



## **LPHR CHILD RIGHTS BULLETIN**

**(for the period 4 October – 26 December 2016)**

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.<sup>1</sup> 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.

The incidents and statistics outlined in this bulletin have principally been collated from the United Nations Office for the Coordination of Humanitarian Affairs and the Palestinian Centre for Human Rights (in Gaza). 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 are a primary consideration in all decisions and actions that affect children.<sup>2</sup>

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1 [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-11&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en)

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



In addition to providing a broad overview of the landscape of serious human rights incidents affecting children in the oPt over the reporting period, this specific bulletin concludes with an in-focus section that looks at the rise in the number of demolitions and confiscations of donor-funded humanitarian aid structures.

LPHR gives special thanks to Jana Mainwaring and Silvia Florea for their excellent work preparing this bulletin.

## **FATALITIES**

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**5 Palestinian children died during the reporting period. Of these, 3 children were killed by Israeli forces, one child died of wounds sustained when shot by Israeli forces in October and one child was killed by an unknown perpetrator. LPHR Child Rights Bulletins have documented 40 child fatalities across the oPt during 2016. Defence for Children International Palestine has highlighted that 2016 was the deadliest year of the last decade for Palestinian children in the occupied West Bank, with 32 Palestinian children killed by Israeli forces and security guards.<sup>3</sup>**

1. On 12 October, 10-year-old Abdullah Naser Atwa Abu Madeef was killed by an unknown assailant, when a bullet entered the ceiling of his family's makeshift home, in Qarara village, Khan Younis, in the southern Gaza Strip. The bullet struck Abdullah in the back while he slept.<sup>4</sup> Children from internally displaced households living in makeshift housing make up a particularly vulnerable population in Gaza. Israel's 50-day military offensive on Gaza between 8 July-26 August 2014, code-named 'Operation Protective Edge,' destroyed or severely

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<sup>3</sup> [http://www.dci-palestine.org/children\\_in\\_west\\_bank\\_face\\_deadliest\\_year\\_of\\_past\\_decade?utm\\_campaign=1\\_30newsletter&utm\\_medium=email&utm\\_source=dcipalestine](http://www.dci-palestine.org/children_in_west_bank_face_deadliest_year_of_past_decade?utm_campaign=1_30newsletter&utm_medium=email&utm_source=dcipalestine)

<sup>4</sup> [http://www.dci-palestine.org/sleeping\\_10\\_year\\_old\\_boy\\_shot\\_dead\\_in\\_gaza\\_shooter\\_unknown](http://www.dci-palestine.org/sleeping_10_year_old_boy_shot_dead_in_gaza_shooter_unknown)



- damaged 19,000 homes. The illegal closure on Gaza has slowed reconstruction.<sup>5</sup> As of April 2016, OCHA estimated that 44,000 children remained displaced and 4.5% were living in tents or other makeshift shelters.<sup>6</sup>
2. On 20 October, Israeli forces shot dead 15-year-old Khaled Bahar Ahmed Bahar in Beit Z'etah. Khaled was shot in the back by a bullet from a distance of 10-metres, whilst running away after throwing a stone at an Israeli military jeep.<sup>7</sup> A Palestinian Red Crescent Society (PRCS) ambulance was prevented from accessing Khaled by Israeli forces.<sup>89</sup> An internal Israeli investigation found Khaled was posing no mortal threat when killed. It concluded that in this case, and several others, Israeli soldiers could have responded differently.<sup>10</sup> As of 2 December 2016, the Israeli authorities had not returned Khaled's body to his family.<sup>11</sup>
  3. On 25 November, Israeli forces shot and killed 14-year-old Mohamed Nabil Jawdat Salam, at Shu'fat checkpoint in East Jerusalem.<sup>12</sup> The Palestinian Centre for Human Rights reports that Mohamed was in a bus heading from Shu'fat refugee camp to Jerusalem. When the bus arrived at Shu'fat checkpoint, Israeli

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5 [http://www.dci-palestine.org/two\\_and\\_a\\_half\\_years\\_on\\_the\\_gaza\\_war\\_claims\\_another\\_child\\_victim](http://www.dci-palestine.org/two_and_a_half_years_on_the_gaza_war_claims_another_child_victim)

6 UN Office for the Coordination of Humanitarian Affairs in the occupied Palestinian territory, April 2016. See, [http://www.ochaopt.org/documents/idps\\_report\\_april\\_2016\\_english.pdf](http://www.ochaopt.org/documents/idps_report_april_2016_english.pdf)

7 Protection of Civilians Report | 4 - 17 October 2016, <http://www.ochaopt.org/content/protection-civilians-report-4-17-october-2016>

