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Protection of Palestinian Children in Armed Conflicts after 7 October 2023 from the Perspective of International Human Rights Law and International Humanitarian Law

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ABSTRACT

The escalation of armed conflicts in the Gaza Strip following the events of 7 October 2023 has resulted in widespread and systematic violations of the rights of Palestinian children, once again challenging the effectiveness of the international protection regime for this vulnerable group. Within this context, Palestinian children have faced simultaneous infringements of their fundamental rights under both international human rights law and international humanitarian law, including the right to life, health, education, and psychological security. The present article aims to examine the effectiveness of the protective mechanisms embedded within these two legal regimes and to analyze the causes of their inadequacy in ensuring accountability and preventing the continuation of impunity. Employing a descriptive–analytical method and a documentary–library-based approach, this study reviews relevant international legal instruments, the practice of international bodies, and official reports issued by the United Nations. The findings indicate that despite the existence of a relatively comprehensive normative framework, deficiencies in enforcement mechanisms, the politicization of international institutions, and the absence of binding guarantees have contributed to the continued violation of the rights of Palestinian children and the reinforcement of structural impunity. Accordingly, the article argues that effective protection of Palestinian children requires the practical integration of international human rights law and international humanitarian law and the development of complementary mechanisms, particularly transitional justice processes, with an emphasis on accountability, reparation, and guarantees of non-repetition.

Keywords: *Palestinian children; armed conflicts; international human rights law; international humanitarian law; Gaza; impunity.*

Introduction

Children have consistently been among the most vulnerable victims of armed conflicts, as they lack the capacity for individual self-defense and their physical and psychological development is profoundly affected by violence, displacement, and the collapse of social structures. War exposes children not only to death and injury but also to long-term psychological trauma, deprivation of education, and the disintegration of family foundations; consequences that extend beyond the period of conflict and shape the future of entire societies (1).



Among contemporary conflicts, the situation of Palestinian children presents exceptional and complex characteristics, as they live within a context of prolonged occupation, structural blockade, and recurrent military hostilities. The continuation of military operations, the widespread destruction of residential areas and civilian infrastructure, and severe restrictions on access to essential services have rendered Palestinian children victims of repeated and organized violations of international humanitarian law (2).

The roots of this situation cannot be reduced merely to short-term developments or isolated incidents. A historical examination of developments in Gaza since 1948 demonstrates that a recurring pattern of occupation, blockade, and violence has generated structural and chronic violations of children's rights. This historical continuity indicates that current violations are not accidental but rather the cumulative result of political and military decisions taken over decades (3).

In such circumstances, the protection of children in armed conflicts cannot rely on a single legal framework; rather, it requires synergy between international human rights law and international humanitarian law. Humanitarian law, aimed at alleviating the suffering caused by war, provides special protection for children as civilians, while human rights law, through the recognition of inherent, inalienable, and in some cases non-derogable rights of children, complements this protection. The intersection of these two regimes forms the theoretical foundation for comprehensive protection of children in situations of armed conflict (4).

Despite the extensive development of protective rules in international instruments, a review of the legal literature reveals that a significant portion of research has focused on normative analysis of rules and documents, while less attention has been devoted to assessing the practical effectiveness of these regimes in the realities of armed conflict. This research gap is particularly evident with regard to Palestinian children, who face repeated and widespread violations (5).

Accordingly, the present article seeks to answer the fundamental question of the extent to which international human rights law and international humanitarian law have been able to ensure effective and practical protection for Palestinian children in contemporary armed conflicts. Raising this question makes it possible to assess the gap between states' legal obligations and realities on the ground, as well as to evaluate the degree of accountability of the international system in the face of one of the most acute humanitarian crises of our time.

