



## CHILD RIGHTS BULLETIN

(for the period 3 May 2016 – 4 July 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>

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 examines the practice of punitive house demolitions.**

LPHR gives special thanks to Cormac Mannion, Jana Mainwaring and Emma Fullerton for their excellent work preparing this bulletin.

## FATALITIES

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**Six Palestinian children and one Israeli child died during the reporting period.**

**Three Palestinian children were killed by Israeli forces or private security services:**

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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



1. A 17-year-old Palestinian girl, Sawsan Ali Dawood Mansour, was shot dead by the Israeli Border Police while approaching the Beit Iksa checkpoint, north of Jerusalem, on 23 May. According to Israeli media reports, the girl raised a knife and did not adhere to orders to stop before being shot.<sup>3</sup> No injuries to Israeli forces were reported. Eyewitnesses said that Israeli forces denied medical crews access to the scene and left Sawsan bleeding for about an hour. Since the beginning of 2016, 53 Palestinian suspects, including 14 children, have been killed in attacks and alleged attacks on Israelis. The circumstances of many incidents have given rise to concerns over excessive use of force.
2. On 21 June, 15-year-old Mahmoud Ra'fat Badran was killed en route to his home in Beit 'Ur at Tahta village (Ramallah), when Israeli forces opened fire at his and one other Palestinian vehicle. Two other children were injured in the incident. The shooting followed the injury of three people travelling in an Israeli-plated car that was hit by stones; the Israeli military confirmed that the Palestinians killed and injured were not involved in the incident.<sup>4</sup> The Israeli authorities have announced the opening of a criminal investigation into the shooting.<sup>5</sup> The Israeli human rights organisation, B'Tselem, argues that there is little hope of the investigation bringing justice. It has described the system for complaints against the military as a 'whitewashing mechanism' in its report: 'The Occupation's Fig Leaf: Israel's Military Law Enforcement System as a Whitewash Mechanism, published in May 2016'.<sup>67</sup>
3. On 30 June, a Palestinian 17-year-old scaled a security fence in the settlement of Kiryat Arba' (Hebron) and entered the family home of a 13-year old Israeli girl, Hallel Yaffa Ariel. The youth, Mohammad Nasser Mahmoud Tarayra, stabbed Hallel to death while she was

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3 <https://www.ochaopt.org/content/protection-civilians-weekly-report-17-23-may-2016>

4 <https://www.ochaopt.org/content/protection-civilians-weekly-report-21-27-june-2016>

5 PCHR Weekly Report on Israeli Human Rights Violations in the Occupied Palestinian Territory (16th – 22<sup>nd</sup> June) <http://pchrgaza.org/en/?p=8209>

6 [http://www.btselem.org/press\\_releases/20160622\\_killing\\_of\\_mahmoud\\_badran](http://www.btselem.org/press_releases/20160622_killing_of_mahmoud_badran)

7 [http://www.btselem.org/publications/summaries/201605\\_occupations\\_fig\\_leaf](http://www.btselem.org/publications/summaries/201605_occupations_fig_leaf)



in her bedroom.<sup>8</sup> The 17-year-old Palestinian was subsequently shot and killed by the settlement's security guards.<sup>910</sup>

**In addition to fatal shootings by Israeli forces or private security services:**

- In the Gaza Strip, three children (9 months, 2 and 4 years old) died of a fire that broke out in their home, due to the mishandling of candles used to cope with severe electricity shortages in Gaza. Electricity outages lasting up to 18-20 hours per day have been ongoing for seven consecutive weeks, hindering the delivery of basic services.<sup>11</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.

Two of the child fatalities above appear to have occurred in the context of law enforcement operations. Article 40 of the CRC deals with approaches to children who are alleged to have breached criminal law, stating that every child suspect has the right 'to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the 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 practice of extrajudicial killings of children who are not

8 <http://www.telegraph.co.uk/news/2016/06/30/13-year-old-israeli-girl-stabbed-to-death-in-her-bedroom/>

9 <https://www.ochaopt.org/content/protection-civilians-weekly-report-21-27-june-2016>

10 <http://pchgaza.org/en/?p=8232>

11 <https://www.ochaopt.org/content/protection-civilians-weekly-report-3-9-may-2016>



posing an imminent, mortal threat would amount to a significant violation of the CRC. LPHR's blog article on the legality of extrajudicial killings can be read [here](#).

