



# Convention on the Rights of the Child

Distr.: General  
25 March 2019  
English  
Original: Arabic  
Arabic, English, French and  
Spanish only

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Committee on the Rights of the Child

## Initial report submitted by the State of Palestine under article 44 of the Convention, due in 2016\*, \*\*


[Date received: 21 September 2018]

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- \* The present document is being issued without formal editing.
  - \*\* The annexes to the present report, containing the endnotes and the tables, are on file with the Secretariat and are available for consultation. They may also be accessed from the web page of the Committee.

GE.19-04901 (E) 170519 200519



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## Introduction

1. The State of Palestine acceded to the Convention on the Rights of the Child on 1 April 2014, as an expression of its respect for the principles and the spirit of the Convention. The present report was drafted in response to the commitments and in fulfilment of the duties incumbent upon the State of Palestine under the Convention, particularly its article 44. In addition to national measures, frameworks and benchmarks, the report covers in particular the legislative, administrative and judicial aspects relating to the provisions of the Convention.

2. The State of Palestine is under a colonialist, military occupation on the part of Israel and this report will throw some light on the colonialist policies of that occupation and the serious, systematic and widespread violations that infringe the provisions of the Convention. In fact, the Israeli occupation authorities deliberately and systematically target Palestinian children on a wide scale including through extrajudicial killings, arbitrary detention, displacement and forced migration with the aim of terrorizing an entire generation.

3. Following the accession of the State of Palestine to a number of international conventions and treaties, on 7 May 2014 the President of the State of Palestine issued a decree for the formation of a standing national committee at ministerial level to follow up on that accession. The committee is chaired by the Ministry of Foreign Affairs and Migrants with members drawn from other ministries and competent institutions, and with the Independent Commission for Human Rights acting as observer, and its purpose is to monitor the fulfilment of obligations arising from accession to the treaties in question. The present report was drafted by a joint national committee, which was brought into existence by decree of the standing committee and is part of that committee. The joint committee is chaired by the Ministry of Social Development, which is the competent authority, and its members are drawn from the Ministry of Education and Higher Education, the Ministry of Health, the Ministry of Labour, the Ministry of Information, the Ministry of Culture, the Office of the Public Prosecutor, the Supreme Judicial Council, the Ministry of Justice, the Ministry of the Interior, the Bureau of the Chief Qadi and the Sharia Courts, the Commission for Detainees and Former Detainees, the Ministry of Local Government, the Broadcasting and Television Authority and the Palestinian Central Bureau of Statistics.

4. The joint committee drafted the report in cooperation with a number of civil society institutions that work with children, which provided various kinds of data and information. The report was then submitted to relevant government and civil society institutions via a series of workshops organized in collaboration with the competent ministries and other official bodies, and with support from the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF) and Save the Children.

5. The joint committee also includes Defense for Children International – Palestine Section, the SAWA Foundation, the Young Men's Christian Association (YMCA) – Jerusalem, the Tamer Institute, the Women's Studies Centre, the Prisoners' Club and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

6. A draft of the present report was transmitted for consideration to representatives of civil society institutions, specifically Palestinian human rights and non-governmental organizations (NGOs). Those representatives studied the text then participated in the national consultations conducted by the State of Palestine concerning the report. Given that Israel, the occupying power, bars civil society institutions in the Gaza Strip from accessing the West Bank, two national consultation meetings have been held: one at the office of the Ministry of Foreign Affairs and Migrants, on 13 December 2017, with civil society institutions in the West Bank and Jerusalem; and the second by videoconference at the headquarters of the Independent Commission for Human Rights, on 6 February 2018, with civil society institutions in Gaza. The consultations were attended by representatives of ministries of the State of Palestine and of civil society institutions in the form of human rights organizations and NGOs working in the Occupied Palestinian Territory. The

substance of the report was discussed and civil society offered comments that facilitated the preparation of the final draft of the report.

7. During the drafting of this initial report of the State of Palestine under the Convention on the Rights of the Child, eight workshops were organized for children in Gaza and the West Bank including East Jerusalem with the intention of informing them about the drafting process and of canvassing their views about the extent to which the rights arising from the obligations of the State of Palestine under the Convention are being effectively applied. The workshops targeted children in marginalized areas, child victims of violence, children deprived of family care, and adolescents and children who have dropped out of school. A total of 118 children participated in the workshops. In addition, 14 children participated in the national consultations held to present the report.

8. The Government of the State of Palestine has sought to provide a favourable constitutional, legislative and procedural environment for the drafting of the present report and of reports under other treaties. This is in line with general comment No.2 of 2002 of the Committee on the Rights of the Child regarding the creation of national institutions to facilitate the implementation of the Convention, according to which the creation of such bodies falls within the framework of the obligations to which States parties subscribe when acceding to the Convention. It was in this context that the standing national committee was established in 2014 under the Ministry of Foreign Affairs and Migrants to follow up on the accession of the State of Palestine to international treaties and conventions. In addition, a committee was established in 2017 under the Ministry of Justice to harmonize the domestic legislation of the State of Palestine with international treaties.

9. In drafting the present report, the State of Palestine relied on the provisions contained in the Convention itself, in particular articles 1 to 45, and on the general guidelines produced by the Committee on the Rights of the Child regarding the form and content of initial reports to be submitted by States parties under article 44 (1) of the Convention (CRC/C/5), which the Committee adopted at its fifty-fifth session in October 1991. Account was also taken of the Committee's general comments. The report covers the period from April 2014 to the end of 2017.

10. The submission of the present report does not exempt Israel, the occupying power, from reporting on its own compliance with the provisions of the Convention on the Rights of the Child in the Occupied Palestinian Territory including East Jerusalem, on the basis of its obligations and responsibilities as an occupying power, in accordance with international humanitarian law and international human rights law, as well as on the basis of the advisory opinion given by the International Court of Justice in 2004 on the legal consequences of the construction of a wall in the Occupied Palestinian Territory. The fact is that Palestinian children are victims of flagrant violations of their legally enshrined rights due to the manifest absence of international mechanisms to hold the occupying power to account for its daily actions against Palestinian people of all categories. Palestinian children are the principal target of daily operational practices in the occupation such as killings, detentions, torture and incursions into homes and places of education, despite the fact that children are a protected category under international law and custom.

## **Substantive information regarding the implementation of the Convention on the Rights of the Child**

### **General measures of implementation (arts. 4, 42 and 44 (6))**

#### **A. Legislation**

11. In the Palestinian Declaration of Independence, issued by the Palestinian National Council (PNC) in 1988, the State of Palestine proclaimed its commitment to the principles and goals of the United Nations and to the Universal Declaration of Human Rights. The Declaration also served to announce the creation of the State of Palestine as a free and independent State based on the principle of full equality of rights and freedoms among all Palestinians, wherever they might be, within a democratic parliamentary system based on

principles of social justice, equality and non-discrimination in public rights. The Palestinian Declaration of Independence confirmed the adherence of the State of Palestine to the human rights system as enshrined in international treaties and conventions, including the protection of children's rights, and established foundations to safeguard those commitments in the form of a legal system rooted in rule of law and an independent judiciary.

12. The Palestinian legal system is made up of a body of laws and legislation, which reflects the repeated periods of occupation and of foreign governance to which the State of Palestine has been subjected over the years. Laws from the Ottoman period, from the British occupation, from the Egyptian administration of the Gaza Strip and from the Jordanian governance of the West Bank are still in force.

