



LPHR CHILD RIGHTS BULLETIN

(for the period 27 December 2016 – 28 February 2017)

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.

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.²

1 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 impact of Israeli settlements on Palestinian children.

LPHR gives special thanks to Beatriz Esperança, Eva Milne and Justin Randle for their excellent work preparing this bulletin.

FATALITIES

1 Palestinian child was killed by Israeli forces during the reporting period.

On 16 January, a Border Police officer fatally shot 17-year-old Qusay al-Amour with four 0.22-inch calibre bullets during clashes between young men and Israeli soldiers at the southern entrance of Tuqu' village, Bethlehem.³ Although the Israeli army's open-fire regulations confine the use of 0.22-inch calibre bullets to cases of mortal danger, B'Tselem reports that such bullets have been almost routinely used as a means of crowd control, even in the absence of mortal danger, over the last two years.⁴

The Israeli forces Spokesperson released a statement indicating the shooting was in response to 'a violent disturbance involving some 200 Palestinians', which included stone and Molotov cocktail throwing at Israeli forces.⁵ However, the Israeli human rights organisation, B'Tselem, reports that this version of events has no basis in reality. Prior to

³ <http://pchgaza.org/en/?p=8722>

⁴ http://www.btselem.org/firearms/20170307_killing_of_qusai_al_amur

⁵ http://www.btselem.org/firearms/20170307_killing_of_qusai_al_amur



the shooting of Qusay, the clashes involved only stone throwing at Israeli forces by some 10 youths, according to B'Tselem. Reportedly, the clashes had practically stopped when the Border Police officer shot Qusay. B'Tselem's investigations found that Qusay and his friends were at a distance of 80 to 100 metres from the security forces, indicating that the youths did not pose any real danger. B'Tselem states that in these circumstances, the shooting was clearly unjustified and unlawful.

Video footage published online shows soldiers and Border Police officers violently seizing Qusay as he lies wounded on the ground, and dragging him away by his arms and legs, with his head and back repeatedly knocking against the ground. B'Tselem argues that the brutal manner in which the soldiers moved Qusay after he had been shot reflects their profound disregard for his life.⁶ The Military Police Investigations Unit and the Israeli Police have reportedly opened an investigation into the shooting.⁷ Whether any such investigation will be credible is in doubt. B'Tselem's report 'The Occupation's Fig Leaf: Israel's Military Law Enforcement System as a Whitewash Mechanism' notes that investigations are conducted negligently and that only very rarely are charges brought against soldiers.⁸

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

⁶ http://www.btselem.org/firearms/20170307_killing_of_qusai_al_amur

⁷ http://www.btselem.org/firearms/20170307_killing_of_qusai_al_amur

⁸ http://www.btselem.org/publications/summaries/201605_occupations_fig_leaf



circumstances and causes of the above-mentioned death and open credible investigations into the killing. B'Tselem suggests that the military law enforcement system 'makes no attempt to fulfill' its duty to investigate complaints filed against soldiers for harm caused to Palestinians in the West Bank, raising concern that any investigation into the abovementioned shooting will not be credible.⁹

INJURIES

At least 30 Palestinian children were injured by Israeli forces across the oPt. 1 Israeli infant was injured by Palestinians.

Injuries included:

- At least 12 children were injured by Israeli forces during multiple clashes across the West Bank between 10 – 23 January. Clashes erupted during a demolition in Jerusalem; the weekly demonstrations in Qalqiliya and Ramallah; four search and arrest operations and following the entrance of Israeli settlers to Joseph's Tomb in Nablus city.¹⁰
- In January, a 10-year old girl was injured when Israeli forces opened warning or direct fire at Palestinians present in, or approaching the Israeli-imposed Access Restricted Areas on land and sea in the Gaza Strip.¹¹
- A child was injured during a protest in Bal'in village, northwest of Ramallah on 13 January.¹²

⁹ http://www.btselem.org/publications/summaries/201605_occupations_fig_leaf

¹⁰ <https://www.ochaopt.org/content/protection-civilians-report-10-23-january-2017>

¹¹ <https://www.ochaopt.org/content/protection-civilians-report-10-23-january-2017>