## INJURIES

**At least 113 Palestinian children and 4 Israeli children were injured across the oPt. Most injuries occurred during clashes with Israeli forces during demonstrations and search and arrest operations. Injuries included:**

- A 15-year-old boy was shot in the head with a rubber-coated metal bullet during clashes between Israeli forces and a group of children near a school in Al Khader village (Bethlehem) in May.<sup>12</sup>
- Six children were injured in a series of Israeli air strikes and tank shelling across the Gaza Strip. Violence escalated on 4 May as Israeli forces entered Gaza and carried out military operations, reportedly after the discovery of a tunnel running from Gaza into Israel.<sup>13</sup> One of the six was a 16-year-old, injured in an Israeli shelling attack targeting the land in which she and her relative, who died in the attack, were working on in al-Fokhari village, east of Khan Younis, south of the Gaza Strip.<sup>14</sup>
- On 13 May, Israeli soldiers stationed behind sand barriers opened fire at dozens of protesters who were heading towards the border area between Gaza and Israel. A 16-year-old was hit with a live bullet to the leg.<sup>15</sup> The live fire was reportedly in response to stone throwing by protesters.
- Between 10– 16 May, at least 32 children were injured by Israeli forces during clashes across the oPt. The majority of clashes occurred during demonstrations commemorating the 68th anniversary of what Palestinians refer to as the 1948 Nakba.<sup>16</sup> One of the injured was a 15-year-old, hit with a live bullet to the right knee, when Israeli soldiers fired rubber-coated metal bullets, tear gas canisters and sound bombs in response to protesters who were throwing stones at the 'Bsagot' settlement's fence in al-Bireh city.<sup>17</sup>
- 30 children were injured in the West Bank in clashes with Israeli forces between 24 May – 6 June. The vast majority of clashes occurred during demonstrations and protests,

<sup>12</sup> <http://www.ochaopt.org/content/protection-civilians-weekly-report-3-9-may-2016>

<sup>13</sup> <http://www.ochaopt.org/content/protection-civilians-weekly-report-3-9-may-2016>

<sup>14</sup> Ibid

<sup>15</sup> <http://pchrgaza.org/en/?p=8130>

<sup>16</sup> <https://www.ochaopt.org/content/protection-civilians-weekly-report-10-16-may-2016>

<sup>17</sup> PCHR Weekly Report on Israeli Human Rights Violations in the Occupied Palestinian Territory (12th - 18th May 2016)<http://pchrgaza.org/en/?p=8130>



- including in Ni'lin and Al Jalazun Refugee Camp in Ramallah governorate; Azzun and KafrQaddum in Qalqiliya governorate; and Abu Dis, Al 'Eizariya and Silwan in the Jerusalem governorate.<sup>18</sup>
- On 3 June at approximately 18:00, Israeli gunboats stationed off Rafah shore, south of the Gaza Strip, indiscriminately opened fire at the shore. As a result, a 17-year-old sustained a superficial bullet wound to the right buttock while her adult sister was hit with the same bullet. The two were wounded whilst with their family in a cafeteria by the shore.<sup>19</sup>
  - On two occasions between 21 – 27 June, Palestinians clashed with Israeli forces at the Haram al Sharif/Temple Mount compound in East Jerusalem, resulting in the injury of 26 Palestinians, including three children. The clashes followed the entry to the compound of Israeli settlers and other groups, which according to Palestinian authorities contravenes the status quo applied in past years during the last ten days of the month of Ramadan.<sup>20</sup>
  - 11 children were injured by Israeli forces during clashes in other areas of the West Bank during the period of 28 June – 4 July. Clashes occurred in the Qalandiya Refugee Camp (Jerusalem) prior to a punitive demolition, during the weekly demonstration in Kafr Qaddum (Qalqiliya) and during search and arrest operations.<sup>21</sup>
  - Palestinian security forces injured a 15-year-old Palestinian with live ammunition to the head, in clashes with a group of armed Palestinians in Kafr 'Aqab village (Jerusalem), during a search operation in the week of 14-20 June.<sup>22</sup>
  - During the week of 28 June- 4 July, unknown assailants opened fire at an Israeli-plated car on Road 60 (Hebron), injuring two children (15 and 13 years old).<sup>23</sup>