8 <http://pchgaza.org/en/?p=8507>

9 <http://pchgaza.org/en/?p=8507>

10 [http://www.dci-palestine.org/mourning\\_a\\_dead\\_brother\\_without\\_his\\_body](http://www.dci-palestine.org/mourning_a_dead_brother_without_his_body)

11 [http://www.dci-palestine.org/mourning\\_a\\_dead\\_brother\\_without\\_his\\_body](http://www.dci-palestine.org/mourning_a_dead_brother_without_his_body)

12 <http://www.ochaopt.org/content/protection-civilians-weekly-report-15-28-november-2016>;  
<http://pchgaza.org/en/?p=8605>



- soldiers ordered all passengers out of the bus, searched them and checked their IDs. While searching Mohamed, one Israeli soldier directly opened fire at him. According to the Israeli police spokesperson, Mohamed attempted to stab soldiers. The Palestinian Centre for Human Rights contests this version of events on the basis of its investigations. No Israeli soldiers were injured. Mohamed was left bleeding for over an hour until he succumbed to his wounds. Eyewitnesses stated that Israeli forces prevented PRCS paramedics from offering Mohamed help. The Israeli authorities withheld Mohamed's body.<sup>13</sup>
4. Israeli forces shot dead 17-year-old Ahmad Hazem Atta Zeidani, on 18 December in the West Bank village of Beit Rima, northwest of Ramallah. He sustained a fatal gunshot wound to the chest, just after midnight, during violent clashes between Palestinians and Israeli forces, according to witnesses.<sup>14</sup>
  5. On 23 December, 15-year-old Fares al-Bayed died of wounds sustained in Al Jalazun refugee camp (Ramallah) after Israeli forces shot him in the forehead during clashes at the entrance of the camp in October 2016.<sup>15</sup> Reportedly, Fares had been attending a march in commemoration of a 14-year-old killed by Israeli forces when he joined a group clashing with Israeli soldiers in an area between the UNRWA boys' school in Jalazoun and the nearby Beit El settlement. An internal Israeli forces document stated that approximately 50 Palestinians threw stones, rolled burning tires, and hurled firebombs toward the settlement. Israeli soldiers responded with live rounds, rubber-coated metal bullets, and tear gas.

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<sup>13</sup> Protection of Civilians Weekly Report | 15 – 28 November 2016,  
<http://www.ochaopt.org/content/protection-civilians-weekly-report-15-28-november-2016>

<sup>14</sup> [http://www.dci-palestine.org/children\\_in\\_west\\_bank\\_face\\_deadliest\\_year\\_of\\_past\\_decade?utm\\_campaign=1\\_30newsletter&utm\\_medium=email&utm\\_source=dcipalestine](http://www.dci-palestine.org/children_in_west_bank_face_deadliest_year_of_past_decade?utm_campaign=1_30newsletter&utm_medium=email&utm_source=dcipalestine)

<sup>15</sup> <http://www.ochaopt.org/content/protection-civilians-report-13-26-december-2016>;  
<http://pchrgaza.org/en/?p=8666>



According to Israeli media, the internal army investigation found the shooting justified, but faulted the conduct of the soldiers. Accountability for shootings by Israeli forces is extremely rare. Only one incident since 2014 has resulted in an indictment.<sup>16</sup>

Article 6(1) of the CRC states that every child has the inherent right to life. Any incident where a Palestinian child is killed involves a grave violation of their right to live, survive and develop healthily under Article 6 of the CRC. Part of providing meaningful protection under the CRC involves review of and accountability for child deaths. To fulfil its obligations under international law, it is necessary that Israel review the circumstances and causes of the above-mentioned deaths and open credible investigations into each of the killings. Given B'Tselem's powerful critique of the credibility of Israel's military investigation process for the killing of Palestinians by Israeli military forces, there is a substantial concern that Israel is breaching this grave 'right to life' obligation under the CRC.<sup>17</sup> Gaza police must also conduct a thorough investigation into the causes of the above-mentioned death of a 10 year old in Gaza.

Two of the above-mentioned child fatalities included incidents in which the child involved was denied immediate medical attention at the scene. Article 24 (1) of the CRC states that is the duty of all States Parties to recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health, and that all States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services. When read in conjunction with Article 6(2), which provides that State Parties shall ensure to the maximum extent possible the survival and development of the child, it is clear that Israel is failing to fulfil its obligations under international law. Further information and statist-

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16 [http://www.dci-palestine.org/children\\_in\\_west\\_bank\\_face\\_deadliest\\_year\\_of\\_past\\_decade](http://www.dci-palestine.org/children_in_west_bank_face_deadliest_year_of_past_decade)

17 [http://www.btselem.org/press\\_releases/20160525\\_occupations\\_fig\\_leaf](http://www.btselem.org/press_releases/20160525_occupations_fig_leaf)



ics regarding the obstruction by Israeli forces of medical response teams can be found here: <http://lphr.org.uk/latest-news/child-rights-bulletin-for-the-period-27-october-28-december-2015/>

