



## CHILD RIGHTS BULLETIN

(for the period 1 February – 28 February 2019)

### Key incidents outlined in this LPHR's Child Rights Bulletin covering February 2019:

- Four Palestinian children killed in incidents involving the firing of live ammunition and tear gas canisters by Israeli forces
- Thirty students treated for gas inhalation after Israeli forces fired tear gas into a school's compound
- Night time arrest raids of children in their family homes are ongoing
- Three water connections serving over 19,000 people in areas of severe water shortages destroyed

The key incidents and statistics outlined in this bulletin span a range of violation categories: **'Fatalities', 'Injuries', 'Settler Violence', 'Arrests and Detention', 'Interference against Education', 'Displacement and Demolitions'**. They are collated from the UN Office for the Coordination of Humanitarian Affairs (**UN OCHA**) and local human rights organisations: Defence for Children International-Palestine (**DCIP**), B'Tselem, and Military Court Watch.

This bulletin outlines the specific rights of the [United Nations Convention on the Rights of the Child \(UNCRC\)](#) that apply to the key incidents affecting Palestinian children in the occupied Palestinian territory (**oPt**). As the occupying power, Israel has legal responsibilities under international conventions, including the UNCRC, for the safety, welfare and human rights protection of civilians living in the oPt. This bulletin concludes with a Further Reading section.

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### FATALITIES

**Four Palestinian children were killed in the oPt in February 2019.** This brings the total number of Palestinian children killed as a result of Israeli military and settler presence in the oPt since

the start of the year to seven. [DCIP records](#) that from January 2016 to the end of February 2019 a total of 114 Palestinian children have been killed.

- On 8 February, 17 year-old [Hamza Mohammad Rushdi Ishteiji](#) was shot dead by Israeli forces during protests in the eastern part of Gaza city. According to a medic interviewed by [DCIP](#), Hamza was sitting 200 metres from the perimeter fence at approximately 17:00 when he was shot by a single fatal bullet that struck the right side of his neck. The medic reported that he provided Hamza with first aid, but upon transfer to Shifa hospital, he was pronounced dead.
- In a separate incident on 8 February, 13 year-old [Hassan lyad Abdel Fattah Shalbi](#) was shot in the chest whilst participating in a demonstration in the southern part of Gaza city. [UN OCHA reports](#) that this incident occurred at least 60 metres from the fence. According to [DCIP](#), medics on the scene tried to provide Hassan with first aid, but he was bleeding extensively from his nose and mouth, dying shortly afterwards.
- On 12 February, 16 year-old [Hassan Nabil Ahmad Nofal](#) died four days after being struck in the head by an Israeli-fired tear gas canister during demonstrations in central Gaza. [DCIP](#) reports that Hassan joined a group of youth participating in “Great March of Return” protests at around 15:30 on 8 February. The group was standing approximately 150 metres away from the perimeter fence when Israeli soldiers stationed inside a surveillance room fired several tear gas canisters toward them, witnesses said. The tear gas canister struck the right side of Hassan’s head, fracturing his skull.
- On 22 February, 14 year-old [Yusif Said Hussein al-Dayeh](#) was shot in the chest with live ammunition by Israeli forces during a protest east of Gaza city. He was pronounced dead upon arrival at Shifa Hospital.

International human rights law requires that intentional lethal force be used only when absolutely unavoidable where there is an imminent threat to life or serious injury. Where individuals allegedly carry out a criminal act, they should be apprehended in accordance with international law and afforded due process of law. However, at least four of the fatalities above indicates use of excessive, lethal force by Israeli forces in situations not permitted by international human rights law.

Fatalities arising out of the use of force against protesters in Gaza has been examined by the UN-mandated independent Commission of Inquiry into the 2018 protests in Gaza. Their [report](#)



published on 25 February found reasonable grounds to believe that “the use of live ammunition by Israeli security forces against demonstrators was unlawful” in all the 189 fatality cases it investigated – including 35 child fatalities - with the possible exception of two incidents. ***Please see our Further Reading section below for more on this exceptionally serious human rights issue.***

**Article 6(1) of the UNCRC** states that every child has the inherent right to life. Part of providing meaningful protection under the UNCRC involves review of and accountability for child deaths. To fulfil its obligations under international law, it is necessary that the Government of Israel thoroughly and transparently investigate the circumstances of the above-mentioned the killings and ensures legal accountability and justice is delivered where there is criminal wrongdoing.

## **INJURIES**

At least [139 Palestinians](#) were injured by Israeli forces in the West Bank in February 2019, it is not clear how many of them children. [186 children](#) were injured in Gaza by Israeli forces during February 2019. Al Mezan Center for Human Rights, a Gaza based NGO, [reports](#) that between 30 March 2018 - 22 February 2019, 3,128 children were injured by Israeli forces during the ongoing ‘Great March of Return’ demonstrations in Gaza, including 1,433 children allegedly hit by live ammunition.

