



Children's Rights in the Occupied Palestinian Territories (OPT): Key Issues and Concerns

**Stakeholder Report on Israel
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General Measures of Implementation

As the primary rights duty bearer in the OPT Israel has the responsibility to provide for the basic needs and human rights of the population under its control.¹ These include all of the rights detailed below as well as other rights provided for in the Convention on the Rights the Child and other internationally accepted human rights mechanisms. Contrary to these obligations, Israel has taken no steps to ensure that children in the West Bank and Gaza are protected and that their rights are fulfilled and has developed no mechanisms for overseeing the implementation of the CRC in the West Bank and Gaza. Instead, Israel actions and policies have led to the deterioration of the rights environment for children in the OPT and have stopped other actors including the PA and UNRWA from meeting their obligations as secondary duty bearers. This must change.

Since Israel does not see itself as responsible for implementing the UNCRC in the OPT, it has put in place no mechanisms to child rights proof government policy, legislation, and actions taken in the OPT. To the contrary, Israeli policies and actions are the cause of many of the most serious children's rights violations in the OPT. Specific violations of children's rights in the OPT caused by Israeli actions and omissions include threats to children's lives and physical security, restricted access to basic services, arrest and arbitrary detention, and violations of children's rights to education and health and welfare. While it is important to consider particular violations of children's rights, it is also critical to note the way in which policies and actions taken in the OPT undermine the key systems and mechanisms that should provide children with protection and fulfill their rights.

Israel should:

1. Affirm the applicability of the Convention on the Rights of the Child in the OPT and make progress on implementation including fulfilling reporting requirements to the Committee on the Rights of the Child when the second report of the State party is submitted.
2. Embrace a culture of children's rights and set up the necessary institutional frameworks needed to promote and protect all children's rights regardless of whether or not they live in Israel or the OPT.
3. Ensure that its actions do not inhibit the ability of the PA and UNRWA to implement devolved responsibilities under the UNCRC

4. Incorporate the principles and provisions of the UNCRC in laws, military orders, and policies implemented in the OPT
5. Develop plans of action for ensuring that the UNCRC is implemented in the OPT
6. Ensure that the best interests of the child are at the forefront in policies impacting the OPT.

Implementation of Human Rights Obligations in Relation to Children

Analysis of Israeli actions show that there has been no progress towards achieving the recommendations of the UN Committee on the Rights of the Child as put forward in 2002.

Survival and Development (Right to Life)

Since September 2000, 982 Palestinian children have been killed due to violence associated with the conflict, severely jeopardizing children's right to life.² During 2006 141 Palestinian children were killed by Israel. During 2007 the number of Palestinian children killed by the Israeli military and settlers dropped to 55, but the first 6 months of 2008 saw a significant increase in both deaths and injuries as 77 Palestinian children were killed and 285 injured by Israeli soldiers or settlers.³ No progress has been made by Israel towards ending the killing and injury of children as called for in by the Committee on the Rights of the Child.

Other concerns outlined below, including attacks and infringements on the education and health systems seriously jeopardize children's right to life and to grow up in an environment conducive to healthy development.

Children's Best interests

Israeli laws and policies implemented in the OPT not only fail to take into account the best interests of Palestinian children, but actively undermine the child's ability to fulfill their rights. Israeli military law, which is enforced in the areas of the OPT under full Israeli control, includes provisions that directly contradict the CRC allowing for actions such as the arbitrary detention of children without charge or trial.⁴ The Israeli imposed siege over Gaza increased food insecurity, decreased children's and families' access to quality medical care, increased poverty, destroyed public service infrastructures, and contributed to increased rates of children dropping out of school.⁵ At the same time, restrictions on movement in the West Bank through the imposition of physical obstacles as well as administrative and legislative measures also limit children's access to health care, education, and other basic services while impacting families economic well being. Despite recent commitments by Israel to allow for more free movement, restrictive measures continue to increase. According to UN OCHA, 607 roadblocks and checkpoints⁶ were in place in April 2008, an increase from 566 in September 2007.⁷ These and other actions continue to be taken without concern for their impact on children and children's best interests.