The Concept and Status of the Child in International Law

Clarifying the concept and status of the child in international law constitutes the starting point of any legal analysis concerning the protection of children in armed conflicts, because the scope and nature of protections provided within human rights and humanitarian law regimes directly depend on the legal understanding of the "child" as a legal person. The gradual transformation of the international community's perception—from viewing the child as a dependent being lacking legal autonomy to recognizing the child as a legal subject endowed with inherent rights, particularly since the second half of the twentieth century—laid the foundation for contemporary protective frameworks. This transformation, culminating in the Convention on the Rights of the Child of 1989, placed the child at the center of states' international obligations and consolidated the principle of the "best interests of the child" as the governing standard in all decisions concerning children (6). Examining this concept and status, especially within the context of armed conflict, is essential not only for understanding the nature of state obligations but also for analyzing the shortcomings of protective mechanisms and proposing complementary approaches such as transitional justice in the protection of Palestinian children.

Definition of the Child in International Law

The definition of “child” in international law goes beyond a biological description and constitutes a normative label determining the scope of special protections. The primary reference for this definition is the Convention on the Rights of the Child of 1989, which in Article 1 defines a child as every human being below the age of eighteen years (6). This age threshold has become a global standard aimed at ensuring maximum protection for individuals who, due to physical and mental immaturity, require special safeguards. However, as Manfred Nowak emphasizes, the recognition of an exception concerning the age of majority under domestic law introduces a degree of flexibility that may, in conflict environments, lead to restrictive interpretations of children’s rights (7). In this sense, the age of eighteen is not merely a temporal boundary but the basis for allocating state responsibilities toward the most vulnerable members of society (5).

A fundamental transformation in international legal doctrine has been the shift from viewing the child as an “object of protection” to recognizing the child as a “subject of rights.” Within this modern paradigm, the child is no longer a passive recipient of humanitarian assistance but a human being possessing agency, participatory rights, and independent legal personality (8). This approach, promoted by United Nations human rights mechanisms, requires that even in the harshest circumstances of armed conflict, the agency and inherent dignity of the child be respected. Recognizing the child as a rights-holder implies that the child has the right to be seen and heard in processes determining his or her fate (9).

Furthermore, at the intersection of human rights law and humanitarian law, the definition of the child is inseparably linked to the concept of the “best interests” principle. International scholars argue that any military or legal action affecting children must be interpreted in light of prioritizing their interests (10). This recognition of legal agency acquires heightened importance in contemporary armed conflicts—particularly in the situation of Palestine—where violations of children’s rights constitute not merely harm to a civilian group but the systematic suppression of rights-holders endowed, under international instruments, with fundamental and non-derogable rights (11). Thus, the legal definition of the child constitutes the cornerstone of legal claims and the primary basis for determining international crimes committed against them.

The Principle of the Best Interests of the Child

The principle of the “best interests of the child” constitutes one of the four general principles of the Convention on the Rights of the Child and forms the cornerstone of the protective system for minors in international human rights law and international humanitarian law. This principle is not merely a substantive right but also a fundamental interpretive and procedural rule.

According to Article 3 of the Convention on the Rights of the Child, in all actions concerning children, the best interests of the child shall be a primary consideration (6). This principle represents not simply a moral recommendation but a binding obligation upon states to ensure the primacy of children’s rights in policy-making and judicial decisions (12). In legal scholarship, it is recognized as a universal standard that exerts influence even over domestic legal systems of states that are not parties to the Convention (13). In practice, the best interests principle operates as a dynamic concept that must be assessed on a case-by-case basis to prevent children’s fundamental rights from being subordinated to political or military considerations (9).

Within the context of armed conflict, the best interests principle extends beyond the domain of human rights and becomes intertwined with peremptory norms of international humanitarian law. International instruments and interpretive guidance emphasize that states and parties to conflict must, even during hostilities, prioritize actions that cause the least harm to the survival and development of children (14). This obligation includes ensuring access to education, healthcare, and protection from wartime violence. As emphasized in scholarship on transitional justice, respect for this principle constitutes a prerequisite for post-conflict reconstruction and the prevention of cycles of violence (15). The international legal system, through the integration of Article 38 of the Convention on the Rights of the Child and the Geneva Conventions of 1949, seeks to establish a protective shield around children to ensure that their special needs in emergency situations are not disregarded (16).