13. The State of Palestine has shown particular concern over issues affecting children and the protection of children's rights, via its legal system as well as via its practices and policies. During a conference on Palestinian children on 5 April 1995, the late President of the State of Palestine, Yasser Arafat, announced the State's voluntary commitment to the Convention on the Rights of the Child and declared 5 April as Palestinian Children's Day. This was subsequently confirmed at the special session on children of the General Assembly of the United Nations in May 2002. As part of national efforts to promote children in Palestine, the Palestinian Children's Act No. 7 of 2004 was issued, subsequently amended by presidential decree in 2012 to bring it more closely into line with the Convention on the Rights of the Child.

14. Over the years, the State of Palestine has enacted a number of pieces of domestic legislation that contribute to promoting and protecting the fundamental rights of all citizens, including children. The Palestinian Basic Law as amended in 2003 has a particular focus on issues affecting children<sup>(1)</sup> and states that the State of Palestine has a duty and responsibility to provide them with comprehensive care and protection.

15. Amendments brought by the State of Palestine following its accession to human rights treaties have had the purpose of harmonizing domestic legislation with those treaties; abrogating the Jordanian Juveniles' Act No. 16 of 1954, which was still in force in the West Bank, and the Juvenile Offenders' Act No. 2 of 1937, which was in force in the Gaza Strip; and issuing a decree-law for the protection of Palestinian juveniles, which had been worked on by a technical committee on juvenile justice.<sup>(2)</sup> The provisions of the decree-law, which was approved on 4 February 2016 and published in the Official Gazette in March 2016, are similar to those of the Convention on the Rights of the Child in general and of the new criminal policy in particular. The decree-law envisages the creation of special police, prosecutors and courts for juveniles and highlights the need to take account of the best interests of the child in all legal and judicial proceedings.

16. Since its accession to international treaties and conventions, the State of Palestine has been endeavouring to provide training, within its own institutions, on human rights mechanisms and the drafting of official reports. During the period in which the reports to be presented to the treaty bodies were being drafted, the need emerged to establish a committee to examine and harmonize existing laws. In fact, in 2017, the committee for the harmonization of legislation was brought into being by decree of the Minister for Foreign Affairs and Migrants in his capacity as chair of the standing national committee of the State of Palestine for follow-up on accession to international treaties. The committee, which is chaired by the Ministry of Justice and has members drawn from relevant government and civil society institutions, undertakes to harmonize local laws and legislation with international human rights standards in general and with the Convention on the Rights of the Child in particular. The committee reviews the existing legislation of the State of Palestine then identifies the legislative amendments that need to be made pursuant to international treaties. The Criminal Code is one of the laws due to be reviewed and amended, because the Jordanian Criminal Code (Act No. 16 of 1960) is still valid in the West Bank and the British Mandatory Criminal Code (Act No. 74 of 1936) in the Gaza Strip.

17. Laws governing civil status currently applicable in the State of Palestine include numerous provisions that concern children. Articles 154 and 155 of the Jordanian Personal Status Code (Act No. 61 of 1976) govern the custody of children and the characteristics the

custodian must have. It stipulates that “the custodian is to be of age and of sound mind and must not neglect the child”. Article 38 of the Code states that the father must provide financial support for the child while article 39 focuses on financial support for the child’s education. Article 170 concerns responsibility for the child’s medical treatment while article 171 covers financial support for the child in the event of the father’s death or incapacity to pay. The law applicable in the Gaza Strip is the Family Rights Act No. 303 of 1954, in which article 117 covers the lineage and article 118 the custody of the child.

18. The State of Palestine is concerned that persons with disabilities, particularly children with disabilities, should be able to enjoy all their human rights and fundamental freedoms. To that end a new law on persons with disabilities is currently being prepared that will be consistent with the relevant international treaty.

19. The Supreme Constitutional Court issued ruling No. 04/2017 in which it confirmed that international treaties take precedence over ordinary domestic legislation. According to the ruling, those treaties acquire greater force than domestic legislation particularly after they have been ratified and published and after they have gone through the formal stages required to be issued as domestic legislation, which is binding both on individuals and on the authorities. In addition, they should be consistent with the provisions of the Palestinian Basic Law. In March 2018, another ruling was issued by the Supreme Constitutional Court in which it provided an interpretation of article 10 of the Palestinian Basic Law as amended in 2003, which states: “Fundamental human rights and liberties shall be respected.”

20. In its ruling, the Constitutional Court considered the Palestinian Declaration of Independence, issued by PNC on 15 November 1988, not only to be an inseparable part of the constitutional system in Palestine but also the most exalted element in that system, followed by the Palestinian Basic Law. Since the Supreme Constitutional Court had also stated that international treaties take precedence over ordinary domestic legislation (laws and decree-laws) it follows that such treaties rank lower than the Basic Law but higher than other pieces of legislation in force in Palestine.

21. The ruling also underscored the need to introduce a body of internal legislative measures to facilitate the exercise of those fundamental rights and freedoms as part of the process of reviewing laws and legislation. The purpose of this is to ensure closer integration with the provisions of the international human rights instruments that have been ratified by the President of the State of Palestine.

**Responsibility for implementing the Convention on the Rights of the Child lies with the judiciary and with the executive, as follows:**

22. *The judiciary:* Following the enactment of the decree-law for the protection of Palestinian juveniles, the Supreme Judicial Council designated juvenile judges and a special court registry independent from other registries in all courts of first instance. Thus, each court now has a special judge for juveniles. On 8 February 2016, the Public Prosecutor issued a decree establishing a special prosecutor’s office to examine cases involving juveniles, endangered children and those at risk of delinquency. As part of this, investigations and court procedures remain confidential, the rights of the child are respected and ways are found to reform children and speedily reintegrate them into society, in accordance with the Code of Criminal Procedure and the Juveniles’ Act. In addition, the special prosecutor’s office may also file objections, appeals and requests for cassation against sentences and call for certain cases to be re-tried. It also cooperates with the Ministry of Social Development via child protection counsellors who follow up on cases involving delinquent children, in accordance with the law.<sup>(3)</sup> The Office of the Public Prosecutor for Children currently has 34 members.

23. Sharia courts in the State of Palestine also protect the rights of children, particularly with the introduction of the Sharia Enforcement Act No. 17 of 2016. The Act, under which the sentences of sharia courts are enforced, affects families and children in matters such as financial support, custody medical treatment, education and the visiting rights of parents if the child is in the custody of just one of them, always with a view to protecting the interests of the child.

24. *The executive:* According to law, different ministries hold responsibility for the implementation of different children's rights, under the overall leadership of the Ministry of Social Development.<sup>(4)</sup> They are: the Ministry of Education, the Ministry of Health, the Ministry of the Interior including the police, the Ministry of Justice, the Ministry of Labour, the Ministry of Local Government, the Higher Council for Youth and Sports, the Ministry of Culture, the Ministry of Information, the Ministry of Finance and the Palestinian Central Bureau of Statistics. There is also cooperation with other national and international institutions such as the Independent Commission for Human Rights, UNRWA and civil society organizations.

## B. National strategies

**A number of national strategies and plans have been developed that have a direct and an indirect bearing on the rights of children, as follows:**

25. In 2010, the Ministry of Social Development rolled out its strategic plan for the protection of children 2011–2013. The plan was developed in cooperation with other governmental institutions that work to protect children such as the Ministry of Education, the Ministry of Health and the Office of the Public Prosecutor, with international institutions such as UNICEF and Save the Children, as well as with NGOs active in the field of child protection. Although children were not themselves involved in the drafting process, the strategy was designed to harmonize with the provisions of the Convention on the Rights of the Child and with relevant domestic laws, and to promote the achievement of Millennium Development Goals relevant to children, in particular the eradication of poverty, the promotion of gender equality and the empowerment of women. In addition, the strategy envisaged policies and policy interventions for the protection of children, and it designated the financial and human resources necessary for its own implementation and the bodies responsible for overseeing such implementation. It also included a sub-plan to follow up on and evaluate the implementation process with the aim of identifying loopholes and introducing the necessary amendments. Partners for the implementation of the plan were identified in government, civil society, the private sector and at the international level, and a series of indicators was developed with which to gauge impacts and desired outcomes. A number of interventions envisaged in the strategic plan have been carried out.

