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HUMAN RIGHTS VIOLATIONS IN ARMED CONFLICT: A LEGAL ANALYSIS OF CIVILIAN PROTECTION UNDER INTERNATIONAL HUMANITARIAN AND HUMAN RIGHTS LAW

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Abstract

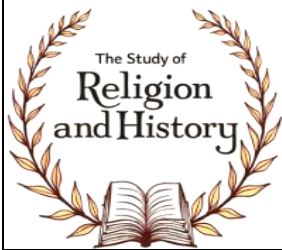
Human rights abuses are a widespread and deeply troubling part of the conflict situation in war-torn countries. With the escalation of armed conflicts, civilians are usually caught in a crossfire, and worst is that, they are subjected to outrageous violations that contradict the very notion of human dignity. Widely practiced atrocities include arbitrary arrests, extrajudicial killings, and mass displacement, leaving vulnerable groups to deal with the ugly side of the war. Women and children become disproportionately impacted amidst the chaos, with an increased risk. In order to resolve the problem of sexual violence and exploitation, it is necessary to underline the necessity of fundamental freedoms, including the right to life, freedom, and safety. It allows reducing the humanitarian crisis and reducing the load on already affected marginalized communities. Also, the humanitarian aid activities are hampered, which contributes to the worsening of the situation. Human rights conventions and mechanisms are used to deal with such violations by international bodies, but the intricacy of conflicts has often prevented such intervention. The issue of human rights violations in war-torn states requires a complex strategy with diplomacy, international cooperation, and specific actions to save the most vulnerable. Finally, the international community should be keen to advocate for the rights of the affected people by jointly acting to curb the horrific effects of conflict on human dignity.

Keywords: challenges, conflict zones, crisis, human rights, wars

Introduction

The war-torn countries are filled with human rights violations in the crucible of armed conflict, and the very fabric of our collective dedication to universal dignity and justice is put to the test (Sriram et al., 2018). The devastating effects of war go way beyond the battlefield, and civilians are usually innocent targets that are caught in the crossfire (Wei, 2024). This introduction explores the tangled mess of problems that people in war-torn areas endure, in which the very principles of human rights are often trampled (Montclos, 2023).

The laws of war prohibit intentional killing, rape, sexual violence, torture, and any inhuman treatment of captured soldiers, as well as those who are in custody. Also, looting and pillaging are prohibited. Individuals who issue orders to or engage in such actions or support such actions can face responsibility for committing war crimes (Murati, 2021). The principle of command responsibility could hold commanders responsible in law regarding war crimes when they knew or ought to have known about such crimes, but failed to take any action or intervene against the perpetrators (Correa et al., 2021).



THE STUDY OF RELIGION AND HISTORY

Vol.2 No.4 2024

ISSN P : [3006-3329](#)

ISSN E : [3006-3337](#)

Conflicts have caused a lot of misery to many, and there is a high tendency for international human rights and humanitarian law violations to be rampant (Elkahlout et al., 2022). In other instances, the violation can be murder, war crimes, or crimes against humanity. The international human rights and humanitarian law must be updated regularly to cope with new challenges as warfare evolves. They primarily aim at ensuring the dignity and humanity of each person (Sriram et al., 2018).

War-torn countries bear witness to a litany of abuses, encompassing arbitrary arrests, extrajudicial executions, and mass displacement (Montclos, 2023). Such violations take away the basic liberties of people, such as the right to life and the right to security, and degrade their dignity and humanity (Save the Children, 2023). Women and children are more vulnerable, and they are at a greater risk of sexual violence and exploitation during conflict (Correa et al., 2021).

Research Justification

Research on human rights violations in war-torn countries is imperative due to the profound impact of armed conflicts on individuals and societies. With the increasing number of these violations, it becomes important to gain insights into the complexities in order to develop effective measures to curb their devastating effects. The study illuminates the poorly considered dynamics of human rights violations in conflict areas, offering an insight into the underlying factors, trends, and consequences.

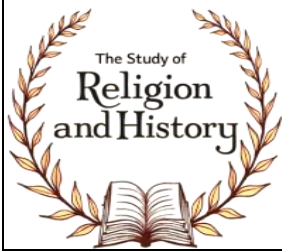
In supporting this study, we recognize the pressing necessity of responding to the systematic undermining of the essential rights in the course of war. Recording and examining these atrocities is a witness to the plight of the populations concerned and can help develop specific interventions. Moreover, the vulnerable issues in the response of international organizations to these violations must be thoroughly analyzed to improve diplomatic and humanitarian strategies. Finally, the study aims to facilitate meaningful knowledge that can be used in policy development, the establishment of global cooperation, and the establishment of a way to safeguard human rights more effectively during conflict.

