

## Child Recruiting and Using in Civil and International Wars (A Comparative Study Between International Law and Islamic Sharia)

Lecturer, Dr. Dawan Mohammed Jaza Abdullah

[dawan.jaza@univsul.edu.iq](mailto:dawan.jaza@univsul.edu.iq)

Law Department, College of Law,  
University of Sulaimani

Lecturer, Dr. Aram Nabe Mohammed Wasani

[aram.mohammad@soran.edu.iq](mailto:aram.mohammad@soran.edu.iq)

Department of Law, Faculty of Law and Political  
Science and Management, University of Soran

Date of receiving research: 13/6/2024

Publication consent date: 18/9/2024

### Abstract:

This paper is a comparative study between international law and Islamic law that focuses on the issue of engaging children in armed conflicts and also these violations that are committed against them in times of warfare by armed forces.

The use and arming of children in war has a long history and has become a threat to children's rights. This has resulted in children being more likely to be the main victims compared to adults.

Within the framework of international law and Islamic Sharia, the recruitment of children as fighters by the armed forces and their use in warfare is prohibited in any way. For example, the Islamic State of Iraq and Syria (ISIS) has used thousands of children to commit international crimes such as war crimes and crimes against humanity, while children should be protected and not deprived of their basic rights.

Moreover, during international and non-international armed conflict children face killing, wounding, Raping, refugee, and internal displacement. For example, Thousands of children have been killed, injured, displaced, and starved in Gaza during the recent fighting between Hamas and Israel.

In this study, the researchers analysed the impact of armed conflict on children's rights during war according to international law and Islamic Sharia, and critically discuss the role of the international community in protecting children from the threats and violations they face.

To discuss the violation of children's right during armed conflict from the perspective of international law, researchers focus on Additional Protocol I and II of the Geneva Conventions, Convention on the Rights of Child (CRC), Optional Protocol to CRC, Rome Statute and the Universal Declaration of Human Rights. An academic discussion will also be held from the perspective of Islamic Sharia based on verses of the Holy Qur'an, hadiths of Prophet Muhammad and the opinions of scholars of the Islamic world.

The research problem and research questions will be debated which related to the legality, legitimacy, and negative effects of recruiting and abusing children during international and non-international armed conflicts.

**Keywords:** Armed Conflict, Committing Crime, Using and Recruiting, International Law, Islamic Sharia, Protection Right.

## 1. Introduction

Millions of people's lives have been interrupted by armed conflicts in the past few decades. During military conflicts, there have been grave breaches of human rights and international humanitarian law. When adults go to war voluntarily or by force, it is the children who become the big victims. In some cases, violations against innocent people and civilian sites fall within the scope of international crimes such as genocide, war crime or crime against humanity.

While protecting children during armed conflict is the main principal in international law, Islamic law is highly sensitive to the abuse of children's rights during such times. Sometime several Islamic people interpret Quran and Suna in a wrong way and they encourage children to participate in armed conflict. For instance, ISIS recruited and used thousands of children against civilians' population in the region during the war time under the name of Islam.

Academic experts believe that despite the existence of many international and Islamic human rights laws to protect children in armed conflict, in reality children are often killed, injured and starved, so the results are shocking about the protection of children (Al-Dawood and Murphy, 2019).

Former UN Secretary-General Kofi Annan said in a report on children and armed conflict to the Security Council that the most important challenge in the today's world is to implement these international norms and standards that have been set to be practiced in times of war (Otunnu, 1997). By implementing these norms and standards the efforts of the international community will succeed in protecting children from the effects of war. The key to implementing these norms and standards is to publish and monitor them and then investigate compliance or non-compliance by the parties to the dispute.

However, in 1996, the United Nations established the position of Special Representative of the Secretary-General with the aim of protecting children from the effects of armed conflict. During that time, the rights, welfare, and protection of children from the effects of armed conflict have been top priorities on the global political agenda. To offer a framework for this protection, a sizable body of international norms and standards has developed over time (Coomaraswamy, 2010, p 18).

The Security Council has highlighted six grave violations against children in current conflicts including killing and maiming, sexual violence, recruitment and use, denial of humanitarian access, kidnapping, attacks on schools and hospitals. These crimes are horrific crimes in terms of international humanitarian law and the holy religion of Islam and are prohibited in any way (United Nations, 2007, p 7).

To stop and decrease these violations both international law and Islamic law have a great role in prohibiting these crimes that happened during armed conflict against civilians' population, particular children.

In fact, many of the restrictions placed on combatants by Islamic law go far beyond what is required by International Humanitarian Law, especially in the arena of non-international armed conflict. When Human Rights Watch organized meetings with civil society leaders in the Muslim world to discuss the protection of civilians, "we were not encountering arguments that Islamic law had different standards," says Joe Stork, deputy director of the Middle East and North Africa division. "If anything, people would stress the congruence of IHL and Islamic law, and perhaps even overstate that congruence" (Aly, 2014).

One of the basic tenets of Islamic law is that treaties must be respected. As such, some scholars argue that combatants in Muslim countries are religiously bound by the Geneva Conventions signed by their governments. Mainstream Muslim theologians and authorities, including al-Azhar, Saudi Arabia, Iran and Pakistan, all accept the principle of Muslim states and sovereign authorities signing international agreements

However, neo-classical Muslim scholars – now the minority – who interpret Islam to be fundamentally at war with the non-Muslim world, see Islamic law and international law as inherently irreconcilable (previous source).

In general, researchers have focused on the prohibition of arming and the use of children in armed conflict, discussing international law without mentioning the important role of Islamic law, while most of the violations against children in armed conflict are from Islamic countries and are done in the name of religion.

However, within the framework of this study, the authors have tried to highlight the role of international law and Islamic Sharia and investigate the impact of war on children and their protection from armed conflict.

**Aim of the Research:**

1. Based on passages from the Holy Qur'an and the Prophet's hadiths, this study aims to present the real picture of Islam with relation to child abuse during armed conflict. However, some individuals have mistreated children in the
2. Analysing the Rules and Principles of International Law and Islamic Sharia relating to the children's protection in armed conflict.
3. Encourage States to internalize international laws related to the protection of children from armed conflict so that these laws can be more efficiently enforced and not violated.

**Importance of the Research:**

1. This study is a message to international organizations, educational and academic institutions in general, and parents in particular, about the dangers of child abuse by armed groups.
2. This paper is written in a scientific and critical manner and presents and discusses several cases of child abuse and recruiting by extremist Islamic and terrorist groups from the perspective of international law and Islamic Sharia.
3. This study is an early warning to prevent the recruitment and use of children in armed conflict.

**Research Methodology:**

In this study, the authors have attempted to apply a comparative method between international law and Islamic Sharia regarding the arming of children and their use in armed conflict. At the same time, descriptive and analytical methods have been used in these parts that are needed. Based on international agreements and regulations, the Holy Qur'an and the hadiths of the Prophet, a critical legal and religious reading of several relevant cases have been analysed and compared.

**Research Problem and Questions of the Research:**

It is obvious that during International and non-International armed conflicts; children are recruited and abused by illegal armed groups and governments against each other. When parties abuse children in armed conflict, they rely on factors such as the weak economic situation of families, religious and national slogans, and deceiving children with various promises. This has a negative impact on the child himself in particular and on the family and society in general.

