

***GLOBAL RESPONSIBILITY REGARDING THE ROLE OF  
STATES AND THE INTERNATIONAL COMMUNITY IN  
PROTECTING CHILDREN'S RIGHTS IN THE  
PALESTINIAN CONFLICT***

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**ABSTRACT**

The ongoing conflict in Palestine has had serious impacts on children's rights, including the right to education, health, safety, and a decent life. Violations of children's rights in this conflict-affected area highlight the failures of states and the international community in fulfilling their responsibilities under international legal instruments such as the Convention on the Rights of the Child (1989), the Fourth Geneva Convention (1949), and Additional Protocol I (1977). This paper aims to examine the roles of states and the international community in protecting Palestinian children affected by the conflict, emphasizing state responsibilities within the framework of the Responsibility to Protect (R2P) principle and obligations set by international humanitarian law and human rights law. The research also analyzes the effectiveness of various initiatives and interventions undertaken by international organizations, such as the United Nations (UN), as well as non-governmental organizations in addressing violations of children's rights. Through a normative analytical approach, this study evaluates the responses of states and the international community to this humanitarian crisis, assessing whether the actions taken align with international obligation standards or reflect negligence in protecting Palestinian children. Furthermore, the article discusses the political and legal ramifications arising from the lack of protection, as well as its implications for regional stability and the global image of the involved countries. The research findings indicate that despite the existence of adequate international legal frameworks, their implementation is often hindered by political, economic, and diplomatic factors. Consequently, the protection of children's rights is less than optimal, with the international community still unable to take effective action to stop human rights violations against Palestinian children. This study emphasizes the importance of stronger international cooperation and a more proactive approach to ensure the protection of children's rights in conflict zones.

***Keyword:*** *Palestinian conflict, Children's rights, Responsibility to Protect (R2P), International humanitarian law, Human rights law, Cooperation*

## 1. INTRODUCTION

Every individual has the right to dignity, honor, and freedom in practicing their religious beliefs. They have the right to be treated with dignity as human beings and the right to be protected from all forms of violence that can disrupt their life, health, and happiness. More specifically, children's rights have been given special attention through the Convention on the Rights of the Child, which establishes four categories of rights. First, the right of children to survival, including the right to life and access to the best healthcare. Second, the right of children to grow and develop, which includes the right to a decent education and a standard of living that supports their physical, mental, spiritual, moral, and social development. Third, the right of children to protection, which includes protection from discrimination, violence, and security for children who are unaccompanied or refugees. And fourth, the right of children to participate, which includes the right to express their opinions on matters affecting them (Syarif Hidayat, 2022).

The protection of children's rights in situations of armed conflict has become a primary focus within the scope of International Humanitarian Law (IHL). However, its implementation is often neglected, especially in the context of protracted conflicts such as in Palestine. Studies focusing on the conflict in Palestinian territories detail the concrete obstacles that hinder the protection of children's rights according to international legal norms. Violations of children's rights, such as the use of children as part of armed forces, attacks on educational institutions or medical facilities, and traumatic psychological impacts, highlight the gap between the principles established in IHL and the reality on the ground, which often fails to provide adequate protection for children (Geneva Academy, 2017).

Children are always the most affected parties in any conflict. In Palestine, an unimaginable humanitarian disaster has claimed more than 20,000 lives. Children manage to survive bomb attacks and ground operations; many among them will suffer from diseases, hunger, and dehydration if humanitarian assistance continues to be withheld. Those who survive will face serious long-term mental health impacts—they are never free from their wounds. Greater protection must also be provided for Palestinian children detained under Israeli military control. The crisis of protecting Palestinian children has lasted for decades and can no longer be ignored. Children in Palestine have no safe place to protect themselves. Israeli authorities instruct families to move, forcing them to evacuate to increasingly narrow areas without safety guarantees or the possibility of returning, and without the infrastructure and access to services necessary to support life (Save The Children, 2023).

Protection of children from the violence of war, both physically and from legal uncertainties, should be prioritized. This has prompted the establishment of laws of war, commonly known as Humanitarian Law. The main principle of International Humanitarian Law is the principle of distinction. In armed conflict,

the population is divided into two groups: combatants and civilians. This distinction aims to clearly identify the groups directly involved in combat, so it can be determined who may be targeted in battle and who is not involved and therefore cannot be targeted (Enny Narwati and Lina Hastuti, 2018).

