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Integrating AI in International Humanitarian Law: Safeguarding Vulnerable Groups in Modern Armed Conflicts

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ABSTRACT

This research explores the evolving intersection of International Humanitarian Law (IHL) and Artificial Intelligence (AI) in protecting vulnerable groups during armed conflicts. Examining IHL's historical development and core principles, the study analyzes its efficacy in safeguarding refugees, internally displaced persons (IDPs), persons with disabilities, women, and children. It critiques existing IHL frameworks, highlighting their limitations in addressing the unique vulnerabilities of these groups and advocating for stronger protections, particularly integrating the Convention on the Rights of Persons with Disabilities (CRPD) and the Convention on the Rights of the Child (CRC). The research also investigates the increasing use of AI in warfare, exploring its potential benefits and risks for vulnerable populations. Analyzing real-world examples like the Ukraine-Russia war and the Israel-Palestine conflict demonstrates how AI can enhance protection (through monitoring, early warning systems, and humanitarian aid delivery) and exacerbate harm (through autonomous weapons systems and biased algorithms). The study concludes by emphasizing the urgent need for robust legal and ethical frameworks governing AI in conflict to ensure IHL's continued relevance and effectiveness in protecting those most at risk. It also suggests further research to address the complex interplay of AI, IHL, and human rights law.

Keywords: *International Humanitarian Law, Artificial Intelligence, Vulnerable groups, Conventions, War.*

I. INTRODUCTION

(A) Definition

a. War

A distinction must be drawn between what war signifies in the domestic law of this or that state and what it denotes in international law. War, especially a lengthy one, is likely to have a

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tremendous impact on the internal legal systems of the belligerents². War has also been called ‘a legal condition of things in which rights are or may be prosecuted by force’³. Hegel maintains that war “shows the nothingness of particularity.”⁴

b. Vulnerable Groups

‘Refer to segments of the population more susceptible to experiencing harm, discrimination, or disadvantage due to various factors such as their social, economic, geographic location, or physical circumstances. These groups may face increased risks, have limited access to resources or opportunities, and require specific support and protection to ensure their well-being and equal participation in society. Vulnerable groups can vary across different contexts, but some common examples include children, elderly, persons with disabilities, women and girls, ethnic and racial minorities, LGBTQIA+ individuals, immigrants and migrants, refugees and displaced persons, etc. It is important to note that these groups are not mutually exclusive, and individuals can belong to multiple vulnerable groups simultaneously.’⁵

(B) Review of literature:

The Literature review helps us to understand the views on the vulnerable group protection by AI and IHL by different authors, and further, the improvement which we can implement that they failed to cover. Research gap can be found through the Literature Review. While Lord promotes a social model of disability and critiques the medicalized perspective present in International Humanitarian Law (IHL), his claim that individuals with disabilities do not require distinct rights or prioritization appears to contradict his advocacy for stronger protections under the Convention on the Rights of Persons with Disabilities (CRPD) (Lord, 2022; Pons, Lord & Stein, 2022). This contradiction disregards the unique vulnerabilities faced by disabled individuals in conflict situations, which are inadequately addressed by IHL. Despite Lord's recognition of the need for enhanced protections elsewhere (Lord, 2004; Lord, 2015; Lord, 2022), he does not reconcile his call for strengthening disability rights with his assertion that special rights are unnecessary. ⁶Geib and Ussen, also specifically mention that they follow the above provision and state that the vulnerable groups lack medical provision. They must be treated more than the protected person. The medical facility shall be given to them, which is

² Ingrid Detter, *The Law of War* (2nd edn, Cambridge University Press 2000) 157-58.

³ Bellamy and Williams, *Protecting Civilians in Uncivil Wars*, p 18

⁴ P.C. Jessup, ‘Should International Law Recognize an Intermediate Status between Peace and War?’ (1954) 48 A.J.I.L 98, 100.

⁵ ‘Vulnerable Groups’ (INEE) <https://inee.org/eie-glossary/vulnerable-groups> accessed 28 February 2025.

⁶ Lord J.E, ‘Persons with Disabilities in International Humanitarian Law—Paternalism, Protectionism or Rights?’ in *Disability, Human Rights and the Limits of Humanitarianism* (Routledge, 2016).

very important for their healthy life. ⁷The Authors, HART, Crock, McCallum, and Saul, also state that the current IHL is not sufficient for the protection of persons with disabilities⁸. Askaray states that the protection of Children in the armed conflict is a very wide concept and the argument of research goes in tandem⁹.

