



## **Convention on the Rights of the Child (1989) (CRC)**

### **Alternative Report for Consideration Regarding Israel's Second Periodic Report to the UN Committee on the Rights of the Child**

**Submitted 16 July 2012**

## **Contents**

<b>Introduction</b>	<b>3</b>
<b>1. General Implementation</b>	<b>3</b>
<b>2. Definition of the Child</b>	<b>5</b>
<b>3. General Principles</b>	<b>5</b>
<b>4. The Closure system in the Gaza Strip</b>	<b>6</b>
<b>5. Restrictions on movements and residency in the West Bank and Gaza Strip</b>	<b>11</b>
<b>6. Operation Cast Lead, house demolitions, other military attacks</b>	<b>14</b>
<b>7. Special protection measures</b>	<b>17</b>
<b>Conclusion</b>	<b>18</b>
<b>Recommendation</b>	<b>18</b>
<b>Endnotes</b>	<b>20</b>

## Introduction

This report, submitted by Al Mezan Center for Human Rights, Ensan Center for Democracy & Human Rights, Gaza Community Mental Health Programme, and the Independent Commission for Human Rights, aims to bring the attention of the Committee on the Rights on the Child to incidents and policies in the occupied Palestinian territory (OPT) by Israel which violate the Convention on the Rights of the Child 1989 (CRC). The report is not a comprehensive examination of all issues related to the implementation of the CRC in the OPT. Rather, it should be viewed in conjunction with the Alternative Reports submitted by Defence for Children International Palestine Section.

The report specifically focuses on the following issues and articles of the Convention:

- 1. General implementation measures (article 4)**
- 2. Definition of the child (article 1)**
- 3. General principles (articles 2, 3, 6)**
- 4. The Closure system in the Gaza Strip**
- 5. Restrictions on movements and residency in the West Bank and Gaza Strip**
- 6. Operation Cast Lead, house demolitions, other military attacks**
- 7. Special protection measures (articles 22, 30, 32, 33, 34, 35, 39, 40)**

The report focuses on issues affecting the implementation of the CRC for Palestinian children in the OPT. It does not deal with the CRC in Israel or contraventions of the CRC by the Palestinian Authority.

The report covers the period immediately following the review of the State party's first report under the Convention, and includes the period from 2002 to 2012.

## 1. General Implementation

1.1 The West Bank, East Jerusalem and Gaza Strip are regions that were occupied by the State of Israel after the six-day war of 1967. To date, the Palestinian National Authority (PNA) does not have full jurisdiction over these areas. The PNA remains a temporary administrative body responsible for negotiating the permanent status issues, which should lead to a final settlement with Israel.<sup>1</sup> Currently, these regions are referred to as occupied Palestinian territory (OPT). The OPT is not a homogenous, integrated, and contiguous territory and is physically fragmented by an Israeli closure regime; the presence of the Israeli Wall of Annexation and Expansion (herein after referred to as "the Israeli Wall") which illegally cuts through Palestinian lands in Area A (Palestinian urbanized areas) and Areas B and C (which remain under almost complete Israeli control). The occupation continues to prevent free access of people to their homes, lands, work, schools and other services and imposes a restrictive closure regime that includes over 500 checkpoints and blocked off areas. The result is a total lack of Palestinian sovereignty over the OPT.

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<sup>1</sup> [www.palestinefacts.org/pf\\_1991to\\_now\\_oslo\\_accords.php](http://www.palestinefacts.org/pf_1991to_now_oslo_accords.php)

1.2 Israel is a signatory to and has ratified the Convention on the Rights of the Child. The general principle of non-discrimination defined in Article 2 of the Convention and the Fourth Geneva Convention entail that Israel is obligated, responsible and should be held accountable for administering these Conventions within the OPT. The Committee on the Rights of the Child (2002)<sup>2</sup> stated that Israel is obligated to report on all children under its jurisdiction, including Palestinian children living in the OPT, until such time as they fall under the status of a different State Party. Israel does not respect and ensure the rights set forth in the present Convention within the OPT. Rather, Israel continues to implement military orders against the Palestinian population, applies discriminatory practices between Israeli and Palestinian children, and violates the rights of Palestinian children.

1.3 *Amnesty International Submission to the UN Universal Periodic Review (December 2009)* stated, "Israel's grave human rights violations in the OPT stem to a large extent from its refusal to recognize the applicability of international humanitarian and human rights law to the OPT. All relevant bodies, including the High Contracting Parties to the Geneva Conventions, the UN General Assembly, the Security Council and the International Court of Justice have repeatedly reaffirmed the applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War to the OPT. Israel's position that its international human rights treaty obligations do not apply in the OPT has also been rejected by the UN treaty bodies and by the International Court of Justice."

1.4 The Palestinian Legislative Council (PLC) passed the Palestinian Child Law (PCL 2004) that addresses some rights for Palestinian children. It is not fully in line with the CRC, there are pending amendments (e.g. raising age of criminal responsibility, establishing a National Commission for Children's Rights, etc.) but the law is not fully executed and there is not sufficient awareness of the law by responsible governmental agencies and civil society.

1.5 PCL is not enforced in all areas of the country (particularly areas b and c) because Israel maintains full security control over these areas and perpetrators of violence cannot be retrieved from these areas, police do not have access to these areas in most cases.

1.6 Israel is not respecting the PCL or international laws and standards regarding children's rights in the OPT and is executing emergency military orders that are in contravention of international legal standards and the CRC.

1.7 Palestinians cannot provide for many basic services for children in areas B and C (including health, education, social and recreational programs) because Israel controls the planning regime and typically prevents the building of any new infrastructure or the institutionalization of services in these areas. Hence, access to these services is either impeded or denied due to Israeli closure, closure and access and movement restrictions and a handicapping permit regime.

1.8 Israel not only impedes access and development of basic services (by the PNA and humanitarian actors) in these areas (East Jerusalem, Gaza, Area C), but also fail to provide any substantial resources to make these services available. This is particularly notable in Gaza and Area C where they have prevented the delivery of goods, supplies and persons to reach these marginalized areas; in addition they have not filled the gap in ensuring these basic needs and rights of children were addressed. (In

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<sup>2</sup> UN Committee on the Rights of the Child (2002). Summary record of the 829th meeting: Consideration of States Parties, Initial Report of Israel. 31st session.

East Jerusalem they provide minimal health, social and education benefits, which are much less than what is afforded to Israeli children living in West Jerusalem.)

1.9 The continuing occupation and deteriorating economic situation has resulted in high donor dependency levels within the country. This has undermined sustainable development particularly in those areas that are hard to reach due to access and movement restrictions, lack of long term planning processes, imposition of Israeli planning regimes and approvals from COGAT and ICA (Israeli Civil Administration) which has resulted in high poverty and unemployment rates within these regions and high levels of food insecurity and poor basic infrastructure (water, sewage and electricity.) Net result has been negative socio-economic conditions (in addition to settler and Israeli army violence) that force families to move out of their homes into more populated urban centres in order to receive basic services.

1.8 Most importantly, Israel applies discriminatory practices between Israeli and Palestinian children. There is no mention of their responsibility to ensure safety and well being of Palestinian children living under occupation, they do not provide services for these children (except in certain parts of East Jerusalem where incomparable and inequitable services and benefits are afforded to Palestinian children compared to Israeli children), they do not apply Israeli law or the CRC to Palestinian children, and they seek to undermine the ability of partners working to improve conditions for Palestinians whether they be the PNA, donors, emergency workers, or civil society organizations. (Failure to provide work permits, access to the areas, and limiting types of services approved are all techniques being applied by the Israeli civil administration.)

