



## **CHILD RIGHTS BULLETIN**

**(for the period 1 August – 31 October 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.<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 prominent Palestinian and Israeli human rights organisations. 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**

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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



**concludes with an in-focus section that looks at the issue of actual and planned demolition of Palestinian education facilities.**

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

## **FATALITIES**

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### **One Palestinian child was killed in the oPt.**

- On 19 August, Israeli forces shot 16-year-old Qutaybah Ziad Yusef Zahran at Za'tara Checkpoint (Nablus) with live ammunition. The boy died of his wounds en route to hospital. Israeli border police alleged Qutaybah tried to stab a border police officer.<sup>3</sup> This brings the number of Palestinian children killed by Israeli forces this year to 13.<sup>4</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 a credible investigations into the above-mentioned killing.

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.

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3 <http://www.btselem.org/statistics/fatalities/after-cast-lead/by-date-of-event/westbank/palestinian-minors-killed-by-israeli-security-forces>

4 <https://www.ochaopt.org/content/protection-civilians-report-15-28-august-2017>



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 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 policy or practice of lethally shooting at children who are not posing an imminent, mortal threat would amount to a significant violation of the CRC.

## **INJURIES**

**At least 101 Palestinian children were injured by Israeli forces in clashes which occurred during search and arrest operations, protests and punitive house demolitions.<sup>5</sup> Additionally, a child was injured by unexploded ordnance.<sup>6</sup>**

Of these:

- In September, Israeli forces shot, injured and subsequently arrested a 15-year-old Palestinian boy after he reportedly attempted to stab an Israeli man next to an Israeli settlement in Hebron.<sup>7</sup>
- On 20 September, an 11-year-old Palestinian child was injured by an unexploded ordnance, which detonated in Kafr Qaddum village (Qalqiliya).<sup>8</sup>

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5 <https://www.ochaopt.org/reports/protection-of-civilians>; <http://pchgaza.org/en/?p=9695>

6 <https://www.ochaopt.org/content/protection-civilians-report-12-25-september-2017>

7 <https://www.ochaopt.org/content/protection-civilians-report-12-25-september-2017>

8 <https://www.ochaopt.org/content/protection-civilians-report-12-25-september-2017>



Article 3(2) of the CRC affords children with the protection and care necessary for their well-being. Further information regarding the serious child protection issue of unexploded ordnance can be read in the in-focus section of this previous LPHR Child Rights Bulletin: <https://lphr.org.uk/latest-news/child-rights-bulletin-for-the-period-31-march-27-may-2015/>

## SETTLER VIOLENCE

**Ten Palestinian children were injured by Israeli settler attacks.<sup>9</sup> Two Israeli children were reportedly injured by stone throwing by Palestinians.<sup>10</sup>**

Incidents of settler violence affecting Palestinian children included:

- On 6 September, a 15-year-old boy was physically assaulted, stripped of his clothes and injured by a group of about 20 Israeli settlers, while he was playing next to his house in Burqa village (Nablus). He was found unconscious.<sup>11</sup>
- In one October fortnight, four Palestinian children were physically assaulted and injured by Israeli settlers in two separate incidents recorded in the Israeli-controlled area of Hebron city (H2) and in East Jerusalem.<sup>12</sup>
- According to Israeli media reports, incidents of stone and Molotov-cocktail throwing at Israeli vehicles on main roads resulted in the injury of two Israeli children in two separate incidents during the reporting period.<sup>13</sup>

9 <https://www.ochaopt.org/content/protection-civilians-report-1-14-august-2017>;  
<https://www.ochaopt.org/content/protection-civilians-report-29-august-11-september-2017>;  
<https://www.ochaopt.org/content/protection-civilians-report-26-september-9-october-2017>;  
<https://www.ochaopt.org/content/protection-civilians-report-10-23-october-2017>

10 <https://www.ochaopt.org/content/protection-civilians-report-12-25-september-2017>;  
<https://www.ochaopt.org/content/protection-civilians-report-10-23-october-2017>

