

APPROVAL PAGE

THE CRISIS OF CHILD PROTECTION IN SYRIAN ARMED CONFLICT

Written by

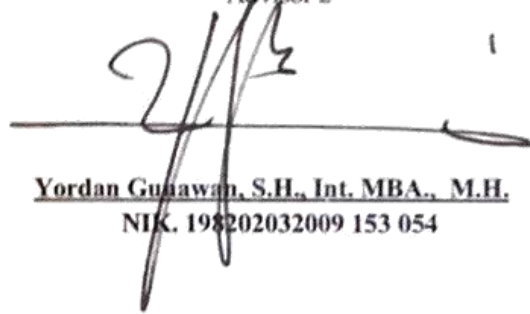
Nerissa Azmes
NIM. 20140610299

Advisor 1



Dr. Muhammad Nur Islami, S.H., M.Hum
NIP. 19611031987 021 001

Advisor 2



Yordan Gunawan, S.H., Int. MBA., M.H.
NIK. 198202032009 153 054

Endorsed by
Dean of Faculty of Law
Universitas Muhammadiyah Yogyakarta



Dr. Frisno Raharjo, S.H., M.Hum.
NIK. 19710409199702 153 028

THE CRISIS OF CHILD PROTECTION IN SYRIAN ARMED CONFLICT

Nerissa Azmes

International Centre for Law and Sharia Studies, Faculty of Law, Universitas Muhammadiyah
Yogyakarta
nerissaazmes@gmail.com

Abstract

This thesis aims to find solution which is considered more effective in protecting child casualties in Syrian armed conflict. So many children experienced and witnessed war because of this armed conflict; the thing that Syrian government has done is a war crime that should not be done, because this will cause children undergo traumatic effect which took a long time to recover. Therefore, there are a lot of regulations governing child casualties in armed conflict such as Geneva Convention, even United Nation Convention on the Right of Child, but somehow this regulation are still violated by the armed conflict parties, thus causing more and more children become victims. This study is the result of a normative research with statute, analytic and case approaches regarding the impact caused by conflict in Syria. The study found that, the main factor causing problem for children in Syria is derived from the armed conflict itself. The armed conflict in Syria leads to educational issue, poverty, sexual violence, child labour, children recruitment and used by parties of conflict, child marriage, and abduction of children. Then those problems have led to the ineffectiveness of the child protection in Syria. Before the child casualties increase, the Syrian government should follow the provisions that set out by International Community, such as Geneva Convention, and United Nation is recommended to be conducted.

Keyword: *Child Protection, Rights of Children, Armed Conflict*

I. Introduction

The armed conflict in Syria occurred because of a civil war. Beginning with the protest on the rise of the Arab world, then escalating to armed conflict after violence protests to the government for the enactment of President Bashar Al-Assad from his position as a president at that time.¹ The conflict in Syria has been on-going since March 2011 until now. As a result, so many victims, thousands of refugees, millions of children have lived in stress and ruins of war, and thousands of children

¹ A. Muchaddam Fahham, A.M. Kartaatmaja, 2014, Konflik Suriah: Akar Masalah dan Dampaknya, *Politicia*, Vol. 5 No. 1 June, Jakarta, p. 1.

who were misplaced and orphaned by the loss of their parents.² More than 10,000 children have been killed and tens of thousands have been crippled by the war that has lasted from 2011 until now. Boys and girls of all ages have been victimized, or exposed to extreme violence, including armed violence, sexual violence and torture in custody.³

Armed conflict throughout the world has proven that there are profound impacts on children, such as the impediment of learning and teaching and health. Since World War II, children have been involved and actively participating in the armed forces. The active participation of children in hostilities has attracted the attention of the international community.

This armed conflict does not only cause physical injury but also psychological trauma. Mental or traumatic wounds are obviously experienced by children because of their unstable mental state; children are not supposed to witnessing such horrors and violence, moreover experiencing war for themselves, as exposure to these conditions can cause prolonged trauma until they grow up. In addition, to causing physical and mental injuries or traumas, armed conflicts also causes prolonged grief for families who lost family members in the war and armed conflict. The involvement of children in armed conflict or the recruitment or target of armed conflict is a violation of the rights of the child and may have serious and long-term impacts on the child's growth development.

The Syrian revolution has caused many to suffer. According to Under-Secretary-General of the United Nations at the UN Department of Political Affairs from 2007 to June 2012, B. Lynn Pascoe, stated that the death toll from the Syrian conflict reached 7,500.⁴ There are reports that the death toll exceeds 100 civilians every day and mostly women and children. The Syrian government declared a loss of 1,345 security forces and named as many as 2,493 civilians killed. The United

² *Ibid*

³ Megan Price, Anita Gohdes, Patrick Ball, 2014, Updated Statistical Analysis of Documentation of Killings in the Syrian Arab Republic, p. 1.

⁴ The CNN Wire Staff, CNN Middle East, "U.N.: Syria Death Toll 'Well Over' 7,500", 2012, taken from <https://edition.cnn.com/2012/02/28/world/meast/syria-unrest/index.html>, accessed on 15 April 2018 at 7:36 pm

Nations (UN) Human Rights Council confirmed that the death toll due to Syrian military repressive action was the largest and the most in comparison to similar actions.

II. Discussion

1. The Condition of Syrian Children 2011 – Present

The conflict in Syria began with demonstration against the Assad regime which was very authoritarian and arbitrary towards his people in 2011-2012. Then, Syrian people carried out a peaceful action demanding justice, but the Assad regime, instead, responded to the peaceful action with violence. The climax is when the teenagers who wrote anti-government slogans in school buildings in the town of Deraan, inspired by the uprising in Egypt and other Arab countries, were detained and tortured by security forces. Then they were taken by the Assad's army, and after being interrogated, they were stripped of their skin, and then liquid was poured into the body which had peeled off, so the pain is inexplicable. Bashar's army kept doing that while shouting Bashar Al-Asad's name; torture after torture was carried out against prisoners accused of opposing Bashar Assad's regime, even though these people are only villagers.⁵ That incident sparked protests across Syria that were immediately muted by the government, including by attacking civilians. Tensions are rising and many are taking to the streets demanding Assad to resign.