1.9 There is no state (Israel) sponsored monitoring and evaluation of the situation of Palestinian children and their rights. To the contrary, their reports ignore the presence of Palestinian children and fail to acknowledge their responsibility according to the Fourth Geneva Convention and the Convention on the Rights of the Child. Minimal coordination between Israeli and Palestinian agencies exist (health, education, social protection) and this leads to major gaps in service delivery especially for children in need of specialized health procedures, chronic illnesses, disabilities, and emergency care. Although Israel ratified the Optional Protocol on Involvement of Children in Armed Conflict in 2005, they have not submitted a report. They have never responded to the previous and current requests by the UN CRC committee to report on violations against Palestinian children. They do not supply any information and deny existing practices of recruiting Palestinian children as collaborators.

## **2. Definition of the Child**

2.1 Until 2011, Israel defined Palestinian children as persons under 16 and Israeli children as persons under 18. However, in September 2011, an amendment was made to an existing military order [order #1676],<sup>3</sup> which raised the age of majority in the military courts to 18. Since 1967, Israel tried Palestinians as adults when they reach the age of 16. This change brings Israeli military law partially into line with international and Israeli civilian law. However, in practice the amendment has made little practical difference in the way older children are treated and sentenced.<sup>1</sup>

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<sup>3</sup> There are currently over 1,500 Israeli military orders that are discriminatively applied against Palestinian adults and children.

### **3. General Principles**

3.1 Non-discrimination (article 2) – Israel does not apply its own laws to Palestinian children. Israel discriminates between Israeli and Palestinian children. There is no mention of their responsibility to ensure the safety and well being of Palestinian children living under occupation, they do not provide services for these children they do not apply Israeli law or the CRC to Palestinian children, and they seek to undermine the ability of partners working to improve conditions for Palestinians whether they be the PA, donors, emergency and aid workers, or civil society organizations.

3.2 Best interests of the child (article 3) – as will be shown in this report, Israel’s laws and policies do not function in the best interests of the Palestinian child. This is especially notable in the military court system (not detailed in this report –see the alternative report submitted by Defense for Children-Palestine Section) and in the absence of proper service provision to Palestinian children.

3.3 Right to life and survival (article 6) - Israel has killed **1,020** Palestinian children since 2002,<sup>2</sup> however, in only rare cases has there been any action on the part of Israel to fully investigate these killings and injuries or hold the perpetrators accountable for their actions. In addition, no Israeli soldier or settler has been held accountable for the murder of these children and Israel has considered the killing of these children as part of collateral damage.

### **4. The Closure System in the Gaza Strip**

4.1 Since 2007<sup>4</sup>, Israel has imposed a closure on the Gaza Strip. This closure prevents or restricts the quantities of many essential items entering the Gaza Strip, including fuel, medical supplies, and building materials.

4.2 Before the easing of the closure in June 2010, Israel allowed less than 40 kinds of items to be imported into Gaza.<sup>3</sup> Since 2010, although more types of goods are entering they do meet the most basic needs, let alone rights, of Palestinians residing within Gaza to basic food, health, and supplies. In addition, the goods which can be imported or exported to and from Gaza are controlled and decided by Israel and are not based on the needs and requirements of Gaza’s residents.

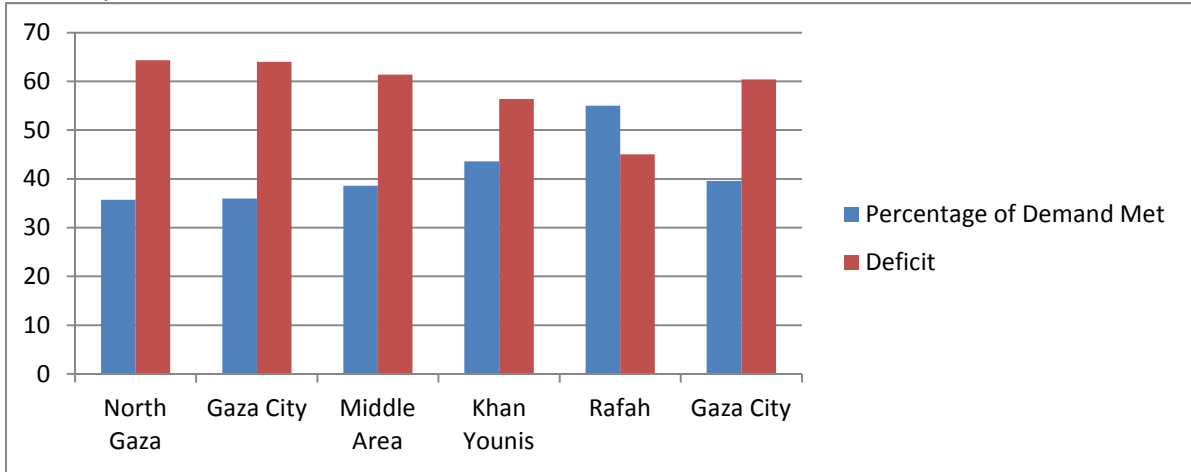
4.3 Israel has illegally confiscated lands within Gaza to create a “Buffer Zone.” Families residing within this area were forcibly displaced since 2007 and have received no compensation for the destruction of their homes and property and most remain homeless and displaced to date. In addition, “Operation Cast Lead” and other escalations in violence have resulted in the destruction of thousands of homes. Many have been rebuilt through the international and humanitarian aid, but thousands remain homeless and displaced. As of June 2011, 20,000 people in Gaza were still homeless because of the inability to rebuild – the majority of displaced persons are children.<sup>4</sup>

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<sup>4</sup> It should be noted that access and movement into and out of Gaza has been subject to an Israeli controlled permit regime. Hence, no persons are allowed to enter or exit Gaza without explicit authorization by Israel. However, since 2007 a comprehensive shut down, closure regime and blockade has been in effect on Gaza. This has resulted in an almost total denial of access and movement of persons, goods and services to and from Gaza that has resulted in the collapse of the economy there and has resulted in deteriorating care and service provision for the children of Gaza.

4.4 Israel also severely restricts the amount of fuel entering Gaza. As a result power stations do not receive enough fuel to run at full capacity meaning households in the Gaza Strip only receive power for 6 – 18 hours of the day.<sup>5</sup> In February 2012, the Gaza Strip’s electric power plant announced that it was ceasing operation because it had run out of fuel. This shortfall was a result of the Israeli Occupation Forces’ (IOF) continued suspension of delivery of industrial fuel and the simultaneous halt in the supply of fuel from the smuggling tunnels.

Graph 1: Percentage of demand met compared to deficit (assuming the Gaza Power Plant cannot supply electricity).<sup>6</sup>



As the graph above shows, in most governorates of the Gaza Strip, just over a third of the demand of power supply is being met.

