Available from: https://www.icrc.org/sites/default/files/media_file/2024-10/4810_002_CH%203.pdf
- JAWAD, Mohammed et al. Implications of armed conflict for maternal and child health: A regression analysis of data from 181 countries for 2000–2019. *PLoS Medicine*, 2021, vol. 18, n 9, art. e1003810. <https://doi.org/10.1371/journal.pmed.1003810>
- MAAROUF, Akram Ghalib Ali. International protection of Children during interrelated armed Conflict. *RIMAK International Journal of Humanities and Social Sciences*, 2022, vol. 4, n 6, pp. 186-198. ISSN: 2717-8293. <https://doi.org/10.47832/2717-8293.20.11>
- MANGKU, Dewa Gede Sudika and YULIARTINI, Ni Putu Rai. Legal protection of children in armed conflict in the view of international humanitarian law. *Indonesian Journal of Criminal Law Studies*, 2021, vol. 6, n 1, pp. 1-10. ISSN 2548-1568. <https://doi.org/10.15294/ijcls.v6i1.27836>
- MAVOLE, Johnson. Protection and maintenance of healthcare services for civilians' well-being in conflict-affected areas: Comparative analysis of the African situation. *European Journal of Health Sciences*, 2023, vol. 9, n 2, pp. 1-17. ISSN 2520-4645. <https://doi.org/10.47672/ejhs.1507>
- MiniTAB. Home page [online]. 2025. Available from: <https://www.minitab.com/en-us/>
- OBERG, Charles, GOLDHAGEN, Jeffrey and SPENCER, Nicholas. Renewing our commitment to protect children experiencing armed conflict. *Journal of Paediatrics and Child Health*, 2023, vol. 59, n 3, pp. 427-430. ISSN 1034-4810. <https://doi.org/10.1111/jpc.16367>
- OUYANG, Wenting. Challenges and prospects for the law of armed conflict - a humanitarian perspective. *Law and Economy*, 2024, vol. 3, n. 7, pp. 53-59. ISSN 2788-7049. <https://doi.org/10.56397/LE.2024.07.06>
- SAVE THE CHILDREN. The impact of the Syrian conflict on children [online]. 2022. Available from: <https://www.savethechildren.org>
- SAVE THE CHILDREN. Worst places to be a child [online]. 2025. Available from: <https://www.savethechildren.org/us/charity-stories/worst-conflict-affected-countries-to-be-a-child>
- SHEREMET, Oleg S. et al. Sociocultural dominants of developing students' value intentions: context of civilization challenges. *Amazonia Investiga*, 2021, vol. 10, n. 45, pp. 31-41. ISSN 2322-6307. <https://doi.org/10.34069/AI/2021.45.09.3>
- SYRIA JUSTICE AND ACCOUNTABILITY CENTRE. Home page [online]. 2025. Available from: <https://syriaaccountability.org>
- UNAMA. Afghanistan Annual report on protection of civilians in armed conflict 2020 [online]. February 2021. Available from: https://unama.unmissions.org/sites/default/files/executive_summary_-_afghanistan_protection_of_civilians_annual_report_2020_english.pdf

- UNICEF. UNICEF reporting on children in armed conflict [online]. 2022. Available from: <https://www.unicef.org/reporting-children-armed-conflict>
- UNICEF. Ukraine humanitarian situation report No. 35, December 2023 [online]. 2023. Available from: <https://www.unicef.org/ukraine/en/reports/sitrep-35#:~:text=UNICEF%20reached%208.76%20million%20people,2023%2C%20including%202.96%20million%20children>
- UNICEF. *Six grave violations against children in times of war* [online]. 30 May 2024. Available from: <https://www.unicef.org/children-under-attack/six-grave-violations-against-children>
- UNITED NATIONS. Facing record-high violations in 2023, security council explores ways to bolster norms to protect children in armed conflict [online]. 26 June 2024. Available from: <https://press.un.org/en/2024/sc15745.doc.htm>
- UNITED NATIONS. United Nations assistance mission in Afghanistan [online]. 2025. Available from: <https://www.un-spider.org/united-nations-assistance-mission-afghanistan-unama#:~:text=The%20United%20Nations%20Assistance%20Mission,and%20development%20in%20the%20countryT>

Data de submissão do artigo: 08/04/2025

Data de aprovação do artigo: 23/06/2025

Edição e propriedade:

Universidade Portucalense Cooperativa de Ensino Superior, CRL

Rua Dr. António Bernardino de Almeida, 541 - 4200-072 Porto

Email: upt@upt.pt