



CHILD RIGHTS BULLETIN

For the 31st of March – 27th of May 2015

The United Nations Convention on the Rights of the Child (CRC) was ratified by Israel in 1991 and by Palestine in 2014, making both state parties bound by the obligations set out in the CRC.¹ The CRC provides children with a distinct set of rights covering all aspects of a child's life. The CRC applies to Palestinian children in the occupied Palestinian territory (OPT), which comprise the West Bank, including East Jerusalem, and Gaza. As the occupying state, Israel has a general responsibility under international conventions, including the CRC, for the safety, welfare and human rights protection of civilians living in the OPT.²

The incidents and statistics outlined in this bulletin have been collated from the United Nations Office for the Coordination of Humanitarian Affairs and the Palestinian Centre for Human Rights. They engage specific rights of the CRC which are also highlighted in this bulletin. Some of these incidents raise serious concerns that state parties have breached obligations to protect and realise children's rights provided by the CRC. This includes an overarching obligation of the CRC to ensure the best interests of the child is a primary consideration in all decisions and actions that affect children.³

LPHR gives special thanks to Angelina Nicolaou, Diana Czugler, Emma Fullerton and Matthew Lai for their excellent work preparing this bulletin.

¹ https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en

² http://www.btselem.org/gaza_strip/israels_obligations

³ Article 3, UN Convention on the Rights of the Child



FATALITIES

Two children died in the West Bank and Gaza: Israeli armed forces shot and killed a 17-year-old boy, Ali Abu Ghannam, in the West Bank on 25 April 2015. The incident occurred in the context of an alleged attempt to stab Israeli forces at Al Za'ayyem checkpoint in Jerusalem.^{4 5} Article 6(1) of the CRC states that every child has the inherent right to life.⁶

A Palestinian child was killed when a fire broke out inside his home in the north of Gaza City, where candles were being used during a power outage. Due to long electricity outages, lasting for 12-16 hours day, unsafe methods for lighting and heating are resorted to.⁷ Article 27(1) of the CRC stipulates the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. Article 24(2)(a) of the CRC specifies that State Parties should take measures to diminish child mortality.⁸

INJURIES

74 children were injured by Israeli forces in the West Bank and Gaza: Israeli armed forces in clashes wounded fifty-seven children during demonstrations across the West Bank.⁹ Israeli forces shot a 10-year-old as he

4 United Nations Office for the Coordination of Humanitarian Affairs 'Weekly Highlights' 21-27 April <<http://www.ochaopt.org/poc21april-27april.aspx>>

5 http://www.dci-palestine.org/first_child_fatality_of_2015_as_israeli_police_shoot_teenager_dead

6 Convention on the Rights of the Child <http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf>

7 United Nations Office for the Coordination of Humanitarian Affairs 'Weekly Highlights' 14-20 April <<http://www.ochaopt.org/poc14april-20april.aspx>>

8 Convention on the Rights of the Child <http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf>



returned from school.¹⁰ The boy sustained a serious wound to the left eye.¹¹ Ten children were injured during Israeli forces' incursions into the West Bank.¹² Five children were wounded by shooting at the Access Restricted Areas in the Gaza Strip.¹³ A child was injured by shrapnel when Israeli gunboats opened fire at a fishing boat, 3 nautical miles off al-Sudaniya shore, north of Gaza City.¹⁴ Article 3(2) of the CRC affords children with the protection and care necessary for their well being, and Article 15(1) of the CRC provides for the rights of the child to freedom of peace assembly.¹⁵

SETTLER VIOLENCE

At least four children and an 18-month-old baby were injured by Israeli settlers.¹⁶ Two Palestinian girls, 11 and 16-years-old, were injured in Hebron.¹⁷ A 17-year-old boy was assaulted by settlers near Al Ibrahim Mosque in Hebron.¹⁸ A group of settlers beat a 12 year-old, in the old city in East Jerusalem.¹⁹ An alleged deliberate hit and run incident by a settler, resulting