II. BASIC PRINCIPLES OF IHL

- The doctrine of necessity is a doctrine which is present in the Lieber Code. According to the modern rule of warfare, the military necessity is to safeguard the Combatants from both the ends, and the sufferings must be reduced for both Combatants and Civilians¹⁰.
- The principle of Distinction is the foundation of every principle of IHL. The principle is simply to differentiate the combatants and civilians so that some difference will be given to them for the sake of their protection.¹¹
- The Doctrine of proportionality, while implemented in IHL, balances the armed conflict in both the ends to avoid harm or damage to them.

(A) Protection under IHL

There are two categories of people who are protected under the IHL. They may be classified as Combatants and Non-Combatants. The Combatants are the armed forces or militias who must be distinguished from the civilians according to the Geneva Convention. There are various rules which must be followed by the Combatants according to Article 13 of Geneva I, Article 13 of Geneva II, and Article 4 of Geneva III, such as wearing a visible uniform and emblem, and carrying arms openly. The Non-Combatants include those who were both previously Combatants and Civilians. The Vulnerable group people also come under the Non-Combatants list. The Vulnerable groups include Women, Children, Refugees, the Disabled, and others who are under greater risk of harm.

(B) Hypothesis

- Vulnerable groups lack complete protection under the International

⁷ Geib and Ussen, "Specifically Protected Persons and Objects" in M. Saul and D. Akande (eds), *The Oxford Guide to International Humanitarian Law* (Oxford University Press, 2020).

⁸ Hart, N., Crock, M., McCallum, R. and Saul, B., "Making Every Life Count: Ensuring Equality and Protection for Persons with Disabilities in Armed Conflicts" (2014) 40(1) *Monash University Law Review* 148-174.

⁹ Askary, P., 'The Oxford Guide to International Humanitarian Law' (2022) ed by Ben Saul and Dapo Akande, Oxford: Oxford University Press, 2020.

¹⁰ Lieber Code (1863) art 14 <<https://ihl-databases.icrc.org/en/ihl-treaties/liebercode-1863/article-14>> accessed 28 February 2025

¹¹ Jean-Marie Henckaerts and Louise Doswald-Beck, *International Committee of the Red Cross, Customary International Humanitarian Law*, vol 1: Rule 1 (Cambridge, UK: Cambridge University Press, 2005)

Humanitarian Law

- There is a great risk with the use of AI in armed conflict

(C) Research Objective

- The objective of this research is to highlight the protection given to the Vulnerable Groups by the IHL and AI, and along with other legal provisions.
- The main object is to show that the violations to the vulnerable groups are increasing day by day, even though the international law is applied during armed conflict.
- Recommendations are also put forth for the decrease of the violation count.
- To prove the above hypothesis with the statistical report count
- Analyse the study with ongoing issues.

(D) Research Methodology

In according with the nature of the research work, the issues contained with this research topic and understanding and ease of reading, the researcher conducts doctrinal research thereby conducting depth-study of the subject after exploring primary sources and secondary sources such as statutes, enactments, legislations, case laws, bills, conventions national and international, acts, policies, rules, regulations, law books, journals, articles and newspapers, etc.

(E) Source Of Study

Based upon the concept and nature of the research, the researcher has adopted the pure research, that is, doctrinal research. The researcher has collected both primary and secondary sources of data. Primary sources of data consist of legislations, acts, rules, conventions, etc. Secondary sources consist of newspapers, articles, journals, commentaries, etc. This research includes data information that is exclusively taken from websites authorized by the Government of India. The major source of the data is the books, purely because of the nature of the study.

III. HISTORICAL BACKGROUND

(A) Historical Development of IHL

It is impossible to find documentary evidence of when and where the first legal rules of a humanitarian nature emerged and hence difficult to name the “creator” of IHL¹². The earliest origins of a code of conduct, such as Hammurabi’s Code, The Mahabharata, The Bible, The

¹² Hans-Peter Gasser, **International Humanitarian Law** (ICRC Henry Dunant Institute, HAUP 1993) 3