¹² <https://pchgaza.org/en/?p=8722>



- In February, stone and Molotov cocktail-throwing by Palestinians at Israeli vehicles resulted in the injury of one Israeli infant near Bethlehem.¹³
- On 21 January, during a demonstration organised by Palestinians and international activists at the eastern entrance to Kafr Qaddoum village, northeast of Qalqilya, Israeli forces opened fire at a 12-year-old, wounding his right hand.¹⁴
- On 23 January, Israeli gunboats opened fire at Palestinian fishing boats, wounding a 14-year-old with a bullet to the waist.¹⁵
- On 27 January, a child was wounded in Jenin refugee camp, when Israeli forces moved into the camp and a number of children and youngsters protested against them.¹⁶
- On 2 February, 3 children were wounded when Israeli forces moved into al-Masaken al-Sha'biyah neighbourhood, northeast of Nablus, to carry out an arrest campaign. A number of Palestinian youngsters and children gathered to throw stones and empty bottles at the Israeli vehicles. In response, the Israeli soldiers fired live and metal bullets at them.¹⁷
- On 3 February, Israeli forces wounded a Palestinian child with a bullet to the abdomen when they opened fire at dozens of youngsters and children who had

¹³ <https://www.ochaopt.org/content/protection-civilians-report-24-january-06-february-2017>

¹⁴ <http://pchrgaza.org/en/?p=8740>

¹⁵ <http://pchrgaza.org/en/?p=8740>

¹⁶ *Ibid.*

¹⁷ <http://pchrgaza.org/en/?p=8770>



- gathered to throw stones at the Israeli soldiers, near the border fence between Israel and the Gaza Strip.¹⁸
- Between 7 – 20 February, 9 children were injured across the West Bank during multiple clashes with Israeli forces. Most of the injuries occurred during search and arrest operations and weekly demonstrations.¹⁹
 - On 19 February, Israeli forces wounded a Palestinian child in Bazaria village, northwest of Nablus, when they opened fire from an Israeli military jeep at a number of students, who were on their way out of schools, reportedly without any reason.²⁰
 - A 10-year-old was injured when a rubber bullet struck his chest on 24 February, in the northern West Bank city of Qalqilya. He was reportedly shot by an Israeli soldier from a distance of 100 metres, during a weekly protest against Israel's 14-year closure of the village's main road. The protest was reportedly peaceful at the time of the shooting.²¹
 - Also on 24 February, a child from Zowaydin village, southeast of Yata, south of Hebron, sustained severe burns after an unexploded ordnance (UXO) exploded near his village. The child was grazing sheep.²²

¹⁸ Ibid.

¹⁹ <https://www.ochaopt.org/content/protection-civilians-report-7-20-february-2017>

²⁰ <https://pchgaza.org/en/?p=8838>

<http://pchgaza.org/en/?p=8838>

²¹ http://www.dci-palestine.org/10_year_old_palestinian_injured_by_rubber_coated_metal_bullet?utm_campaign=3_29_newsletter&utm_medium=email&utm_source=dcipalestine

²² <https://pchgaza.org/en/?p=8866>



- A 14-year-old was seriously wounded after being hit with a metal bullet when he was on his way back home from school on 24 February.²³
- A 16-year-old was hit with a bullet to the leg when Israeli forces opened fire at a protest organised in the north-eastern side of al-Maghazi in the central Gaza Strip on 24 February.²⁴

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 an incident involving Israeli settlers, a 14-year-old Palestinian girl was physically assaulted and injured in the Israeli-controlled area of Hebron city.²⁵

Unimpeded 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

²³ <https://pchrgaza.org/en/?p=8866>

²⁴ Ibid.

²⁵ <https://www.ochaopt.org/content/protection-civilians-report-7-20-february-2017>



recovery and reintegration should take place in an environment, which fosters the health, self-respect and dignity of the child.

ARRESTS

There were approximately 830 Israeli military search and arrest operations in the occupied West Bank, including East Jerusalem.²⁶ The incursions saw at least children 72 arrested, 44 of them in occupied East Jerusalem.²⁷ Additionally, at least 6 children were arrested at military checkpoints and one child was handed a summons during a night time raid on his home.^{28,29}

Incidents included:

- On 11 January 2017, a 12-year-old boy from Al 'Arrub refugee camp was detained by Israeli under cover soldiers at 10am during clashes. He was accused of throwing stones. He reports being physically and verbally abused during arrest and interrogation, as well as being strip searched.³⁰

²⁶ <https://www.ochaopt.org/content/protection-civilians-report-7-20-february-2017>;
<https://www.ochaopt.org/content/protection-civilians-report-24-january-06-february-2017>;
<https://www.ochaopt.org/content/protection-civilians-report-10-23-january-2017>;
<https://www.ochaopt.org/content/protection-civilians-report-27-december-2016-9-january-2017>;
<http://pchrgaza.org/en/?p=8838>; <http://pchrgaza.org/en/?p=8866>

