

## The right to education under the rules of international law of armed conflict

Ahmed Hatim Jabbar Attiya

Al-Farahidi university College of Law

[ahmed.h.attiya@uofarahidi.edu.iq](mailto:ahmed.h.attiya@uofarahidi.edu.iq)

### Abstract:

There is no doubt that the education crisis in light of armed conflicts represents a global challenge that calls for an urgent international response. The damage that these conflicts can inflict not only comes from human costs and material damage to the infrastructure of schools and universities, but also undermines economic growth, promotes poverty, and distorts Resources from productive investment in education and the establishment of educational institutions, and directing them towards unproductive tunnels in the military and other fields. In these circumstances, educational facilities may be subjected to destruction and damage, as well as students and education staff may be exposed to threats and physical harm, not to mention that the population is subjected to forced displacement within the borders Their countries and abroad, and the accompanying exploitation and recruitment of children in contravention of the provisions of international covenants, constitute a factor depriving many groups of society of their right to education, and the educational process itself is affected if it is used as a tool for war propaganda or as a means of spreading discrimination, incitement or hatred .

**Key words:** (Public International Law - International Community - Protection of the Right to Education - Armed Conflict - Children's Rights).

الحق في التعليم بموجب قواعد القانون الدولي للنزاعات المسلحة

احمد حاتم جبار عطية

كلية الحقوق بجامعة الفراهيدي

### الملخص:

لا شك أن أزمة التعليم في ظل النزاعات المسلحة تمثل تحدياً عالمياً يستدعي استجابة دولية عاجلة. إن الضرر الذي يمكن أن تلحقه هذه الصراعات لا يأتي فقط من التكاليف البشرية والأضرار المادية للبنية التحتية للمدارس والجامعات ، ولكن أيضاً يقوض النمو الاقتصادي، ويعزز الفقر، ويشوه الموارد من الاستثمار الإنتاجي في التعليم وإنشاء المؤسسات التعليمية ، والتوجيه. منهم نحو أنفاق غير منتجة في الجيش والمجالات الأخرى. في هذه الظروف ، قد تتعرض المنشآت التعليمية للدمار والضرر ، كما قد يتعرض الطلاب والطاقم التعليمي للتهديدات والأذى الجسدي ، ناهيك عن تعرض

السكان للتهجير القسري داخل حدود بلدانهم وخارجها ، و إن ما يصاحب ذلك من استغلال وتجنيد للأطفال بما يخالف أحكام المواثيق الدولية ، يشكل عاملاً يحرم العديد من فئات المجتمع من حقهم في التعليم، وتتأثر العملية التعليمية نفسها إذا تم استخدامها كأداة للدعاية الحربية أو كأداة للدعاية الحربية. وسائل لنشر التمييز أو التحريض أو الكراهية. المجالات الرئيسية: (القانون الدولي العام - المجتمع الدولي - حماية الحق في التعليم - الصراع المسلح - حقوق الطفل).

## Introduction

International protection is one of the fundamental safeguards to ensure human rights, as it is no longer a matter of respect for and guarantee of human rights in the internal affairs of States' Governments. A new and contemporary vision has recently emerged that reflects the importance of education for the world's people. in achieving development, prosperity and development and the goals of the United Nations, By raising the cultural level of peoples, exchanging science and knowledge and opening up nations and knowledge of each other, This has made the right to education a necessity for international protection, by all means and at all levels. International efforts to protect the right to education can be seen in several directions; Most notably, the international legal work of binding international declarations and conventions on human rights and other documents of a universal or regional nature, The role played by international organizations, both global and regional, in their decisions, recommendations and directives, and in the material, moral and technical capacities and assistance they provide in that regard. As well as joint international action from conferences and symposiums, most of which were held with the participation of the majority of the world's leaders, which pledged and committed themselves through their domestic laws, political programmes and development plans to provide material and moral support to their peoples in order to achieve their (Education for All), judicial mechanisms of

domestic, regional and international courts' jurisprudence and their role in justice, fairness and reparation, including the determination of individual criminal responsibility in accordance with the International Criminal Court in the event of an attack on the right to education during war and armed conflict<sup>(1)</sup>.