One of the problems is that the important principles of international law and Islamic Sharia on armed conflict have not been accepted as domestic law by states to be implemented in order to further protect children from armed conflict at the domestic and international levels. The international community has a legal and moral responsibility to protect children from these violations. In this context, the authors attempt to answer the following questions:

1. What are the common and different points of international law and Islamic Sharia regarding the protection, recruiting, and using children in armed conflict?
2. What is the impact of arming and abusing children on their lives by armed forces?
3. What is the role of the international community in protecting children from armed conflict?

**Structure of the Research:**

This research divided into six parts. First, the qualification of armed conflict will be explained, which include types of armed conflicts in international law and in Islamic law. In addition, Killing and Wounding Children in international Law and Islamic Sharia will be examined. Furthermore, Children Associated with Armed Forces in International and Islamic Sharia will be analysed. Moreover, Refugees and Internally Displaced Children in International and Islamic Sharia will be debated. Besides, Raping or Sexually Abusing a Child in Islamic and International law will be clarified. Also, Attacks on Schools, Teachers, and Students in International Law and Islamic Sharia will be studied. Finally, it will be concluded and presented some important suggestions.

## 2. Understanding of Armed Conflict

Armed conflict is incorporated in international humanitarian law texts and UN General Assembly resolutions, as well as in Islamic law. Surprisingly, however, there is no definition of armed conflict in any of these texts, including the Geneva Conventions of 1949, although a definition of armed conflict is necessary for the application of international humanitarian law. The International Criminal Tribunal for the former Yugoslavia provided a good description (ICTY), which held that:

“On the basis of the foregoing, we find that an armed conflict exists whenever there is a resort to armed force between States or protracted armed violence between governmental authorities and organized armed groups or between such groups within a State.

In addition, Sebastian Clapp (2003, p 1) as a member of European Parliamentary Research Service mentioned that the term armed conflict is an armed confrontation in any form or with any weapon between the armed forces of states (international armed conflict), or between government authorities and organized armed groups or between such groups within a state (non-international armed conflict).

The law of armed conflict applies from the initiation of such armed conflicts and extends beyond the cessation of hostilities until a general conclusion of peace is reached; or, in the case of internal conflicts, a peaceful settlement is achieved. Until that moment, international humanitarian law continues to apply in the whole territory of the warring States or, in the case of internal conflicts, the whole territory under the control of a party, whether or not actual combat takes place there” (Prosecutor v. Dusko Tadic, 1995, p 70).

During wars whether international or non-international armed conflict, children always become victims. Sometime enemy parties use, recruit and encourage children to kill civilians or other innocent people. As a result, they commit atrocity crimes and their crimes are much bigger than these crimes that adults commit because they are so small. They feel happy due to supporting them by adults and their commanders.

The ICTY's finding draws a clear distinction between armed conflicts that occur inside the borders of a single state and those that occur between states. Therefore, it's

important to think about the various kinds of armed conflict in order to comprehend the concept of armed conflict properly.

## **2.1. International Armed Conflict (IAC)**

Common Article (2 to the Geneva Conventions of 1949) states that: "In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them. The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance".

Regardless of the motivations behind or severity of the conflict, Fleck notes that an IAC happens when one or more States use military force against another State. Furthermore, an IAC may exist even in cases where one of the belligerents does not acknowledge the government of the opposing party; neither a formal declaration of war nor an acknowledgment of the circumstances are necessary (Fleck, 1995, p 45).

Under Article 2 of the 1949 Geneva Conventions, any difference or problem between two states that leads to the intervention of armed forces is an armed conflict, regardless of how long the conflict lasts or how much slaughter occurs, even if one party denies it of the existence of a warring state (Pictet, 1952, p 32).

## **2.2. Non-International Armed Conflict (NIAC)**

It is necessary to examine two main legal sources to find out what NIAC is under international humanitarian law, namely Article III and Article I of the 1949 Geneva Conventions and Additional Protocol II.

### **A) Non-International Armed Conflicts within the Meaning of Common Article 3**

Common Article 3 covers military confrontations that take place in one of the High Contracting Parties' territories but are not of an international nature. These

comprise military confrontations in which one or more armed non-governmental groups take part.

Depending on the situation, hostilities may arise between armed non-governmental groups and armed governmental parties, or simply between such groups. The necessity that the armed conflict take place "in the territory of one of the High Contracting Parties" has become obsolete in practice, as all four Geneva Conventions have now been ratified worldwide.

The situation must reach a particular threshold of confrontation in order to distinguish an armed conflict, as defined by common Article 3, from less serious kinds of violence, such as internal disturbances and tensions, riots, or acts of banditry. It is widely acknowledged that common Article 3 is likewise subject to the lower threshold stated in Additional Protocol II's Article 1(2), which removes internal conflicts and disturbances from the definition of NIAC. Two criteria are usually used in this regard (ICTY, *The Prosecutor v. Dusko Tadic*, Judgment, 1997, pp 561-568):

First, hostilities need to intensify to a minimum. This will happen either when hostilities take on a collective nature or when the government is compelled to employ military force rather than only police force to suppress the insurgents (ICTY, *The Prosecutor v. Fatmir Limaj*, Judgment, 2005, pp 13-170). Second, non-governmental groups that are engaging in the fight must be regarded as "party to the conflict," which means that they have a standing military. This means that these soldiers have to be able to support military activities and be under a specific command hierarchy (Schindler, 1979, p 147).

It is significant to note that women and children make up the bulk of victims in this kind of warfare. For example, around two million people have been forced to flee their homes and live-in camps as a result of the ongoing violence in Darfur. Among them, 320,000 are five years old or younger, making up almost a million youngsters under the age of eighteen (United Nations Children's Fund, 2005, p 7).

## **B) Non-International Armed Conflicts in the Meaning of Article 1 of Additional Protocol II**

A more restrictive definition of NIAC was adopted for the specific purpose of Additional Protocol II (article 1, para 1). This instrument covers military conflicts that occur within a High Contracting Party's border between that country's armed forces and dissident armed forces or other organized armed groups that, under responsible leadership, exercise sufficient control over a portion of that country to allow them to conduct coordinated and continuous military operations and to carry out this Protocol.

In two respects, this term is more restrictive than the conventional Article 3 definition of non-international armed conflict. First, it establishes a requirement for territorial control, stating that non-governmental parties must maintain such authority over their territory in order to execute this Protocol and conduct ongoing, coordinated military operations. Second, as stated explicitly in Additional Protocol II, it only covers engagements involving the armed forces of a State and armed dissidents or other organized armed groups. Unlike common Article (3), the Protocol does not extend to armed situations that only include non-State armed groups.

However, Nesrine Badawi discussed that the Islamic law is different with domestic or international law about armed conflict. In Islamic religion war are classified into four important subgroups: fighting against non-Muslims who are not supporters of one of the holy religions, fighting against scriptures (these people who believe one of the holy books, such as the Torah and the Bible), fighting against apostates (these people who change their religion from Islam to another religion), and finally fighting rebelling Muslims (Badawi, 2012, p 4).

War between Muslims and war between the Islamic state and the non-Islamic world are treated differently under Islamic law, just as international humanitarian law has distinct regulations for international and non-international armed conflicts. Internal armed conflict between Muslims is governed by stricter rules of war than

those between Muslims and non-Muslims, in contrast to international humanitarian law (Aly, 2014).