4.5 These regular and prolonged power cuts have had serious humanitarian implications for the population of the Gaza Strip, especially regarding the health of children. As of June 2012, Gaza’s hospitals were functioning with only 11% fuel reserves.<sup>7</sup> More than 40% of Gaza’s households receive running water for only 6-8 hours once every 4 days due to the lack of fuel to power the water network.<sup>8</sup> Up to 90 million litres of untreated sewage are pumped into the sea everyday and almost a third of households are not connected to the water network.<sup>9</sup> Finally, production of water desalination units has dropped by 60% due to insufficient supplies of fuel to power the plants.<sup>10</sup>

4.6. Due to the ban on building supplies and other materials entering Gaza, the water and sewage system has fallen into a state of severe disrepair and Gaza’s children are denied access to safe and clean drinking water and a proper sewage system.<sup>11</sup> Over 90% of the water sources in Gaza are contaminated from sewage, seawater and over-extraction.<sup>12</sup> It is estimated that 7 % of Gaza’s population (around 103, 799 people)<sup>13</sup> have no water connection<sup>14</sup> and only 69 % of residents are connected to the sewage network.<sup>15</sup> As a result of a poor sanitation network in the Gaza Strip, there are high rates of sanitation related diseases in Gaza’s refugee camps since 2006. As the table below indicates, since 2005, there has been an increase in cases of watery diarrhoea in children under 3 and in typhoid for children at UNRWA clinics in the Gaza Strip.<sup>16</sup>

Table 1: Incidence rate of select reported sanitation related diseases at UNRWA clinics in Gaza.<sup>17</sup>

Incidence rate of reported diseases per 100,000 served population							
Year	2005	2006	2007	2008	2009	2010	2011
Population served	887,431	817,515	838,500	869,375	907,079	907,079	1,002,329
Watery diarrhoea <3 years	1,273.7	1,930.4	1,838.4	2,042.2	1,985.3	2,084.6	2164.7
Bloody diarrhoea	643	830.3	681.3	491.4	429.5	370	263.9
Viral hepatitis	59.2	82.7	59.4	81	73.1	37.6	35.9
Typhoid fever	3.9	7.7	35.1	10.6	12.4	15.2	4.3

High nitrate levels in the water have caused high rates of a blood disorder known as *methemoglobinemia* or blue baby syndrome.<sup>18</sup> In addition to these diseases, there are regular reports of children drowning and dying in sewage water ponds as a result of the lack of a proper sewage infrastructure.<sup>19</sup>

4.7 Certain drugs and medical equipment for hospitals and clinics are also forbidden or restricted from entering Gaza. In June 2012, the Ministry of Health's central pharmacy reported that they were out of 42 % of essential medicines and that the stock of an additional 13% of medicines would last for less than three months.<sup>20</sup> The shortage of drugs in the Gaza Strip has most affected those with chronic and life-threatening illnesses as well as the poor and elderly.<sup>21</sup>

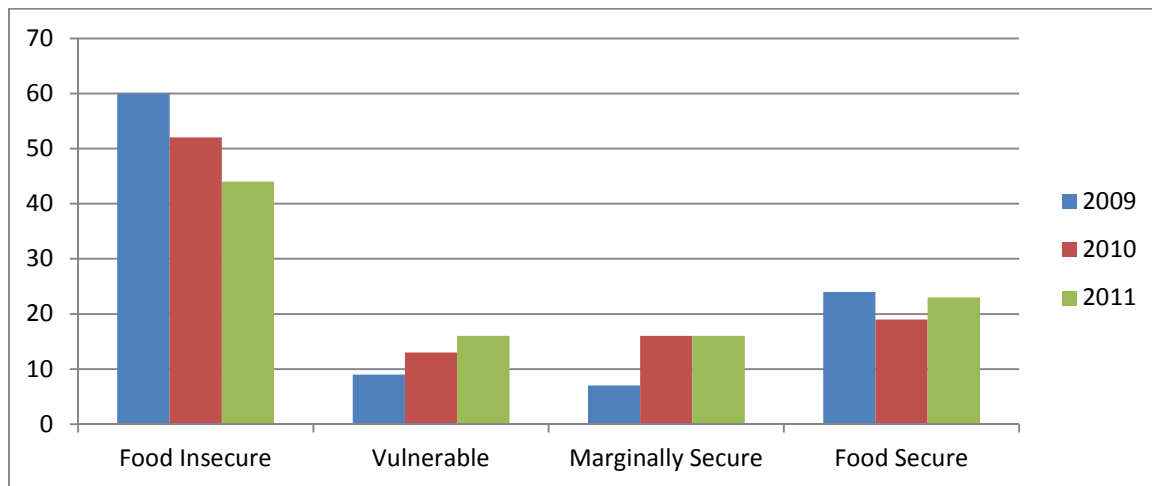
4.8 The well being of disabled children is severely impacted by the continuing closure. The lack of access to medical treatment in the Gaza Strip and the failure to allow for timely referral of patients abroad (particularly those who were injured by Israeli attacks against the civilian population) is noted by parents of children with disabilities. Currently 1.4% of children in the Gaza Strip are reported to have one or more disabilities. Some of these disabilities are due to the on-going Israel military violence in the Gaza Strip that takes place in civilian populated areas.<sup>22</sup> The Artificial Limb and Polio Centre in Gaza City dealt with 250 new amputees as a result of Operation Cast Lead, in addition to the 5,000 patients they were already treating before the offensive.<sup>23</sup> The closure has severely disrupted the import of prosthetic limbs and the materials needed to make them in Gaza. The ICRC has been able to coordinate between Gazan hospitals and clinics and Israel to allow prosthetics to be imported, but the process faces unnecessary delays which can take over three months.<sup>24</sup>

4.9 Another effect of the closure on the Gaza Strip has been a rise in malnutrition in Gaza's children. Malnutrition in Gaza is caused in large part by an extremely high level of food insecurity which in turn is caused by, insufficient imports of food via Israel, environmental degradation affecting agriculture, military attacks on farming and production infrastructure and high unemployment and poverty rates. Prior to the closure, there were limited cases of food insecurity in Gaza. As a result, chronic malnutrition in children under five rose from 7.6% in 2000 to 10% in 2010.<sup>25</sup> Rates of anaemia have also risen from 40 % in 2007 to almost 62% in children aged 9-12 months in 2008 and in almost a third of pregnant mothers.<sup>26</sup> Food insecurity in the Gaza Strip has risen exponentially in the last few years and is well above levels in the West Bank. There is a correlation between high rates of food insecurity,

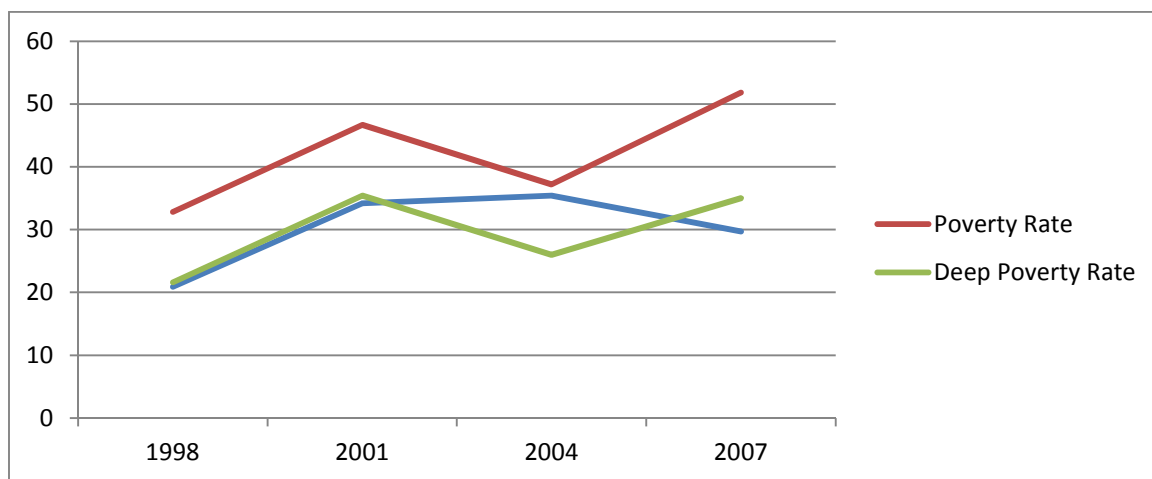


unemployment rates and poverty. All these factors have contributed to high rates of childhood malnutrition. The graphs below display these figures:

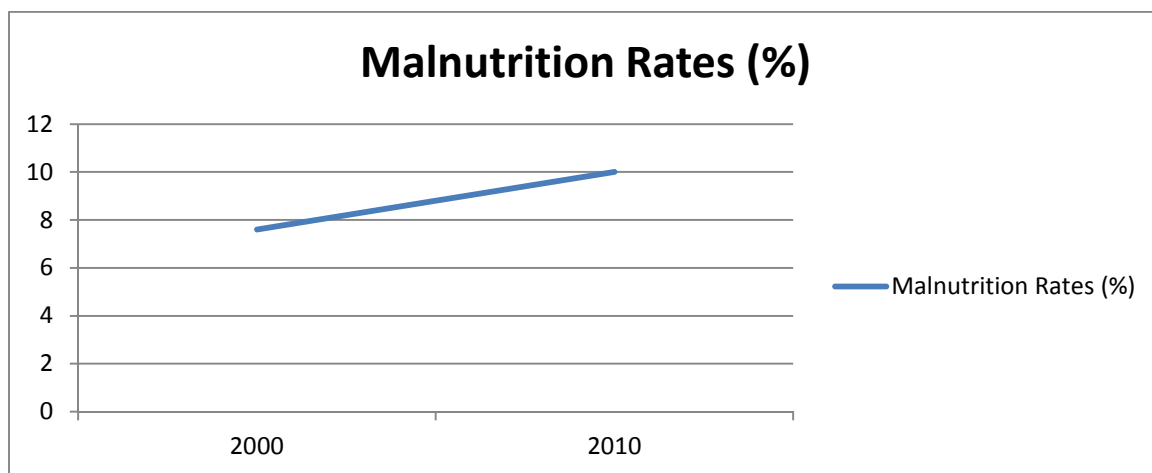
Graph 2: Food insecurity levels in the Gaza Strip 2009 – 2011.<sup>27</sup>



Graph 3: Unemployment, poverty rates and deep poverty rates (%) in the Gaza Strip 1998 – 2007.<sup>28</sup>



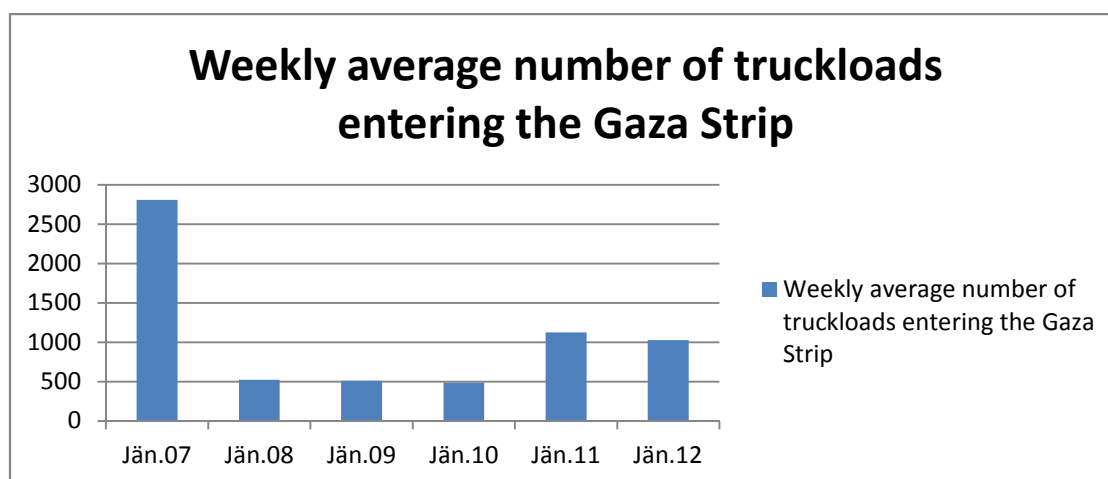
Graph 4: Malnutrition rates (%) among children in the Gaza Strip 2000 - 2010<sup>29</sup>



4.10 In addition, the percentage of household income spent on food (food expenditure) is also particularly high. In 2009, Gazan households were spending 37% of their income on food and in 2010 this rose to 40%.<sup>30</sup> High percentages such as these suggest that food prices are high or that food is not readily available.<sup>5</sup> Households in the OPT have also displayed certain coping behaviours which indicate high levels of food insecurity – substitution of legumes for meat products, substituting canned vegetables in place of fresh foods, parents reducing their dietary intake in order to feed young children, etc.

80% of the population relies on food aid.<sup>31</sup> Although imports and food aid can enter the Gaza, the current levels are way below the humanitarian minimum required. According to UNRWA, the UN agency for Palestinian refugees, in the aftermath of Operation Cast Lead only 120 trucks of aid were entering Gaza a day, far short of the 500 trucks which were needed.<sup>32</sup> The following graph displays the number of truckloads entering the Gaza Strip in the first week of June since 2008 compared to the average weekly number of truckloads of goods entering before the closure in 2007.

Graph 5: Number of truckloads entering the Gaza Strip the first week of June, 2007 - 2012<sup>33</sup>



4.11 Many of Gaza’s schools remain in a state of ruin due to the inability to repair and rebuild after military attacks (most notably Operation Cast Lead which destroyed or damaged 280 schools). Many of these schools lack toilets, running water, mains electricity, and equipment for classrooms. In addition to repairs to existing schools, another 105 new schools need to be built to cope with the growing population.<sup>34</sup> At the beginning of the new school year in September 2010, UNRWA had to turn away 40,000 students due to a lack of space.<sup>35</sup> As a result, there is a severe lack of classroom space in Gaza’s schools which has forced 95% of schools to operate double shifts which has reduced the school day by a third. Even with two shifts overcrowding is severe, with the average number of students in each class at 38, rising to 45-50 in some years.<sup>36</sup>

<sup>5</sup> Due to limited quantities of goods that are allowed to enter Gaza from Israel and destruction of the local capacity to use arable lands. This is also due to the high costs of goods that are transported through the ‘illegal’ tunnel system that has developed between Gaza and Egypt since the closure has been in effect.

## 5. Restrictions on movements and residency in the West Bank and Gaza Strip

5.1 Since 2000, Israel has imposed a unilateral closure on the Gaza Strip and fully controls all persons, animals, goods, and services entering and/or leaving the Strip. In addition it has also severely restricted access to the area known as the Buffer Zone and to the certain areas of the sea. In the West Bank, there are still 522 checkpoints and roadblocks in effect, which severely restrict freedom of movement within the West Bank and most notably to East Jerusalem.<sup>37</sup> Residents of neither Gaza nor the West Bank can travel to Jerusalem without an Israeli issued permit.