The Convention on the Rights of the Child emphasizes the importance of every state's recognition of the child's right to education that enhances the quality of learning for future generations. The ongoing armed conflict in Palestine has led to the destruction and closure of thousands of schools. As a result, children lack access to education. The Convention on the Rights of the Child specifically categorizes children's rights into four categories, including the right to survival, which encompasses access to optimal healthcare, the right to growth and development with adequate education and living standards that meet the physical, mental, spiritual, moral, and social needs of children. Additionally, the convention highlights the child's right to protection from discrimination, violence, and neglect, particularly for children who are unaccompanied and refugees.

The right of children to participate is also recognized, including the right to voice their opinions on matters affecting their lives. 1,150 children are reported missing among the rubble of buildings. Save the Children notes that thousands of other children have been injured. At least 6,360 children were injured in Gaza, and 180 children were injured in the West Bank. The deaths of children due to Israeli retaliatory attacks on Gaza over three weeks have exceeded the number of children killed in the conflict since 2019. This indicates that the Israeli attacks are so intense that they significantly impact the number of casualties. The Israeli strikes, using modern military technology with a high level of destruction, pose a threat to all human life in the region, especially children. Moreover, Gaza has a significant number of children among the Palestinian population. Generally, the percentage of children (aged 0-14 years) in Palestine is relatively high, around 38 percent of the population in 2022 (Debora Laksmi Indraswari, 2023).

Amidst the armed conflict in Palestine, thousands of schools have been destroyed and closed, resulting in children losing access to education. The international community, including through the UN and humanitarian agencies, must be responsible for ensuring that children's basic rights, such as access to education and healthcare, are upheld even in conflict situations. States also have obligations to provide the necessary resources and support to mitigate the impact of conflict on Palestinian children, as outlined in the Convention on the Rights of the Child.

Based on the discussion in the introduction above, the issues addressed in this journal related to the theme "Global Responsibility Regarding the Role of States and the International Community in Protecting Children's Rights in the Palestinian Conflict" are how the protection of children's rights in the Palestinian conflict is implemented according to International Humanitarian Law, as well as the role of states and the international community in this regard. What violations

of children's rights occur in the Palestinian conflict, and how does global responsibility respond based on the principles of International Humanitarian Law?

## **2. METHODOLOGY**

The research method applied in this study is the normative legal research method, which defines research as a careful and meticulous examination of legal materials or legal data to address legal issues. The focus of normative legal research is to provide arguments related to legal gaps, legal ambiguities, or conflicts of norms using a conventional regulatory approach. Additionally, the secondary legal materials used include unofficial legal sources such as legal journals, articles, and news related to violations of children's rights in international humanitarian law, specifically in the case study of the Palestinian conflict, which is the core topic of this research. Normative legal research is a type of legal research that relies on literature review or secondary data. This includes analysis of legal principles, legal systems, exploration of vertical and horizontal legal consistency, legal comparison, and legal history. By utilizing legal sources from literature studies, the next step is to identify and classify emerging legal issues. This aims to find appropriate answers related to law enforcement in the context of cases involving violations of children's rights in international humanitarian law, specifically concerning the Palestinian conflict, in accordance with international legal norms.

## **3. RESULTS AND DISCUSSION**

### **IMPLEMENTATION OF CHILDREN'S RIGHTS PROTECTION IN THE PALESTINIAN CONFLICT ACCORDING TO INTERNATIONAL HUMANITARIAN LAW, AND THE ROLE OF STATES AND THE INTERNATIONAL COMMUNITY**

International Humanitarian Law aims to provide protection to individuals or groups who become victims in situations of war or armed conflict. This law arose from concern over the impacts caused by war, which often neglect humanitarian values. Therefore, regulations are necessary to govern behavior during armed conflicts while also providing protection to war victims. In the context of international law, the legal aspect emphasizes that civilians, defined as all people except military personnel, must be protected from violence and the effects of war. While military members (combatants) may be targeted in combat, they must still be protected when they are prisoners of war (Gerungan, 2013).

