

PROTECTING PALESTINIAN CHILDREN IN GAZA: LEGAL ENFORCEMENT OF THE UNITED NATIONS CHILD RIGHTS CONVENTION

Yordan Gunawan*, Muhammad Raqi Pratama Putra, Irvan Mareto
Faculty of Law, Universitas Muhammadiyah Yogyakarta, Yogyakarta, Indonesia
*yordangunawan@umy.ac.id

Abstract

This study aims to analyze the effectiveness of the United Nations Convention on the Rights of the Child (UNCRC) in protecting children's rights in Palestine, particularly in Gaza, which has experienced severe violations of children's rights due to Israeli attacks since October 2023. Israel, as a state party to the UNCRC, has been found to fail in fulfilling its obligations to protect Palestinian children. The ongoing conflict has resulted in over 17,000 child fatalities, with thousands more injured and separated from their families, while their rights to life, development, education, and protection from violence have been severely breached. Although the UNCRC aims to safeguard children's rights globally, the violations in Gaza highlight the weaknesses in its implementation. This research employs a normative legal research methodology, analyzing international legal documents, including the UNCRC, the 1948 Genocide Convention, and related international law. The findings of this study reveal that, despite Israel's ratification of the UNCRC, the country continues to violate Palestinian children's rights, particularly through mass killings, the destruction of educational and healthcare infrastructure, and the blockade obstructing access to essential services. This study suggests the need for strengthening international law enforcement mechanisms, including reforms in the UNCRC's monitoring body and greater involvement of international organizations such as UNICEF, along with the removal of veto power in the UN Security Council, to ensure Israel's accountability for the violations of children's rights occurring in Gaza.

Keywords: United Nations Convention on the Rights of the Child; Children's Rights Violations; Gaza Conflict; Genocide; International Law Enforcement.

A. Introduction

Humanity is constantly faced with challenges involving children's rights, especially in the event of armed conflicts that have hit various countries around the world. One of the areas that is constantly exposed to this conflict and armed violence is Palestine, which has witnessed tragic events involving children in an inhumane way (Ho, 2019) since October 2023, when the Hamas attack on Israel triggered Israel to carry out a revenge operation that caused the death of Palestinians and can be classified as genocide, especially against children in Gaza, Palestine. Palestine has been an area of prolonged and volatile conflict for decades, and children are often the most vulnerable victims of this armed conflict. They face a range of risks, including physical violence and death. The situation in Palestine also creates conditions that adversely affect children's lives, education, health, and development, 2023 to 2024 will be a very critical year in the history of the Palestinian-Israeli conflict. Head of the Gaza government media office Ismail al-Thawabta said that at least 16,859 children, including 171 infants, have died as a result of Israeli attacks since October 2023, indicating severe violations of children's rights due to attacks

conducted by Israel (Subari, 2024). As reported by UNICEF, a minimum of 14,500 children have been confirmed deceased in the Gaza Strip since October 7, 2023, averaging 32 fatalities per day. Numerous others have sustained injuries, while thousands are presumed trapped under debris, and approximately 17,000 children are unaccompanied or separated from their families (UNICEF, 2024).

The genocide cases of children in Palestine are worrying and concerning phenomena. Genocide is a legal term that refers to the mass murder or destruction of a specific ethnic, racial, religious or national group, which international organizations condemn as one of the worst crimes that can occur in terms of human rights (Mayersen, 2021). The 1948 Genocide Convention, Article II, defines genocide as: (a) the killing of group members; (b) causing serious bodily or mental harm; (c) deliberately imposing living conditions intended to cause the group's physical destruction, in whole or in part; (d) implementing measures to prevent births within the group; (e) forcibly transferring children of the group to another group. Furthermore, a crucial component of genocide is the existence of *mens rea*, defined as the desire to annihilate, whole or partially, a national, ethnic, racial, or religious group. To classify an act as genocide, two primary factors must be established: *actus reus* (the specific conduct delineated in Article II) and *mens rea* (the intention to annihilate the protected group). In Gaza, reports from multiple international organizations indicate the existence of *actus reus*, including the mass killing of children, the systematic destruction of healthcare and educational institutions, and blockade conditions that obstruct access to food and medicine, which can be classified as “deliberately inflicting conditions of life calculated to bring about physical destruction.” The concept of *mens rea*, or the intention to annihilate a group, continues to be a topic of scholarly and judicial discourse. Certain analysts evaluate that the pattern of assaults on civilians, especially Palestinian youngsters, may be construed as a sign of an intention to partially eradicate the Palestinian population. The official assessment of whether Israel's acts constitute genocide falls under the jurisdiction of international entities like the International Court of Justice (ICJ) or the International Criminal Court (ICC).