### **Importance of research**

The United Nations has an important role to play in reducing the impact of armed conflicts and various crises on the right to education, and is one of the most prominent in its legal work on that aspect; Resolution adopted by the General Assembly of the United Nations on 9 July 2010, entitled " (Right to education in emergency and crisis situations) as the first declaration of its kind the United Nations condemned the targeting of school children, students and teachers, Attacks against civilian targets such as educational institutions as prohibited by international law in situations of armed conflict to prevent impunity and combat such abuses,

The organization urged Member States to criminalize attacks on educational buildings in their national laws and called upon States to work towards the implementation of strategies and policies to ensure and support the realization of the right to education as an integral component of humanitarian assistance and response to humanitarian situations. With the maximum resources available and with the support of all the international community<sup>(2)</sup>

### **search plan**

First search Protection of the right to education in accordance with the principle of discrimination in the rules of international humanitarian law and Request I: Parties to armed conflict to distinguish between the civilian population and combatants, and between civilian objects and military objectives and Request II :

Ensuring the right to education for groups affected by armed conflict and Second Search Children under occupation's right to care and education and Request I: Children's participation in armed conflict and Request II : Forced displacement and displacement and Results and References .

### **First search**

### **Protection of the right to education in accordance with the principle of discrimination in the rules of international humanitarian law**

International humanitarian law is defined as the set of written and customary international norms aimed -- in the event of armed conflict -- at protecting persons affected by the pain and damage caused by that conflict, as well as property not directly related to military operations. Traditional jurisprudence has traditionally called that section of international law the law of war, hence the law of armed conflict before it is called international humanitarian law<sup>(3)</sup>. Armed conflict can be international or non-international, and they differ from circumstances of insecurity<sup>(4)</sup>. The international armed conflict, as explained in the ICRC's official commentary on the Geneva

Conventions of 1949, is that any disagreement between two or more States would lead to interference by members of the armed forces... even if one of them does not formally recognize the state of war<sup>(5)</sup>. Enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the Organization<sup>(6)</sup>.

**Non-international armed** conflict refers to those armed conflicts that occur on the territory of a State when there is an armed conflict between governmental authorities and organized armed

groups, or between those same groups on the territory of a State, which, according to the rules of international humanitarian law, requires the following to be achieved in order for a non-international armed conflict to exist.

1-Minimum violence exceeding internal unrest and tensions such as riots and accidental violence.

2-The armed groups involved must have a minimum military organization, i.e. responsible leadership capable of respecting the law of war.

3-Minimum territorial control in the sense of sustained and coordinated military operations <sup>(7)</sup>.

It should be noted that international humanitarian law is largely promulgated in international treaties, namely the Hague Conventions of 1899 and 1907, and the four additional Geneva Conventions of 1949 and Bertokolan of 1977<sup>(8)</sup>

In addition to other treaties prohibiting the use of certain weapons, or those establishing special protection for specific groups, persons or property, such as the Ottawa Convention on the Prohibition of Landmines of 1997 and the UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954<sup>(9)</sup>.

It also includes international customs<sup>(10)</sup>.

International Committee of the Red Cross (ICRC) published in 2005<sup>(11)</sup>

Its study on customary international humanitarian law examined the practice of interested States and identified rules of international humanitarian law that have acquired customary international legal status, including those applicable in situations of non-international armed conflict.

### **Request I: Parties to armed conflict to distinguish between the civilian population and combatants, and between civilian objects and military objectives**

Rules of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, 1949<sup>(12)</sup>. Additional Protocol I Rules on International Armed Conflicts of 1977<sup>(13)</sup>. Additional Protocol II on the Protection of Victims of Non-International Armed Conflicts of 1977<sup>(14)</sup>. Directs its operations against military objectives only, in order to ensure respect for and protection of the civilian population and civilian objects. The right to education is initially protected in accordance with the principle of distinction between civilians.<sup>(15)</sup>

Combatants, objects, civilian property and military objectives enshrined in the rules of international protection of international humanitarian law, which require the disputing parties to target military targets only in their attacks, and since students and education personnel and educational facilities fall under the definition of civilians and civilian objects, they are protected in accordance with that principle.