### Access to Health in the Gaza Strip and West Bank

5.2 As shown above, the closure on goods entering the Gaza Strip has had a devastating effect on the standard and availability of medical care. As a result, on average every month 324 patients who require treatment unavailable in the Gaza Strip have to be transferred to medical facilities in Israel, the West Bank, Jerusalem or Jordan.<sup>38</sup> However access is not easy as Israel fully controls the crossing points out of the Gaza Strip into Israel. Only those patients seeking life-saving treatment or treatment that is not available in the Gaza Strip can apply for permits to enter Israel for medical treatment. The process for obtaining a permit is lengthy and complex and often entails frequent delays and denials. Furthermore, the crossing between Israel and the Gaza Strip is not open 24 hours a day. Patients can only cross when the terminal is open (currently from 8.00 – 14.30 Sunday to Thursday and 8.00 – 12.30 on Fridays).<sup>39</sup> In the case of children, a parent or grandparent must accompany them and apply for the permit on their behalf. Accompanying relatives may be denied permits, which means the child cannot travel and is denied access to medical treatment. Since January 2010 the World Health Organisation has recorded eight cases of children denied permits to cross Erez<sup>6</sup> for medical treatment and an additional 424 whose permit approvals were delayed.<sup>40</sup> Since March 2002, 63 people, including 22 children, have died while waiting for Israeli approved medical referrals outside Gaza.<sup>41</sup>

5.3 In the West Bank, the closures and checkpoints<sup>7</sup> severely restrict movement thus denying Palestinians free and direct access to medical care. As of September 2011, there were 522 roadblocks and checkpoints throughout the West Bank obstructing freedom of movement. These checkpoints and roadblocks make travel longer. This creates potentially life-threatening problems to those in an emergency. B'tselem has documented 80 Palestinians who have died as a result of delays to receiving medical treatment caused by the closure system imposed on the West Bank and Gaza.<sup>42</sup> Emergency services including ambulances are restricted in certain parts of the West Bank including the H2 area of Hebron potentially risking lives or worsening patients' conditions.<sup>43</sup>

5.4 From the period 2000 – 2007, 10% of pregnant women seeking medical care were delayed at checkpoints. As a result of these delays 69 women gave birth at an Israeli imposed checkpoint, which resulted in 35 infant and five maternal deaths.<sup>44</sup> From 2000 – 2006, 10 per cent of pregnant women were prevented from reaching medical care because they were delayed checkpoint.<sup>45</sup> Pregnant women

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<sup>6</sup> An Israeli controlled border point that is located on Palestinian territory.

<sup>7</sup> The West Bank closures and checkpoints are directly linked to the existing network and expansion of Israeli settlements and related infrastructure that are located within the OPT. The closures are imposed to allow Israeli settler free and easy access to all parts of the West Bank and Israel, while denying Palestinians such rights.

living in the Seam Zone (the area of land in the West Bank between the Wall and the Green Line) often leave their village a month before they are due to give birth to avoid the risk of being delayed at a checkpoint while in labour.<sup>46</sup>

5.5 Palestinians from the West Bank and Gaza Strip also cannot access the six specialist hospitals in East Jerusalem that provide services that are unavailable in both the West Bank and Gaza Strip hospitals.<sup>47</sup> In effect, the Israeli closure regime has severely undermined the integrity of the Palestinian health system and this has caused not only the death of many children and adults, but has also significantly increased costs of health care within the country.

### **Family Unification**

5.6 Although the CRC's 2002 Concluding Observations did not mention family reunification, it has become an issue in the last ten years and deserves to be highlighted in this report. This section of the report will discuss residency rights for Gazans in the West Bank.

5.7 In 2000, Israel stopped processing applications for residency including for Palestinians and spouses and children of Palestinian residents and for changes of address from Gaza to the West Bank. Those who have moved or travelled to and remained in the West Bank are effectively living there illegally according to Israeli military orders. They cannot move within or out of the West Bank due to Israeli checkpoints and border controls due to fear of being deported back to Gaza.<sup>48</sup> A child with one parent from the Gaza Strip and one from the West Bank will not be able to live with both parents because they cannot change their address unless the parent from Gaza lives illegally in the West Bank or the family moves to the Gaza Strip (and loses the ability to see extended family again). Although someone from the West Bank can move to the Gaza Strip, it is unlikely they will be given permission to leave and visit the West Bank again.

If children are born to parents from the West Bank and Gaza Strip they will be registered as living in either one, sometimes arbitrarily. This may result in cases where children born in the West Bank may be registered as residents of the Gaza Strip<sup>8</sup>, thus preventing their free movement out of the West Bank and within and putting them at risk of being arrested and deported to Gaza. Forcible transfer of populations is illegal under the 4<sup>th</sup> Geneva Convention.

In addition to deportations and arrests, the Israeli imposed closure of the Gaza Strip, preventing the free movement of Gaza residents to visit other parts of the OPT has effectively split families and left children without the care and protection of their families. Many families have relatives in both the West Bank and Gaza Strip and hence are denied the right to visit freely with family members.

5.8 Under international law, the OPT is a single territorial entity and Palestinians should have the right to travel freely within this territory and move to and change their address if they wish. Denying Palestinians the freedom to move and travel within the OPT is severely detrimental to family life and the well being of children.

5.9 Palestinians who are not registered by Israel cannot obtain identity cards, without which they cannot obtain a passport. Nor can they access social services, which involve travel between West Bank cities because this requires showing an ID at Israeli checkpoints. The only way to obtain residency and

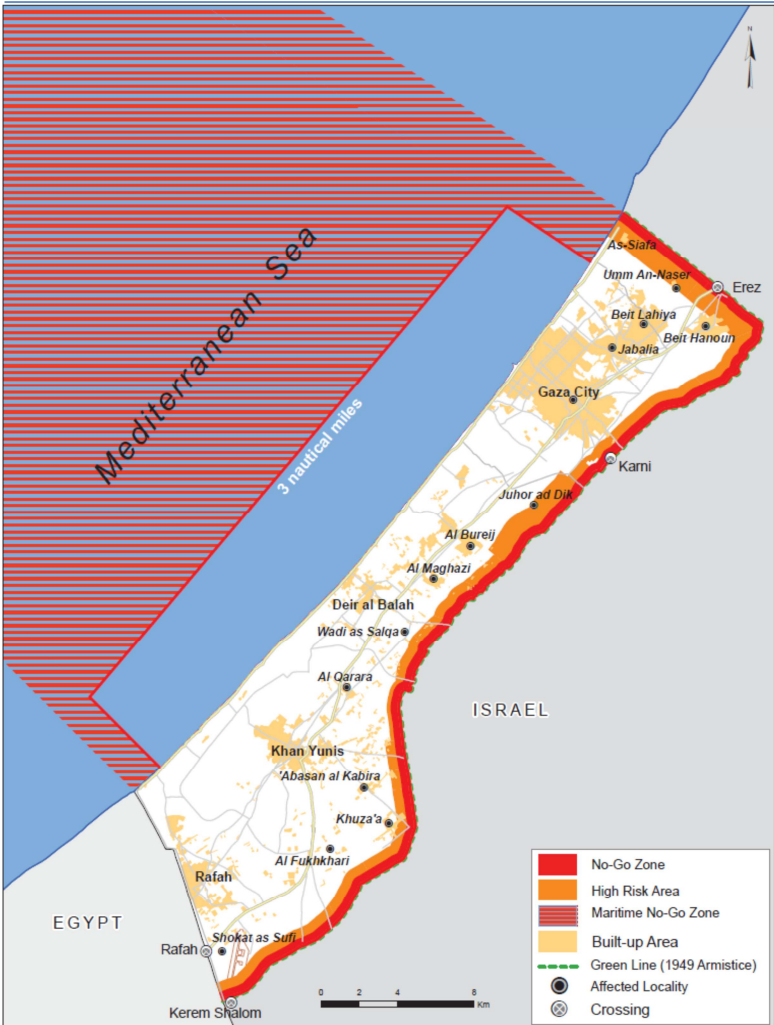
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<sup>8</sup> It should be remembered that the West Bank (including East Jerusalem) and the Gaza Strip are all part of the occupied Palestinian territory.