Although the term “genocide” carries a hefty legal weight and strict evidentiary requirements, the killing conditions resulting from the Israeli attack on the Gaza Strip can be classified as genocide, especially a gross violation of human rights on children's rights in Palestine. Gross human rights violations against children in Palestine include murder, serious injuries, loss of family members, and psychological impacts that will last a lifetime. The protracted conflict between Palestinians and Israelis has been a hot issue and a controversial issue in the international community for decades (Domi & Lata, 2025). In this conflict, Palestinian children are often the primary victims, experiencing unimaginable suffering. In 2023, the case of the deaths of 3000 Palestinian children created deep concern around the world. Some have described this incident as a genocide of children. The United Nations Convention on the Rights of the Child (UNCRC) is a document that deals with legal matters that contain international agreements in human rights that ensure children's rights within the political, social, health, economic and cultural. Approved in 1989 by the UN Assembly, it has become one of the most important international legal instruments in the United Nations' efforts to safeguard children's rights worldwide (UN, 1989). The convention establishes generally recognized norms for protecting children's rights, welfare and development by providing an important foundation for protecting children's rights. However, amid prolonged tensions in the Palestinian territories, many Palestinian children face serious threats to their rights and lives. This condition raises many questions about the effectiveness of the UNCRC in protecting them from violence and widespread human rights violations.

As an important regulation in protecting children's rights, the UNCRC must be re-evaluated and strengthened to respond to increasingly complex conflict situations. Only with collective action and global determination can we bring hope and protection to the children of Gaza who

are tossed by the waves of the unabated conflict. In terms of the problems that occurred in the Israeli attack on Gaza in Palestine, this is a critical aspect to be analyzed as an evaluation to the whole world of the failure of child protection efforts as agreed in the UNCRC. What is happening in Gaza Palestine today is contrary to the purpose of the UNCRC to protect children, and the deep sadness and concern over the deaths of children in this conflict is a very serious concern among all countries that support peace.

This research is grounded in multiple frameworks of international law theory. The principle of *pacta sunt servanda*, as established in Article 26 of the 1969 Vienna Convention, asserts that every valid treaty is obligatory for the parties and must be executed in good faith. This principle underpins the Convention on the Rights of the Child (UNCRC), which has been binding on Israel as a state party since its accession in 1991. Secondly, James Crawford's theory of state responsibility, articulated in the Draft Articles on State Responsibility by the International Law Commission, asserts that any violation of international obligations results in legal repercussions for the transgressing state, including the duty to provide reparations. Third, the notion of child protection in international law positions children as subjects of international law possessing fundamental rights that must be safeguarded, even amidst armed conflict. Furthermore, the perspective of international law efficacy is employed, which analyzes the disparity between established legal norms in international instruments and their practical application. This theoretical approach tries to evaluate the effectiveness of the UNCRC in safeguarding Palestinian children during the Gaza crisis.

After reviewing several pieces of literature focusing on the same issue, the researcher found similarities between previous studies, particularly the one conducted by Miftahul Jannah Mita et al. (2024) "*Perlindungan Hukum Terhadap Anak Korban Perang*". From the perspective of international humanitarian law, the objective of that study was to examine how legal protection is extended to Palestinian child prisoners, who are victims of the ongoing conflict between Palestine and Israel. Additionally, the study aimed to explore the types of sanctions that could be imposed on Israel for violating international humanitarian law, leading to the imprisonment of Palestinian children (victims of war). The study's findings indicate that the legal protection for Palestinian children in Israeli custody is governed by several international instruments, including the Optional Protocol to the Convention on the Rights of the Child, the Third and Fourth Geneva Conventions, and Additional Protocol I to the Geneva Conventions.

Hence, this research is different from the previous research. The difference lies in the purpose of this research, which was conducted to analyze the UNCRC on the case of Genocide in Gaza with a focus on how Israel complies with the Convention on the Rights of the Child and search for answers to the impact of violations on the Rights of the Child guaranteed by the Convention on the Rights of the Child. Previous research has only focused on the legal protection of Palestinian child prisoners who are victims of the war between Palestinians and Israelis from the perspective of International Humanitarian Law. In contrast, this research has focused on the Convention on the Rights of the Child.

B. Method

This study employs normative legal research methodologies, particularly in examining the efficacy of the UNCRC in safeguarding children's rights during the Gaza crisis (Gunawan, Akbar, & Ferrer Corral, 2022). Legal research methods constitute a systematic approach to the collection, analysis, and interpretation of legal facts or information. Legal research encompasses several methodologies for comprehending, analyzing, and assessing legal topics to elucidate or resolve a legal challenge (Adiyanta, 2019).

This study employs a normative legal methodology (doctrinal research) that conceptualizes law as a system of norms, the primary legal materials examined comprise the UN Convention on the Rights of the Child (1989), the 1948 Genocide Convention, the Vienna Convention on the

Law of Treaties (1969), and pertinent jurisprudence. Secondary legal documents comprise scholarly literature, journal articles, and official publications from United Nations agencies, including UNICEF. The investigation employed a quantitative approach, aggregating and contrasting statistical records from international organizations, NGOs, and academic sources regarding child fatalities, incarceration, and access to fundamental rights in Gaza. The numerical findings were further examined about Israel's compliance with its international obligations under the UNCRC and utilized to evaluate the effectiveness of existing enforcement mechanisms. The results were subsequently analyzed through a quantitative methodology, yielding descriptive data. This paper aims to analyze the UNCRC about genocide in Gaza and offer pertinent policy solutions to resolve this issue.

