

Received: 11/04/2022

Accepted: 06/05/2022

Legal protection for children in armed conflict

Mentfah Miloud AbdAljallil*¹

University Center of Maghnia , Algeria,
miloudabdeldjalil.mentfah@univ-tlemcen.dz

Abstract:

Wars are as old as humanity, and are still up to the present time, with the development taking place in weapons, techniques of war and destruction, the most severe effects of these wars on children are due to their helplessness, and despite the available legal texts aimed at ensuring their protection However, this still did not reach the required level, and child victims in wars account for the majority of losses and the most important of all. They affect, at present and in the future, human aspirations towards a better life, and the research tries to consider the legal protection available to children in times of wars and armed conflicts.

Keywords: legal protection, children, armed conflict.

INTRODUCTION:

It is no secret to anyone that the most affected by armed conflicts They are not participating in it, and who have no income except that they live in that region, neither did they start the war nor did they seek it except for the occupied lands ,but their share of it is displacement and suffering if they survived the killing, and perhaps more A group affected by the war are women and children, and the most affected at all levels are

* Corresponding author

children. There is no positive result in the war for them, and they bear the greatest burden in terms of their suffering during it, and in terms of the psychological effects of living with it. Children are given great attention from all groups except the warring groups. Despite the numerous legislations and treaties that give them special protection, this did not satisfy them in limiting the scourge of armed conflicts against them.

Nearly a century after the Geneva Declaration of the Rights of the Child of 1924, this group is still suffering from the worst of wars around the world, and in the face of what this group represents in the future in terms of the composition of society, the conflicting countries and armed groups ignore this. And it seeks in every way to move away from the application of special protection for them, and this calls for serious and continuous research in order to find effective mechanisms for the protection of children in general, and during armed conflicts in particular, and before that, the legal protection of children during armed conflicts must be researched, and The various legal centers in which he is between a civilian and a child and a participant in the armed conflict, and a review of the legal articles that guarantee his protection in armed conflict in the various international conventions and the Fourth Geneva Convention of 1949, and the two protocols annexed to the four Geneva Conventions of 1977, as well as the Optional Protocol to the Convention The rights of the child, which concerns the prohibition of the involvement of children in military conflicts, with reference to the Convention on the Rights of the Child adopted for ratification by United Nations General Assembly (which was adopted and submitted for signature, ratification and accession pursuant to Resolution of No. 44/25 1989) , its first article defines the child as :every human being under the age of eighteen unless he has reached the age of majority in accordance with the law applicable to him ,and thus it determined the

highest age for any human being to be considered a child, taking into account the traditions of societies so that if we extrapolate from the provisions of the Algerian Civil Code, It considers the age of civil majority to be 19 full years (Article 40 of Ordinance 58/75 which includes the amended and supplemented Algerian Civil Code. 1975), unlike the Code of Criminal Procedure, which considers it to be the age of criminal majority every year Whoever has reached the full age of 18 years on the day the crime was committed (See Articles 442 and 443 of Ordinance 66/155 containing the amended and supplemented Code of Criminal Procedure. 1966), and from it, whoever has not reached the age of eighteen and his national law does not specify an age of majority less than that, he is considered a child. Accordingly, the African Charter on the Rights, Health and Welfare of the Child is in accordance with the text of Article Two of it. Which stipulated: A child is defined as any person under the age of eighteen years (Article 2 of the African Charter on the Rights, Health and Welfare of the Child, a document adopted by the former Organization of African Unity, the African Union, and entered into force in November 1999 1990), and the Rome Statute of the International Criminal Court specified personal criminal jurisdiction in the text of Article Twenty-six of it, which states: The Court shall not have jurisdiction over any person under eighteen years of age. At the time of the commission of the crime attributed to him (Article 26 of the Rome Statute of the International Criminal Court, original document A/CONF/183/9 1998), and from extrapolating these texts, it becomes clear that there is a consensus in the international community to determine the age of a child who is eighteen full years of age at all times, and it is also not applied in armed conflicts. In light of this, the research calls for the following problems: Do international conventions guarantee adequate or necessary protection for children during

armed conflicts? This problems can be researched by following the descriptive-analytical approach in various legal rules and the historical method in monitoring developments ; by researching the various declarations and international conventions and the Fourth Geneva Convention of 1949 relating to the protection of civilian persons in time of war, and the two protocols annexed to the Geneva Conventions of 1977, we find that children enjoy two types of protection in times of war, the first being a civilian and not military, and the second is that they are children They do not exceed the age of eighteen, and accordingly, these two types must be addressed as follows:

The first requirement: the protection of children in armed conflict as civilians.

