

*The International Legal Background for the Protection of Children
in Armed Conflict ((Yezidies Case))*

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ABSTRACT:

This research focus on the protection right of children in armed conflict. Some time, children recruited and used in hostilities as a fighter by armed forces or armed groups. For instance, Islamic State in Iraq and Syria (ISIS) has recruited thousands of children to commit international crimes like genocide, war crime and crime against humanity. In addition, the research explains the abusing and trafficking children for sexual purposes. For example, in Iraq ISIS forces raped Yezidy girls and then used in armed conflict. Furthermore, during armed conflict children face refugee and internally displacement. Moreover, the research analyse the effects of armed conflict on children especially when armed forces attack hospitals and schools and kill them. The research tries to answer the questions, why the children are the purpose? What is the responsibility of children when they participate in hostilities? What is the minimum age of children to participate in hostilities? Is it legal to involve children in armed conflict?

Introduction:

It is clear that using children in armed conflict considered as an international crimes. There are many protocols and conventions that prohibited war, such as, additional protocol I (API) and additional protocol II to the 1949 Geneva Convention¹.

International humanitarian law and Human rights law prohibit the recruitment and use of children in hostility by parties to conflict.

In addition, the UN Security Council identified the Six Grave Violations against children during armed conflict due to their especially egregious nature and severe impact on a child's wellbeing. These violations include recruitment or use of children as soldiers, Killing and maiming of children, rape, abduction and forced

¹ Sonja C-Corover, *Child Soldier Victims of Genocidal Forcible Transfer: Exonerating Child Soldiers Charged With Grave Conflict-related International Crimes* (Springer, 2012) 10 (1, 2). Available at: <https://www.amazon.com> [Last Accessed 25 September 2021].

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displacement, denial of humanitarian access to children and attacks against school and hospitals².

All of these violated during war or armed conflict and that is cause to died countless number of civilians and children, pregnant women, persons with disabilities and elderly people remain particularly vulnerable, and conflict related displacement of civilians. For instance, in 2014, over 2 million person, have been displaced within Iraq³.

This research divided in to seven parts. First, explain the armed conflict and distinguish between civilians and combatants. Second part, child soldiers and committing international crimes by children would be analyzed. Third part mentions that children faced sexual exploitation and trafficking for sexual men purpose. Fourth part, mentions children accountability framework in conflict and the minimum age to participate in conflict. Fifth part, talk about the effects of armed conflict on children and denial of humanitarian access and attacks on school and hospitals. In sixth part, the research talks about Yezidies displacement and slaughter and using Yezidies children as soldiers by ISIS.

Finally, the research argues the question that is it legal to involve children in armed conflict.

Aim of this Research:

- 1- The aim is to indicate the types of violations and crimes that committing against children during armed conflict.
- 2- Focus on the role of interested parties to protection children in armed conflict and focus on the rules violated.
- 3- Analysis the effects of armed conflict on children.

Methodology: The researchers have tried to use qualitative method, which considered some important cases that related to the abusing children in armed conflicts in different countries, such as, Iraq, Syria, especially ISIS violations.

1. Direct Participation in Hostilities

The primary goal of International Humanitarian Law (IHL) is to protect the victims of armed conflict and to regulate the conduct of

² Mohmmad Monishpouri and Claire L Kaufmam, "the OIC Children's Right and Islam" (2015) Danish Institute for Human Rights, p10. Available at:

https://www.humanrights.dk/sites/humanrights.dk/files/media/migrated/2015_matters_of_concern_monshpouri_and_kaufman_feb2015.pdf [Last Accessed 25 September 2021].

³ Tone Somerfelt and Mark B.Taylor, The big Dilema of Small Soldiers Recruiting Children to the war in Syria (Report by Norwegian Peacebulding Center, Feb 2015) p4. Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/f2c1eef2efb2c782b9a9dab621ceaf75.pdf> [Last Accessed 20 September 2021].

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hostilities. The International Committee of the Red Cross (ICRC) recently published an interpretative guidance clarifying what international humanitarian law says concerning civilians directly participating in hostilities. It is important to distinguish members of State armed forces or organized armed groups (whose function it is to conduct hostilities on behalf of a party to an armed conflict) from civilians (who do not directly participate in hostilities). According to the ICRC's Interpretive Guidance, all persons who are not members of State armed forces or of organized armed groups belonging to a party to an armed conflict are civilians and, therefore, are protected against direct attack unless and for such time as they directly participate in hostilities⁴.

