



## CHILD RIGHTS BULLETIN

(for the period 29 December 2015 – 29 February 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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<sup>1</sup> [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)

<sup>2</sup> 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 issue of administrative detention.**

LPHR gives special thanks to Alamara Bettum and Cormac Mannion for their excellent work preparing this bulletin.

## FATALITIES

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### **14 Palestinian children were killed across the oPt.**

The majority of these 14 fatalities occurred during alleged attacks on Israeli forces, settlers or civilians. Some of the shootings raise concerns of alleged excessive use of force and unlawful killing by Israeli forces (for more on this issue, please see page 5 of [LPHR's bulletin for the reporting period 4 August – 26 October](#)). These killings represent a continued upsurge in the number of child fatalities across the oPt since October 2015. A total of 42 Palestinian child fatalities have been documented by LPHR Child Rights Bulletins for the period 5 October 2015 – 29 February 2016.

- 16-year-old Khalil Mohammed Shaladah was shot dead by Israeli forces deployed at the western entrance to Sai'ir village, east of Hebron, on 7 January. Israeli forces allege that Shaladah attempted to carry out a knife attack on Israeli soldiers.<sup>3</sup>
- 17-year-old Adnan Mashni was fatally shot by Israeli forces near the entrance to Beit Aynoun village along with 23 year old Mohammed al-Kawazbah on 12 January. The circumstances of the incident are unclear, but it appears that

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<sup>3</sup> <http://pchrgaza.org/en/?p=7736>



- Mashni and al-Kawazbah were passengers in a car approaching the village entrance. Al-Kawazbah exited the car to allegedly carry out a knife attack on Israeli soldiers and was shot dead on the spot. Meanwhile, the driver of the car attempted to drive away from the scene but the car came under fire from Israeli forces, and Mashni was killed after sustaining a bullet wound to the chest.<sup>4</sup>
- 13-year-old Ruqaya Abu Tabeekh was killed by a security guard of Anatot settlement on 23 January. Israeli authorities claimed that she carried a knife and intended to carry out a stabbing. Her family dispute this, claiming Tabeekh was not carrying a knife and that Israeli forces killed her in cold blood.<sup>5</sup>
  - 17-year-old Hussein Abu Ghosh was shot dead by security officers having allegedly carried out a stabbing in “Beit Horon” settlement in Beit Our al-Fouqa village on 25 January.<sup>6</sup>
  - A 17-year-old Palestinian boy was killed during clashes with Israeli forces near Al-Eizariya town, when an explosive device he was handling exploded prematurely.<sup>7</sup>
  - A 17-year-old Israeli child was killed following an attack by Palestinian during the week of 26 January-2 February.<sup>8</sup>
  - 15-year-old Haitham Sa’da was shot dead by Israeli forces next to the entrance of Halhul village in Hebron on 5 February. Israeli forces allege that Sa’da intended to throw a Molotov cocktail at an Israeli military vehicle. An eyewitness said the area was calm and there were no clashes when the gunfire was heard.<sup>9</sup>

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4 <http://pchgaza.org/en/?p=7746>

5 <http://pchgaza.org/en/?p=7790>

6 <http://pchgaza.org/en/?p=7790>

7 <http://www.ochaopt.org/poc12january-25january-2016.aspx>

8 <http://www.ochaopt.org/poc26january-2february-2016.aspx>

9 <http://pchgaza.org/en/?p=7852>



- 16-year-old Omer Madi was fatally shot on 10 February. Madi was one of a number of school boys allegedly throwing stones at Israeli soldiers stationed at a military watchtower in Hebron. The soldiers opened fire on the school children, killing Madi.<sup>10</sup>
- 16-year-olds Nihad Waked and Fo'ad Waked were shot dead by Israeli forces stationed at the Separation Barrier in al-Argah village, on 13 February. Israeli forces claimed the two children had opened fire from a homemade automatic gun at a military vehicle stationed at the barrier. After shooting the two children, Israeli forces closed the area off, preventing PCRS ambulances from reaching the wounded children for 45 minutes. By the time the ambulances were allowed access, the two children were dead.<sup>11</sup>
- 17-year-old Naim Ahaed Safi was shot dead by Israeli forces at Mazmoria checkpoint, erected at the entrance to “Har Homa” settlement between Jerusalem and Bethlehem on 14 February . Israeli forces allege Safi attempted to stab an Israeli soldier at the checkpoint.<sup>12</sup>
- In the same week, an 11-year-old Palestinian boy, died of wounds he sustained in an Israeli air force attack on Gaza in 2011.<sup>13</sup>
- 16-year-old Qusai Abu al-Rub was shot dead by Israeli forces stationed in their military site at the intersection of Beita village, south of Nablus, on 21 February. The Israeli soldiers claimed that he was holding a knife and advancing toward them when they shot him dead. PCHR’s investigation of this fatality stresses that