The rules of the humanitarian law, human rights rules and the various laws of war from ancient times call on combatants to specific values for the purpose of not harming those who do not fight them, and this value corresponds to the principle of distinction between combatants and non-combatants, and other basic principles, The law with the intent of limiting the horrific effects of armed conflicts at all levels, especially for civilians persons and civilian installations or objects, which form the basis for living in areas that are not immune from conflict, and international humanitarian law is formed mainly from agreements and treaties concluded between states, and From customary rules that emerged from the feeling of states commitment to them in order to limit the destructive effects of wars, it is internationally illegal to launch attacks on non-military targets, and to discuss the rules for the protection of civilians in armed conflicts, it must be addressed in two aspects, the first of which relates to international armed conflicts, and the second concerning non-international armed conflicts, in order in the following two sections:

Section one: the protection of civilians in international armed conflicts.

By extrapolating the texts of the Fourth Geneva Convention of 1949 relating to the protection of civilian persons in time of war, dated August 12, 1949, Article 14 of it in its first paragraph indicated the permissibility of establishing hospital and safety areas and sites organized in a way that allows the protection of the wounded, sick, the infirm, the elderly and children without Fifteen-year-olds, pregnant women and mothers of children under the age of seven (Article 14 of the Fourth Geneva Convention 1949), as indicated in Article 17 of the same Convention that the parties to the conflict must work to approve arrangements for the transfer of the wounded, sick, infirm, elderly, children and maternity women from conflict areas to protected areas (fourth Geneva convention). Article 27 of the same convention the right of civilians to be respected, their honors, family rights, religious beliefs, customs and traditions, and that they should be treated humanely at all times, and in particular be protected against all acts of violence or threats (fourth Geneva convention). Article 6 of Additional Protocol I of 1977 Civilian persons and the civilian population as not belonging to the persons defined in their military capacity or participating in hostilities in accordance with regulations related to their not belonging to:

- ✓ Members of the armed forces and the volunteer militias of which they are part.
- ✓ Members of other militias and volunteer units, including members of resistance movements.
- ✓ Members of the regular armed forces who pledge allegiance to a government or authority not recognized by the Detaining Power.
- ✓ Residents who take up arms on their own when the enemy approaches to resist the invading forces (Al-Dabbas and Jassim

2018). All these characteristics apply to children of all ages, as they do not belong to these groups.

In its second and third paragraphs, it affirmed that all civilians are considered a civilian population and are not stripped of their civilian status because of the presence of individuals among them who do not meet the definition of civilians (Article 50 of Additional Protocol I annexed to the four Geneva Conventions of 1949 relating to the protection of victims of international armed conflicts 1977).and this is inferred from the fact that the only objective that states should strive to achieve during war is, according to the Saint Petersburg Declaration of 1868, to weaken the military forces of the enemy (kalshougn and Tegsveld 2004, 52), thus preventing attacks on civilian sites and objects, which include children in Most of the time, Articles 51 of Additional Protocol I of 1977 stipulate the prohibition of acts and threats of violence that aim to spread terror among civilians, and the prohibition of indiscriminate attacks that are not directed at a specific military objective, or whose objectives cannot be limited. It considered the attack as bombardment and the attack that could hit civilians as indiscriminate attacks. It also prohibited deterrence attacks against civilians and invoked them to cover military objectives (Additional Protocol I). It also prohibited attacking civilian objects, and considered them all that is Non-military (Additional Protocol I), which necessarily includes children under the age of eighteen years, attacking cultural objects and places of worship and using these places to support war efforts (Additional Protocol I), and criminalizing starvation of civilians, and attacking objects and objects indispensable to the survival of the civilian population (Additional Protocol I). Accordingly, the protection of the civilian population is an essential pillar of international humanitarian law, including children. Civilians and all those who do not participate in the fighting for any reason must not be

attacked, and their lives and protection must be preserved and the protection of civilians in armed conflict enhanced. , and other cases of violence in all War actions of any kind (Al-Dabbas and Jassim 2018, 77), and accordingly, reference should be made to the legal protection of civilians in non-international armed conflicts in the next section as follows:

The second section: the protection of civilians in non-international armed conflicts.