C. Results and Discussion

1. Israel's Compliance with the UNCRC

All countries have recognized and accepted international law as a binding legal rule for all countries involved (Kelsen, 1941; Shelton, 2003; Tourme-Jouannet, 2013). Natural law theory in international law believes objective legal principles exist in preceding agreements or agreements between countries (Kunz, 1961; Schachter, 2024; Tunkin, 1974). This situation is different from positivism theory, which emphasizes that the source of international law comes from agreements between countries. Despite the differences between the two theories, the force of international law remains binding (*jus cogen*) for all countries (Gunawan, 2022). When discussing the issue of international law, there are sources of international law involving the principles that form the basis of the binding norms that govern relations between countries (Latipulhayat, 2021). Both written and unwritten international agreements are key elements that create legal obligations between countries. Conventions or agreements are part of the source of international law reflecting formal agreements between countries in written form. This document establishes binding norms for each country that signs this agreement (*Pacta sunt Servanda*) and forms the basis of international law that leads to stability, justice, and international cooperation in all fields, including the rights of the child worldwide (Rosdiyanti & Abustan, 2020).

The UNCRC, adopted by the General Assembly of the United Nations in 1989, functions as a global legal framework for safeguarding children's rights. This convention asserts that the dignity of children is equivalent to that of adults and acknowledges children's rights across multiple dimensions, including civil, political, participative, economic, social, and cultural rights (Tanveer, 2024). It includes the right to quality education, decent health care, and protection from economic exploitation. In this convention, children's opinions are the main element of policy-making. Not only that, this convention also encourages the state to create a safe environment for children, and the protection of children from all forms of violence, exploitation, and neglect is the obligation of parents and the state to maintain valuable assets that will continue the future of the nation, child protection in all fields is the main focus of the UNCRC (Collins & Wright, 2022). This convention establishes a strong legal basis to counter harmful practices such as human trafficking, child labor, and the utilization of minors as combatants in armed wars. The UNCRC asserts the entitlement of children to protection from all forms of physical or mental abuse, maltreatment, and inhumane or humiliating treatment.

Unfortunately, this convention does not always go well around the world, including by Israel, which constantly launches its attacks on Palestine. Israel's compliance with the UNCRC, especially the protection of the rights of Palestinian children, has been a highlight of international concern. There have been various reports and assessments indicating that Israel does not fully comply with the provisions of the UNCRC in the treatment of Palestinian children even though, based on the archives of international agreements obtained from the United Nations Treaty Collection, Israel signed the UNCRC on July 3, 1990, following the ratification of the

agreement by the General Assembly of the United Nations, one year later. The signing shows Israel's intention to engage in the protection of children and legal obligations under the UNCRC. In reality, Israel is very far from the principle of protecting children's rights as stated in the convention, especially for children in Palestine, where all countries should submit and comply with the agreement, not only for children in their own country but also children in other countries.

The ongoing conflict between Israel and Hamas in the Palestinian Gaza Strip since October 2023 has resulted in serious impacts, especially for Palestinian children. This situation has resulted in the deaths of more than seventeen thousand children in Gaza, and tens of thousands more have been injured and suffered unimaginably due to the attacks and sieges carried out by Israel in the Gaza Strip. *Pacta sunt servanda* is a fundamental principle in international treaty law, stated in Article 26 of the 1969 Vienna Convention on the Law of Treaties: "Every treaty in force is binding upon the parties to it and must be performed by them in good faith." This principle states that every state party to an international treaty is required to perform the treaty in good faith, without using political, military, or domestic security grounds to escape its commitments (Lira, 2023). In this context, Israel has signed and ratified the UNCRC, making it legally obligated to respect and protect the rights of children as outlined in the convention. Thus, Israel's activities in Gaza, which have resulted in the deaths of thousands of children, the destruction of educational buildings, and the collapse of children's healthcare services, are a blatant breach of international treaty responsibilities, as detailed in the UNCRC. Enforcement of international law against these violations is essential for the rights of children in Palestine to be respected and protected, as well as to achieve sustainable peace in the region (Khan et al., 2025).

The legal repercussions of breaking the concept of *pacta sunt servanda* include not just normative infractions, but also the possibility of state international liability. According to James Crawford's philosophy of state responsibility, any act by a state that violates an international duty triggers a need to terminate the violation, provide assurances of non-repetition, and make compensation for the damage caused (Fachurrazi, 2025). In other words, Israel's failure to comply with the UNCRC can be classed as a wrongful act under international law, which theoretically has legal consequences. However, the fundamental issue is the ineffective enforcement procedures. The UNCRC monitoring mechanism, through the UN Committee on the Rights of the Child, is primarily supervisory and recommendatory. Furthermore, efforts to enforce through international legal forums such as the International Court of Justice (ICJ) or the International Criminal Court (ICC) are frequently hampered by the realities of global politics, particularly Israel's use of the veto in the UN Security Council, which shields it from legal consequences. Thus, the Gaza issue reveals a disconnect between officially binding international legal rules and their actual execution on the ground, where geopolitical interests impede the application of the principle of *pacta sunt servanda*.

Behind the roar of weapons and the roar of war in Palestine, let us pray while reflecting on our deep concern over the deaths of Palestinian children, who should have been the hope of the future, now become an innocent victim of the brutal armed conflict carried out by Israel in Gaza. It is incomprehensible why the international organization cannot provide security to them when looking at the legal principles that state "*Pacta sunt Servanda*," or international agreement, is binding for all parties. It becomes a symbol of confusion about the essence of the UNCRC and the International Organization that is supposed to be able to protect children in Palestine. Every child's death is a heart-wrenching tragedy. There needs to be serious action and cooperation between countries under the United Nations, especially international organizations such as UNICEF, which are institutions that are supposed to protect children and their rights (Bahter, 2020).