10 <http://pchgaza.org/en/?p=7852>

11 <http://pchgaza.org/en/?p=7873>

12 <http://pchgaza.org/en/?p=7873>

13 <http://www.ochaopt.org/poc9february-15february-2016.aspx>



- the Israeli soldiers used excessive force, particularly because the military site is fortified with cement cubes, and that they could have arrested al-Rub instead.<sup>14</sup>
- A 5-year-old Palestinian infant was killed and a 6-year-old infant injured by unexploded ordnance in Jabalia on 25 February.<sup>15</sup>
  - 16-year-old American passport holder Mahmoud Sha'lan was killed by Israeli forces stationed at "Beit Eil" military checkpoint, north of al-Bireh on 26 February, allegedly while attempting to carry out a stabbing. According to PCHR's fieldworker, Sha'lan arrived at the checkpoint on foot, intending to head to al-Bireh city. A soldier gestured with his gun to make Sha'lan step back. After Sha'lan moved four steps back the soldier fired three bullets at him and then two more from point blank range as Sha'lan lay on the floor.<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 opens credible investigations into each of the killings above.

Article 40 of the CRC deals with approaches to children who are alleged to have breached criminal law, and outlines a number of due process rights afforded to children. Article 40 states: 'State Parties recognise the right of every child alleged as, accused of, or recognised as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the

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14 <http://pchrgaza.org/en/?p=7885>

15 <http://www.ochaopt.org/poc23february-7march-2016.aspx>

16 <http://pchrgaza.org/en/?p=7895>



child's respect for human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.' 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 abundantly clear that a suspected policy or practice of extrajudicial killings of individuals, including children, who are not posing an imminent, mortal threat would amount to a significant violation of the CRC.

## INJURIES

### **At least 381 Palestinian children and 1 Israeli child were injured.**

Of these:

- Between 29 December and 11 January, at least 41 children were injured in the oPt, the majority by rubber bullets and tear gas inhalation in clashes with Israeli forces in the West Bank.<sup>17</sup> A 16-year-old boy was seriously wounded by a live bullet to his lower back during protests at the border fence between the Gaza Strip and Israel.<sup>18</sup> A 12-year-old boy was shot by an Israeli Border Guard officer. As a result, the child sustained a head fracture and brain haemorrhage which required a 6 hour surgery to stop.<sup>19</sup> Between 12-25 January, at least 130 children were injured by Israeli forces across the oPt during protests and clashes. The majority of the injuries were sustained during weekly demonstrations in Ramallah in the West Bank.<sup>20</sup>

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17 <http://www.ochaopt.org/poc29december-11january-2016.aspx>

18 <http://pchgaza.org/en/?p=7746>

19 <http://pchgaza.org/en/?p=7746>

20 <http://www.ochaopt.org/poc12january-25january-2016.aspx>



- During the week of 26 January - 2 February, 16 children were injured in the oPt by Israeli forces in protests and clashes in the oPt. An Israeli child was injured in a Palestinian attack. The overall figure for injuries (including adults) represented the lowest figures reported in one week since the start of the recent escalation in October. Clashes in the H2 area of Hebron city resulted in the injury of ten students attending a nearby school due to tear gas inhalation.<sup>21</sup>
- During the week 2-8 February, at least 45 children were injured, the majority during search and arrest operations in the village of Qabatiya following a Palestinian stabbing and shooting attack against Israeli forces carried out in occupied East Jerusalem by three residents of the village.<sup>22</sup>
- During the week 9-15 February, at least 69 children were injured by Israeli forces, the majority during search and arrest operations across the oPt, particularly in Al Am'ari refugee camp in Ramallah. The remaining injuries were reported during clashes in demonstrations in solidarity with Palestinian prisoners on hunger strikes in Israeli jails.<sup>23</sup>
- On 13 February, a 12-year-old Palestinian boy was injured with second degree burns as a result of unexploded ordnance which detonated near his house in Tayaser village in Tubas, after Israeli military training took place there on 9 February.<sup>24</sup>
- Between 16 February to 7 March, at least 76 children were injured by Israeli forces in clashes across the oPt, the majority during weekly demonstrations in Ramallah in the West Bank and demonstrations in solidarity with Palestinian prisoners on hunger strike in Israeli prisons. A large proportion of injuries also

21 <http://www.ochaopt.org/poc26january-2february-2016.aspx>

22 <http://www.ochaopt.org/poc2february-8february-2016.aspx>

23 <http://www.ochaopt.org/poc9february-15february-2016.aspx>

24 <http://www.ochaopt.org/poc9february-15february-2016.aspx>



incurred during at least 11 separate search and arrest operations across the oPt.