Koran, The Japanese code Bushido, and many others governing armed conflicts are distant and impossible to trace, which has come as International Humanitarian law¹³. Hugo Grotius is the ‘father’ of international law, who is a Dutch philosopher and legal scholar. He reflected on the Barbarism of recent wars. In his seminal work *De Jure Belli ac Pactis*, he mentioned that a strict set of laws should only govern conflict¹⁴. The battle of Solferino was considered as one of the bloodiest battles of the nineteenth century. The battle was between France and Austria in Northern Italy. This experience made Duant and several others to found a charitable Humanitarian Association, the Geneva Association of Public welfare in 1863. Later this became the International Committee of the Red Cross (ICRC)¹⁵. Initially, twelve European countries adopted the First modern International Humanitarian law Treaty in 1864 for the care of those wounded in combat. It is known as the Geneva Convention for the Amelioration of the condition of the wounded in Armies in the field.¹⁶In 1862, U.S. President Abraham Lincoln asked Francis Lieber, Columbia University Professor, to write up rules of conduct during the American Civil War. In 1899 and 1907, the Hague Peace Conference was brought by Russia for peace and disarmament and succeeded in the development of principles on the methods of warfare. These principles were codified in numerous conventions and declarations such as The Hague Convention I (1899) for the settlement of International Disputes in the Pacific and The Hague Convention II(1899) Convention concerning War on Land, Customs and Lands. The Hague Convention I established ‘Hague Tribunal’ for the dispute resolution, which was previously known as ‘Permanent Court of Arbitration’. The Hague Convention II contains ‘Martins Clause’ which reads.

“Until a more complete code of the laws of war has been issued, the High Contracting Parties deem it expedient to declare that, in cases not included in the Regulations adopted by them, the inhabitants and the belligerents remain under the protection and the rule of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of public conscience.”¹⁷

This clause highlights that in case of certain laws not mentioned in the humanitarian code, it will not be completely deprived of the protection since there will be a humanity in the warfare

¹³ Hans-Peter Gasser, *International Humanitarian Law: An Introduction (1st edn, The International Red Cross and Red Crescent Movement, Henry Dunant Institute: Haupt 1993)* 6

¹⁴ Gregory P. Noone, 'The History and Evolution of the Laws of War prior to World War 2' (2000) 47 *Naval L Rev* 176, 187.

¹⁵ International Committee of the Red Cross, *Discover the ICRC (ICRC 2005)* 6-7.

¹⁶ *Ibid.* p. 7.

¹⁷ 'Martens Clause' (International Committee of the Red Cross) <https://casebook.icrc.org/a_to_z/glossary/martens-clause>.

even when it is not coded and still belligerents will be under protection.

(B) Source of IHL

Some of the sources of IHL are explained in detail as follows.

a. The Geneva Conventions

After World War II, a diplomatic conference was held in Geneva in 1949 due to its atrocities and political pressure. This conference revised the principles of IHL and also reorganized them into four conventions of 1949. They are as follows

- Condition for the Amelioration of the Condition of the wounded and Sick in Armed forces in the field (Geneva I)
- Convention for the Amelioration of the wounded, Sick, and shipwrecked Members of the armed forces at sea(Geneva II)
- Convention relative to the Treatment of prisoners of war (Geneva III)
- Convention relative to the protection of Civilian persons in time of war (Geneva IV)

b. Common Article 3

The humanity is violated in the war, and both the Combatants and Civilians are in ruins. So after a big debate, minimum provisions were framed under Article 3 of the Geneva Convention which shall be followed by each party of the conflict. The name ‘Common Article 3’ itself gives its meaning that the same text is common in all the four Geneva Conventions of 1949. The principles mentioned in the Common Article 3 apply to the events occurring only within the states and not between the two states. It has a unique character that it applies not only to the states that had signed the Geneva Conventions but to all the states. It is legally binding to all the states as *jus cogens*. The International Court of Justice (ICJ) describes the Common Article 3 as an expression of fundamental considerations of humanity¹⁸.

The Common Article 3 states that

“In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have

¹⁸ International Court of Justice, *Case concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America)* (Judgment) [1986] ICJ Rep 14, para 218.

laid down their arms and those placed 'hors de combat' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever concerning the above-mentioned persons:

(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(b) taking of hostages;

(c) outrages upon personal dignity, in particular humiliating and degrading treatment;

(d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, using special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.”¹⁹

c. The Additional Protocols

The Additional Protocols, also known as optional protocols, were adopted in 1977 at the Diplomatic Conference on Reaffirmation and Development of International Humanitarian Law in the Armed Conflicts. The following are the additional protocols.

- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977.
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of Victims of Non-International Armed Conflicts (Protocol II),

¹⁹ Geneva Convention (III) Relative to the Treatment of Prisoners of War (adopted 12 August 1949, entered into force 21 October 1950) art 3 <<https://ihl-databases.icrc.org/en/ihl-treaties/gciii-1949/article-3>> accessed 28 February 2025.

8 June 1977.

- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an additional Distinctive Emblem (Protocol III), 8 December 2005.

