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Children Protected Under International Humanitarian Law

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Abstract: *There is no accusation of a more sacred world of children, and there is no more important duty than protecting and respecting the rights of children, because the protection of their rights is the protection of the future of all humankind. Although the international community has not ignored children and their needs for protection and care, what we see in many parts of the world of abuse of children's rights is very sad. In particular, the majority of these violations, the most serious of which are those that occur to children as a result of wars and conflicts, leave behind large numbers of victims, mostly children. This study is divided into two chapters. Chapter I discusses the issue of the protection of children in the light of the principles of international humanitarian law. Chapter II is divided into two parts. Section I describes the role of the United Nations and international criminal justice in the protection of children in international humanitarian law. The second section deals with the leading models of international organizations for the protection of children in international humanitarian law represented by UNICEF and the International Committee of the Red Cross. Finally, this study concludes with a number of recommendations. The researcher hopes to be highlighted.*

Keywords: *United Nations, Armed Conflicts, Protection, Children, International humanitarian law.*

INTRODUCTION

Since the dawn of history and war has been necessary for humanity in all ages, there have been wars that have suffered severe human suffering over the years and centuries. These wars have been and still are sweeping countries, afflicting peoples, destroying the features of national civilizations and wealth, and increasing their severity generation by generation in view of the massive development of weapons and equipment of destruction. Children are especially vulnerable in armed conflicts. Despite the protection provided by law, they continue to be recruited by armed forces and armed groups. They are often separated from their families, driven from their homes, killed, maimed, sexually abused or exploited in other ways. It is difficult to measure the impact of conflict on children under the international humanitarian law. One can attach numbers to some aspects of suffering two million children dead in the past decade, six million seriously injured, one million orphaned or separated from their families, and twelve million left homeless (Helle Thorning, 2018).

Since ancient times, man has been keen to establish customary or written rules for wars, conflicts and armed conflicts. In almost all great civilizations since ancient times and the Middle Ages, there have been rules restricting the right of felons to harm their adversaries, and we can follow laws designed to protect certain

categories of people (Gehring, 1978). The days of the Greeks, Persians and Romans, in India and ancient China, and in Islamic and Christian countries. The protected groups included women, children, the elderly, demobilized combatants and prisoners, prohibited attacks on objects such as places of worship and prohibited the use of treacherous means of combat. However, with the development of means of warfare and the invention of artillery, rifles and ammunition, these traditions no longer apply. These new realities have led to wars between large national armies using newer and more destructive weapons, leaving on the battlefield frightening numbers of dead and wounded. Therefore, the need for an international law to regulate the rules and customs of war, to govern relations between warring forces, to ensure the protection of civilians, the wounded and the prisoners, and to alleviate the tragedies of war and armed conflict (Pictet, 1952).

The development and codification of international humanitarian law, as we now call it, began in the 1860s and was limited in its beginnings to parts of this law, such as the First Geneva Convention of 1864 to improve the condition of the wounded in the land war. This was the case until 1899, when the first international peace conference was held in The Hague. Several conventions were adopted, which concerned the rules of land warfare. It was the first modern international convention to codify and develop an important and integral part of the law of war. New agreements in 1907. They focused on regulating the conduct of hostilities, controlling the use of weapons and prohibiting certain types of weapons. However, the outbreak of World War I and the use of new means of warfare were widely used, such as air raids, poisonous gases, the detention of tens of thousands of prisoners and the bombing of cities, revealed the need to develop the traditional principles of the law of war. As well as the signing of the 1925 Geneva Protocol on the Prohibition of the Use of Gases and Biological Weapons, as well as the Geneva Convention for the Treatment of Prisoners of War of 1929¹.

The Second World War and its horrors and tragedies against humanity were the decisive thrust of the development of international humanitarian law. The four Geneva Conventions of 1949 were signed as part of humanity's response to the atrocities committed against civilians during this war. Therefore, these agreements came with special rules for the protection of victims of war and the human dimension of the law of war. With the desire of the international community to expand the content of the minimum humanitarian norms, two Additional Protocols to the Geneva Conventions were adopted in 1977. (i) International armed conflicts (II) Relating to non-international armed conflicts, International Humanitarian Law (IHL), which has become a major aspect of public international law².