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Article 15(1) of the CRC provides for the rights of the child to freedom of peaceful assembly. Article 3(2) of the CRC affords children with the protection and care necessary for their well-being.

## SETTLER VIOLENCE

Incidents of settler violence affecting Palestinian children included:

- On 3 January, a group of settlers bored holes into the walls of the home of the Sub Laban family in Aqbet al-Khaleidiya. The family returned home on the Sunday to find that the settlers who had taken over the adjacent apartment the previous month had drilled 6 large holes in the walls of the children’s bedroom. This is part of an ongoing attempt by settlement organisations to seize the property and force the eviction of the Sub Laban family.<sup>2728</sup> A video of the incident was published here To see LPHR’s urgent action last November on the Sub Laban family, please see this link.
- On 18 January a settler from “Ariel” settlement ran over two brothers sharing a bicycle, cycling home from work. It is alleged that the settler deliberately hit the bicycle, killing the older brother, 19-year-old Khalil, and seriously injuring his 17-year-old brother Oday.<sup>29</sup>

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25 <http://www.ochaopt.org/poc16february-22february-2016.aspx>

26 <http://www.ochaopt.org/poc23february-7march-2016.aspx>

27 <http://pchgaza.org/en/?p=7736>

28 The Electronic Intifada, ‘Jewish Settlers Bore Into Palestinian Children’s Bedroom’ (Jan, 2016) <https://electronicintifada.net/blogs/charlotte-silver/jewish-settlers-bore-palestinian-childrens-bedroom>

29 <http://pchgaza.org/en/?p=7757>



- On 23 January a security guard of “Anatot” settlement killed 13-year-old Ruqaya Abu Tabeekh (see above for details).<sup>30</sup>

Unimpeded regular occurrences of violence against Palestinian families 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. Furthermore, 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

749 incursions into the West Bank by Israeli forces saw approximately 116 children arrested.<sup>31</sup> Such arrests typically follow a raid on the child’s home, often at night.

Around 2.00am on 12 January, 17-year-old AQ was arrested at his home in Nablus.<sup>32</sup> Defence for Children International Palestine (DCIP) report that AQ was compelled at gunpoint to act as a human shield for the arresting Israeli officers, following local Palestinian youths retaliating to his arrest by throwing stones at the arresting Israeli soldiers. AQ was forced to walk in front of the soldiers as a human shield for approximately 70 metres until they reached their military vehicles.<sup>33</sup>

The use of civilians as human shields, wherein civilians are forced to directly assist military operations or used to shield military troops or objects from attack, is prohibited under international law. The practice is also prohibited under Israeli law based on a 2005 ruling by the Israeli High Court of Justice.<sup>34</sup>

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30 <http://pchgaza.org/en/?p=7790>

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

32 <http://pchgaza.org/en/?p=7746>

33 [http://www.dci-palestine.org/israeli\\_forces\\_use\\_an\\_arrested\\_palestinian\\_teen\\_as\\_a\\_human\\_shield](http://www.dci-palestine.org/israeli_forces_use_an_arrested_palestinian_teen_as_a_human_shield)

34 *ibid.*



Since April 2004, DCIP has documented at least 25 cases involving Palestinian children being used as human shields by the Israeli army. All except one case have occurred after the Israeli High Court of Justice ruling. Only one of those cases led to the conviction of two soldiers for “inappropriate behavior” and “overstepping authority.” Both were demoted in rank and given three-month suspended sentences.<sup>35</sup>

Article 37(b) of the CRC stipulates that no child shall be deprived of his or her liberty arbitrarily and that the arrest of a child shall be used only as a last resort. 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. The high number of search and arrest operations involving traumatic raids on family homes, often at night, suggest that the best interests of the child are not being considered.