## **INJURIES**

**At least 77 Palestinian children were injured by Israeli forces across the oPt, many of them during clashes which occurred during demonstrations and search and arrest operations. 4 Israeli children were injured by Palestinians throwing stones at cars and trains in the Hebron and Bethlehem governorates.**

Injuries included:

- At least 22 children were injured across the oPt in clashes with Israeli forces between 4–22 October. Clashes occurred during protests next to the perimeter fence in the Gaza Strip, in the West Bank, during search and arrest operations and during a punitive demolition in Nablus city.<sup>18</sup>
- On 13 October, a 12-year-old boy was injured in Beit Soreek village, northwest of Jerusalem, when Israeli forces fired a tear gas canister at his head. The boy suffered concussion as a result.<sup>19</sup>
- On 15 October, Israeli forces opened fire at the entrance to al-Jalazoun refugee camp, north of Ramallah injuring 2 children. One of the children, a 15-year-old boy, was hit with a rubber-coated metal bullet to the forehead, with his wound being classified as serious.<sup>20</sup>

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18 Protection of Civilians Report | 4 - 17 October 2016, <http://www.ochaopt.org/content/protection-civilians-report-4-17-october-2016>

19 <http://pchgaza.org/en/?p=8494>

20 <http://pchgaza.org/en/?p=8494>



- 13 children suffered injuries during clashes with Israeli forces in the oPt between the 18 – 31 October. Clashes occurred next to the perimeter fence separating Gaza from Israel and in the West Bank, during search and arrest operations, weekly demonstrations and a protest regarding a power cut.<sup>21</sup>
- According to Israeli media reports, four Israeli children were injured as a result of Palestinians throwing stones and Molotov cocktails at Israeli vehicles in the Hebron and Bethlehem governorates in October.<sup>22</sup>
- On 21 October, a 16-year-old boy was hit with a bullet in the right leg and bullet shrapnel in the left hand when Israeli soldiers stationed along the Gaza border fence, east of al-Shuja'yah neighbourhood, fired live ammunition at dozens of young men, who were on their way to Nahal 'Oz.<sup>23</sup>
- A Palestinian infant suffered injury due to tear gas inhalation during clashes between Palestinian security forces and Palestinian civilians in Balata refugee camp (Nablus).<sup>24</sup>
- Between 1–14 November, at least 19 children were injured by Israeli forces during multiple clashes across the oPt. Clashes erupted during search and arrest operations; during weekly demonstrations against the Separation Barrier and settlements and during events commemorating the 12th anniversary of the death of former Palestinian President Yasser Arafat.<sup>25</sup>

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21 <http://www.ochaopt.org/content/protection-civilians-report-18-31-october-2016>

22 <http://www.ochaopt.org/content/protection-civilians-report-18-31-october-2016>;  
<http://www.ochaopt.org/content/protection-civilians-report-4-17-october-2016>

23 <http://pchgaza.org/en/?p=8507>

24 <http://www.ochaopt.org/content/protection-civilians-report-18-31-october-2016>

25 <http://www.ochaopt.org/content/protection-civilians-report-1-14-november-2016>



- A 15-year old Palestinian child was injured in the Gaza strip when an Explosive Remnant of War (ERW) exploded while he was playing with it near his school in Rafah.<sup>26</sup>
- On 10 November, a 15-year-old boy from al-Jalazoun refugee camp was wounded as he gathered with other young people at the northern entrance to Birzait village, north of Ramallah, to participate in a commemoration of the 12th death anniversary of Yasser Arafat.<sup>27</sup>
- On 11 November, a 13-year old child was hit by a tear gas canister to the right leg during the weekly demonstration of Kufr Qaddoum, northeast of Qalqilya.<sup>28</sup>

Article 15(1) of the CRC provides for the right of the child to freedom of peaceful assembly. Article 3(2) of the CRC affords that states shall ensure children the protection and care necessary for their well-being. The excessive use of force for the purposes of containing or silencing protests is a violation of these rights and denies children the protection and care promulgated in the CRC.