Research Methodology

This study utilized a systematic review approach to establish its research framework, with its objectives set accordingly (Komba & Lwoga, 2020). Extensive literature exploration on the topic was conducted, as indicated by the research findings being categorized based on their content (Hiver et al., 2021; Petticrew & Roberts, 2006). It was structured using headings to incorporate this classified information into the study (Gan et al., 2021; Pawson et al., 2005). The study's progression was determined by evaluating the classified information and titles (Page, 2021; Rahi, 2017), ensuring the research subject's contents' integrity (Egger et al., 2022; Victor, 2008).

Literature Review

The association between the most heinous acts committed in the business environment and the violation of human rights can be seen. These are areas where the worst of abuses can be found (Montclos, 2023). An example is Lima, Netherlands Holding company accused of war crimes in Palestine; the French Qosmos company is accused of being involved in some of the worst cases of human rights violations committed by the Assad government in Syria, which has been widely reported and denounced (Wei, 2024). Danzer, a Swiss-German firm, has been



THE STUDY OF RELIGION AND HISTORY

Vol.2 No.4 2024

ISSN P : [3006-3329](#)

ISSN E : [3006-3337](#)

accused of being involved in crimes against humanity together with the army of the Democratic Republic of Congo.

The situation of human rights in these environments is not confined to personal suffering, but it is a part of a bigger humanitarian crisis (Elkahlout et al., 2022). There are frequent barriers to access to important resources and services, which worsen the desperate situation of vulnerable populations (Save the Children, 2023). With international organizations struggling to balance the dynamics of intervening in these turbulent situations, there arises an urgent need to act jointly, pursue diplomacy, and implement specific interventions to enforce the principles contained in human rights conventions (Sriram et al., 2018).

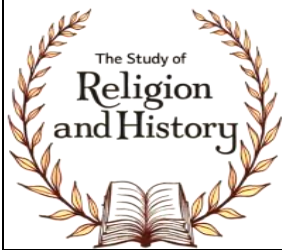
To navigate the turbulent seas of human rights abuse in war-torn nations, a holistic view of the multi-dimensional nature of the issues is needed (Correa et al., 2021). This discussion precludes a detailed look into the way that the international community can mobilize to help the people trapped in the ruthless grip of armed conflict. HRL and IHL were initially considered as two distinct legal systems, which are applicable in various contexts, but they became prominent after World War II because of the catastrophic consequences (Sriram et al., 2018). The common understanding was that HRL was used in peacetime and IHL was used in wartime, but this has changed (Montclos, 2023).

Admittedly, HRL can still be used in the presence of IHL in armed conflicts (Wei, 2024). The view supported by the ICJ is that the safeguards that come with the International Covenant on Civil and Political Rights do not become obsolete when there is war (Murati, 2021). The main role of the government is to ensure that international human rights and humanitarian law are observed in the case of armed conflicts (Correa et al., 2021).

The governments and armed opposition groups have a role in maintaining these standards in non-international armed conflicts. According to the international non-governmental organizations, there is the possibility of human rights violations in the regions they serve in the case of armed conflicts (Elkahlout et al., 2022). Such periods are more likely to experience serious violations like arbitrary killings, detention, and mistreatment (Montclos, 2023). In the past few decades, civil conflicts have greatly impacted the lives of millions of civilians (Save the Children, 2023). Many armed conflicts are characterized by widespread violations of the international humanitarian and human rights law (Sriram et al., 2018). In some situations, some of these transgressions may be genocide, war crimes, or crimes against humanity.

The study of the situation in the post-conflict period in Kosovo shows that there is a critical connection between human rights and security, and the failure of the United Nations to respond to the human rights abuses (Murati, 2021). The study highlights the implications of impunity and the inefficiency of justice in the case of atrocities in wartime and thereby contextualizes the complications of post-conflict peacebuilding (Murati, 2021).

It underlines the need to have a combined human rights and security strategy, and it is supported by the experience of such celebrated leaders as Kofi Annan (Sriram et al., 2018). It is considered a method that is very critical in the development of lasting peace (Correa et al., 2021). The case of Kosovo can be taken as a warning example of the negative consequences that may be brought about by the lack of attention to human rights and security in interventions at the international level (Murati, 2021).