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18 <https://www.ochaopt.org/content/protection-civilians-weekly-report-24-may-6-june-2016>

19 <http://pchgaza.org/en/?p=8180>

20 <https://www.ochaopt.org/content/protection-civilians-weekly-report-21-27-june-2016>

21 <https://www.ochaopt.org/content/protection-civilians-weekly-report-28-june-4-july-2016>

22 <https://www.ochaopt.org/content/protection-civilians-weekly-report-14-20-june-2016>

23 <https://www.ochaopt.org/content/protection-civilians-weekly-report-28-june-4-july-2016>



- In June, two Israeli children were injured in two incidents of stone-throwing by Palestinians at Israeli-plated vehicles in the West Bank according to Israeli media reports.<sup>24,25</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 one week in May, four settler attacks against Palestinians were recorded, including two incidents of vandalism of property near Deir Istiya and in Kifl Haris (both in Salfit). Israeli settlers, accompanied by Israeli forces, reportedly entered the village to visit a religious shrine, and vandalised property while preventing villagers from returning home.<sup>26</sup>
- In the Israeli-controlled H2 area of Hebron city, a Palestinian woman and her child were physically assaulted and injured by a group of Israeli settlers; and in Asfeer (Hebron), a Palestinian village located in the closed area behind the Barrier, around 30 settlers vandalized the fence of a house and harassed the family calling it to leave the area.<sup>27</sup> Also in the H2 area, a group of Israeli settlers entered a Palestinian house and physically assaulted and injured a 16-year-old Palestinian child and his father; Israeli forces intervened and arrested the boy and his father pursuant to Israeli settler allegations that the two had previously attacked them.<sup>28</sup>
- Israeli settlers sprayed pepper gas in the face of a 13-year-old Palestinian child in the Israeli-controlled area of Hebron city (H2).<sup>29</sup>

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24 <https://www.ochaopt.org/content/protection-civilians-weekly-report-7-13-june-2016>

25 <https://www.ochaopt.org/content/protection-civilians-weekly-report-14-20-june-2016>

26 <https://www.ochaopt.org/content/protection-civilians-weekly-report-3-9-may-2016>

27 <https://www.ochaopt.org/content/protection-civilians-weekly-report-10-16-may-2016>

28 <https://www.ochaopt.org/content/protection-civilians-weekly-report-17-23-may-2016>

29 <https://www.ochaopt.org/content/protection-civilians-weekly-report-7-13-june-2016>



- The reporting period saw several Israeli settler attacks resulting in damage to agricultural land, including the running over and killing of 30 Palestinian-owned sheep in Jericho.<sup>30</sup> In Nablus and near Ramallah, around 280 Palestinian-owned trees and dozens of dunums of cultivated land were set on fire and damaged, reportedly by Israeli settlers from Shilo and nearby settlements outposts.<sup>31</sup> In recent years, these settlements have been a source of systematic violence and harassment, undermining the livelihoods and physical security of Palestinians living in the surrounding villages. Systematic damage to agricultural land and equipment is likely to entrench household poverty, impacting on the welfare of children.

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

**There were at 731 military search and arrest operations into the West Bank during the reporting period. These incursions saw at least 85 children arrested, 57 of whom were arrested in East Jerusalem. A further 5 children were arrested while fishing in the Gaza Sea. Additionally a child was arrested when attempting to cross the border fence between Gaza and Israel. Incidents included:**

- Two incidents in May in Gaza's 'access restricted area' saw 22 fishermen, including 5 children, forced to take off their clothes and swim towards Israeli naval forces boats where they were taken into custody.<sup>3233</sup>
- During the week of 28 June- 4 July, Israeli forces conducted 89 search and arrest operations and arrested 162 Palestinians in the West Bank. The majority of arrests were made in Jerusalem (including 27 children), and the highest number of incursions were carried out in Hebron.<sup>34</sup>