Not only that, during war the children victims of armed conflict in Syria were beaten up with iron cables, whips and wooden or metal clubs, electrocuted, also towards their vital organs, the nails of hands and feet were removed, sexual violence, including rape and the threat of rape, humiliation, cigarette burns, sleep deprivation, confinement in single cells, and shown scenes of their family's torture. These children are bound hands or body to the wall or ceiling, and then

⁵ BBC News, "10 Pertanyaan untuk memahami konflik Suriah", taken from <https://www.bbc.com/indonesia/dunia-43403254>, accessed on 1 September 2018 at 10:21 pm

forced to enter head, neck or legs to a tire before being beaten; they are also tied to a board and beaten.⁶

In February, the Syrian government and their allies stepped up military attacks on areas under the control of rebels including East Ghouta, which was opposed by President Bashar al-Assad since 2012. This area was continuously attacked and reportedly killed more than 1,000 people in the past few weeks. The United Nations estimates 76% of residents' homes in East Ghouta are destroyed. The majority of 400,000 residents currently take refuge in underground protection. 76% of the population housing in East Ghouta was destroyed.⁷

The following number is overall death tolls by time periods compiled by SOHR (Syrian Observatory for Human Rights)⁸:

List of Overall Death Toll

Year	Civilians (including children)
2011	
2012	46,266 ⁹
2013	
2014	17,790
2015	13,249
2016	13,617
2017	10,507
January 2018	607
February 2018	1,391

⁶ Denny Armandhanu, "Jadi Tawanan Anak-anak Suriah Disiksa dan Diperkosa", taken from <http://dunia.news.viva.co.id/news/read/479120-jadi-tawanan--anak-anak-suriah-disiksa-dan-diperkosa>, accessed on 7 September 2018 at 3:21 am

⁷ Cambridge University, 2002, "United Nations (U.N.) SECURITY COUNCIL: RESOLUTION 1379 (ON "CHILDREN AND ARMED CONFLICT")", *Cambridge University Press*, Vol. 41 No.2

⁸ Mcclatchydc, "Assad backers reportedly make up 43% of dead in Syria" taken from <https://www.mcclatchydc.com/news/nation-world/world/middle-east/article24749608.html>, accessed on 23 September 2018 at 8:53 pm

⁹ The Times of Israel, "Over 130,000 dead in Syria conflict, group says" taken from <http://www.timesofisrael.com/over-130000-dead-in-syria-conflict-group-says/>, accessed on 22 September 2018 at 4:20 am

March 2018	1,460
April 2018	395
May 2018	244
June 2018	398
July 2018	439
August 2018	253
September 2018	26
Total	106,642 killed

Source: SOHR (Syrian Observatory for Human Rights)

Those figures are only for recorded deaths, while SOHR estimates there are 145,000 unrecorded deaths. The death tolls above shows only the total number of civilians who were killed in the armed conflict, but the grand total is that 359,769 people were killed including pro-government and anti-government forces.

According to research conducted by UNICEF around 8.4 million children are estimated to be very affected by the conflict in Syria. Not only that, 5.6 million Syrian children under 18 years old also need humanitarian help, and more than 1.2 million children do not have access to be helped because they live under the siege or out of reach.¹⁰ The children who suffer from being sieged in eastern Ghouta still become a major concern because their nutrition is getting worse.

Not only that, but the situation worsened so that it could no longer be counted because serious violations of children continued. They were killed and injured as a result of explosive weapons in the civilian area, and the recruitment and use of children in armed conflict. As well as torture, detention, kidnapping, sexual violence, attacks against schools and hospitals and denial of humanitarian access, especially for children who live in areas declared by the United Nations.

¹⁰ UNICEF, “Humanitarian Action for Children” taken from <https://www.unicef.org/appeals/syria.html>, accessed on 26 September 2018

2. The Factors that Create the Crisis of Child Protection in Syrian Armed Conflict

The main factor that creates the crisis protection for children in Syria derived from the armed conflict and violation of International Law. Then, from these factors there are impacts show that there is ineffectiveness of the child protection in Syria.

a. Armed Conflict

The armed conflict in Syria leads to:

1.) Educational Issue

In 2014, there are so many walls in school buildings that were marred by bullet holes in the school in Hazema, North Raqqa, Syria. The Islamic State ultra-hardline insists to close this school since the building has been badly damaged and many others in northern Syria after it seized control of the region.¹¹ They close those schools because a lot of children and teachers have become victim of the attack. That is why it is hard for them to continue the teaching and learning process.

The remaining of Syrian education now after the war is still similar to pre-crisis conditions. But in some community there are schools that cannot adequately accommodate students who have been displaced from other parts of the country, besides classrooms that are full and crowded; insufficient supplies of books, tables and other sanitation facilities. In addition, in some areas there were not enough teachers because many of their communities were affected by conflict. Schools should be safe because school is one of the places where children can feel safe from conflicts around them. But during the crisis in Syria, many children were arrested or detained on their way to school, targeted by snipers, or caught in crossfire between the warring parties. Some have

¹¹ Alan Taylor, The Atlantic, "Syria's Students: Going to School in a War Zone", 2017, taken from <https://www.theatlantic.com/photo/2017/11/syrias-students-going-to-school-in-a-war-zone/545474/>, accessed on 26 October 2018 at 12.25pm

seen their schools turn into battlegrounds, reduced to rubble, or converted into shelters for refugees.¹²

2.) **Poverty**

Since the beginning of the crisis in 2011, poverty in Syria has dramatically increased due to violence and a collapsed economy. About 85% of all registered Syrian refugee children are living under the poverty line. 94% of under-fives living in host communities are “multidimensionality poor,” meaning they lost of a minimum of two out of the five basic needs, such as education, health, water and sanitation, child protection and child safety.¹³

In Lebanon, 76% of displaced Syrian families living under the poverty line parents who cannot afford the books, bus fares and uniforms needed to send their children to school. 66% of refugee children there were withdrawn from school as families struggled to survive.