Many chapters of the Koran support this more limited interpretation of the use of force: “If they withdraw from you but fight you not, and (instead) send you (guarantees of) peace, then God hath opened no way for you (to war against them)” (Surah An-Nisa, 90); “But if they (the enemy) incline towards peace, do thou (also) incline towards peace, and trust in God: for He is the One that heareth and knoweth (all things)” (Surah Al-Anfal, 61).

Accordingly, non-Muslims should not be attacked simply because of their disbelief “Let there be no compulsion in religion,” the Koran says (Surah Al-Baqarah, 256), but rather only if they pose a threat to Muslims. Advocates of this interpretation point to Koranic references to fighting in self-defense only.

In his book, *Fiqh al-Jihad* (the Jurisprudence of War), one of the most seminal texts of modern interpretations of the Islamic laws of war, al-Qaradawi argues jihad cannot be waged to eliminate disbelievers from the earth or force people to convert. Instead, he has a narrower definition of acceptable jihad: “Islam has only justified fighting those who fight them, or aggress against their honor, or seek to disrupt and divide them in religion, or repel them from their homes, or block the path of the Islamic mission (da’wa) and violate their right to spread Islam through proof, argument and clarification (previous source)

Therefore, it can be said that in international law wars are divided on the basis of geography and international and non-international actors, but in Islamic law wars are divided on the basis of jurisprudence and different opinions. However, the common point of both international and Islamic law regarding all forms of war is that children should be protected from being used and recruited in armed conflict unless they have reached the age of majority.

### 3. Killing and Wounding Children in International Law and Islamic Sharia

It is clear that throughout human history, enemy parties and militia groups have killed and injured children in times of armed conflict as a method of revenge against the enemy because they were unsuccessful in their military operations.

As it has seen in Myanmar, the government forces killed and wounded hundreds of children during armed war. In addition, in Syria the government forces and militia force also have killed thousands of children. For instance, in 22 August 2013 and in 4 April 2017 the armed forces in Syria used chemical weapons against civilian's population. As a result, hundreds of children have been dead and injured. Not only these, but also in fighting with ISIS in Iraq, children faced starvation, killing and wounding. According to UNICEF, from 2014 to 2017 Islamic State's soldiers in Mosul have killed at least 1,045 young boys and girls and have wounded over 1,030 others (ANVCG, 2017).

Thousands of children, most of them under the age of 10, have been killed and injured by Israeli forces since the outbreak of the Israeli-Palestinian war in the middle of the last century (BBC, 5 April 2024).

The intensification of hostilities in the Gaza Strip following the 2023 conflict between Israel and Hamas is having a disastrous effect on families and children. The Palestinian Ministry of Health recently estimated that over 14,000 children had died and many more had been injured. This is an alarming rate of child mortality (Unicef, 9 May 2023).

All people, including children, have an equal right to live in an inclusive society free from discrimination, as stated by international humanitarian law and human rights legislation. States Parties to the Convention on the Rights of the Child were required to acknowledge that every child has an inherent right to life (Art 6, Convention on the Rights of the Child, 1989). Everybody has the right to life, liberty, and personal security, and international human rights law emphasizes the significance of these rights. States must thus make sure that these rights are upheld, safeguarded, and enforced (Universal Declaration of Human Rights, 1948, Art 3).

Furthermore, all forms of violence against civilians, including children, are forbidden by customary international law and Common Article 3 of the Geneva Conventions. Murder, mutilation, cruel treatment, and torture are specifically forbidden. Enemy parties must be able to tell combatants from civilians during an armed confrontation, especially if the civilians are not actively involved in the fighting. It implies that civilians lose their right to protection and impunity when they actively take part in combat. Under international humanitarian law, children who have participated in armed conflict but are younger than 15 years old are entitled to particular protection.

Islam has done a wonderful job of protecting children, women and other vulnerable people throughout armed conflicts in comparison to international law. While during times of armed conflict, the enemy parties use children as targets for killing, the Islamic religion forbids its adherents from killing any enemy member, with the exception of combatants and those who provide financial or other support to other Islamist opponents. For instance, Allah says: "Fight in the way of Allah those who fight you but do not transgress. Indeed, Allah does not like transgressors" (Holy *Quran*, Al Baqarah: 190). This indicates that you have the ability to combat those who are involved in the conflict with you. Based on the Holy Qur'an Al-Shaybani maintains that women, children, the old, and similar groups cannot be killed in battle (AL-Shaybani, M. B. A.-H. 1997). An AL Mawurdee said that killing children and women is not allowed during armed conflict, as long as they do not fight (Mawurdee, A. H. M. I. A. Al Ahkaam As Sulataniyah).

The Prophet Muhammad states; "Never, never to kill children and a servant" (Majah, I. 1952. Sunan Ibn Majah). As a result, civilians, especially children, and their homes should not be targeted by soldiers. For instance, during last year till now the armed force of Israel attacks on civilian and children of Palestine and kill them.

Furthermore, the Holy Quran proclaims that "Whosoever kills a human being (without any reason like) manslaughter, or corruption on earth, it is though he had killed all mankind" (Holy Quran, Surat Al-Maidah: 32).

According to the Quran, "It is not legitimate and lawful for a believer to kill another except by mistake. And whoever kills a believer unintentionally must free a believing slave and pay blood-money to the victim's family unless they waive it charitably. But if the victim is a believer from a hostile people, then a believing slave must be freed. And if the victim is from a people bound with you in a treaty, then blood-money must be paid to the family along with freeing a believing slave. Those who are unable let them fast two consecutive months as a means of repentance to Allah. And Allah is All-Knowing, All-Wise" (Holy Quran, Surat An-Nisa: 92).

Moreover, the God confirmed that "whoever kills a believer intentionally - his recompense is Hell, wherein he will abide eternally, and Allah has become angry with him and has cursed him and has prepared for him a great punishment" (Holy Quran, Surat An-Nisa: 93). Thus, according to Islamic law, any killing committed without a valid reason is considered murder and is punished both here on Earth and in the Hereafter.

Consequently, it can be said that the common point between international and Islamic law is that killing and injuring children is prohibited under any circumstances. However, the punishment for murder in Islam is more severe than in international law. In Islam, a person who kills another person deliberately must be killed again, and will receive his punishment on the Day of Resurrection.

#### **4. Children Associated with Armed Forces in International and Islamic Sharia**

The use and recruitment of children in armed conflict has a long history and is not a new phenomenon. The level of recruitment and participation of children in armed conflict has significantly increased during the last three decades. Sometimes children participate in armed conflicts, while they are usually victims of war

Armed groups particular militias prepared children to commit atrocity crimes not only against enemies but also against civilians. For example, ISIS in Iraq and Syria abused thousands of children in armed violations; they use them to kill civilians and prisoners in publicity in front of people and then ISIS published the crimes in internet by videos. These actions are absolutely breaching the laws of humanity and Islamic religious rules.

The Taliban's Code of Conduct, for example, explicitly says: "The deployment of children in Jihadi ranks has its own moral disadvantages which are legally forbidden." However, in January, a girl less than 10 years old was caught wearing an explosive vest in Afghanistan's Helmand Province. According to media reports, her brother, a Taliban commander, had forced her to wear it (Aly, 2014).