Despite its theoretical robustness, the effectiveness of the best interests principle in asymmetric conflicts faces serious challenges. In such conflicts—exemplified by the situation in Gaza—parties frequently invoke “military necessity” to suspend consideration of children’s best interests. Critics argue that in contemporary armed conflicts, the principle has undergone a form of normative erosion, as children’s lives and security are sacrificed to strategic objectives (17).

Moreover, although international law emphasizes the child as a rights-holder, in practice children are often treated as “collateral damage,” which constitutes a clear violation of the spirit of the 1989 Convention (18). This practical suspension has created a significant accountability gap at the international level and underscores the need to reassess standards and enforcement mechanisms for the protection of children in occupied territories (11).

Protection of Children under International Humanitarian Law

The protection of children under international humanitarian law reflects the recognition of children as the most vulnerable victims of armed conflicts and the necessity of providing them with specific legal safeguards in wartime conditions. Unlike international human rights law, which regulates the general obligations of states toward individuals, international humanitarian law seeks to limit the human consequences of war by establishing concrete rules governing the conduct of parties to conflict toward civilians, particularly children. The four Geneva Conventions of 1949 and their Additional Protocols of 1977, emphasizing fundamental principles such as distinction, proportionality, and the prohibition of violence against civilians, have created a binding framework for both general and special protection of children in armed conflicts (19). These rules prohibit the recruitment of children into hostilities, forbid direct attacks against them and locations essential to their lives, and recognize children as entitled to enhanced protection due to their physical, psychological, and developmental needs. Examination of this protective regime provides the foundation for analyzing the widespread violations of the rights of Palestinian children in contemporary conflicts and assessing the effectiveness of international humanitarian law in ensuring meaningful protection.

General Protection of Civilians with Emphasis on Children

International humanitarian law, as the backbone of civilian protection in armed conflicts, was developed to mitigate the effects of war and preserve human dignity. Within this framework, children not only fall under the category of civilians but also enjoy reinforced protection due to their physical, psychological, and social vulnerability. The Geneva Conventions of 1949 and their Additional Protocols of 1977 impose both general and specific

obligations on parties to conflict, compliance with which is mandatory irrespective of whether the conflict is international or non-international (20).

a) The Principle of Distinction

The principle of distinction, as the most fundamental rule of humanitarian law, obliges parties to a conflict at all times to distinguish between civilians and combatants, and between military objectives and civilian objects. Children, even when present in areas of hostilities, are presumed to be civilians, and any direct targeting of them is prohibited. This principle acquires particular importance when children are present in schools, hospitals, or civilian shelters (21).

In international legal scholarship, the principle of distinction is regarded not only as a treaty-based rule but also as customary international law and, in many interpretations, as approaching the status of a peremptory norm. Violations of distinction involving children, especially where there is prior knowledge of the presence of minors, may readily transcend ordinary breaches and constitute war crimes (22). From this perspective, any indiscriminate attack generates heightened international responsibility toward affected children.

b) The Principle of Proportionality

The principle of proportionality complements distinction by providing that even when a military objective is legitimate, an attack must not cause incidental civilian harm that would be excessive in relation to the anticipated military advantage. In applying this principle, the situation of children as a particularly vulnerable group must be taken into account. In other words, child casualties cannot be justified merely as “collateral damage” in the same manner as general civilian losses (20).

Contemporary interpretations of humanitarian law emphasize that the presence of children in a targeted area significantly lowers the threshold of acceptable incidental harm. Ignoring the specific consequences of attacks on children—including long-term psychological trauma—constitutes a simultaneous violation of international humanitarian law and international human rights law (23). This approach establishes a clear connection between proportionality and the best interests of the child.

c) Prohibition of Attacks on Civilian Objects with Emphasis on Child-Related Facilities

Under international humanitarian law, attacks against civilian objects—including schools, hospitals, childcare facilities, and essential civilian infrastructure—are strictly prohibited unless such objects have effectively become military objectives. Even in such circumstances, the principle of precaution requires that all feasible measures be taken to minimize harm to civilians, particularly children (24).