The rules of Additional Protocol I of 1977 on international armed conflicts defined the concept of military objectives as those objectives that contribute effectively to military action, Whether by nature, location, purpose or use and whose total or partial destruction, seizure or disruption in the circumstances then prevailing would have a certain military advantage, The Protocol also referred to the situation in which doubts arise as to whether a building is (ordinarily devoted to civil purposes such as place of worship, home, other dwelling or school) used to make an effective contribution to military action, it presupposes an

interpretation of the doubt towards not being used for that purpose<sup>(16)</sup>.

From this, we conclude that educational institutions with their schools and universities may lose their immunity from aggression if they convert to a military objective, for example by using them as a military headquarters, rocket launcher or ammunition depot, or by placing military targets near them, which may increase their risk of accidental harm as a result of an attack on those targets. In that regard, we recall that the rules of Additional Protocol I of 1977 on international armed conflicts called upon parties to the conflict to endeavor to relocate civilian populations

and objects under their control away from areas adjacent to military objectives and to avoid the establishment of military objectives within or near densely populated areas. In its 2003 annual commentary, the Committee on the Rights of the Child had prepared the issue of military presence around schools, which greatly increased the risk of school pupils being subjected to hostilities and reprisals from armed groups, and had urged States parties to take all preventive measures to ensure strict compliance with humanitarian law and the principle of discrimination<sup>(17)</sup>. It should be noted that the educational system itself plays a significant role in disseminating the rules of international conventions on international humanitarian law; The four Geneva Conventions of 1949 and the Additional Protocols of 1977<sup>(18)</sup>

The Contracting Parties should undertake to disseminate the text of that Convention as widely as possible in their countries in time of peace as in time of war, and in particular undertake to include the study of those conventions in military and civilian education programmes if possible, so that the principles contained therein become known to the general population, in particular armed combat forces, medical personnel and clergy.

As the Republic of Iraq has witnessed armed clashes in large areas since June 2014 to the present time, resulting in the displacement of more than 2 million people, the martyrdom of thousands of Iraqis, as well as the burning, looting and destruction of public property (including educational facilities) in areas of armed conflict, we recall that the General Secretariat of the Iraqi Council of Ministers recently announced the establishment of a permanent national commission on international humanitarian law<sup>(19)</sup>

Aims to ensure the comprehensive application of the law and to prevent abuses and violations of human rights during the armed conflict, which would develop plans and programmes for the dissemination and application of the principles of law at the national level, as well as closer links with Arab and foreign commissions of international humanitarian law, and work to follow up international conventions relevant to the law and provide studies on accession thereto.

### **Request II : Ensuring the right to education for groups affected by armed conflict**

In addition to the principle of distinction and special protection of educational establishments, the rules of international humanitarian law deal in many of their provisions with questions relating to the conditions of occupation and detention, vulnerable groups such as detainees, prisoners and children orphaned by armed conflict in addition to displaced persons, refugees and cases of child recruitment, each rule enhances the general protection accorded to students, staff and educational facilities and endeavours to secure the conditions necessary to make education accessible and guaranteed during such conflicts.

The rules of the Fourth Geneva Convention of 1949 guaranteed the right to education for the most vulnerable children in armed



conflict (who have been orphaned or separated from their families) because of the war, and which obliged parties to international armed conflicts to take the necessary measures to ensure that education is accessible and accessible in all circumstances to children without (15) also called for the education of such children to be entrusted to persons belonging to the same cultural traditions of the child's parents wherever possible.<sup>(20)</sup>

That education should be understood in a broad sense, encompassing all aspects of "education, morality and religion", as well as school work and religious education, and that the provision should apply equally to all children living on the territory of a party to the conflict.<sup>(21)</sup>

Noting that that provision is consistent with the view expressed in the rules and provisions of Additional Protocol I of 1977 that care and assistance should be provided to children in need, Although those provisions did not explicitly mention education, s natural development, which naturally includes the facilities that all children need to continue their education<sup>(22)</sup>