For hostilities to be considered a non-international armed conflict, it must reach a certain level of intensity, and the groups participating in it must be adequately organized (AbiRaja 2016, 11). This type of conflict is subject to Common Article 3 of the four Geneva Conventions and the Second Additional Protocol to the Conventions, as well is subject to the provisions of the customary rules of humanitarian law, and the rules related to non-international armed conflicts are less detailed than those related to international armed conflicts (AbiRaja 2016:28). By extrapolating the text of Common Article Three of the four Geneva Conventions and the texts of the Second Additional Protocol attached to the conventions, protection must include all persons who do not They take part in hostilities in whatever capacity they are, which includes civilians in general as well as children, and protection extends even to persons who no longer participate in those acts, and Article 13 of Additional Protocol II emphasized the obligation to protect the civilian population, so that no They may be the subject of attack, and acts of violence or threats thereof are prohibited against them with the intent of spreading panic among them, and they remain under this protection unless they take a direct role in the military act For this reason (Additional Protocol II), and with reference to the provisions of Article 3 common to the Geneva Conventions, the right of civilians is prohibited at all times from the following acts:

- ✓ Assault on life and physical integrity, especially murder in all its forms, mutilation, cruel treatment and torture.
- ✓ Taking hostages.
- ✓ Outrages upon personal dignity, especially humiliating and degrading treatment.

Issuing judgments and executing penalties without conducting a previous trial before a fair and impartial court(Additional Protocol II). This is because a large part of international law is devoted to the protection of life, especially the lives of civilians and people who do not participate in the fighting, including young people. Humanitarian law is not satisfied with protecting civilian's right to life, but rather protects the means necessary for life(2002359) . Accordingly, Articles 14 and beyond of Additional Protocol II of 1977 prohibit starvation of civilians as a method of combat, and attack, destroy or disrupt items indispensable to the survival of civilians such as foodstuffs, agricultural areas, crops, livestock, drinking water facilities and their networks(Article 14 of the Second Additional Protocol to the four Geneva Conventions of 1949). It also prohibits attacks on installations and works containing dangerous forces such as dams, bridges, and nuclear power stations(Article 15 of the Second Additional Protocol), and the forcible transfer of civilians for reasons related to the conflict or for urgent non-military reasons, and it is not permissible to force them to leave their lands (Article 17 of the Second Additional Protocol). Provisions of Article 16 of the same Protocol Committing hostile acts against historical monuments, works of art and places of worship (Article 16 of the Second Additional Protocol), and it appears in the matter that the provisions of the Second Additional Protocol are insignificant compared to the First Additional Protocol, as it contains only 28 articles, and its first article confirmed that it develops and complements Article Three. Common from the four Geneva Conventions of 1949

without modifying the current conditions for their application (Article 01 of the Second Additional Protocol), but extrapolating its provisions shows that the parties to the conflict must follow the basic principles related to the rules of combat and his behavior and mainly related to the principle of humanity, the principle of military necessity and the principle of proportionality (Ghoneim 2019), in addition to the principle of distinction between combatants and civilians, and the prohibition of the use of weapons and methods of indiscriminate warfare, and the prohibition of resorting to perfidy during combat and the concealment of civilians or their use to protect military objectives (AbiRaja 2016, 19), The issue of confusing types of armed conflicts that are not of an international character is still of interest to academics, because of its importance in knowing the rules of law that apply to each of them and what should be sought to develop or amend, and to work on disseminating it on the widest scale so that the participants in Hostilities The obligations placed upon them, the violation of which amounts to international crimes (Yazigi s.d., 278)

The second requirement: the special protection of children in armed conflict.

And after reviewing the most important forms of protection for civilians in armed conflicts, the research calls for addressing the forms of protection for children in particular, since they are, according to the definition presented to them, every person under eighteen years of age, and the growing interest in protecting children after the First World War, given the killing, abuse, deterioration in their health, and orphan hood suffered by children (Mazighi s.d., 330).

One of the most important forms of protection for children during armed conflicts is the child's right to life and the right to care and physical safety, which is what the research addresses as follows:

Section one: The right of the child to life during armed conflicts.