Non-discrimination

Particular concerns have been noted with respect to the principles of non-discrimination. Under Israeli Military Law, a child in the OPT is defined as being under 16 years old, while Israeli civil law which is applied in Israel and to Israeli Jewish settlers in the OPT defines a child or minor as persons under the age of 18. This latter definition, which is in accordance with international standards, also applies under Palestinian law. The discriminatory application of different policies to different populations within the same jurisdiction (i.e. military law applied to Palestinians in the OPT and civil law applied to Israeli settlers in the OPT) is a clear infringement of the CRC and has led to the violation of Palestinian children's right to liberty through the detention and arrest of hundreds of 16-17 year old Palestinian children.⁸

Israel should:

1. Take action to end the killing and injury of children by Israel forces and settlers and ensure that all killings of injuries of children are investigated, that those responsible are held accountable for their actions, and that victims receive compensation.
2. Ensure that all actions and policies implemented in the OPT take as their primary consideration the best interests of children
3. The State of Israel must define a child in the OPT in accordance with international law
4. Lift movement restrictions enforced in the West Bank and between the West Bank and Gaza

Right to an Education

Israel has devolved responsibility for Education in the West Bank and Gaza to the PA and UNRWA and therefore does not have responsibility over the day to day functioning of the Education System. However, the Israel government maintains overall responsible for ensuring that all children in the OPT enjoy their right to an education and that its actions do not contradict or inhibit this right. Unfortunately, Israeli actions in the OPT have contradicted their obligations and have resulted in violations of individual children's right to an education while degrading the overall education system in the OPT. Violations of Palestinian Children's right to an education include, but are not limited to, the following:

Attacks on educational facilities and school children: Attacks have been carried out by the Israeli military and settlers. The Ministry of Education and Higher Education (MEHE) estimates total damages due to Israeli military invasions of schools and MoE facilities (including the Directorate's office) to be US\$2,289,389.⁹ Attacks on children going to or coming from schools and attacks on school facilities by Israeli settlers in certain areas of the West Bank are common and go unpunished. The Cordova School in Hebron and Children from Twani are frequent targets of settler attacks.¹⁰

Restrictions on school development: Schools located in Area C¹¹ in the West Bank (under full Israeli control) are not allowed to build or expand.¹² Nearly 94% of building requests of any kind are denied in Area C and those built without a permit face a demolition rate of 33%.¹³ The result of this policy is that many children in rural areas, particularly girls, are either forced to drop out of school or leave their families and live with relatives because no local schooling options are available.

Education in East Jerusalem: Palestinian citizens and residents of East Jerusalem face discrimination in the education sector. Their facilities are severely inferior to those offered to Jewish children and Palestinian children in East Jerusalem receive far fewer educational opportunities than their counterparts in the western half of the city. Human Rights Watch reports outright discrimination and disparities between the two systems.¹⁴ The gaps have even been noted in reports by the Israeli Education Ministry.¹⁵ As many as 9,000 Palestinian students in East Jerusalem are not registered with the authorities and are simply unaccounted for in terms of study.¹⁶ One reason for this is that there are not enough classrooms available to educate all Palestinian students in East Jerusalem. During the 2005-2006 school year there was a shortage of approximately 1,354 classrooms in East Jerusalem¹⁷, yet between 2001 and 2007 fewer than 100 new classrooms were built in East Jerusalem.¹⁸

Movement Restrictions and Access to Education: There is restricted access to schools in many locations due to the Wall and other movement restrictions.^{19, 20} This results in students and teachers not reaching schools and disrupts academic schedules. In the West Bank, thousands of students are unable to attend school for at least one day every month due to curfews and closures.²¹ In 2005, 17% of east Jerusalem students experienced delays in getting to school²².