Since, in accordance with the rules of international humanitarian law, disputing parties are entitled to detain civilians in cases where such action is "absolutely necessary" in security terms (so that their detention is for precautionary reasons rather than as punishment)<sup>(23)</sup>

On this basis, the disruption of their education by reason of detention must be as minimal as possible. To that end, we note that the Fourth Geneva Convention of 1949<sup>(24)</sup>

### **The State in custody on that side has arranged obligations of...**

1 . Encourages intellectual, educational, recreational and sporting activities of detainees, leaving them free to participate or not to

participate in them, and takes all possible measures to ensure their exercise, in particular providing them with appropriate places to do so.

2 . Provide detainees with all possible facilities to continue their studies, or to learn other studies of their choice, ensuring that children and young people in particular are educated and allowed to attend schools, whether in or outside places of detention.

In the event of an evacuation of children, they have the same rights as in relation to their right to education, as confirmed by the rules of Additional Protocol I of 1977<sup>(25)</sup>

When a State party to a conflict (in case of evacuation) is obliged to pursue the provision of education, including religious and moral education, in accordance with the parents' wishes, to the child while outside the country. States should also welcome religious organizations, relief

associations or any other body to cooperate with detained persons to distribute relief and supplies from any source for educational, recreational or other purposes, and the special status of ICRC in this area must be recognized and respected at all times<sup>(26)</sup>.

For example, during the Second World War, the Commission formed an advisory committee on the issue of prisoners' education and, in coordination with the German Government and the British Red Cross, facilitated the provision of books to detainees and prisoners, thereby alleviating relevant logistical and security issues for detainees<sup>(27)</sup>

The Third Geneva Convention relating to the Treatment of Prisoners of War of 1949 guarantees the right to education for prisoners. In accordance with its provisions, prisoners of war belong to one of the following categories and fall within the enemy's control.

1. Members of a party's armed forces, militias or volunteer units forming part of such armed forces.
2. Members of other militias and volunteer units, including members of organized resistance movements, who belong to one of the parties to the conflict and operate inside or outside their territory, even if that territory is occupied<sup>(28)</sup>

As a matter of doctrine, some captives know that he is the person in the hands of the enemy, because of a military rather than a crime committed by him. The fact that such persons are held captive necessarily requires the duty to treat their person humanely, to protect them from abuse and to enjoy the guarantees and privileges established under the rules of international humanitarian law.<sup>(29)</sup>

With regard to their right to education, article 38 of the Third Geneva Convention relating to the Treatment of Prisoners of War of 1949 obliges barrier States to encourage (taking into account the personal priorities of each prisoner) prisoners to engage in intellectual, educational, recreational and sporting activities and to take appropriate measures to ensure their exercise by providing appropriate places and tools for them.<sup>(30)</sup>

## **Second Search**

### **Children under occupation's right to care and education**

The occupying Power's duties are essentially set out in articles 42-56 of the Convention on Respect for the Laws and Customs of War on Land (Hague Regulation) of 1907, and articles 27-34 and 47-78 of the Fourth Geneva Convention of 1949, in addition to certain provisions of Additional Protocol I of 1977, and customary international humanitarian law.

Article 42 of the Hague Convention on Respect for the Laws and Customs of War on Land of 1907 stipulates: "The territory of a

State shall be considered occupied when it is under the effective authority of the enemy army, and occupation shall cover only those territories where such authority may be exercised after its establishment".<sup>(31)</sup>

One of the principles underlying the occupation situation; It reflects a realistic and temporary situation in which the rights of the occupier are limited to that temporary period, where the occupying Power is considered to be de facto, not legal or legitimate, because its sovereignty does not transfer to the occupying Power, which, therefore, cannot change the legal status of the occupied territories, and the article (43) of the Hague Convention IV Regulation of 1907 mandates the occupying Power to achieve and ensure security and public order, while respecting the laws in force in the country (Unless it constitutes a threat to its security or an obstacle to the application of international law to the occupation).