(C) The Concept of “Armed Conflict”

Article 2 is the same in all the four Geneva Conventions in which it shall apply in the case of ‘declared war ‘ or ‘armed conflict ‘, but neither conventions have a definition of armed conflict. Also, Common Article 3 is less clear on the definition of armed conflict. The general definition of armed conflict was adopted in the case of *Prosecutor v. Tadic*²⁰. The case was decided by the International Criminal Tribunal for Yugoslavia (ICTY). The definition explains that the armed conflict arises when there is violence between governmental authorities and organised armed groups or such groups within a state. The IHL applies from the beginning till the end of the war until peaceful settlement is achieved. The IHL continues to apply until the whole territory is under the party’s control, whether the actual combat takes place or not.

(D) The Hague Law and other Conventions

The Hague Convention is a part of the Additional Protocol 1977 where it was kept recodified. It mainly focuses on the duties which must be performed by the occupying powers or states. Also, there are other treaties and conventions such as the UN Convention on Conventional Weapons and the Ottawa Convention on the Prohibition of Anti-Personnel Mines 1997 for the regulation and usage of mine lands and laser Weapons.

a. Customary International Humanitarian Law

It is a Non-Codified but binding international law. Such customary principle must have been originated from the state practices which is not merely the policy but a sense of *opinio juris*²¹. The four Geneva Conventions and other Additional Protocols are all exceptions to the customary IHL since they are all codified laws, but Customary IHL are non-codified laws.

IV. VULNERABLE GROUPS IN ARMED CONFLICT

(A) Who are Vulnerable Groups?

The vulnerable groups are those who are most likely to be in danger and need help and

²⁰ *Prosecutor v Tadic (Judgment in appeal) IT-94-1-A (ICTY, 15 July 1999)*

²¹ ‘*Opinio Juris: The Essential Role of States*’ (Lieber Institute, West Point) <<https://lieber.westpoint.edu/opinio-juris-essential-role-states/#:~:text=Customary%20international%20law%20has%20long,legal%20reasons%2C%20including%20political%20expedience>> accessed 28 February 2025.

protection. The following are listed under the Vulnerable groups.

- Refugees
- Women
- Children
- Displaced people
- Disabled
- Elderly people
- Sick and Wounded

(B) Challenges faced

When a state is engaged in war, the civilians are also killed along with the Combatants. They are affected both directly and indirectly. They are easy prey to the human rights and fundamental rights violations. They face the following challenges during armed conflict.

- Lack of food
- Lack of water
- Lack of medicine
- Lack of education
- Lack of Communication
- Death
- Abuses
- Abduction
- Sexual harassment
- Missing of family members
- Hearing from a loved one in detention
- Lack of psychosocial support

V. VULNERABLE GROUPS AND IHL

(A) Protection of Refugees and IDPs under IHL

- a. **Introduction:** The difference between Refugees and IDPs is that the former move from one state to another state for protection, whereas the latter move from

one place to another inside the same state. Most of the displacements are induced displacements due to the armed Conflict. The Refugees move to another state to seek protection, leaving their family, home, and property behind to seek protection from the violation. Many of the Refugees intend to send back, while some are accepted. Those who end up in the Refugee camps are also deprived of their human rights. Minor Children were abducted, abused, and women were sexually harassed²².

At the end of 2022, about 35.2 million refugees were forcibly displaced by the armed conflict with the Ukraine-Russian War to the nearby boundaries. The refugees are left to their fate without any protection. Like Refugees, the IDPs are also more vulnerable to violations, though they are displaced inside their territory. Their Legal rights are likely to be violated.

b. Protection

The IHL makes few provisions for the protection of Refugees and IDPs. However, the Geneva Convention does not have a definite definition of Refugees.

- Article 44 of the Fourth Geneva Convention states that while implementing or applying the control measures during an armed conflict, the detaining power should not treat the Refugees and IDPs as alien enemies since they have come from the enemy country.²³
- Article 49 of the Fourth Geneva Convention explains that it explicitly prohibits the forced movement of the protected person from the occupied territory to the other country, either individual or mass movement of people.²⁴
- Article 70 of the same provision states that the protected people should not be arrested or detained. But when their act breaches the laws and customs of war, they can be arrested or detained by the occupying power.²⁵
- Article 73 of the First Additional Protocol provides provision for the stateless person, which states that the stateless person recognised before the start of a conflict in the occupying nation should also be treated without any discrimination. Part III of the convention deals with the protection of people in

²² Megan E Kures, *The Effect of Armed Conflict on Children: The Plight of Unaccompanied Refugee Minors'* (2001) 25 Suffolk Transnat'l L Rev 144

²³ GCIV, art 44

²⁴ GCIV, art 49

²⁵ GCIV, art 70

conflict Zones²⁶.