The increasing incidence of children as direct victims of armed conflicts is so serious that the relative priority of this issue must be given when studying or discussing violations of the rights of the child, particularly in areas that have experienced or are likely to experience international or internal armed conflicts. And the lack of freedom of choice are the most affected and exposed to the effects of war, both in terms of direct or indirect effects. The protection of children under armed conflict will be studied analytically³.

Protecting children under the rules and principles of international humanitarian law

The events of the twentieth century have shown that contemporary wars deliberately target civilians, and that aggression is often an element of war and its strategies. The forms of violence currently being used by armed conflicts, as well as the use of sophisticated weapons against civilians especially children. The rules of international humanitarian law prohibit attacks on civilians and oblige Contracting Parties to take appropriate measures to render civilians immune from hostilities. This is noted in the Fourth Geneva

¹ Pictet refers directly and unquestioningly to article 27 of the Fourth Convention for the meaning of "humane treatment." *Id.* at 38.

² Hereinafter referred to collectively as the 1949 Conventions. In addition to the Third and Fourth Conventions, cited previously, these are the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, [1955]

³ Hereinafter referred to as Protocol 1. INTERNATIONAL COMMITTEE OF THE RED CROSS, PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, at 3-88 (1977) (Protocol I, including Annex I and Annex II) [hereinafter cited as ICRC, Protocol 1].

Convention relative to the Protection of Civilian Persons in Time of War of 1949, which recognizes the general protection of children as civilians not taking part in hostilities. They shall also be accorded special protection in at least seventeen articles⁴. Since the Protocols of 1977 and the Geneva Conventions of 1949 are an expression of the important progress of international humanitarian law, they give children special and increasing protection against the effects of hostilities. This was confirmed by the adoption in 1989 of the International Convention on the Rights of the Child, which marked a crucial turning point in the history of childhood, where the rights of children are seen as universal human and universal rights that cannot be condoned (International committee of the red cross, 2005).

The impact of war on children may be direct at the outbreak of hostilities. All rules must be enforced that protect them from the threat of armed conflict. The war may have potential effects, such as the survival of weapons of war remnants such as landmines that prey on victims for many years. The war has a significant impact on children's natural growth, as a result of the closure of schools and hospitals, the destruction of crops, the destruction of roads, the loss of resources, the destruction of economic capabilities of warring parties, and the loss of security and self-confidence (Brehm, 2012).

The involvement of children in armed conflict is the most alarming phenomenon at present. It is the phenomenon that has spread in many conflicts around the world, in clear violation of the rules and principles of international humanitarian law. Another case in which the child needs special protection is the status of the military occupation, as a situation resulting from the armed conflict, and may turn into a continuing conflict whose major danger lies in the presence of the occupying forces among the civilian population, as is the case for the Israeli occupation of Palestine and the Anglo-American occupation Of Iraq. And the attacks by the occupying forces against civilians, this makes the situation of children in the occupied territories extremely dangerous not only for their lives but also for their full rights. In order to demonstrate how children affected by armed conflict are protected and, in all situations,, we should examine the most important rules and principles of international humanitarian law, which protect civilians, especially children⁵.

Protecting children from the effect of hostilities

The adoption of the rules for the protection of the population from the effects of war is one of the greatest achievements of international humanitarian law. A full section of Protocol I was devoted in 1977 to the protection of the civilian population, and children are protected by these rules as civilians who do not take part in hostilities. There are also special measures to protect children against the dangers of military operations. War may have potential effects on children when they increase their risk of landmines, which continue to kill and mutilate for several generations. In all cases, it is necessary to protect children from the direct or potential effects of hostilities (International committee of the red cross, 2005).

There is no doubt that international humanitarian law is of particular importance to protect civilians from the dangers of military operations. It always emphasizes that the right of parties to a conflict to choose methods and means of warfare is not absolute and is restricted to respect for the lives of civilian persons. Therefore, Protocol I of 1977 contains a rule that is a fundamental guarantee of general protection against the effects of combat, which states: The parties to a conflict shall distinguish between the civilian population and combatants, between civilian objects and military objectives, and thus direct their operations against military objectives without In order to ensure the respect and protection of the civilian population and civilian objects. Based on this rule, a number of humanitarian principles governing the behavior of combatants have been determined to protect the civilian population from the dangers posed by military operations. Needless to say, adherence to these principles would provide the general protection of children from the dangers of fighting, as they are more vulnerable to injury⁶.