In the light of the foregoing, the term occupation and in accordance with the rules of international law can be said to be the situation in which international humanitarian law seeks to create the alternative authority for the maintenance of security and public order, rather than the chaos that prevails following the collapse of legitimate authority.<sup>(32)</sup>

Although the provisions of the Hague Convention have not explicitly referred to the protection of civilian citizens' right to national education, the occupying Power's commitment (In accordance with the provisions of those regulations) the protection of the civilian population necessarily implies recognition in the exercise of their normal lives, access to the necessary and normal amount of national education, and the Territory's natural administration by the occupying Power implies its obligation to ensure the functioning and regularity of educational institutions<sup>(33)</sup>

The international community had endeavoured to explicitly determine individuals' right to care and education in situations of occupation, especially for children. In 1939, the International Committee of the Red Cross (ICRC) had drafted a convention for the protection and education of children in the occupied territories, but that draft had not been made available because of the outbreak of the Second World War.

### **Request I: Children's participation in armed conflict**

It is one of the cases of violation of the right to education in situations of war and armed conflict. In addition, it may expose them to serious physical and psychological risks. On the other hand, it prevents them from attending educational facilities and may cause many of them to drop out of education completely.<sup>(34)</sup>

The data indicate that the phenomenon of forced recruitment of children into the armed forces is widespread and often through kidnappings, this continues to be an obstacle to the utilization of their right to education s reintegration may have wider physical and psychological consequences.

The recruitment and involvement of children under 15 years of age in hostilities and armed conflicts has been prohibited by the rules of international humanitarian law<sup>(35)</sup>

The 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict also prohibited forced recruitment of persons under 18 years of age<sup>(36)</sup>

Also in its 1999 Convention entitled "Prohibition and immediate action for the elimination of the worst forms of child labour", the International Labour Organization (ILO) prohibited, inter alia, forced or compulsory recruitment of children for use in armed conflict<sup>(37)</sup>

In accordance with the 1998 Statute of the International Criminal Court, compulsory or voluntary recruitment or use of children

under 15 years of age to participate in international and non-international armed conflicts is considered a "war crime".<sup>(38)</sup>

Either at the regional international level, it should be noted that (African Charter on the Rights and Welfare of the Child of 1990) is the only regional treaty dealing with child recruitment, with protection extended to all children under 18 years of age, and stipulated that States parties to the Charter shall take all necessary measures to ensure that no child participates directly in hostilities and in particular refrain from recruiting any child<sup>(39)</sup>

In the light of the foregoing, we refer to some cases where the right to education has been violated through the recruitment and exploitation of children by armed groups; In 2009, a teacher at a school in (Swat City, Pakistan) filed a complaint with the International Committee of the Red Cross (ICRC), stating that Taliban forces had taken over the school, and had begun to teach children about how to fight in Afghanistan.<sup>(40)</sup>

In another incident, the United Nations issued a statement that FARC had been involved in campaigns to attract children from schools to join their ranks, citing the case where FARC soldiers had entered a school in the "Caucau region" in 2008 with 800 students and invited them to join the group.<sup>(41)</sup>

In Somalia, the "Al-Shabaab Armed Group" has regularly used schools to include new recruits, visiting schools and taking children out of classes in force at gunpoint to choose from among them children they see fit to serve as soldiers. The United Nations Mission in the Democratic Republic of the Congo (MONUC) also reported in 2007 that hundreds of children were fighting in

The front row in North Kivu province, many of whom were forcibly recruited after being taken from classrooms, sometimes leading to school closures<sup>(42)</sup>

The Armed Forces and the United Nations Children's Fund (UNICEF), where the campaign aims primarily to end the recruitment and removal of children into armed forces and groups, and to work towards their reintegration into society through dedicated programmes by the end of 2016<sup>(43)</sup>

### **Request II : Forced displacement and displacement**

Armed conflict often constitutes a strategic objective of armed groups seeking to segregate and disperse the population and undermine the livelihoods of certain groups, in the light of which displaced and displaced populations are most vulnerable to denial of education. In displaced persons' camps, education levels fall significantly, as data from States, international organizations and civil society organizations indicate.<sup>(44)</sup>