Article 6 of the International Covenant on Civil and Political Rights states in its first paragraph that the right to life is an inherent right of every human being... and no one may be arbitrarily deprived of his life (the first paragraph of Article VI of the International Covenant on Civil and Political Rights 1966). And article 3 of the Universal Declaration of Human Rights states that every individual has the right to life (Article 03 of the Universal Declaration of Human Rights adopted by United Nations General Assembly Resolution 217 A 1948), liberty and the safety of his person, as well as Article 06 of the Convention on the Rights of the Child in its first paragraph that states parties recognize that every child has an inherent right to life (Article 06 of the Convention on the Rights of the Child, United Nations General Assembly Resolution 44/25 1989), and it is certain that these articles cannot be implemented during wars, and for this reason Article 68 states From the Fourth Geneva Convention on the Protection of Civilian Persons in Time of War, in its fourth paragraph, that it is not permissible in any case to issue a death sentence for a protected person who was under eighteen years of age at the time of the violation (the fourth paragraph of Article 68 of the Fourth Geneva Convention 1949), which is an affirmation that the child may not be deprived of his life, for human rights are subordinate to the right in their existence The original right to life, the child also has the right to life in times of armed conflict, and due to his young age and his inability to determine matters, the international community agreed to protect him in the event of his involvement and commission of crimes punishable by death in times of peace and war (Mazighi s.d., 331), as well as the fifth paragraph of Article 77 of Additional Protocol I the death sentence may not be carried out on persons who have not

reached the age of eighteen at the time of the commission of the crime, and the same applies to non-international armed conflicts, the provisions of Article 06 of the Protocol included The second supplement attached to the Geneva Conventions in its fourth paragraph, the same provisions, as it stipulates that a death sentence may not be imposed on persons who were under eighteen at the time of the commission of the crime Also, the death penalty may not be carried out on pregnant women or mothers of young children (Paragraph 4 of Article 06 of the Second Additional Protocol), and thus it included the right of the fetus to life by prohibiting the execution of the death sentence on the pregnant mother, due to the link of the death sentence to the deprivation of the child's right to life, and due to the cruelty of the death penalty for children The rules of international humanitarian law have decided a special protection for children at the age of eighteen years from the implementation of this punishment, if it was imposed on them because they had committed one of the crimes related to the armed conflict. All the conditions necessary to sign them, based on the fact that a child under the age of eighteen often commits these crimes at the instigation and direction of others (Karim 2016, 596), and therefore all forms of oppression and cruel and inhuman treatment of women and children, including imprisonment, torture and Execution by firing squad, wholesale arrest, collective punishment, destruction of homes and forced eviction committed by combatants during military operations, or in the occupied territories (The text of Article 5 of the Declaration on the Protection of Women and Children in Situations of Emergency and Armed Conflict,1974), thus amounting to war crimes.

Section Two: The right of the child to physical care and safety during armed conflicts.

In addition to the inherent right of the child to life, international conventions have listed the right of children to care, care and physical integrity as a recognized right, and the Fourth Convention stipulates the need for preferential protection for children, and if it is not mentioned in a general principle, the fifth paragraph of Article 38 of the Fourth Convention on the obligation of children under fifteen, pregnant women and mothers of children under seven years of age to benefit from any preferential treatment accorded to nationals of the country concerned (the fifth paragraph of Article 38 of the Fourth Geneva Convention 1949), and this is what was mentioned in Articles 77 and 78 of Additional Protocol I attached to the Geneva Conventions, where it requires that Children shall be the subject of special respect, and protection shall be guaranteed for them against any form of outrage in modesty. It has also obligated the parties to the conflict to prepare the means of care and assistance they need (first paragraph of Article 77 of the First Additional Protocol 1977). It has also prohibited the evacuation of children to a foreign country except temporarily and for compelling reasons, and after obtaining the consent One of the persons responsible by law, taking all precautions to avoid endangering this evacuation, while continuing to provide the child as much as possible in the event of evacuation with his necessary and ordinary education according to his habits and the desire of his parents, and the need to prepare cards for children Do not define their identity and characteristics clearly, which enables them to be defined (Article 78 of Additional Protocol I 1977), as well as obligates them Paragraph 3 of Article 4 of Additional Protocol II to provide care and aid as much as they need it (the third paragraph of Article 4 of the Second Additional Protocol 1977), and Article 70 of Additional Protocol I gives priority to children, pregnant women, delivery cases and nursing mothers who are entitled to receive preferential