Legal practice and United Nations reports have characterized repeated attacks on educational and medical facilities as indicative of the practical erosion of protective norms (25). Scholarly analyses further demonstrate that in contemporary conflicts, particularly asymmetric ones, these prohibitions are frequently violated, and children become the primary victims of such structural breaches (11). This situation underscores the need to reassess international monitoring and accountability mechanisms.

Taken together, the principles of distinction, proportionality, and the prohibition of attacks on civilian objects constitute the framework of “general protection” of children under international humanitarian law. However, recent conflicts demonstrate a significant gap between normative standards and realities on the ground—a gap that has produced profound humanitarian and legal consequences for Palestinian children. These challenges warrant further examination through the lens of special protections and specific prohibitions such as recruitment, detention, and sexual violence.

Special Protection of Children

In addition to the general protection afforded to all civilians, children, as a particularly vulnerable group, are entitled to special and enhanced protection under international humanitarian law. This special protection stems from the recognition that children are not only direct victims of armed conflict but also experience deeper and longer-lasting physical, psychological, and social impacts. Accordingly, the foundational instruments of humanitarian law, particularly the Geneva Conventions and the Additional Protocols of 1977, contain specific provisions dedicated to the protection of children (19).

a) Common Article 3 of the Geneva Conventions

Common Article 3 of the Geneva Conventions of 1949, applicable in non-international armed conflicts, establishes minimum humanitarian standards for persons not directly participating in hostilities, including children (16). It prohibits violence to life and person, cruel treatment, torture, and outrages upon personal dignity against civilians. Although children are not explicitly mentioned in the text of Common Article 3, given their particular vulnerability, this provision functions in practice as one of the most significant foundations for their protection in internal conflicts (21).

Interpretations by international bodies, including the International Committee of the Red Cross, have emphasized that Common Article 3 constitutes a non-derogable minimum core of humanitarian protection applicable even in the most severe circumstances. From this perspective, any organized violence against children—even within asymmetric conflicts—constitutes a manifest violation of humanitarian law (26).

b) Additional Protocol I of 1977 (Articles 77 and 78)

Additional Protocol I of 1977 addresses special protection for children in an explicit and unprecedented manner. Article 77 provides that children shall be the object of special respect and shall be protected against any form of indecent assault, and it prohibits the recruitment of children under fifteen years of age into armed forces or their direct participation in hostilities (27). This provision represents a turning point in transforming moral concern for children into a binding legal obligation within international humanitarian law.

Article 78 addresses the evacuation and transfer of children during armed conflict and prohibits their displacement without appropriate legal and humanitarian guarantees. This provision was designed to prevent abuse, forced separation from families, and alteration of children's identity during wartime. Contemporary legal scholarship regards this rule as a response to the traumatic experiences of twentieth-century wars and systematic exploitation of children (28).

c) Protection of Schools, Hospitals, and Humanitarian Assistance

An essential dimension of special protection concerns safeguarding facilities and services directly linked to children's survival and development. International humanitarian law prohibits attacks against schools, hospitals, healthcare centers, and educational institutions, categorizing them as specially protected civilian objects (29). This protection is reinforced in human rights instruments, particularly regarding the rights to education and healthcare (6).

International reports and legal analyses identify attacks on schools and hospitals as clear examples of grave breaches of humanitarian law, as such acts deprive children of their most basic rights and produce long-term structural consequences for their future (30). The systematic destruction of educational and healthcare infrastructure

is not merely incidental war damage but constitutes a multilayered violation that simultaneously undermines international human rights law and international humanitarian law (31).

In sum, Common Article 3 of the Geneva Conventions, Articles 77 and 78 of Additional Protocol I, and rules concerning the protection of schools, hospitals, and humanitarian relief collectively form the foundation of special protection for children under international humanitarian law. Nevertheless, the experience of contemporary conflicts—particularly in occupied territories and asymmetric warfare—demonstrates serious implementation challenges. In the case of Palestinian children, this gap between norm and reality has manifested in widespread and persistent violations of their fundamental rights. This disparity sets the stage for examining issues of international responsibility and the effectiveness of the protective regime in the subsequent section of the article.

