

The Inadequacy of International Legal Protections for Children in Gaza: A Crisis of Enforcement and Accountability

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Abstract

This paper critically examines the failure of international law to protect the rights of children in the Gaza Strip, focusing on the legal obligations of state and non-state actors under international humanitarian law (IHL), international human rights law (IHRL), and the United Nations Convention on the Rights of the Child (UNCRC). Despite the existence of clear legal standards prohibiting attacks on civilians, mandating the protection of children, and ensuring access to humanitarian aid, these norms have been systematically violated in Gaza. Children have suffered disproportionate harm—including death, injury, displacement, and psychological trauma—with limited access to legal remedies or effective protection mechanisms.

The paper explores how enforcement failures by international institutions, including the United Nations and the International Criminal Court, have contributed to a persistent culture of impunity. It also analyzes the politicization of international legal responses and the structural limitations of existing accountability mechanisms. By evaluating both substantive and procedural dimensions of international law, the study reveals a widening gap between legal norms and their implementation in conflict settings involving prolonged occupation and asymmetric warfare.

The paper concludes by proposing legal and institutional reforms aimed at strengthening the enforcement of children's rights in armed conflict. These include enhancing prosecutorial mechanisms, reinforcing state accountability, and embedding child-specific protections more firmly into IHL and IHRL enforcement frameworks.

Keywords: Child protection; armed conflict; accountability mechanisms; impunity; international legal frameworks