26. In 2012, working in partnership with the competent governmental organizations and NGOs, the Ministry of Social Development drafted the national juvenile justice strategy, which includes provision for the development of a legal environment supportive of juvenile justice as well as capacity building and professional skill enhancement for persons who work in that sector. Following the enactment of the decree-law for the protection of Palestinian juveniles, the strategy was further developed a view to facilitating the application of the law, and it was updated to cover the years 2016–2018.

27. In 2013, the Government of the State of Palestine drew up its national development plan 2014–2016. The plan acts as a strategic framework regulating priorities for government action, including social protection, as well as perfecting the delivery of rights-based and sustainable social services in order to contribute to the alleviation of poverty and the attainment of social justice among different groups. Also in 2013, the Ministry of Social Development – in line with the goals of the national development plan and with the participation of a national team made up of all institutions active in the field of social welfare – drew up its national social welfare strategy 2014–2016.

28. In 2015, the Ministry of Social Development prepared its plan of action for 2016. The plan covered a number of interventions in areas such as protection, care, training and awareness-raising directed at the various target categories of children, among them orphans, victims of violence of all forms, children born out of wedlock, adolescents and children with disabilities.

29. The transfer and networking system for the protection of children from violence, exploitation and neglect was reviewed in 2016. Established in 2008, it had previously been known as the transfer system. The system has begun to be tested by partners and, following the test period, it will be amended in line with the observations made by the child protection

networks that actually use it. Following that, it will be submitted to the Council of Ministers to be approved under the law.

30. In 2017, in cooperation with partners, the Ministry of Social Development completed drafting its strategic plan for the protection of children 2018–2022. The plan was submitted to the Palestine Children’s Council, which is accredited to advise the Ministry in matters pertaining to children, and children themselves were able to identify their own priorities. The plan was then sent to be reviewed by UNICEF then to the Ministry of Social Development for approval by the Minister. It should be noted that the Palestine Children’s Council was formed by Defense for Children International in cooperation with Save the Children and, since 2017, it has acted as an advisory body for a number of governorates and ministries.

31. On 16 January 2017, the Council of Ministers approved the national strategy for development and intervention during early childhood 2017–2022, which was developed by the Ministry of Education and Higher Education, the Ministry of Social Development and the Ministry of Health, in partnership with the competent institutions.

32. In 2013, the Ministry of Education and Higher Education rolled out a policy on violence and discipline in schools. The policy aims to curb school violence and sets forth the measures to be taken against offenders. In 2014, the Ministry launched its national strategy for inclusive education, which envisages the right to education for students with disabilities.

33. The Palestinian police issued its general strategy for 2014–2016 setting forth its mandate under the supervision of the Director-General of Police and the Ministry of the Interior. The Bureau for the Protection of the Family and Adolescents is an inherent part of the police strategy.<sup>(5)</sup>

34. In mid-2017, the Office of the Public Prosecutor prepared an executive plan for the activities of the Office in the period 2017–2018.

35. The Supreme Judicial Council has drawn up an executive plan in line with the national strategy for justice and the rule of law 2014–2016. The plan, which aims to improve the quality of justice, covers the following themes: fair trial guarantees, specialized judicial institutions particularly in regard of cases involving children and families, and easier access to justice for women and children in marginalized categories and refugees.<sup>(6)</sup>

36. *The National Council for Children:* Under article 70 of the Palestinian Children’s Act, the Council of Ministers is to establish a body called the National Council for Children. The Council has legal personality and is formed and regulated in accordance with a statute, issued by the Council of Ministers, that sets forth its objectives, composition, duties and mandate. That mandate includes proposing strategies and public policies on the care and protection of children, then submitting them to the Council of Ministers for ratification and implementation.<sup>(7)</sup> The National Council for Children was approved by the Council of Ministers on 11 May 2017 and ministerial representatives were delegated, and its first meeting was held in May 2018. According to its statute, the Council for Children is to meet every two months.

37. Practical difficulties in achieving the goals of the various plans have emerged. They include economic difficulties, legislative dysfunction, poor coordination and follow-up among partners, lack of effective participation by children in past years and an increasing population, particularly in the occupied Gaza Strip. All of this has made it difficult to meet the needs of many children. However, the chief difficulty resides in the inability of the Palestinian Government to exercise its role and authority over its own occupied territory and resources, due to the Israeli occupation, and its daily reality in which children are targeted and deprived of their legal rights. This has been emphasized by the Committee on the Rights of the Child in its concluding observations on periodic reports of Israel, the occupying power. In fact, according to the Committee, the illegal long-lasting occupation of Palestinian territory, the continued expansion of unlawful settlements and construction of the Wall into the West Bank as well as land confiscation, destruction of houses and livelihood of Palestinians constitute severe and continuous violations of the rights of

Palestinian children and their families, feed the cycle of humiliation and violence and jeopardize a peaceful and stable future for all children of the region.

### C. Data collection

38. The Public Statistics Act No. 4 of 2000 designated the Palestinian Central Bureau of Statistics as the official body with overall responsibility for gathering data and statistics within the State of Palestine.<sup>(8)</sup> In 1997, the Bureau established a children's statistics programme with a view to providing data on Palestinian children and measuring the progress made towards fulfilling their needs.

39. The Bureau began gathering data on children's rights in 1999. In 2012, it developed a series of indicators on the fundamental rights of children with a view to helping governmental and non-governmental institutions monitor how the rights of Palestinian children are being implemented in line with the Convention on the Rights of the Child. This took place through the formation of a special working group in collaboration with Save the Children and with help from government institutions and NGOs that work with children. Each year, data is collected from the relevant bodies in accordance with the established indicators. Those were also used in the drafting of the present report. In addition, the Palestinian Central Bureau of Statistics undertook a census of population and facilities in 2017.

40. Government institutions submit regular reports to the Council of Ministers to enable the Council to monitor how they implement their sectoral plans and any limitations they may face. Child-focused research and studies undertaken by civil society, international institutions, institutes of higher education and children themselves all help to provide information and data about the condition of children in Palestine.

41. The State acceded to all the human rights treaties at once, and did so only recently. As a result, administrative records were not ready and this has been the main challenge in the field of data collection. In addition, there is no centralized, comprehensive data-documentation system at the national level that covers all areas of the Convention, and not all cases are recorded by the competent ministries. Surveys that are carried out periodically have determinants that do not necessarily cover all categories of children, and this affects the representativeness and completeness of the information gathered.

42. The plan for the future is that the Ministry of Social Development will set up a national child protection database with support from Save the Children. The database will be created in stages, beginning with the establishment of a link between educational counsellors in the Ministry of Education and Higher Education and child protection counsellors in the Ministry of Social Development.

### D. Coordination

43. The Ministry of Social Development is responsible for coordinating with competent institutions to ensure that children's rights in Palestine are duly fulfilled, in accordance with the Palestinian Children's Act, as amended.