Israel Should:

1. End attacks on educational facilities and the taking over and use of these facilities as military installations or detention centers.

2. Ensure the safety of all children as they travel to and from school as well as while they are in school
3. Allow for the development of needed educational facilities in Area C in the West Bank
4. Ensure the full funding of the East Jerusalem education system including the building of new or refurbishment of existing educational facilities
5. Account for all East Jerusalem students and provide space for them within the education system.
6. Guarantee free and unrestricted access by students and teachers to schools.

Health and Welfare

Israel has also devolved responsibility for the health system in the West Bank and Gaza to the Palestinian Authority, but again remains responsible for ensuring the overall fulfillment of Palestinian children's right to health. However, Israeli actions in the OPT have systematically undermined this right and degraded the Palestinian Authority's ability to fulfill this right.

Israel's restrictions on Palestinian movement severely limit their access to proper medical care, particularly for villages where residents need to access larger cities, including villages surrounding Jerusalem. Palestinian children living in the "seam zone" (between the Separation Wall and the Green Line) are especially vulnerable to delays at checkpoints and have the most difficulties reaching medical care. From 29 September 2000 to 10 March 2006, 129 patients died, 68 babies were born, and 39 babies died during birth at Israeli roadblocks.²³ Movement restrictions impact medical personnel as well as private citizens. Between September 2000 and March 2006, 383 ambulances were attacked and 2,051 denied access to particular areas and were therefore unable to provide needed care. Furthermore, 447 health workers have been injured and 36 killed while working.²⁴ A lack of coordination between Palestinian Red Crescent Society (PRCS) and Magen David Adom (MDA) (the Israeli equivalent of the Red Cross) also results in poor emergency services.²⁵

The blockade on Gaza and impacts on health infrastructure and blockage of medical supplies has led to the depletion of strategic medical reserves, an overall deterioration in the healthcare system in Gaza, and extremely limited access to specialized care only available outside of Gaza.²⁶ From October 2007 to February 2008 at least six children in Gaza died following delay or denial of referral to treatment in Israel.

Finally, restrictions on building in Area C mean that Palestinians are unable to develop the health infrastructure in these areas.²⁷ Children in these areas therefore often have only minimal access to primary health services and restricted access to secondary and specialized health services due movement restrictions and closures as detailed above.

Israel should:

1. Allow for unrestricted access to medical care by children and their families
2. Facilitate the transfer for specialized medical treatment of patients, especially children, to Israel or other countries from the West Bank and Gaza
3. Ensure the transfer of all basic humanitarian items into Gaza including medical supplies
4. Facilitate the development of the Palestinian medical and health infrastructure, particularly in Area C of the West Bank

Family Environment: Forced Displacement

Displacement events including home demolitions and community evictions carried out by Israel and targeting Palestinian families continue to be regular occurrences in the OPT. According to B'Tselem, between 2000 and 2004 Israel demolished more than 4,100 Palestinian houses in the OPT.²⁸ In 2008, UN agencies confirmed that 198 communities currently face forced displacement/eviction because of their proximity to settlements or their locations within so-called closed military zones. This includes 81

communities of nomadic Bedouins and others living between the separation barrier and the 1948 'Green Line' ([UNRWA](#)). Ma'an Development Centre has also identified 98 enclave areas in the West Bank: communities surrounded by the separation wall and other significant Israeli imposed controls on movement.²⁹ The 312,810 Palestinians in these areas are particularly vulnerable to internal displacement ([Ma'an](#)). Other UN led research has revealed that over 94% of applications for building permits in Palestinian communities located in Area C submitted to the Israeli Authorities between January 2000 and September 2007 were denied. During the same period, 5,000 demolition orders were issued, and over 1,600 Palestinian buildings were demolished. ([OCHA](#)).