Inside Syria, conditions are worse than ever, with 69% are languishing in extreme poverty. Nine in 10 families now spend more than half of their annual income on food, while food prices are eight times higher than pre-conflict levels. The mortality rate is rising due to the community being unable to fulfil their daily needs, causing starvation. Some 5.6 million people endure life-threatening conditions in terms of their security, basic rights or living standards, and require urgent humanitarian assistance.¹⁴

3.) **Sexual Violence**

Long-term psychosocial and health consequences including sexually transmitted infections, as well as experiencing complications during and after pregnancy will be experienced by children victim of sexual violence. Because they are ashamed of it, they risk social exclusion

¹² UNICEF, *Op.Cit.*, p.6

¹³ Borgen Project, 10 Facts About Poverty in Syria, <https://borgenproject.org/10-facts-about-poverty-in-syria/>, accessed on 5 January 2019 at 3:2 am

¹⁴ Theirworld, Seven Years of Syria Conflict How it Affects Children Education Refugees School, <https://theirworld.org/news/seven-years-of-syria-conflict-how-it-affects-children-education-refugees-schools>, accessed on 5 January 2019 at 3:12 am

and even death through “honour” killings or usually called as suicide. Female refugees in neighbouring countries have cited fear of rape as a major factor that led to their decision to leave Syria. Since 2014, there has been an increase in the number of reported cases of sexual violence perpetuated by terrorist groups, in particular ISIS. In August 2014, ISIS abducted hundreds of Yazidi women and girls from Sinjar, in northern Iraq. Some of these women and girls were taken to Syria and sold into sexual slavery.

Their position as children to disclose their experiences of sexual violence is impacted by their age, sense of safety, available resources, and culture and social norms that might not encourage children to speak out or to have a voice. Children may be afraid of the consequences of speaking out, especially when the perpetrator is known to them.¹⁵

4.) Child Labour

Child who are known to be engaged in child labour are girls and boys of all ages, according to the results of the study, adolescents were the most affected groups - boys 15-17 years (81%), boys 12-14 years (77%) and girls 15-17 years (70%).¹⁶ It has been reported, that children are engaged in some of the worst forms of child labour such as: working with parties to the conflict in combat and as supporting roles; operating heavy machinery in factories and workshops; smuggling; working as blacksmiths, in oil refineries and quarries; begging; scavenging through garbage for valuable waste. Preliminary findings from a UNICEF assessment on child labour in rural Damascus and Homs also identified that there are so many children who are working in chemical factories.¹⁷ There are still more things that can obstruct the growth and development of the child itself, namely their involvement in labour activities that can be classified as "light work," but still, that can be bad for children in the future.

¹⁵ International Rescue Committee, 2012, Caring for Child Survivors of Sexual Abuse, IRC-UNICEF

¹⁶ ILO and UNICEF, 2000, Investigating Child Labour

¹⁷ UNICEF, 2017, UNICEF Annual Report 2017 of Syrian Arab Republic

While both girls and boys are involved in child labour, boys are more likely to be involved in more dangerous forms of labour. Girls are more likely to be involved in domestic work (e.g. cooking, sewing, cleaning, and hairdressing), possibly owing to cultural and social norms around work outside of the home. For girls' work, they may be paid and unpaid. Both girls and boys are involved in agriculture work.

Girls and boys of all ages are reportedly performing work beyond their capacities and working long hours. Besides, they are working in unsafe environments, both in terms of the nature of the work and the treatment by employers. Working children are also exposed to a wide range of protection risks, such as financial exploitation and verbal, physical and sexual violence (including fear of these forms of violence) at the hands of employers, like high risk of harassment and rape for those girls who are working in the homes.

The relation between lack of access to education and child labour is clear. Because so many children cannot access schools or report seeing no use in continuing their education, and they only see opportunities to work. There is no doubt that education is one of the keys to preventing child labour, but without access to quality education, children often have few alternatives to premature entry into the workforce. Where children do have opportunities to continue their education, they report that constant and immense stress from the conflict is impacting their ability to focus on learning.

5.) Children Recruitment and Used by Parties of Conflict

A child who is associated with an armed force or armed group refers to 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 but not limited to children, boys, and girls used as fighters, cooks, porters, messengers, spies or for sexual purposes.¹⁸ It does not only refer to a child who is taking or has taken a direct part in hostilities.

¹⁸ The Paris Principles 2007

Recruitment refers to compulsory, forced and voluntary conscription or enlistment of children into any kind of armed force or armed group.