Widespread Violations in Gaza

Developments in the Gaza Strip after 7 October 2023 constitute a clear example of widespread, continuous, and organized violations of international humanitarian law, in which children—as the most vulnerable civilian group—have been disproportionately affected. The combined use of extensive bombardment of civilian areas alongside a comprehensive siege and deprivation of vital resources has produced a situation that is not only incompatible with the foundational principles of humanitarian law but, in light of international criminal law, is capable of characterization as a war crime (25).

a) Extensive Bombardment and the Targeting of Civilian Areas

Following the outbreak of hostilities, persistent and large-scale bombardment of residential neighborhoods, schools, hospitals, and civilian infrastructure in Gaza has been carried out in a manner that seriously violates the principles of distinction and proportionality. Available evidence in United Nations reporting indicates that these attacks have been conducted without effective distinction between military and civilian objectives, resulting in the killing and injury of thousands of civilians, particularly children (32).

Children in Gaza have not only been direct victims of these strikes, but the systematic destruction of life-sustaining infrastructure—particularly educational and medical facilities—has imposed long-term psychological, social, and physical harms. The bombardment of hospitals and schools, which enjoy special protection under international humanitarian law, reflects the practical erosion of protective rules and a disregard for binding international obligations (16).

b) The Siege of Gaza and Deprivation of Water, Food, and Medicine

Only two days after the bombardments began, a comprehensive siege of the Gaza Strip was imposed. While the origins of the blockade trace back to 2007, the renewed phase has been implemented with unprecedented intensity and breadth. This siege has led to the cessation or severe restriction of access for Gaza's residents—among whom children constitute a substantial proportion—to safe drinking water, food, medicine, fuel, and other essentials necessary for survival (30).

Reports by international bodies indicate that famine and deliberate starvation have been instrumentalized as a means of collective pressure, and that children are dying daily due to malnutrition and the absence of medical care. This situation is not an unintended consequence of war, but the result of a policy whose effects directly target civilian life and stand in manifest contradiction with basic principles of humanity (25).

c) Legal Assessment: War Crimes under Article 8 of the Rome Statute

From the perspective of international criminal law, many acts committed in Gaza are capable of qualifying as war crimes. Under Article 8(2) of the Rome Statute of the International Criminal Court, intentional attacks against civilians, the targeting of civilian objects, and in particular the use of starvation by depriving access to water, food, and medicine are expressly recognized as war crimes. Preventing the entry of humanitarian relief and obstructing children's access to minimum necessities for survival constitute clear applications of this prohibition (25).

Moreover, the persistence and recurring pattern of these acts strengthens the elements of intent and organization—elements that are central to assessing individual international criminal responsibility. Within this framework, reliance on self-defense under Article 51 of the United Nations Charter cannot justify violations of peremptory humanitarian norms or the systematic deprivation of children of their fundamental rights (28).

The large-scale bombardment of civilian areas and the comprehensive siege of the Gaza Strip, particularly in their direct and devastating impact on children, demonstrate grave and continuous violations of international humanitarian law. In light of Article 8 of the Rome Statute, these acts contain the necessary elements to be characterized as war crimes and raise questions of international responsibility for their perpetrators (22). The continuation of this situation not only threatens the lives and future of Palestinian children, but also places the legitimacy and effectiveness of the international legal order for the protection of victims of armed conflicts under severe strain.

Protection of Palestinian Children within the Framework of International Human Rights Law

Protecting Palestinian children within international human rights law rests on the fundamental premise that states' human rights obligations are not confined to peacetime and continue to apply even during armed conflict, particularly toward vulnerable groups such as children. Unlike international humanitarian law—which regulates the conduct of parties during hostilities—human rights law, grounded in the inherent and inalienable rights of the human person, obliges states to safeguard fundamental rights of children, including the right to life, health, education, human dignity, and family protection, even in emergency conditions. The Convention on the Rights of the Child of 1989, as the central instrument in this regime, recognizes the child as a rights-holder and consolidates the best interests principle, thereby providing a comprehensive framework for sustained protection of Palestinian children (6). Nevertheless, developments after 7 October 2023 suggest that, in practice, these human rights obligations have been widely violated and Palestinian children have faced systematic deprivation of even the most basic human rights. Examining this framework is necessary not only to clarify the obligations of states and international bodies, but also to analyze the deficiencies of human rights enforcement mechanisms and their linkage to the phenomenon of impunity in relation to violations against Palestinian children.