- Articles 17(1) and (2) of the second additional protocol prohibit forcible displacement of the Civilians or Vulnerable groups²⁷
- Customary IHL provisions like Rule 131 and 132 of the International Committee of the Red Cross prevent displacement of people during armed conflict²⁸
- Article 45(4) of the fourth Geneva Convention prohibits transferring of people to another country where they are persecuted for their religious or political beliefs, which is interpreted to include IDPs also
- The IDPs are benefited from the Common Article 3 in the four Geneva Conventions and article 17 of the Second Additional Protocol in the non-international armed conflicts.

IHL failed to make any provisions to specifically address the protection of refugees in non-international armed conflict. The Vulnerable Refugees who were forcibly displaced by the conflict do not enjoy the protection of IHL, and it appears they might not benefit from the protection of the 1951 refugee convention. There are even certain limitations in the conventions. Hence, to fill the vacuum or gap, the International Refugee Law and other Legal instruments protect Refugees and IDPs. According to UNHCR guidelines, the vulnerable groups that flee to other nations shall be protected under the 1951 Refugee Convention and shall not be returned until the conflict ends.

c. Recommendations

- Strengthen Non-Refoulement principle
- Introduce provisions for the Refugees and IDPs to get rights and protection immediately
- The violations should be documented, monitored, and reported
- Promote the development program to the communities that are at risk
- Involving Refugees in the decision-making programs so that their voice can be heard

(B) Protection of PWDs in armed Conflict

a. Introduction

Article 1 of the United Nations Convention on the rights of persons with disabilities (UNCRPD)

²⁶ API, art 73

²⁷ APII, art 17(1) & (2)

²⁸ *ibid*

defined persons with disabilities as:

“Those who have long term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”²⁹. PWDs were among the vulnerable persons that were abandoned in south Lebanon in 2006 due to their inability to flee for safety³⁰. PWDs were killed in the Rwanda Genocide, especially when they were in the hospitals and camps. Recent study says that Disabled women are more affected than men by sexual harassment in armed conflict.³¹

b. Protection

The basic rules of IHL are codified in the Four Geneva Conventions and their additional protocols, and customary international humanitarian law (CIHL), for application in both international and non-international armed conflict.

- Article 16 of the Fourth Geneva Convention states that the wounded and sick, as well as the infirm, pregnant women, and mothers shall be protected and respected³²
- Article 17 of the Fourth Geneva Convention also provides that the conflicting parties should make local agreements to evacuate the PWDs to safer Zones to safeguard and protect them³³
- Article 21 of the Fourth Geneva Convention ensures that the medical transport, either sea, land, or air, should be respected and protected to ensure that the wounded or disabled are given medical facilities³⁴
- Article 30 of the Third Geneva Convention states that the POW should be given proper medical facilities and protection so that their illness will not be spread³⁵
- Article 30 of the Third Geneva Convention states that special safeguards shall be given to visually disabled persons for their rehabilitation, pending repatriation
- Article 8(a) of the First additional protocol states that the wounded and sick shall be given proper medical treatment whether combatants or civilians. The

²⁹ Convention on the Rights of Persons with Disabilities, UNGA Res 61/106, 13 December 2006, art 1

³⁰ Secretary-General on the protection of civilians in armed conflict -S/2007/643, paras 27 and 28

³¹ UN Women, 'Sexual Harassment against Women with Disabilities' (2020) <<https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2020/Discussion-paper-Sexual-harassment-against-women-with-disabilities-en.pdf>> accessed 1 March 2025

³² GCIV, art 16

³³ GCIV, art 17

³⁴ GCIV, art 21

³⁵ GCIII, art 30

Disabled women who are pregnant and have children shall be given more care.³⁶

All the above provisions mentioned by the IHL are insufficient to protect the disabled person. They are not strong enough to get implemented during the armed conflict. Even recent updates state that the disabled are a minority group and are very easily harmed and violated their rights. Especially disabled women and Children are easily harassed. The CRPD's reframing of disability can assist IHL to develop a more effective approach of protecting persons with disabilities. The language adopted by the CRPD tends to give persons with disabilities a sense of belonging as human beings, totally distinct from languages under IHL that tend to 'dehumanise' them by referring to them as 'infirm', 'disabled' among others. They give importance to the personal identity, 'integrity' and 'dignity' of persons with disabilities, as opposed to referring to them by their disabilities³⁷

c. Recommendations

- Appropriate room should be given for the complementary application of the CRPD and IHL
- To ensure a more 'systemic right based approach to disability'
- Involving the disabled for making meaningful decisions in the protection of them during and post-conflict
- Effective warning shall be given by audio, written, or any other means

(C) Protection of Children under IHL

a. Introduction

According to the United Nations Convention on the Rights of the Child (UNCRC), every human being below the age of 18 is considered a child. In 2005, the United Nations secretary general identified grave violations committed against children especially during armed conflict as follows.