## **SETTLER VIOLENCE**

### **Incidents of settler violence affecting Palestinian children included:**

- In October, Israeli settlers physically assaulted and injured a 6-year-old Palestinian boy in Silwan (East Jerusalem).<sup>29</sup>

<sup>26</sup> <http://www.ochaopt.org/content/protection-civilians-report-1-14-november-2016>

<sup>27</sup> <http://pchgaza.org/en/?p=8556>

<sup>28</sup> <http://pchgaza.org/en/?p=8556>

<sup>29</sup> <http://www.ochaopt.org/content/protection-civilians-report-18-31-october-2016>



- On 30 October an Israeli settler pepper-sprayed and physically assaulted a 10-year-old boy while he was taking a short-cut home from school, in the East Jerusalem neighbourhood of Silwan. The Israeli settler approached the boy on a motorcycle and knocked him to the ground, before dousing his eyes with pepper spray and hitting his leg with a large rock. The settler then dragged the child to his house, where the boy was detained by Israeli police and interrogated without the presence of a parent or lawyer.<sup>30</sup>
- Between 1 – 14 November, 3 children were injured whilst olive picking, in 3 separate incidents involving Israeli settlers in the West Bank.<sup>31</sup>
- Israeli settlers physically assaulted and injured a Palestinian child while he was on his way to school in the Israeli-controlled H2 area of Hebron city.<sup>32</sup>

Unimpeded regular occurrences of violence against Palestinian children suggests that Article 3(2) of the CRC, which provides that states should ensure the protection and care of children as is necessary for their well-being, is being breached. 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 abuse and that such recovery and reintegration should take place in an environment, which fosters the health, self-respect and dignity of the child.

## **ARRESTS**

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30 [http://www.dci-palestine.org/israeli\\_settler\\_physcially\\_assaults\\_10\\_year\\_old\\_palestinian\\_child](http://www.dci-palestine.org/israeli_settler_physcially_assaults_10_year_old_palestinian_child)

31 <http://www.ochaopt.org/content/protection-civilians-report-1-14-november-2016>

32 <http://www.ochaopt.org/content/protection-civilians-report-1-14-november-2016>



**There were at least 1089 Israeli search and arrest operations in the occupied West Bank including East Jerusalem during the reporting period and 15 such incursions in Gaza.<sup>33</sup> The incursions saw at least 79 children arrested.<sup>34</sup>**

On several occasions during the reporting period, Israeli forces used live ammunition during clashes triggered by military arrest raids, resulting in child injuries. The use of terrifying night raids on homes to arrest children was documented. Additionally, at least 3 children were arrested at Israeli military checkpoints.<sup>35</sup>

Incidents included:

- On 6 October, at approximately 1.00am, Israeli forces moved into 'Aiyda refugee camp, north of Bethlehem, where they raided and searched houses from which they arrested three 14-year-old boys.<sup>36</sup>
- On 7 November, at approximately 2.00am, Israeli forces moved into Hawsan village, west of Bethlehem. They raided and searched houses, arresting three brothers aged 14, 15 and 16-years-old.<sup>37</sup>
- On 27 November 2016, a 16-year-old youth from Nahhalin was arrested by Israeli soldiers at 5:00 am and accused of starting a fire by a nearby settlement. He was released without charge 15 hours later. The child's sworn testimony details how he was repeatedly beaten and threatened by interrogators.<sup>38</sup> His testimony can be read here.

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33 <http://www.ochaopt.org/reports/protection-of-civilians>

34 <http://www.ochaopt.org/reports/protection-of-civilians>

35 <http://pchgaza.org/en/?cat=47>

36 <http://pchgaza.org/en/?p=8468>

37 <http://pchgaza.org/en/?p=8534>

38 <http://www.militarycourtwatch.org/page.php?id=xCUpoHYbUea884430AYD82V6WSdk>



Article 37(c) of the CRC states that every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. Israeli forces continue to carry out military arrest operations at night. The routine use of night arrest operations designed to intimidate and terrify the targeted communities suggests that Israel is in breach of their duty under Article 37 of CRC. Many children report being ‘scared’ or ‘terrified’ when confronted with heavily armed soldiers in their homes and sometimes their bedrooms.<sup>39</sup> Also relevant is Article 3(1) of the CRC which provides: “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”.

## EDUCATION

### Infringements against education included:

- In October, Israeli forces raided Dar al Aytam School in the Old City of Jerusalem, arresting 14 students and the head of the school, as well as the Director of Al Waqf schools in Jerusalem.<sup>40 41</sup>
- Israeli forces raided the Orphans’ School in the Old City in Jerusalem on 10 October, 11 October, and twice on 12 October. The raids caused disorder in the school and disrupted children’s education. Reports state that soldiers chased students and searched them under the pretext of throwing stones and bottles at soldiers stationed in al-Aqsa mosque. They then arrested four students immediately after they left the school. The arrested children were 15, 16, and 17 years old. Soldiers also threatened to bring military brigades to raid the school,

<sup>39</sup> <http://www.militarycourtwatch.org/files/server/BRIEFING%20PAPER%20-%20OCT%202016.pdf>

<sup>40</sup> <http://pchgaza.org/en/?p=8494>

<sup>41</sup> <http://www.ochaopt.org/content/protection-civilians-report-18-31-october-2016>



and threatened to close the school for a month if the alleged behaviour was repeated.<sup>42</sup>