In more than 20 years of armed conflict, the Taliban have reportedly used children as fighters, to plant and detonate IEDs, and as suicide bombers. There were reportedly thousands of children in their ranks, often trained in madrassas and recruited through force and threats, deception, promises of money or other incentives (EUAA, 2022, p 61). Children were recruited to Taliban ranks during their time as an insurgency and according to some sources, child recruitment has continued after the takeover. An Afghan analyst estimated that thousands of children may remain in Taliban ranks. However, the Taliban have formed a commission to remove child soldiers from their ranks, and today they usually avoid recruiting boys that are too young by rejecting those without a beard. The source added that the idea of childhood ending at 18 is seen as a Western construct, and that in a country where the large majority of the people do not know their date of birth or their age, becoming adult at 18 'makes very little sense', and oftentimes the age is estimated (EUAA, 2023, pp 43-44).

Despite the fact that boys and girls below 18 years of age are directly engaged in armed conflict, at the same time, they are often used in a variety of roles: messengers, sex slaves, cooks, porters, mini-human detectors, forced laborers, spies and even suicide bombers. Hence, aid organizations believe that they should be called "children associated with the armed forces or armed groups". After the conflict ends, their future remains uncertain, while these children often suffer severe injuries, disabilities, physical scars and mental illness (International Committee of the Red Cross, 2009, p

10).

Often, their mistreatment doesn't end after they are freed or escape. Girls find it extremely difficult to reintegrate into their communities, therefore in order to make ends meet, they turn to business sexual exploitation (Hobson, 2005). For example, Jasinata Ayaa was kidnapped from her village as a child. She said at first, they were using me to look after babies, but after I turned 12, I had to start training as a fighter with the armed forces. After I was raped, I had my first child at the age of thirteen. A little later I was shot twice in the leg. I was weak, but I needed to walk, carry my child and the weapon, fight, and do housework (International Committee of the Red Cross, 2009, p 11).

In certain instances, armed groups compel the recruitment and exploitation of minors. In other cases, children themselves connect with the military because they perceive that enlisting is the only better option. Some are motivated to join these groups because they want to exact revenge on those who have killed their families or destroyed their towns; others are motivated by poverty, unemployment, or the impression of power and prestige. (International Bureau for Children's Rights, 2010).

Even though some children feel responsible for resistance based on ideology or in the name of political struggle or cause, families occasionally offer their children to armed groups in exchange for money. However, this does not make the use of children by armed groups acceptable or lawful, even if children communicate through family pressure or religion.

Many commanders seek out young people because they consider them to be obedient, highly motivated, and devoted. Since they can be taught to be vicious fighters and lack a fully formed sense of good and evil, children are easily manipulated. For example, Daesh frequently employs children alongside their adult counterparts as primary participants in extremely brutal operations. In its propaganda, Daesh proudly portrays its kids as suicide bombers, warriors, executioners, and gunmen on the battlefield. (The Carter Center, 2017, p 8). Children have also received training as youth officers, whose duties include punishing and torturing caliphate prisoners and dissidents.

In the ISIS region, whereas young boys are trained to involve in military responsibilities, young girls also are only relegated to their houses and are prepared to become obedient mothers and wives. However, this is partly true, the roles of women and girls in Daesh are more complicated than what appears on the surface. For example, girls just like young boys are also brainwashed to commit suicide attacks. In a Daesh-administered schools, a teacher declared that girls as young as 10 years old are being taught with violent ideology and qualified to implement explosive attacks (Channel 4 News, 2015). In addition, young girls from the western provinces, who could not go to ISIS areas, were pushed by the ISIS media to attack alone in their own countries in the name of Islam, but Islam never accepts this (The New York Times, 2016).

In addition, Mike Wessels says that recruiters can more easily arrest and lure children to commit crimes than adults because they have less experience and understanding than adults. They are therefore easily deceived and often commit the most horrible cruelties (Wessels, 1997). Enemies rarely suspect children, making them excellent spies. They can be quickly moved to different fronts and carry small arms well.

As a result of children's involvement with extremist groups, children have been targeted in counter-terrorism operations, arrested, imprisoned and held in conditions that do not meet international standards of justice in places such as Iraq, Afghanistan and Guantanamo (International Bureau for Children's Rights, 2010).

Children cannot be used or recruited for armed conflict under international humanitarian and human rights law. It is strictly forbidden to enlist, use, or permit children under the age of 15 to engage in hostilities, as stated in the UN Convention on the Rights of the Child (CRC) of 1989 and the 1977 Additional Protocols to the Geneva Conventions (CRC, Article 39). The Geneva Convention's Additional Protocol I, Article 77, states that the parties to the conflict must take all reasonable steps to prevent children under the age of fifteen from directly participating in hostilities. Specifically, they must refrain from enlisting these children in their armed forces.

On the one hand, the use of children or conscription of people under the age of fifteen is listed as a war crime in the Rome Statute of the International Criminal Court, which was adopted on July 17, 1998. The Statute's article 8 expressly forbids enlisting children in the national armed forces or utilizing them to take part in hostilities. On the other hand, the registration and use of minors under the age of fifteen in armed conflict is also prohibited by the laws of the international criminal tribunals for Rwanda, the former Yugoslavia, and Sierra Leone (The Legal Foundation, 2013).

Nonetheless, international human rights law has upheld the appropriate minimum age of eighteen years old for actively participating in hostilities, and the Convention on the Rights of the Child's Optional Protocol on the Involvement of Children in Armed Conflict also requires state parties to raise the minimum age of eighteen years old for both direct participation in hostilities and compulsory recruitment (General Assembly resolution A/RES/54/263, 2000).

Furthermore, under no circumstances may non-State armed forces recruit or use minors under the age of eighteen (The Legal Foundation, 2013). Additionally, it is generally accepted under customary international law that minors cannot be allowed to take part in hostilities or be recruited into armed forces or groups. This holds true for both government-affiliated military forces and non-State armed organizations, in both international and non-international armed conflicts (Statute of the Special Court for Sierra Leone, 2002, Art. 4 (c)). Heads of state, army generals and militia leaders are all liable for crimes committed by children during armed conflict and have been prosecuted in the past, proving that children are not the only criminals.

In Islamic law, also recruiting and using children in armed conflict is prohibited. As Allah mentioned in Quran "There is not upon the weak or upon the ill or upon those who do not find anything to spend any discomfort when they are sincere to Allah and His Messenger. There is not upon the doers of good any cause [for blame]. And Allah is Forgiving and Merciful" (Quran, Surah Al Tawba: 91). It means that Allah do not ask these people to fulfil a duty that out of their ability. So, children do not have perfect mental and physical ability to go to jihad and fight with the enemies.

At the same time, Mohammed prophet also rejected the recruiting and using children in armed conflict. For example, during the period of Badr war a child, which his name was Rafh bn Xadij asked the prophet to allow him to go to fighting with the enemies, but the prophet refused his demand.

So, the common point between both international law and Islamic Sharia is that children should not be abused or sacrificed in times of war. However, there is a slight difference with regard to the recruiting of children: international humanitarian law emphasizes that a combatant must be completed 15 years of age, but under Islamic law a combatant must not be a child without specifying age.

## **5- Refugees and Internally Displaced Children in International and Islamic Sharia**

Millions of children and their families have been forcibly removed from their homes due to violence, political unrest, insecurity, violations of human rights, environmental degradation, and natural catastrophes.