According to the 2017 UN Secretary General's report on Children and Armed Conflict, recruitment and use of children in the Syrian conflict has increased sharply.¹⁹ Children are known to be used by parties to the conflict in frontline combat roles, and receive military training. They also participated in supporting roles such as guarding checkpoints, as assistants and for sexual exploitation. Unfortunately, many children have been used to carry out suicide attacks and carry out executions.²⁰ Children have been killed and injured in hostilities, as well as arrested and detained for their alleged association with armed groups.²¹

The Commission of Inquiry (COI) on the Syrian Arab Republic continues to receive numerous presumptions of children being recruited, placed in training camps and, in some cases, sent to active front lines.²² Human Rights Watch also stated that the People's Protection Units (YPG), the largest member of the Syrian Democratic Forces in northeast Syria, has been recruiting children, including girls.²³ Moreover, United Nations mentioned a disturbingly high increase in child recruitment by the YPG in 2016. They required that the armed group should right away demobilize children and stop recruiting children, including from families in displacement camps under their control. It is because International law prohibits non-state armed groups recruiting anyone under 18, and enlisting children under 15 years old is a war crime.²⁴

6.) Child Marriage

¹⁹ General Assembly Security Council, 2017, Children and Armed Conflict, United Nations

²⁰ *Ibid*

²¹ *Ibid*

²² OHCHR (Office of United Nations High Commissioner for Human Rights), taken from <https://www.ohchr.org/en/hrbodies/hrc/iicisyrria/pages/independentinternationalcommission.aspx>, accessed on 16 September 2018 at 4:03 pm

²³ Human Right Watch, taken from <https://www.hrw.org/topic/childrens-rights/child-soldiers>, accessed on 16 September 2018 at 4:44 pm

²⁴ Child Soldiers International, taken from <https://www.child-soldiers.org/international-laws-and-child-rights>, accessed on 16 September 2018 at 5:00 pm

According to 2018 Humanitarian Needs Overview (HNO) report data collection, the highest number of places where child marriages occur are in Ar-Raqqa (97 per cent), Quneitra (89 per cent) and Rural Damascus (87 per cent) governorates (girls and boys of all age groups). Child marriage continues to be one of the main problems of Gender-Based Violence that affects girls. The average marriage of these children occurs at the age of 13-year-old girls.²⁵ Strategy of marriage was also seen by communities as the way to protect girls from harm, including the threat of sexual violence.

The impact of marriage on girls has been clearly documented. Young married Syrian refugee girls face the same consequences in general, like other child brides: complications during pregnancy and childbirth, violence, limited education and economic opportunities, and little freedom and opportunity to socialize with children of their own age. Even worse, many of these marriages are short-term and unregistered, leaving girls with little protection for themselves or their children. Divorce in refugee camps can endanger their mental health.

For displaced families, life becomes increasingly difficult and complicated. Every parent struggles to provide their children and is afraid of threatening their safety - especially sexual violence against their daughters. As a result, some people think that marriage can protect their daughter from danger and can give them a level of financial stability. In many communities, marriage is seen as a way to "protect" a girl's virginity and "honor" and family reputation.²⁶

7.) Abduction of Children

During the conflict, there are 6 grave violations identified by UN Security Council, and one of them is child abduction.²⁷ In times of war, children are too often abducted by parties to conflict and subjected to

²⁵ UNFPA, 2017, Voices from Syria 2018: Assessment Findings of Humanitarian Needs Overview, UNFPA

²⁶ United Nation Population Fund, 2014, "Child Marriage Takes Brutal Toll on Syrian Girls, taken from <https://www.unfpa.org/news/child-marriage-takes-brutal-toll-syrian-girls>, accessed on 3 December 2018 at 3:15 am

²⁷ Office of the Special Representative of Secretary-General for Children and Armed Conflict, taken from <https://childrenandarmedconflict.un.org/six-grave-violations/>, accessed on 06 December 2018 at 9:43 pm

brutal treatment. In many cases, the abduction of children is the precursor to other grave violations. Children can be abducted to be killed or maimed, to become victims of sexual violence or to be recruited to the ranks of an army or armed groups. In some instances, abducted children are detained arbitrarily by Governments or armed groups. Parties to conflict also abduct children in systematic campaigns of violence and reprisal against civilian populations. From the age of babies up to 17 years old children continue to be victims of abduction in armed conflict. The numbers of kidnappings of girls and boys is reported to be almost the same.

Then those problems have led to the ineffectiveness of the child protection in Syria. Moreover, it also stimulates an impact on the child's well-being and development. This happens because of their experiences as victims of violence in their daily lives.

b. Violation of International Law: Regarding Protection of Children in Syrian Armed Conflict

1.) Infringement of the Geneva Convention

According to Additional Protocols 1 of the 1977 of The Geneva Convention there are several basic provisions which cannot be violated in the Syrian armed conflict:²⁸

- a.) Conducting reprisal and indiscriminate attacks on civilians, objects that are very important for the survival of civilians, cultural objects and religious places, buildings and dangerous installations, and also the natural environment.
- b.) Does not want to extend the protection that is previously stipulated in the Geneva Convention to all medical personnel, medical transportation units and equipment, both from civilian and military organizations.

²⁸ Mochtar Kusumaadmadja, 2002, *Konvensi-Konvensi Palang Merah* 1949, p.105-106

- c.) Does not give the obligation for the High Participants to search for Missing Persons
- d.) Not being decisive in determining the supply of assistance intended for civilians.
- e.) Not providing protection for the activities of civil defence organizations.
- f.) Does not want to conduct special actions that must be taken by countries to facilitate the implementation of international humanitarian law.

Article 77 also states about Protection for children:

- a.) Children must receive special respect and must be protected against any forms of indecent attack. Internal disputes parties must give them that attention and assistance they need, both because of their age and for other reasons.
- b.) The parties to the dispute must take all possible measures. So, those children who have not reached the age of fifteen years did not take part directly in the war and, in particular they must refrain from training those children to enter their army. If in the training, there are children who has reached the age of fifteen but has not reached age eighteen years, the parties to the dispute must try to give priority to those who are the oldest.
- c.) If, in matters which are exceptions, even though they are the provisions in paragraph (2) above, children who have not reached the age of fifteen take part directly in hostility and fall into the power of an opposing party, then the children must still benefit from special protection provided by this Article, whether they are prisoners of war or not.
- d.) If arrested, detained or exiled for reasons that are in connection with armed disputes, children must be placed at headquarters that are separated from adult headquarters, except if

their families are placed as family units as they are stipulated in Article 75 paragraph (5).

e.) Death penalty for committing a related offense with armed disputes should not be carried out on people who had not reached age of eighteen at the time of the violation done.²⁹

Article 48 Additional Protocol I describe the basic provisions of armed conflict where government forces or members of the Military are only permitted to conduct military operations and others. In article 48 it is stated that: In order to be guaranteed, respect and protection against civilians and civil objects, parties in a dispute at any time must distinguish civilians from combatants and between civilian objects and military targets and therefore must direct its operations only against military targets only. Thus the military or in this case, the Syrian government forces, actually are not allowed to make children as objects of violence both physically and psychologically.