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30 <https://www.ochaopt.org/content/protection-civilians-weekly-report-7-13-june-2016>

31 <https://www.ochaopt.org/content/protection-civilians-weekly-report-21-27-june-2016>

32 <https://www.ochaopt.org/content/protection-civilians-weekly-report-17-23-may-2016>

33 <http://pchrgaza.org/en/?p=8232>[tps://www.ochaopt.org/content/protection-civilians-weekly-report-17-23-may-2016](https://www.ochaopt.org/content/protection-civilians-weekly-report-17-23-may-2016)

34 <http://www.ochaopt.org/content/protection-civilians-weekly-report-28-june-4-july-2016>



- Three children were arrested during night raids on their family homes in Aida refugee camp (Bethlehem) in two separate incidents between 30 June - 4 July. One of the children, a 16-year-old, was reportedly beaten by soldiers before being arrested.<sup>35</sup>
- In June, a raid on a Palestinian Legislative Council member's home in Aida refugee camp, saw the member's 17-year-old son arrested.<sup>36</sup>
- During the week of 26 May-1 June, 19 children were arrested, 11 of them in East Jerusalem. Additionally, a 16-year-old attempting to get into Israel by crossing the border fence between Gaza and Israel was arrested.<sup>37</sup>

## EDUCATION

Disruptions to education included:

- On 5 June, the Israeli authorities dismantled and confiscated two caravans used as a kindergarten in the Area C Palestinian Bedouin community of Sateh al Bahr (Jericho), on grounds of a lack of Israeli issued permits. 13 children who had used the kindergarten were affected.<sup>38</sup>
- In June, a kindergarten that was under-construction was served with a stop-work order in Area C of the West Bank.<sup>39</sup>
- A wide range of movement restrictions were imposed during the reporting period, disrupting access to services. The opening of a key road junction in the Hebron governorate in May, closed since October 2015, was expected to ease the movement of 35,000 people, including students, who were previously forced to take longer and more expensive detours.<sup>40</sup> However, the junction was blocked again by Israeli forces, following attacks by Palestinians on Israelis.<sup>41</sup> Israeli forces blocked several junctions leading to and from Palestinians villages and towns in the Hebron and Tulkarm governorates and imposed new checkpoints. As a result, the access of some 890,000 people across the

35 <http://pchgaza.org/en/?p=8232>

36 <http://pchgaza.org/en/?p=8187>

37 <http://pchgaza.org/en/?p=8160>

38 <https://www.ochaopt.org/content/protection-civilians-weekly-report-24-may-6-june-2016>

39 <https://www.ochaopt.org/content/protection-civilians-weekly-report-14-20-june-2016>

40 <http://www.ochaopt.org/content/protection-civilians-weekly-report-3-9-may-2016>

41 <https://www.ochaopt.org/content/hebron-governorate-movement-restrictions-5-july-2016>  
<http://www.ochaopt.org/content/protection-civilians-weekly-report-28-june-4-july-2016>



two affected governorates to services and livelihoods has been significantly disrupted.<sup>42</sup> Restrictions on movement in Hebron are described by B'Tselem as disrupting the lives of approximately 900,000 people.<sup>43</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 dismantling of a kindergarten and issuing of a stop-work order against an under-construction kindergarten suggest that Israeli forces have breached Article 28 of the CRC.

## DISPLACEMENT & DEMOLITIONS

**39 structures were demolished, displacing 24 and otherwise affecting 15 children.** Additionally, eight families, including two refugee families, were displaced. A further 205 children were temporarily displaced to make way for an Israeli military training exercise.

There were five punitive demolitions which displaced five children and two refugee families during the reporting period. Two children were otherwise affected.<sup>44</sup> Punitive demolitions included:

1. In Nablus, the Israeli authorities punitively demolished the family home of a Palestinian man currently in detention and under prosecution for the killing of two Israeli settlers in 2015. As a result, his pregnant wife was displaced, and two children were affected by the damage caused to two adjacent apartments during the demolition.<sup>45</sup>
2. In Qalandiya Refugee Camp (Jerusalem), Israeli forces destroyed the homes of two Palestinians who were killed whilst carrying out a stabbing attack in December 2015 in East Jerusalem.