The increase in child mortality in Palestine as a result of this conflict violates the principles of the Rights of the Children in the UNCRC and International Humanitarian Law (IHL), which is

established to protect war victims, especially vulnerable children (Hamin, 2022). International humanitarian law has established clear rules to limit suffering from armed conflict and provide special protection to children (Bakry, 2019). Although international organizations have reminded Israel to abide by international human rights provisions, including the UNCRC, repeated violations of these rules continue to occur as committed by Israel, thus clearly demonstrating Israel's non-compliance not only with the UNCRC but also with the IHL. Since Israel is a signatory to the Convention on the Rights of the Child, the principle of *Pacta sunt Servanda* should apply to Israel. Israel should be able to be tried for its inhumane activities and violations of the rights of children. Although Israel has violated and disobeyed the UNCRC, in reality, efforts to prosecute Israel have always been hampered by the use of veto power by the UN Security Council, which has resulted in the obstruction of conflict resolution and law enforcement for gross human rights violations by the ICC (Devano & Astuti, 2024).

The doctrine of state responsibility in international law posits that each state is accountable for internationally unjust conduct perpetrated by its officials, organs, or policies. James Crawford, in *The International Law Commission's Articles on State Responsibility*, underscores that nations bear responsibility not just for direct actions but also for omissions that result in human rights abuses (Crawford, 2002). Within the framework of this research, Israel's military operations leading to the fatalities of tens of thousands of children in Gaza can be classified as internationally wrongful acts that invoke state responsibility. As a signatory to the Convention on the Rights of the Child Israel is mandated to safeguard children's rights to life, education, health, and protection from harm. Nonetheless, assaults on civilian infrastructure, the obstruction of humanitarian assistance, and the elevated incidence of child fatalities signify grave breaches of traditional duties and *jus cogens* principles. Consequently, Israel may be subject to international legal accountability in venues such as the International Court of Justice and through the oversight procedures of the Committee on the Rights of the Child.

Furthermore, it is necessary to relate this to international jurisprudence namely Advisory Opinion of the International Court of Justice on 2004 about the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, the ICJ determined that Israel's construction of a separation wall in Palestinian territory contravenes international law, particularly the duty to uphold human rights and humanitarian law. The ICJ confirmed the principle of state accountability, asserting that Israel is accountable for the repercussions of the infringement and is required to furnish reparations. This signifies that the international community has acknowledged Israel's recurrent breaches in relation to the Israeli-Palestinian conflict. This case clearly demonstrates that Israel's military assaults on children and civilian infrastructure in Gaza contravene the UNCRC and establish unequivocal state accountability. International legal systems ought to facilitate the prosecution of Israel, either through the International Court of Justice or by collective United Nations initiatives, while political practices such as the veto sometimes obstruct this process.

Moreover, the Committee on the Rights of the Child, responsible for monitoring the execution of the UNCRC, has promulgated several General Comments that strengthen nations' responsibilities in contexts of armed conflict. General Comment No. 16 asserts the state's obligation to avert infringements of children's rights stemming from both governmental actions and third-party conduct. whilst General Comment No. 17 underscores children's entitlement to protection against bodily and psychological harm. These ideas are pertinent to the circumstances in Gaza, where children endure structural and systematic violence resulting from Israeli military assaults. Israel's status as a state party to the UNCRC highlights that these transgressions constitute not only a political matter but also breaches of international law for which accountability is attainable. Connecting the theory of state responsibility, ICJ jurisprudence, and the authoritative interpretations of the Committee on the Rights of the Child elucidates that the

violations of children's rights in Gaza signify a significant failure by Israel to fulfill its international legal obligations.

2. Impact of violations on the Rights of the Child guaranteed by the Convention on the Rights of the Child

Additionally, International Humanitarian Law underlines the principle of distinction, which requires parties to a conflict to differentiate between civilians and combatants and also between civilian objects and military targets, attacks directed toward schools, hospitals, and other public facilities vital for children's life and development represent major violations of this concept (Gunawan & Pane, 2024). Not only do such actions violate the right to life and health, which are protected by the Convention on the Rights of the Child but they also draw attention to Israel's disregard for its obligations under both international humanitarian law (IHL) and the CRC, which in turn increases the vulnerability of children in Gaza. Not only causing thousands of deaths consisting of all groups, both women and children, due to attacks by Israel, but people, especially children in Gaza, also have to face serious challenges related to access to food and medicine due to Israel's actions. The impact of this Israeli attack shows so many violations of children's rights that the Convention on the Rights of the Child already protects.