⁴ <https://www.un.org/press/en/1999/19990222.sc6646.html>

⁵ https://www1.essex.ac.uk/ARMEDCON/story_id/000577.html

⁶ <http://www.worldlii.org/int/journals/ISILYBIHRL/2001/2.html>

Prohibition of the involvement of children in armed conflict

The involvement of children in hostilities is associated with an increasingly common phenomenon, with the emergence of new types of conflicts, which confront regular armies with guerrilla warfare. Despite the existence of this phenomenon since the Second World War, international efforts to address the issue of child soldiers were not defined until the early 1970s when the Fourth Geneva Convention of 1949 failed to address this issue. Thus, the Protocols Additional to the Geneva Conventions contain rules prohibiting the participation of children in international and non-international armed conflicts before the age of 15 years⁷.

The prevalence of the phenomenon of the use of children in war has become a role in fighting, espionage, resistance or subversion. The international community has found itself obliged to intervene to put an end to this phenomenon because it is in conflict with humanity that children are allowed to participate in wars and endanger their lives. To protect them from the scourge of war, and it appeared that there was certainly an urgent need to prohibit the participation of children in armed conflict in any form. International humanitarian law has therefore addressed this issue, but it is noted that the total prohibition of the participation of children in hostilities was decided only under the 1977 Geneva Protocols (General Assembly Security Council, 2011). The International Committee of the Red Cross (ICRC) has submitted to the Diplomatic Conference a draft article 1, which states: "Parties shall be obliged to take all measures to prevent children under 15 to play any role in the hostilities, specifically to prohibit their recruitment into or acceptance of their armed forces"⁸. The phenomenon of the involvement of children in war and conflict has not stopped following the signing of the Geneva Protocols of 1977, and this phenomenon has been evident in various parts of the world. This is confirmed by the ICRC as the source of the original guardianship in monitoring the application of international humanitarian law and the principles that protect it (International committee of the red cross, 1999).

The phenomenon of the involvement of children in war and conflict has not stopped following the signing of the Geneva Protocols of 1977, and this phenomenon has been evident in various parts of the world. This is confirmed by the ICRC as the source of the original guardianship in monitoring the application of international humanitarian law and the principles that protect it. In 1984, she reported on the involvement of children under the age of 11 or 12 in combat in many parts of the world, including the First Gulf War, Central America, Asia and Africa. In blatant violation of all established principles of international humanitarian law (International Committee of the Red Cross, 2007). It was supported by a UNICEF report issued in 1986. The report found that the UNICEF study resulted in the discovery of more than 20 countries that allow children between the ages of 10 and 18, and possibly younger, to participate in military training and informal activities Related to civil wars, liberation armies and even international wars. This phenomenon is exacerbated in conflict zones in Africa, Asia and Latin America. Based on these reports and during the preparation of the draft Convention on the Rights of the Child, vigorous international efforts were made to determine the age at which children can not participate in hostilities from 15 to 18 years. However, article 38 of the Convention on the Rights of the Child in 1989, The text of article 77, paragraph 2, of the First Protocol has been reproduced. Because some States during the discussions on article 38 raised the same arguments raised during the diplomatic conference on the development of international humanitarian law prior to the signing of the Geneva Protocols, with regard to the issue of age and possible but not necessary measures to be taken in the event of participation in hostilities (UNICEF, 2000).

Child protection mechanisms in international humanitarian law

When the Convention on the Rights of the Child establishes an international mechanism to monitor the implementation of the rights of the child, the Committee on the Child, this does not mean that the guarantees of protection of these rights are limited to the Committee alone. This is because the rights of the child have

⁷ <https://www.un.org/press/en/1999/19990825.sc6716.html>

⁸ Article 77(2) of the 1977 Additional Protocol I provide.

been addressed by general international and regional human rights conventions. International humanitarian law has also protected children in particular. Thus, the means of protecting the rights of the child in international law are numerous, as the child benefits from the work of international bodies and organizations concerned with the dissemination and guarantee of human rights. It is also envisaged that the monitoring of the implementation of children's rights falls within the competence of the commissions established by international and regional human rights conventions; If human rights are universal values and principles, strict respect for the rights of the child is a collective protection that must be achieved using all available means at the international and regional levels⁹.