The Roma Statute of the International Criminal Court (ICC) mentions that it is a war crime for members of armed forces or non-State-armed groups to enlist children under 15, or to use them to participate actively in hostilities. The (ICC) Statute clarifies that individual criminal liability also extends beyond the use children as armed combatants. Under the (ICC), the war crime of recruiting or using child Soldier:

"covers both direct participation in combat and also active participation in military activities linked to combat such as scouting, spying, sabotage and the use of children as decoys, couriers at military checkpoint use of children in a direct support function such as acting as bearers to take supplies to the front line, or activities at the front line itself, would be included"⁵.

Children who take direct part international armed conflict are recognized as combatants and in the event of their capture are entitled to prisoner of war status under Geneva Convention III, The additional protocols provide that child combatants under 15 are entitled to privileged treatment in that they continue to benefit from the special protection accorded to children by international humanitarian law⁶.

⁴ Frits Kalshoven and Liesbeth Zegvel, *Constraints on the waging of war* (4th edn, Cambridge University Press 2011) p 40. Available at: file:///C:/Users/2020/Downloads/0793_002-ebook.pdf [Last Accessed 15 September 2021].

⁵ Human Rights Watch, *Maybe we live maybe we die: recruitment and use of children by armed groups in Syria* (June 2014) report p30. Available at ["Maybe We Live and Maybe We Die" Recruitment and use of children by armed groups in Syria | Resource Centre \(savethechildren.net\)](https://www.savethechildren.net/publications/2014/06/maybe-we-live-maybe-we-die-recruitment-and-use-of-children-by-armed-groups-in-syria) [Last Accessed 20 September 2021].

⁶ ICRC, *Legal Protection of Children in Armed Conflict* (2003) Advisory Services on International Humanitarian Law, P1. Available at: <https://www.icrc.org> [Last Accessed 20 September 2021]. See also (art.77, para. 3 AP I and art4, para.3. AP III).

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There is no difference whether children are directly participated in international armed conflict or non-international armed conflict. However, throughout the history, armed conflicts have left populations vulnerable to appalling forms of violence, including systematic rape, abduction, amputation, mutilation, forced-displacement, Sexual exploitation and genocide. The wide availability of light, inexpensive small arms has contributed to the use of children as soldiers, as well as to high levels of violence once conflict have ended⁷.

2. Child Soldiers (Children recruited or used by armed forces and armed groups)

According to the International Humanitarian Law recruiting or using children under age of 15 as soldiers or allowing them to participate in hostilities is absolutely prohibited. However, human rights law declares that even children under the age of 18 should not be conscripted or participate in hostilities⁸.

For this purpose, it is important to define child soldier, who are they? There are some definitions, whereas Child soldier, or a child associated with an armed force or armed group could be defined as any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including boys, and girls used as fighters, cooks, porters, messenger, spies or for sexual purpose. It does not only refer to a child who is taking or has taken a direct part in hostilities⁹.

Moreover, the most important provision is found in article 77 of Additional protocol I to Geneva Convention, which prohibits the recruitment of children under the age of 15 into the armed forces and the obligation to take all "feasible measures" to prevent such children taking a direct part in hostilities. With regards to children older than 15 "in recruiting among those persons who have attained the age of 15

⁷ The United Nations Children's Fund (UNICEF), Children affected by armed conflict: UNICEF actions (May 2002) p3. Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/893C5BFA8D01FF3CC1256E85004A7F86-Child-Armed.UNICEFAct.pdf> [Last Accessed 17 September 2021].

⁸ Susan Shipler, Analysis of Situation Of Children Affected by Armed Conflict in the Niger Delta and Northern Region of Nigeria (July 2012), School of International Service, American University, Final Report to UNICEF, p 11,12. Available at: <https://american.acadimia.edu/susanshipler> [Last Accessed 14 September 2021].

⁹ UN Children's Fund (UNICEF), *The Paris principles, Principles and Guidelines on Children Associated With Armed Forces or Armed Groups* (February 2007) p 7. Available at: <https://www.refworld.org/docid/465198442.html> [Last Accessed 14 September 2021].

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years but who have not attained the age of 18 years, the parties to the conflict shall endeavour to give priority to those who are oldest".