THE STUDY OF RELIGION AND HISTORY

Vol.2 No.4 2024

ISSN P : [3006-3329](#)

ISSN E : [3006-3337](#)

In Human Rights, Mutua engages in an in-depth legal analysis of the international human rights laws against armed conflict (Wei, 2024). The discussion is based on the intricate balance between safeguarding human rights and imposing necessary limitations recognized by international legal frameworks. Laws The legal discourse contains allusions to international covenants and judicature in relation to the proportionality and minimal intrusiveness (Montclos, 2023). It examines what can be done by states when they make reservations to international treaties, assessing their impact on human rights protections (Correa et al., 2021).

Elkahlout et al. (2022) contribution brings into focus the role of international and non-governmental organizations in this regard. It recognizes the growing reliance on humanitarian law and the problems that accompany it, based on the experience of the International Committee of the Red Cross as a valuable guide to work through these complexities (Sriram et al., 2018).

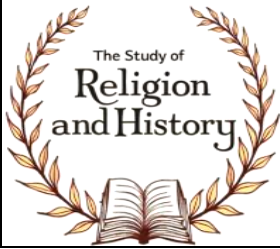
The SOMO paper is a critique of multinational corporations that work in conflict zones, assessing their human rights imprint along with the economic impact and ethical dilemmas that they encounter in these unstable places. It explores the trade-off between seeking security and promoting economic growth and corporate ethical accountability (Wei, 2024). Finally, a review of UN practices concerning the application of Human Rights Law in armed conflicts is an indication of a growing trend of the precision of UN resolutions (Montclos, 2023). The article indicates that there is a general agreement regarding the applicability of the human rights provisions in these cases despite the reservations of certain states on their applicability (Correa et al., 2021).

Contextualization of Human Rights Violations

International Humanitarian Law (IHL) is interwoven with the rules that govern the conduct of war and *jus ad bellum* (Sriram et al., 2018). The origins of these Latin words can be traced back to medieval times and form the basis of the modern-day laws on the permissibility of armed conflict and the use of force based on some of the demands of a just war (Wei, 2024). The UN and the International Committee of the Red Cross opine that the distinction between HRL and IHL was traditionally used during peacetime only. Nevertheless, this distinction is not as clear as it used to be assumed (Montclos, 2023). It must apply in peacetime as well as in conflict, since it is not indicated anywhere in the human rights treaties (Correa et al., 2021).

In the human rights context, the terms conflict, conflict-affected, high-risk areas, and fragile states are often used interchangeably when discussing the activities of multinational corporations in conflict areas. However, the words may have varying meanings and connotations in different situations (Elkahlout et al., 2022). An example is in the context of international law, where the term conflict is specifically used to refer to a specific group of conflicts (Sriram et al., 2018). The term conflict-affected areas in this paper refers to areas that have been affected by violence, political instability, weak institutions, and civil infrastructure destruction (Save the Children, 2023). Although the exact definition might differ, the term, conflict-affected, is commonly used by international organizations, states, academics, and civil society organizations (Montclos, 2023).

States to most regional human rights conventions assure the rights of regional human rights conventions to all people in their jurisdiction, including occupied territory (Murati, 2021). The International Covenant on Civil and Political Rights stipulates that a signatory should observe and preserve the rights that are acknowledged to every human being in its



THE STUDY OF RELIGION AND HISTORY

Vol.2 No.4 2024

ISSN P : [3006-3329](#)

ISSN E : [3006-3337](#)

territory and jurisdiction (Correa et al., 2021). This language and the history of negotiations imply the interpretation of territory and jurisdiction as cumulative terms. Multiple states contest the applicability of the Covenant to them (Wei, 2024). However, according to the International Court of Justice, the United Nations Human Rights Committee, and other states, the Covenant is equally important in the occupied territories (Sriram et al., 2018). Teleologically speaking, it would be wonderful if the rights of people were not infringed or safeguarded by the territorial state (Montclos, 2023).

According to human rights organizations, to commence jurisdiction, it is adequate to have territorial control, control of persons, and jurisdiction (Elkahlout et al., 2022). The duty to respect human rights occurs when a State's actions can influence an individual's rights (Correa et al., 2021). Fragile state is a commonly used term in conflict-prone areas and is commonly used to refer to countries with weak institutions, low capacity, and issues of accountability and legitimacy of the government..