Children who are refugees may have curricular changes and language barriers in their new country. Even though elementary education is usually free, refugee and displaced families may have to pay outrageous prices for books, uniforms, school lunches, and other requirements due to their precarious financial conditions.

The UNHCR stated that strict registration criteria, like the necessity for identity documents, may also make it more difficult for children to attend school. Forcible migration may have a negative impact on young people, children, and infants who are at vital phases of physical development. The nutritional needs of newborns, kids under five, and teenagers are typically unmet in areas where there is a shortage of high-quality food (UNHCR, 2002, p 8).

Young children and infants are more susceptible to illnesses like malaria and cholera. According to a 2001 UNICEF survey carried out in Angola, thirty percent of all children impacted by conflict pass away before they turn five (Norwegian Refugee Council, 2002). In camps for internally displaced people and refugees, when resources for water, sanitation, and health care are limited, preventable diseases are common. Having access to reproductive health information, services, and resources for

adolescents going through puberty in refugee and displacement environments are usually difficult (Women's Refugee Commission).

Furthermore, the psychological ramifications of forced migration could be harmful to a child's physical, mental, and emotional growth. The sudden nature of flight or the large number of people moving at the same time can cause a child to be temporarily or permanently separated from his or her parents.

Approximately 1.7 million individuals in the Gaza Strip are thought to have been internally displaced during the nine months of the Israel-Palestine War, with half of those persons being children. They don't have adequate access to fuel, food, water, or medication. Their families have been split up and their homes demolished (Unicef, 2024).

Hundreds of thousands of children have sought refuge in Rafah, many of them in makeshift tents or unsafe structures. Numerous children have experienced repeated displacement, losing their homes, parents, and other close relatives. Other services they rely on, such as shelter and health care, have also been destroyed (previous source).

In the case of refugee international human rights and international humanitarian law mentioned that refugees should be protected during armed conflict, particularly children. For instance, article 2 of the Convention on the Rights of the Child indicates that states Parties undertake the necessary steps to guarantee that a child seeking refugee status or who is deemed a refugees under applicable international or domestic law and procedures receives the necessary protection and humanitarian assistance to enable them to enjoy the rights outlined in this Convention as well as other international human rights or humanitarian instruments to which the aforementioned States are Parties, whether they are accompanied or not by their parents or by anyone else. This article also binds States to work with the UN and other agencies to help find missing families and reunite unaccompanied minors with their families. Furthermore, the rights of those who became refugees as a result of events during an armed conflict were addressed by the 1951 Refugee Convention and the 1967 Protocol pertaining to the Status of Refugees.

Internally displaced persons do not, however, profit from legally enforceable regional and international agreements, in contrast to refugees. Internally displaced people have the same legal rights, freedoms, and protections as any other citizen of the country in which they choose to stay; however, their forced relocation frequently serves as a sign that their state is incapable or unwilling to provide these rights and protection (International Bureau for Children's Rights, 2010).

The rights of refugees and internally displaced people are extremely important in Islam, especially when compared to international law. The host nation's women's and children's rights are equivalent to those of the women and children who are seeking asylum there (Quran, Surah Al-Anfal: 75). Because of this, the Prophet Mohammed said that the rights of migrants are the same as those of their hosts and that there is brotherhood between the Muhajir and Ansar (Couldrey and Herson, 2008).

Additionally, every man has the right to free movement, the freedom to choose his place of residence, whether inside or outside of his nation, and the right to seek asylum in another country if he is persecuted, according to Article 12 of the Cairo Declaration on Human Rights in Islam, which was adopted in 1990. Until he gets to safety, the nation of refuge will guarantee his protection (Cairo Declaration on Human Rights in Islam, 1990, Article 12). Lastly, the Quran acknowledges the rights of internally displaced people and refugees, giving them the right to certain liberties and humane treatment (Quran, Surah Al-Anfal: 72-75).

As a result, it can be said that international law and Islamic Sharia have paid great attention to the protection of the rights of refugees and internally displaced people, but in Islam this attention is broader than in international law because in Islam the host nation's children's rights are equivalent to those of the children who are seeking asylum there.

## 6- Raping or Sexually Abusing Children in International law and Islamic Sharia

UNAIDS explained that in addition to being used as fighters, children may face greater threats, such as role-playing and using children to lay mines, spies, informants, and girls cope with AIDS through forced sexual contact with male fighters or boys being raped by the male armed forces (UNAIDS, 2000). Girls are more vulnerable because, in addition to being used as militants, they are forced to become the “wives” of commanders, where they are often raped and sexually assaulted.

Other children are concerned by promises of food, education or protection for themselves and their families. Amal, for example, was an Iraqi woman who was twice widowed by the war, forced by poverty to marry her 11-year-old daughter to a man more than 20 years her senior. She was Amal’s pretty little girl. Amal says we had no treatment and “I know I made a mistake” but I had four daughters, one of whom was mentally ill and we slept on an empty stomach at night, so my task was very difficult. A man asked me to marry him in 2008, but he was unwilling to take my mentally ill kid. Shortly after, a wealthy guy asked my 11-year-old to marry him, stating he would also be willing to take care of the mentally ill sibling. I concurred since it gave us all a solution. However, my 11-year-old daughter informed me that her husband was raping her sister after they had been married for a few months. I asked her to keep quiet out of embarrassment, fear of scandal, and the concern that my current husband would toss me out onto the streets if my daughter got divorced. Taking my mentally ill kid to a shelter was the only thing I could do. The other one I left with a rapist (International Committee of the Red Cross, 2009, p 18).

All forms of sexual violence are forbidden under international humanitarian law and human rights law. Sexual violence was the subject of article three of the fourth Geneva Conventions. These conventions forbid all parties from committing atrocities against human dignity, including State and non-State forces.

Under some conditions, sexual violence might also be regarded as a crime against humanity. As part of a widespread or systematic attack against any civilian population, acts of rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization, or any other form of comparable gravity are recognized by the Statute of

the International Criminal Court as constituting a crime against humanity (Rome Statue of the International Criminal Court, 1998, Article 7).

Then, a number of international and regional treaties forbid the rape and sexual abuse, as noted by the convention on the rights of the child and the international tribunal for the former Yugoslavia and Rwanda (International Bureau for Children's Rights, Children and Armed Conflict, 2010).

Sexual assault can happen anywhere normal in the workplace, institution, family where the consequences of rejection are very harmful to the victim. In the case of female children, child marriage and female circumcision are forms of sexual provocation, often committed by the armed forces against children (UNICEF, 2005).

In Islamic law, also sexual violence is prohibited, Allah says, "Tell the believing men to reduce of their vision and guard their private parts" (Quran, surah An-Nur: 30). The Quran declares, "do not compel your slave girls to prostitution, if they desire chastity, to seek [thereby] the temporary interests of worldly life" (Quran, surah An-Nur: 33). Furthermore, Islam completely shields against sexual assault because it forbids such behaviour. Sexual abuse of a kid can has catastrophic psychological effects. His physical abilities and mental growth are harmed. A child who has experienced sexual abuse never feels comfortable presenting themselves to their family or the wider community.

