



## CHILD RIGHTS BULLETIN

(for the period 1 May – 31 May 2019)

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

- A toddler, a baby and an 11-year-old were killed in the Gaza Strip during Israeli air strikes between 3-5 May.
- These airstrikes destroyed 33 housing units and damaged others, leaving 52 families homeless, including 65 children under the age of five.
- A 15-year-old boy was fatally shot in the chest by Israeli authorities when attempting to cross the Separation Barrier to enter Jerusalem to attend prayers at al-Aqsa Mosque.
- A 14-year-old had his leg amputated after being shot by an Israeli soldier while retrieving a football near the Separation Barrier.

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

**One Palestinian child was killed by Israeli forces in the West Bank. Three Palestinian children were killed in the Gaza Strip by Israeli airstrikes.** 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 seventeen, including fourteen from the Gaza Strip.

- On 4 May, 19-month-old Saba Mahmoud Hamdan Abu Arar was severely injured when a rocket struck the Zeitoun neighbourhood in northern Gaza. According to [DCIP](#), Saba later died from extensive shrapnel wounds. In the same incident, Saba's pregnant aunt was killed and her 3-year-old sister was injured.
- On 5 May, three-month-old Maria Ahmed Ramadan Ghazali died from extensive shrapnel injuries caused by an Israeli missile strike on her home in the northern Gaza Strip. As reported by [DCIP's preliminary investigation](#), at 21:00, an Israeli aircraft fired two F-16 missiles at Tower 12 of the Sheikh Zayed Towers, where Maria lived with her parents, who were also killed. The strike destroyed two apartments on the fifth floor of the building, also killing 11-year-old Abdel-Rahman Talal Attieh Abu Jidian.
- On 31 May, [B'Tselem](#) reports that 15-year-old 'Abdallah Gheith was fatally shot in the chest by Israeli forces near the An Nu'man checkpoint (in the West Bank) when 'Abdallah was attempting to cross the Separation Barrier to enter Jerusalem to attend prayers at al-Aqsa Mosque. During Ramadan, Palestinian men between 16 - 30 were barred from entering Jerusalem.

**Article 6(1) of the UNCRC** provides that every child has the inherent right to life. The above-mentioned airstrikes on residential buildings in Gaza resulting in three child fatalities strongly suggests that Israel's authorities have seriously violated its legal duty under Article 6(1). 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 killings and ensure 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 airstrikes against residential buildings.*

## **INJURIES**

Around [343 Palestinian children](#) were injured in Gaza by Israeli forces in May 2019, with most of the injuries occurring during the Great March of Return protests. [59 children](#) were injured in clashes in the West Bank.



Injury incidents in May 2019 include:

- According to [DCIP](#), a 14-year-old was shot in the leg by an Israeli soldier on 21 May while he was retrieving a soccer ball near the Separation Barrier in the Bethlehem area. The boy [reports](#) waiting approximately 45 minutes for an ambulance and being searched and questioned by soldiers. The boy's leg was amputated at hospital. The boy reports being guarded by soldiers at hospital.
- [UN OCHA](#) reports that on 31 May, a 16-year-old Israeli boy was stabbed in Jerusalem. According to Israeli [media](#), the boy sustained light to moderate injuries. The alleged perpetrator, a 19-year-old Palestinian, was shot by Israeli forces.

**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 and the shooting of a boy near the Separation Barrier, constitute a serious violation of this important legal protection. Under international law, lethal force such as live ammunition can only be used as a last resort when there is a direct and imminent threat to life or serious injury.

**Article 24(1) of the UNCRC** gives children the right to the enjoyment of the highest attainable standard of health and states that State Parties should strive to ensure no child is deprived of his or her right of access to such health care services. The apparent delay in the injured boy receiving medical treatment suggests a breach of this legal duty.