- **The role of the United Nations and the international criminal justice system in the protection of children in international humanitarian law**

The UN Security Council has broad powers to protect international peace and security from the United Nations Charter, but the proliferation of armed conflicts around the world and the grave violations of human rights have brought international peace and security to death. When the Security Council is unable to prevent war, and not so long ago as the Anglo-American war on Iraq and the Israeli war on Lebanon and Gaza, the international organization has only to uphold the protection of civilians from the scourge of war. Through the decisions and recommendations of the General Assembly, or the use by the Security Council of its other powers of sending troops for monitoring and peacekeeping and supervising peace negotiations. In considering these issues, children must be the focus of attention of the United Nations. This is what the United Nations is doing in the recent period, as the international community is increasingly interested in reducing the impact of armed conflict on children¹⁰. As will be seen through the review of certain General Assembly practices and the Security Council's work in the area of the protection of children in armed conflict. In the following two sections:

- ✓ **Role of the General Assembly**

The General Assembly is the only organ of the United Nations whose membership is a member of all the Member States of the Organization and therefore of great importance, as is the importance of the General Assembly's overall and universal jurisdiction over all matters within the sphere of activity of nations. "In the framework of human rights, Article 13 of the Charter provides that the General Assembly shall establish studies and make recommendations for: "to assist in the realization of the human rights and fundamental freedoms of all people without distinction as to sex, language or religion, and not to separate men and women". It should be noted that the General Assembly is the most United Nations body that adopts international human rights instruments. regarding to this study, the General Assembly adopted some declarations and issued several resolutions aimed at protecting children in armed conflict and strengthening adherence to the principles of international humanitarian law (Hardy, 1969). Some of these practices will be noted as follows:

First: Declaration on the Protection of Children and Women in Cases of Emergency and Armed Conflict, 1974.

The United Nations conducted a comprehensive study of the question of human rights during armed conflict. Based on the recommendations of the International Conference on Human Rights held in Tehran in 1968, and in connection with this study, the Economic and Social Council in 1970 requested the General Assembly to consider the possibility of drafting a declaration on the protection of women and children in case of emergency or wartime. The General Assembly, based on a draft prepared by the Special Committee on the Status of Women and the Economic and Social Council, adopted the Universal Declaration on the Protection of Women and Children in the Event of Emergency and Armed Conflict on 14 December 1974¹¹.

Second: Special Representative on the impact of armed conflict on children.

⁹ United Nations Committee on the Rights of the Child United Nations Children's Fund and Bernard van Leer Foundation A guide to general comment 7: 'implementing child rights In early childhood', 2006, p.96.

¹⁰ <https://publications.parliament.uk/pa/cm201314/cmselect/cmdfence/writev/intervention/int10.htm>.

¹¹ Declaration on the Protection of Women and Children in Emergency and Armed Conflict, 14 December 1974.

United Nations General Assembly attention to the plight of children in armed conflict In 1993, the Secretary-General entrusted Ms. Graca Machel, former Minister of Education in Mozambique, with the task of undertaking the first comprehensive assessment of the multiple ways children face armed conflict. Following an impressive study by MS Machel, the United Nations General Assembly, in its resolution 51/77 of 12 December 1996, recommended the appointment of a Special Representative on the impact of armed conflict on children. In implementation of the General Assembly resolution, the Secretary-General appointed Olara Otunnu in 1997 as a strong advocate and moral voice on behalf of children caught in the chaos of war. The Special Representative of the Secretary-General has the task of clarifying the effects of armed conflict on children and, in doing so, can examine and assess the progress made, steps taken and difficulties encountered to enhance the protection of children in armed conflict, raise awareness and encourage the collection of information on the plight of children affected by conflict And promote international cooperation to ensure respect for the rights of children from the beginning of the conflict to its end¹².

the support of the Special Representative, the United Nations General Assembly invited all Governments, specialized agencies and relevant United Nations bodies to cooperate with and contribute to the work of the Special Representative, including his annual report. It also recommends that the Secretary-General ensure the necessary support for the effective performance of the mandate of the Special Representative, encourage the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights to provide support to the Special Representative and requests States and other institutions to make voluntary contributions for this purpose¹³.