44. At the national level, progress has been made in the area of coordination and cooperation in planning. Plans directly targeting children, such as the strategic plan for the protection of children 2013–2015, as well as other national sectoral plans that have goals related to children and their rights, such as the national social welfare strategy 2014–2016, were all drafted as a result of coordinated efforts between governmental institutions, civil-society and international partners. The plans were devised by national teams that included representatives from all those bodies and through special workshops.

45. A national transfer and follow-up system was developed in 2008 to ensure that services for children who suffer violence, neglect or abuse are integrated, coordinated and comprehensive. Institutions involved in the protection of children came together to develop the system and to define their own roles in such a way as to synchronize their activities and to ensure the best interests of the child.<sup>(9)</sup>

46. In order to develop the system of juvenile justice in Palestine, in 2010, the Council of Ministers issued a decree for the creation of the National Committee for Juvenile Justice.



47. In 2014, the National Committee for Child Labour was set up by decree of the Minister of Labour in partnership with civil society groups, trade unions and governmental institutions. The purpose of the Committee is to develop plans and policies to ensure that children are protected from economic exploitation.

48. In 2015, the Ministry of Social Development put together a national team made up of representatives from governmental institutions and NGOs that work with children. The team was created to ensure coordination and cooperation in the drafting of the official report under the Convention on the Rights of the Child, to which end it organized numerous meetings and workshops.

49. The lack of coordination with or involvement of children in the planning process, coupled with generally poor coordination and follow-up on plans between partners are among the biggest coordinative challenges in the area of childcare. In that connection, efforts to involve children in planning processes began in 2016.

50. In order to ensure coordination for the future, committees are to be set up by official institutions to monitor, evaluate and issue reports on the implementation of sectoral plans. The committees will include representatives from all competent institutions.

#### **E. Budget allocation**

51. The total budget of the Government of the State of Palestine in 2018 was 16,559,061,000 shekels while the budget allocated to the social sector was 7,321,684,382 shekels, which represents 44.22 per cent of the total budget of the Government of the State of Palestine.<sup>(10)</sup> For its part, the budget of the Ministry of Social Development stood at 859,251,863 shekels, or 11.74 per cent of the social sector budget and 5.19 per cent of the total government budget. The budget allocated to social assistance is part of the budget of the Ministry of Social Development; in fact, the amount allocated to cash assistance was 480,000,000 shekels in 2018, which represents 6.56 per cent of the social sector budget and 2.90 per cent of the total government budget.

52. The budget of the Ministry of Health was 2,087,818,000 shekels, or 28.52 per cent of the social sector budget and 12.61 per cent of the total government budget. The budget allocated for education in 2018 stood at 90,300,196 shekels, or 0.96 per cent of the total budget of the Government of the State of Palestine. In 2017, it had stood at 78,411,192 shekels.

53. The budget for leisure activities was divided between the Higher Council for Youth and Sports, with 08,553,907 shekels or 0.66 per cent of the total budget of the Palestinian Government, and summer camps, with 3,097,103 shekels of 0.02 per cent of the total budget of the Palestinian Government.

54. Children are among the categories benefitting from the various sectoral budgets in the State of Palestine, on an equal footing with other members of society; however, there is no specific budget for children's services.

55. The budgetary programme of the Ministry of Social Development has changed since 2010 and the budget is now allocated on the basis of programmes and performance, whereby the planning process includes a programme with goals to be achieved and a corresponding budget.

56. During the phase that the budget for programmes run by the Ministry of Social Development is being drawn up (the anti-poverty programme;<sup>(11)</sup> the programme for the protection, care and rehabilitation of vulnerable and marginalized groups;<sup>(12)</sup> and the administration and planning programme<sup>(13)</sup>), each programme is classified in terms of its purpose, goals, outcomes and activities. That preparatory phase would be a good time to allocate independent budgets for children; however, the problem lies in the fact that the implementation phase of each programme constitutes a separate programme, which is not part of the same mechanism because the budgets required for each sector are classified as separate items and, when they are disbursed, only operational expenses, salaries and the purchase of services are shown. Thus, unlike the budget preparation phase, they do not appear as programmes for which disbursement has been made.

57. As regards follow-up and evaluation, once the approach to budget preparation had been adopted with its methodology of a budget for programmes, performance and items, and with the beginning of the process to develop and reform public finances, the idea arose of moving towards a budget that was both efficient and effective. The move towards a programme and performance budget was effected in 2012. The Ministry of Finance has provided technical assistance in various different forms to government ministries and institutions to promote the creation of programmes that reflect the nature of the activities of each institution and the services they provide, and to promote their capacity to manage available resources efficiently and effectively.

58. In order to ensure that goals have been achieved, the competent departments within the Ministry of Finance and Planning prepare analytical reports on the performance of ministerial budgets over a specific time period, then confront them with outcomes for the programmes and activities for each institution, as set forth in the Budget Act, using standard indicators for each outcome. This is a way of monitoring and evaluating performance for each outlay, irrespective of any information about budgets allocated for children.

59. The State of Palestine works to fulfil its commitments vis-à-vis children's rights, despite the difficulties it has to face in terms of available resources, reductions in foreign aid and the effect of those reductions on the delivery of public services, not to mention the lack of distinction between services provided to children and those provided to adults.

**Tables 1, 2, 3 and 4, attached in the annexes, show the budgets and budget items for 2014 and 2015.**

#### **F. International cooperation**

60. Since 1994, numerous international organizations have been providing aid to the Palestinian Government to help it develop legislation, regulations, plans and programmes in support of children in Palestine. They include the following:

- UNICEF has helped to support the State of Palestine in developing important legislation, regulations, plans and programmes, including the Palestinian Children's Act of 2004;
- Save the Children has provided support to a number of Palestinian ministries in programmes related to children and persons with disabilities. In collaboration with the Ma'an News Agency, it has promoted television series, discussions, advertisements and other visual media content on the subject of the rights of children and the rights of persons with disabilities. It has also provided training for professionals on how to adopt approaches based on children's rights and on how to interview children;
- The European Union supports the Ministry of Social Development in programmes related to persons with disabilities, including children, and in other programmes;
- The United Nations Development Programme (UNDP) has provided support to the Ministry of Social Development with a view to improving juvenile justice. In addition, the Supreme Judicial Council and the Bureau of the Chief Qadi cooperate with UN-Women and UNDP on the "Sawasya" programme and European police forces provide support to the Palestinian police via a number of different programmes;
- Thanks to cooperation between the Ministry of Culture and the Government of Norway, a cultural fund has been created for a period of three years. In addition, the Ministry of Education and Higher Education is continuing to cooperate on a number of programmes with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and UNICEF;
- The International Labour Organization (ILO) is supporting the Ministry of Labour on a programme to protect children from economic exploitation;
- The Office of the Public Prosecutor has signed an agreement with the Italian Agency for Development Cooperation for the provision of capacity-building and technical

support in the area of juvenile justice. Memorandums of understanding have been signed with the University of Perugia, the eCampus University and the Siracusa International Institute for Criminal Justice and Human Rights, in Italy.

61. The challenges in the area of international aid lie in the fact that it does not address certain basic needs, such as the provision of specialized human resources or the logistical requirements needed to expand and promote efforts in the area of children's rights. Furthermore, poor coordination between financial donors has at times led to problems in overlapping activities and difficulties in funding infrastructure, such as care and protection centres or centres for children with disabilities, in order to improve children's rights.

### **G. Independent monitoring**

62. Monitoring by the State. The Ministry of Social Development follows up with the competent bodies on complaints regarding violations of children's rights and seeks to provide remedies. This takes place via the complaints department within the Ministry itself and via child-protection networks. Complaints are then referred to the child protection counsellor who is legally responsible for the protection of children and who coordinates with the competent bodies.