11 <https://www.ochaopt.org/content/protection-civilians-report-29-august-11-september-2017>;  
[http://www.dci-palestine.org/israeli\\_settlers\\_beat\\_drag\\_palestinian\\_boy\\_in\\_northern\\_west\\_bank](http://www.dci-palestine.org/israeli_settlers_beat_drag_palestinian_boy_in_northern_west_bank)

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

13 <https://www.ochaopt.org/content/protection-civilians-report-12-25-september-2017>;  
<https://www.ochaopt.org/content/protection-civilians-report-10-23-october-2017>



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**

**Israeli forces arrested 154 children during 772 military incursions into the West Bank including East Jerusalem.<sup>14</sup>**

The use of terrifying night raids on homes to arrest children was documented during the reporting period. Incidents included:

- On 7 August, a 15-year-old boy was arrested by Israeli soldiers at 3:00 a.m. He reports being interrogated without first consulting with a lawyer or being informed of his right to silence. The boy was working a night shift at his local bakery when about 10 Israeli soldiers came to detain him.<sup>15</sup>

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. Many children report being 'scared' or 'terrified' when confronted with heavily armed soldiers in their homes and sometimes their bedrooms. 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. Also engaged by the above-mentioned arrests 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'.

<sup>14</sup> <http://pchrgaza.org/en/?cat=47%20and>

<sup>15</sup> <http://www.militarycourtwatch.org/page.php?id=OFwQl2CI0xa1031835A5Cxx3WgSzm>



## EDUCATION

### Infringements on education included:

- Protesting Israeli police operations in and around schools, a parents' committee in Al 'Isawiya (East Jerusalem) declared a three day strike. Classes were suspended in 10 schools, affecting 6,000 students. Recurrent search and arrest operations in Al 'Isawiya have triggered clashes within school vicinities, resulting in child injuries and anxiety. In one October fortnight, there were 13 search and arrest operations in Al 'Isawiya.<sup>16</sup>
- In the Gaza Strip, two schools sustained damage as a result of Israeli airstrikes on 9 August, reportedly targeting military installations. The attack followed the firing of a projectile by a Palestinian armed group, which landed in southern Israel with no injuries or damage reported.<sup>17</sup>
- On 21 and 22 August, Israeli authorities destroyed or seized 6 caravans used as primary school classrooms serving 60 students in the herding community of Jubbet adh Dib (Bethlehem) and another structure used as kindergarten in Jabal al Baba community in the Jerusalem governorate, affecting 25 children.<sup>18</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 on schools and movement restrictions suggest that Article 28 is being breached. LPHR's urgent action letter to the

<sup>16</sup> <https://www.ochaopt.org/content/protection-civilians-report-10-23-october-2017>

<sup>17</sup> <https://www.ochaopt.org/content/protection-civilians-report-1-14-august-2017>

<sup>18</sup> <https://www.ochaopt.org/content/protection-civilians-report-15-28-august-2017>



UK Government in regard to the demolition of the primary school and kindergarten, and the UK Government's response, can be read here: <https://lphr.org.uk/urgent-action/requesting-uk-government-responds-demolition-school-jubbet-adh-dibh-occupied-palestinian-territory/>

## **DISPLACEMENT & DEMOLITIONS**

**At least 82 Palestinian owned structures were demolished, confiscated or destroyed, displacing 76 children. Additionally, 13 children are at risk of displacement following an Israeli court order.**

Israeli authorities carried out 5 punitive demolitions during the reporting period, displacing 9 children:

- In August, the Israeli authorities demolished three houses and sealed a fourth on punitive grounds in villages in the Ramallah governorate, displacing 6 children. Three of the homes belonged to the families of the perpetrators of an attack that took place in June. The fourth home belonged to the family of the suspected perpetrator of a ramming attack that took place in April near Ofra settlement.<sup>19</sup>
- On 16 August, in Kobar (Ramallah), Israeli forces punitively destroyed the family home of the Palestinian perpetrator of an attack in which three Israeli settlers were killed. Three children were displaced by the demolition. Two children were injured by Israeli forces in clashes during the demolition.<sup>20</sup>