- Killing
- Sexual Violence
- Attack of schools
- Abduction

³⁶ API, art 8(a)

³⁷ I K Mugabi, 'An Analysis of the Adequacy of Protection Afforded by the Convention on the Rights of Persons with Disabilities (CRPD) in Situations of Armed Conflict' (2018) *Societies* 7-8

- Denial of humanitarian access

Record shows that more than 14000 children were killed in the Israel-Hamas war. In the year 2015, 230 million children live in conflict zones and about 15 million children are directly affected by the violence during armed conflict. A Record of about 300,000 children under the age of 18 are currently serving as child soldiers globally. Between 2005 and 2022³⁸, over 105,000 children were serving as child Combatants globally.

b. Protection

- Article 14 of the Fourth Geneva Convention requires that, during times of peace, contracting parties must ensure the provision of medical facilities for the sick, wounded, children under 15, pregnant women, mothers of children under 7, and individuals with disabilities.³⁹
- Article 17 of the Fourth Geneva Convention mandates that parties to the conflict endeavour to reach local agreements for the evacuation of the wounded, sick, and children from encircled areas. It also guarantees safe passage for ministers of all religions, medical personnel, and medical equipment to these regions⁴⁰.
- Article 23 of the Fourth Geneva Convention mandates that contracting parties must permit the free passage of foodstuffs and other essential supplies for children and pregnant women.⁴¹
- Article 24 of the Fourth Geneva Convention mandates that parties to the conflict must ensure that abandoned children and those who lost their families during the conflict receive maintenance, proper education, food, and shelter.⁴²
- Article 50 of the Fourth Geneva Convention mandates that the occupying power is responsible for the maintenance and education of children in occupied territories..⁴³
- Article 70(1) w states that special provisions shall be given to the children, expectant mothers, maternity cases and nursing mothers in the distribution of

³⁸ Better Care Network, 'Adult Wars, Child Soldiers: Voices of Children Involved in Armed Conflict in the East Asia and Pacific' <<https://bettercarenetwork.org/library/particular-threats-to-childrens-care-and-protection/children-affected-by-armed-conflict-and-displacement/adult-wars-child-soldiers-voices-of-children-involved-in-armed-conflict-in-the-east-asia-and-pacific>> accessed 2 March 2025

³⁹ GCIV,art 14

⁴⁰ GCIV,art 17

⁴¹ GCIV,art 23

⁴² GCIV,art 24

⁴³ GCIV,art 50

relief consignments

- Article 77(2) provides that children who have not attained 15 years shall be refrained from recruiting them into their armed forces⁴⁴
- Articles 77(4) and (5) state that in cases of children arrested, they must be kept in separate quarters, not mingle with the adults unless family members are accommodated with them⁴⁵
- Convention on the Protection of Children(CRC) gives ‘the most comprehensive and specific protection for children’. It contains very important human rights provisions safeguarding the children, along with the HR and IHL. It is highly beneficial for the strengthening of IHL in the protection of children who are vulnerable groups

c. Recommendations

- Need of an urgent rule in the prohibition of participation of children in the armed conflict as child soldiers either directly or indirectly, which will prevent the selection of young girls by the non-state armed groups, especially to fulfil their sexual pleasure
- Need for review of the current IHL for the protection of vulnerable children and to strengthen its provisions
- IHL needs to adopt certain provisions of the IHL

(D) Protection of Women under IHL

a. Introduction

Women are considered more Vulnerable than men. Before the World War I the victory of a state is celebrated as raping all the women and some kept as sex slaves of the occupying country. Many rape and harassment also took place during the armed conflict. From 1929, many international humanitarian laws emerged where women were given some special provisions. Out of 50 million persons killed, 26 million were Combatants and 24 million were Civilians, including many women⁴⁶. Even after the adoption of four Geneva conventions, two additional protocols, the proportion of civilians dead was high as 90%⁴⁷. ICRC has done many activities

⁴⁴ GCIV, art 77(2)

⁴⁵ GCIV, art 77(4),(5)

⁴⁶ 'Adult Wars, Child Soldiers: Voices of Children Involved in Armed Conflict in the East Asia and Pacific' (2001) 2 ISILYBIHRL <<http://www.worldlii.org/int/journals/ISILYBIHRL/2001/2.html>> accessed 2 March 2025

⁴⁷ United Nations, 'Protection of the Atmosphere for Future Generations and Climate' <<https://legal.un.org/avl/ha/pagc/pagc.html>> accessed 2 March 2025

during and after WWII, which is appreciable. But still the violation pertains.