Injury incidents in February 2019 include:

- On 8 February, [43 children were injured by Israeli forces](#), some by use of live ammunition and tear gas canisters, during the Great Return March demonstrations in Gaza.

**Article 3(2) of the UNCRC** provides that states shall ensure children the protection and care necessary for their well-being. The consistent use of tear gas, rubber bullets, and live ammunition against unarmed civilians, the vast majority of whom do not pose a threat to Israeli security forces, is a serious violation of this fundamental legal protection in international human rights law. [The injuries and fatalities suffered are a direct result of Israel’s ‘open-fire’ policy along the Gaza perimeter fence](#) aimed to intimidate, harm and punish Palestinian protesters against occupation, which is in direct contravention of international human rights law.

Additionally, **Article 15(1) of the UNCRC** provides for the right of the child to freedom of peaceful assembly. The excessive use of force that has been used during the ‘Great March of Return’ is a violation of this basic right guaranteed by the UNCRC.

## **SETTLER VIOLENCE**

**UN OCHA documents an uptrend in settler violence since the beginning of 2019, with a weekly average of seven attacks on Palestinians resulting in injuries or property damage.**

- Multiple incidents of property damage affecting livelihoods occurred throughout the reporting period. This included the [vandalization of four houses, 32 cars and a mosque in Iskaka \(Salfit\) by Israeli settlers](#).

In 2018, [at least 20 children](#) were injured by Israeli settlers, according to UN OCHA. The Israeli human rights organisation [Yesh Din reports](#) that incidents of violence by Israeli civilians against Palestinians and their property are a daily occurrence throughout the West Bank but these incidents are rarely investigated properly by Israeli law enforcement. [Only 3%](#) of investigations into complaints filed by Palestinians hurt by settlers lead to convictions.

Unimpeded regular occurrences of settler violence against Palestinian children suggests that **Article 3(2) of the UNCRC**, which provides that states should ensure the protection and care of children as is necessary for their well-being, is being violated. **Article 39 of the UNCRC** is also relevant in stipulating that states should take all appropriate measures to promote the physical and psychological recovery of a child victim of abuse, and that such recovery should take place in an environment which fosters the health, self-respect and dignity of the child.

## **ARRESTS AND DETENTION**

**At the end of February 2019, [205 Palestinian minors](#) were held in Israeli prisons as security detainees and prisoners, including 2 administrative detainees** (where children are held without charge or trial). The occurrence of night time arrests in the family home and physical assaults was documented in February 2019.

- [B'Tselem reports](#) that at 04:00 on 10 February 2019, armed Israeli border police officers attended the family home of a 13-year-old boy, arresting him without explanation. The boy was interrogated without a lawyer or relative present. He was released 11 hours later.
- According to [testimony collected by Military Court Watch](#), on 13 February 2019, a 15-year-old boy was arrested by Israeli soldiers at midnight at his home after he said he



would not comply with a summons. He was accused of throwing stones but released without charge 13 hours later. The boy was taken outside and he was kicked and beaten with the backs of the guns that the soldiers who arrested him were carrying. He was blindfolded and reports being handcuffed painfully. The boy reports being physically assaulted again in the back of a troop carrier and slapped on the back of the head and kicked. He was left in the troop carrier for a couple of hours before being taken to a police station, where he was interrogated about a charge he had already served a short sentence for. Details of this incident can be read [here](#).

**Article 37(c) of the UNCRC** 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. The arrest and detention of children also engages **Article 3(1) of the UNCRC**, which obliges states to ensure that: ‘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’. Arresting children at night in their family home and physically assaulting a child would constitute a serious breach of Articles 3(1) and 37 of the UNCRC. ***Please see our Further Reading section below for more on the very troubling issue of night-time arrest raids.***

It is important to add that [Military Court Watch reported](#) on 6 March 2019 that six years on from UNICEF’s report ‘Children in Israeli Military Detention’, which concluded that the ill-treatment of children who come in contact with Israel’s military detention system appears to be widespread, systematic and institutionalized, only one of UNICEF’s 38 recommendations for improvement has been substantially implemented by Israel. Military Court Watch reports that reports of physical violence against Palestinian child detainees has gone up by 10% since 2013.

## **INTERFERENCE AGAINST EDUCATION**

### **Infringements on education in February 2019 included:**

- On 21 February, [Israeli forces fired tear gas canisters inside a school compound](#) in the Israeli-controlled area of Hebron city (H2), reportedly following stone-throwing by Palestinian children, resulting in 30 students and three teachers being treated for tear gas inhalation.