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42 <http://www.ochaopt.org/content/protection-civilians-weekly-report-28-june-4-july-2016>

43 [http://www.btselem.org/freedom\\_of\\_movement/20160706\\_collective\\_punishment\\_in\\_hebron\\_district](http://www.btselem.org/freedom_of_movement/20160706_collective_punishment_in_hebron_district)

44 <https://www.ochaopt.org/content/protection-civilians-weekly-report-3-9-may-2016>  
<https://www.ochaopt.org/content/protection-civilians-weekly-report-7-13-june-2016>  
<https://www.ochaopt.org/content/protection-civilians-weekly-report-21-27-june-2016>  
<https://www.ochaopt.org/content/protection-civilians-weekly-report-28-june-4-july-2016>

45 <https://www.ochaopt.org/content/protection-civilians-weekly-report-3-9-may-2016>



Two refugee families comprising nine people (the number of children affected is not known) were displaced.<sup>46</sup>

3. On 11 June, in Beit 'Amra (Hebron), Israeli forces destroyed the family home of a 16-year-old Palestinian boy, currently being prosecuted for the stabbing and killing of an Israeli woman in the settlement of 'Otni'el in January 2016. Three children were displaced.<sup>4748</sup> (**Please see below our 'in-focus' section for more information about this punitive demolition case**).

4. On 21 June, in Hajja (Qalqiliya), Israeli forces punitively demolished the family home of the Palestinian perpetrator of a stabbing attack in March 2016, displacing five people, including two children. Palestinians trying to prevent the demolition clashed with Israeli forces, resulting in nine injuries.<sup>49</sup>

Additionally, on 14 June, the Israeli Supreme Court rejected a petition against the punitive demolition of the homes of two Palestinians from Qalandiya Refugee Camp, who perpetrated a stabbing attack in East Jerusalem in December 2015.<sup>50</sup>

In November 2015, the Humanitarian Coordinator for the occupied Palestinian territory, Robert Piper, called upon the Israeli authorities to halt punitive demolitions, which are a form of collective punishment, illegal under international law. Yet since the start of 2016, the Israeli authorities have demolished 21 Palestinian homes on punitive grounds.<sup>51</sup> Since the resumption of the practice in July 2014, 135 children have been displaced by the demolition or sealing of 51 homes on punitive

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46 <https://www.ochaopt.org/content/protection-civilians-weekly-report-28-june-4-july-2016>

47 <https://www.ochaopt.org/content/protection-civilians-weekly-report-7-13-june-2016>

48 [http://www.dci-palestine.org/\\_killing\\_our\\_memories\\_who\\_do\\_home\\_demolitions\\_really\\_punish](http://www.dci-palestine.org/_killing_our_memories_who_do_home_demolitions_really_punish)

49 <https://www.ochaopt.org/content/protection-civilians-weekly-report-21-27-june-2016>

50 <https://www.ochaopt.org/content/protection-civilians-weekly-report-14-20-june-2016>

51 <https://www.ochaopt.org/content/protection-civilians-weekly-report-21-27-june-2016>  
<https://www.ochaopt.org/content/protection-civilians-weekly-report-28-june-4-july-2016>



grounds.<sup>52</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 in the West Bank.

Other demolitions included:

- In East Jerusalem, the Israeli authorities demolished three Palestinians homes and a praying room for lack of Israeli-issued building permits, displacing nine children..
- Four families became at imminent risk of displacement after an Israeli court ruled in favour of a settler organization claiming ownership over three apartments and two shops in the Sheikh Jarrah area of East Jerusalem, and ordered their evacuation by 10 June 2016. The establishment of Israeli settlements in the heart of Palestinian neighbourhoods in East Jerusalem has resulted in increased tensions and undermined the living conditions of Palestinian residents.<sup>53</sup>
- On 5 June, the Israeli authorities dismantled and confiscated six residential shelters and two caravans used as a kindergarten in the Area C Palestinian Bedouin community of Sateh al Bahr (Jericho), on grounds of a lack of Israeli issued permits. The targeted structures had been provided as humanitarian assistance and funded by the oPt Humanitarian Fund. Six families were displaced and 13 children served by the kindergarten were affected. This is one of 46 Bedouin communities in the central West Bank at risk of forcible transfer due to an Israeli 'relocation' plan. Between 5 June- 1 January 2016, a total of 180 aid structures were demolished or confiscated, compared to 108 in all of 2015.<sup>54</sup>
- 205 children were displaced for more than 14 hours a day, for three consecutive days, to make way for an Israeli military training exercise. The children belong to three herding communities in the northern Jordan Valley: (Khirbet ar Ras al Ahmar, Humsa al Bqai'a and Hamamat Al Maleh). There are 38 Palestinian herding communities located in areas designated by the Israeli authorities as 'firing zones', which cover some 18% of the West

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52 <https://www.ochaopt.org/content/protection-civilians-weekly-report-7-13-june-2016>  
<https://www.ochaopt.org/content/protection-civilians-weekly-report-21-27-june-2016>  
<https://www.ochaopt.org/content/protection-civilians-weekly-report-28-june-4-july-2016>

53 <https://www.ochaopt.org/content/protection-civilians-weekly-report-17-23-may-2016>

54 <https://www.ochaopt.org/content/protection-civilians-weekly-report-24-may-6-june-2016>



Bank. Many of these communities, which are among the most vulnerable in the West Bank, have resided in these areas since before they were declared a 'firing zone'.<sup>55</sup>

- 12 children were displaced when the Israeli authorities demolished seven structures for lack of Israeli-issued building permits in the Hebron governorate, five of them in Susiya village.<sup>56</sup>

Families were affected by the destruction of agricultural and water storage equipment:

- In two separate incidents, the Israeli authorities confiscated two privately-owned tractors, a water pump and a water tank that supplied water to three Palestinian households in the northern Jordan Valley, citing lack of the required permits, in one case, and presence in a closed area for military training, in the other.<sup>57</sup>
- In Al-Khadr town (Bethlehem), three residential structures and two agriculture rooms were served with stop-work orders, affecting five Palestinian families.<sup>58</sup>
- As cited in the the Education section, an under-construction kindergarten and two water collection pools in Area C were served with stop-work and demolition orders.<sup>59</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.

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55 <https://www.ochaopt.org/content/protection-civilians-weekly-report-24-may-6-june-2016>

56 <https://www.ochaopt.org/content/protection-civilians-weekly-report-14-20-june-2016>

57 <https://www.ochaopt.org/content/protection-civilians-weekly-report-14-20-june-2016>

58 <https://www.ochaopt.org/content/protection-civilians-weekly-report-21-27-june-2016>

59 <https://www.ochaopt.org/content/protection-civilians-weekly-report-14-20-june-2016>



## IN FOCUS

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### Punitive demolitions

In the early hours of June 11, the family home of a 16 year-old Palestinian boy in Beit Amra village near the West Bank city of Hebron, was demolished by a team of Israeli soldiers. The teenager had been accused of the fatal stabbing of an Israeli settler and arrested in January. His family had been handed a demolition order the next day. The family petitioned the Israeli High Court of Justice (HCJ) to block the demolition order in an attempt to save their home. The HCJ ruled against the family on 31 May, and on June 11 the army destroyed the property with such speed and urgency that the family did not have the chance to remove their furniture and belongings. The demolition left the family of seven, three of whom are children, homeless during the Muslim holy month of Ramadan.<sup>606162</sup>

Punitive demolitions involve the destruction or sealing off of the homes of individuals who are suspected to have committed acts of violence against Israelis and have been used by Israeli security forces in the oPt since the occupation began in 1967.<sup>63</sup> The measure rarely harms the suspects directly, who at the time of the demolition are often not living in the house. According to a study by B'Tselem in 2004, 32 % of suspected offenders were in detention at the time of demolition, 21 % were 'wanted', and 47 % were dead. The same study found that on average, 12 innocent people lost their home for every person suspected of participation in attacks against Israelis.<sup>64</sup>