treatment or special protection in providing And the distribution of relief dispatches (first Paragraph of Article70 of the first Additional Protocol1977), which is what Article 23 of the Fourth Convention stipulates, and these texts reflect the importance of preserving the right to health for the child in conflicts, because when the conflict situation reaches a dead end and one reaches a state of war, a sharp break in the balance occurs Social and economic, and then everything turns according to the course of the war, and those who do not participate in the war find themselves deprived of the support of the authorities, and those who were in a critical condition before the events become more affected and are exposed to the possibility of being stripped of things essential to their health, if not their survival (Ajaz s.d., 51). In addition to these texts, the state parties guarantee the special rights of the child, which are represented in his family and his family, where children should not be deprived of their belonging to their original family, and from this, family ties must be preserved in the case of arrest through arrest The whole family is with its children, and in one detention center. Families also have the right to demand their children in the same detention center or place of detention based on Article 82, Paragraph 4, which states that members of the same family, especially parents and children, be gathered together in one detention center, except in special cases. They also enjoy a place of detention separate from the rest of the detainees, even if the children are not detained. Parents may request that their children join them, and in the same direction the state must ensure that the same family does not differentiate between the process of evacuating areas, or transferring civilians in the lands The occupying country (Amimer s.d., 344), and these are some forms of legal rules that guarantee protection for children in times of armed conflict as children, or civilians not participating in the fighting and hostilities, but the reality and

armed conflicts show that children are participants in armed conflicts, so what kind of protection is granted to them during their participation In which ? This is the problem faced by the second topic, as follows:

CONCLUSION :

The previous definitions, and the legal articles that mention the legal protection that the international legislator included in its agreements for the child in his various positions, during armed conflicts, even if they are very important from a legislative point of view, they do not live up to the time limit to guarantee the child the necessary protection in times of conflict. As it remains linked to the availability of the international political will to implement it or to impose its application on the parties to the conflict, and if the primary role of the United Nations is to ensure the preservation of world peace and security, its most important body represented in the Security Council remains subject to political calculations related to the veto right granted to permanent members, and It is what often hinders taking decisions that guarantee the necessary protection for civilians in general and for children in particular, and it is noticeable in the recent period, and with the crises the whole world is going through, the most important recommendations are:

- ✓ Calling for a review of the veto rights granted to permanent members of the Security Council.
- ✓ The need to review the statute of the International Criminal Court.
- ✓ The necessity of concluding bilateral and multilateral regional treaties to combat impunity for persons suspected of committing hostile acts targeting children in particular and civilians in general.
- ✓ The need to search for mechanisms that ensure rapid and effective intervention to protect children during armed conflicts.

- ✓ Urging countries to stipulate the principle of the universal jurisdiction of the national judiciary in their national legislation.
- ✓ The necessity of searching for ways to enforce the laws of humanitarian intervention in areas of war and conflict.
- ✓ Researching how to impose immediate sanctions on the states parties to the conflict in the event that crimes against children and civilians are proven to be committed.

This is because what is available at the present time does not limit the flagrant attacks on children's rights in various parts of the world, and because protecting children in times of armed conflict is no different from protecting them in times of peace. For them, nothing but images of the aspirations of future generations, and the observer in the era of information of reports, images and news coming from different areas of conflict, can be sure of the extent of the suffering they experience in decisions that they were never among the decision-makers, but which obligate them with their consequences, and with this, all images are canceled Civilization that advocates call for despite what is happening, the suffering of children in any part of the world reveals the weakness of adults, their lack of responsibility and their shortcomings, and thus it is the duty of every individual everywhere, to work in order to spare this group the scourge of destruction resulting from wars, and It is an obligation that cannot be evaded, as the legal texts are clear and unambiguous, and the defect and shortcoming are the result of their failure to apply and ignore them. Therefore, the reality of the situation calls, and if there are mechanisms to implement them, to search for appropriate deterrent mechanisms to stop the attacks of children's rights, and applying these mechanisms decisively, regardless of all considerations, as no nation is satisfied that its children be the subject of tragedies, and for this purpose, serious work must be

strengthened, and not to stop looking for all the ways that allow to make the world a safe place for children.