an ID card is to have a first-degree relative who is registered who can apply of the person’s behalf.<sup>49</sup> As Israel has frozen the population registry and has stopped accepting applications for family reunification, many Palestinians and foreign spouses of Palestinians are living with IDs. This inability to register and gain IDs effectively denies Palestinians the right to family life (as well as freedom of movement) as they are prevented from living together or risk being deported and denied entry.<sup>50</sup> The overall impact of Israel’s closure and permit regime is to contain Palestinians within smaller and smaller enclaves that restrict their movement and access to all parts of the country. This has resulted in the ghettoization of the West Bank and Gaza and has prevented economic development and increased unemployment – two significant factors that have negatively impacted children’s rights and well-being.

**Buffer zone and 3-mile sea zone and curbs on food production.**

5.10 Gaza’s ability to produce its own food has been severely hampered by the creation of the Israeli imposed “Buffer Zone” that has illegally confiscated 35% of viable agricultural land for Palestinians. Farmers cannot access their land without being shot at and farmers that do grow crops despite the threat to their lives, risk having their crops destroyed during levelling operations by the Israeli military.

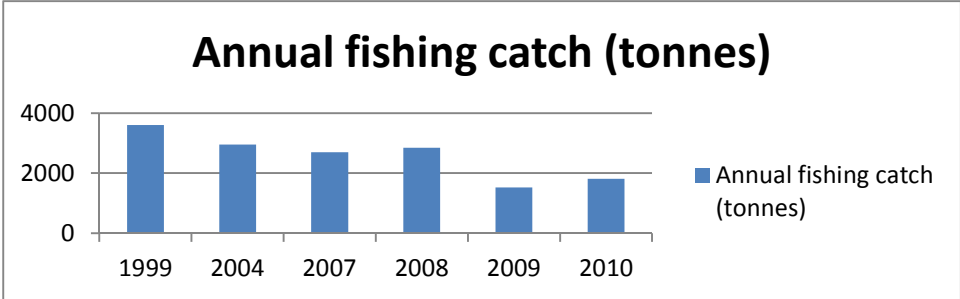


Map below showing the land and sea zones in Gaza, which are prohibited.<sup>51</sup>

The blockade on Gaza’s fishing industry has made 85% of the sea off limits to Gazan fishermen which is violation of the Oslo Agreement.<sup>52</sup> Since January 2009, Palestinians have only been able to sail within 3

nautical miles off the coast of Gaza. This is despite the Oslo Accords agreement on a 20 nautical mile zone. The graph below shows the decrease in the annual fishing catch as a result of incremental decreases to the permitted zone in which Palestinian fisherman can fish.

Graph 6: The Annual Gaza Fishing Catch (figures in tonnes)<sup>53</sup>



### 6. Operation Cast Lead, house demolitions, and other military attacks

6.1 As noted in DCI’s Alternative Report, the Israeli military continues to use unnecessary and disproportionate force. This has resulted in the fatalities of 1,020 children since the beginning of 2002. In addition to the loss of life and injuries, Israeli military operations have destroyed homes and infrastructure, the consequences of which have been exacerbated by the closure.

6.2 Operation Cast Lead<sup>9</sup> was the 22-day military offensive on the Gaza Strip between 27 December 2008 and 18 January 2009. It resulted in the deaths of around 1,440 people and the injury of another 5,380, the majority of them women and children.<sup>54</sup> 11,152 homes were completely destroyed or sustained damage affecting 107,509 residents of which 53,275 were children.<sup>55</sup>

#### Attacks on healthcare system during Operation Cast Lead

6.3 15 hospitals (56% of Gaza’s hospitals) and 43 primary health care clinics were damaged by military attacks from Israel. Due to restrictions on building materials entering the Gaza Strip, one facility is still being repaired, three years after the end of Operation Cast Lead.<sup>56</sup>

The Artificial Limb and Polio Centre in Gaza City dealt with 250 new amputees as a result of Operation Cast Lead, on top of the 5,000 patients they were already treating before the offensive.<sup>57</sup> The closure has severely disrupted the import of prosthetic limbs and the materials needed to make them in Gaza.

<sup>9</sup> UN General Assembly Human Rights Council (25 September 2009) Report of the UN Fact Finding Mission on the Gaza Conflict, pg. 407 states: The timing of the first Israeli attack, at 11.30 a.m. on a weekday, when children were returning from school and the streets of Gaza were crowded with people going about their daily business, appears to have been calculated to create the greatest disruption and widespread panic among the civilian population. The treatment of many civilians detained or even killed while trying to surrender is one manifestation of the way in which the effective rules of engagement, standard operating procedures and instructions to the troops on the ground appear to have been framed in order to create an environment in which due regard for civilian lives and basic human dignity was replaced with disregard for basic international humanitarian law and human rights norms.

The ICRC has been able to coordinate between Gazan hospitals and clinics and Israel to allow prosthetics to be imported but process is still taking three months.<sup>58</sup>

6.4 Access to healthcare during military attacks and escalations such as Operation Cast Lead has also been an issue. According to the UNFPA, violence and displacement put 40,000 pregnant women at risk during Operation Cast Lead because of the inability to access crucial medical services during the offensive.<sup>59</sup>

#### **Attacks on schools in the West Bank and Gaza Strip**

6.5 During Operation Cast Lead, 18 schools were destroyed completely and an additional 262 schools sustained damage including 36 schools run by UNRWA.<sup>60</sup> Of the total 1,409 Palestinians who were killed, 250 were documented as students and 15 were teachers, an additional 856 students and 19 teachers were injured (out of a total of 5,380 Palestinians).<sup>61</sup> 441,452 students were unable to attend school during the offensive.<sup>62</sup>

6.6 Since the end of Operation Cast Lead, attacks on schools have continued. Al Mezan has documented 39 military attacks affecting schools since February 2009. These attacks have resulted in damage and destruction to school property and schools being evacuated.<sup>63</sup> Schools throughout the Gaza Strip are at risk of being attacked with those in the Buffer Zone most vulnerable because of their location. Because the Gaza Strip is so densely populated, Israeli military attacks against alleged sites of military activity often result in damage to nearby schools. In a recent study conducted by UNESCO on psychosocial conditions amongst children in Gaza, they reported that 80% of students reported being depressed and/or anxious. Also, UNRWA reports in the UN consolidated appeal for 2012 that “The closure and the associated effects of high levels of poverty and a stressful living environment present significant challenges to the educational development of the 221,000 refugee students enrolled in UNRWA schools. In 2010-11, 108 schools had abject poverty rates in excess of 30 per cent, and 19 schools had abject poverty rates of at least 40 per cent.”<sup>64</sup>