There are also wider problems faced by refugees due to situations of war and armed conflict education opportunities, many States do not allow refugees to integrate into their educational institutions For example, Thailand has large numbers of Minmar refugees. and the State of Malaysia, whose law treats refugees as migrants without documentation, It therefore prevented them from having international legal protection in general and their right to education in particular.<sup>(45)</sup>

Displaced persons or internally displaced persons are persons or groups of persons who have been or have been forced to flee or to leave their homes or places of habitual residence in particular because of or to avoid the effects of an armed conflict, situations of mass violence, human rights violations, natural or man-made disasters and have not crossed the State's internationally recognized borders<sup>(46)</sup>

Within the framework of the rules of international legal protection, a distinction has been made between refugees and internally displaced persons under international law, Refugees benefit from a legal framework that provides them with protection and support under the 1951 United Nations Convention on the Rights of Refugees, which includes a range of internationally recognized rights and entitlements, which included their right to education, stressing that refugees should be accorded the same treatment as nationals of States parties, With regard to primary education, the branches of non-primary education emphasized the need for the refugee to be accorded the best possible treatment, but in no case be less favourable than those granted to foreigners generally in the same circumstances, Particularly in the area of follow-up of studies, recognition of school certificates and degrees awarded abroad, exemption from fees and costs, and the provision of scholarships<sup>(47)</sup>

In contrast, displaced persons or internally displaced persons do not enjoy the international legal protection enjoyed by refugees, there is no legally binding document defending their rights, but instead a set of guiding principles, adopted by the Commission on Human Rights in 1998<sup>(48)</sup>

drafted in harmony with the International Bill of Human Rights and the norms of international humanitarian law, and considered as a standard to guide the handling of displaced persons<sup>(49)</sup>

In his 1998 report to the Economic and Social Council, the Secretary-General listed those principles as a significant achievement in humanitarian action, 4 and issued a resolution in which the United Nations welcomed the increasing number of States, United Nations agencies and regional and non-governmental organizations that had come to apply them as a standard in addressing internal displacement situations<sup>(50)</sup>



Those principles called on Governments to ensure access to education for internally displaced children s cultural identity as well as their language and religion, and make special efforts to ensure women's and girls' full and equal participation in education programmes and to provide educational and training facilities for displaced persons, especially young persons and women, Whether they live in camps or not as soon as conditions permit<sup>(51)</sup>

### **Results:**

- 1 . Encourages intellectual, educational, recreational and sporting activities of detainees, leaving them free to participate or not to participate in them, and takes all possible measures to ensure their exercise, in particular providing them with appropriate places to do so.
2. Provide detainees with all possible facilities to continue their studies, or learn another one of their choosing, ensuring that children and young people in particular are educated and allowed to attend schools, whether in or outside places of detention
3. In the event of an evacuation of children, they have the same rights as in relation to their right to education, as confirmed by the rules of Additional Protocol I of 1977
4. Any State party to a conflict (in case of evacuation) must continue to provide the child while out of the country with education, including religious and moral education, in accordance with the parents' wishes
5. States should also welcome religious organizations, relief associations or any other body to cooperate with detained persons to distribute relief and supplies from any source for educational, recreational or other purposes

6. In the same context, the special status of ICRC in this area must be recognized and respected at all times, for example during the Second World War, ICRC formed an advisory committee on the issue of prisoners' education.

7. The Third Geneva Convention relating to the Treatment of Prisoners of War of 1949 guarantees the right to education for prisoners. In accordance with its provisions, the prisoner is a person belonging to one of the following categories and is in the hands of the enemy:

**A.** Members of a party's armed forces, militias or volunteer units forming part of such armed forces.

**B.** Members of other militias and volunteer units, including members of organized resistance movements, who belong to one of the parties to the conflict and operate inside or outside their territory, even if that territory is occupied

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<sup>1</sup> -UNESCO, World Monitoring Report on Education for All, Armed Conflict and Education (Hidden Crisis), first edition, Dar al-Bookshop, Beirut, 2011, p. 132.