63. The complaints unit in the Ministry of Education and Higher Education follows up with the competent bodies on complaints regarding children's rights, to address those complaints in accordance with administrative and professional standards and rules.

64. The Palestinian police has a complaints system accessible via the police's Grievances and Human Rights Department. The system received 20 complaints in 2016 and 2017. A number of measures are taken, beginning with the formation of a team within the Department to investigate the complaint, gather all necessary documents and statements, examine the procedures followed by the Family and Juvenile Protection Department then forward recommendations to the Director-General of Police. The Family and Juvenile Protection Department is the body designated to deal with complaints involving children. It also acts to ensure that places of detention for juveniles are separate from places of detention for adults and that they respect the relevant international standards.

65. Procedures in regard of complaints from children regarding access to justice and court proceedings have been updated to reflect children's needs and posted on the website of the Supreme Judicial Council. This makes it easier for children or their legal representatives to lodge complaints, which can then be examined and pursued by the competent bodies.

66. A complaints department has been set up, based in the Office of the Public Prosecutor, to examine and pursue any violations against children and submit a report on the matter to the Public Prosecutor. The matter is then transferred to the office of the competent prosecutor and, following investigation, the complaint is resolved, either by holding the party responsible to account or by dismissing the matter due to absence of grounds or lack of evidence.

67. In 2017, the Office of the Public Prosecutor received three complaints regarding children's rights via civil society groups, lawyers and prosecutors. In accordance with due legal procedure, the complaints were dealt with by contacting the bodies concerned to verify the legality of the procedures taken. The first complaint concerned the detention of a youth by military intelligence; he was eventually released because he was being held by an unauthorized body. The second complaint concerned the detention of a youth by the preventive security department. Having looked into the matter, the public prosecutor decided that, in the light of the seriousness of the charges and in order to protect the juvenile from imminent danger, he was to remain in the custody of preventive security with the approval of his own family and on condition that he was held in an appropriately equipped location and that his educational and health needs were met. The third case involved a youth who alleged that he had been beaten by the police. An approach was made to the police and it emerged that the youth concerned had resisted arrest but that he had not been assaulted.

68. There is a complaints department within the Ministry of Justice's human rights unit. In addition, a special file for complaints involving children is currently being developed on the Ministry's website.

69. In order to protect children from economic exploitation, the Ministry of Labour receives and investigates complaints and pursues them before the courts. As a proportion of the whole, the number of complaints involving only children is extremely small.

70. The Ministry of Education and Higher Education has developed indicators on students – particularly students with disabilities – who suffer violence in any form. It also monitors cases in schools and has developed mechanisms for dealing with them. In addition, the Ministry has developed mechanisms to monitor all Israeli violations of education over the course of the year. These violations – which consist in attacking and closing schools, carrying out raids, arresting teaching staff and students, imposing house arrests, using schools as military posts and destroying Bedouin schools – affect the ability of the State of Palestine to fulfil its obligation to ensure that children are able to enjoy the right to education.

71. A national monitoring system is in place to monitor the rights of children on the basis of certain indicators. In 2011, following a recommendation from the Consultative Council for Official Statistics, the Palestinian Central Bureau of Statistics established a cross-sectoral statistical monitoring system to act both as a comprehensive database and as a means of updating data. The Council of Ministers issued a decree to establish a national statistical monitoring team, to be led by the Palestinian Central Bureau of Statistics with members drawn from various government agencies.<sup>(14)</sup> The task of the statistical monitoring team is to contribute to the development of indicators for the monitoring system.<sup>(15)</sup> The decree of the Council of Ministers also envisaged the creation of subcommittees for the different sectors and subjects covered by the system, including that of children and young persons.

72. In cooperation with Save the Children and with competent government ministries, the Palestinian Central Bureau of Statistics has developed indicators for the Convention on the Rights of the Child. For the purpose of drafting the present report, indicators relative to the implementation of the Convention were also developed by UNICEF. The annual reports issued by the Central Bureau serve to throw light on the extent to which the Convention is being implemented in Palestine and are, in fact, part of the national monitoring mechanism on violations to the rights of children and an indicator on the extent to which the State of Palestine is respecting the rights set forth in the Convention.

73. Monitoring by the Independent Commission for Human Rights. The Independent Commission for Human Rights was set up by presidential decree in 1993.<sup>(16)</sup> Article 31 of the Palestinian Basic Law of 2003, as amended, states: "An independent commission for human rights shall be established, its composition, duties and mandate to be defined by law. The commission shall submit its reports to the President of the National Authority and to the Palestinian Legislative Council." The Independent Commission acts as the official bureau for grievances in the State of Palestine and pursues complaints from citizens in regard of human rights violations committed by the State, including violations against the rights of children.

74. The Commission has issued a number of official annual reports on human rights in the State of Palestine, most of which include specific sections dedicated to the rights of children, in line with the Convention on the Rights of the Child.<sup>(17)</sup> The Commission also produces legal reports on children's rights covering subjects such as child labour, violence and ill-treatment against children and children in conflict with the law in reform and social care institutions. In addition, the Commission runs training programmes, directed particularly at law enforcement officials, on children's rights, juvenile justice, monitoring mechanisms and how to receive complaints from children.

75. In 2016, with support from Save the Children, the Commission launched a special children's complaints programme. The programme, which covers the mechanisms whereby children themselves can submit complaints regarding violations of their rights, is still in the process of being developed.

76. Child-related plans for the future in Palestine include the formation of a council made up of children within the Independent Commission for Human Rights. The council would have the task of monitoring the status of child rights in national institutions and verifying the extent to which the environment is safe and supportive of the right of children to enjoy a higher degree of protection and participation. The council would also help to review legislation, laws and policies on children, to draw up child-related plans and programmes, and to help the Commission to identify priorities for children.

77. The Independent Commission received 311 complaints concerning children in 2014 and 260 in 2015. In 2016, 230 complaints concerning children were received in the West Bank and Gaza while 204 were received in 2017, 153 in Gaza and 51 in the West Bank.

**Table 5 shows the complaints concerning children received by the Independent Commission for Human Rights.**

78. The principal violations by Palestinian governmental institutions that have been the subject of complaints involving children are as follows:

- *West Bank including East Jerusalem:* Complaints in which the principal violation was related to children's rights numbered 43;<sup>(18)</sup> 42 complaints concerned violations of the right to physical integrity,<sup>(19)</sup> 13 concerned violations to the right to health<sup>(20)</sup> and 31 concerned the right to due legal process during arrest and detention;<sup>(21)</sup>
- *Gaza Strip:* Complaints in which the principal violation was related to children's rights numbered 156; 285 complaints concerned violations of the right to physical integrity, 3 concerned violations to the right to health and 85 concerned the right to due legal process during arrest and detention.

79. *Monitoring by civil society organizations.* The State of Palestine is making concrete efforts to create a climate of trust and cooperation between government bodies and civil society organizations and to establish continuous dialogue between the two sides with a view to protecting and promoting the rights of Palestinian children in the face of the violations they suffer as a result of the daily realities of Israeli occupation. In fact, civil society organizations monitor the extent to which children's rights are being enforced by government institutions and receive and corroborate complaints from citizens (including children) concerning rights violations they may have suffered at the hands of government bodies. Complaints are normally followed up with the government body concerned in order to stop the violation against the child and to promote cooperation with a view to guaranteeing children's rights in line with the Convention. After that, the progress achieved or results obtained are duly monitored.