⁹ United Nations Office for the Coordination of Humanitarian Affairs 'Weekly Highlights' 31 March-13 May; 14-20 April; 21-27 April; 28 April-4 May; 5-11 May & 12-18 May and Palestinian Centre for Human Rights Weekly Report 21-27 May <<http://www.ochaopt.org/reports.aspx?id=104>> <http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=11053:weekly-report-on-israeli-human-rights-violations-in-the-occupied-palestinian-territory-21--27-may-2015&catid=84:weekly-2009&Itemid=183>

¹⁰ Palestinian Centre for Human Rights Weekly Report 21-27 May <http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=11053:weekly-report-on-israeli-human-rights-violations-in-the-occupied-palestinian-territory-21--27-may-2015&catid=84:weekly-2009&Itemid=183>

¹¹ Ibid.

¹² Palestinian Centre for Human Rights Weekly Reports 14-20 May; 7-13 May & 2-8 April <http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=category&id=84&Itemid=183>

¹³ Palestinian Centre for Human Rights Weekly Reports 7-13 May; 2-8 April; 16-22 April & 23-28 April <http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=category&id=84&Itemid=183>

¹⁴ Palestinian Centre for Human Rights Weekly Reports 21-27 May <http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=11053:weekly-report-on-israeli-human-rights-violations-in-the-occupied-palestinian-territory-21--27-may-2015&catid=84:weekly-2009&Itemid=183>

¹⁵ Convention on the Rights of the Child <http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf>

¹⁶ <http://www.ochaopt.org/poc12may-18may.aspx>

¹⁷ United Nations Office for the Coordination of Humanitarian Affairs 'Weekly Highlights' 12-18 May & 31 March-13 May <<http://www.ochaopt.org/reports.aspx?id=104>>

¹⁸ United Nations Office for the Coordination of Humanitarian Affairs 'Weekly Highlights' 21-27 April <<http://www.ochaopt.org/poc21april-27april.aspx>>

¹⁹ Palestinian Centre for Human Rights Weekly Reports 2-8 April <http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=10945:weekly-report-on-israeli-human-rights-violations-in-the-occupied-palestinian-territory-02--08-april-2015&catid=84:weekly-2009&Itemid=183>



in the injury of a five-year-old child, was reported in Ar Rifa'iyya, Hebron.²⁰ Children were attacked by settlers in Tal Al-rumaida neighbourhood in Hebron.²¹ Article 3(2) of the CRC provides that states should ensure the protection and care of children as is necessary for their well-being.²² Article 39 of the CRC stipulates that states should take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of any form of abuse and that such recovery and reintegration should take place in an environment which fosters the health, self-respect and dignity of the child.²³

UNEXPLODED ORDNANCE (UXO)

Forty-five children were injured by unexploded ordnance: Two children were injured while tampering with unexploded ordnance (UXO), southeast of Deir al Balah.²⁴ Two children, aged five and six years old, from Azzun Atma, Qalqiliya were injured when playing with an unexploded sound grenade near the Separation Barrier/Wall in the West Bank. Three children, aged between 13 and 15, were injured when tampering with an UXO west of Gaza City.²⁵ An 11 year old girl was injured when tampering with an UXO in the south east of Gaza City.²⁶ The explosion of an UXO injured 37 children in northern Gaza.²⁷

²⁰ United Nations Office for the Coordination of Humanitarian Affairs 'Weekly Highlights' 28 April-4 May <<http://www.ochaopt.org/poc28april-4may.aspx>>

²¹ Palestinian Centre for Human Rights Weekly Reports 7-13 May <http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=11029:weekly-report-on-israeli-human-rights-violations-in-the-occupied-palestinian-territory-07--13-may-2015&catid=84:weekly-2009&Itemid=183>

²² Convention on the Rights of the Child <http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf>

²³ Ibid.