In the end it can be said that international law and Islamic Sharia hold that all forms of sexual and degrading rape of boys and girls are forbidden and punishable whether in times of war or peace. However, the difference between them is that according to Islamic law, a girl can marry with the consent of her family if she reaches the age of adult, even if she is nine years old and her husband is much older than her. However, this is considered a violation under international law

## 7- Attacks on Schools, Teachers, and Students in International Law and Islamic Sharia

All over the world Schools are destroyed during armed wars and used as battlegrounds by opposing forces. Fighters have occasionally attacked classrooms and students directly. Fighters have also kidnapped, raped and forced marriages of girls, while using schools to recruit students and teachers as soldiers. Not only these crimes, but Islamic jihadist groups have sometimes engaged in teaching aggressively during armed conflict. For instance, Al-Shabaab, an Islamic army force in Somalia, used schools to recruit students for their jihad in 2010 and 2011. They also imposed unwelcome Islamic dress restrictions on female students and separated them from male students. Al-Shabaab also threatened and occasionally killed teachers, replacing them with their own members (Human Rights Watch, 2012, p 63).

Under international humanitarian law, all civilians, including students and teachers, should be protected from any attack. Threats or acts of violence whose primary purpose is to spread terror among civilians are prohibited. Attacks on civilian targets, such as schools used by combatants for military aims, are likewise forbidden by the laws of armed conflict (Human Rights Watch, Schools and Armed Conflict, 2011).

Sometimes terrorist organizations—such as ISIS in Iraq and Syria—use teachers and students as “human shields” to defend themselves, leading to accusations of war crimes (Fourth Geneva Convention, art 28; Protocol I, art 51 (7)).

Al-Shabaab has forced boys and girls to be recruits for their organizational propaganda in Somalia by using schools as a recruiting tool. Human Rights Watch spoke with 220 of the children who al-Shabaab recruited or kidnapped in Somalia in 2010 and 2011; fourteen of the children were taken from their classrooms or while traveling. Twenty-four additional pupils also confirmed that the group kidnapped children during that period from their schools or while traveling.

In addition, reporters were informed on April 16, 2024, by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in the occupied Palestinian Territories that Israeli strikes on universities and schools in the Gaza Strip are "systematic". Andrea de Domenico, the head of UN OCHA in the occupied

Palestinian territories, stated that education is the hope for the future... education is fundamental to build peace (Middle East Monitor, 17 April 2024).

According to a recent estimate from the UN office, 392 schools in Gaza were damaged, with 141 of them badly damaged or completely destroyed. Additionally, approximately 92% of all school facilities in Gaza are being used as shelters for displaced people (previous source).

It is strictly forbidden to attack schools, teachers, or students—during times of peace as well as during armed combat. When these crimes occur during a time of war, they are considered war crimes under international humanitarian law. The combatants and civilian objects must always be distinguished from one another by the parties to the war, and as a result, their operations must only be directed against military goals (Additional Protocol I to the Geneva Conventions, 1977, art 48). Accordingly, an intentional attack on a school would be illegal, breaking the rule of distinction and a serious violation of international humanitarian law.

Furthermore, as Alina Balta points out, the UN Security Council has expressed strong concern about attacks against schools and strongly condemned all violations of applicable international law in relation to attacks against schools and against protected persons in relation to schools in Resolutions 1998 (2011), 2143 (2014), and Resolution 2225 (2015) (Balta, 2015, p 6).

At the same time, Islam prohibits all forms of attacks on schools, teachers and students. In many armed conflicts, schools are not the only targets. Instead, armed groups also threaten and kill students and teachers and burn their schools (Coursen-Neff, 2012). Islam prohibited the violation against teachers, students and schools. It is clear that schools are place for teaching and learning. As a result, protecting all of them is a big responsibility of the state and enemy parties.

Consequently, according to international law and Islamic Sharia, schools, teachers and students must be protected from military targets; otherwise, the perpetrators will be prosecuted and punished.

## **8- Conclusion**

At the end of the study, the authors reached the following important results and recommendations:

## Results:

1. The effects of armed conflict on children are very big in international or non-international armed conflict. During the war children faced horrible situations, sometime enemy parties used and recruited children as a fighter by the enemy parties to commit atrocity crime and used children as human shields and decoys.
2. Both Islam and International Law have not permitted the use, recruit, and sexual exploit of children during armed clashes. Whereas, International law allows children over the age of 15 to participate in armed conflict in certain circumstances. This shows that international law has not succeeded in completely preventing children from participating in armed conflict.
3. National and judicial institutions are ineffective in dealing with those accused of arming and using children in armed conflict and violation against children during armed conflict in generally, this causes to allow perpetrators to continue to commit violations against international and domestic law.
4. To write this study, the researchers tried to use data to collect information on the number of children armed in armed groups and organizations in Iraq and to collect information on the children in Iraq as a result of armed conflict in recent years, especially in the fight against ISIS, but due to lack of access to the children of the victims, distance, lack of knowledge and language differences, it was not possible to use accurate data through surveys and interviews, which was one of the obstacles facing the researchers. The lack of religious resources in the field of armed conflict, especially in English, was another obstacle to the study.

## Recommendations:

1. Security Council of the UN, which it has a powerful authority in the world should force states to pass the law to increase the age of children that direct participate in hostilities to 18.
2. My suggestion to researchers is to present the true picture of Islam in the context of children's participation in armed conflict, and to identify the common points of international law and Islamic Sharia regarding the

prohibition of arming and using children in armed conflict because Islam accepts most of the principles of international humanitarian law.

3. Encourage Islamic and legal scholars and Mass Media to further interest to prevent abuse children in time of warfare.
4. Internalize International Humanitarian Laws and International Human Rights Law related to the protection of children from armed conflict so that these laws can be more efficiently enforced and criminals can be judged easy.

## 10- Bibliography

### Books:

Badawi, N. (2009) *Islamic Jurisprudence And the Regulation of Armed Conflict*.

Available at:

[https://hhi.harvard.edu/sites/hwpi.harvard.edu/files/humanitarianinitiative/files/islamic\\_jurisprudence\\_regulation\\_of\\_armed\\_conflict.pdf?m=1614967979](https://hhi.harvard.edu/sites/hwpi.harvard.edu/files/humanitarianinitiative/files/islamic_jurisprudence_regulation_of_armed_conflict.pdf?m=1614967979) [Last Accessed 21\ 12\ 2023].

Coomaraswamy, R. (2010) *Children and Armed Conflict - A guide to International Humanitarian and Human Rights Law*. French: International Bureau for Children's Rights.

D, Fleck. (1995) *The Handbook of Humanitarian Law in Armed Conflicts*. Oxford: Oxford University Press.

Human Rights Watch. (2012) *No Place for Children\ Child Recruitment, Forced Marriage, and Attacks on Schools in Somalia*. United States of America.

International Bureau for Children's Rights. (2010) *Children and Armed Conflict, A guide to international humanitarian and human rights law*. French: IBCR. Available at:

<http://www.ibcr.org/wp-content/uploads/2016/06/Guide-international-law-2010-english-1.pdf> [Last Accessed 21\ 12\ 2023].

Pictet, J. (1952) *Commentary on the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*. Geneva: ICRC.

Schindler, D. (1979) *The Different Types of Armed Conflicts According to the Geneva Conventions and Protocols*. Geneva, Hague Academy of International Law. Available at: <https://search.worldcat.org/title/The-different-types-of-armed-conflicts-according-to-the-Geneva-conventions-and-protocols/oclc/832309614> [Last accessed 1\2\2024].