²⁷ <http://pchrgaza.org/en/?cat=47>; <https://www.ochaopt.org/reports/protection-of-civilians>

²⁸ <http://pchrgaza.org/en/?p=8755>; <http://pchrgaza.org/en/?p=8791>; <http://pchrgaza.org/en/?p=8866>

²⁹ <http://pchrgaza.org/en/?p=8722>

³⁰ <http://www.militarycourtwatch.org/page.php?id=S2Cw0x2UKga919617A4MbfXgJA6s>



- At approximately 2.30am on 15 January, following a raid on his home, a 15-year-old was handed a summons to refer to the Israeli Intelligence Service in Gush Etzion settlement complex, south of Bethlehem.³¹
- At approximately 4am on 15 January, Israeli forces moved into al-Mukaber Mount village, southwest of occupied East Jerusalem. They raided and searched houses from which they arrested three 17-year-olds and a 13-year-old.³²
- On 15 January, Israeli forces arrested four 13-year-olds after raiding their homes in Hizmah village, northeast of occupied Jerusalem.³³
- On 15 January, Israeli forces arrested two children in Silwan village (East Jerusalem) reportedly after beating them.³⁴
- At approximately 2.30am on 24 January, a 15-year-old was arrested following a raid on his home by Israeli forces.³⁵

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

³¹ <http://pchrgaza.org/en/?p=8722>

³² <http://pchrgaza.org/en/?p=8722>

³³ <http://pchrgaza.org/en/?p=8722>

³⁴ <http://pchrgaza.org/en/?p=8722>

³⁵ <http://pchrgaza.org/en/?p=8740>



'scared' or 'terrified' when confronted with heavily armed soldiers in their homes and sometimes their bedrooms. 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:

- On 26 February, Israeli forces raided Tareq Bin Ziyad School in south Hebron. Soldiers chased students in the school yard, attempting to arrest and confiscate the bags of a number of students. Teachers intervened.³⁶
- On 26 February, Israeli forces were stationed in the vicinity of Taqqou'i Secondary School for Boys. A number of students threw stones at the soldiers, who reportedly immediately fired metal bullets, tear gas canisters and sound bombs in response. Soldiers attempted to raid the school but were prevented by schoolteachers. Israeli soldiers pepper-sprayed three schoolteachers.³⁷
- On 19 February, the Israeli authorities distributed 39 'stop-work' orders, targeting almost every structure in one site in the Khan al-Ahmar community,

³⁶ <http://pchrghaza.org/en/?p=8866>

³⁷ Ibid.



including the community's school which provides education to around 170 children.³⁸³⁹

- A 14-year-old boy was shot and detained by Israeli soldiers as he left school after an exam on 9 January. The boy was followed by an Israeli military jeep and shot in the foot with a rubber bullet when he tried to run away. He was then arrested. The boy reports being punched and verbally abused during interrogation.⁴⁰
- On 22 February, the Palestinian Security Service reportedly found 14 unexploded ordnance in a school yard in the Tafouh area, west of Hebron.⁴¹ One such object exploded after two children played with it, burning them. See the [in focus section of the Child Bulletin published on 1 July 2015](#) for further information about UXO.

Article 28 of the CRC recognises the right of the child to education. The right to education is also recognized in at least six other international human rights treaties, as well as the Universal Declaration of Human Rights.⁴² By detaining and intimidating students, targeting schools with demolition orders and inhibiting children's access to

³⁸ <https://www.ochaopt.org/content/un-officials-visit-palestinian-community-under-transfer-threat-call-israel-respect>

³⁹ Stop-work orders served in Khan al-Ahmar, Feb. 2017, source: http://www.btselem.org/video/20170219_stop_work_orders_served_in_khan_al_ahmar

⁴⁰ <http://www.militarycourtwatch.org/page.php?id=o0dL2jcfQsa895842AFyOMdkytp8>

⁴¹ <https://pchrgaza.org/en/?p=8866>

⁴² UNESCO Convention against Discrimination in Education (1960), International Covenant on the Elimination of All Forms of Racial Discrimination (1965), International Covenant on Economic Social and Cultural Rights (1966), Convention on the Elimination of All Forms of Discrimination against Women (1979), International Convention on the Protection of the Rights of All Migrant Workers and Members of their families (1990) and Convention on the Rights of Persons with Disabilities (2006).



education, Israel has violated the right to education, which should be provided in a non-discriminatory manner, in accordance with Article 2 of the CRC.