- On 11 October, Israeli forces arrested a director of education in Jerusalem, and summoned the director of Orphans' School in the Old City in Jerusalem, to refer to al-Mascobiya police centre for interrogation. A decision was then issued to deny the director access to the Old City for 45 days, alleging that he was responsible for students throwing stones and bottles at Israeli soldiers.<sup>43</sup>
- Israeli settlers physically assaulted and injured a Palestinian child while he was on his way to school in the Israeli-controlled H2 area of Hebron city.<sup>44</sup>
- Various movement restrictions imposed during the reporting period disrupted access to services.<sup>45,46</sup>

Article 28 of the CRC recognises that education should be accessible to all children on the basis of equal opportunity, obliging Israel to ensure that children in the oPt have unrestricted access to education. The above-mentioned movement restrictions affecting access to education; the arrest of schoolchildren and educational professionals; and the intimidation and injury of a schoolchild whilst trying to access his school suggest that the Israeli authorities have breached Article 28 of the CRC.

<sup>42</sup> <http://pchgaza.org/en/?p=8468>

<sup>43</sup> <http://pchgaza.org/en/?p=8468>

<sup>44</sup> <http://www.ochaopt.org/content/protection-civilians-report-1-14-november-2016>

<sup>45</sup> <http://www.ochaopt.org/content/protection-civilians-report-18-31-october-2016>

<sup>46</sup> <http://www.ochaopt.org/content/protection-civilians-report-18-31-october-2016>



## **DISPLACEMENT & DEMOLITIONS**

**At least 185 Palestinian owned structures were demolished, confiscated or destroyed, displacing at least 119 children. Additionally, 30 Israeli military training exercises saw at least 183 children temporarily displaced from their homes.<sup>47</sup>**

Two homes were destroyed in punitive demolitions, displacing 10 children:

1. On 11 October, in Nablus city, Israeli forces destroyed the family home of a Palestinian man accused of being part of an attack near Itamar settlement in October 2015, during which two Israeli settlers were killed. Eight people, including five children, were displaced as a result of the demolition.<sup>48</sup>
2. On 22 December, in Kafr 'Aqab in area of East Jerusalem, Israeli forces destroyed the family home of a Palestinian man who carried out an attack in October 2015, during which two Israelis were killed. One Palestinian woman and five children were displaced as a result.<sup>49</sup>

Between the resumption of punitive demolitions in July 2014 and 26 December 2016, the Israeli authorities have demolished or sealed 59 homes on punitive grounds, displacing 158 children.<sup>50</sup> On 25 June 2016, the UN Relief and Works Agency for Palestine Refugees called upon the Israeli authorities to put an end to the practice of punitive demolitions.<sup>51</sup>

<sup>47</sup> <http://www.ochaopt.org/reports/protection-of-civilians>

<sup>48</sup> <http://www.ochaopt.org/content/protection-civilians-report-4-17-october-2016>

<sup>49</sup> <http://www.ochaopt.org/content/protection-civilians-report-13-26-december-2016>

<sup>50</sup> <http://www.ochaopt.org/content/protection-civilians-report-4-17-october-2016>;  
<http://www.ochaopt.org/content/protection-civilians-report-13-26-december-2016>

<sup>51</sup> <https://unispal.un.org/DPA/DPR/UNISPAL.NSF/47D4E277B48D9D3685256DDC00612265/AE0B9E3C295D2DED85257FDF0055200B>



Numerous other demolitions and displacements affecting children occurred during the reporting period. Incidents include:

- Between 4–17 October, the Israeli authorities demolished or confiscated 70 structures in nine Palestinian communities in Area C of the West Bank, displacing 40 children. Five of the incidents occurred in Palestinian Bedouin and herding communities at risk of forcible transfer, exacerbating the coercive environment pressuring the residents to leave. 27 of the targeted structures, including residential shelters, latrines and a water cistern, had been provided as humanitarian assistance in response to previous demolitions. The demolitions were justified on the grounds of a lack of Israeli issued building permits, which are very rarely issued to Palestinians living in Area C.<sup>52</sup>
- 372 children are at-risk of displacement in East Jerusalem as a result of eviction cases filed mainly by Israeli settler organizations claiming ownership over 180 Palestinian homes.<sup>53</sup> Between 1-14 November fortnight saw five Palestinian families (29 people) in the Silwan area of East Jerusalem receive eviction notices.
- Between 15-28 November, Israeli authorities demolished or requisitioned 18 structures, displacing 30 children. In Ma'azi Jaba (Jerusalem governorate) the authorities demolished 9 residential and livelihood-related structures previously provided as humanitarian assistance. This is one of 46 communities in the central West Bank at risk of forcible transfer due an Israeli plan to 'relocate' them.<sup>54</sup>