80. A complaints service exists in the State of Palestine in the form of a telephone helpline run by an NGO, the SAWA Foundation, which is also a member of the child protection network.

81. The Working Group on Children and Armed Conflict brings together a number of international organizations, including UNICEF, the Office for the Coordination of Humanitarian Affairs (OCHA), Save the Children and Defense for Children International – Palestine Section. Its purpose is to monitor the six grave violations to which children are exposed during armed conflicts, which were defined by the Security Council with a view to protecting children during armed conflicts because of their particular vulnerability and to bringing an end to impunity. The six grave violations are: killing and maiming of children, recruitment or use of children as soldiers, sexual violence against children, attacks against schools or hospitals, denial of humanitarian access for children and the abduction of children.

82. Reports by the United Nations and by many different human rights organizations confirm that Israel, the occupying power, continues to kill and injure Palestinian children, to arrest them and subject them to torture and inhuman and degrading treatment of all kinds, to attack schools and hospitals, and to deny the access of humanitarian aid thereby affecting the lives and well-being of Palestinian children. In addition to that, children are suffering as a result of the illegal blockade that the occupying power is imposing on Palestinian civilians residing in the Gaza Strip, isolating them from the rest of the world and denying them access to humanitarian aid. Children suffer as a result of the policy of forced

displacements and the destruction of homes. Responsibility for these racist practices against Palestinian children lies with the occupation, and the army and the colonists should be placed on the United Nations blacklist of groups and States that violate the rights of children.

83. The biggest deficiencies in the monitoring of children's rights arise from shortcomings in the documentation of violations against children in Palestine, the lack of specialized staff to work with children and the restrictions imposed on the Palestinian Government by the Israeli occupation.

84. The statute of the National Council for Children was approved by the Council of Ministers in May 2017. The Council includes all government bodies that work with children and has the Independent Commission for Human Rights as observer, in addition to civil society and academic institutions. Its purpose is, among other things, to monitor the implementation of the Convention on the Rights of the Child.<sup>(22)</sup> One problem that has been recognized is a lack of coordination among the institutions that monitor and follow up on complaints from children, while action to enable wide-scale access by children to mechanisms from submitting complaints is still in its early stages.

## **H. Dissemination and training**

85. A number of governmental institutions and NGOs in Palestine work to raise awareness about children's rights, provide training on the Convention on the Rights of the Child and disseminate the Convention within Palestinian society. The training is directed at children themselves, at persons who work with children and at other community groups.

86. Subcommittees within the child protection networks – which include representatives from governmental and non-governmental institutions under the leadership of the Ministry of Social Development – play an important role in raising awareness about children's rights. The networks exist in all Palestinian governorates. In 2012, with support from UNICEF, the Ministry of Social Development printed and distributed the Palestinian Children's Act in the form of a booklet to workers in different institutions.

87. The institutions of State that are covered by the dissemination and training are: the Ministry of Foreign Affairs and Migrants; the Ministry of Social Development including its child protection and welfare centres; child counsellors and others; the Palestinian police (Bureau for the Protection of the Family); the Office of the Public Prosecutor; the Supreme Council of the Judiciary including court judges and registrars; the Ministry of Education and Higher Education; the Ministry of Health; the Ministry of Justice; the Ministry of Labour; and the Independent Commission for Human Rights in its capacity as the national human rights institution.

88. Civil society institutions and international organizations that have been involved in dissemination and training are: Defense for Children International – Palestine Section, the Palestinian Centre for Democracy and Conflict Resolution, the Al Mezan Centre for Human Rights, the Tamer Institute, the Terre des Hommes Foundation, the Women's Studies Centre, the Shoruq Organization, the Palestinian Counselling Centre, the Palestinian Vision Foundation, the Qader Organization, YMCA – Jerusalem, OHCHR, UNICEF, Save the Children, the French Médecins du Monde, Spain, Médecins sans frontières, World Vision International, the Norwegian Refugee Council (NRC) and UNESCO.

89. The principal areas covered by dissemination and training activities are: the rights of children under the Convention on the Rights of the Child and the Palestinian Children's Act; violence against children and protection mechanisms; the decree-law for the protection of Palestinian juveniles; sexual abuse and protection against such abuse; case management; methodologies for drafting intervention plans; and national and international obligations resulting from accession to the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict, including the drafting of official reports regarding the implementation of treaties and training in human rights-related concepts. Numerous other issues are also covered, among them juvenile justice; how to submit and follow up on complaints at the national and international levels; places of detention for juveniles; how to deal with children during periods of treatment; protecting children from online dangers; procedures whereby children can access the courts; and the

right to education, which includes the national strategy for inclusive education, the promotion of discipline in schools, crisis intervention for children, etc.

90. The training is aimed at children of both sexes among them children with disabilities, children from marginalized areas, child victims of violence who are staying in protection centres, and children in conflict with the law being held in places of detention. It is also directed at parents, guardians and school students as well as at the public at large through television programming and other media outlets. The training also targets professionals who work with children including judges, prosecutors, police, inclusive education counsellors, education counselling supervisors, special education supervisors in the Ministry of Education and Higher Education, school teachers, labour inspectors in the Ministry of Labour, officials of the Ministry of Health, child protection counsellors in the Ministry of Social Development and lawyers.

91. Once the State of Palestine acceded to the Convention on the Rights of the Child, the Ministry of Foreign Affairs and Migrants – in collaboration with the Ministry of Education and Higher Education and the Independent Commission for Human Rights, and with technical support from OHCHR – issued a booklet containing the corpus of treaties to which the State of Palestine had acceded, and distributed it to ministries, schools and universities in all governorates.

92. As part of an information campaign related to reports on the implementation of the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, the Ministry of Social Development has been providing training on those instruments to groups of children and young people, in cooperation with the Higher Council for Youth and Sports. It has also run training workshops for persons who work with children. Once the drafting of the initial report under the Convention is complete, information about the Convention and the report will be disseminated widely among the public, children and the relevant organizations by the competent ministries.

**Table 6 shows the training imparted to members of the police's Bureau for the Protection of the Family in 2014.**

**Table 7 shows the training imparted to members of the police's Bureau for the Protection of the Family in 2015.**

**Table 8 shows training and workshops offered to members of the Office of the Public Prosecutor.**

93. The most significant shortcomings in the field of awareness-raising lie in the limited human and logistical capabilities of the institutions responsible for children, as well as a lack of training in disseminating a culture of diversity and an absence of mechanisms to respond to individual differences among children, including children with disabilities.

#### **I. Cooperation with civil society**

94. Some important examples of collaboration with civil society in the drafting of plans and the implementation of programmes affecting children are listed below:

- A memorandum of understanding between the Ministry of Social Development and Defense for Children International – Palestine Section was signed in 2004, to improve cooperation in the area of juvenile justice. In addition, an agreement was reached in 2016 whereby Defense for Children International supports the Ministry in the implementation of its strategic plan for juvenile justice, which it recently developed and updated;
- A memorandum of understanding has been signed with the SAWA Foundation, which provides a telephone helpline service for children;
- A memorandum of understanding has been signed with the Palestinian Counselling Centre, in order to consolidate cooperation in the provision of psychosocial services for children by the Centre;
- The Office of the Public Prosecutor has signed memorandums of understanding with the Ma'an News Agency and with a number of Palestinian universities;

- Government institutions and NGOs cooperate in the commemoration of Palestinian Child's Day with activities that seek to make children themselves more aware of their rights;
- Government institutions and NGOs work together to draw up plans affecting children;
- The child protection network, which is headed by the Ministry of Social Development, includes civil society institutions that are active in the field of child protection. The institutions work together – in the national transfer and networking system – to provide children with the services they require, using a comprehensive methodology that takes account of the best interests of the child;
- The Palestinian Government cooperates and coordinates with civil society organizations specializing in the area of mental health, such as the mental health office of the Palestine Red Crescent Society, in order for them to provide psychological support services to children in difficult situations who suffer mental problems;
- Training courses on juvenile justice and children's rights are organized in cooperation with civil society while legal aid is provided to juveniles in cooperation with Defense for Children International and the International Law Association.