## EDUCATION

Disruption to education included:

- During Israeli incursions into the West Bank, Birzeit University in Ramallah was raided. Computers and documents were confiscated and property damage reported.<sup>36</sup>
- Israeli soldiers occupied the roof of the Awarta Village Secondary School for Boys for several hours to protect a group of Israeli settlers that entered the village to visit a religious site. The soldiers also caused damage to the school’s doors.<sup>37</sup>
- Israeli forces have deployed hundreds of ad hoc ‘flying’ checkpoints across the West Bank, hampering Palestinian movement and affecting the ability of Palestinian children to access their schools.<sup>38</sup>

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35 *ibid.*

36 <http://www.ochaopt.org/poc29december-11january-2016.aspx>

37 <http://www.ochaopt.org/poc29december-11january-2016.aspx>

38 *ibid.*



- Clashes between Israeli forces and Palestinians in the H2 area of Hebron city resulted in the injury of ten students attending a nearby school due to tear gas inhalation.<sup>39</sup>
- Israeli forces dismantled and confiscated a new school section in the Palestinian Bedouin community of Abu Nuwar, to the east of Jerusalem, for lack of building permits. The new school section comprised seven caravans and three latrines, all of which were donor-funded, to create space for the first and second grades in the community's school that serves 62 children. Residents of Abu Nuwar have recently come under increasing pressure by the Israeli authorities to "relocate" to a nearby site, in what may amount to a forcible transfer.<sup>40</sup>
- A Palestinian elementary school east of Gaza city sustained gunfire damage to a classroom while a class was in session when Israeli forces opened fire at Palestinian civilians and property in the Access Restricted Areas (ARA) on land and sea in the Gaza Strip. No casualties were reported.<sup>41</sup>

Article 28 of the CRC recognizes 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 aforementioned raids, dismantling of section of a school and movement restrictions suggest that Article 28 is being breached.

## **DISPLACEMENT & DEMOLITIONS**

**At least 339 children were displaced.**

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39 <http://www.ochaopt.org/poc26january-2february-2016.aspx>

40 <http://www.ochaopt.org/poc16february-22february-2016.aspx>

41 <http://www.ochaopt.org/poc23february-7march-2016.aspx>



The number of structures demolished since the start of 2016 is already 70 per cent of the demolitions recorded in all of 2015, while the number of people displaced is nearly 68 per cent of the total 2015 figure. The number of donor-funded structures demolished (120) has already exceeded the 2015 total (108).<sup>42</sup>

Demolitions between 29 December-29 February included:

- On 6 January, citing lack of building permits, the Israeli authorities destroyed 11 structures in the Area C Bedouin community of Abu Nuwar, to the east of Jerusalem, including five homes, five donor-funded latrines and an animal shelter; five families, all refugees, consisting of 26 persons, including 18 children, were displaced. Four days later, the Israeli forces dismantled and confiscated five residential tents provided by the Palestinian Red Crescent Society (PRCS) in response to the demolitions.<sup>43</sup>
- The Israeli authorities punitively demolished two homes and sealed another one in occupied East Jerusalem and in Surda village (Ramallah), displacing 19 people, including seven children. The homes belonged to the families of three Palestinians accused of attacks that occurred in October 2015, in which six Israelis were killed, along with the accused perpetrators, and nine Israelis were injured.<sup>44</sup> On 16 November, the UN Humanitarian Coordinator for the oPt called for an end to punitive house demolitions, deeming them an 'inherently unjust' 'form of collective penalty', 'as they effectively punish not only the alleged perpetrators but

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42 <http://www.ochaopt.org/poc23february-7march-2016.aspx>

43 <http://www.ochaopt.org/poc29december-11january-2016.aspx>

44 *ibid.*



also people (relatives, neighbours) for acts they have not individually committed. Collective penalties are prohibited under international law.<sup>45</sup>

- In occupied East Jerusalem, the Municipality demolished three Palestinian-owned houses that were under-construction, as well as one commercial structure, in the neighbourhoods of Silwan, Sur Bahir and Beit Safafa, also citing lack of building permits. A total of 28 people, half of them children, have been affected.<sup>46</sup>
- Between 12-25 January, in 24 separate incidents, the Israeli authorities demolished, or dismantled and confiscated, 58 Palestinian-owned structures in Area C and occupied East Jerusalem on grounds of lack of Israeli issued building permits; 39 people, including 21 children, were displaced and another 333 were otherwise affected.<sup>47</sup>
- On 19 January, following a visit to the Abu Nuwar community together with a large group of diplomats, the Humanitarian Coordinator for the (oPt), Robert Piper, and the Director of UNRWA Operations in the West Bank, Felipe Sanchez, condemned the destruction of humanitarian assistance and [called for an immediate end to Israeli plans to forcibly transfer Palestinian Bedouins in the Jerusalem area](#). This call was [reiterated on 26 January by the UN Secretary-General](#).<sup>48</sup> Please see LPHR's urgent action letter reiterating this call, and the Foreign Office's response, [here](#).