DISPLACEMENT & DEMOLITIONS

More than 179 Palestinian owned structures were demolished, confiscated or destroyed, displacing at least 159 children and otherwise affecting 3,795 Palestinians (number of children unknown).⁴³

11 buildings were destroyed in punitive demolitions:

- In January, after a ramming attack in East Jerusalem that killed four Israeli soldiers (injuring a further 15) and saw the perpetrator shot on the spot, the Jerusalem Municipality adopted punitive measures in the community where the perpetrator had lived. 11 non-residential buildings were destroyed due to the lack of building permits and warning notices were distributed to approximately 80 buildings. An estimated 1,200 people (how many of them are children is unknown) are at risk of displacement.⁴⁴

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

⁴³ <https://www.ochaopt.org/content/protection-civilians-report-7-20-february-2017>;
<https://www.ochaopt.org/content/protection-civilians-report-24-january-06-february-2017>;
<https://www.ochaopt.org/content/protection-civilians-report-10-23-january-2017>;
<https://www.ochaopt.org/content/protection-civilians-report-27-december-2016-9-january-2017>;
<http://pchrghaza.org/en/?p=8838>

⁴⁴ <https://www.ochaopt.org/content/monthly-humanitarian-bulletin-january-2017>



- In January 2017, the number of demolitions surpassed the monthly average for 2016. At least 140 structures were demolished, displacing around 240 Palestinians and affecting another 4,000.⁴⁵
- On 2 January, Israeli forces demolished 11 houses belonging to a Bedouin family in Sneisel Valley area in al-Khan al-Ahmar, east of occupied Jerusalem. 87 individuals were rendered homeless, mostly children and women.⁴⁶
- 10 children were displaced on 4 January, when the Israeli authorities demolished a two-apartment house in occupied East Jerusalem.⁴⁷
- On 14 February 2017, Israeli forces demolished a house in the al-'Issawiyah village, northeast of occupied Jerusalem. The house sheltered a family of 11 members, including 6 children⁴⁸.
- On 15 February, the Israeli municipality distributed administrative and judicial house demolition notices and orders to 17 families in the Silwan village, south of Jerusalem's Old City. 120 people, mostly women and children, make up the 17 families.⁴⁹
- 140 Palestinian refugees, half of them children, are at risk of displacement as a result of dozens of 'stop work' and demolition orders threatening almost every building in the Palestinian Bedouin community of Khan al Ahmar, in the outskirts of East Jerusalem. Israeli officials distributed the orders on 15 and 19 February.⁵⁰

⁴⁵ <https://www.ochaopt.org/content/monthly-humanitarian-bulletin-january-2017>

⁴⁶ <http://pchrgaza.org/en/?p=8676>

⁴⁷ Ibid.

⁴⁸ <http://pchrgaza.org/en/?p=8791>

⁴⁹ <http://pchrgaza.org/en/?p=8791>

⁵⁰ <https://www.ochaopt.org/content/un-officials-visit-palestinian-community-under-transfer-threat-call-israel-respect>



- 'Stop work' and demolition orders are issued on the basis that buildings lack Israeli-issued building permits. These permits are almost impossible to obtain for Palestinians living in Jerusalem or Area C of West Bank, due to the discriminatory planning and zoning regime imposed by Israel.⁵¹
- On 17 February, a family self-demolished their house in Bier Ayoub neighbourhood in Silwan village, south of occupied Jerusalem's Old City, in order to avoid paying demolition costs estimated at NIS 80, 000. The house was home to 8 children.⁵²

Forcible transfers and evictions raise several issues in terms of international legal obligations, specifically taking into account the status of Israel as an occupying power. Article 49 of the IV Geneva Convention prohibits individual or mass forcible transfers; Article 46 of the Hague Convention enshrines the respect for private property and prohibits its confiscation. Moreover, forcible transfer and the large-scale destruction and appropriation of property are 'grave breaches' under Article 147 of the IV Geneva Convention, giving rise to potential criminal liability for the commission of such offences.

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

⁵¹ <https://www.ochaopt.org/content/un-officials-visit-palestinian-community-under-transfer-threat-call-israel-respect>

⁵² <http://pchrghaza.org/en/?p=8838>



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. Article 11(1) of the International Covenant on Economic, Social and Cultural Rights further provides for the right to adequate housing.