- Some 50 schools in the West Bank, including in East Jerusalem, are under ongoing threat of demolition, according to a [joint statement](#) issued on 30 January 2019 by the UN Humanitarian Coordinator, the UNICEF Special Representative and UNESCO.
- [UN OCHA reports](#) that Israel's termination of the Temporary International Presence in Hebron, combined with intensified harassment and restrictions against residents and the remaining protective presence actors in the area, increases the protection risks faced by Palestinian schoolchildren in the area.
- [UN OCHA reports](#) that between 29 January - 11 February 2019, three Palestinian teachers were denied access to their school through Beit Iksa checkpoint (Jerusalem) by Israeli forces who claimed that their names were not on the relevant list at the checkpoint. More about the delaying or preventing of teachers from accessing schools in Beit Iksa can be read [here](#).

**Article 28 of the UNCRC** stipulates 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 Israeli forces' denial of Palestinian teachers' access to their school and the planned demolition of 50 Palestinian schools indicate serious violations of this important access to education right provided by the UNCRC.

**Article 3(2) of the UNCRC** provides that states shall ensure children the protection and care necessary for their well-being. Firing tear gas canisters in a school compound is an apparent serious violation of this fundamental legal protection, which would also violate other basic civilian protection obligations found more generally in international human rights law.

## **DISPLACEMENT & DEMOLITIONS**

**According to a breakdown of statistics collated by [UN OCHA](#), 53 Palestinian owned structures were demolished or seized in February 2019, including 10 donor-funded structures, displacing [105 people, including 46 children](#). The number of people displaced in February was [more than double](#) the monthly average in 2018.**

Two donor-funded structures were destroyed in February 2019:

- [Two donor-funded water connections provided for the purpose of humanitarian assistance, in addition to one non-donor funded connection, were destroyed](#) on the grounds of the lack of Israeli-issued building permits. The water connections supplied or were about to supply two villages in Nablus, 13 herding communities in the Masafer



Yatta area of Hebron, and the Bedouin community of Wadi Abu Hindi in Jerusalem, altogether supporting around 19,520 people. The aforementioned communities all suffer from severe water shortages, especially in summer. *Please see our Further Reading section below for more on this human rights issue.*

Instances of forced displacement included:

- [B'Tselem reports](#) that the Abu 'Asab family, including two children, were forcibly evicted from their home in the Old City of Jerusalem on 17 February 2019. The family had lived in the home since 1952. In 2014, Israeli settlers initiated legal proceedings to evict the family. On 17 February 2019, Israeli policemen raided the house, removing the family by force. The police reportedly arrested and detained two child family members until the rest of the family agreed to vacate the home.

**Article 27 of the UNCRC** protects children's right to a 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. The UNCRC 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 Government of Israel in rendering children and their parents homeless and disrupting families' livelihoods, clearly violates both the letter and the spirit of the UNCRC.

**Article 24 of the UNCRC** protects children's right to the enjoyment of the highest attainable standard of health and that State Parties are responsible for taking appropriate measures to combat disease and malnutrition through, inter alia, the provision of clean-drinking water. Additionally, **Article 18(2)** obliges State Parties to give appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities. The destruction of water connections by Israeli authorities in areas which already suffer from severe water shortages constitutes a violation of these rights, as the limited water resources these communities do receive have to serve many purposes including washing, cooking, farming and livestock, and drinking.

## **Further Reading**

### **Palestinian child fatalities and injuries during demonstrations**

As noted in this Child Rights Bulletin, the use of excessive force, including live ammunition, against Palestinian children by Israeli forces, resulting in fatalities and serious injuries, is a prominent and exceptionally serious human rights issue. In this context, please see [LPHR's Urgent Action letter](#), to the UK government regarding the UK's abstention on the report of the UN independent Commission of Inquiry into the 2018 Gaza protests. The report found reasonable grounds to believe that all 189 fatalities at the weekly protests in Gaza from 30 March 2018 to 31 December 2018 were caused by unlawful use of force – with the possible exception of two incidents - and that medical workers, journalists, some children and some people with visible disabilities were shot intentionally.

Please also see the [statement of UK charities](#) - including LPHR as a signatory – on the findings of the UN independent Commission of Inquiry, and a [further statement by UK charities](#) - again including LPHR as a signatory - on the decision by the UK government not to support the UN independent Commission of Inquiry's report at the UN Human Rights Council on 22 March 2019.

### **Night time arrest raids of children in their family home**

As noted in this Child Rights Bulletin, the practice by Israeli military forces of subjecting Palestinian children to night time arrests in their family homes is ongoing. Please see [LPHR's February 2018 parliamentary briefing on children in military detention](#) for more information on this systemic practice that terrifies children and their families.