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<sup>19</sup> <https://www.ochaopt.org/content/protection-civilians-report-1-14-august-2017>

<sup>20</sup> <https://www.ochaopt.org/content/protection-civilians-report-15-28-august-2017>



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

- On 5 September, following protracted legal proceedings, Israeli forces forcibly evicted a Palestinian refugee family, including a child, from their home in East Jerusalem, where they had been living since 1964. The property was handed over to Israeli settlers, who claimed ownership from before 1948, based on an Israeli law legislated for that purpose. Over 800 Palestinians in East Jerusalem are at risk of eviction from their homes due to cases filed at Israeli courts, primarily by Israeli settler organizations.<sup>21</sup>
- Between 12-25 September, Israeli authorities demolished 21 structures in Area C and East Jerusalem, displacing 16 children. In the same fortnight, the livelihoods of four children were affected when Israeli forces seized 50 water-storage barrels and two cows in the herding community of Umm al Oborin, in the northern Jordan Valley.<sup>22</sup>

In addition to demolitions:

- 13 children are at risk of displacement after a ruling by an Israeli court in October paved the way for the demolition of four buildings in the Kafr 'Aqab area of East Jerusalem, on the grounds the buildings lacked Israeli-issued building permits, difficult for Palestinians to obtain.<sup>23</sup>

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21 <https://www.ochaopt.org/content/protection-civilians-report-29-august-11-september-2017>

22 <https://www.ochaopt.org/content/protection-civilians-report-12-25-september-2017>

23 <https://www.haaretz.com/israel-news/.premium-1.690403>;  
[http://www.btselem.org/planning\\_and\\_building/20170213\\_2016\\_demolitions](http://www.btselem.org/planning_and_building/20170213_2016_demolitions)



- Around 8,100 people (number of children unknown) in 46 Palestinian Bedouin communities in the West Bank are at risk of forcible transfer due to the coercive environment generated by a range of Israeli policies, including demolitions and an official relocation plan. In September, the Israeli military entered the community of Khan al-Ahmar and reiterated to local leaders that they must leave the area to a site planned for their relocation.

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

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

Outside of the reporting period of this Bulletin, Defence for Children International Palestine (DCI Palestine) reports that in July, Israeli forces repeatedly shot a 13-year-old boy who was a short distance from them, unarmed and posing no threat, before detaining and trying to recruit him as an informant. Israeli forces shot him in both legs, firing a third bullet which injured him in the shoulder. While in the intensive care unit, the boy was under the



guard of two Israeli police officers who verbally abused him. A police interrogator questioned the boy while he was hospitalized between surgeries, in the absence of a lawyer or family member. He signed a statement in Hebrew, which he did not understand. The interrogator offered the boy inducements, asking him to report on children who throw stones in his village. The use of children in armed conflict is prohibited under customary international law, international humanitarian law and international human rights law, and punishable as a war crime under international criminal law.<sup>24</sup>

Also outside of the reporting period of this Bulletin, DCI Palestine reports that 16-year-old Oday Nawaja'a was killed by an unexploded ordnance (UXO) in an area used by the Israeli military as a training zone near Ibziq, in the West Bank, on July 22.<sup>25</sup> Further information regarding the serious child protection issue of unexploded ordnance can be read in the in-focus section of this previous LPHR Child Rights Bulletin: <https://lphr.org.uk/latest-news/child-rights-bulletin-for-the-period-31-march-27-may-2015/>.

DCI Palestine reports that in the ten years since Israel began its closure of the Gaza Strip, children have been stripped of their human rights and been prevented or acutely limited from accessing a wide range of goods and services.<sup>26</sup>

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24 [http://www.dci-palestine.org/israeli\\_forces\\_shoot\\_and\\_attempt\\_to\\_recruit\\_palestinian\\_child](http://www.dci-palestine.org/israeli_forces_shoot_and_attempt_to_recruit_palestinian_child)

25 [http://www.dci-palestine.org/palestinian\\_child\\_killed\\_by\\_uxo\\_in\\_jordan\\_valley](http://www.dci-palestine.org/palestinian_child_killed_by_uxo_in_jordan_valley)