UPDATES FROM MILITARY COURT WATCH AND DEFENCE FOR CHILDREN INTERNATIONAL PALESTINE

- Military Court Watch (MCW) reports that for the last nine months, the Israeli prison service has failed to provide figures for the number of children held in Israeli detention. In August 2016, 319 children were held in Israeli detention as 'security' prisoners.⁵³
- Defence for Children International Palestine (DCIP) reports that evictions, demolitions, and UXO are constant risks for Palestinian children living in areas of the Jordan Valley that Israel has declared as 'firing zones', where Israeli battalions regularly assemble to conduct military exercises.⁵⁴ Approximately 3,400 Palestinians live in the 'firing zones'. Ahead of military exercises, Israeli authorities clear people, animals and structures from the area. One father reported that he and his 7 children were displaced 30 times in 2016.
- DCIP reports that 2016 saw an alarming increase in the solitary confinement of West Bank children in Israeli detention in 2016. Of 158 children DCIP collected

⁵³ <http://www.militarycourtwatch.org/page.php?id=o5zpxMHgbsa924372AAJLowB98he>

⁵⁴ http://www.dci-palestine.org/israel_clears_palestinians_and_homes_so_its_military_can_practice



- affidavits from, 25 were held in solitary confinement for an average period of 16 days. The longest period of isolation for a child that DCIP documented in 2016 was 29 days.⁵⁵
- Four years after the UNICEF report *Children in Israeli Military Detention*, which found that the ‘ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalised’, MCW reports that little has changed. Additionally, child detention rates have increased by 98% during the intervening four years.⁵⁶
 - DCIP reports that the Palestine Center for Democracy and Conflict Resolution (PCDCR) is calling for reforms to better protect Palestinian children from sexual assault and abuse in Gaza, arguing that the existing law has not fully met the international human rights requirements to protect children from such abuse.⁵⁷

IN FOCUS

The Impact of Settlements on Children

In a series of recent reports, the UN Office for the Coordination of Humanitarian Affairs (UNOCHA) collected and analysed data on the de facto expansion of three settlement areas (Asfar in Hebron governorate; Talmon and Nahliel in Ramallah governorate; and Elon Moreh in Nablus governorate), producing a report on each area and a fourth report offering conclusions and recommendations.

The reports describe the ongoing efforts by Israeli settlers to increase their spatial control over surrounding areas and natural resources, alongside attempts to remove a Palestinian presence. Key findings from the reports include:

⁵⁵ http://www.dci-palestine.org/year_in_review_2016

⁵⁶ <http://www.militarycourtwatch.org/page.php?id=1zbp9QdsVa915813AxZeUhZMmLo>

⁵⁷ http://www.dci-palestine.org/q_a_with_pcocr_ending_sexual_violence_against_children_in_gaza



- A settlement can control and restrict access for Palestinians to an area more than twice the size of the designated boundaries of the settlement itself.
- Settlements have ‘deprived Palestinians of their property and sources of livelihood, restricted their access to services and given rise to a range of threats.’
- Palestinians are subject to direct attacks by settlers and that the vast majority of attackers go unpunished due to lax law enforcement.
- Most of the expansion activities lacked official authorisation from Israeli authorities but took place with the acquiescence or active support of the Israeli authorities.
- Informal settlement expansion is widespread and not limited to the settlement areas covered in the abovementioned reports: UNOCHA collected evidence identifying similar patterns in another eight settlement areas.⁵⁸The establishment and continuous expansion of Israeli settlements, in contravention on international law, is a key driver of humanitarian vulnerability.

Gerald Horton, a lawyer for Military Court Watch, reports that Palestinian villages near settlements or their supporting road networks are ‘inevitable friction points’ as a result of various measures taken by the Israeli forces to protect Israeli settlers living in the West Bank.⁵⁹ Such measures include a significant military presence, movement restrictions, house demolitions and military raids on Palestinian homes. These measures represent specific risks for children.

An increased military presence: night raids and child detention

Israeli settlements have been called ‘friction points’ for the arrest and detention of children⁶⁰ and evidence collected by Military Court Watch indicates that the overwhelming majority of arrests in the West Bank occur within a few kilometres of a

⁵⁸ <https://www.ochaopt.org/content/humanitarian-impact-de-facto-settlement-expansion-common-features-conclusions-and-way>

⁵⁹ <http://www.militarycourtwatch.org/files/server/JERUSALEM%20QUARTERLY%20-%20LETTER%20FROM%20OFER.pdf>

⁶⁰ http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf



settlement or a road used by settlers.⁶¹ The majority of children are arrested from their West Bank homes during the middle of the night by heavily armed Israeli soldiers.⁶² In February 2017, 164 Palestinian adults and children were arrested at night.⁶³ A military raid on a child's home, whether or not it results in the child's arrest, is likely to be a terrifying experience for the child.