a. The right child to live and develop

Article 6, paragraph 1 of the Convention on the Rights of the Child states that all UN participating countries must respect and recognize that children have an inherent right to life. In paragraph 2, it is also stated that participating countries must guarantee, to the maximum extent, the survival and development of children. This article establishes the right of children to live, survive, and develop to the maximum (Detrick, 2023). However, in reality, children in Gaza face a serious threat to their right to life and development through attacks carried out by Israel in the Palestinian territories, especially in the Gaza Strip. This situation seriously impacts the right of children to live and develop under Article 6 of the Convention on the Rights of the Child. The Palestinian Ministry of Health has confirmed a result of the Israeli attack have killed 17,000 children, resulting in their deaths this is a direct violation of the right of children to live and thrive (Al Jazeera and news agencies, 2024). According to figures obtained by UNICEF and disseminated by UN NEWS, over 14,500 children have reportedly been killed in Gaza. It is estimated that many thousands more are interred beneath the debris (UN NEWS, 2024). Children who are victims of Israeli army attacks face death threats that deprive them of their basic right to grow and develop. In addition, these attacks also create adverse conditions for children in Gaza. Infrastructure, including health and educational facilities, is often targeted, making it difficult for children to gain access to basic services necessary for their survival and development, consequently posing a serious challenge to children's right to live properly and develop properly and optimally so that it can be a hope for the progress of civilization. However, it is all just hope because more than 17,000 Palestinian children have been killed, and Israel has destroyed hundreds of health and education facilities. There has been a violation of Article 6 of the UNCRC, which guarantees the right of children to live and develop.

b. Right to protection from violence

Cathryn Clinton (2011) describes the plight of Palestinian children in her book *A Stone in My Hand* that there were violations of the rights of children in Palestine, such as arbitrary death, violent treatment, mental violence, illegal detention, and child abuse. However, Clinton's book is fictional; Clinton describes the real situation that happened to children in Palestine (Deyab & Elshaikh, 2022). The attacks carried out by Israel in the Palestinian territories, especially in the Gaza Strip, have had a serious impact on the right to protection from violence against children following Article 37 of the UN Convention on the Rights of the Child: (a) No child shall be

subjected to torture or cruel treatment, inhuman treatment or punishment or degrading treatment. Article 37 Letter A of the Convention on the Rights of the Child expressly states that no child shall be tortured or subjected to cruel, inhuman or degrading treatment or punishment. The death penalty and life imprisonment shall not be imposed without the possibility of immunity for crimes committed by children, in the intent of punishment no one may commit cruel treatment of a child, including murder (Arumbinang, Gunawan, & Salim, 2023). Article 38, paragraph 4 of the Convention on the Rights of the Child also emphasizes the need to ensure that children who are victims of attacks receive special protection and care to restore their physical and mental health (Pouloupoulou, 2022). Attacks carried out by Israel often cause children to be victims of such acts, either through direct attacks or the destruction of infrastructure, such as health facilities, that cause child deaths due to the destruction of such health facilities (Gunawan et al., 2023).

c. Right to education

The attacks carried out by Israel in the Palestinian territories, especially in Gaza, had a serious impact on children's right to education under Article 28 of the UN Convention on the Rights of the Child. Not only threatening the lives of Palestinian children, Israel also destroys schools and educational infrastructure, which hinders and even causes Palestinian children to be unable to access quality education, which is a fundamental right for children according to the Convention on the Rights of Child (Wells et al., 2024). Article 28 of the Convention on the Rights of the Child guarantees all States recognize children's right to quality education and understand the importance of education to develop individuals' full potential and society's well-being. Still, the attacks launched by Israel have resulted in the destruction and destruction of educational infrastructure in Gaza, including schools and educational centers, as reported by Antara news: "The Palestinian Ministry of Education reported that more than 11,825 Palestinian students have been killed as a result of Israeli attacks in Gaza and the West Bank since October last year. In addition, 117 academic staff of universities in Gaza were also killed."

A total of 406 schools in Gaza were damaged, including 77 that were destroyed. In the West Bank, 84 schools were affected. Higher education institutions in Gaza recorded significant damage to 20 universities, with 51 university buildings destroyed and another 57 partially damaged. About 88,000 students and 700,000 schoolchildren in Gaza have lost access to education. A total of 11,057 school students were killed, 16,897 injured, 681 students were killed, and 1,468 others were injured. In the West Bank, 79 schoolchildren and 35 college students were killed, with hundreds injured and detained. A total of 441 teachers and school staff in Gaza have died, and 2,491 have been injured, while in the West Bank, two school staff have been killed, 17 injured, and 139 detained (Primayanti, 2025). It has created a great challenge for Palestine to provide adequate education as stipulated in the Convention on the Rights of the Child, and what Israel is doing is a violation of the right of the child to education.

d. Right to health

Israeli assaults on the Palestinian territories, especially in the Gaza Strip, have significantly affected the child's right to health, as stipulated by Article 24 of the UN Convention on the Rights of the Child. Article 24 of the UN Convention on the Rights of the Child stipulates that each nation must provide every child's right to the best achievable standard of bodily and mental health and access to sufficient health care services. The attacks carried out by Israel also cause damage to health facilities and make it difficult for children to access medical care. It violates their right to access accessible health care. In these attacks, health infrastructure in Palestine is often targeted, resulting in damage to medical facilities, shortages of medicines, and the interruption of much-needed health services (Milton et al., 2017). According to a report from the

Office of the United Nations High Commissioner for Human Rights (OHCHR), from October 7, 2023, to June 30, 2024, there were at least 136 attacks on 27 hospitals and 12 other medical facilities in Palestine, especially Gaza, the attacks also claimed the lives of medical personnel in Palestine (Fadhil, 2025).