26 [http://www.dci-palestine.org/how\\_the\\_blockade\\_hurts\\_children](http://www.dci-palestine.org/how_the_blockade_hurts_children)



Military Court Watch (MCW) reports that the conviction rate of children indicted in the military courts in 2015 was 95%. In 2014, the conviction rate was 98%.<sup>27</sup> 72% of children indicted in the military courts in 2015 were denied bail. Evidence indicates that where children are released on bail, this frequently occurs only after they have already spent a number of weeks or more in custody. By way of contrast, 17.9% of children indicted in Israel's civilian juvenile justice system were denied bail in 2015.

MCW finds that on the available evidence, the conclusions of the UNICEF report *Children in Israeli Military Detention*, that 'the ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalised throughout the process'<sup>28</sup> appears to still be valid in 2017.<sup>29</sup>

Educational opportunities for Palestinian children inside Israeli Prison Service facilities remain limited, with a prohibition on teaching history, geography and the sciences based on 'security considerations'. When education is available, it is insufficient to ensure the child's smooth reintegration back into the Palestinian school system and the subsequent drop-out rate upon release is high.<sup>30</sup>

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27 <http://www.militarycourtwatch.org/files/server/BRIEFING%20PAPER%20-%20OCT%202017%20-%20FINAL.pdf>

28 [https://www.unicef.org/oPt/UNICEF\\_oPt\\_Children\\_in\\_Israeli\\_Military\\_Detention\\_Observations\\_and\\_Recommendations\\_-\\_6\\_March\\_2013.pdf](https://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf)

29 <http://www.militarycourtwatch.org/files/server/BRIEFING%20PAPER%20-%20OCT%202017%20-%20FINAL.pdf>

30 <http://www.militarycourtwatch.org/files/server/BRIEFING%20PAPER%20-%20OCT%202017%20-%20FINAL.pdf>



MCW reports a link between child detention and Israeli settlements. Out of 127 cases documented by MCW in 2016, 125 involved children living within an average of 1.02 kilometres from a settlement or road used by settlers.<sup>31</sup> The heavy military presence in and around Palestinian communities located near settlements leads to friction, protests and resentment. There are approximately 410,000 Israeli civilians living in West Bank settlements constructed in violation of international law.

## IN FOCUS

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### **Actual and planned demolition of Palestinian educational facilities**

Israeli military authorities' have systematically targeted schools and kindergartens for demolitions over the last three months. This extremely troubling practice requires particular attention and an attendant legal analysis.

#### Demolition of educational facilities

On 21 August 2017, a donor funded kindergarten in Jabal al Baba was demolished. Personnel from the Israeli Civil Administration accompanied by 50 soldiers dismantled the pre-constructed building which had arrived 3 weeks prior to serve as a kindergarten for 25 local children aged 4-6 years old. Equipment was confiscated, consisting of 10 desks, 30 chairs, 2 cabinets and a blackboard with an estimated cost of over £2,000.<sup>32</sup>

A day later, on 22 August 2017, and on the eve of the new school year, the Israeli military authorities dismantled and confiscated property from a new school in the occupied West Bank Village of Jubbet Adh- Dibh consisting of 6 prefabricated buildings donated by the EU. Some of the 80 children (aged 5-10 years old) set to attend were forced to sit on the floor with no protection from the sun.<sup>33</sup>

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31 <http://www.militarycourtwatch.org/files/server/BRIEFING%20PAPER%20-%20OCT%202017%20-%20FINAL.pdf>

32 [http://www.btselem.org/press\\_releases/20170822\\_israel\\_demolishes\\_school\\_in\\_jub\\_a\\_dib](http://www.btselem.org/press_releases/20170822_israel_demolishes_school_in_jub_a_dib)



The area was sealed off and declared a military zone with stun grenades being used to keep residents away. “The demolition of a school building the night before the start of the year epitomises the administrative cruelty and systematic harassment by authorities designed to drive Palestinians from their land,” commented Roy Yellin of B’Tselem.<sup>34</sup> LPHR’s Urgent Action letter to Foreign Secretary Boris Johnson on the 1st September reinforces this perspective whilst also highlighting key legal issues.<sup>35</sup>