From the above explanations, the author concludes that provisions in Additional Protocols 1 of the 1977 of the Geneva Convention were not carried out by the Syrian government forces accordingly. The Syrian government forces actually make children in an unsafe place, where they supposed to be able to avoid the danger and impact of the armed conflict. The Syrian Government has violated provisions in Additional Protocol 1 of 1977 by attacking the children and more than 4000 school buildings that has been destroyed or damaged. Syrian forces have hit schools with fuel-air bombs and napalm-like incendiary weapons.³⁰

2.) Infringement of United Nation Convention on the Rights of the Child

²⁹ *Ibid*, Art. 77

³⁰ Bill Van Esveld, "Syria's Kids Are Still Being Killed at School: Amid Ongoing Bombings, More Protection Needed for Education" taken from <https://www.hrw.org/news/2018/03/22/syrias-kids-are-still-being-killed-school>, accessed on 31 December 2018 at 4:04 pm

Based on the Convention on the Rights of the Child, there were six crimes against children in Syrian armed conflict, namely killing or injuring children, recruiting or using child soldiers, rape and other forms of sexual violence against children, kidnapping of children, attacks on school or hospital, and denial of humanitarian access for children.³¹ Therefore, this protection is to emphasized on the protection of children from the effects of violence, including the basic needs of life and the right to education.

The actions taken by the Syrian government forces are an act that violates the provisions of the optional protocol to the Convention on the Rights of the Child concerning the Involvement of Children in Armed Conflict. The provisions of article 78 of Additional Protocol I state that each party to the dispute must bring children to a refugee camp and each party must ensure that in the evacuation place they will be safe and far from the threat of conflict, and they must receive the education they should get both religious education and moral education. In addition, every refugee camp must be protected from those who have the authority to protect.

The rules governing actions, prohibited against children during armed conflict include: in the Optional Protocol to the Convention on the Rights of the Child concerning the Involvement of Children in Armed Conflict, states that cursing is used as a target child in various situations of armed conflict and direct attacks on various objects that are protected by international law, including places that are generally attended by significant numbers of children, such as schools and hospitals, condemn as hard as possible recruitment, training and use, both within and across national borders, children in warfare by armed groups who are not national armed forces, and recognize the responsibility of those who recruit, train and use children in this case, in that provision, it is clearly stated that the child

³¹ Convention on the Rights of Child

must not be an object in an armed conflict they have to get protection wherever they are, including when they are in a refugee camp.

The declaration on the protection of women and children in emergency was proclaimed by the UN General Assembly in 1974 which stated that all forms of oppression and cruel and inhumane treatment of women and children including imprisonment, murder, torture, shooting, mass arrests, rape, destruction of dwellings, and forced evictions, carried out in warfare as part of military operations or occupation of a territory are considered acts of war crimes. Violations of Humanitarian Law or declarations and resolutions that have been issued by the United Nations must be fully accounted for in accordance with the provisions of International Law.³²

3. Solution on the Crisis Protection Case in Syrian Armed Conflict

a. From United Nation's Point of View

According to United Nation Office for the Coordination of Humanitarian Affairs' opinion there are several better ways to protect children in armed conflict. They believe that every people or civilians are not the main target of conflict. And here are the 5 better ways to protect civilians in the conflict zone:³³

- 1.) The use of explosive weapons must be avoided by parties in populated area. In 2017, three of the four victims of explosive weapons were civilians. The use of air-dropped bombs, artillery, mortars, rockets, IEDs and other explosive weapons in cities has killed and wounded civilians, and then destroyed their homes, hospitals, schools, electricity and water networks and sanitation systems - their important infrastructure counts on being damaged. This has devastating long-term consequences for civilians. The UN echoed the calls of the UN Secretary General on all parties to avoid using explosive weapons in populated area.

³² Lusy K.F.R. Gerungan, 2013, Perlindungan Terhadap Perempuan Dan Anak Ketika Perang Dalam Hukum Humaniter Internasional, Jurnal Hukum, Manado, *Universitas Sam Ratulangi*, Volume XXI, Nomor 3

³³ OCHA, "5 Ways to Better Protect Civilians in Conflict Zones", taken from <https://www.unocha.org/story/5-ways-better-protect-civilians-conflict-zones>, accessed on 23 November 2018 at 7:20 pm

- 2.) The UN Security Council should not consider attacks on children as "normal" in armed conflict. The parties who are involved in war have indiscriminately or attacked schools, hospitals and essential water infrastructure intentionally; used children as human shields; recruited children into armed groups and State forces; killed children with chemical weapons; raped and sexually exploited children; and forced them to be suicide bombers. And the People must not accept this as the "normal thing" of armed conflict. The UN does not tolerate any methods of warfare that indiscriminately or intentionally harms children. Parties to conflict should respect international humanitarian law, and their commitments on child protection, such as the Safe Schools Declaration. It is essential that the United Nations Security Council binds the parties to conflicts to get involved, and to prioritize actions which protect children, such as the July resolution related to children recruited into armed groups.
- 3.) Guarantees for civilians in conflict zones to be able to access medical care and humanitarian assistance must be provided by the state and they must enable humanitarian and health workers to work safely in the zone by States. In 2018 it was reported that 313 aid workers were attacked in 2017, resulting in 139 deaths. All parties involved in armed conflict and Member States must implement the Secretary-General's recommendations regarding the protection of medical care. Attacks on humanitarian assistance or medical care must be investigated, and the perpetrators of serious violations of the law must be prepared for acts of accountability.
- 4.) Guarantees of better protection and assistance from people who are forced to move in their countries and uphold their human rights by the State. 68.5 million people have been forced from their homes due to conflict, violence and persecution. Two-thirds of these people are now IDPs - people who internally displaced themselves in their own country. After being displaced, many of these IDPs will not return home for years