1 Travaux cités

" Article 03 of the Universal Declaration of Human Rights adopted by United Nations General Assembly Resolution 217 A ." December 10, 1948.

" Article 06 of the Convention on the Rights of the Child, United Nations General Assembly Resolution 44/25 ." November 20, 1989.

" Article 16 of the Second Additional Protocol of 1977 annexed to the four Geneva Conventions of 1949."

" Article 2 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict."

" Article 26 of the Rome Statute of the International Criminal Court, original document A/CONF/183/9 ." July 17, 1998.

" Article 3 common to the four Geneva Conventions of 1949."

" Article 3 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict."

" Article 4 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict."

" Article 40 of Ordinance 58/75 which includes the amended and supplemented Algerian Civil Code." September 26, 1975.

" Article 52 of Additional Protocol I to the four Geneva Conventions."

" Article 53 of Additional Protocol I to the four Geneva Conventions."

" Article 54 of Additional Protocol I to the four Geneva Conventions."

" Memorandum of the Secretary-General of the United Nations, Promotion and Protection of Children's Rights."

" Article 40 of Ordinance 58/75 which includes the amended and supplemented Algerian Civil Code." 1975.

UNICEF. *statistics indicate that there are approximately 12 million children without shelter, 2 million children dead, 23 million displaced refugee children, 300,000 child soldiers, in addition to 10,000 children who are victims of mine explosions.*. UNICEF, 05 02, 2020.

"(which was adopted and submitted for signature, ratification and accession pursuant to Resolution of No. 44/25 1989)."

AbiRaja, Nader. "Civilians in Armed Conflict: A Guide to Rights and Protection Mechanisms." Centerlich House, Konrad Adenauer, 2016. 11.

Ajaz, Samia. "Legal Protection of Children from Recruitment and Use in Armed Conflicts." no. 06. Al-Maaref Magazine. 51.

Al-Akhdari, Nasr Al-Din. "The Legal Center of Children During Armed Conflicts Swings Between the Role of the Victim and the Position of the Perpetrator." no. Issue 11. Journal of Political and Law Books, June 2014. 02.

Al-Dabbas, Maya, and Zakaria Jassim. "International Humanitarian Law." Publications of the Syrian Virtual University, 2018. 76.

Amimer, Naima. "The Child During Armed Conflicts." Algerian Journal of Legal, Economic and Political Sciences. 344.

"Article 01 of the Second Additional Protocol to the four Geneva Conventions." 1977.

"Article 04 of the Optional Protocol to the Convention on the Rights of the Child ." 2000.

"Article 1 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which was adopted and submitted for signature, ratification and accession by Resolution 263 ." United Nations General Assembly, MAY 25, 2000.

"Article 14 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War." August 12, 1949.

"Article 14 of the Second Additional Protocol to the four Geneva Conventions of 1949." 1977.

"Article 15 of the Second Additional Protocol of 1977 annexed to the four Geneva Conventions of 1949." 1977.

"Article 17 of the Fourth Geneva Convention." 1949.

"Article 17 of the Second Additional Protocol of 1977 annexed to the four Geneva Conventions of 1949." 1977.

"Article 2 of the African Charter on the Rights, Health and Welfare of the Child, a document adopted by the former Organization of African

Unity, the African Union, and entered into force in November 1999." July 1990.

"Article 27 of the Fourth Geneva Convention, same source."

"Article 38 of the Convention on the Rights of the Child." 1989.

"Article 39 of the Convention on the Rights of the Child." 1989.

"Article 50 of Additional Protocol I annexed to the four Geneva Conventions of 1949 relating to the protection of victims of international armed conflicts." 1977.

"Article 51 of Additional Protocol I to the four Geneva Conventions."

"Article 7 of the Optional Protocol to the Convention on the Rights of the Child." 2000.

"Article 78 of Additional Protocol I attached to the four Geneva Conventions." 1977.

"Article 8 of the Rome Statute of the International Criminal Court." 1998.

"Article 13 of the Second Additional Protocol of 1977 annexed to the four Geneva Conventions of 1949."

"Article 2 of the Optional Protocol to the Convention on the Rights of the Child ." 2000.

"Article 2 of the Optional Protocol to the Convention on the Rights of the Child." *involvement of children in armed conflict*. United Nations General Assembly, MAY 25, 2000.