The researcher considers that the appointment by the General Assembly of a special representative on the impact of armed conflict on children is an important step that will enable them to identify the situations of children affected by the armed conflict, to assist them and to address the parties to the conflict to work towards rules that avoid the effects of war on children. The General Assembly's efforts to protect children from the consequences of the war were not limited to that but adopted the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in 2000. A special session on children was held in May 2002 and gave particular importance to the question of the impact of armed conflict on children. The General Assembly continues its follow-up to the situation of children in armed conflict and attaches particular importance to this issue in all its resolutions and recommendations¹⁴.

✓ **Integrating the protection of children into peacekeeping operations**

A recent feature of the United Nations system for the protection of human rights is the use by the Organization of peacekeeping forces to protect those rights. This is a new role for these forces, which is completely different from the traditional functions they exercised previously, since the latter included monitoring the cease-fire, separation of forces, or control of the truce. Such forces have become essential in areas of conflict, as in Bosnia and Herzegovina and Rwanda, in particular the right to humanitarian assistance. Peacekeepers, without exception, continue to have military elements, but their civilian components often play a more important role, especially when the task is to implement comprehensive and complex settlements. The involvement of this form of civilian personnel along with their military colleagues creates the need for close coordination of all practical aspects. As a result, it is common for the General Department of the peacekeeping operation to be assigned a senior civil servant as Special Representative of the Secretary-General, The Force Commander, the Police Commissioner and the Electoral Director¹⁵.

Ensuring the implementation of the human dimension of child protection in peacekeeping priorities The Security Council endorsed a proposal that the protection and care of children be expressed as a priority

¹² <https://www.unicef.org/graca/>

¹³ <http://www.un.org/ga/61/third/item67summary.shtml>

¹⁴ 20 years to better protect children affected by conflict, Office of the Special Representative of the Secretary-General for Children and Armed Conflict, 2017, p.7

¹⁵ <http://www.un.org/en/sections/what-we-do/protect-human-rights/index.html>

concern in peacekeeping priorities and that the Council incorporated the goal of child protection into the UNAMSIL mandate in Sierra Leone by resolution 1260 (1999)) And the mandate of the Mission in the Democratic Republic of the Congo by its resolution 1279 (1999). The Security Council also endorsed a proposal to deploy civilian staff with experience in child protection in peacekeeping operations, as reported by the Special Representative of the Secretary-General for Children and Armed Conflict (A / 60/335) (2005) to identify key elements of the "era of application" In order to enforce existing international norms and standards for the protection of children (Draper, 1973)¹⁶.

Consequently, the functions and competencies of these staff have been developed by the Department of Peace Operations and child protection advisers have been assigned the task of providing assistance to the Office of the Special Representative of the Secretary-General for Children in Armed Conflict, as well as to the head of the peace mission. With some other tasks, including the following:

- Ensure that children's rights and protection are prioritized throughout the peacekeeping process, peace consolidation and the reconstruction of the country affected by the war.
- Ensure that children's rights and protection are included in the agenda of peacemaking commissions and commissions.
- To serve as a point of contact between the various sectors of peace and all relevant agencies and entities.
- Assisting in ensuring appropriate training on child protection and rights for all individuals involved in peacemaking, peacemaking and peace-building activities.

✓ **Individual international responsibility for violations of the rights of children in armed conflict**

The contemporary report of international law requires the principle of the international criminal responsibility of individuals for human rights violations committed in armed conflicts and the establishment of an international criminal court to try them for international crimes. War crimes and genocide against civilians, especially children and women, have often been committed during armed conflicts. Thus, an effective international criminal accountability system for human rights violations in times of war is one of the strongest guarantees of respect for these rights by tracing International crimes and to prosecute and punish perpetrators¹⁷.