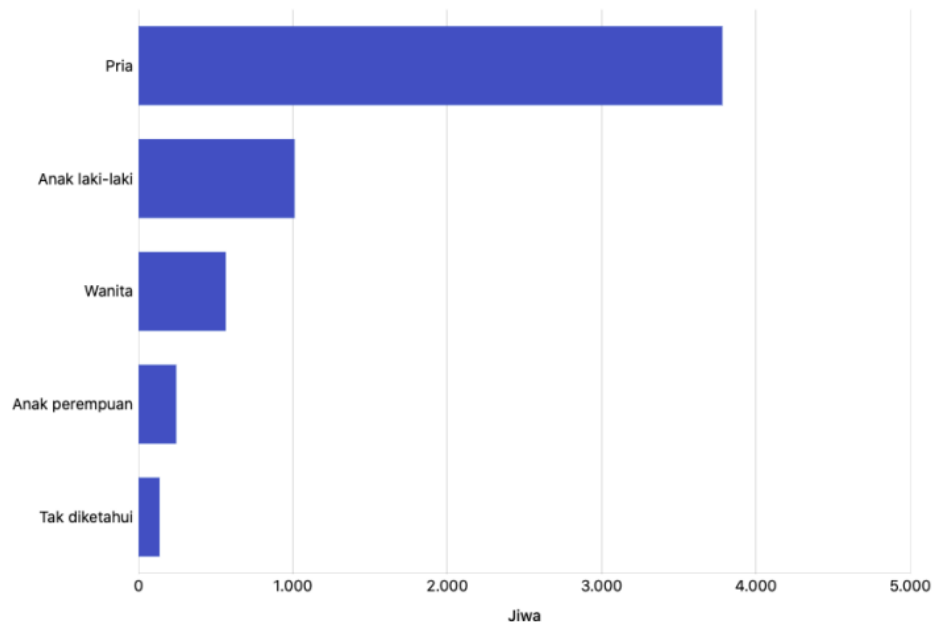
The armed conflict in Palestine, one of the most complex cases in modern history, presents significant challenges to the implementation of humanitarian legal protections, especially for children who are war victims. In this war, children often experience violence, detention without fair legal processes, and torture. The Israeli military, for instance, frequently arrests and detains Palestinian children, some as young as 12, on charges such as throwing stones. Each year, approximately 500-700 Palestinian children are detained and tried in Israeli military courts. The most

common allegations are related to resistance activities against Israeli soldiers, such as stone-throwing incidents (Putra et al., 2022).

Children in conflict zones are entitled to full protection under International Humanitarian Law, as reflected in the Optional Protocol of 2000 on the Involvement of Children in Armed Conflict. This protocol specifically provides additional protection for children involved in or affected by war, including the prohibition of recruiting children under a certain age to participate in armed forces (Tiny, 2006). However, despite the clear rules, the reality on the ground shows numerous violations of children's rights in Palestine.

Here are some data from the UN Office for the Coordination of Humanitarian Affairs (OCHA UN): from 2008 to 2021, a total of 5,739 Palestinians have lost their lives as a result of the conflict.

**Jumlah Warga Palestina yang Tewas dalam Konflik dengan Israel (2008-2021\*)**



**Source: United Nations (UN)**

According to data from the UN Office for the Coordination of Humanitarian Affairs (OCHA), from 2008 to 2021, a total of 5,739 Palestinians lost their lives due to the armed conflict. Of this number, approximately 21.8% of fatalities were children under the age of 18. Specifically, 1,011 boys and 244 girls died during the ongoing conflict (UN, 2021). This conflict continues to draw international attention due to the significant humanitarian impact, particularly on children who are victims.

Child protection in wartime or armed conflict is also regulated by the Geneva Conventions of 1949 and Additional Protocols I and II of 1977. In these conventions, children as a vulnerable group in conflict zones have the right to have their dignity respected, to be protected from all forms of violence, and to receive special

protection from threats of violence (Mangku, 2018). Legal protection for children is further strengthened by the adoption of the UN Convention on the Rights of the Child in 1989, which establishes international standards for protecting children's rights, including in situations of armed conflict (Starke, 2018).

Unfortunately, despite the existence of a clear legal framework, the protection of children's rights amid the Palestinian conflict still faces numerous challenges. Political instability, the intensity of violence, and limited access to social services continue to make Palestinian children the most vulnerable group affected by the conflict. These children often not only become victims of physical violence but also suffer from profound psychological trauma, loss of educational rights, and inadequate health care (Simatupang, 2018).