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45 [http://www.ochaopt.org/documents/hc\\_statement\\_on\\_punitive\\_demolitions\\_16nov2015.pdf](http://www.ochaopt.org/documents/hc_statement_on_punitive_demolitions_16nov2015.pdf)

46 <http://www.ochaopt.org/poc29december-11january-2016.aspx>

47 <http://www.ochaopt.org/poc12january-25january-2016.aspx>

48 *ibid.*



- Between 26 January and 2 February, the Israeli authorities demolished 42 Palestinian-owned structures in three communities in Area C and occupied East Jerusalem on grounds that they lack Israeli-issued building permits, including 32 residences, seven water cisterns and one agriculture structure. As a result, 168 people, including 94 children, were displaced and another 24 were otherwise affected.<sup>49</sup>
- All the residents of the Palestinian herding community of Khirbet ar Ras al Ahmar (Tubas), 11 families, including 23 children, were temporarily displaced from their homes, for nine hours, to make way for an Israeli military training exercise on 27 January. This is one of 38 Palestinian Bedouin and herding communities (6,224 residents), located in areas designed by the Israeli authorities [as a closed zone for military training \(firing zones\)](#).<sup>50</sup>
- In the week 2-8 February, another 36 Palestinian-owned structures were also demolished, or dismantled and confiscated, during the week in the West Bank for lack of Israeli-issued building permits, including 29 donor-funded structures. As a result, 26 people were displaced, including 15 children, and 26 people were otherwise affected. Four of the targeted structures were located in East Jerusalem in areas designated by Israeli authorities as a national park.<sup>51</sup>
- In the same week, Israeli authorities issued nine demolition and seizure orders against the family homes of nine suspected perpetrators of attacks against Israelis, placing the families at risk of displacement.<sup>52</sup> Punitive demolitions are a

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49 <http://www.ochaopt.org/poc26january-2february-2016.aspx>

50 *ibid.*

51 <http://www.ochaopt.org/poc2february-8february-2016.aspx>

52 *ibid.*



form of collective punishment and, as such, are illegal under international law. As aforementioned above, on 16 November, the UN Humanitarian Coordinator for the oPt called for an end to punitive house demolitions, deeming them an ‘inherently unjust’ ‘form of collective penalty’, ‘as they effectively punish not only the alleged perpetrators but also people (relatives, neighbours) for acts they have not individually committed. Collective penalties are prohibited under international law.’<sup>53</sup>

- In the week 9-15 February, the Israeli authorities destroyed 131 structures in twelve Area C and East Jerusalem communities for lack of Israeli-issued building permits, including four structures previously provided as humanitarian assistance. As a result 114 people were displaced, including 59 children and 203 persons were affected. The largest incident affected the Palestinian Bedouin community of Ein ar Rashash (Ramallah), which is located in a “firing zone” and which was almost entirely destroyed (43 structures).<sup>54</sup>
- On 17 February, Robert Piper, the UN Humanitarian Coordinator issued a press release calling on Israel to halt demolitions in the occupied West Bank immediately and to respect international law.<sup>55</sup> The press release can be read here:[http://www.ochaopt.org/documents/hc\\_statement\\_demolitions\\_feb16\\_final.pdf](http://www.ochaopt.org/documents/hc_statement_demolitions_feb16_final.pdf)
- In the East Jerusalem area of Al-Isawiya, Israeli authorities destroyed eight agricultural structures due to lack of permits; several water tanks and a container were also damaged during the incident, while tens of trees were uprooted and

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53 [http://www.ochaopt.org/documents/hc\\_statement\\_on\\_punitive\\_demolitions\\_16nov2015.pdf](http://www.ochaopt.org/documents/hc_statement_on_punitive_demolitions_16nov2015.pdf)

54 <http://www.ochaopt.org/poc9february-15february-2016.aspx>

55 <http://www.ochaopt.org/poc16february-22february-2016.aspx>



several dunums of cultivated land were bulldozed. This has affected the source of livelihood of 45 people, half of them children.<sup>56</sup>