The displacement of Palestinian families has a significant and negative impact on families, particularly children. Preliminary research by Save the Children UK indicates that following home demolition events children are often separated from their parents while their families reside in temporary housing. Families are often left without basic necessities and both displacement events and home demolitions have long-term negative economic consequences for families. This research also indicates that domestic violence levels increase in impacted families. Another study published on the psychological impact of house demolition showed a tendency among mothers in these families to develop symptoms of depression.³⁰ While other studies indicate that children living with depressed parents tend to experience behavioural and emotional disturbances³¹ due to their parents inability to meet their children needs as a result of their depression. All of these factors degrade the families' long term ability to properly protect and care for children.

Israel Should:

1. End home demolitions and community evictions.
2. Implement policies that ensure that Palestinian families are able to adequately provide for and protect their children.

Conclusions

There is a need for security for both Palestinian and Israeli citizens, but both peoples must recognize that their security cannot come at the expense of the other party. In the current situation children live in a context suffused with violence, fear, anxiety, and limited prospects for a better future. Immediate steps must be taken to end this state of affairs, hold those responsible for human rights violations to account, and create an environment in which all children's rights are protected and respected.

¹ UN Committee on the Rights of the Child Summary Record of the 829th Meeting, Paragraphs 20-21, CRC/C/SR.829 10 October 2002

² Last updated 23 June 2008. Retrieved 10 July 2008 from <http://www.ifamericansknew.org/>.

³ All data from 2006, 2007, and 2008 UN OCHA Humanitarian Monitors, [OCHA](#)

⁴ See: Children Behind Bars, Issue 26 22 October 2004, DCI-Palestine <http://www.dci-pal.org/english/display.cfm?DocId=292&CategoryId=10>

⁵ The Gaza Strip: A Humanitarian Implosion, http://www.savethechildren.org.uk/en/54_5032.htm

⁶ Closure obstacles include but are not limited to checkpoints, partial checkpoints, road blocks, road gates, earth mounds and trenches.

⁷ OCHA closure update: occupied Palestinian territory (May 2008). *UN Office for the Coordination of Humanitarian Affairs (OCHA)*, Retrieved 8 July 2008 from <http://www.ochaOPT.org/documents/UpdateMay2008.pdf>.

⁸ Alternative Report to the State of Israel's First Periodic Report to the Committee on the Rights of the Child. (March 2002). Submitted by Defence for Children International/ Palestine Section and Endorsed by The Palestinian Child Rights Coalition. Retrieved 9 July 2008 from http://www.crin.org/docs/resources/treaties/crc.31/Israel_PalestineCoal_ngo_report.pdf.

⁹ The effect of the Israeli occupation on the Palestinian education from 28/9/2000- 14/5/2008), *PA Ministry of Education and Higher Education*. Retrieved 8 July 2008 from <http://www.mohe.gov.ps/downloads/textdoc/assE.doc>.

¹⁰ See for Example: Inputs from Israel/OPT working Group on Security Council Resolution 1612 for the Global Horizontal Note (GHN) on the Monitoring and Reporting of grave violations against children in situations of armed conflict, information from February 1st to march 31st 2008.

¹¹ Area C is 60% of the West Bank and 70,000 Palestinians live in this area.

¹² Home demolitions and stop work order on village school construction (14 February 2006). *Israeli Committee Against Home Demolition (ICAHD)-US*. Retrieved 7 July 2008 from <http://icahdusa.org/2006/34>.

¹³ Ofran, H. (February 2008). Area C: Palestinian Construction and Demolition Stats, *Peace Now*. Retrieved 7 July 2008 from <http://www.peacenow.org.il/site/en/peace.asp?pi=61&fld=495&docid=3159>.

¹⁴ Second Class: Discrimination against Palestinian Arab children in Israel's schools (September 2001). *Human Rights Watch*, Retrieved 7 July 2008 from <http://www.hrw.org/reports/2001/israel2/index.htm#TopOfPage>.