➤ **The role of the Temporary International Courts in determining individual responsibility for war crimes**

It is not only the State that violates the laws and customs of war that bears international responsibility, but also the individual's criminal responsibility. The Nuremberg and Tokyo Tribunals, which were held after the Second World War to prosecute war criminals, produced a number of provisions that greatly contributed to the formation of the law on individual criminal responsibility under international law. These trials paved the way for the United Nations to assert individual criminal responsibility for human rights violations in times of war when the United Nations General Assembly adopted resolution 90 (I) in 1946, in which it endorsed the principles of international law enshrined in the Nuremberg and Tokyo Tribunals , And the following year the General Assembly mandated the International Law Commission to prepare and codify these principles, as well as to codify violations against peace and the security of mankind. In 1950, the International Law

¹⁶ Most succinctly, "War is an evil activity to be endured in order that peace may be regained. "Draper, Military Necessity and Humanitarian Imperatives, 12 MIL. L. & L. WAR REV. 129, 135 (1973). "The ultimate object of all modern war is a renewed state of peace." Lieber Code, supra note 9, at art. 29, reprinted in 1 THE LAW OF WAR, supra note 2, at 164.

¹⁷ Annual Report of the Secretary-General on Children and Armed Conflict, UN, 23 April, 2011, A/65/820-S/2011/250, par 57, Save the Children, Ending the Hidden Exclusion: Learning and equity in education post-2015, 2013 http://www.savethechildren.net/sites/default/files/libraries/Ending_the_hidden_exclusion_full_report.pdf

Commission adopted its report on the principles of international law recognized in the Charter of the Nuremberg Tribunal¹⁸.

The General Assembly's confirmation of the principles and formulation of the Nuremberg Tribunal by the International Law Commission are important steps towards the elaboration of a law on international crimes involving individual responsibility. Such as the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly in 1948, which classified genocide in both peacetime and wartime as a crime under international law (Solera, 2002).

The Geneva Conventions of 1949 also take into account the principle of the individual's criminal responsibility for acts which are considered grave breaches, or, more correctly, acts that constitute war crimes in accordance with the concept of those conventions. The prosecution of perpetrators of grave breaches, war criminals, is a duty at all times and in any place. This duty rests primarily with States to take the necessary legislative measures to punish those who commit grave breaches of the Conventions. Such trials could be conducted by national courts in various States and could be handled by an international body. With regard to the scope of the application of individual responsibility, the Conventions establish the responsibility of the direct perpetrators of such violations as well as their superiors, as well as civilians and military personnel, whether military personnel members of official or non-official forces. There is no doubt that the agreements made by the conventions alone make the individual responsible criminally responsible for grave breaches, which are considered war crimes, and this is consistent with historical precedents and the decisions of international documents (Greppi, 1999).

The Yugoslavia and Rwanda have contributed to the expansion of individual criminal responsibility. A person is asked for his or her crimes regardless of whether he committed the act alone or with a group, or in accordance with the orders of his superiors. For example, the Rwanda Criminal Tribunal has issued several indictments and arrest warrants for persons suspected of involvement in the 1994 genocide in Rwanda, and these persons have been arrested and tried. The Statute of the War Crimes Tribunal in Sierra Leone provided for criminal responsibility for child soldiers who committed war crimes and were between 15 and 18 years of age (Diggelmann, 2016).

➤ **Role of the International Criminal Court**

The efforts of the international community to protect civilians - especially women and children - from the abuse of their rights during armed conflicts, the need to establish a permanent international criminal court to punish perpetrators of crimes against humanity both in time of peace and war and at the request of the General Assembly in 1989, The International Law Commission, at its forty-second session, in 1990, undertook a comprehensive study of the question of the establishment of an international criminal court of a permanent nature with relevance to the United Nations Organization. From 1992 to 1997, meetings and preparations for the preparation of a consolidated text on the establishment of the International Criminal Court. At the Diplomatic Conference organized by the United Nations in Rome from 15 June to 17 July 1998, the Rome Statute of the International Criminal Court was adopted¹⁹.