b. Protection

- Nearly 40 laws or provisions are there out of 560 articles in IHL exclusively for the protection of women.
- Article 27 of Fourth Geneva Convention states that Women must receive special protection from any attacks on their dignity, including rape, enforced prostitution, or any form of indecent assault⁴⁸.
- Article 38 of the Fourth Geneva Convention states that Pregnant women and mothers of children under seven years old should receive any preferential treatment given to the nationals of the State concerned.⁴⁹
- Article 50 of the Fourth Geneva Convention outlines that the occupying authority is accountable for the care and education of children, including girls, who have been separated from their families.⁵⁰
- Article 76 of Additional Protocol I declares that women should be accorded special respect and safeguarded against rape, forced prostitution, and any other form of indecent assault.
- Article 77 of Additional Protocol I underscores that children should receive special respect and be protected from any form of indecent assault, with particular focus on girls who are especially vulnerable during conflicts.
- Article 4 of of Additional Protocol II Forbids acts that violate personal dignity, particularly humiliating and degrading treatment, rape, enforced prostitution, and any form of indecent assault against women.
- Rule 134 of CIHL states that women are to be accorded special respect and protection.
- Rule 135 CIHL states that children impacted by armed conflict are to be given special respect and protection, with particular attention to especially vulnerable girls.

⁴⁸ GCIV,art 27

⁴⁹ GCIV,art 38

⁵⁰ GCIV,art 50

c. Recommendations

- Women and Children are to be kept in separate camps or quarters
- Strong protection shall be given to them
- Occupying country shall treat them with dignity, and all basic needs should be given
- They shall be sent back to their country safely after the conflict ends
- Strict provisions should be brought for the welfare of women, and criminal breaches should be punished severely.

(E) AI and warfare**a. Introduction**

When coming to the history of AI during armed conflict, Alan Turing had cracked the German Enigma Machine during World War II. During this period, from 1940 to 1950, the term “Turing test was whether AI could be brought inside the War. During the Cold War era of 1950 and 1960, the US Department had created a mimic of human basic reasoning. The Stanford Cart was the first vehicle built during 1970 to 1980, which was controlled by computers for military purposes. The modern warfare had many developments in the use of AI to protect its civilians and to attack their enemies. “The ICRC has proposed practical elements of human control as the basis for internationally agreed limits on autonomy in weapon systems, with a focus on the following

- Controls on weapon parameters
- Controls on the environment
- Controls through human–machine interaction”⁵¹

b. Role of AI in protection of the vulnerable groups

During wartime, Civilians are also killed along with the militants. Though the Humanitarian law is applied to protect the vulnerable groups, the death is increased day by day during armed conflict. Hence the AI should be integrated along with the Humanitarian Law for the strong protection of the people. Application of AI is useful both during and after the armed conflict. It is helpful for both the parties. The main role of AI is monitoring, recognition, Targeting, and

⁵¹ International Committee of the Red Cross, 'Artificial Intelligence and Machine Learning in Armed Conflict: A Human-Centred Approach' (2021) <<https://international-review.icrc.org/sites/default/files/reviews-pdf/2021-03/ai-and-machine-learning-in-armed-conflict-a-human-centred-approach-913.pdf>> accessed 4 March 2025.

supporting. Early recognition of the conflict can be sensed using sensors, the satellite image can bring away the place from which the attack will be started, and the finding of hidden nuclear weapons, etc. It acts as an alarm for getting support when the civilians are attacked in their camps. Medical assistance, which is one of the much-needed help for the vulnerable groups, can be given by AI like remote assistance, Treatment recommendations, etc.

c. Challenges

- Autonomous weapons systems (AWS) raise the chilling prospect of machines making life-or-death decisions on the battlefield, in which the life of the peasant is given into the hands of a machine
- The AI algorithm may lead to wrongful surveillance, profiling, or targeting.
- The decision process of some AI is difficult
- The error in the algorithm could have misfired the target

VI. REPORT ANALYSIS

(A) Recent Statistics

Over 473 million children, more than one in six globally, now live in areas affected by conflict, with the world experiencing the highest number of conflicts since World War II. The percentage of the world's children living in conflict zones has doubled from around 10 per cent in the 1990s to almost 19 per cent today, according to a UNICEF report.⁵² Thousands of children have been killed and injured in Gaza, and Ukraine, the UN verified more child casualties during the first 9 months of 2024 than during all of 2023. This year is likely to see another increase. In 2024, the number of women killed in armed conflict has increased twice compared to the previous year, i.e., 40% of women are affected. Also, UN verified a nearly 50% increase in the sexual harassment of women and girl child. Nearly one in two women or girl children are suffering from food shortage or lack of nutrients in conflict zones. An estimation of 117.5 million people were forcibly displaced, out of which half the population are women and children. There were approximately 122.6 million forcibly displaced people by the mid-2024, where 37.9 million people are classified as refugees and 68.3 million people are IDPs. Hence, with this report it is concluded that Refugees had increased 5%, or 5.3 million people, compared to 2023. Approximately 15% of violations have increased against the disabled, both men and women,