**Incidents of temporary displacement include:**

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<sup>52</sup> <http://www.ochaopt.org/content/protection-civilians-report-4-17-october-2016>

<sup>53</sup> <http://www.ochaopt.org/content/protection-civilians-report-1-14-november-2016>

<sup>54</sup> <http://www.ochaopt.org/content/protection-civilians-weekly-report-15-28-november-2016>



- On three occasions between 1-14 November, 59 children from Khirbet ar Ras al Ahmar and Ibziq were displaced for several hours each time, to make way for military exercises. Additionally, on 5 occasions between 15-28 November, Israeli forces displaced 84 children from two herding communities in the northern Jordan Valley (Khirbet ar Ras al Ahmar and Ibziq) for several hours each time, to make way for military training exercises. The two communities face regular demolitions and access restrictions, giving rise to concerns over the risk of forcible transfer.<sup>5556</sup>

Article 27 of the CRC protects children in terms of their standard of living, and seeks to ensure that this standard is adequate with respect to the child's physical, mental, spiritual, moral and social development. It further adds that State Parties are responsible for taking appropriate measures to provide assistance in respect to nutrition, clothing and housing. The actions of the Israeli government in rendering children and their parents homeless and disrupting families' livelihoods clearly violate both the letter and the spirit of Article 27 of the CRC. Furthermore, Article 16(1) of the CRC states that no child should be subjected to arbitrary interference with his or her privacy or family.

## **UPDATES FROM MILITARY COURT WATCH AND DEFENCE FOR CHILDREN INTERNATIONAL PALESTINE**

- Defence for Children International Palestine (DCIP) reports that Palestinian children who have been detained have their education disrupted due to the inadequate education they receive in detention.<sup>57</sup> Although the Israeli Prison Service (IPS) applies a rehabilitative framework for Israeli child prisoners, it uses

<sup>55</sup> <http://www.ochaopt.org/content/protection-civilians-report-1-14-november-2016>;

<sup>56</sup> <http://www.ochaopt.org/content/protection-civilians-weekly-report-15-28-november-2016>



a punitive, bare-bones approach for Palestinian child prisoners. The IPS is responsible for preparing all children detained in its facilities for reintegration upon release, under international law standards. The United Nations mandates that a child deprived of their liberty ‘shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.’ Given that three-quarters of Palestinian children who undergo Israeli military arrest are subjected to violence, a high number likely suffer from post-traumatic symptoms. However, IPS facilities for Palestinian children, unlike those for Israeli children, offer no therapeutic services.<sup>58</sup> More can be read here.

- Military Court Watch highlights the testimony of an Israeli soldier about the treatment of child detainees in the back of a military vehicle following an arrest.<sup>59</sup> The testimony can be viewed here.<sup>60</sup> DCIP reports that in several child injury and fatality cases highlighted by DCIP and local media, paramedics who arrived on the scene after an incident reported that Israeli forces prevented them from approaching children who had sustained gunshot wounds.<sup>61</sup>
- DCIP reports that of 32 children killed in the West Bank in 2016 by Israeli forces and security guards, 24 were accused of committing some kind of an attack. However, in several cases, DCIP evidence and Israeli internal investigations determined that the child did not pose a direct, mortal threat at the time they were killed. In fact, Israeli forces appeared to be implementing a shoot-to-kill policy, which, in some cases, may amount to extrajudicial killings.<sup>62</sup>

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57 [http://www.dci-palestine.org/prisoners\\_to\\_pupils\\_child\\_ex\\_detainees\\_struggle\\_to\\_rejoin\\_school](http://www.dci-palestine.org/prisoners_to_pupils_child_ex_detainees_struggle_to_rejoin_school)

58 [http://www.dci-palestine.org/prisoners\\_to\\_pupils\\_child\\_ex\\_detainees\\_struggle\\_to\\_rejoin\\_school](http://www.dci-palestine.org/prisoners_to_pupils_child_ex_detainees_struggle_to_rejoin_school)

59 <http://www.militarycourtwatch.org/page.php?id=cUMfVKRnDHa887283ABbx9GZSIlo>

60 <http://www.militarycourtwatch.org/video.php?file=X8Dtk6DSCna82737AsQwuTq742K>

61 [http://www.dci-palestine.org/children\\_in\\_west\\_bank\\_face\\_deadliest\\_year\\_of\\_past\\_decade](http://www.dci-palestine.org/children_in_west_bank_face_deadliest_year_of_past_decade)

62 [http://www.dci-palestine.org/children\\_in\\_west\\_bank\\_face\\_deadliest\\_year\\_of\\_past\\_decade](http://www.dci-palestine.org/children_in_west_bank_face_deadliest_year_of_past_decade)