<sup>2</sup> - Global Coalition to Protect Education from Attack, Newsletter: July 11 , 2013, p15 .

<sup>3</sup> - d. Ramzi Houhou, International Criminal Protection of Human Rights, Journal of Thought, No. 5, 2012, p. 205.

<sup>4</sup> - Insecurity is not a term of law, describing unrest and tensions within a State, which disrupt the normal functioning of political, social and legal

institutions, including those used to facilitate education. This includes internal unrest, tensions and fragile security situations. Insecurity does not include situations of extreme violence that are at the threshold of armed conflict.

<sup>5</sup> - d. Mas' ad Abdel Rahman Zidane, United Nations Intervention in Non-International Armed Conflicts, Law Books House, Egypt, 2008, p. 47.

<sup>6</sup> -- Article (4) (1) of Additional Protocol I on International Armed Conflicts of 1977

<sup>7</sup> - d. Amal Yazji, International Humanitarian Law and the Law of Armed Conflict between Theory and Reality, his journal Damascus University of Economic and Legal Sciences, No. 1, 2004, p. 137.

<sup>8</sup> - Iraq ratified the four Geneva Conventions on 14/2/1956.

<sup>9</sup> - Manual Series of International Humanitarian Law (International Humanitarian Law Evolution and Contents)... Website. [www.mezan.Org / upload/8776](http://www.mezan.Org/upload/8776).

<sup>10</sup> - Customary international law is one of the main sources of international legal obligations. Article 38, paragraph (b), of the Statute of the International Court of Justice stipulates that "[t]he applicability of international norms shall be regarded as a law of frequent use".

<sup>11</sup> - The International Committee of the Red Cross (ICRC) is an independent and impartial international body that, since its inception in 1863, aims to protect and assist victims of armed conflict. It also plays a special role in the framework of international humanitarian law. It is mandated to work towards its safe application in armed conflict and to inform and contribute to its understanding, publication and development. issued by the International Committee of the Red Cross (ICRC) No. 25 of 2003.

<sup>12</sup> - Article 3 (1) of the Fourth Geneva Convention, 1949.

<sup>13</sup> - Articles 48 and 51 of Additional Protocol I of 1977.

<sup>14</sup> Article (23) of Additional Protocol II of 1977

<sup>15</sup> - Civilians - In accordance with article 3 of the Fourth Geneva Convention of 1949, persons who are not in the armed forces of the State or an organized armed group or who are not directly involved in hostilities, including combatants who no longer have the will or capacity to fight or are unable to fight.

<sup>16</sup> - Article 52, paragraphs 1 and 2, of Additional Protocol I of 1977

<sup>17</sup> - Paragraphs (39 and 40) of the concluding observations of the United Nations Committee on the Rights of the Child, 2010.

CRC/C/OPAC/COL/CO/1.

<sup>18</sup> - Article (47) of the First Geneva Convention, article (48) of the Second Geneva Convention, article (127) of the Third Geneva Convention, article (144) of the Fourth Geneva Convention of 1949, article (83) of Additional Protocol I and article (19) of Additional Protocol II of 1977.

<sup>19</sup> - The Committee, as provided for in Decree No. 10 of 2015, comprises representatives of the Ministries of Defence, Interior, Justice, Human Rights, Migration, Displaced Persons, Foreign Affairs, Higher Education and Scientific Research, as well as the Office of the High Commissioner for Human Rights, the International Committee of the Red Cross (ICRC) mission in Iraq.

<sup>20</sup> - Article 42 of the Fourth Geneva Convention of 1949.

<sup>21</sup> - d. Abd al-Jabbar Abdallah Bedar, Protection of Human Rights during International Armed Conflicts between Shari 'a and the Law, Halabi Rights Publications, T1, Beirut, 2009, pp. 225.

<sup>22</sup> - Article 77 of Additional Protocol I of 1977.

<sup>23</sup> - Article 42 of the Fourth Geneva Convention of 1949.

<sup>24</sup> - Article 94 of the Fourth Geneva Convention of 1949.