²⁴ United Nations Office for the Coordination of Humanitarian Affairs 'Weekly Highlights' 31 March-13 April <<http://www.ochaopt.org/poc31march-13april.aspx>>

²⁵ United Nations Office for the Coordination of Humanitarian Affairs 'Weekly Highlights' 21-27 April <<http://www.ochaopt.org/poc21april-27april.aspx>>

²⁶ United Nations Office for the Coordination of Humanitarian Affairs 'Weekly Highlights' 5-11 May <<http://www.ochaopt.org/poc5may-11may.aspx>>

²⁷ Palestinian Centre for Human Rights Press Release 18 May <http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=11035%3Apchr-calls-for-serious-and-urgent-investigation-into-circumstances-of-explosion-in-training-site-of-palestinian-armed-groups-in-beit-lahia-which-injured-dozens-of>



The Israeli missile that caused the casualties was dropped on a site belonging to the Izziddin al Qassam Brigades during the military offensive on Gaza in 2014. **Please see below our 'in-focus' section on unexploded ordnance for more information on UXO and related legal analysis.**

ARRESTS

87 children were arrested in the West Bank and Gaza during the reporting period. Sixty-nine children were arrested following Israeli military incursions into the West Bank and East Jerusalem.²⁸ Article 3 of the CRC stipulates that the best interests of the child should be considered when children are dealt with through administrative bodies and the courts of law.²⁹ UNICEF has already observed that the Israeli military court system, as a whole, is not one, which considers the best interests of the child.³⁰

Four children were arrested during protests in the West Bank.³¹ Article 15(1) of the CRC stipulates the rights of the child to freedom of peaceful assembly.³²

civilians&catid=131%3Anew&Itemid=212>

28 Palestinian Centre for Human Rights Weekly Reports 2-8 April & 9-15 April

<http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=category&id=84&Itemid=183>

29 Convention on the Rights of the Child <http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf>

30 UNICEF 'Children In Israeli Military Detention Observations and Recommendations' Feb 2013

<http://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf>

31 Palestinian Centre for Human Rights Weekly Reports 9-15 April & 16-22

<http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=category&id=84&Itemid=183>

32 Convention on the Rights of the Child <http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf>



Nine children were arrested at checkpoints in the West Bank.³³ Five children were arrested in Gaza.³⁴ Article 37(b) of the CRC stipulates that no child shall be deprived of his or her liberty arbitrarily and that the arrest, detention or imprisonment of a child shall be used only as a last resort.³⁵

EDUCATION

Over 200 students had to be evacuated from As Sawiya Secondary Girls School in Nablus on the 23rd April 2015 due to heavy tear gas firing by Israeli forces at a group of youths, following claims by Israeli settlers of stone throwing at passing vehicles.³⁶ Article 28(1) of the CRC states the right of the child to education.³⁷

DISPLACEMENT

320 Palestinians, half of them children, from six small herding communities in the northern Jordan Valley, were temporarily displaced for several hours during two days in the context of a large Israeli military training exercise.³⁸ Article 16(1) of the CRC states that no child should be subjected to arbitrary interference with his or her privacy, family or home.³⁹

33 Palestinian Centre for Human Rights Weekly Reports 2-8 April; 7-13 May & 14-20 May
<http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=category&id=84&Itemid=183>

34 Palestinian Centre for Human Rights Weekly Reports 29 April-6 May <http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=11007:weekly-report-on-israeli-human-rights-violations-in-the-occupied-palestinian-territory-29-april--06-may-2015&catid=84:weekly-2009&Itemid=183>

35 Convention on the Rights of the Child <http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf>

36 United Nations Office for the Coordination of Humanitarian Affairs 'Weekly Highlights' 21-27 April
<<http://www.ochaopt.org/poc21april-27april.aspx>>

37 Convention on the Rights of the Child <http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf>

38 United Nations Office for the Coordination of Humanitarian Affairs 'Weekly Highlights' 28 April-4 May <<http://www.ochaopt.org/poc28april-4may.aspx>>

39 Convention on the Rights of the Child <http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf>



IN FOCUS

Forty-five children injured in a series of unexploded ordnance incidents since the middle of April.