The use of Regulation 119 of the Emergency Defence (Temporary Provisions) Regulations of 1945 (first imposed by this British in Mandatory Palestine) is justified by the Israeli High Court of Justice as a deterrence measure against terrorism and violence.<sup>65</sup> However, the practice was halted in 2005 after an Israeli military committee (the Shani Committee) appointed to examine the policy, concluded that it was not producing the deterrent effect long claimed to justify its use, and in fact may have the opposite effect of fomenting more hatred and violence against Israel.<sup>66</sup> Furthermore, as the Israeli Committee Against House Demolitions (ICAHD) and HaMoked have argued, the 'deterrence' policy is only applied to Palestinians – Israeli homes are not demolished

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60 [http://www.dci-palestine.org/\\_killing\\_our\\_memories\\_who\\_do\\_home\\_demolitions\\_really\\_punish](http://www.dci-palestine.org/_killing_our_memories_who_do_home_demolitions_really_punish)

61 <http://pchgaza.org/en/?p=8187>

62 <http://www.hamoked.org/Document.aspx?dID=Updates1773>

63 <http://www.hamoked.org//Timeline.aspx?pageid=timelinehousedemolitions>

64 [http://www.btselem.org/publications/summaries/200411\\_punitive\\_house\\_demolitions](http://www.btselem.org/publications/summaries/200411_punitive_house_demolitions)

65 *ibid.*

66 <http://www.haaretz.com/idf-panel-recommends-ending-punitive-house-demolitions-for-terrorists-families-1.150620>



following acts of violence against Palestinians, despite the fact that there have been about 2,300 attacks on Palestinians by Israeli settlers since 2006, including acts of terrorist violence.<sup>67</sup> Following the findings of the Shani committee, the policy was frozen (with a few exceptions) until 2014, when it was reinstated after the abduction of three Yeshiva students. The resumption of the practise saw the UN Special Rapporteurs on the oPt and on the right to adequate housing, condemn the use of punitive demolitions in a joint statement.<sup>68</sup> UN figures show that since its reinstatement, 135 children have been displaced by the demolition or sealing off of 51 homes on punitive grounds.<sup>69</sup>

The practice is widely held to be illegal under international public law (including under the laws of belligerent occupation, international humanitarian laws and international human rights laws)<sup>70</sup> and constitutes a form of collective punishment, proscribed by the Fourth Geneva Convention (for a detailed discussion on collective punishment see [here](#)). The practice has long been opposed by the international community, human rights organisations and NGOs.

In its concluding observations in 2003, the United Nations Human Rights Committee determined that the policy of punitive demolitions contravened several articles of the International Covenant on Civil and Political Rights (ratified by Israel in 1991), including Article 12 (freedom to choose one's residence) and Article 17 (right not to be subjected to arbitrary interference with one's home) and called for Israel to 'cease forthwith the above practice [of punitive demolitions].'<sup>71</sup> In June 2016, the UN Relief Works Agency condemned the policy, describing it as 'illegal under international humanitarian and human rights law, inhumane, counter-productive and unacceptable.'<sup>72</sup>

Despite the international condemnation of the policy, the practice of punitive demolitions persists. The use of punitive demolitions under Regulation 119 has been criticised by Israeli legal scholars in a 2014 expert opinion for amounting to a serious breach of public international law that could amount to war crimes and has illegal 'collective punishment' features.<sup>73</sup>

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67 <http://icahd.org/2015/12/27/revenge-devoid-of-purpose-punitive-demolitions-of-palestinian-homes-2/>

68 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15340&LangID=E>

69 <https://www.ochaopt.org/content/protection-civilians-weekly-report-7-13-june-2016>  
<https://www.ochaopt.org/content/protection-civilians-weekly-report-21-27-june-2016>  
<https://www.ochaopt.org/content/protection-civilians-weekly-report-28-june-4-july-2016>

70 [http://www.hamoked.org/files/2014/1159001\\_eng.pdf](http://www.hamoked.org/files/2014/1159001_eng.pdf)