- Between 23 February – 7 March, Israeli authorities destroyed three homes in Hebron city, Deir Samit and Tarusa also in the Hebron governorate, belonging to Palestinians who had been accused of committing attacks against Israelis last November, displacing 22 people, including thirteen children. Another three homes in Qabatiya (Jenin) were served with demolition orders on the same grounds during the week.<sup>57</sup>
- During the same period, Israeli forces destroyed or dismantled and confiscated 85 structures in Area C and East Jerusalem communities for lack of Israeli-issued building permits, including 17 structures provided as humanitarian assistance. As a result, 96 people, including 41 children, were displaced and 255 persons were affected. The largest incident affected the Palestinian Bedouin community of Khirbet Tana (Nablus), which is located in a “firing zone” and which was almost entirely destroyed (41 structures).<sup>58</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

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56 *ibid.*

57 <http://www.ochaopt.org/poc23february-7march-2016.aspx>

58 *ibid.*



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.

## IN FOCUS

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### **Renewed use of administrative detention against children in the oPt:**

According to evidence submitted to LPHR by Defence for Children International Palestine (DCIP), at around 2 a.m on 3rd December, Israeli forces arrested 17-year-old MNH from his home in the Ras al-Amoud neighbourhood of occupied East Jerusalem. MNH was detained in solitary confinement for 22 days during which time he was not permitted access to a lawyer and repeatedly subjected to prolonged interrogation sessions. MNH was subsequently granted bail but before his family could pay, the Israeli authorities approved a six-month administrative detention order due to expire on 20th June, 2016.

MNH is the sixth child to be held in administrative detention since October 2015. This series of detentions follows a hiatus of almost 4 years since December 2011, during which time no children were held in administrative detention.

Administrative detention is a procedure under which detainees are held without charge or trial based on secret evidence. The detention is authorised by a court issued administrative order for a maximum period of six months which can be renewed indefinitely.

As of January 2016, six Palestinian children have been held in administrative detention by Israeli authorities. Based on witness statements provided by DCIP to LPHR, several of the detainees reported aggressive and often abusive treatment during their detention. Almost all were not informed of their rights and repeatedly denied access to a lawyer and their family. One of the child detainees was required to sign a statement written in Hebrew, without knowledge of its contents. 17-year-old BMA recalls being strip-searched on two occasions and later detained in a 2 ½ x 1m metal cage with 5 adults and 1 other child.



International law permits administrative detention only in very exceptional cases. Article 9 of the International Covenant on Civil and Political Rights allows for a ‘restricted’ right to curtail liberty only in the event of public emergency and where there is no other recourse to prevent danger. Article 37 of the CRC provides that “No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time”.

In practice, Israel’s frequent use of administrative detention against adults clearly violates the high threshold imposed by international law. The use of administrative detention against children in the last six months is a very concerning development: it means that children are being subjected to imprisonment, possibly for extended periods of time, without being able to adequately challenge the alleged evidence relied upon by Israeli authorities for their administrative detention. Administrative detention denies children of their basic due process rights: the presumption of innocence and the right to put forward a defence. No detainee can put forward a defence without knowing what charge they are to answer to and what evidence they are to respond to.

LPHR submitted an urgent action letter to the Foreign Office in February 2016 raising the issue of Israel’s use of administrative detention orders against children. Please see LPHR’s letter and the reply from the Foreign Office [here](#).

Defense for Children International Palestine has also reported on the risks of children held in solitary confinement and subjected to lengthy and threatening interrogations for the purposes of extracting a confession. The use of such techniques is in contravention of article 37(a) of the Convention of the Rights of the Child which prohibits the cruel, inhuman or degrading treatment of children. The UN Special Rapporteur on Torture has stated that the intentional use of solitary confinement during pretrial detention “for the purpose of obtaining information or a confession” amounts to torture or cruel, inhuman or degrading treatment or punishment.<sup>59</sup>

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59 [http://www.dci-palestine.org/youth\\_conviction\\_palestinian\\_children\\_describe\\_solitary\\_confinement\\_in\\_israeli\\_military\\_prisons](http://www.dci-palestine.org/youth_conviction_palestinian_children_describe_solitary_confinement_in_israeli_military_prisons) and [http://www.unodc.org/documents/justice-and-prison-reform/SPECIAL\\_RAPPORTEUR\\_EN.pdf](http://www.unodc.org/documents/justice-and-prison-reform/SPECIAL_RAPPORTEUR_EN.pdf)



The current situation relating to the administrative detention of children strongly suggests that that Israel must review its position on the matter and seek to impose restrictions in accordance with international law and the CRC.

For more information on the treatment of children in detention, please see LPHR's recent parliamentary briefing on Israel's military detention of Palestinian children living in the occupied Palestinian territory [here](#).

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