States and armed groups have been deploying children as a part of their national armies. Children are deeply entrenched in warfare where states are involved in armed conflict. Between 2005 and 2020, more than 93,000 children were verified as recruited and used by parties to conflict, although the actual number of cases is believed to be much higher. As a result, children have therefore been involved in almost every major conflict in the world at least 75% of the world's conflict on every continent, but most commonly in the Middle East and Africa. These areas have witnessed an increasing number of children joining terrorism and carrying out violence¹⁰.

Moreover, states and armed groups not only use children as a fighter, however, some time they use them to commit international crimes and terrorist actions. The ICRC actively promotes the principle of non- recruitment and non- participation in armed conflict of persons under the age of 18 years. It reminds states and armed groups of their obligation under international law, and works to introduce those principles into domestic legal system¹¹.

According to the IHL, there are some examples of use of children in hostilities. For instance, direct participation in combat operations, defending military objectives such as military installations, military objects as well as military personnel, participation in activities such as scouting, spying, sabotage, decoys, couriers at front lines, transporting ammunition in preparation for attack or manning military checkpoint and direct support function such as porters of supplies to front lines, or any activities at front lines, but they are violated¹².

Throughout the history of terrorism and war, children have typically been as expandable and filled dangerous roles. For example, throughout the Syrian civil war, the free Syrian armed (FSA) has used children as cooks, messengers, lookouts, and cleaners and preparers of weapons. Furthermore, the use of children in suicide bombings has emerged as a phenomenon in modern terrorism. From 1980-2003,

¹⁰ Unicef, for every child. Available at: <https://www.unicef.org/protection/children-recruited-by-armed-forces> [Last Accessed 15 September 2021].

¹¹ Stéphane Jeannet and Joël Mermet, The involvement of children in armed conflict (ICC, 2009) Available at: <https://www.icrc.org/en/doc/resources/documents/article/other/57jp4t.htm> [Last Accessed 15 September 2021].

¹² ICRC, Direct Participation in Hostilities under International Humanitarian Law (2003) P 11, 12. Available at: <https://www.icrc.org/en/doc/assets/files/other/2003-02-background-document-icrc.pdf> [Last Accessed 15 September 2021].

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boys and girls under 18 years old carried out 13% of suicide bombings¹³.

Although many humanitarian agencies have cased to keep track of the number of child soldiers in the world, it is estimated that 300000 children, most of them under 15, are involved in conflict worldwide. And the average age for a child soldiers or terrorist is 12 years old, but children as young as 5 years old have been involved in conflict, as seen in Uganda¹⁴. Since the end of the cold war in the early 1990s and the subsequent increase in civil war, fighting forces around the world have used children as soldiers. While, they are usually the victims of war, sometimes children also take part in armed conflicts¹⁵.

In January 2015, ISIS released a video showing two boys, who appear to be between 10 to 12 years old, shooting two Russian intelligence agents. And there is a clearer standard for banning the recruitment of children according to the Paris principles of 2007, signed by 60 countries "children who are accused of crimes under international law allegedly committed while they were associated with armed forces or armed groups should be considered primarily as victim of offences against international law¹⁶.

3. Sexual exploitation, abuse and trafficking for sexual

Since war began, rape and other forms of sexual violence have been used as means of warfare, to humiliate and subjugate the enemy. International Humanitarian Law mentions that rape, enforced prostitution, sexual or enforced termination of pregnancy are heinous attacks against the life and the physical and psychological integrity of the person.

Islamic State of Iraq and Syria (ISIS) continues to perpetrate gross violations of the rights of women, subjecting women and children (both male and female) to sexual and gender - based violence, particularly those from diverse religions and ethnic communities¹⁷.

International Committee of the Red Cross clarifies that "sexual violence is a barometer of war. If there is more fighting, there is also

¹³ R Ramasubramanian, Suicide Terrorism in Sri Lanka (2004) Institute of Peace and Conflict Studies (IPCS) P 1-4.

¹⁴ Human Rights Watch (n 5) p 5.

¹⁵ International Committee of the Red Cross (n 12) p10.

¹⁶ Sommerfelt and Taylor (n 3) p 4.

¹⁷ Report on the Protection of Civilians in Armed Conflict in Iraq: 1 May – 31 October 2015 [EN/AR], 2016. Available at: <https://reliefweb.int/report/iraq/report-protection-civilians-armed-conflict-iraq-1-may-31-october-2015-enar> [Last Accessed 14 September 2021]

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more sexual violence. Ethnic groups use it against each other and children aren't spared¹⁸.