Various international organizations and humanitarian agencies continue to strive to enhance protection for Palestinian children. However, the unresolved conflict situation and increasing tensions between Israel and Palestine continue to hinder the realization of optimal protection for children's rights in accordance with the principles of International Humanitarian Law (Prakoso, 2007). This situation underscores the importance of enhancing global efforts to promote conflict resolution and comprehensive legal protection for children in conflict zones.

## **VIOLATIONS OF CHILDREN'S RIGHTS IN THE PALESTINIAN CONFLICT AND GLOBAL RESPONSIBILITY IN RESPONDING BASED ON PRINCIPLES OF INTERNATIONAL HUMANITARIAN LAW**

The prolonged armed conflict in Palestine has resulted in profound and harmful impacts on children. In this context, violations of children's rights occur systematically, infringing upon various principles established in international law, including the Declaration on the Protection of Women and Children in Emergency and the Convention on the Rights of the Child.

According to Point 5 of the Declaration on the Protection of Women and Children in Emergency, all forms of oppression and cruel treatment against women and children, including detention, torture, shooting, mass arrest, and collective punishment, are considered war crimes. This point reflects the commitment of the international community to protect vulnerable groups, particularly children, during armed conflicts. In the context of Palestine, many children are arrested and detained without transparent legal processes, often experiencing torture and inhumane treatment (Triana, 2009).

Furthermore, Article 28 of the Convention on the Rights of the Child emphasizes the right of children to a quality education. However, during the conflict, thousands of schools have been destroyed, resulting in more than two million children losing access to education. This situation directly contradicts the right to grow and develop outlined in the Convention, which guarantees that every child has the right to quality education and access to facilities that support their development (UNICEF, 2022).

Violations of children's rights also include the utilization of children in armed conflicts. Many children in Palestine are recruited or forced to participate in military activities, whether as fighters, spies, or carriers of explosives. This involvement is extremely dangerous and violates Article 38 of the Convention on the Rights of the Child, which states that children should be protected from involvement in armed conflict. Children often lack an adequate understanding of the risks involved, which exacerbates their situation and disregards their right to protection (Watch, 2021).

Global responsibility in addressing violations of children's rights in Palestine is crucial. First, the principles of international law must be upheld. States and international organizations have a responsibility to take firm action against all violations that occur, ensuring that these actions are responded to according to the standards set in the Declaration on the Protection of Women and Children in Emergency (UN, 2005).

Second, protection and humanitarian assistance are essential. The international community must act swiftly to provide protection, education, and healthcare services for children affected by the conflict. Psychological support is also important to help children recover from the trauma they experience during the conflict (Save the Children, 2020).

Third, monitoring and accountability need to be enhanced. International organizations should actively monitor and report violations of children's rights occurring in Palestine so that violators can be held accountable for their actions. This step is vital to ensure that violations are not left unpunished and that children's rights are upheld in every situation (Amnesty International, 2021). Finally, raising global awareness about the violations of children's rights in Palestine is crucial. Education and awareness campaigns can help mobilize international support and collective action to protect children's rights in conflict situations.

Violations of children's rights in the Palestinian conflict represent a serious issue that requires global attention. Linking these violations to the Declaration on the Protection of Women and Children in Emergency and the Convention on the Rights of the Child underscores that these actions are not only illegal but also contrary to humanitarian principles. Global responsibility must be taken to ensure the protection of children and accountability for violators. With decisive collective action, we can hope to protect children's rights amid the ongoing conflict.

#### **4. CONCLUSION**

From the discussion above, it can be concluded that the protection of children's rights in armed conflict in Palestine faces serious challenges despite the existence of a clear international legal framework. International Humanitarian Law, including the Convention on the Rights of the Child, regulates the protection of children in wartime situations; however, violations of these rights continue to occur systematically. Children in Palestine often become victims of violence, detention without fair legal processes, and exploitation in military activities, all of which

violate principles outlined in international law. The presence of international organizations and humanitarian agencies striving to enhance protection for Palestinian children is crucial, but these efforts are often hindered by ongoing political dynamics and tensions. Therefore, global responsibility in addressing violations of children's rights in Palestine is vital. States and international organizations must enforce the law, provide protection and humanitarian assistance, and increase accountability for violators. Through a more proactive and collaborative approach, the international community can create a safer environment for children affected by conflict, ensuring that their rights are protected according to international legal standards. Thus, the protection of children in Palestine is not only a local responsibility but also a global issue that requires attention and collective action from around the world.

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