Benturquia, Nasira. "The Legal Center for Children in Armed Conflict." *magistrat*. Mostaganem: Faculty of Law and Political Science, Abdelhamid Ibn Badis University, , 2017. 50.

Child, the Convention on the Rights of the.

"Exploring humanitarian law-education modules for young people." icrc, 2002. 359.

"first paragraph of Article 77 of the First Additional Protocol to the four Geneva Conventions." 1977.

"first Paragraph of Article 70 of the first Additional Protocol to the four Geneva Conventions." 1977.

Ghoneim, Abd al-Rahman Ali. " Internal Conflicts in International Humanitarian Law Issue ." . www.ahiwar.org . Al-Hiwar newspaper,

Legal Studies and Research axis. Al-Hiwar newspaper, Legal Studies and Research axis,6303, 2019.

Graça, Michel. "entitled "Promoting and protecting the rights of the child - the impact of armed conflict on children." *A/51/306*. The note of the Secretary-General of the United Nations, August 20, 1996.

Jawad, Yesser Naseer. "Crimes of recruitment and rape of children in non-international armed conflicts by non-international entities."

Amman: Master's thesis, Faculty of Law, Middle East University, August 2018. 142.

kalshougn, fritz, and Lisabet Tegsveld. "Controls Governing Warfare, Introduction to International Humanitarian Law." Translated by Ahmed Abdel Halim. International Committee of the Red Cross, 2004. 52.

Karim, Jamal Abdel. "Protecting children according to the rules of international humanitarian law." *Journal of Policy and Law Books*, June 15, 2016. 596.

Lajaj, Abdel Karim. "Child Protection during Non-International Armed Conflicts." batna: Faculty of Law and Political Science, University of Batna 1, 2016. 65.

Mazighi, Nawal. "Special protection for children during armed conflicts between text and reality." no. 11. *Journal of Legal and Political Research and Studies*. 330.

Owainat, Najib, and Muhammad Al-Saleh Qishi. "Child Recruitment in the Statute of the International Criminal Court." *Journal of Legal and Social Sciences*, June 10, 2018. 362.

"Paragraph 3 of Article 4 of the Second Additional Protocol to the four Geneva Conventions."

"Paragraph 4 of Article 06 of the Second Additional Protocol to the four Geneva Conventions." 1977.

"second paragraph of Article 77 of the First Additional Protocol to the four Geneva Conventions." 1977.

"See Articles 442 and 443 of Ordinance 66/155 containing the amended and supplemented Code of Criminal Procedure." June 08, 1966.

"the fifth paragraph of Article 38 of the Fourth Geneva Convention." 1949.

"the first paragraph of Article 70 of the First Additional Protocol to the four Geneva Conventions." 1977.

"the first paragraph of Article VI of the International Covenant on Civil and Political Rights." United Nations General Assembly Resolution 2200 A 5, 1966.

"the fourth paragraph of Article 68 of the Fourth Geneva Convention." 1949.

"The Paris Principles." www.unicef.org, 2007.

"The text of Article 5 of the Declaration on the Protection of Women and Children in Situations of Emergency and Armed Conflict, Resolution 3318 at its twenty-ninth session." United Nations General Assembly, December 14, 1974.

"the third paragraph of Article 4 of the Second Additional Protocol to the four Geneva Conventions." 1977.

"third paragraph of Article 77 of Additional Protocol I to the four Geneva Conventions." 1977.

"third paragraph of Article 06 of the Optional Protocol to the Convention on the Rights of the Child." 2000.

UNICEF. "Cape Town Principles ." *entitled Principles and Best Practices for Preventing the Recruitment of Children in the Armed Forces*. 1997.

which was adopted and submitted for signature, ratification and accession pursuant to Resolution of No. 44/25. *the Convention on the Rights of the Child*. United Nations General Assembly, November 20, 1989.

Yazigi, Amal. " Armed Conflicts of a Non-International Character between Civil War and Non-International Armed Conflict, Basic Concepts." Vol. 34. no. Issue 1. Damascus University Journal of Economic and Legal Sciences. 278.