It is well documented that during conflict children are vulnerable to sexual abuse. Also, rape is used as a tool of ethnic cleansing and terror, and trafficking to other countries in order to be sold as commodities in the sex trade. While both boys and girls are victims of these crimes, girls tend to be disproportionately affected. In addition, girls are also at risk of being forcibly recruited into armed groups to serve as wives (sexual slaves) for combatants¹⁹.

According to article 27 of the Geneva Convention IV 1949, protected persons are entitled, in all circumstances, to respect for their persons, their honor, their family rights. ... women shall be especially protected against any attack on their honor, in particular against rape, enforced prostitution or any form of indecent assault. Article 76(1) of Additional Protocol I 1977 mentions that "women shall be the object of special respect and shall be protected in particular against rape, forced prostitution and any other form of indecent assault".

According Rome statute of the International Criminal Court (ICC) one of the crimes against humanity is rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity²⁰.

In some traditional community, the child may lose his or her life during a sexual assault, or be killed later on by family members, especially in the case of females. In these circumstances, female child victims of sexual assault, particularly in cases where pregnancy is discovered and are often punished instead of the perpetrator of the crime²¹.

4. Children in armed conflict accountability framework

There is no international consensus concerning the minimum age for criminal liability, but rather the minimum age differs across countries. The United Nations has created a number of non-binding resolutions encouraging the formation of a minimum age in which

¹⁸ International Committee of the Red Cross (n 6) p 8.

¹⁹ International Bureau for Children's Rights, *Children and armed conflict: a guide to international law and human rights law* (French, 2010) p46. Available at: <http://www.ibcr.org/wp-content/uploads/2016/06/Guide-international-law-2010-english-1.pdf> [Last Accessed 14 September 2021]

²⁰ Ibid, p 49.

²¹ UNICEF, *Children in Islam: their Care, Upbringing and Protection* (Egypt, Al Azhar University, 2005),p 57,58. Available at:

https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/children_in_islam_english.pdf [Last Accessed 13 September 2021]

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children can be held accountable for their crimes. Furthermore, children who are accused of crimes and they were associated with armed forces or armed groups, should be considered primarily as victims of offences.

A military commander or person effectively acting as a military commander shall be criminally responsible for crimes within the jurisdiction of the court committed by forces under his or her effective command and control²².

With regard to the criminal responsibility of children for international crimes, a particular problem exists²³. It is not clear that the minimum age of responsibility in respect of international crimes actually is. It should be noted that war crimes committed by children are excluded from the jurisdiction of the International Criminal Court²⁴. This makes the question how to deal with (former) child soldiers who have committed serious (war) crimes a matter for national authority. They can and should be first considered as victims.

However, this does not mean that they should not held accountable for the crimes they have committed. This must be addressed as part of the process of transitional justice, which could be done via proceedings under the national criminal codes but must be in full compliance with Convention on the Rights of the Child and the relevant international standards²⁵.

States party to GC IV (art. 688, para.4) and the additional protocols (art.77, para.5 API and art.6 para.4 ap II) should take legislative measures under penal and military law to prohibit the pronouncement or execution of a death sentence against anyone aged less than 18 years at the time of the offence, the offence should relates to an armed conflict²⁶.

While children are responsible when they commit crimes during armed conflict, groups and sides that use children in armed conflict also are responsible in front of the law.

²² Article (28) Rome Statute of the International Criminal Court.

²³ Sonja C. Corrover, *Child Soldier Victims of Genocidal Forcible Transfer* (Springer, Berlin, Heidelberg, 2012) p 1.

²⁴ Article (26) Rome Statute of the International Criminal Court.

²⁵ Jaap Doek, "The International Legal Frame Work for the protection of Children in Armed Conflict" in the book of Kerstin Vignard and Rose McRa, " Disarmament Forum" (3rd edn, UNIDIR 2011) p6.

²⁶ ICRC (n6) p5.

5. The effect of armed conflict on children

The term "children affected by armed conflicts" refers to boys and girls suffering direct and indirect consequences of the war. Direct consequences of an armed conflict include unlawful recruitment, gender-based violence, killing and maiming, separation from families, trafficking, illegal detention and disability resulting from the war. Indirect consequences of war refer to the severing of basic services, increased poverty, malnutrition, disease and stigma within families and communities (for example, children soldier who came back to live with their families or girls who have had babies, as a result of rape). The impact of armed conflict on children can be substantial and has long-term effects on their physical, emotional and mental health²⁷.