Forty-five children have been injured by unexploded ordnance (UXO) across the occupied Palestinian territory since the middle of April 2015.⁴⁰ This figure represents a 137% increase on the total number of reported child UXO casualties – one killed and 19 injured – for the whole of 2014.⁴¹ This figure also stands in stark contrast with figures for the first three months of 2015 when no injuries in children were reported to be caused by UXO.⁴² So far in 2015 there have been no fatalities linked to these incidents.

Missiles, grenades, bombs, land mines and shells that did not explode when originally deployed by Israel's armed forces on the occupied Palestinian Territory are explosive remnants of war that carry a risk of detonation for decades. Such UXO may be hard to detect, lying deep entrenched in roads, paths and fields, and can often be found in close proximity to densely populated areas of the West Bank and Gaza. They can obstruct access to schools, community centres and other educational establishments as well as health facilities used by Palestinian children. They endanger children using playgrounds, sports grounds and beaches, and are indiscriminate in their destruction once they become accidentally activated. Handicap International

⁴⁰Two children injured southeast of Deir al Balah <http://www.ochaopt.org/poc31march-13april.aspx>

Two children injured near the Barrier <http://reliefweb.int/report/occupied-palestinian-territory/protection-civilians-weekly-report-21-27-april-2015-enarhe>

Three children injured west of Gaza City <http://reliefweb.int/report/occupied-palestinian-territory/protection-civilians-weekly-report-21-27-april-2015-enarhe>

Thirty-seven children injured in north eastern Gaza

http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=11034:pchr-calls-for-serious-and-urgent-investigation-into-circumstances-of-explosion-in-training-site-of-palestinian-armed-groups-in-beit-lahia-which-injured-dozens-of-civilians&catid=36:pchrpressreleases&Itemid=194

One child injured in southeast Gaza <http://www.ochaopt.org/poc5may-11may.aspx>

⁴¹ http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2015_03_english.pdf

⁴² Ibid.



UK has highlighted in a recent report that children in Gaza, and in particular young boys, have been identified as a major high-risk group that should be prioritised for risk education to prevent accidents.⁴³

On some occasions children stumble across half-buried UXO in the ground and are attracted by their curious colour, design and intriguing shape.⁴⁴ Tampering with UXO is likely to set them off, leading to loss of limb or even life. Such tampering led to eight of the child UXO casualties reported in this bulletin.⁴⁵

37 Children injured in one incident

Thirty-seven children were reportedly injured in a mass incident that happened under more uncommon but equally alarming circumstances. On the evening of the 14 May 2015, a huge explosion occurred in a paramilitary training site in the al-Salatin neighbourhood of Beit Lahia in the northern Gaza Strip. The site is located in a central, highly populated area and has been used as a training ground by the Izziddin al-Qassam Brigades who belong to the armed wing of Hamas. According to the field investigation carried out by the Palestinian Centre for Human Rights,⁴⁶ the explosion was caused by paramilitary personnel attempting to dismantle a missile dropped by Israeli warplanes during last summer's military offensive on Gaza. The explosion completely destroyed the training ground and damaged a number of nearby buildings. These included homes, shops and notably the schools of Um al-Fahem and Abu Ja'afar al-Mansour, as well as the al-'Atatrah Clinic. In

43 Children at risk from bombs under the rubble, 15 January 2015, http://www.handicap-international.org.uk/where_we_work/middle_east/palestinian_territories/Stories+from+the+field/20150115-children-at-risk-from-bombs-under-gaza-rubble

44 For further information see http://www.unicef.org/emergencies/index_landmines.html and <http://www.mineaction.org/>

45 See footnote 41 and the 'unexploded ordnance' section of this bulletin

46 http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=11034:pchr-calls-for-serious-and-urgent-investigation-into-circumstances-of-explosion-in-training-site-of-palestinian-armed-groups-in-beit-lahia-which-injured-dozens-of-civilians&catid=36:pchrpressreleases&Itemid=194



total, 108 civilians, including 37 children and 32 women, are reported to have sustained various wounds.