Israel's destruction of health facilities in Palestine is a violation of the right of children to access health facilities as guaranteed in UNCRC article 24 and also a violation of International Humanitarian Law (Imtihani & Nasser, 2024). Article 23 of the UN Convention on the Rights of the Child also emphasizes the right of children to receive special care if they are sick or disabled, and attacks that damage health facilities can seriously harm this right. The impact of attacks on children's health is also reflected in the increasing number of deaths and injuries to children, which is mandated in Article 6 of the UN Convention on the Rights of the Child that children have the right of the child to live, as a result of which the attack causes death or injury to children and this directly violates the rights of the child. According to some experts, the armed conflict taking place in Palestine creates traumatic conditions or post-traumatic stress disorder (PTSD) for children, such as sadness and depression, which can negatively impact their mental health. Constant worry, insecurity, and fear can increase the risk of post-traumatic stress disorder and other mental health problems among Palestinian children. Therefore, the psychological impact of such attacks is also necessary attention is paid to be able to recover the mental health of children affected by Israeli attacks (El-Khodary, Samara, & Askew, 2020).

The protection and fulfillment of children's right to health is also hampered by the blockade imposed by Israel that restricts access to Palestine, impacting health aid, medicines, and medical equipment (Rutten, 2024). The blockade carried out by Israel is contrary to Article 24 of the Convention on the Rights of the Child, which demands the adoption of special measures to ensure that children with health needs receive adequate care. The blockade is considered to hinder all forms of health assistance to Palestinian children (Risdayani, Mancanagara, & Anisa, 2024). The international community should unequivocally condemn violations of children's right to health and emphasize the need to improve access to health services in the region. Humanitarian organizations and international agencies are important in assisting and caring for affected children. In addition, the protection and safety of health facilities must be prioritized in conflict situations (Muthumani, 2024). In conclusion, the Israeli attack on Palestine has a serious impact on the child's right to health, in line with Articles 23 and 24 of the UN Convention on the Rights of the Child. These rights violations underscore the urgency of protecting children in the context of armed conflict and require concrete action from the international community to ensure the fulfillment of children's rights and the restoration of optimal health conditions for them.

D. Conclusion

Israeli soldiers' mass deaths of Palestinian children in Gaza expose international law abuses of children's rights. Despite signing the UNCRC, Israel's actions in Gaza violate its precepts. After the recent conflict, children's rights to life, education, health, and safety from violence have been seriously affected. Due to the bombings and infrastructure devastation, over 17,000 children have died, and many more have been injured, psychologically traumatised, or displaced, affecting their access to healthcare and education. The UN and UNICEF have consistently condemned these atrocities, but political realities like Israel's capacity to veto UN Security Council resolutions make punishment difficult.

This study shows that the UNCRC is ineffective in protecting Palestinian children from Israeli atrocities. This discussion centres on the principle of *pacta sunt servanda*, which requires governments to honour international treaties in good faith, and state accountability, which holds nations liable for violating international law. Despite these legal commitments, Israel's actions imply a grave UNCRC violation. Israel's transgressions have had few legal consequences, highlighting the gap between international law theory and practice. Geopolitical issues, such as

the UN Security Council's paralysis of veto power, compound this problem, impeding real action.

To resolve this situation, the international community must be more proactive and use stronger legal instruments to hold Israel accountable. This might give the UNCRC's monitoring body, the Committee on the Rights of the Child, more power to execute its recommendations. Additionally, the International Court of Justice (ICJ) should be empowered to hold Israel accountable for its severe human rights violations against Palestinian children. Abolition of the UN Security Council veto authority could improve international action and humanitarian crisis resolution.