It is essential to mention that ISIS has serious effect on children during armed conflict. For instance, children who become members of ISIS may fulfil the role of executioner. Also, some time they feeling shame, such as, Mohammad: he is Arab boy, his father involved with ISIS in Mosul and he doesn't talk about his father's name because of his violence and his shamefacedly because the man is his father²⁸.

Although the ICRC acts impartially to assist all the victims of war and internal violence according to their needs, it cannot be denied that the needs of children are radically different from those of women, men and the elderly. They are killed, mutilated, recruited to fight, imprisoned or otherwise separated from their families, cut off from the environment familiar to them. They are often forced to flee, abandoned to their own devices and rejected without an identity.

In many ways, the world in which we live is not fit for millions of children. Absence living conditions, impure drinking water, lack of sufficient food, inadequate health care- result in more than 10 million child deaths every year.

In addition, countless number of children are victim of war and conflict and suffer both physical and psychological trauma, millions of children have been orphaned or otherwise affected by the scourge of HIV/AIDS. Too many children are deprived of the right to grow up in a secure, loving, and caring family²⁹.

²⁷ ICRC, Guiding Principles for the Domestic Implementation of a Comprehensive System of Protection for Children Associated with Armed Forces or Armed Groups, Advisory Service on International Humanitarian Law, p 413. Available at: <file:///C:/Users/2020/Downloads/guiding-principles-children-icrc.pdf> [Last Accessed 13 September 2021]

²⁸ Rudaw T.V 1/8/2017 documentary.

²⁹ Mr.Nikolay Mladenov and Mr Zeid Raad Al Hussein, Report on the Protection of Civilians in Armed Conflict in Iraq: 11 September – 10 December 2014, UNAMI. p9. Available at: https://www.ohchr.org/Documents/Countries/IQ/UNAMI_OHCHR_Sep_Dec_2014.pdf [Last Accessed 13 September 2021]

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Children are also among the most vulnerable group of internally displaced persons and refugees for both protection and health reasons. The number of unaccompanied minors and child-headed household among the displaced person and refugee population has increased over the course of the conflict, particularly since 2007³⁰.

However, International Humanitarian Law provides that children deprived of liberty must be afforded special protection and treatment in keeping with their age³¹.

Children experience or witness terrible events during conflict: the little girl who watched her mother being raped: the children who saw their father beaten and then take away, never to turn; those who fled their homes when the bombs began to fall³².

According to article 68 of the Rome Statute, the court shall take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses³³. Despite many international human rights and humanitarian provisions for the protection of children in armed conflict, the sobering and often shocking reality that these children are still too often the victims of grave violations of their rights³⁴.

Furthermore, the Security Council of the UN has identified six categories grave violations against children in armed conflict. One of them, attacks against schools and hospitals. So, the specific impacts of armed conflict of children is deprived of education³⁵.

In some cases directly attacking students and education buildings. It has used schools to recruit students and teachers as fighters and to abduct girls for rape and forced marriage. For instance, many schools in Mogadishu have been destroyed or closed and also many teachers have fled country.

The use of school buildings for military purposes and occupation of schools, when it affects children's ability to receive education, may also be violating children's right to education guaranteed under international human rights law, and international

³⁰ International Committee of the Red Cross (n 6)p 8.

³¹ Human Rights Watch (n 5)p 5.

³² Human Rights Watch, No Place for Children / Child Recruitment Forced Marriage on Schools in Somalia (Feb 2012) Report, United States of America, p 17.

³³ - Article (68) of Rome statute of the international criminal court.

³⁴ Doek (n 25) p 8.

³⁵ Office of the Special Representative of the Secretary General for Children and Armed Conflict, The Six Grave Violations, (2005). Available at: <https://childrenandarmedconflict.un.org/six-grave-violations/> [Last Accessed 13 September 2021]

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covenant on economic, social, cultural rights and the Convention on the Rights of the Child³⁶.

ISIS has set up a number of schools for the purpose of training children military and preparing them mentally. In these schools, children learn to shoot live ammunition and how to fight in battles using hand to hand combat, as well as, how to drive.

Moreover, during the ISIS war, they changed the schools to prison or the place to suffering or mass grave or change place to ISIS headquarters³⁷.