This incident highlights the dangers of leaving unexploded war remnants abandoned, undestroyed and non-neutralised in populous neighbourhoods with a high ratio of children, leading to an exceptionally large number of child casualties for an isolated UXO incident. The damage caused to schools and other public buildings further impacts the welfare and development of Palestinian children.

UXO and international law

Exposing children to the dangerous consequences of unexploded ordnance engages a number of articles of the UN Convention on the Rights of the Child (CRC)⁴⁷ to which both Israel and Palestine are signatories.⁴⁸ Under Article 38 of the CRC, governments must do everything they can to protect and care for children affected by war. Any incident where a Palestinian child is killed or injured by UXO involves a grave violation of their right to live, survive and develop healthily under Article 6 of the CRC. Creating a dangerous environment in public spaces such as playgrounds and sports sites breaches the right to leisure, play and culture under Article 31 of the CRC. Furthermore, UXO can obstruct access to schools and hospitals by posing a risk to children using public roads, while explosions can damage educational and other public institutions. These consequences breach Articles 28 and 24 of the CRC which guarantees the rights of children to access educational and health services respectively.

The presence of UXO breaches the general principles of distinction and proportionality governing the legal use of force under international law. The principle of distinction requires combatants to distinguish between civilians

⁴⁷ http://www.unicef.org/crc/files/Rights_overview.pdf

⁴⁸ <http://www.humanium.org/en/convention/signatory-states/>



and military objects and only target the latter. The intrinsically indiscriminate nature of UXO deployed in heavily populated areas put civilian and combatant lives equally at risk. The principle of proportionality requires the use of force which is proportional to the direct military advantage to be gained. UXO causes excessive and disproportionate collateral civilian damage including the destruction of infrastructure used by children as well as serious physical injuries. Breach of the general principles of distinction and proportionality represent serious violations of international humanitarian law.

Furthermore, leaving unexploded war remnants behind after the conclusion of armed conflicts violates Protocol V of the United Nations Convention on Certain Conventional Weapons.⁴⁹ Protocol V requires the removal of unexploded remnants of war as soon as feasible after the cessation of active hostilities. This is the responsibility of the party with control over a certain territory and includes the provision of financial, material, technical or human resources assistance to facilitate the removal and neutralisation.

7,000 UXOs in Gaza

There are approximately 7,000 unexploded ordnance in Gaza alone following last summer's military offensive, according to official UN figures.⁵⁰ In response to the continuing threat posed by UXO, UNICEF established a dedicated mine action taskforce which runs emergency Mine Risk Education training sessions for the civilian population in the occupied Palestinian territory.⁵¹ In addition, the UN Secretary-General mandated the UN Mine Actions Services (UNMAS) to implement an Emergency Explosive Threat Mitigation Response plan for Gaza.⁵² The three-phase plan, launched on 27 Jul 2014, envisages the identification, risk assessment, survey and clearance of UXO. In a press release dated 8 April 2015, UNMAS highlighted that UXO

⁴⁹ [http://www.unog.ch/80256EE600585943/\(httpPages\)/4F0DEF093B4860B4C1257180004B1B30?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/4F0DEF093B4860B4C1257180004B1B30?OpenDocument)

⁵⁰ <http://www.mineaction.org/programmes/state-palestine>

⁵¹ <http://www.mineaction.org/issues/education>



presents a continuing significant risk for civilians and hampers humanitarian and reconstruction operations in Gaza.⁵³

⁵²[http://www.mineaction.org/sites/default/files/CAPPProjectSheet_1036_2014731_UNMAS%20Gaza%20response%202014%20\(rev%20final\).pdf](http://www.mineaction.org/sites/default/files/CAPPProjectSheet_1036_2014731_UNMAS%20Gaza%20response%202014%20(rev%20final).pdf)

⁵³ http://www.mineaction.org/sites/default/files/pr/PR_Gaza_MADay_2015.pdf