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**The Impact of the 2023 Israel-Hamas War on the Children of Gaza through the Lens of International Humanitarian Law**

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Hamid Dorj<sup>1</sup>**Extended Abstract****1. Introduction**

The conduct of hostilities by Israel during its 2023 war against Hamas raises significant concerns regarding compliance with international humanitarian law (IHL). Key IHL principles—including the distinction between combatants and civilians, the prohibition of indiscriminate and disproportionate attacks, and the obligation to take precautionary measures—appear to have been violated. These alleged violations resulted in a high number of civilian casualties, with women and children disproportionately affected. Furthermore, the reported use of certain conventional weapons, such as white phosphorus, in populated areas may constitute additional breaches of the fundamental rights of both combatants and non-combatants.

**2. Methodology and Conceptual Framework**

This study employs a descriptive-analytical approach, utilizing data gathered from library and online sources. The analysis is framed by the rules of IHL, which governs the conduct of hostilities and delineates the rights and duties of belligerent parties, with the paramount aim of alleviating human suffering and protecting civilians (Hastuti, 2016: 6).

While IHL does not provide a universal definition of a "child," the 1949 Geneva Conventions and their 1977 Additional Protocols establish specific age-related protections:

- Under 15 years: Concerning access to welfare, safety zones, and medical care.
- Under 12 years: In relation to identification.

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- Under 18 years: Pertaining to the prohibition of execution and recruitment.

Generally, the term "children" in IHL instruments refers to persons under 18 (Mohammed Asqool et al., 2023: 539).

IHL affords children special protection. The Fourth Geneva Convention (1949) introduced specific provisions for children in international armed conflicts. Article 77(1) of Additional Protocol I (1977) reinforces this, stating that children "shall be the object of special respect and shall be protected against any form of indecent assault." Evacuation procedures are also strictly regulated; Article 78 of AP I prohibits the evacuation of children to foreign countries except for temporary safety and only with parental consent.

### 3. Discussion

Following Hamas's offensive on 7 October 2023, Israel declared a state of war and launched Operation Iron Swords, citing objectives that included dismantling Hamas, securing the release of hostages, and reasserting control over the Gaza Strip. After expelling Hamas fighters from Israeli territory, the Israeli military conducted extensive aerial bombardments of Gaza, followed by a large-scale ground invasion.

Children remain among the most vulnerable populations in armed conflicts. Despite the existence of multiple international instruments designed to protect them, violations continue to be widespread (Mohammed Asqool et al., 2023: 539). During the humanitarian pause on 24 November 2023, more than 30 Israeli children held hostage by Palestinian armed groups since 7 October were released in exchange for Palestinian prisoners. Reports indicate that these child hostages were subjected to inadequate conditions regarding nutrition, hygiene, and psychological well-being.

In Gaza, severe shortages of essential items—including winter clothing, blankets, and fuel—have further exacerbated civilian suffering. Families' reliance on wood and recycled waste for heating has increased the prevalence of respiratory illnesses. From the perspective of international humanitarian law, the principle of distinction—between civilians and combatants, and between civilian objects (such as food, farmland, livestock, and water facilities) and military targets—is fundamental. The use of starvation as a method of warfare is explicitly prohibited, and attacks must be directed solely at legitimate military objectives.

Moreover, the International Criminal Court (ICC), established under the 1998 Rome Statute, holds jurisdiction over genocide, crimes against humanity, war crimes, and the crime of aggression. In a press statement

dated 20 May 2024, ICC Prosecutor Karim Asad Ahmad Khan indicated that there are reasonable grounds to believe that Israeli officials, including Netanyahu and Gallant, bear responsibility for war crimes and crimes against humanity in Gaza from at least 8 October 2023 onward.

The humanitarian toll of the conflict, as documented by local and international agencies, has been severe. According to figures released by the Hamas-administered Palestinian Ministry of Health in Gaza, the cumulative casualty figures from October 7, 2023, to February 24, 2025, exceeded 50,000 fatalities and 111,633 injuries. It is critical to note that these figures, widely cited in international discourse, do not differentiate between combatants and non-combatants.

A significant escalation in displacement was reported in the summer of 2024. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) documented that intense military operations in the Khan Yunis area between July 22 and 25, 2024, alone precipitated the internal displacement of approximately 182,000 individuals, exacerbating the already critical humanitarian conditions for hundreds of thousands more in the region.

A major development occurred on January 19, 2025, with the implementation of a ceasefire agreement accompanied by a prisoner exchange between Hamas and Israel. This event marked a pivotal, though potentially temporary, de-escalation in the conflict.

#### **4. Conclusion and Suggestions**

The principles of distinction and proportionality are cornerstones of IHL. The high number of civilian casualties, particularly among children, in Gaza indicates that Israeli military operations may have systematically violated these principles. Consequently, the nature and scale of the attacks—whether directed at civilian objects or against military objectives with excessive incidental civilian harm—suggest the commission of war crimes. This analysis underscores the urgent need for accountability and the reaffirmation of IHL norms to protect children in armed conflict.

Thus, Israel's military operations, which have continued despite significant international concern, have raised profound questions regarding compliance with international humanitarian law (IHL). The conduct of hostilities has resulted in extensive civilian casualties and a degradation of protections for non-combatants, with women and children disproportionately affected. The scale and impact of these operations have led leading international legal bodies, including the International Court of Justice (ICJ) and the International Criminal Court (ICC), to initiate proceedings to

investigate alleged violations. These allegations include the commission of war crimes and crimes against humanity, underscoring a critical crisis in IHL enforcement.

This situation highlights the imperative for the international community to strengthen mechanisms for accountability. There is a compelling need for states and international organizations to uphold their obligations under the Convention on the Prevention and Punishment of the Crime of Genocide and to ensure that all parties to the conflict are held responsible for breaches of international law. The proceedings at the ICJ, initiated by South Africa, represent a significant judicial avenue for addressing these serious allegations.

Moving beyond rhetorical condemnation, the international community must leverage existing frameworks within the UN Charter to prevent and suppress violations. Furthermore, the persistent gap between the rules of IHL and their implementation on the ground reveals a systemic weakness. The current crisis in Gaza underscores the necessity not only to reaffirm existing legal prohibitions but also to advance the development of more robust and binding enforcement mechanisms. Strengthening these instruments is essential to ensure compliance and to prevent the recurrence of such widespread harm to civilian populations in future conflicts.

## 5. Keywords

Zionist regime, Hamas, Gaza, Children, international humanitarian rights

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