95. The Palestinian Government provides financial support to certain civil society organizations that work with children. Services are purchased from service providers for 930 children at a total annual cost of 5,274,000 shekels.

96. There are 34 associations working with children in the southern West Bank, 8 in the central West Bank, 19 in the northern West Bank, 9 in East Jerusalem and 53 in the Gaza Strip.

**Table 9 shows the associations working with children that received financial assistance.**

97. The biggest challenge lies in the limited financial resources available, both to civil society organizations and to government institutions.

#### 1. Definition of the child (article 1)

98. The Palestinian Children's Act defines a child as any human being under the age of 18 years. That definition covers, and thus protects, unborn fetuses, in addition to all persons under the age of 18. According to the final results of the 2017 population, housing and establishments census, there were 2,115,370 children under 18 years of age in the State of Palestine, including 1,083,720 males and 1,031,650 females. Children comprise 45.3 per cent of the total population of Palestine, 43.4 per cent of the population of the West Bank and 48 per cent of the population of the Gaza Strip.

**Table 10 shows the number of children, disaggregated by age group, region and sex in 2017.**

99. There are disparities with other laws in force in the State of Palestine with regard to certain issues relevant to the age of the child; those laws are not necessarily consistent with the aforementioned definition in terms of a minimum legal age and the responsibilities stemming therefrom. Those issues include:

100. The age of legal capacity: the Ottoman Civil Code of 1876, applicable in the State of Palestine, places children into different categories; the first category includes young children who have not attained the "age of discretion" and whose actions, according to article 966 of the Code, have no legal repercussions, even if authorized by the child's guardian. The second category includes children who have reached the "age of discretion" and who thus enjoy the right to take action that has legal repercussions if that action is beneficial, even if it is not authorized by the child's guardian, while their action has no legal repercussions if it causes harm.



101. Compulsory education age: pursuant to the Children's Act, the compulsory education age is from 6 to 16 years. The 2017 decree-law on public education states that education is obligatory until the end of the tenth grade.

102. Working age: the Palestinian Children's Act, and article 93 of the Palestinian Labour Code No. 7 of 2000, prohibit the employment of children under the age of 15. The Palestinian Labour Code describes working children as "juveniles". That term is to be modified as it is applied in the decree-law for the protection of Palestinian juveniles to children in conflict with the law. In article 1 of the Labour Code, a working child (for whom the Code uses the term "juvenile") is defined as: "a person who is at least 15 years of age but who is not yet 18 years of age". Articles 94–98 of the amended Palestinian Children's Act also prohibit the employment of children in hazardous work. This was confirmed by the Minister of Labour in Decree No. 1 of 2004, which sets forth the types of hazardous work in which the employment of children is prohibited.

103. Article 99 of the Labour Code stipulates that the provisions of the Code do not apply to children who work with their first-degree relatives, on condition that their work is at all times in line with appropriate health and social standards that ensure work has no negative effect on their mental and physical development or on their education. Children who work with their first-degree relatives are not subject to any work-related age restrictions.

104. Age for giving testimony: pursuant to article 83 of the Code of Criminal Procedure (Act No. 3 of 2001), in force in the State of Palestine, the minimum age for testifying in court is 15 years. However, such testimony is given only in exceptional circumstances and the individual concerned does not have to swear an oath before giving evidence.

105. Age of marriage: the minimum age for contracting a marriage for males and females is prescribed by the sharia courts, which have established that, if both spouses are Muslim, the bride must be at least 15 Islamic calendar years old and the groom at least 16 Islamic calendar years old. It should be noted that an Islamic calendar year is 354 days long and is divided into 12 months. Six of those months are 29 days long and the other six months are 30 days long. Article 7 of the Personal Status Code provides that, if the prospective husband is more than 20 years the bride's senior, the conclusion of the marriage is conditional on a judge confirming the consent of the bride, and that the marriage is in her interest.

106. For non-Muslims, the Syriac Orthodox Personal Status Code, while taking into account domestic laws, prohibits men under the age of 18 and women under the age of 16 from getting engaged or entering into a marriage. The Personal Status Code of the Catholic Denominations regulates personal status issues for adherents of the six Catholic denominations listed in article 1 of the Code, namely the Maronite, Melkite Greek Catholic, Armenian, Syriac, Latin and Chaldean sects. The law provides that, in order for an engagement to be valid, the parties must be of sound mind and discriminating and have entered into the engagement freely, and that the betrothal must be in accordance with the marriage laws of the Eastern Church, for Eastern Christians, and in accordance with Canon 1017 of the Latin Code of Canon Law, for Latin Christians.

107. The Sharia Court Council is to take action in the future to raise the age of marriage to 18 years for both spouses.

108. National penal laws criminalize underage marriage that has not been sanctioned by a judge or legal guardian. Article 156 of the Mandate-era Criminal Code, in force in the Gaza Strip, provides that any person who marries a girl under the age of 15 years commits an offence and shall serve a prison term of two years. The Jordanian Criminal Code stipulates that any man who marries a girl under the age of 16 years, any person who participates in such a marriage, any man who marries a girl under 18 years of age without the agreement of her guardian and any person assisting in that marriage shall be liable to a penalty of between 1 and 6 months' imprisonment.

109. A total of 24.2 per cent of women between the ages of 20 and 49 were married for the first time before they were 18 years old. In the West Bank, that figure is 21.4 per cent and in the Gaza Strip it stands at 28.6 per cent. <sup>(23)</sup>

110. Age of criminal responsibility: the Palestinian Children's Act has raised the age of legal accountability to 12 years. This is, moreover, affirmed in article 5 of the decree-law for the protection of Palestinian juveniles.<sup>(24)</sup> In accordance with instructions issued by the Public Prosecutor, the ages of juveniles and children are determined when they are brought before the Office of the Public Prosecutor for Children for the first time; the date on which the relevant incident took place and the age of the juvenile at the time that the incident was perpetrated must also be determined.

111. Age for conducting business operations: The Jordanian Trade Act (No. 12 of 1966) stipulates that commercial responsibility is regulated by the Civil Code, which, in turn, stipulates that children under the age of majority may conduct business operations that involve small sums of money. The courts may permit children who are at least 15 years old to conduct business operations involving any amount of money on condition that consent for this is granted by their guardians, who may withdraw their consent and prohibit them from conducting of business transactions.

112. Consumption of alcohol and narcotic drugs: the Palestinian Children's Act prohibits children from smoking or consuming alcohol or narcotic drugs. The Anti-Smoking Act (No. 25 of 2005) prohibits the sale, distribution, display or advertising of tobacco products to persons under 18 years of age.

