



## CHILD RIGHTS BULLETIN

(for the period 1 April – 30 April 2019)

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

- Two Palestinian children killed in incidents involving firing of live ammunition
- 350 Palestinians, the majority of them school-children, required treatment for tear gas inhalation after Israeli forces fired canisters into a boys' school in Hebron
- 39 children injured by live fire, tear gas, or plastic-coated steel bullets by Israeli forces in one day of the 'Great March of Return' demonstrations in the Gaza Strip
- Five children forcibly displaced following a punitive house demolition carried out by Israeli authorities in the West Bank

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**), Al Mezan, 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

**Two Palestinian children were killed in the oPt in April 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 thirteen, including eleven from the Gaza Strip.

- On 12 April, 15-year-old Maisara Mousa Suleiman Abu Shalouf was killed near the Gaza perimeter fence in Jabalia after sustaining a gunshot wound to the abdomen by Israeli forces. [DCIP](#) reported that Maisara was shot shortly after he used metal cutters on the perimeter fence into Israel at about 5pm. He was taken to hospital where he was pronounced dead.
- On 13 April, 16-year-old Ishaq Ishteivi died in Israeli detention from gunshot wounds he had sustained on 3 April. According to [DCIP](#), Ishaq had crossed the Gaza perimeter fence east of Rafah in the southern part of the Gaza Strip in order to find work inside Israel. The child's parents said the Palestinian District Coordination Office had informed them of their child's death but they were awaiting official confirmation and the return of his body.

**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. ***Please see our Further Reading section below for more on the exceptionally serious human rights issue of child fatalities in Gaza.***

## **INJURIES**

**At least [606 Palestinian children](#) were injured by Israeli forces in multiple clashes across the West Bank in April 2019. Around [402 children](#) were injured in Gaza by Israeli forces.**

Injury incidents in April 2019 include:

- [OCHA reports](#) that on 2 April, four Palestinians, including two children, were injured by live ammunition near the Qalandiya refugee camp during a search and arrest operation by the Israeli army.
- On 12 April, Al Mezan Centre for Human Rights reported that 39 children were injured by Israeli forces in continuing Great March of Return protests. It was reported that Israeli forces had used live ammunition, plastic-coated steel bullets and tear gas canisters. It should be noted that Al Mezan reported similar incidents injuring children taking place on 5, 19 and 26 April in the context of the Great March of Return protests.



**Article 3(2) of the UNCRC** provides that states shall ensure children the protection and care necessary for their well-being. The excessive use of force by Israeli authorities during the Great March of Return protests as well as during search and arrest operations constitute a serious violation of this important legal protection. In addition to finding the use of live ammunition by Israeli security forces to be unlawful in all the 189 fatality cases it investigated – including 35 child fatalities - with the possible exception of two incidents, the [report of the UN Commission of Inquiry](#) into the 2018 Gaza protests noted that many of those who survived shots with live ammunition suffered life-changing injuries.

**Article 24(1) of the UNCRC** gives children the right to the enjoyment of the highest attainable standard of health and states that States Parties should strive to ensure no child is deprived of his or her right of access to such health care services. The lack of adequate medical care in the oPt to treat children with injuries from the use of live ammunition, in addition to Israel's [policy](#) of denying injured protesters permission to travel for medical care can worsen the situations of children with injuries, serves to punish protesters and violates their fundamental right to healthcare. *Please see our Further Reading section below for more on the grave issue of prevention of access for Gaza protesters to medical care.*

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**

**In April 2019, OCHA documented a significant uptrend in bi-weekly settler attacks this year resulting in Palestinian casualties, including to children, or property damage.** Since the start of 2019, casualties or property damage have seen an increase of 40% and 133% as compared to figures from 2018 and 2017 respectively, according to [OCHA](#).

Settler violence incidents in April include:

- In Jenin, [OCHA reports](#) that one Palestinian boy was injured in a stone-throwing incident by settlers.