<sup>25</sup>-Article 78 of Additional Protocol I of 1977

<sup>26</sup>-Article 142 of the Fourth Geneva Convention of 1949.

<sup>27</sup>-Allison anderso ,the Right to education for children in emergencies, Nijhoff,2011,P102.

<sup>28</sup>-- For other individuals, article 4 of the Third Geneva Convention relating to the Treatment of Prisoners of War of 1949 is considered.

<sup>29</sup>Fatima Belliache, Protection of Prisoners of War in International Humanitarian Law, Memorandum for Master's Degree in Public International Law, presented at Hasiba Ben Bouali University, 2008, p. 11.

<sup>30</sup>-D ' Ihsan Abd al-Moneim Samara and D. Ghaleb Hamadeh, Treatment of Prisoners of War in Islam and International Humanitarian Law, Journal of Anbar University of Islamic Sciences, vol. 3, No. 12, 2011, p. 261.

<sup>31</sup> - - Mu 'taz Faisal al-Abbasi, The Occupying Power's Obligations Towards the Occupied Country, p. 1, Halabi Rights Publications, 2009, p. 30.

<sup>32</sup> - ICRC publications, Occupation and International Humanitarian Law: Questions and Answers, 2004. Website.

<https://www.icrc.org/ara/resources/documents/misc/634kfc.htm>.

<sup>33</sup>-d. Salahuddin Amer, Right to Education and National Culture in the Occupied Territories, Egyptian Journal of International Law, vol. 34, 1978, p. 120

<sup>34</sup>Paragraph 30 of the report submitted by the Special Rapporteur on the right to education, Mr. Vernor Muñoz, at the eighth session of the Human Rights Council, 2008. document No. A/HRC/8/1.-

<sup>35</sup>- Article 77 of Additional Protocol I of 1977 and Article 4 (3) (c) of Additional Protocol II of 1977.

<sup>36</sup>-- Article 2 of the 2000 Optional Protocol on the involvement of children in armed conflict. Iraq was regulated under Act No. 23 of 2007.

<sup>37</sup>-ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999.

<sup>38</sup>-Paragraph (26) of subparagraph (b) of article 8 (2) of the 1998 Statute of the International Criminal Court.

<sup>39</sup>- Article 2 and article 22, paragraph 2, of the African Charter on Human and Peoples' Rights of 1990.

<sup>40</sup>-Amnesty International, “As if hell fell on me”: The Human Rights Crisis in Northwest Pakistan, (2010), p. 59.

<sup>41</sup>-UNSG, Children and Armed Conflict in Colombia, S/2009/434, August 28, 2009, para. 21

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<sup>47</sup>- Article 22 of the 1951 United Nations Convention on the Rights of Refugees.

<sup>48</sup>- At its 1997 session (53), the Commission on Human Rights adopted resolution 1997/39, in which it took note of preparations for the issuance of the Guiding Principles on Internal Displacement, which were completed in 1998.

<sup>49</sup>- Paragraph 9 of the report of the Representative of the Secretary-General (Mr. Francis M. on the rights of internally displaced persons submitted

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<sup>50</sup>- Francis M. Deng, Application of the Guiding Principles on Internal Displacement, Brookings Institute (Internal Displacement Project), 1999, p. 1.

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17-Civilians - In accordance with article 3 of the Fourth Geneva Convention of 1949, persons who are not in the armed forces of the State or an organized armed group or who are not directly involved in hostilities, including combatants who no longer have the will or capacity to fight or are unable to fight.

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42- Principle 25 of the 1998 Guiding Principles on Internal Displacement

43-The International Committee of the Red Cross (ICRC) is an independent and impartial international body that, since its inception in 1863, aims to protect and assist victims of armed conflict. It also plays a special role in the framework of international humanitarian law. It is mandated to work towards its safe application in armed conflict and to inform and contribute to its understanding, publication and development. issued by the International Committee of the Red Cross (ICRC) No. 25 of 2003.

44-- The Committee, as provided for in Decree No. 10 of 2015, comprises representatives of the Ministries of Defence, Interior, Justice, Human Rights,

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