This means that war crimes are subject to the jurisdiction of the ICC, especially when committed as part of a plan or policy or as part of the commission of such crimes on a large scale. The Statute of the Court provides for the punishment of war crimes committed both in international and non-international armed conflicts, as set forth in the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977. The International Criminal Court has been the missing link in the international legal system. The International Court of Justice deals with cases involving States, and without an international criminal court dealing with individual responsibility, the physical violations of human rights have often been unpunished. The court system applies only to individuals, In this regard, the Charter of the Court provides that its jurisdiction includes natural

¹⁸ International Crimes and Accountability: October 2013 A beginner's introduction to the duty to investigate, prosecute and punish.

¹⁹ <https://www.un.org/press/en/2018/ga12031.doc.htm>

persons who commit a crime and that the person is responsible for it in its individual capacity and is liable to punishment by the court (Hortensia, 2007).

The International Criminal Court (ICC) is an important step towards establishing a permanent and new legal regime for international criminal responsibility for human rights violations in times of peace or war. This tribunal would be an important tool for prosecuting war criminals. They can also contribute significantly to respect for the rules and principles of international humanitarian law and to the development of international criminal law. The International Criminal Court and its powers can play a role in protecting children from the consequences of war. Individual criminal responsibility for violations of international humanitarian law and human rights during armed conflicts is indisputable. Thus, it has the power to deter violators and to punish and prosecute war criminals for their crimes against civilians, especially children (Von Hebel and Robinson, 1999).

Conclusions

The child is weak, the structure is incomplete, and he needs those who grant security and care for him. To the extent that nations and peoples succeed in caring for their children and satisfying their physical, psychological and social needs, and educating them about values and ideals as well as balanced generations capable of work, creativity and creativity. Based on the values of religion, conscience and morality, the child must enjoy as much protection as he deserves because it represents the future of humanity, which should be based on justice, mercy and peace.

We find that international humanitarian law has recently been concerned with the determination of a new set of rights for the child that has been dictated by the need to care for children as millions of children of the world have been subjected to neglect and exploitation in time of war. The signing of international conventions to protect the rights of the child was therefore the special protection of this category, which represents a broad segment of the human family.

The Convention on the Protection of Children had a significant impact at the international level, expressed by the growing interest in children's rights by international and regional organizations. We have confirmed in this study that the child has all or most of the rights contained in the general human rights conventions, in addition to the rights that are commensurate with his age and maturity. Some of the rights that are prescribed to the human being in general benefit the child more than other human communities. Considering the situation of children in today's world, we find that the international community, insofar as it has given them such legal support and provided them with the means to enjoy great scientific progress, wars alone can deprive their rights either because of the collapse of the infrastructure of the warring States and the directing of most of their economy to the benefit of military operations. They pay the price of war for their growth, and the most severe reason for children is that warring parties do not abide by the rules of international humanitarian law applicable to the protection of civilians in time of war or in the occupied territories.

Since the international protection of the rights of the child was not sufficient for them merely as stipulated in international charters, the importance and timeliness of international mechanisms and bodies to ensure such protection and to work towards the implementation of the rights of the child seemed to be important. After the disposal of studies of this subject to the observations and the following results:

1. The rights of the child are an integral part of human rights, and the development of human rights in general has led to the desired shift towards the rights of the child.
2. The international and regional conventions on the rights of the child are considered the general law of the rights of the child.
3. It is international humanitarian law that applies protection to children in situations of armed conflict, because compliance with its own rules and principles with regard to the protection of civilians

provides the child with adequate protection against the effects of hostilities as well as against the excesses of the occupying powers.

4. Safeguards for the protection of children's rights are primarily entrusted to the United Nations Children's Fund (UNICEF) to support children's rights and children worldwide. But the vital role played by the International Committee of the Red Cross (ICRC) should not be overlooked.
5. Although humanity has taken enormous strides in favor of children and has made many achievements in many areas of children, millions of children worldwide are still vulnerable to various kinds of abuse and exploitation.
6. There are several factors that lead to the non-application of the rights of the child, including armed conflicts, as a key factor in the lack of access of children to their rights.
7. The involvement of children in armed conflict must be fully condemned.
8. The use of children as combatants has serious consequences.
9. Ending the recruitment of children is the responsibility of all States and peoples. Adults have a moral duty to protect children, stop slaughtering them, destroy their innocence and assassinate their children. Let us remember that children are the future of this world.

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