The rate at which settler attacks have increased since last year suggests little is being done by the Israeli authorities to ensure **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 appropriately upheld. In addition, 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. The low rate of investigations into attacks by Israeli settlers suggests that Israel is in violation of its obligations under Article 39 **of the UNCRC**, which stipulates 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**

**From 6 April to 26 April Israeli forces arrested at least [168 Palestinians, including 33 children](#).**

**At the end of April, 205 children were held as detainees or prisoners**, including 2 administrative detainees (where children are held without charge or trial).

Arrest and detention incidents include:

- Between [6 April-26 April, Israeli forces](#) arrested 8 children In the Hebron District, 10 children in the Bethlehem District, 8 children in the northern West Bank, one child in Nablus and one child in the Jordan Valley.

It is relevant to note in this context that on 30 April, US Congresswomen Betty McCollum introduced the Promoting Human Rights for Palestinian Children Living Under Israeli Military Occupation Act, which if passed would prohibit US financial assistance funding the military detention of children by any country, including Israel. The bill seeks to amend the Foreign Assistance Act 1961 by adding a generally applicable limitation prohibiting US military aid from being used by foreign armed forces to support the military detention, interrogation, abuse, or ill-treatment of children in violation of international humanitarian law. Further explanation of the bill and its aims can be found [here](#).

**Article 3(1) of the UNCRC** 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’.



**Article 37(b) of the UNCRC** also states that no child shall be deprived of his or her liberty unlawfully or arbitrarily and that it shall be used only as a measure of last resort and for the shortest appropriate period of time.

**Article 40 of the UNCRC** states that State Parties recognise the right of every child accused of infringing the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth.

### **INTERFERENCE AGAINST EDUCATION**

**Interference against education in April 2019 include:**

- On 9 April, in the Israeli-controlled area of Hebron city (H2), [Israeli forces fired multiple tear gas canisters inside the compound of a boys' school](#) during clashes in the West Bank area. As a result, a total of 350 Palestinians, the majority of them students, required treatment after inhaling the gas.
- On 18 April an [UNRWA girls' school was evacuated](#) after tear gas canisters landed inside the compound during clashes with Israeli forces at Qalandiya refugee camp (Jerusalem).
- In the two-week period between 23 April and 6 May, clashes erupted in 'Urif village (Nablus) between settlers and Israeli forces accompanying them, and Palestinians, after settlers [stoned the boys' school and the surrounding houses](#).

**Article 28(1) 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. Stoning of schools or students by settlers impedes and discourages children from accessing education and makes their journey to school as well as their time at school potentially dangerous.

*For more information about this issue and the applicable international law provisions please see [LPHR's blog](#) on the right to education being at increased risk for schoolchildren in Hebron, published on 4 June 2019.*

## **DISPLACEMENT & DEMOLITIONS**

**According to a breakdown of statistics collated by [OCHA](#), 71 Palestinian-owned structures were demolished or seized in April 2019, displacing 75 people, including 37 children.**

Demolition incidents affecting children in April 2019 include:

- [Ten structures were demolished](#) in East Jerusalem for not having Israeli-issued building permits, displacing 9 Palestinians and otherwise affecting 83 people. Five of these ten structures were demolished by their owners after receipt of a final demolition order in order to avoid incurring additional fines. [Over 145 structures have been demolished](#) or seized in West Bank since the start of 2019.
- Israeli forces confiscated a [truck](#) carrying materials for a donor-funded water project in the Tubas area on 15 April.
- On 29 April the Israeli authorities demolished 31 structures in multiple neighbourhoods in East Jerusalem. This amounted to [the highest number of structures demolished in a single day in East Jerusalem](#) since OCHA started systematically monitoring demolitions in 2009.

Instances of forced displacement affecting children include:

- On 25 April, the Israeli authorities demolished a home in Az Zawiya village (Salfit) in Area B of the occupied West Bank on punitive grounds, which [displaced a family of seven including five children](#). This home belonged to a 19-year-old Palestinian who was accused of killing an Israeli soldier. This is the fifth such demolition in 2019, compared to six in 2018 and nine in 2017.