⁵² UNICEF, 'Not the New Normal – 2024: One of the Worst Years in UNICEF's History for Children in Conflict' <<https://www.unicef.org/press-releases/not-new-normal-2024-one-worst-years-unicefs-history-children-conflict>> accessed 2 March 2025

during armed conflict compared to 2023

VII. LEGAL INTERPRETATION

(A) Ukraine-Russian War

The war has deep-rooted historical causes, but the immediate conflict erupted in early 2022 following allegations of genocide against Russians in Ukrainian territory. In response, Russia launched an invasion of Ukraine with substantial military force. As of a World report in September 2024, the conflict remains ongoing, with at least 9,614 civilian deaths and more than 17,535 injuries since the invasion began in February 2022. Approximately 55% of women report feeling unsafe daily, and millions have been forced to flee the country. The violations against vulnerable groups have escalated significantly from 2022 to 2024. Civilian casualties increased by 30% in 2024 compared to 2023, resulting in more than 12,654 civilian deaths and over 29,392 injuries since the full-scale invasion commenced in February 2022. Both parties have used AI. Especially, it is very useful for Ukraine to identify the Russian soldiers, their weapons, and the next move through social media. Other countries are also supporting Ukraine with their AI.⁵³

(B) Israel-Palestine Conflict

The Gaza conflict forms part of the larger Israel-Palestine border dispute. On October 7, 2023, Hamas-led militant groups launched an unexpected assault on Israel, causing the deaths of 1,195 Israelis, including 815 civilians, and taking 215 hostages. In retaliation, Israel began a bombing campaign on October 27, 2023, to rescue the hostages. Between 2023 and 2024, violations against vulnerable groups in Gaza surged by 50%, with over 44,000 fatalities and 104,000 injuries since the escalation on October 7, 2023. Nearly all Palestinians were forcibly displaced from Gaza. As of early 2025, the conflict is ongoing. The Israel Defence Forces (IDF) employ AI in Gaza for targeting, emphasizing speed over precision. Advanced avionic systems, reconnaissance equipment, and pilot-activated smart explosives have dramatically altered the concept of warfare, with severe repercussions for innocent Gazans. Machine learning algorithms process extensive data gathered by drones to detect security threats. However, AI-enhanced Israeli drones, aimed at targeting militants, have frequently struck residential areas without militant ties. Israel uses an AI model in war so that it can identify who is dead and who is alive⁵⁴. Israel finds a target in Gaza to attack through AI so that the civilians will not be

⁵³ Paul Scharre, 'Roles and Implications of AI in the Russian-Ukrainian Conflict' (Center for a New American Security, 2023) <<https://www.cnas.org/publications/commentary/roles-and-implications-of-ai-in-the-russian-ukrainian-conflict?form=MG0AV3>> accessed 2 March 2025

⁵⁴ Sam Mednick, Garance Burke, and Michael Biesecker, 'How US Tech Giants Supplied Israel with AI Models,

killed⁵⁵. Blue Wolf and Blizz Sight are the two algorithms used by Israel for track, identifying and monitoring Palestinians. Harop loitering munition and Project Jericho are the automated launch vehicles used in the conflict.

VIII. CONCLUSION AND SUGGESTIONS

Hence the integration of AI in IHL has both advantages and many challenges. The hypotheses put forth are hence proved by the statistical report and the live war conflict. It is recommended to implement strong IHL and further develop the AI algorithms, which reduces the risk and highly protects the vulnerable groups in the armed conflict.

Raising Questions about Tech's Role in Warfare' (2025) <<https://www.msn.com/en-us/technology/artificial-intelligence/how-us-tech-giants-supplied-israel-with-ai-models-raising-questions-about-tech-s-role-in-warfare/ar-AA1zhq1a>> accessed 4 March 2025.

⁵⁵ Geoff Brumfiel, 'Israel is Using an AI System to Find Targets in Gaza. Experts Say It's Just the Start' (2023) <<https://www.npr.org/2023/12/14/1218643254/israel-is-using-an-ai-system-to-find-targets-in-gaza-experts-say-its-just-the-st>> accessed 4 March 2025.

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