REFERENCES

- Adiyanta, F. C. S. (2019). Hukum dan Studi Penelitian Empiris: Penggunaan Metode Survey sebagai Instrumen Penelitian Hukum Empiris. *Administrative Law and Governance Journal*, 2(4), 697–709. <https://doi.org/10.14710/alj.v2i4.697-709>
- Al Jazeera and News Agencies. (2024, December 16). Death toll from Israel's war on Gaza surpasses 45,000. *Aljazeera*. Retrieved from <https://www.aljazeera.com/news/2024/12/16/death-toll-from-israels-war-on-gaza-tops-45000>
- Arumbinang, M. H., Gunawan, Y., & Salim, A. A. (2023). Prohibition of Child Recruitment as Soldiers: An International Regulatory Discourse. *Jurnal Media Hukum*, 30(1), 21–32. <https://doi.org/10.18196/jmh.v30i1.19322>
- Bahter, K. T. (2020). Peranan Unicef Dalam Aspek hukum Internasional Terhadap Perlindungan Atas Hak-Hak Anak. *Lex Et Societatis*, 8(2), 70-78. <https://doi.org/10.35796/les.v8i2.28492>
- Bakry, U. S. (2019). *Hukum Humaniter International: Sebuah Pengantar*. Prenada Media.
- Clinton, C. (2011). *A Stone in My Hand*. Candlewick Press.
- Collins, T. M., & Wright, L. H. V. (2022). The Challenges for Children's Rights in International Child Protection: Opportunities for Transformation. *World Development*, 159, 106032. <https://doi.org/10.1016/j.worlddev.2022.106032>
- Crawford, J. (2002). *The International Law Commission's Articles on State Responsibility: Introduction, Text and Commentaries*. Cambridge University Press.
- Detrick, S. (2023). *A Commentary on the United Nations Convention on the Rights of the Child*. Brill | Nijhoff. <https://doi.org/10.1163/9789004638693>
- Devano, M. H., & Astuti, M. (2024). Hak Veto Sebagai Penghambat Penegakan Hukum Internasional Pada Penyerangan Rumah Sakit Palestina. *Yustitiabelen*, 10(1), 62–86. <https://doi.org/10.36563/yustitiabelen.v10i1.908>
- Deyab, M. S., & Elshaikh, E. A. (2022). Am I Not a Child? Palestinian Child Rights' Violations in Cathryn Clinton's A Stone in My Hand (2002). *Journal of Human Rights*, 21(4), 451–462. <https://doi.org/10.1080/14754835.2021.2011712>
- Domi, I., & Lata, K. (2025). Israel-Palestine Conflict: A Retrospective Analysis from Origins to the Present Day and Prospects for the Future. *Interdisciplinary Journal of Research and Development*, 12(1 S1), 71-81. <https://doi.org/10.56345/ijrdv12n1s109>
- El-Khodary, B., Samara, M., & Askew, C. (2020). Traumatic Events and PTSD Among

- Palestinian Children and Adolescents: The Effect of Demographic and Socioeconomic Factors. *Frontiers in Psychiatry*, 11, 4. <https://doi.org/10.3389/fpsyt.2020.00004>
- Fachurrazi. (2025). Indonesia's Legal Obligations toward Rohingya Refugees under Public International Law. *Peradaban Hukum Nusantara*, 2(1), 32–51. <https://doi.org/10.62193/te925072>
- Fadhil, H. (2025, January 1). PBB: Layanan Kesehatan Gaza Nyaris Hancur Total Akibat Serangan Israel. *DetikNews*. Retrieved from <https://news.detik.com/internasional/d-7712834/pbb-layanan-kesehatan-gaza-nyaris-hancur-total-akibat-serangan-israel>
- Gunawan, Y. (2022). *Hukum Internasional Sebuah Pendekatan Modern*. Yogyakarta: Pustaka Pelajar.
- Gunawan, Y., Akbar, M. F., & Ferrer Corral, E. (2022). WTO Trade War Resolution for Japan's Chemical Export Restrictions to South Korea. *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)*, 9(3), 408–431. <https://doi.org/10.22304/pjih.v9n3.a6>
- Gunawan, Y., Wibowo, G. A., & Arumbinang, M. H. (2023). Foreign Fighters in the Ukrainian Armed Conflict: An International Humanitarian Law Perspective. *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 6(2), 145–157. <https://doi.org/10.24090/volksgeist.v6i2.9315>
- Gunawan, Y., & Pane, M. E. R. (2024). Responsibility for Excessive Infrastructure Damage in Attacks: Analyzing Russia's Attack in Ukraine. *Petita: Jurnal Kajian Ilmu Hukum dan Syariah*, 9(1), 212-231. <https://doi.org/10.22373/petita.v9i1.213>
- Hamin, S. (2022). Perlindungan Hak Anak dalam Konflik Bersenjata Internasional Menurut Konvensi Hak Anak Tahun 1989. *Lex Administratum*, 10(5), 1-11. <https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view/42953>
- Ho, H. (2019). Penerapan Hukum Humaniter Internasional dalam Konflik Bersenjata Antara Palestina dan Israel. *Lex Et Societatis*, 7(2), 169-181. <https://doi.org/10.35796/les.v7i2.24668>
- Imtihani, H., & Nasser, M. (2024). The Unjustifiable Targeting of Healthcare in Palestine: A Violation of Human Rights and International Law. *International Journal of Islamic Education, Research and Multiculturalism (IJIERM)*, 6(3), 763–783. <https://doi.org/https://doi.org/10.47006/ijierm.v6i3.367>
- Kelsen, H. (1941). Recognition in International Law. *American Journal of International Law*, 35(4), 605–617. Cambridge Core. <https://doi.org/10.2307/2192561>
- Khan, I. A., Jawad, M., & Imdad, S. (2025). Deciphering the Relevance of United Nations and International Law in Peace Efforts: A Case Study of Palestine-Israel Conflict. *The Critical Review of Social Sciences Studies*, 3(1), 2776–2787. <https://doi.org/10.59075/8p63hh39>
- Kunz, J. L. (1961). Natural-Law Thinking in the Modern Science of International Law. *American Journal of International Law*, 55(4), 951–958. Cambridge Core. <https://doi.org/10.2307/2196276>
- Latipulhayat, A. (2021). *Hukum internasional: Sumber-Sumber Hukum*. Sinar Grafika.
- Lira, M. A. (2023). Principle Law Pacta Sunt Servanda in Agreement Rent Place Business. *Journal of Law and Sustainable Development*, 11(12), e2157. <https://doi.org/10.55908/sdgs.v11i12.2157>
- Mayersen, D. (2021). Predicting Genocide and Mass Killing. *Journal of Genocide Research*,