Analytical Interpretation of the Issue

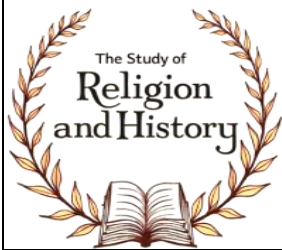
There is no agreement over the applicability of human rights law (HRL) in times of armed conflict (Sriram et al., 2018). A variety of regional courts, academic scholars, quasi-judicial agencies, and bodies such as the International Court of Justice (ICJ) have all been involved in large-scale debates in the courts and in the academic community (Montclos, 2023). The other side of the argument (that the book is not supported) has little support (Wei, 2024). The implementation of international humanitarian law and human rights law to the circumstances surrounding armed conflict has, however, posed challenges as to how certain safeguards offered by each legal framework can be implemented into practice (Correa et al., 2021).

Both international humanitarian law and international human rights law may be broken by military forces involved in armed conflict; these two legal systems significantly overlap. According to such accords, individuals who have an experience of human rights violations can submit an individual complaint to international enforcing bodies in order to obtain a meaningful redress (Murati, 2021).

The human rights law requires that the parties involved in a treaty by the government should investigate human rights violations, convict criminals in special cases, and pay damages to those who were affected by the rights violation (Elkahlout et al., 2022). It is referred to as a right to an effective remedy. The redress could be in the form of payments, reimbursement, rehabilitation, satisfaction measures, public memorials, public apologies, assurances of non-repetition, change of relevant laws and practices, and prosecution of individuals who infringe human rights according to the Human Rights Committee (Save the Children, 2023). Because several legal frameworks are applied simultaneously, it is unclear who is responsible in a conflict, the scope of responsibilities, what standards apply, and whom are being safeguarded

Key Issues Regarding Human Rights Violations

In the message of the user, no question is raised as to whether it is a terrorist organization or a call to find out about a terrorist organization (Montclos, 2023). These are filled with instances of torture; two of the subjects were killed, one of six, the other of one (Wei, 2024). The culprits of this law should be held accountable for the war (Correa et al., 2021).



THE STUDY OF RELIGION AND HISTORY

Vol.2 No.4 2024

ISSN P : [3006-3329](#)

ISSN E : [3006-3337](#)

It has been reported to have resulted in at least 118 victims (19 children) of sexual violence, which included rape, gang rape, and attempted rape (Save the Children, 2023). The report says that a woman was held in a house and in the street for 35 days and was several times mixed (Sriram et al., 2018). The MSF enlists the children of the Arab tribes of Darfur and Kordofan. Meanwhile, the Sudanese Armed Forces' People's Assistance Center, which aids the SAF, reports that it has helped 255,000 youths in camps in Sudan, including Fur, Masalit (Elkahlout et al., 2022). The report indicated that Zaghawa too reacted to the recruitment exercise by the Sudanese Army.

The report is more moderate in its findings as to the actions of the Peruvian government. It observes that despite the fact that there were fewer cases of murder by security forces in comparison to the Shining Path, the government remains liable under the International Covenant on Civil and Political Rights in respect of not protecting its people (Murati, 2021).

Challenges and Limitations in Addressing Human Rights Violations

Humanitarian and international human rights law can only be applied simultaneously based on the achievement of certain objective requirements. Both the international humanitarian law and armed conflicts apply to such a situation since armed conflicts fall under the international humanitarian law. In addition to the reality that war causes great human suffering, produces refugees, migrates, causes psychological distress, causes destruction, and causes social change, post-conflict situations produce violence and chaos at the very top in social, economic, and political aspects. War damage repair as a strategy to enhance and restore the local economy is an issue faced by every post-conflict country.

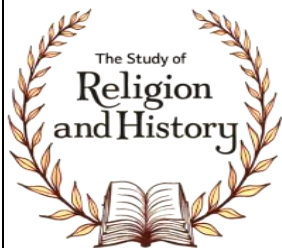
The failure to consider the issue of social justice can result in a post-conflict regime that is unsustainable in its development by failing to provide social rights to everyone gradually. The repercussions of not acting right in conflict situations, such as in the case of Rwanda in 1994, the cases in Bosnia & Herzegovina in 1995, as well as Kosovo in 1999, highlight that human rights violations by the international community can escalate conflict.