State Obligations in Situations of Armed Conflict

Contrary to the traditional view that international human rights law is applicable only in times of peace, contemporary international practice increasingly emphasizes the continued applicability of states' human rights obligations during armed conflict. Within this framework, Palestinian children—even under conditions of armed conflict and occupation—remain entitled to human rights protection, and states cannot evade their fundamental obligations merely by invoking a wartime context (6).

a) The Continued Applicability of Human Rights During War

Core human rights instruments, including the Convention on the Rights of the Child of 1989, do not provide for a general suspension clause applicable to armed conflict. On the contrary, Article 38 of the Convention explicitly underscores the need for special protection of children during armed conflict. This means that war does not suspend children's rights; rather, it elevates the threshold of protective obligations, because children are exposed to heightened risk in such circumstances (19).

In the case of Palestinian children, the persistence of bombardment, siege, and destruction of civilian infrastructure constitutes not only violations of humanitarian law but also direct violations of children's human rights—rights that states are obliged to respect, protect, and fulfill (21).

b) Overlap and Interaction between International Human Rights Law and International Humanitarian Law

In contemporary international legal scholarship, the relationship between international human rights law and international humanitarian law is understood not as competitive but as complementary and overlapping. During armed conflict, humanitarian law operates as the *lex specialis* governing the conduct of hostilities, without displacing human rights law; rather, human rights law—especially in the area of children's rights—fills protective gaps left by humanitarian law (4).

For Palestinian children, this overlap is particularly significant because many harms—such as deprivation of education, medical care, psychological security, and family life—cannot be fully assessed through a purely military framework and require simultaneous engagement with human rights norms. Put differently, if international humanitarian law secures minimum humanitarian guarantees, international human rights law provides a higher level of substantive and structural protection for children (33).

c) Critique of Selective Derogation of Human Rights and Its Consequences for Palestinian Children

A central challenge in protecting Palestinian children has been the reliance by states—and at times by certain international bodies—on an expansive and selective concept of “derogation of human rights during armed conflict.” Legal analyses suggest that this approach has effectively weakened foundational protections for children and normalized violations against them (13).

While international law permits limited derogation from certain rights only under strict conditions of public emergency, children's core rights—particularly the right to life, the prohibition of inhuman treatment, and the right to minimum conditions of survival—are generally regarded as non-derogable. Disregarding this distinction has facilitated structural impunity and the continuation of violations against Palestinian children, an issue that will be examined in subsequent sections through the lens of the effectiveness of international accountability mechanisms.

Critical Evaluation of the Effectiveness of the International Protection System

Despite the significant development of international legal norms concerning the protection of children in armed conflicts, the situation of Palestinian children affected by violations committed after 7 October 2023 in Gaza reveals a profound gap between the *normative framework* and *practical implementation*. Foundational instruments such as the Convention on the Rights of the Child, the Additional Protocols to the Geneva Conventions, and the Statute of the International Criminal Court have established a relatively comprehensive legal framework for both general and special protection of children. Nevertheless, the absence of binding enforcement mechanisms and effective implementation has undermined the deterrent function of these protections. This ineffectiveness has become particularly pronounced in contemporary asymmetric conflicts, where the distinction between civilians and combatants is deliberately blurred and security justifications are invoked to legitimize violations, ultimately rendering

children the most vulnerable victims of warfare (6, 31). In such circumstances, despite the normative convergence of international humanitarian law and international human rights law, their practical application has failed to ensure effective protection of the fundamental rights of Palestinian children.