- 23(1), 81–104. <https://doi.org/10.1080/14623528.2020.1818478>
- Milton, A. H., Rahman, M., Hussain, S., Jindal, C., Choudhury, S., Akter, S., ... Efirid, J. T. (2017). Trapped in statelessness: Rohingya refugees in Bangladesh. *International Journal of Environmental Research and Public Health*, 14(8), 942. <https://doi.org/10.3390/ijerph14080942>
- Mita, M. J., Arfan, A. F. A. A., Mursyid, M., & Said, M. F. (2024). Perlindungan Hukum Terhadap Anak Korban Perang. *JUDICATUM: Jurnal Dimensi Catra Hukum*, 2(1), 46–59. <https://doi.org/10.35326/judicatum.v2i1.5501>
- Muthumani, A. (2024). Safeguarding Children Through Pediatric Surgical Care in War and Humanitarian Settings: A Call to Action for Pediatric Patients in Gaza. *World Journal of Pediatric Surgery*, 7(1), e000719. <https://doi.org/10.1136/wjps-2023-000719>
- Pouloupoulou, S. (2022). Interpreting the Obligation to Respect and Ensure Respect for IHL under Article 38 of the Convention on the Rights of the Child: The Practice of the Committee on the Rights of the Child. *The Role of Human Rights Mechanisms in Implementing International Humanitarian Law, Forthcoming*.
- Primayanti. (2025, January 1). Apa yang Tersisa di Jalur Gaza, Palestina pada Awal Tahun 2025? *Antaranews*. Retrieved from <https://www.antaranews.com/berita/4559174/apa-yang-tersisa-di-jalur-gaza-palestina-pada-awal-tahun-2025>
- Risdayani, F., Mancanagara, K., & Anisa, N. (2024). The Impact of the Blockade and Politics on Health and Social Welfare in Palestine. *Eduvest - Journal of Universal Studies*, 4(8), 6825–6843. <https://doi.org/10.59188/eduvest.v4i8.1743>
- Rosdiyanti, E., & Abustan, A. (2020). Hukum Internasional Sebagai Sumber Hukum dalam Hukum Nasional (Dalam Perspektif Hubungan Hukum Internasional dan Hukum Nasional Di Indonesia). *JIHAD: Jurnal Ilmu Hukum Dan Administrasi*, 2(2), 21. <https://doi.org/https://doi.org/10.58258/jihad.v2i2.3029>
- Rutten, R. (2024). *Access to Palestine: Restricted Access as a Case of Israel's Structural Violence and Deprivation of Palestinians' Human Needs* [Thesis, Utrecht University Student Theses Repository]. <https://studenttheses.uu.nl/handle/20.500.12932/47484>
- Schachter, O. (2024). *International Law in Theory and Practice* (Vol. 13). Martinus Nijhoff Publishers.
- Shelton, D. (2003). *Commitment and Compliance: The Role of Non-Binding Norms in the International Legal System*. Oxford University Press, USA.
- Subari, W. A. (2024, September 30). 17 Ribu Anak Gaza Palestina Tewas akibat Serangan Israel. *Media Indonesia*. Retrieved from <https://mediaindonesia.com/internasional/705045/17-ribu-anak-gaza-palestina-tewas-akibat-serangan-israel>
- Tanveer, F. (2024). The United Nations Convention on the Rights of the Child (UNCRC): Examining the Tenets, Practices, and Related Studies. *Library of Progress-Library Science, Information Technology & Computer*, 44(3), 17987-17995. <https://doi.org/10.48165/bapas.2024.44.2.1>
- Tourme-Jouannet, E. (2013). The International Law of Recognition. *European Journal of International Law*, 24(2), 667–690. <https://doi.org/10.1093/ejil/cht021>

Tunkin, G. I. (1974). *Theory of International Law*. Harvard University Press.

UN Committee on the Rights of the Child (CRC). (2013a). General Comment No. 16 (2013) on State Obligations Regarding the Impact of the Business Sector on Children's Rights. <https://doi.org/https://www.refworld.org/legal/general/crc/2013/en/102811>

UN Committee on the Rights of the Child (CRC). (2013b). General comment No. 17 (2013) on the Right of the Child to Rest, Leisure, Play, Recreational Activities, Cultural Life and the Arts (art. 31). Retrieved September 19, 2025, from <https://www.refworld.org/legal/general/crc/2013/en/96090>

UN NEWS. (2024). Gaza Death Toll Passes 45,000 as UN School Suffers New Deadly Strike. Retrieved August 28, 2025, from UN NEWS website: <https://news.un.org/en/story/2024/12/1158206>

UNICEF. (2024). *State of Palestine Humanitarian Situation Report No. 34 (Year-End)- 01 January-31 December 2024*. Retrieved from <https://www.unicef.org/documents/state-palestine-humanitarian-situation-report-no-34-year-end-01-january-31-december-2024>

Wells, K., Cortés-Morales, S., Esson, J., Horgan, D., Nxumalo, F., Phoenix, A., Rautio, P., & Rosen, R. (2024). Israel's War on Gaza and the Violation of Children's Rights. *Children's Geographies*, 22(2), 197–200. <https://doi.org/10.1080/14733285.2024.2316752>