Discussion

The discussion of human rights infractions in the war-torn nations goes to the core of a complicated and acute global issue. The historical background reminds us of the continuity of such abuses, as the previous conflicts affected our modern reactions and formed our perception of the issues. The complexity of these abuses, involving arbitrary arrests, extrajudicial killings, sexual violence, and forced displacement, makes it clear that an understanding of the complex dynamics is urgent.

The reasons behind violations are complex and can be explained by root causes, which can include political instability, economic factors, and other factors. The immediate and long-term effects on civilians underscore the awful implications of the events on the lives of individuals and communities. This discussion not only reveals the human toll but also highlights the humanitarian crisis that follows, presenting difficulties in both providing assistance and restructuring ruined societies.

The connections between workers and the ways of enabling or inhibiting their actions are ascertained between the battlefield and the monument. No problem, as well. It will not be like an international peace camp or a place of violence. Basing his argument on the ideas of spatial governance, scalar politics, relational space theory, and spatial narrative, the author cites



THE STUDY OF RELIGION AND HISTORY

Vol.2 No.4 2024

ISSN P : [3006-3329](#)

ISSN E : [3006-3337](#)

the scenario of urban separations, i.e., Belfast, Dili, and Jerusalem, to the situation in the war-torn countries, i.e., rape camps and karaoke bars.

The enforcement of the provisions of international human rights law and its response to violations have had a questionable track record of failure. The importance of ensuring compliance with the international standards is clear. Besides, the use of human rights during wartime not only marks the basic human rights standards during the war, but also demonstrates the structure of the human rights mechanism.

Basic organizations and institutions spread the law of human rights, but as we have seen, they also face and deal with cases of armed conflict. The global reaction shows a combination of diplomacy, peacekeeping operations, and the law, and still, there are difficulties. The thin line between intrusion and choice of actions and respect to sovereignty, combined with political factors and lack of resources, highlights the steep incline of the hill in effectively responding to such infractions.

Case studies provide practical knowledge, successes, and failures of interventions and, as such, a roadmap towards future conflict resolution efforts. The resolutions of the Security Council (SC), the General Assembly (GA), the Human Rights Council (HRC), and the Commission on Human Rights (CHR) on the implementation of human rights in military situations reflect the understanding of conflicts at that time, with each adopting a different and purely country-specific resolution. An example is the resolution by the Human Rights Commission, which is called protection of the Human Rights of civilians in armed conflict, which shows its concern.

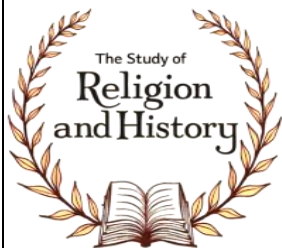
As well, the Security Council, UN General Assembly, Commission on Human Rights, and Commission on Human Rights have taken several resolutions in order to deal with offenses where human rights and international humanitarian law are in conflict. In the case of the Democratic Republic of the Congo (DRC), as an example, the Security Council has been very concerned with the human rights violations taking place within the country, mainly in areas where rebel groups hold sway.

The need to maintain a worldwide focus and act together is made clear in discussions about human rights abuses in war-torn countries. They call on the responsibility of upholding the principles of human dignity in the face of conflict, of innovative strategies, accountability systems, and increased global collaboration in reducing the endemic scourge of rights abuses in war-torn regions.

Conclusion

The outcome of our investigation highlights the dire need to take concerted measures on a global scale in the complex web of the manifestation of human rights abuses in conflict-ridden countries. The gravity of the changes on the people and the societies prompts a firm commitment to uphold the ideals of human dignity and justice. These abuses are multifaceted, including arbitrary arrests, extrajudicial killings, sexual violence, and forced displacement, and thus require a complex and well-crafted response.

The historical background sheds light on the permanence of such violations and how these experiences have influenced our current perceptions and reactions to conflicts. The complexity of these issues is highlighted by root causes that include political instability, as well as economic factors. The human cost, which is clearly observed in the short-term and long-term effects on civilians, heightens the need to intervene effectively.