71 <http://www.hamoked.org/files/2010/6711.pdf>

72 [http://www.unrwa.org/sites/default/files/content/resources/observations\\_on\\_punitive\\_demolitions\\_in\\_refugee\\_camps\\_in\\_the\\_west\\_bank.pdf](http://www.unrwa.org/sites/default/files/content/resources/observations_on_punitive_demolitions_in_refugee_camps_in_the_west_bank.pdf)

73 [http://www.hamoked.org/files/2014/1159001\\_eng.pdf](http://www.hamoked.org/files/2014/1159001_eng.pdf)



The legal experts also noted that the policy might violate a number of the rights enshrined in the Convention on the Rights of the Child which obliges states to ensure that the best interests of the child shall be a primary consideration in all actions concerning children.<sup>74</sup> Of particular relevance, Article 2.2 of the CRC imposes a positive obligation on states to ensure that children are not subject to collective punishment for the actions of their family:

*'State parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians or family members.'*<sup>75</sup>

Israel's policy of punitive demolitions in the oPt clearly appears to violate this core obligation of the CRC.

The traumatic effect of punitive house demolitions on children cannot be understated. B'Tselem has collected testimonies from victims of the policy, concluding that the harm suffered by families affects almost all aspects of their life, and included family separation and a decline in living standards even after a new home is found.<sup>76</sup> The report also referenced the results of a study indicating that house demolitions have 'a substantial post-traumatic effect, felt primarily by children. These effects include fear of the army, decrease in ability to concentrate, incessant crying, insomnia and nightmares.'<sup>77</sup>

The damaging effect that the policy of punitive demolitions has on children makes it clear that the HCJ, in legitimising and allowing the policy to persist, does not appear to have accorded the best interests of the child as a primary consideration, contrary to its obligations under Article 3.1 of the CRC. Article 6.2 of the CRC obliges the contracting state to 'ensure to the maximum extent possible the survival and *development* of the child' (emphasis added). That periods of displacement and homelessness for children would negatively impact their development, both educational and emotional, would seem a predictable outcome of the policy.<sup>78</sup>

Demolitions of Palestinian property are a major problem in the oPt. However, punitive demolitions account for only a small percentage of properties demolished – the vast majority are demolished during military operations (such as Operation Protective Edge in the summer of 2014 which resulted in the destruction of 18,000 homes in Gaza)<sup>79</sup> or by court order because the families

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74 [http://www.hamoked.org/files/2014/1159001\\_eng.pdf](http://www.hamoked.org/files/2014/1159001_eng.pdf)

75 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

76 [http://www.btselem.org/publications/summaries/200411\\_punitive\\_house\\_demolitions](http://www.btselem.org/publications/summaries/200411_punitive_house_demolitions)

77 *ibid*, referencing Samir Qouta, Raija-Leena Punamaki, and Eyad al-Sarraj, "House Demolitions and Mental Health: Victims and Witnesses," 7 *Journal of Social Distress and the Homeless* (Vol. 4, 1998), 279-288

78 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

79 <http://gaza.ochaopt.org/2015/06/key-figures-on-the-2014-hostilities/>



were unable to obtain building permits, particularly in Area C of the West Bank.<sup>80</sup><sup>81</sup> B'Tselem reports that 168 housing units have been demolished in the West Bank in 2016 (up until 30 June) leaving 384 children homeless.<sup>82</sup> The emotional trauma and disruption to educational development experienced by children who have their homes demolished and are subject to periods of displacement and homelessness, make the issue of all home demolitions, including punitive demolitions, an absolutely vital one in the struggle to protect the rights of children in the oPt.

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80 <http://icahd.org/2012/08/06/the-idfs-decision-to-halt-punitive-house-demolitions-a-small-but-welcome-step/>

81 [http://www.dci-palestine.org/\\_killing\\_our\\_memories\\_who\\_do\\_home\\_demolitions\\_really\\_punish](http://www.dci-palestine.org/_killing_our_memories_who_do_home_demolitions_really_punish)

82 [http://www.btselem.org/planning\\_and\\_building/statistics](http://www.btselem.org/planning_and_building/statistics)