### Articles and Newspapers:

Al-Dawood, A and Murphy, V. (2019) 'International humanitarian law, Islamic law and the protection of children in armed conflict', *International Review of the Red Cross*. Available at:

<https://library.icrc.org/library/docs/DOC/irrc-911-al-dawoody.pdf> [Last accessed 1\2\2024].

Aly, H. (2014) 'Islamic law and the rules of war', *Journalism from the heart of crises*. Available at: <https://www.thenewhumanitarian.org/2014/04/24/islamic-law-and-rules-war> [Last accessed 29\11\2024].

Balta, A. (2015) 'Protection of Schools During Armed Conflict', *ICD International Crimes Database*. Available at:

[https://www.internationalcrimesdatabase.org/upload/documents/20151022T145433-Alina%20Balta\\_ICD%20Brief\\_FINAL.pdf](https://www.internationalcrimesdatabase.org/upload/documents/20151022T145433-Alina%20Balta_ICD%20Brief_FINAL.pdf) [Last Accessed 25\ 11\ 2023].

Channel 4 News. (no date) 'ISIS' children: soldiers trained to kill and die'. Available at: [https://www.youtube.com/watch?v=EVxZfP1fC\\_I](https://www.youtube.com/watch?v=EVxZfP1fC_I) [Last Accessed 13\ 11\ 2023].

Couldrey, M and Herson, M. (2008) 'Islam, international law and the protection of refugees and IDPs', *Refugee Studies Center*. Available at:

<http://hrlibrary.umn.edu/research/Egypt/Islam-human-rights-and-displacement.pdf> [Last Accessed 13\ 11\ 2023].

Coursen-Neff, Z. (2012) 'Protecting schools, teachers, and students from attack', *Rural 21*. Available at: <https://www.rural21.com/english/current-issue/detail/article/protecting-schools-teachers-and-students-from-attack.html> [Last Accessed 15\ 12\ 2023].

Clapp. S (2003) ' Armed conflict: A glossary of terms', *European Parliamentary Research Service*. Available at:

[https://www.europarl.europa.eu/RegData/etudes/ATAG/2023/757582/EPRS\\_ATA\(2023\)757582\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2023/757582/EPRS_ATA(2023)757582_EN.pdf) [Last Accessed 25\ 11\ 2024].

Mark, H. (2005) 'Forgotten Casualties of War: Girls in Armed Conflict', London: Save the Children UK. Available at

<https://resourcecentre.savethechildren.net/document/forgotten-casualties-war-girls-armed-conflicts/> [Last Accessed 15\ 10\ 2023].

Otunnu, O. (1997) 'Children and Armed Conflict - International Standards for Action', *Office of the Special Representative of the Secretary General of the Children and Armed Conflict*. Available at: <https://childrenandarmedconflict.un.org/about/the-mandate/special-representative/olara-otunnu/> [Last Accessed 5\ 12\ 2023].

Rubin, A and Breeden, A. (2016) 'Women's Emergence as Terrorists in France Points to Shift in ISIS Gender Roles', *The New York Times*. Available at:

<https://www.nytimes.com/2016/10/02/world/europe/womens-emergence-as-terrorists-in-france-points-to-shift-in-isis-gender-roles.html> [Last accessed 4\ 1\ 2024].

The Carter Center. (2017) 'The Children in Daesh: Future Flag Bearers of the Caliphate'. Available at:

[https://www.cartercenter.org/resources/pdfs/peace/conflict\\_resolution/children-in-daesh.pdf](https://www.cartercenter.org/resources/pdfs/peace/conflict_resolution/children-in-daesh.pdf) [Last Accessed 13\ 11\ 2023].

Wessels, M. (1997) "Child Soldiers", *Bulletin of the Atomic Scientists*, Chicago. Available at:

[http://pangaea.org/street\\_children/africa/armies.htm](http://pangaea.org/street_children/africa/armies.htm) [Last Accessed 16\ 10\ 2023].

### **Legal Papers and International Agreements:**

ANVCG (2017) *ISIS killing children leaving Mosul in Iraq*. Available at:

<https://www.losservatorio.org/en/civilians-in-conflict/web-review/item/859-isis-killing-children-leaving-mosul-in-iraq> [Last accessed at 29\ 11\ 2024].

Convention on the Rights of the Child (1989) *United Nations Treaty Series*

Rome Statute of the International Criminal Court (1998) Available at:

[https://legal.un.org/icc/statute/99\\_corr/cstatute.htm](https://legal.un.org/icc/statute/99_corr/cstatute.htm) [Last Accessed 8\ 1\ 2024].

Convention on the Rights of the Child (1989).

Common article 3 Geneva Conventions (1949).

EUAA (2023) *Afghanistan Country Focus*. Available at:

[Country of Origin Information: Afghanistan - Country Focus](#) [Last accessed at 29\ 11\2024].

EUAA (2022) Key socio-economic indicators in Afghanistan and in Kabul city. Available at: [Afghanistan KSEI](#) [Last accessed at 29\ 11\2024].

General Assembly resolution A/RES/54/263 (200) *Article (1,2), Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts*. Available at:

<https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-involvement-children> [Last Accessed 17\ 1\ 2024].

Human Rights Watch (2004) *Occupied Territories: Stop Use of Children in Suicide Bombings*. Available at: <http://www.hrw.org/en/news/2004/11/01/occupied-territories-stop-use-children-suicide-bombings> [Last Accessed 7\ 1\ 2024].

Legal Foundation (2013) *The Six Grave Violations Against Children During Armed Conflict*, Office of the special representative of the secretary general for children and armed conflict, working paper N 1, United Nations. Available at:

[https://childrenandarmedconflict.un.org/publications/WorkingPaper-1\\_SixGraveViolationsLegalFoundation.pdf](https://childrenandarmedconflict.un.org/publications/WorkingPaper-1_SixGraveViolationsLegalFoundation.pdf) [Last Accessed 13\ 1\ 2024].

Statute of the Special Court for Sierra Leone (2002).

United Nations, *United Nations General Assembly Resolution 59/261 (children in armed conflict); Resolution 59/178 (mercenaries); Resolution 59/171 (new humanitarian order)*.

United Nations (2007) *Children and Armed Conflict: Report of the Secretary-General*, A/62/609-S/2007/757, UN.

UNICEF (2005) *Eight elements of a protective environment*. Available at:

[http://www.UNICEF.org/protection/index\\_environment.html](http://www.UNICEF.org/protection/index_environment.html) [Last Accessed 20\ 12\ 2023].

United Nations Children's Fund (2005) *Darfur Child Alert*, UNICEF. Available at:

[www.unicef.org](http://www.unicef.org) [Last Accessed 21\ 12\ 2023].

UNAIDS (2000) *AIDS and HIV Infection Information for United Nations Employees and Their Families*, Geneva, Switzerland. Available at:

[http://data.unaids.org/publications/irc-pub01/jc306-un-staff-rev1\\_en.pdf](http://data.unaids.org/publications/irc-pub01/jc306-un-staff-rev1_en.pdf) [Last Accessed 5\ 1\ 2024].