The outcome of an increased military presence near settlements, including frequent military incursions during the day and night,⁶⁴ is that thousands of Palestinian children are detained and exposed to violence. Each year approximately 500-700 Palestinian children, some as young as 12 years old, are detained and prosecuted in the Israeli military court system. Although under Israeli military law children under 12 cannot be arrested, they are frequently detained.⁶⁵ Abuse of children during their arrest, transfer, interrogation and or detention continues to be widespread, with 60% of children reporting they were subjected to some form of physical violence in 2016.⁶⁶ The majority of children taken to an Israeli Prison Service facility are strip searched on arrival.⁶⁷

The military courts play an important role in intimidating Palestinians living close to settlements.⁶⁸ The conviction rate of Palestinians in the military courts is well above

⁶¹ <http://www.militarycourtwatch.org/files/server/JERUSALEM%20QUARTERLY%20-%20LETTER%20FROM%20OFER.pdf> ;
[http://www.militarycourtwatch.org/files/server/UN%20SUBMISSION%20-%20ABUSE%20\(JUNE%202015\)%20-.pdf](http://www.militarycourtwatch.org/files/server/UN%20SUBMISSION%20-%20ABUSE%20(JUNE%202015)%20-.pdf)

⁶² http://www.dci-palestine.org/issues_military_detention

⁶³ <http://www.militarycourtwatch.org/page.php?id=J5V0bQevz8a19020AWwFbv7lxv2>

⁶⁴ [http://www.militarycourtwatch.org/files/server/UN%20SUBMISSION%20-%20ABUSE%20\(JUNE%202015\)%20-.pdf](http://www.militarycourtwatch.org/files/server/UN%20SUBMISSION%20-%20ABUSE%20(JUNE%202015)%20-.pdf);
<https://d3n8a8pro7vhmx.cloudfront.net/dcipalestine/pages/132/attachments/original/1433969185/SettlerViolenceReport.19June2014.pdf?1433969185>

⁶⁵ <https://d3n8a8pro7vhmx.cloudfront.net/dcipalestine/pages/132/attachments/original/1433969185/SettlerViolenceReport.19June2014.pdf?1433969185>

⁶⁶ <http://www.militarycourtwatch.org/page.php?id=MmNuAkpGrsa613395AWw2b00pT3K>

⁶⁷ <http://www.militarycourtwatch.org/page.php?id=Drul8wSc1xa619101ANQFJSkdoOw>

⁶⁸ <http://www.militarycourtwatch.org/files/server/JERUSALEM%20QUARTERLY%20-%20LETTER%20FROM%20OFER.pdf>



99%.⁶⁹ The most common charge against children is stone throwing.⁷⁰ For youths convicted of throwing stones without causing injuries, the average custodial sentence is about three months. Every child convicted in the military court will also receive a suspended prison sentence. The effect of the suspended sentence is that, once the child is released from prison, he takes a big risk every time he leaves home. As Horton explains, if the child happens to be at the village shop when an Israeli military convoy goes by, there is a good chance he will be swept up in the ensuing clashes and sent back to prison.⁷¹

An increased military presence also sees children subject to physical and other abuse by Israeli soldiers. In testimony published by Breaking the Silence, a former Israeli soldier said, 'our violent behaviour eventually included daily abuse of the Palestinian residents, daily delays of Palestinians and Palestinian families, children, parents... for hours on end... everyone around me acted this way'.⁷² Her testimony corresponds with that of many former soldiers.⁷³ The exceptionally low number of indictments served on Israeli soldiers suspected of harming Palestinians reflects the 'near impunity' of Israeli soldiers, according to Yesh Din.⁷⁴

Disrupted education

Schools near settlements appear especially vulnerable to attack. Soldiers raid schools, disrupting children's education.⁷⁵ Across the West Bank, attacks regularly begin with settlers and are finished off by the Israeli military.⁷⁶ UNRWA reported that more than

⁶⁹ <http://www.haaretz.com/nearly-100-of-all-military-court-cases-in-west-bank-end-in-conviction-haaretz-learns-1.398369>

⁷⁰ http://www.dci-palestine.org/issues_military_detention

⁷¹ Ibid.