6.7 In the West Bank, schools face attacks from settlers and soldiers and nearly half of all students report having witnessed their school being besieged by Israeli troops. Since 2009 there have been 43 documented military attacks on schools in the West Bank and East Jerusalem and 52 cases of denial of humanitarian access to education. 32 attacks on schools were from the Israeli military and 11 from settlers. One stop work order, two notifications ordering 5 educational institutions be shut down (and an additional order stating that 4 Palestinian run educational NGOs remain closed), and demolition of one educational institution.<sup>65</sup> In total, attacks on schools and incidents have affected 35,024 students in the West Bank and East Jerusalem.<sup>66</sup> 6,674 students in ten separate incidents have experienced delays at checkpoints or were prevented from going to school since 2009.<sup>67</sup>

#### **Damage to water infrastructure**

6.8 Israeli military attacks have contributed to the existing poor water infrastructure by destroying and damaging wells and reservoirs in the Gaza Strip. Between 1 July 2002 and 31 March 2003 alone, 102 wells were destroyed by the IDF.<sup>68</sup> During Operation Cast Lead, 11 wells were destroyed, and four reservoirs, 20 kilometres of water pipes, sewage network and pumping stations in four locations, and the North Gaza Emergency Sewage Treatment plant were damaged.<sup>69</sup>

## Destruction to farming and fishing infrastructure

6.9 Attacks during Operation Cast Lead also destroyed land and farming and fishing infrastructure and equipment.<sup>70</sup> US\$ 268million – The amount lost by the agricultural sector in the Gaza Strip as a result of Operation Cast Lead.<sup>71</sup> The devastation of these productive sectors has resulted in increasing levels of poverty and unemployment and significantly lowered standards of living for families and particularly children.

### House demolitions

6.10 It is estimated that 20,000 people remain homeless because they lack the materials to rebuild.<sup>72</sup> In reference to the 2002 concluding observations which states:

*50. The committee is deeply concerned at the large-scale demolition of houses and infrastructure in the occupied Palestinian territories, which constitutes a serious violation of the right to an adequate standard of living for children in those territories.*

*51. The Committee recommends, with reference to international humanitarian law, notably the Geneva Convention relative to the Protection of Civilian Persons in Time of War, that the State party fully comply with the rules of distinction (between civilians and combatants) and proportionality (of attacks that cause excessive harm to civilians) and thus refrain from the demolition of civilian infrastructure, including homes, water supplies and other utilities. It further recommends that the State party provide the victims of such demolitions with support for the rebuilding of their houses and with adequate compensation.*

Despite the above concerns raised by the Committee, Israel continues to demolish Palestinian homes in violation of the CRC. More than 160,000 Palestinians have been internally displaced since the beginning of the occupation in 1967.<sup>73</sup> Since the 2002 concluding observations from the CRC, Israel has demolished 10,832 homes (including 2,781 homes destroyed by military attacks during the first four years of the second intifada 2000-2004).<sup>74</sup> Houses have been demolished in order to clear land to create buffer zones, (as in Gaza, see below for more details), the wall in the West Bank, or build settlements, roads and other infrastructure of the occupation. Palestinians have also been displaced because of restrictive planning rules and the revocation of residency rights (this issue is examined section 4 on family environment and alternative care). In addition to actual house demolitions which directly cause forced displacement, Palestinians are also displaced by demolition orders, the inability to build new homes and the denial of services such as education and health care. This is particularly prevalent in Area C of the West Bank which has seen the continued denial of building permits for new homes as well as schools, clinics and other essential services and the zoning of areas as military no-go zones. The inability to build and lack of services has forced many Palestinians to abandon parts of Area C to move to Area A. In 2011, 622 buildings were demolished by Israel. One third were home demolishes (222 homes) and the remaining infrastructure demolishment were for livelihood related structures. This resulted in 1094 persons being displaced (primarily children).<sup>75</sup>

### Displacement in the buffer zone

6.11 The Buffer Zone is a military no-go zone imposed by Israel, within the Gaza Strip. It extends a substantial distance within the borders of Gaza's territory, taking up 62616 dunams (62.62 km<sup>2</sup>), or approximately 17% of the Gaza Strip's total land area.<sup>76</sup> Israel treats this border area, which contains



much of Gaza's most valuable arable land, as a free-fire zone, meaning any Gazan resident entering the zone is at risk of death or injury. It also regularly sends troops, including armoured vehicles, into the border areas to keep the lands razed of any built-up structures or agricultural activity.

6.12 The Buffer Zone has never been officially demarcated. However, from incidents which have occurred to maintain the buffer zone as a restricted zone. The area includes the "no-go" zone, which covers the area up to 500 metres from the border fence where access is totally prohibited, and the "high risk" zone, which covers the area from 500 - 1,500 metres.<sup>77</sup> Palestinians have been shot up to 1,500 metres from the border fence and houses and buildings have been demolished at a distance greater than 300 metres from the border.<sup>78</sup>

6.13 Al Mezan estimates that at least 10,000 Gazan residents have been permanently displaced in these demolitions. It is to be noted that displacement and destruction associated with the imposition of the Buffer Zone began long before Operation Cast Lead, and in fact dates back to 2000. In other words, the Buffer Zone and the associated regime of violence and displacement have been in place for more than a decade. It is estimated that 113,000 people, or 7.5 % of the population have been affected by the imposition of the Buffer Zone through forced displacement.<sup>79</sup> The creation of the buffer zone through house and other building demolitions and the means by which Israel maintains it as a no-go area through firing at civilians seriously violates children's right to life.

6.14 The Special Rapporteur on the Right to Adequate Housing, Prof. Raquel Rolnik concluded that "in the West Bank the territorial fragmentation and the severe deterioration of Palestinian standards of living are furthered by decades of accelerated expansion of Israeli settlement units that expropriate land and natural resources."<sup>80</sup>

## **7. Special Protection Measures**

7.1 There are increasing reports of child trafficking into Israel. This is particularly noted along the borders areas and is fully coordinated within Israel where Palestinian children end up on the streets begging, prostitution, child labourers, and transporting drugs. Israel is not coordinating this with the PA and this results in children being caught simply being returned to the West Bank with no follow up. This is an area that Israel must take full responsibility for and coordinate with the PA so that children and those who are trafficking them are properly dealt with from both the Palestinian and Israeli side.

7.2 House demolitions and displacement have increased (three fold in the last two years.) The Israeli policy of permit regimes and not allowing Palestinians to remain in their homes and on their lands has been fully documented by a number of UN and human rights agencies. The use of these types of planning and permit regimes is explicitly designed to force families out of their homes and lands to make way for Israeli settlements and infrastructure. This is in violation of the 4th Geneva Convention and children are the most affected. Israel should be required to pay restitution for the displacement of these people and to allow them to return to their homes and lands.

7.3 Child labour is similar to child trafficking. No Palestinian child should be working within Israel since this involves crossing a border, no supervision, and the result is exploitation and abuse of children. Data on the number of children working in Israel is not available, no records or contacts are made with the PA on the issue of child labour, and children under the age of 16 years are usually simply returned to

the West Bank and dropped off at checkpoints if caught. Older children are sometimes taken to military court for entering into Israel without authorization and are imprisoned.