One of the central factors contributing to the persistence of this situation is the structure of impunity embedded within the international accountability system. The United Nations Security Council, as the primary organ responsible for maintaining international peace and security, has been effectively paralyzed due to political considerations and repeated use of the veto power. Consequently, it has been unable to employ binding measures to halt violations or to ensure meaningful referral of cases involving grave abuses against Palestinian children to judicial mechanisms (10). Similarly, although the International Criminal Court possesses jurisdiction over war crimes and crimes against humanity, it faces substantial obstacles, including political pressure, lack of cooperation from non-member states, and limitations in enforcement capacity. The practical outcome of these constraints has been the normalization of violations against children and the continuation of cycles of violence affecting Palestinian minors. In such a context, the absence of effective accountability becomes itself a driver of recurring violations, reinforcing structural impunity (33).

The limitations of purely punitive and criminal justice approaches in securing meaningful protection for Palestinian children highlight the necessity of complementary and innovative responses. Within this framework, transitional justice emerges as a comprehensive model capable of addressing structural deficiencies within the existing international system. Unlike international criminal law, which primarily focuses on individual responsibility and punishment, transitional justice emphasizes repairing structural harm, rebuilding social trust, and establishing multilayered accountability mechanisms (12, 34). For Palestinian children, such an approach would require comprehensive truth-seeking processes concerning the scope and nature of violations, provision of material and moral reparations tailored to the specific needs of children, and institutional reforms designed to guarantee non-recurrence. From this perspective, transitional justice should not be viewed as an alternative to international criminal accountability but rather as its necessary complement, capable of overcoming existing implementation deadlocks and advancing more effective protection for children in protracted armed conflicts (15, 27).

This analysis not only completes the theoretical framework of the present article but also opens avenues for future research focusing specifically on restorative and transitional justice models aimed at protecting children who are victims of armed conflict.

Conclusion

The findings of this article demonstrate that although international human rights law and international humanitarian law have, from a normative perspective, established a relatively comprehensive framework for the protection of children in armed conflicts, this protective system has faced serious shortcomings when confronted with the situation of Palestinian children, particularly following the events of 7 October 2023 in Gaza. The continued violation of fundamental principles such as distinction, proportionality, and precaution, alongside infringements of core rights recognized under the Convention on the Rights of the Child, indicates that the normative overlap between these two branches of international law has not necessarily translated into effective or deterrent protection in practice. Consequently, the protections envisaged in international legal instruments have largely remained at the level of theoretical commitments and have failed to prevent the severe vulnerability of Palestinian children within a prolonged and asymmetric conflict environment.

The analysis conducted in this study reveals that Palestinian children are not merely incidental victims of war but rather structural victims of an ineffective international accountability system. The politicization of protective mechanisms, institutional paralysis within the United Nations Security Council, limitations faced by the International Criminal Court, and the absence of enforceable implementation mechanisms have collectively contributed to the emergence and persistence of structural impunity. Under such conditions, the threat of criminal prosecution has not produced meaningful deterrence; instead, it has gradually led to the normalization of violations against children. In this environment, violence against children becomes embedded within the dominant logic of conflict, and the international system risks being reduced to a partially functional framework incapable of fulfilling its protective mandate.

Accordingly, this article argues that overcoming the current protection deadlock requires a fundamental rethinking of international accountability mechanisms. Strengthening accountability demands, on the one hand, the activation of existing legal tools, including the strategic use of universal jurisdiction in situations where institutional paralysis or ineffectiveness prevents international action. On the other hand, it requires acknowledgment that purely punitive approaches are insufficient to repair the deep and multidimensional harms inflicted upon Palestinian children. Within this framework, transitional justice should be understood as a complementary mechanism rather than a substitute, capable of enabling broader accountability, recognizing victims' suffering, providing child-sensitive reparations, and ensuring guarantees of non-repetition.

Ultimately, this study concludes that effective protection of Palestinian children requires a shift from reactive and short-term responses toward a comprehensive, child-centered, and long-term strategy. Such a strategy must integrate international human rights law and international humanitarian law with transitional justice mechanisms in a mutually reinforcing manner. This integrated approach can help bridge the gap between legal norms and practical implementation and create the foundation for redefining the concept of justice for children affected by armed conflict within the contemporary international legal order.

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Authors' Contributions

All authors equally contributed to this study.

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The authors of this article declared no conflict of interest.

Ethical Considerations

All ethical principles were adhered in conducting and writing this article.

Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

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