⁷² <http://www.militarycourtwatch.org/video.php?file=eFjGlk6JgFa74178ArFvMn9uKmg>

⁷³ <http://www.breakingthesilence.org.il/testimonies/videos/?tzuk=1>

⁷⁴ <https://s3-eu-west-1.amazonaws.com/files.yesh-din.org/%D7%93%D7%A3+%D7%A0%D7%AA%D7%95%D7%A0%D7%99%D7%9D+%D7%9E%D7%A6%D7%97+%D7%93%D7%A6%D7%9E%D7%91%D7%A8+2016/YeshDin+-+Data+1.17+-+English.pdf>

⁷⁵ http://www.dci-palestine.org/raids_tear_gas_and_a_burned_house_three_west_bank_school_days

⁷⁶ <https://d3n8a8pro7vhmx.cloudfront.net/dcipalestine/pages/132/attachments/original/1433969185/SettlerViolenceReport.19June2014.pdf?1433969185>



205 tear gas canisters were fired into UNRWA institutions, such as schools, in 2015.⁷⁷ UNRWA students lost 83 days of school between October 2015 - March 2016 due to military activity.⁷⁸ Children are also often required to move through a system of intimidating military checkpoints to access schools and other basic services, coming into daily contact with armed settlers, Israeli soldiers and police.

Settler violence

Palestinian children are subjected to settler violence and intimidation on a regular basis, and accountability is rare.⁷⁹⁸⁰ UNOCHA notes that the temporal and geographical proximity between violent attacks by settlers and takeover of new areas of Palestinian land suggest that ‘settler violence against Palestinians is not random but is often a calculated step towards settlement expansion’.⁸¹

Living conditions

Settler attacks also target agricultural land, damaging the livelihoods of Palestinian families and affecting children’s standard of living.⁸² The UNOCHA reports note that a combination of the effects of settlement expansion, such as loss of access to water sources; systematic intimidation; movement restrictions and damaged crops, may trigger a halt in cultivation that can have a long term impact on a family’s living conditions.⁸³ For communities whose traditional sources of livelihood are farming and grazing, the loss of access to land due to de facto settlement expansion has had a major impact on living conditions and food security of affected families.⁸⁴ Article 27 of the CRC

⁷⁷ <https://www.map.org.uk/news/archive/post/396-trauma-and-anxiety-reign-over-palestinian-children>

⁷⁸ <https://www.map.org.uk/news/archive/post/396-trauma-and-anxiety-reign-over-palestinian-children>

⁷⁹ http://www.dci-palestine.org/children_affected_by_settler_violence_by_month

⁸⁰ <https://d3n8a8pro7vhmx.cloudfront.net/dcipalestine/pages/132/attachments/original/1433969185/SettlerViolenceReport.19June2014.pdf?1433969185>

⁸¹ https://www.ochaopt.org/content/humanitarian-impact-de-facto-settlement-expansion-common-features-conclusions-and-way#_ftn1

⁸² <https://www.ochaopt.org/content/humanitarian-impact-de-facto-settlement-expansion-common-features-conclusions-and-way>

⁸³ <https://www.ochaopt.org/content/humanitarian-impact-de-facto-settlement-expansion-common-features-conclusions-and-way>

⁸⁴ Ibid.



provides the right of the child to an adequate standard of living. Article 27 also imposes a duty on Israel to ‘take appropriate measures to assist parents... to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition’. Clearly, undermining families’ livelihoods breaches this duty.

House demolitions

Israeli authorities consistently demolish Palestinian structures that are perceived as hindrances to the establishment and expansion of Israeli settlements.⁸⁵ The impact of the loss of family home on children is likely to be severe. The loss of possessions and financial losses incurred will likely impact household poverty.⁸⁶ Loss of land can also involve the loss of leisure and recreation areas,⁸⁷ potentially diminishing children’s right to leisure and to engage in play and recreational activities, enshrined in Article 31 of the CRC.