THE STUDY OF RELIGION AND HISTORY

Vol.2 No.4 2024

ISSN P : [3006-3329](#)

ISSN E : [3006-3337](#)

Major weaknesses mar the government's accountability for serious crime and abuse, and there are no mitigating measures that would assist in preventing future crime. It incorporates open areas that are limited to human rights activists, such as journalists, who face arrests, imprisonments, harassment, and various other obstacles, and other types of violence. The government has also embarked on a process of justice reform and has consulted the public on the making of a national policy on justice at the beginning of the year. The Committee found that the process was greatly flawed and lacked conformity to the norms of the UN and the rest of the world after a close inspection.

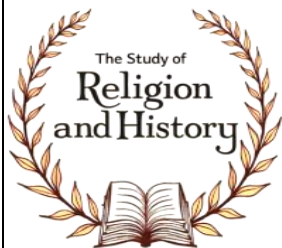
The decision of the Human Rights Council to suspend the mandate of the Commission and transfer the mandate to the African Union Commission of Inquiry implies that the Commission needs additional, more credible independent sources (local, regional, or international) to carry out investigations. The right to investigation of crimes is also widely discussed by the organs that are to adjudicate the violations of the international humanitarian law and other forms of international or national law, including the ICJ and the ICC Commission of Inquiry.

Although there are international responses in terms of diplomatic efforts, peacekeeping missions, and legal mechanisms, there are innate challenges. Finding a balance between intervention and the sovereignty, political dynamics, and resource constraints is a daunting challenge. Case studies are very informative, and they can be used as a lesson in future conflict resolution projects.

The ending is an appeal to action amidst such challenges. It highlights the importance of long-term investment, new methods, and enhanced international collaboration. To deal with the issue of human rights abuse in war-torn nations, a comprehensive approach that integrates prevention, accountability, and empowerment of the communities that are affected is necessary. It is not until we act as a world community that we will be able to reduce the long-term effects of such violations and set up a future in which human rights are enforced even in the most inaccessible areas of war.

Recommendations

1. **Enhance global collaboration:** Encourage the cooperation of countries and international agencies to work jointly to address the issue of human rights violations in the conflict countries.
2. **Strengthen diplomatic action:** Focus on diplomatic ways of solving disputes and avoid the development of human rights violations.
3. **Empower local communities:** Support and empower local communities impacted by conflict, making them actively participate in the decision-making processes.
4. **Implement accountability:** Strengthen and enforce legal mechanisms and frameworks that will make those in charge of human rights violations accountable in international tribunals and mechanisms.
5. **Improve humanitarian assistance:** Provide adequate resources to humanitarian assistance to offer necessary services and assistance to the affected populations.
6. **Protect vulnerable populations:** Take specific actions to secure the safety of women and children: prevent sexual violence, exploitation, and other forms of abuse.
7. **Track and document abuses:** Have a good monitoring and reporting system of human rights abuses implemented so that action can be taken and a report made as soon as possible.



THE STUDY OF RELIGION AND HISTORY

Vol.2 No.4 2024

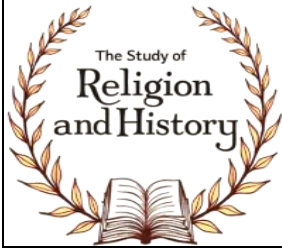
ISSN P : [3006-3329](https://doi.org/10.3006-3329)

ISSN E : [3006-3337](https://doi.org/10.3006-3337)

8. **Encourage peaceful solutions:** Encourage peaceful solutions to conflicts by dialogue, mediation, and negotiation to avoid further escalation of violence.
9. **Address root causes:** Work on the root causes of conflicts: political instability, economic differences, and ethnic tensions to ensure that there is no fertile terrain to propagate human rights violations.
10. **Encourage education and awareness:** Encourage education and awareness campaigns to educate communities on the need to defend their rights and promote a culture that emphasizes human rights protection.
11. **Provide Access to Justice:** Instituting systems that provide victims of human rights abuse with guaranteed access to justice, irrespective of their social and economic backgrounds.
12. **Deploy peacekeeping missions:** Prepare and send efficient peacekeeping missions to ensure the safety of the people and deter violence.
13. **Activate civil society:** Partner with groups to enhance advocacy, increase awareness, and mobilize action in support of human rights abuses.
14. **Disarmament efforts:** Endorse disarmament efforts to lessen the supply of weapons that contribute to conflicts and other human rights violations.
15. **Invest in conflict prevention:** Invest resources in preemptive activities in order to resolve grievances and tensions before they turn into full-scale conflicts.

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THE STUDY OF RELIGION AND HISTORY

Vol.2 No.4 2024

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