¹⁵ Trablesi-Haddad, T. (7 May 2006). The education ministry discriminates against the Arab educational system, *Yedioth Aharonoth* as cited by Hever, S. (July-September 2007). Education in East Jerusalem: Report on the educational system in East Jerusalem (no 13-15). The economy of the occupation, a socioeconomic bulletin, *Alternative Information Center (AIC)*. Retrieved 7 July 2008 from http://www.alternativenews.org/images/stories/downloads/Economy_of_the_occupation_13-15%20.pdf.

¹⁶ Hever, S. (July-September 2007). Education in East Jerusalem: Report on the educational system in East Jerusalem (no 13-15). The economy of the occupation, a socioeconomic bulletin, *Alternative Information Center (AIC)*. Retrieved 7 July 2008 from http://www.alternativenews.org/images/stories/downloads/Economy_of_the_occupation_13-15%20.pdf.

¹⁷ "The Scandal Continues: An Assessment of the Arab-Palestinian Educational System in East Jerusalem in the 2007-2008 School Year, report of the Coalition for the Advancement of Arab Education in East Jerusalem (September 2007) Retrieved 17 July 2008 from [http://www.ir-amim.org.il/Eng/_Uploads/dbsAttachedFiles/EducationReport2007Eng\(1\).doc](http://www.ir-amim.org.il/Eng/_Uploads/dbsAttachedFiles/EducationReport2007Eng(1).doc)

¹⁸ Golan, Dafna, "Na'imma is threatening the Jewish majority", *Ha'aretz*, 3 October 2007

¹⁹ Expansion and annexation wall and its impact on the educational process (2004). *PA Ministry of Education and Higher Education*, Retrieved 6 July 2008 from <http://www.mohe.gov.ps/downloads/pdf/files/wallE.pdf>.

²⁰ Kevorkian, N. S. (2007) Facing the wall: Palestinian children and adolescents speak about the Israeli Separation Wall. *World Vision Jerusalem, West Bank, Gaza*.

²¹ For more information refer to: UN Humanitarian Monitor for the Occupied Territories, http://www.ochaopt.org/?module=displaysection§ion_id=118&static=0&format=html

²² The humanitarian impact of the West Bank barrier on Palestinian communities: Update no. 7 (June 2007). UN OCHA. Pg. 31

²³ Health conditions in the occupied Palestinian territory including East Jerusalem and occupied Syrian Golan: progress report (22 May 2006). World Health Organization, 59th World Health Assembly. Retrieved 8 July 2008 from http://www.who.int/gb/ebwha/pdf_files/WHA59/A59_ID3-en.pdf.

²⁴ Ibid.

²⁵ Weingarten, M. (August 2007). Emergencies on hold: Entry of Palestinian ambulances into East Jerusalem, Physician for Human Rights Israel. Retrieved 9 July 2008 from http://www.phr.org.il/phr/files/articlefile_1192527200671.pdf.

²⁶ Ibid.

²⁷ Ofran, H. (February 2008). Area C: Palestinian Construction and Demolition Stats, *Peace Now*. Retrieved 7 July 2008 from <http://www.peacenow.org.il/site/en/peace.asp?pi=61&fld=495&docid=3159>.

²⁸ Through No Fault of Their Own: Israel's Punitive House Demolitions in the al-Aqsa Intifada. B'Tselem Information Sheet. November 2004.

²⁹ There may be some overlap between the 98 communities identified by Ma'an and the 198 communities identified by UNRWA

³⁰ Qouta, S., Punamaki, R-L., El-Sarraj, E. (1998). House demolition and mental health: Victims and witnesses. *Journal of Social Distress and Homeless*, 6(3), 203 – 211.

³¹ Low, S., & Stocker, C. (2005). Family functioning and children's adjustment: Associations among parents' depressed mood, marital hostility, parent-child hostility, and children's adjustment. *Journal of Family Psychology*, 19(3), 394-403.