- In addition to 2016's high death toll, DCIP documented 82 injuries to Palestinian children, more than half by live ammunition.<sup>63</sup>

## IN FOCUS

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### **The demolition and confiscation of humanitarian aid structures.**

The reporting period saw a number of humanitarian aid structures demolished or confiscated, reflecting the dramatic rise in the number of humanitarian aid items destroyed or confiscated by Israeli forces in 2016. 2016 saw more than 286 such structures demolished or seized. On 10 November 2016, the UN Coordinator for Humanitarian Aid and Development Activities, Robert Piper, reported a 165% increase from the total in 2015.<sup>64</sup> Piper condemned the Israeli authorities' continued obstruction of humanitarian assistance, stating that 'targeting the most vulnerable of the vulnerable and preventing them from receiving relief - especially as winter sets in - is unacceptable and runs counter to Israel's obligations as an occupying power'.<sup>65</sup>

The dismantling of emergency residential tents donated to a community in the Jordan Valley by an aid agency in response to the displacement of 25 people, including 10 children, caused by the demolition of their homes in September, is especially concerning.<sup>66,67</sup> Confiscation or destruction of aid structures in these circumstances render their inhabitants doubly displaced and contribute to a coercive environment, pressuring residents to permanently leave their homes. Such pressure could arguably constitute the unlawful and criminal forcible transfer of a protected population, as provided for by the Fourth Geneva Convention and the Rome Statute for the International Criminal Court.

The communities targeted during the reporting period suggest that demolitions of humanitarian aid are being carried out in order to contribute to a coercive environment

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63 [http://www.dci-palestine.org/children\\_in\\_west\\_bank\\_face\\_deadliest\\_year\\_of\\_past\\_decade](http://www.dci-palestine.org/children_in_west_bank_face_deadliest_year_of_past_decade)

64 <http://www.ochaopt.org/content/un-coordinator-aid-palestine-condemns-continued-obstruction-relief-items-pales> <http://www.ochaopt.org/content/un-coordinator-aid-palestine-condemns-continued-obstruction-relief-items-palestinian>

65 <http://www.ochaopt.org/content/protection-civilians-report-1-14-november-2016>

66 [http://www.btselem.org/facing\\_expulsion\\_blog?nid=149841](http://www.btselem.org/facing_expulsion_blog?nid=149841)

67 <http://www.ochaopt.org/content/protection-civilians-report-1-14-november-2016>;  
[http://www.btselem.org/facing\\_expulsion\\_blog?nid=149841](http://www.btselem.org/facing_expulsion_blog?nid=149841)



to pressure Palestinians living in areas earmarked by Israel to leave. For example, Khirbet Tana is located within an Israeli-declared ‘firing zone’. Such areas constitute nearly 30 % of Area C and are inhabited by more than 5,000 Palestinians.<sup>68</sup> The Israeli authorities regularly carry out demolitions in these communities.<sup>69</sup> Khirbet Tana has sustained four waves of demolitions since the start of 2016.<sup>70</sup> During the reporting period in November, Israeli officials targeted the community, seizing an aid organisation’s electric generator and metal-cutting machine.<sup>71</sup> Israeli authorities also took pictures of structures previously provided as humanitarian assistance, including one serving as a school, four water cisterns and six residential shelters.<sup>72</sup>

Another community located in a ‘firing zone’ that was targeted during the reporting period was Al Mirkez in Masafer Yatta. In December, the Israeli authorities seized a caravan provided by a humanitarian organization to the community. The caravan was to be used as a primary health centre.<sup>73</sup>

In December, an Israeli military training exercise resulted in damage to a water connection to the herding community of Khirbet Yarza, affecting 65 Palestinians.<sup>74</sup> The water connection had been provided as humanitarian assistance. The detrimental impact of undermining a means of obtaining water on children is clear.<sup>75</sup>

A high number of demolitions of relief structures occurred in areas marked for illegal Israeli settlements. About one quarter of the structures targeted in 2016 were in Palestinian Bedouin communities located within or near the area allocated to the E1 settlement expansion project, indicating that waves of demolitions are intended to coerce Palestinians living on land earmarked by Israel for settlements, to leave their homes.<sup>76</sup> Robert Piper states that through ‘a combination of law, policy and practice, Israel is building an increasingly coercive environment in Area C of the West Bank. This is

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68 <http://www.ochaopt.org/content/protection-civilians-report-13-26-december-2016>

69 [https://www.ochaopt.org/documents/ocha\\_opt\\_firing\\_zone\\_factsheet\\_august\\_2012\\_english.pdf](https://www.ochaopt.org/documents/ocha_opt_firing_zone_factsheet_august_2012_english.pdf)

70 <http://www.ochaopt.org/content/protection-civilians-report-1-14-november-2016>