UNHCR (2002) *Food and Nutrition Needs in Emergencies*. Available at:

<http://whqlibdoc.who.int/hq/2004/a83743.pdf> [Last Accessed 8\ 1\ 2024].

Norwegian Refugee Council (2002) *Profile of internal displacement*, Global IDP Database. Available at:

<http://unpan1.un.org/intradoc/groups/public/documents/untc/unpan016823.pdf> [Last Accessed 11\ 12\ 2023].

UNICEF (2005) *Children in Islam Their Care, Development and Protection*.

Universal Declaration of Human Rights (1948).

Women's Refugee Commission, "Reproductive Health for Displaced Adolescents", available at: <http://www.womensrefugeecommission.org/programs/rh/56-rh/72-youth> [Last Accessed 9\ 1\ 2024].

### **Case Law:**

'Prosecutor v. Dusko Tadic', [1995] Decision of the Defense Motion on Interlocutory Appeal on Jurisdiction, Appeals Chamber, 2 October 1995, 70.

'The Prosecutor v. Fatmir Limaj' [2005] IT-03-66-T, 30 November 2005, para. 84.

### **Quran and Sharia:**

Quran (Chapter 3) 110.

Qur'an (Chapter 4) 190.

Qur'an (Chapter 4) 5: 32. See also 81: 8-9.

Qur'an (Chapter 4) 6: 151.

Qur'an (Chapter 4) 4: 93.

Qur'an (Chapter 4) 6: 151.

Quran (Chapter 9) 91.

Quran (Chapter 24) 30.

Quran (Chapter 24) 33.

Quran (Chapter 8) 75.

AL-Shaybani, M. B. A.-H. 1997. Kitab al-Siyar al-Kabir, Beirut, Dar al-Kotob al-Islamiyah.

Mawurdee, A. H. M. I. A. Al Ahkaam As Sultaanayah, the law of Islamic Governance UK, Ta-Ha publishers Ltd.

MAJAH, I. 1952. Sunan Ibn Majah. Darul Kutub Al Ilmiyyah, Beirut.

Article 12 of the 1990 Cairo Declaration on Human Rights in Islam.

### **TV Channels and Organizations:**

BBC (24 April 2024), Israel Gaza war: History of the conflict explained. Available at: <https://www.bbc.com/news/newsbeat-44124396> [Last Accessed 29June 2024].

UNICEF (2024), Children in Gaza need life-saving support - No safe place for children as humanitarian crisis deepens. Available at:

[https://www.unicef.org/emergencies/children-gaza-need-lifesaving-support?gad\\_source=1](https://www.unicef.org/emergencies/children-gaza-need-lifesaving-support?gad_source=1) [Last Accessed 29June 2024].

UNICEF (2024), Statement by UNICEF Executive Director Catherine Russell on military operations and border closures in Rafah, Gaza. Available at:

<https://www.unicef.org/press-releases/statement-unicef-executive-director-catherine-russell-military-operations-and-border> [Last Accessed 29June 2024].

Middle East Monitor (2024), UN: Israel's attacks on schools in Gaza are 'systematic'.

Available at: <https://www.middleeastmonitor.com/20240417-un-israels-attacks-on-schools-in-gaza-are-systematic/> [Last Accessed 29June 2024].

## پوخته

ئهم توئیزینه‌ویه لیکۆلینه‌ویهکی به‌راوردکاریه له نیوان یاسای نیوده‌ولته‌تی و شریعه‌ی ئیسلامی له‌باره‌ی پرسى به‌شداریکردنی مندالان له مملانی چه‌کداریه‌کان و هه‌روه‌ها ئهم پیشیلکاریانه‌ی که له کاتی شه‌ردا له‌لایهن هیزه چه‌کداریه‌کانه‌وه به‌رامبه‌ریان ئه‌نجام ده‌دریت.

روونه که به‌کاره‌ینانی مندالان و چه‌کداریکردنیان له شه‌ری چه‌کداریدا میژوویکی دوروودریژی هه‌یه و کاریگه‌ری خراب له‌سه‌ر مندالان په‌یدا ده‌کات. ئه‌مه‌ش بووته هۆی ئه‌وه‌ی که مندالان به‌ به‌راورد له‌گه‌ڵ گه‌وره‌کان زیاتر بینه قوربانی سه‌رمکی.

له‌ چوارچه‌وه‌ی یاسا نیوده‌ولته‌تیه‌کان و شه‌ریعه‌تی ئیسلامیدا، دامه‌زراندنی مندالان وه‌ک شه‌رکه‌ر له‌لایهن هیزه چه‌کداریه‌کان و به‌کاره‌ینانیان له شه‌ردا به‌ هه‌موو شیوه‌یک قه‌ده‌غه‌یه. بۆ نمونه ده‌ولته‌تی ئیسلامی له‌ عێراق و سووریا (داعش) هه‌زاران مندالی به‌کاره‌یناوه بۆ ئه‌نجامدانی تاوانی نیوده‌ولته‌تی وه‌ک تاوانی جه‌نگ و تاوانی دژ به‌ مرقایه‌تی. له‌ کاتیکدا مندالان پێویسته پارێزراو بن و له‌ مافه‌ بنه‌رتیه‌کانیان بیه‌ش نه‌کری.

جگه‌ له‌وه‌ش له‌ کاتی شه‌ری چه‌کداری نیوده‌ولته‌تی و نا نیوده‌ولته‌تیدا مندالان رووبه‌رووی کوشتن و بریندارکردن و ده‌ستدریژیکردن و په‌نابه‌ری و ئاواره‌بوونی ناوخۆیی ده‌بنه‌وه. بۆ نمونه له‌ ماوه‌ی ئۆ مانگی شه‌ری نیوان هه‌ماس و ئیسرائیلدا هه‌زاران مندال له‌ فه‌له‌ستین کوژراون و بریندار کراون و ئاواره‌بوون و برسی کراون.

توئیزه‌ران له‌م توئیزینه‌ویه‌دا کاریگه‌ریه‌کانی شه‌ری چه‌کداری له‌سه‌ر مندالان و مافه‌کانی پاراستنیان له‌کاتی شه‌ردا به‌پێی یاسا نیوده‌ولته‌تیه‌کان و شه‌ریعه‌تی ئیسلامی شی ده‌کهنه‌وه و گه‌فتوگۆی رهنه‌گرانه‌ش ده‌کهن له‌باره‌ی رۆلی کۆمه‌لگه‌ی نیوده‌ولته‌تی له‌ پاراستنی مندالان له‌به‌رانه‌به‌ر ئه‌وه‌ هه‌ره‌شه و پیشیلکاریانه‌ی که رووبه‌روویان ده‌بنه‌وه. دواتر خویندنه‌وه‌ییکی یاسای و شه‌رعی ده‌کریت بۆ په‌سه‌رانی توئیزینه‌وه‌ که بریتین له‌ ( ئایا یاسای نیوده‌ولته‌تی و شه‌ریعه‌تی ئیسلامی رێگه‌ به‌ مندالان ده‌ده‌ن بچنه‌ ناو هیزی چه‌کداریان گروپه چه‌کداریه‌کانه‌وه؟ چه‌کداریکردن و به‌کاره‌ینانی مندالان له‌کاتی مملانیی چه‌کداریدا چ کاریگه‌ریه‌ک دروست ده‌کات له‌سه‌ر ژینانیان؟).