**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**

**[OCHA](#) reports that since the beginning of 2019, the bi-weekly average of settler attacks resulting in Palestinian casualties or property damage has witnessed a 40% and 133% increase, compared to the biweekly average of 2018 and 2017.**

Settler violence incidents in May 2019 include:

- In the Israeli-controlled H2 area of Hebron city, UN [OCHA](#) reports that two children were physically assaulted by Israeli 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 11 May to 24 May, Israeli forces arrested at least [122 Palestinians](#), including [16 children](#). As of 31 May, Military Court Watch reports that [201 children](#) were held as detainees or prisoners.**

Arrest and detention incidents include:

- According to [sworn testimony](#) collected by Military Court Watch, on 23 April 2019, a 15-year-old was arrested by Israeli soldiers during a night raid on his family home in the West Bank. The boy reports being arrested at around 03:00am, being verbally abused by soldiers and being instructed to strip to his underwear. The boy reports being only being allowed to speak to a lawyer on the phone for under one minute, during which time the boy's interrogator was present. The boy was eventually released on 10 May 2019. This incident illustrates the typical experience faced by children arrested during a night raid.

It **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. Arresting children at night in their family home when other options are available to perform an arrest constitute an apparent 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.*

### **INTERFERENCE AGAINST EDUCATION**

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

- UN [OCHA](#) reports 13 educational facilities were damaged between 3-6 May following targeted strikes by the Israeli Air Force. The airstrikes followed hostilities between Israeli forces and Palestinian armed groups.
- UN [OCHA's](#) report on 14 May found that child labour is increasing in Gaza in order to alleviate poverty and secure daily expenses. Most families with working children are considered to live below the poverty line. The report found that the deteriorating socio-economic situation in Gaza has a negative impact on children's rights and their access to education at school and in the home, evidenced by an increasing number of school drop-outs.

**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. Inflicting damage against 13 educational facilities in Gaza is inconsistent with this legal obligation.

### **DISPLACEMENT & DEMOLITIONS**

**According to a breakdown of statistics collated by UN [OCHA](#), 17 Palestinian-owned structures were demolished or seized in May 2019, displacing 29 people, including at least 12 children.** Since the start of 2019 to 31 May 2019, 228 structures have been demolished, displacing [151 children](#).

Demolition and displacement incidents affecting children in May 2019 include:

- According to [UN figures](#), Israeli air strikes on Gaza between 3-5 May destroyed 33 housing units and damaged others, leaving 52 families homeless, including 65 children under the age of five.
- UN [OCHA](#) reports that on six occasions Israeli forces displaced 125 Palestinians (80 percent women and children) from two herding communities, Tell al Khashaba (Nablus) and Humsa al Bqai'a, for 7 to 20 hours each time, to make way for Israeli military training. The families had to stay out in the open or in neighboring communities, in most cases overnight. On 16 May, the Association for Civil Rights in Israel filed a petition with the Israel High Court of Justice against the evacuation of the Humsa al Bqai'a community. On 22 May, the Israeli Court rejected the petition. Both communities face regular demolitions and access restrictions which, along with repeated temporary replacement due to military training, raise concerns over the risk of forcible transfer.
- UN [OCHA](#) reports that, citing the lack of Israeli-issued building permits, Israeli authorities demolished a Palestinian-owned livelihood structure located in Haris village (Salfit), affecting one family, including four children.
- UN [OCHA](#) reports that between 21 May- 3 June Israeli authorities demolished or seized a further 12 Palestinian structures, all in Area C, including 8 structures provided as humanitarian assistance. As a result, 19 people, including 9 children, were displaced and 107 people otherwise affected.

**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 air-strikes against family homes, 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.

### **Further Reading**

#### **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.

#### **Air strikes on residential buildings in Gaza**

The military airstrikes on family homes in Gaza between 3-5 May that resulted in three child fatalities, and destruction and damage to homes that has rendered families homeless, is a tragic reminder of what was a key feature of the 2014 hostilities in Gaza. For a thorough analysis on this grave issue, please see [LPHR’s recent commentary](#) on the targeting of family homes by Israeli military forces in Gaza in the context of the preliminary examination currently being carried out by the Office of the Prosecutor of the International Criminal Court.