- even decades. Therefore, the government must ensure that refugees have access to the protection and assistance they need. IDPs must also have the right to freedom of movement - including the right to return voluntarily and safely to their homes, to resettle in other parts of the country, or to seek asylum in other countries. In addition, the government must put in place a development plan to allow IDPs to access housing, jobs and schools.

5.) The condition of arms exports must be respected by every conflicting country so that there is no violation of international humanitarian law and human rights. Because the number of major international weapons transfers' rates has continued to increase since the early 2000s,³⁴ countries should take legislative and other measures to condition arms exports by respecting international humanitarian law and human rights, including pre-export assessments of the risks of unlawful use, whether in accordance with the Arms Trading Agreement and a number of regional agreements.

b. From the Child Protection Working Group's Point of View

The Child Protection Working Group (CPWG) is the global level forum for coordination on child protection in humanitarian settings. The group brings together NGOs, UN agencies, academics and others under the shared objective of ensuring more predictable, accountable and effective child protection responses in emergencies. The group works to ensure that the efforts of national and international humanitarian actors to protect children are well coordinated, achieving maximum quality and impact.³⁵ There are 5 strategies that CPWG believe could make children in Syrian armed conflict live in better life:³⁶

³⁴ SIPRI, SIPRI Arms Transfers Database, taken from <https://www.sipro.org/databases/armstransfers>, accessed on 24 November 2018 at 8:35 pm

³⁵ Save the Children, "CPWG, The Child Protection Working Group", taken from <https://resourcecentre.savethechildren.net/publishers/cpwg-child-protection-working-group>, accessed on 17 February 2019

³⁶ CPWG, 2016, Child Protection in Humanitarian Action Review: Dangers and injuries, Save the Children

- 1.) Undertake strategic advocacy for the immediate cessation of violence against children perpetrated by armed forces and groups. Parties must ensure the immediate cessation of violence against children, including killing and maiming of children; recruitment and use of children; sexual violence against children; and the detention and torture of children.
- 2.) Integrate child protection considerations into all sectors of the response in Syria, such as engaging child protection staff into humanitarian programmes to maximise child protection outcomes in other sectors. This includes work with education colleagues to ensure routes to school are safe, removing barriers to retain girls in school to delay marriage, training teachers to provide basic psychosocial support and rolling out education packages on physical safety in hostile environments and mine-risk education.
- 3.) Expand specialized child protection programming in Syria. Wherever possible build on and strengthen existing child protection systems, for example, to address causes of stress for children through activities that seek to restore normality (such as access to school and community-based psychosocial activities); and train personnel to detect and support children experiencing psychosocial distress.
- 4.) Ensure effective coordination of child protection responses inside Syria. This will help facilitate the most efficient collective response possible; allow for common advocacy; and allow for a coherent interface with other sectors of the response.
- 5.) Monitor and investigate further about the issue of child protection in Syria. This includes an understanding of important issues in the assessment must be deeper; and building a simple system to monitor the nature, volume and pattern of child protection problems.

III. Closing

A. Conclusion

Based on the explanation in the previous chapter it shows a conclusion that:

1. The main factor that causing problem for children in Syria derived from the armed conflict itself. The armed conflict in Syria leads to: educational Issue, poverty, sexual violence, child labour, children recruitment and used by parties of conflict, child marriage, and abduction of children. Then those problems have led to the ineffectiveness of the child protection in Syria. Moreover, it also stimulates an impact on the child's well-being and development. Therefore, from those factors it can be seen that there is violation of International Law, such as of Geneva Convention article 48 of Additional Protocol I of and UN Convention on the Rights of Child.
2. The most suitable solution that can be applied in Syrian armed conflict is from Child Protection Working Group's Point of View. Because the solution that they formulated was considered to be very well-chosen to protect children victims of armed conflict

B. Recommendation

Based on the problem that has been discussed, it can be proposed some suggestion for the Syrian Government, as follows:

1. In this kind of situation the Syrian Government must act decisively to preventing more children from becoming victims of this conflict. For those children who have been affected by war, protection that must be given by the Syrian Government, which includes: protection of the effects of war, injury,

illness, and they must receive care from the ICRC and they must be placed in a safe environment.

2. The Government should follow the provisions that set out by International Community, such as Geneva Convention, and United Nation.