Children’s mental health

The fear and uncertainty caused by a militarised environment should not be underestimated. The Israeli military can appear anywhere anytime; constructing check-points, closed military zones or entering homes.⁸⁸ Medical Aid for Palestinians listed the killing of children, house demolitions, search and arrest operations and child detention as contributors to the deteriorating mental health of children.⁸⁹ UNWRA reported that in 2015, developmental regression, evidenced by bed-wetting, was observed in several UNWRA schools. Post-traumatic stress disorder was also diagnosed at a rate not witnessed since 2000.⁹⁰

Israeli Government support for continuing settlement expansion

All settlements, whether or not formally authorized by the Israeli authorities, are illegal

⁸⁵ http://www.btselem.org/planning_and_building/forbidden_considerations

⁸⁶ <http://www.savethechildren.org.uk/sites/default/files/docs/Broken-Homes-English-low-res.pdf>

⁸⁷ <https://www.ochaopt.org/content/humanitarian-impact-de-facto-settlement-expansion-common-features-conclusions-and-way>

⁸⁸ <https://www.map.org.uk/news/archive/post/396-trauma-and-anxiety-reign-over-palestinian-children>

⁸⁹ <https://www.map.org.uk/news/archive/post/396-trauma-and-anxiety-reign-over-palestinian-children>

⁹⁰ <https://www.map.org.uk/news/archive/post/396-trauma-and-anxiety-reign-over-palestinian-children>



under international law and contravene Article 49 of the Fourth Geneva Convention, which prohibits the transfer by the occupying power of its own civilian population into the territory it occupies.⁹¹ However, since 1967 about 130 Israeli settlements (formally authorized by Israeli authorities) and 100 settlement outposts (lacking formal authorization) have been established across the West Bank, including East Jerusalem.

Despite their illegality as ruled by the International Court of Justice and reiterated by the Security Council and the Office of the High Commissioner for Human Rights,⁹² the Israeli government supports settlement construction in a myriad of ways. These include direct state supported appropriation of land, the demolition of Palestinian homes and support for private initiatives to have Palestinians evicted from their homes, particularly in East Jerusalem. Through financial incentives, the Israeli government actively encourages commercial development in and around the settlements.⁹³

Settler outposts also receive municipal support. The United Nations reports that more than 100 unauthorized settler outposts and thousands of housing units in existing settlements have been erected over the years without the formal approval of the Israeli authorities.⁹⁴ At least 70 of the 100 unauthorized outposts were constructed partially or entirely on privately owned Palestinian land.⁹⁵ Such informal appropriation of land typically has the support of the Israeli municipal authorities.⁹⁶ Support is given through the provision of funds, infrastructure and security, and through inaction to remove the outposts.⁹⁷ Frequently these outposts have settler-only roads, state security, electricity and water all provided by the state.⁹⁸

⁹¹ <https://www.ochaopt.org/theme/humanitarian-impact-of-settlements>

⁹² <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/267/89/PDF/N1626789.pdf?OpenElement>

⁹³ <https://unispal.un.org/DPA/DPR/unispal.nsf/0/71A1FD027B82B40D852580EA0064468F>

⁹⁴ <https://unispal.un.org/DPA/DPR/unispal.nsf/0/71A1FD027B82B40D852580EA0064468F>

⁹⁵ <http://peacenow.org.il/en/at-least-70-outposts-are-located-on-private-palestinian-land>

⁹⁶ <https://www.ochaopt.org/content/humanitarian-impact-de-facto-settlement-expansion-common-features-conclusions-and-way>

⁹⁷ <https://unispal.un.org/DPA/DPR/unispal.nsf/0/71A1FD027B82B40D852580EA0064468F>

⁹⁸ <https://d3n8a8pro7vhmx.cloudfront.net/dcipalestine/pages/132/attachments/original/1433969185/SettlerViolenceReport.19June2014.pdf?1433969185>



On 23 December 2016, the United Nations Security Council adopted resolution 2334. The resolution reaffirmed ‘that the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace.’ It further demanded that Israel ‘cease all settlement activities in the occupied Palestinian territory, including East Jerusalem.’ In open defiance of the resolution, on 6 February 2017, the Israeli Parliament passed a law retroactively legalizing settlement outposts on private Palestinian land.⁹⁹

The rights of Palestinian children are unlikely to be respected while the long history of military occupation of Palestine continues. A significant driver of this reality is the existence of illegal settlements, which create serious risks for Palestinian children. In order to fulfil its legal obligations, including those under the CRC, Israel must cease all settlement activities in the West Bank.

⁹⁹ <http://www.yesh-din.org/en/petition-annul-bill-expropriate-private-palestinian-land-regulation-bill/>;
<http://lphr.org.uk/blog/sanctioning-land-expropriation-occupied-palestinian-territory-israels-new-land-regularisation-law/>