**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, whether through demolition of homes or through forced displacement, clearly violates both the letter and the spirit of the UNCRC.

**Article 18(2) of the UNCRC** obliges State Parties to give appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities. Demolitions and serious damage to homes, and subsequent forced displacement, violate this right as it harms



parents and legal guardians' ability to fulfil their responsibilities of looking after and providing shelter for their children.

**Article 16(1) of the UNCRC** protects children's right to not be subject to arbitrary or unlawful interference with his or her privacy, family and home and Article 16(2) entitles children to the protection of the law against such interference or attacks. Punitive demolitions interfere severely with this right, since not only do the demolitions disrupt children's families and uproot them from their homes, but they [also constitute collective punishment in contravention of international humanitarian law](#) carried out as part of Israeli government policy against families in response to the actions or alleged actions of individuals.

### **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. For more on this issue, please see [LPHR's Urgent Action letter to the Secretary of State for Foreign and Commonwealth Affairs, of 28 March 2019](#), regarding the UK's abstention on the UN Independent Commission of Inquiry report, which found reason to believe that all 35 child 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 some children were shot intentionally.

Please also see the statement of UK charities - including LPHR as a signatory - [on the findings of the Commission of Inquiry](#) on 25 February 2019, and a further statement by UK charities - again including LPHR as a signatory - on the [decision by the UK government not to support the Commission of Inquiry's report](#) at the UN Human Rights Council on 22 March 2019.

LPHR endorses the recommendations made to the government of Israel by the UN independent Commission of Inquiry at paragraph 985 of its March 2019 report that it must refrain from using lethal force against civilians, including children, who pose no imminent threat to life; and that it must ensure accountability and reparations for those killed or injured unlawfully.

## **Prevention of access to medical care for Gaza protesters, including children**

The pervasive denial and delay of travel permits by Israeli authorities to patients in Gaza to access medical care outside of Gaza is an ongoing human rights issue, and it is especially serious in the context of [Israel's policy decision of April 2018](#) that, as a general rule, it shall prevent anyone involved in the Great March of Return protests, including children, from travelling outside of Gaza for medical treatment, even for treatment of injuries caused by live fire. This only puts more pressure on already stretched and under-funded medical facilities in Gaza and often leaves health professional no option but to amputate the limbs of those affected to prevent further health issues such as blood poisoning.

[B'Tselem has recently reported](#) on the substantial impact of Israel's decision to bar wounded Gazan protesters' access to medical care as a general rule: only 85 (17%) of applications were approved from the start of the demonstrations through to January 2019, while 408 (83%) were rejected either through denial or delay. [Save the Children](#) also recently reported that “[a]ccording to World Health Organisation data, 80% of children injured at the protests who applied to leave Gaza to receive emergency medical treatment in Israel over the last year have had their permits rejected or delayed”.

[Save the Children](#) has also highlighted the related issue of the adverse impact on the physical and mental health of children and the impact on their families who struggle to cope with the long-term implications of their injuries. The international organisation reports that “Thousands have sustained serious wounds, including blindness, head injuries, and amputations.”

LPHR endorses the four specific recommendations made to the government of Israel by the UN independent Commission of Inquiry at paragraph 989 of its March 2019 report to ensure the fulfilment of the right to health of injured persons:

- (a) Lift the blockade [closure] on Gaza with immediate effect;
- (b) Ensure that all those injured at demonstrations are permitted prompt access to hospitals elsewhere in the Occupied Palestinian Territory, in Israel or abroad;
- (c) Ensure timely access of medical and all other humanitarian workers to Gaza, including to provide treatment to those injured in the context of demonstrations;



(d) Ensure efficient coordination for entry of medical items and equipment into Gaza, and remove the prohibition of entry applied to items with legitimate protective and medical uses, including carbon fibre components for the treatment of limb injuries.