71 <http://www.ochaopt.org/content/protection-civilians-report-1-14-november-2016>

72 <http://www.ochaopt.org/content/protection-civilians-report-1-14-november-2016>

73 <http://www.ochaopt.org/content/protection-civilians-report-13-26-december-2016>

74 <http://www.ochaopt.org/content/protection-civilians-report-13-26-december-2016>

75 <http://www.ochaopt.org/content/protection-civilians-report-13-26-december-2016>



both illegal and creating an entirely new reality on the ground'.<sup>77</sup>

Article 3 of the UN Convention on the Rights of the Child (CRC) obliges Israel to make the best interests of the child a primary consideration in all actions concerning children. The demolition of relief structures provided to families following demolitions which left them without shelter, is a clear breach of the duty imposed by Article 3. Actions which deprive children of shelter and disrupt the family environment are not made with the best interests of the child as a primary consideration.

Article 27 of the CRC protects children in terms of their standard of living, and seeks to ensure that this standard is adequate with respect to the child's physical, mental, spiritual, moral and social development. It further adds that State Parties are responsible for taking appropriate measures to provide assistance in respect to nutrition and housing. The above-mentioned demolitions and confiscations of humanitarian aid which rendered children and their parents homeless, clearly violate both the letter and the spirit of Article 27. The seizure of donor funded tents on 7 November in Khirbet Tell al Himma, provided to families following previous demolitions which left them without shelter or kitchens, is indicative of the seriousness of Israel's breach of Article 27 of the CRC.

Article 16(1) of the CRC states that no child should be subjected to arbitrary interference with his or her privacy or family. Demolitions of structures being used as homes where previous homes have been demolished, involve a clear arbitrary interference with a child's family life. Article 31 (1) provides the right of the child to rest and leisure, to engage in play and recreational activities. Demolitions of residential shelters and water tanks are likely to entrench poverty and undermine the fulfilment of basic needs like water and food.<sup>78</sup>

Article 20 of the CRC states that a 'child temporarily or permanently deprived of his or her family environment... shall be entitled to special protection and assistance provided by the State.' Incidents referred to above have demonstrated a lack of action on Israel's part to provide 'special protection and assistance' to these people, and in some circumstances, even temporary structures, which have been provided to effected families, have been dismantled. Not only is there a lack of protection and assistance, but

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76 <http://www.ochaopt.org/content/un-coordinator-aid-palestine-condemns-continued-obstruction-relief-items-palestinian>

77 <http://www.ochaopt.org/content/protection-civilians-report-1-14-november-2016>

78 <https://www.unrwa.org/newsroom/features/right-play-and-unrwa-meaningful-state-play>



a positive removal of assistance provided by third parties.

Article 18 (2) of the CRC obliges Israel to provide appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities. The above-mentioned incidents involving confiscation of or damage to water, health and electricity facilities, are clear violations of this obligation.

Demolitions which cause displacement or damage to livelihoods are likely to impact children in ways that substantially undermine the general purpose of the CRC, specifically the Preamble's recognition that children 'should grow up in a family environment, in an atmosphere of happiness'.

Demolitions of Palestinian property are a major problem in the oPt and aid demolitions make up only a small number of these. Israel demolished, dismantled, or confiscated 1090 Palestinian-owned structures in the West Bank, including East Jerusalem between January 1 and December 31, 2016, displacing 772 children.<sup>79</sup> 2016 saw the highest recorded demolition rate since the UN began recording demolitions in 2009.<sup>80</sup><sup>81</sup> The demolition of Palestinian homes and other property which make humanitarian aid necessary, must stop if Israel is to fulfil its obligations under the CRC.

Families who have been forcibly displaced must be allowed to return to their homes in safety and dignity, and be given compensation for any harm they have suffered, including the destruction of land, homes and property.

Finally, as referred to above, it's important to bear in mind the wider context of the continuing presence and expansion of illegal settlements construction which is a major contributing cause of demolitions and displacement. Implementing the recent UN Security Council resolution 2334 demand on Israel to 'immediately and completely cease all settlement activities' would be a significant step towards ending the demolitions and displacement that engages and appears to clearly breach a number of important international human rights, humanitarian and criminal law obligations. [For more on the human rights impact of illegal Israeli settlements in the occupied Palestinian territory and related third-state legal duties, please see LPHR's recent briefing [here](#)].

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<sup>79</sup> [http://www.dci-palestine.org/year\\_in\\_review\\_2016](http://www.dci-palestine.org/year_in_review_2016)

<sup>80</sup> <http://www.ochapt.org/content/record-number-demolitions-2016-casualty-toll-declines>

<sup>81</sup> <http://www.ochapt.org/content/un-coordinator-aid-palestine-condemns-continued-obstruction-relief-items-palestinian>