REFERENCES

Books:

Aggestam, Karin and Tim Dunne, 2017, *Foreign Policy: Theories, Actors and Cases*, New York, Oxford University Press

Davis, Howard, 2009, *Human Rights Law Directions*, New York, Oxford University Press

Garner, B.A., *Black's Law Dictionary*, Ninth Edition, West Group, Dallas, Texas

Haryomataram, 1994, *Sekelumit tentang Hukum Humaniter*, Surakarta, Sebelas Maret University Press

Ibrahim, Johnny 2006, *Teori dan Metodologi Penelitian Hukum Normatif*, Second Edition, Malang, Bayu Media

Istanto, Sugeng, 1998, *Hukum Internasional*, Universitas Atma Jaya, Yogyakarta

Kalshoven, Frits and Liesbet Zegbeth, 2001, *Constraints on the Waging of War*, Third Edition, ICRC, Geneva

Kusumaadmadja, Mochtar, 2002, *Konvensi-Konvensi Palang Merah 1949*, Bandung, Binacipta

Mullinen Frederic, 1987, *Handbook on the Law of the War for Armed Forces*, ICRC, Geneva

Permanasari, Arlina, 1999, *Pengantar Hukum Humaniter*, Jakarta, ICRC

Soekanto, Soerjono and Sri Mamudji, 2001, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, Jakarta, Raja Grafindo

Verri, Pietro, 1992, *Dictionary of International Law of Armed Conflict*, International Committee of the Red Cross, Geneva

Journals:

Awoah, Andika Esra, 2016, “Perlindungan Terhadap Korban Perang dalam Perspektif Konvensi-Konvensi Internasional Tentang Hukum Humaniter Dan HAM”, *Lex Crimen*, Volume 5

Cambridge University, 2002, “United Nations (U.N.) SECURITY COUNCIL: RESOLUTION 1379 (ON "CHILDREN AND ARMED CONFLICT")”, *Cambridge University Press*, Vol. 41 No.2

Ekowarni, Endang, 2001, “Konvensi Hak Anak: Suatu Fatamorgana Bagi Anak Indonesia”, *Buletin Psikolog*, Tahun IX, No.2

Fahham, A. Muchaddam and A.M. Kartaatmaja, 2014, “Konflik Suriah: Akar Masalah dan Dampaknya”, *Politicia*, Vol. 5 No. 1 June, Jakarta

Gerungan, Lusy K.F.R., 2013, “Perlindungan Terhadap Perempuan Dan Anak Ketika Perang Dalam Hukum Humaniter Internasional”, *Jurnal Hukum*, Volume XXI, Nomor 3

Gunawan Y, 2012, “Transboundary Haze Pollution in the Perspective of International Law of State Responsibility”, *Jurnal Media Hukum*, Vol.21, No. 2 tahun 2014, Yogyakarta

Narwati, Enny and Lina Hastuti, 2008, “Perlindungan Hukum Terhadap Anak Dalam Konflik Bersenjata”, *Jurnal Dinamika Sosial*, Vol. 7, No. 1

Nathania, S Punia, F.X Aji Samekto, and Soekotjo Hardiwinoto, 2016, “Kajian Yuridis Peran ICRC Terhadap Bantuan Kemanusiaan dalam Perspektif Hukum Humaniter Internasional”, *Diponogoro Law Review*, Vol.5 No.2

Triyanto, “Regulasi Perlindungan Hak Asasi Manusia Tingkat Internasional”, *Jurnal PPKn*, Vol.1. No.1

Regulations:

2007 The Paris Principles

1989 The United Nation Convention on the Rights of Child

1949 Geneva Conventions

1977 Additional Protocols I of Geneva Convention on International Armed Conflict

Reports:

Aid Worker Security Database (AWSDB), 2018, Aid Worker Security Report, Aid Worker Security

Care International, 2015, To Protect Her Honour: Child Marriage in Emergencies – The Fatal Confusion between Protecting Girls and Sexual Violence, Care International

CPWG, 2016, Child Protection in Humanitarian Action Review: Dangers and injuries, Save the Children

General Assembly Security Council, 2017, Children and Armed Conflict, United Nation

Human Rights Council, 2017, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, UN

IASC, 2015, Guidelines for Integrating Gender Based Violence Interventions in Humanitarian Action, IASC

ILO and UNICEF, 2000, Investigating Child Labour, UNICEF

International Rescue Committee, 2012, Caring for Child Survivors of Sexual Abuse, IRC-UNICEF

Kolleen Bouchane, Molly Curtiss, and Bethany Ellis, 2016, Safe Spaces: The Urgent Need for Early Childhood Development in Emergencies and Disasters, Theirworld

Megan Price, Anita Gohdes and Patrick Ball, 2014, Updated Statistical Analysis of Documentation of Killings in the Syrian Arab Republic

Save the Children Staff, 2017, Invisible Wounds: The impact of six years of war on the mental health of Syria's children, Save the Children

Save the Children, 2014, Too Young To Wed, The growing problem of child marriage among Syrian girls in Jordan, Save the Children

Save the Children, 2015, The Cost of War: Calculating the Impact of the Collapse of Syria's Education System on Syria's Future, Save the Children

UNICEF Indonesia, 2012, Ringkasan Kajian Perlindungan Anak, UNICEF Indonesia

UNICEF, 2017, UNICEF Annual Report 2017 of Syrian Arab Republic, UNICEF United Nation, 2018, Humanitarian Needs Overview (HNO), UNOCHA

United Nations Office of High Commissioner for Human Rights, 2017, Report of Independent International Commission of Inquiry on the Syrian Arab Republic, UN

United Nations Secretary-General, 2017, Children and Armed Conflict: Report of the Secretary General, UN

UNICEF, 2013, "Syria Crisis: Education Interrupted", UNICEF

Internets:

Alan Taylor, The Atlantic, "Syria's Students: Going to School in a War Zone", 2017, taken from <https://www.theatlantic.com/photo/2017/11/syrias-students-going-to-school-in-a-war-zone/545474/>, accessed on 26 October 2018 at 12:25 pm

BBC News, "10 Pertanyaan untuk memahami konflik Suriah", taken from <https://www.bbc.com/indonesia/dunia-43403254>, accessed on 1 September 2018 at 10:21 pm

Bill Van Esveld, “Syria’s Kids Are Still Being Killed at School: Amid Ongoing Bombings, More Protection Needed for Education” taken from <https://www.hrw.org/news/2018/03/22/syrias-kids-are-still-being-killed-school>, accessed on 31 December 2018 at 4:04 pm