In the OPT in 2010, 3.7% of all children were involved in paid or unpaid employment.<sup>81</sup> 63% of these work unpaid for their families. There is a correlation between children who work and school attendance. Almost 25% of children not attending school work compared to 2.3% who do attend school. This suggests that children may drop out of school in order to work.<sup>82</sup> The main areas of work for child workers are agriculture, with 47.6% of working children involved in this industry, commerce, restaurants and hotels comprising a further 27% and 25% involved in other activities.<sup>83</sup>

In Gaza, children have been found working in the Buffer Zone where they collect scrap and rubble or work in agricultural pursuits or they work in the smuggling tunnels between Egypt and the Gaza Strip. Children working in the Buffer Zone risk being fired at or arrested by Israeli soldiers who patrol the border. Those working in the tunnels risk injury and death from tunnel collapses and airstrikes

## **Conclusion**

This report has illustrated how Israel not only has failed to implement the CRC in the OPT but that its policies are actively harmful to children and violate many of their rights encoded in the CRC. Israel has an obligation as the occupying power to implement the CRC and ensure all children under its jurisdiction are protected. Its policies of closure and blockade which prevent the free movement of goods and people prevent children from enjoying their rights to life, health, education and family life.

## **Recommendations**

1. Israel should be held fully accountable and responsible for ensuring the application of the CRC within all areas of the OPT. The State of Israel should report on the actions they have taken to ensure the implementation of the CRC and violations that they have been responsible for against Palestinian children residing within all regions of the OPT.
2. Israel should eliminate the application of Israeli military orders against Palestinian children and should apply the CRC as a guide to ensuring Palestinian children's rights are upheld. Discriminatory laws that differentially apply rulings against Palestinian children compared to Israeli children should be revoked.
3. A full investigation should be undertaken of the over 1000 Palestinian children who have been killed by Israeli military action and settler violence and perpetrators of these violations should be held accountable.
4. Israel should commit to the no-entry, non-use, non-targeting, and no destruction of education and health-related infrastructure at any time. This should be formally adopted and endorsed by Israeli military and civil courts.
5. The immediate lifting of the closure and embargo should be implemented by Israel.
6. All goods, supplies, services and persons required to ensure children's access to health, medical care, education, protection, and civil rights should be given top priority and all resources needed to safeguard children's rights to survival, development and their best interests should be required of Israel. This will require an immediate removal of closures and checkpoints within the West Bank and the elimination of the embargo of goods on Gaza
7. Israel should be required to facilitate family reunification for all Palestinians within the OPT. This includes East Jerusalem where thousands of Palestinian children are currently residing with one or both parents, but do not have residency rights.

8. Israel should facilitate the economic recovery of the Gaza Strip by allowing the export and import of all goods, services and people required to rebuild and reconstitute a vibrant private sector within Gaza in order to alleviate the poverty, unemployment and high dependency upon humanitarian aid.
9. Displacement and home and livelihood demolitions are on the rise and this demands an international inquiry into the continuing violations against Palestinian children that deprive them of their right to live with dignity and with a decent standard of living in their own country and land. Displacement policies, specifically in East Jerusalem, are tantamount to forced population transfer and an international inquiry should be established to determine if this is in violation of the Fourth Geneva Convention and a possible war crime.
10. Israel must be called upon to immediately cease from its illegal policies of house demolitions, destruction of Palestinian property, land expropriation, failure to provide building permits and other acts which result in families being displaced and unable to live in adequate housing and living conditions.
11. Immediate action should be taken by Israel to coordinate special protection measures for Palestinian children who are illegally transported into or out of the West Bank and/or Gaza for purposes of child labour, exploitation, and child trafficking with the PNA. A system should be set up to ensure that any child who is exploited is properly safeguarded and returned to the OPT and that the Ministry of Social Affairs is properly informed and follows up with these children.
12. The prolonged occupation is detrimental the health, well being and development of Palestinian children. An end to the occupation should be sought by all parties.

## Endnotes

<sup>1</sup> See Defence for Children International – Palestine Section 2012 ‘Alternative Report for Consideration Regarding Israel’s Second Periodic Report to the UN Committee on the Rights of the Child’ pg 9.

<sup>2</sup> Defence for Children International – Palestine Section 2012 ‘Alternative Report for Consideration Regarding Israel’s Second Periodic Report to the UN Committee on the Rights of the Child’ pg 3.

<sup>3</sup> Gisha 2012 ‘Gaza Gateway: Facts and Analysis about the Crossings’ <http://www.gazagateway.org/goods-entering-gaza/> accessed 28 June 2012

<sup>4</sup> Inter-Agency Shelter Cluster - Shelter Sector Gaza, June 2011, Unified Shelter Sector Database

<sup>5</sup> OCHA 2012 ‘The Humanitarian Impact of Gaza’s Electricity and Fuel Crisis March 2012’ pg 1. [http://www.ochaOPT.org/documents/ocha\\_OPT\\_electricity\\_factSheet\\_march\\_2012\\_english.pdf](http://www.ochaOPT.org/documents/ocha_OPT_electricity_factSheet_march_2012_english.pdf)

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<sup>7</sup> WHO 2012 Five Years of Blockade: A Political Determinant of Health in Gaza pg 2 [http://reliefweb.int/sites/reliefweb.int/files/resources/Full%20Report\\_779.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/Full%20Report_779.pdf)

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<sup>11</sup> Amnesty International 2009 ‘Troubled waters Palestinians Denied Fair Access to Water’ pg 65 <http://www.amnesty.org/en/library/asset/MDE15/027/2009/en/e9892ce4-7fba-469b-96b9-c1e1084c620c/mde150272009en.pdf>; The World Bank 2009 ‘West Bank and Gaza: Assessment of Restriction on Palestinian Water Sector Development’ Sector Note April 2009 pg vi <http://pwa.ps/Portals/PWA/08da47ac-f807-466f-a480-073fb23b53b6.pdf>

<sup>12</sup> Amnesty International 2009 ‘Troubled Waters: Palestinians Denied Fair Access to Water’ <http://www.amnesty.org/en/library/asset/MDE15/027/2009/en/e9892ce4-7fba-469b-96b9-c1e1084c620c/mde150272009en.pdf>; 80 million litres of untreated or partially treated sewage pour into the sea and land, contaminating ground water. 90 % of water wells in Gaza have nitrate levels which are two – eight times higher than WHO standards and over 95% of wells have chloride levels which exceed WHO standards. Fluoride levels are also higher than WHO standards in wells throughout Gaza with the exception of the North.- EWASH 2011 Advocacy Task Force Factsheet: Water Quality in the Gaza Strip pg 2 <http://www.ewash.org/files/library/Factsheet%203%20-%20A4.pdf>.

<sup>14</sup> UNICEF “Consolidated Appeal 2011: Needs Assessment NAF for Water, Sanitation and Hygiene in the occupied Palestinian territory”, 2010, pg. 8

<sup>15</sup> Save the Children and Medical Aid for Palestinians 2012 ‘Gaza’s Children Falling Behind: the effect of the Blockade on Child Health in Gaza’ Pg 17 <http://www.savethechildren.org.uk/sites/default/files/docs/Gazas-Children-Falling-Behind.pdf>

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<sup>19</sup> OCHA 2012 ‘Protection of civilians Weekly report 8-14 February 2012’ Pg 3 [http://www.ochaOPT.org/documents/ocha\\_OPT\\_protection\\_of\\_civilians\\_weekly\\_report\\_2012\\_02\\_17\\_english.pdf](http://www.ochaOPT.org/documents/ocha_OPT_protection_of_civilians_weekly_report_2012_02_17_english.pdf)

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