6. Yezidies Case in Iraq

When the Islamic state swept across Iraq and consolidated itself in Syria, it began targeting a number of minorities, primarily Christians and Yezidies. What happened to the number of these sects varied but in most cases, the females were enslaved, adult males were executed underage males were kidnapped and taken to training camps across Iraq or Syria to be indoctrinated into the IS ideology. The conflict produced many orphans and the ISIS has taken many of these children as recruits against their will³⁸.

In addition, to spreading influence by advertising its brutality, ISIS seeks to spread its influence by capturing non Islamic minority children, indoctrinating them, and re-inserting them back into their respective societies. When ISIS overran Yezidi towns in 2014, they captured young Yezidi boys and sent them to schools for several months, where they were given Muslim Arabic names to replace their Kurdish language names and infused with ISIS ideology³⁹.

An additional level of ethno religious training is applied on the children who belong to a non-Sunni background. Children from such backgrounds are not allowed to speak other than Arabic⁴⁰.

Members of the Yezidi community continue to be subject to human rights violations and abuses by ISIS. They continue to

³⁶ Human Rights Watch, "Protecting Schools from Military Use Law, Policy, and Military Doctrine" (USA, 2019) P 1. Available at: https://www.hrw.org/sites/default/files/report_pdf/crd0519_web_0.pdf [Last Accessed 12 September 2021].

³⁷ Rudaw tv, Documentary, 10/9/2017.

³⁸ Al-Bayan Center for Planning and Studies, "The Cubs of the Caliphate: How the Islamic State Attracts, Coerces and Indoctrinates Children to its Cause" (2016) P 7, 8. Available at: <https://www.bayancenter.org/en/wp-content/uploads/2016/04/pdf02566.pdf> [Last Accessed 12 September 2021]

³⁹ United Nations Human Rights Council, UN Commission of Inquiry on Syria: ISIS is committing genocide against the Yazidis (2016). Available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=20113&LangID=E> [Last Accessed 12 September 2021].

⁴⁰ Doek, (n25) p 8.

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perpetrate gross violations of rights of women, subjecting women and children both male and female to sexual and gender based violence (SGBV), particularly thus from diverse religious and ethnic communities particularly the Yezidi⁴¹.

Also, ISIS committed the execution and killings, abductions, rape and other forms of sexual and gender based violence perpetrated against women and children⁴².

According to article (2) of the Convention on the Prevention and Punishment of the Crime of Genocide, genocide means any of the following acts committed with intent to destroy, in whole or in part a national ethnical, racial or religious group such: (a) killing members of the group, (b) causing serious bodily or mental harm to members of the group, (c) deliberately inflicting on the group conditions of life. (d) Imposing measures intended to prevent births within the group, (e) forcibly transferring children of the group to another group⁴³. ISIS committed all of these criminal acts. So, it could be said that genocide happened against Yezidis.

Conclusion:

The Rome statute of the international criminal court (ICC) mentions that it is a war crime for members of armed forces or non-state armed groups to enlist children under 15. However, states and armed groups not only use children as a fighter, sometime they use them to commit international crimes and terrorist actions. Furthermore, girls are more likely to be the targets of sexual violence and armed groups. International Committee of the Red Cross clarifies that sexual violence is a barometer of war.

While children are responsible when they commit crimes during armed conflict, groups and sides that use children in armed conflict also are responsible in front of the law.

Then, armed conflict has a negative effect on children. For example, ISIS has serious effect on children during armed conflict in many ways. The world in which we live is not fit for millions of children and they are deprived from school and in some times directly attacking students and education buildings.

⁴¹ Sommerfelt and Taylor (n 3)p10. 3. 22.

⁴² Iraqi Al-Amal Association, Sexual and Gender – Based Violence in Iraq 2003 – 2018: A Mapping Report (May 2020) p 7. Available at: <https://paxforpeace.nl/media/download/sgbv-mapping-report-in-iraq-nap-en.pdf> [Last Accessed 12 September 2021].

⁴³ Article 2, Convention on the Prevention and Punishment of the Crime of Genocide, 1956. Available at: https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf [Last Accessed 12 September 2021].

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While there are many international conventions and treaties related to the protection of children in armed conflict, in the case of Yezidy, ISIS committed international crimes against children, such as genocide and war crime.

It could be states that these violations that committed by armed forces during conflicts against children are illegal and they are absolutely prohibited under international humanitarian and human rights law.

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