Borgen Project, 10 Facts About Poverty in Syria, <https://borgenproject.org/10-facts-about-poverty-in-syria/>, accessed on 5 January 2019 at 3:2 am

Child Soldiers International, “International Law and Child Rights” taken from <https://www.child-soldiers.org/international-laws-and-child-rights>, accessed on 16 September 2018 at 5 pm

Denny Armandhanu, “Jadi Tawanan Anak-anak Suriah Disiksa dan Diperkosa”, taken from <http://dunia.news.viva.co.id/news/read/479120-jadi-tawanan--anak-anak-suriah-disiksa-dan-diperkosa>, accessed on 7 September 2018 at 3:21 am

Eleanor Goldberg, 2015, “Struggling Syrian Refugee Girls In Lebanon Often Resort To Marriage. Here’s Who’s Helping”, taken from https://www.huffingtonpost.com/entry/24-of-syrian-refugee-girls-in-lebanon-forced-to-marry-before-18-un_us_561eb44be4b0c5a1ce61c285, accessed on 5 December 2018 at 2:43 pm

Human Right Watch, “Child Soldier” taken from <https://www.hrw.org/topic/childrens-rights/child-soldiers>, accessed on 16 September 2018 at 4:44 pm

ICRC, Protecting Children in Armed Conflict, taken from <https://www.icrc.org/en/doc/resources/documents/interview/children-interview-101207.html>, accessed on 22 November 2018 at 7:27 pm

IMF Working Paper: Syria’s Conflict Economy, 2016, taken from www.imf.org/en/Publications/WP/Issues/2016/12/31/Syrias-Conflict-Economy-44033, accessed on 5 November 2018 at 4:12 pm

International Committee of the Red Cross, “Taking Steps Better Ensure Protection Civilians Syria” taken from <https://www.icrc.org/en/document/taking-steps-better-ensure-protection-civilians-syria>, accessed on 16 November 2018 at 9:33 pm

Mclatchydc, “Assad backers reportedly make up 43% of dead in Syria” taken from <https://www.mclatchydc.com/news/nation-world/world/middle-east/article24749608.html>, accessed on 23 September 2018 at 8:53 pm

OCHA, “5 Ways to Better Protect Civilians in Conflict Zones”, taken from <https://www.unocha.org/story/5-ways-better-protect-civilians-conflict-zones>, accessed on 23 November 2018 at 7:20 pm

Office of the Special Representative of Secretary-General for Children and Armed Conflict, “Six Grave Violations” taken from <https://childrenandarmedconflict.un.org/six-grave-violations/>, accessed on 06 December 2018 at 9:43 pm

OHCHR (Office of United Nations High Commissioner for Human Rights), taken from <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>, accessed on 8 April 2018 at 8:20 pm

OHCHR (Office of United Nations High Commissioner for Human Rights), taken from <https://www.ohchr.org/en/hrbodies/hrc/iicisyrria/pages/independentinternationalcommission.aspx>, accessed on 16 September 2018 at 4:03 pm

Save the Children Federation Inc, “Our Founder: Eglantyne Jebb The Woman Who Started Save the Children”, taken from <https://www.savethechildren.org/us/about-us/why-save-the-children/eglantyne-jebb>, accessed on 16 April 2018 at 11:10 am

SIPRI, SIPRI Arms Transfers Database, taken from <https://www.sipri.org/databases/armstransfers>, accessed on 24 November 2018 at 8:35 pm

Syria: Armed Group Recruiting Children in Camps, 2018, taken from <https://www.hrw.org/news/2018/08/03/syria-armed-group-recruiting-children-camps>, accessed on 2 November 2018 at 8:37 pm

The CNN Wire Staff, CNN Middle East, “U.N.: Syria Death Toll 'Well Over' 7,500”, 2012, taken from <https://edition.cnn.com/2012/02/28/world/meast/syria-unrest/index.html>, accessed on 15 April 2018 at 7:36 pm

The Straits Times, “1,100 children suffering malnutrition in Syria's Ghouta: Unicef” taken from <https://www.straitstimes.com/world/1100-children-suffering-malnutrition-in-syrias-ghouta-unicef>, accessed on 24 September 2018 at 5:40 pm

The Times of Israel, "Over 130,000 dead in Syria conflict, group says" taken from <http://www.timesofisrael.com/over-130000-dead-in-syria-conflict-group-says/>, accessed on 22 September 2018 at 4:20 am

Theirworld, Seven Years of Syria Conflict How it Affects Children Education Refugees School, <https://theirworld.org/news/seven-years-of-syria-conflict-how-it-affects-children-education-refugees-schools>, accessed on 5 January 2019 at 3:12 am

UNICEF Indonesia, “Mengenai Hak Anak”, taken from https://www.unicef.org/indonesia/id/01_mengenai_hak_anak.pdf, accessed on 23 April 2018 at 3:50 pm

University of Minnesota, A Short History of Human Rights, taken from <http://hrlibrary.umn.edu/edumat/hreduseries/hereandnow/Part-1/short-history.htm>, accessed on 19 April 2018 at 11:29 am

Scott Lucas, “Bashar Al-Assad”, <https://theconversation.com/syria-whos-involved-and-what-do-they-want-95002>, accessed on 3 January 2019 at 1:26 am

Simon Shen, “The Syrian conflict: Textbook example of a proxy war” taken from <http://www.ejinsight.com/20180524-the-syrian-conflict-textbook-example-of-a-proxy-war/>, accessed on 3 January 2019 at 12:27am

SIPRI, SIPRI Arms Transfers Database, taken from <https://www.sipro.org/databases/armstransfers>, accessed on 24 November 2018 at 8:35 pm

Syrian Girls, taken from <https://www.unfpa.org/news/child-marriage-takes-brutal-toll-syrian-girls>, accessed on 3 December 2018 at 3:15 am