More recently, extremely disturbing plans were announced to demolish the West Bank village of Khan Al Ahmar. This would involve the destruction of a school where 170 children (aged 6-14 years old) are taught. The school is one of 55 educational facilities in Area C of the West Bank with outstanding demolition orders against them<sup>36</sup>. LPHR’s Urgent Action letter to Foreign Office Minister for the Middle East, Alistair Burt MP, of 27 September, provides details on the planned demolitions.<sup>37</sup>

#### Legality of demolitions and the impact on the child’s right to education

While Israeli policy-makers argue these schools have been demolished legally, as they lack building permits, the almost categorical denial of permits to Palestinians in Area C of the West Bank (and across Israel as a whole) makes obtaining building permits very difficult. Thus far in 2017, the Civil Administration has only approved 16 plans from 180 Palestinian villages in Area C.<sup>38</sup>

From the perspective of international law, the actual and planned demolitions of educational facilities in the occupied West Bank raises significant legal concerns.

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33 <http://www.independent.co.uk/news/world/middle-east/israel-destroys-palestinian-schools-before-new-term-occupied-west-bank-jub-ad-dhib-a7910356.html>

34 <http://www.independent.co.uk/news/world/middle-east/israel-destroys-palestinian-schools-before-new-term-occupied-west-bank-jub-ad-dhib-a7910356.html>

35 <https://lphr.org.uk/wp-content/uploads/2017/09/LPHR-letter-to-FCO-regarding-demolition-of-school-August-2017-FINAL.pdf>

36 <https://www.nrc.no/news/2017/august/israel-demolishes-palestinian-schools-days-before-reopening/>

37 <https://lphr.org.uk/wp-content/uploads/2017/09/LPHR-letter-re-forcible-transfer-27-Sept-2017.pdf>

38 <https://www.haaretz.com/israel-news/.premium-1.690403>



Article 28 of the the United Nations Convention on the Rights of the Child (CRC) provides that children and young people have the right to education on a non-discriminatory basis; and requires states to make efforts to ensure that primary education is compulsory and freely available to all. Destruction of kindergartens and schools in Palestinian villages are, however, clear violations of the terms and intent of Article 28 of the CRC, which Israel is legally bound to adhere to as an occupying power.

In addition, Article 27 of the CRC provides a requirement for states to ‘protect children in terms of their standard of living with respect to the child’s physical, mental, spiritual, moral and social development’. Israeli authorities have, however, shown a flagrant disregard for this right, with children forced to view the violent destruction of schools which should commonly be associated with safety and learning. This phenomenon, combined with continued uncertainty about access to education and the prospect of a dignified future, can clearly impact a child’s mental and social development.

In addition to obligations under the CRC, Article 13 of International Covenant on Economic, Social and Cultural Rights (ICESCR) recognises the right of everyone to ‘education and...the full development of the human personality and the sense of its dignity’. The International Court of Justice found that the ICESCR applies to actions of an occupying power. The actions of Israeli military authorities regarding Palestinian educational facilities shows a clear disregard for its legal obligations under the ICESCR.

Furthermore, Article 53 of the Geneva Convention provides that, ‘Any destruction by the occupying power of real or personal property... social or co-operative organisations, is prohibited, except where such destruction is rendered absolutely necessary by military grounds’. The destruction of schools and educational facilities providing education to Palestinian children is evidently far from ‘absolutely necessary’ on a military-security basis.

These clearly apparent breaches of international law indicate a serious failure by Israel to adhere to international human rights agreements which it has ratified. The gravity of this failure is properly expressed by Genevieve Boutin, UNICEF’s Special Representative in the State of Palestine, who acutely observed that ‘children’s access to quality and safe education is central to achieving a more peaceful future’.<sup>39</sup>

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39 <https://reliefweb.int/report/occupied-palestinian-territory/right-education-1-million-palestinian-children-risk>