2 Bibliographie

the Universal Declaration of Human Rights adopted by United Nations General Assembly Resolution 217 A ." December 10, 1948.

the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War." August 12, 1949.

the first Additional Protocol of 1977 annexed to the four Geneva Conventions of 1949."

the Second Additional Protocol of 1977 annexed to the four Geneva Conventions of 1949."

the Convention on the Rights of the Child, United Nations General Assembly which was adopted and submitted for signature, ratification and accession pursuant to Resolution of No. 44/25 November 20, 1989.

the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. which was adopted and submitted for signature, ratification and accession by Resolution 263 . United Nations General Assembly, MAY 25, 2000.

the African Charter on the Rights, Health and Welfare of the Child, a document adopted by the former Organization of African Unity, the African Union, and entered into force in November 1999." July 1990.

the Rome Statute of the International Criminal Court, original document A/CONF/183/9 ." July 17, 1998.

Ordinance 58/75 which includes the amended and supplemented Algerian Civil Code." September 26, 1975.

Ordinance 66/155 containing the amended and supplemented Code of Criminal Procedure." June 08, 1966.

" Memorandum of the Secretary-General of the United Nations, Promotion and Protection of Children's Rights."

UNICEF. *statistics indicate that there are approximately 12 million children without shelter, 2 million children dead, 23 million displaced refugee children, 300,000 child soldiers, in addition to 10,000 children who are victims of mine explosions.*,. UNICEF, 05 02, 2020.

- AbiRaja, Nader. "Civilians in Armed Conflict: A Guide to Rights and Protection Mechanisms." Centerlich House, Konrad Adenauer, 2016.
- Ajaz, Samia. "Legal Protection of Children from Recruitment and Use in Armed Conflicts." no. 06. Al-Maaref Magazine. 51.
- Al-Akhdari, Nasr Al-Din. "The Legal Center of Children During Armed Conflicts Swings Between the Role of the Victim and the Position of the Perpetrator." no. Issue 11. Journal of Political and Law Books, June 2014. 02.
- Al-Dabbas, Maya, and Zakaria Jassim. "International Humanitarian Law." Publications of the Syrian Virtual University, 2018. 76.
- Amimer, Naima. "The Child During Armed Conflicts." Algerian Journal of Legal, Economic and Political Sciences. 344.
- Benturquia, Nasira. "The Legal Center for Children in Armed Conflict." *magistrat*. Mostaganem: Faculty of Law and Political Science, Abdelhamid Ibn Badis University, , 2017. 50.
- "Exploring humanitarian law-education modules for young people." icrc, 2002. 359.
- Ghoneim, Abd al-Rahman Ali. " Internal Conflicts in International Humanitarian Law Issue ." . www.ahiwat.org . Al-Hiwar newspaper, Legal Studies and Research axis. Al-Hiwar newspaper, Legal Studies and Research axis,6303, 2019.
- Graça, Michel. "entitled "Promoting and protecting the rights of the child - the impact of armed conflict on children." *A/51/306*. The note of the Secretary-General of the United Nations, August 20, 1996.
- Jawad, Yesser Naseer. "Crimes of recruitment and rape of children in non-international armed conflicts by non-international entities." Amman: Master's thesis, Faculty of Law, Middle East University, August 2018.
- kalshoun, fritz, and Lisabet Tegsveld. "Controls Governing Warfare, Introduction to International Humanitarian Law." Translated by Ahmed Abdel Halim. International Committee of the Red Cross, 2004.
- Karim, Jamal Abdel. "Protecting children according to the rules of international humanitarian law." Journal of Policy and Law Books, June 15, 2016.

Lajaj, Abdel Karim. "Child Protection during Non-International Armed Conflicts." batna: Faculty of Law and Political Science, University of Batna 1, 2016.

Mazighi, Nawal. "Special protection for children during armed conflicts between text and reality." no. 11. Journal of Legal and Political Research and Studies.

Yazigi, Amal. " Armed Conflicts of a Non-International Character between Civil War and Non-International Armed Conflict, Basic Concepts." Vol. 34. no. Issue 1. Damascus University Journal of Economic and Legal Sciences.

Owainat, Najib, and Muhammad Al-Saleh Qishi. "Child Recruitment in the Statute of the International Criminal Court." Journal of Legal and Social Sciences, June 10, 2018.

"The Paris Principles." www.unicef.org, 2007.

UNICEF. "Cape Town Principles ." *entitled Principles and Best Practices for Preventing the Recruitment of Children in the Armed Forces*. 1997.