## 2. General principles (articles 2, 3, 6 and 12)

### Right to non-discrimination (article 2)

113. The Palestinian Declaration of Independence of 1998 established the legal basis for equality and the prohibition of discrimination in all its forms in the State of Palestine. The Declaration states that the State of Palestine shall be for all Palestinians, wherever they may be, and therein they shall enjoy full equality in terms of their rights within the framework of a parliamentary democratic system established on the basis of social justice, equality and non-discrimination on the basis of race, religion, colour or gender. The amended Palestinian Basic Law affirms the principles of equality and non-discrimination enshrined in the Declaration of Independence, while article 38 of the Palestinian Children's Act<sup>(25)</sup> prohibits discrimination and stipulates, "The State shall adopt appropriate and effective measures aimed at the eradication of all forms of discrimination in enjoyment of the right to education and shall work to guarantee equal opportunities for all children."

114. Inheritance: inheritance rights in the State of Palestine are addressed as personal status matters. However, there is no uniform, modern and fair legislative framework for personal status matters in Palestine. In the West Bank, the applicable codes are the Jordanian Personal Status Code (Act No. 61 of 1976) and the Code of Sharia Legal Procedure (Act No. 31 of 1959), as amended. In the Gaza Strip the applicable codes are the Ottoman-era Palestinian Personal Status Code from 1917 and the Family Rights Code (Order No. 303 of 1954), followed by the Code of Sharia Legal Procedure (Act No. 12 of 1965) issued by the governor of the Gaza Strip, with supplementary provisions from the Ottoman Civil Code of 1876. Meanwhile, the Sharia Court of East Jerusalem operates according to the personal status laws applicable in the Hashemite Kingdom of Jordan, because that Court is still administratively part of that Kingdom's sharia justice system. Any amendments to the Kingdom's personal status codes are instantly put into force by the Court, which is currently enforcing the 2010 Jordanian Personal Status Code (No. 36 of 2010).

115. Custody: In accordance with the provisions of the laws in force, when a female child reaches the age of majority, she must be placed in the custody of her guardian, while a male may chose to remain in the custody of his mother or be subject to the custody of his guardian. This gives rise to a form of discrimination that favours male children. If the girl refuses to join her father or her guardian, then she will no longer be eligible to receive money from him.<sup>(26)</sup>

116. Disability: article 2 of the 1999 Rights of Persons with Disabilities Act stipulates that persons with disabilities, including children, shall enjoy equal rights and shall not be discriminated against because of their disability.<sup>(27)</sup> Furthermore, the 2017 decree-law on

public education provides that education is a right that shall be enjoyed by all individuals on an equal and non-discriminatory basis and without discrimination, and also stipulates that the Ministry of Education shall adopt an inclusive and supportive education policy that addresses the needs of all students.

117. The 2015 annual report of the Independent Commission for Human Rights stipulates that persons with disabilities, including children, are subjected to two types of discrimination: discrimination in terms of the obligations of the State towards them and its failure to uphold its commitments, and discrimination in terms of societal perceptions and treatment by members of society of persons with disabilities. These factors have repercussions on the enjoyment of their rights in all areas, including their rights to education, health, transport and accessibility.

### **Best interests of the child (article 3)**

118. Article 4 of the Palestinian Children's Act stipulates that: "The following must be taken into consideration: 1. The best interests of the child in all measures taken in his or her regard by the legislative authorities, the courts, the administrative authorities or public or private social welfare institutions. 2. The psychological, mental, physical and moral needs of the child in accordance with his or her age, health status and other factors."

The Children's Act also upholds the best interests of the child if the child's parents separate and stipulates that the best interests of the child must be safeguarded if that child is separated from one or both of his or her parents and that the child has the right to maintain personal relations and direct contact with both parents on a regular basis.

119. The State of Palestine endeavours to uphold the best interests of the child in numerous areas, including by taking administrative steps that are followed up on by child protection counsellors at the Ministry of Social Development in order to protect children from physical or sexual violence, as well as from neglect or exploitation including in cases when the abuser of the child is that child's guardian and the interests of the child cannot be upheld while that child remains with his or her guardian or custodian. In such cases, the child protection counsellor and the Public Prosecutor will act on the complaint to protect the child's interests.<sup>(28)</sup> The child protection counsellor will also interview the child victim so that his or her views are taken into account when deciding the steps that should be taken in that regard.

120. In cooperation with the Office of the Public Prosecutor and child protection counsellors, the police provide ongoing protection to children whose lives are threatened, endeavour to uphold the best interests of those children and protect them from all forms of danger.<sup>(29)</sup>

121. The child's best interests are determined through consultations involving the child protection counsellor, family protection police officers, the Office of the Public Prosecutor, educational counsellors and the authorities relevant to the situation of the child in question. A meeting is held so that the parties concerned can discuss the situation of the child, including his or her social, academic and psychological situation and needs. A decision regarding the child is made, and follow-up steps are taken. The child's views are taken into account in the procedures or the decision that is made, and procedures are conducted in accordance with the transfer and networking system guidelines followed by the child protection networks.

122. The Supreme Judicial Council seeks to take into account the best interests of the child and to give priority to those interests during proceedings, by giving consideration to the child's views and by appointing juvenile judges to issue a ruling in the child's case. The Bureau of the Chief Qadi has also taken action to uphold the interests of the child by issuing Circular No. 59/2012 on facilitating the visiting rights of parents, which includes a proposed interpretation of article 163 of the Personal Status Code of 1976, namely: "The mother or the father of the minor who has been given in charge to a party who holds the right to custody shall enjoy the right to see and to host the child once a week for a period of 24 hours, provided that the parties take into account the age and circumstances of the child. This shall uphold, first and foremost, the interests of that child and, secondly, the interests of the two parties". The hosting period may be extended upon agreement of the parties,

with the provision of a legal guarantee in all cases to ensure the return of the child to the person granted custody of that child after the expiry of the hosting period. The Circular also takes into account the interests of the child by facilitating the provision of a suitable environment and location for parental visits, to which the father and mother and all other parties that enjoy custody rights are entitled.

123. Adult children are sometimes summoned to attend family conciliation meetings to discuss reconciliation between spouses in divorce proceedings. Those adult children can play a positive role in reconciling differences between their parents and safeguarding the best interests of the child in question.

#### **Right to life, survival and development (article 6)**

124. The Basic Law provides for the protection and comprehensive care of the child and his or her right to physical integrity. The Children's Act states that it is the duty of the Government to ensure, "the protection of the rights of the child to survival and to development as well as their right to live in a free, safe and developed environment. The Children's Act also stipulates that children shall enjoy the right to life.

125. Death penalty: the death penalty is neither imposed nor carried out on children in the State of Palestine. The decree-law for the protection of Palestinian juveniles states explicitly that the death penalty shall not be imposed on a juvenile. Article 46 of that decree-law stipulates that, if a juvenile who is at least 15 years old but who is not yet 18 years of age commits an offence that is punishable by death, that juvenile shall be placed in a social care institution for a period of up to 9 years. In June 2018, the State of Palestine acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

126. Abortion: The Palestinian legal system provides for the protection of all children, including unborn children. The Palestinian Children's Act defines a child as any human being below the age of 18 years, and therefore the rights of the child are applicable to all children, including those who have yet to be born. Article 8 of the Public Health Act (No. 20 of 2004) prohibits abortion and provides that it is forbidden to cause a pregnant woman to miscarry by any means unless two specialist physicians testify that that procedure is necessary to save her life, and unless prior written consent for the procedure is obtained from the pregnant woman. If she is unable to provide her consent, the written consent of her husband or her guardian shall be obtained. The abortion shall be carried out in a health institution. The penal laws in force also contain explicit provisions that penalize abortion and the provision of assistance in order to facilitate an abortion. The Code of Criminal Procedure provides for the implementation of sentence of the convicted pregnant woman to be postponed until her delivery and until three months after her delivery if she has received a custodial sentence.

127. Suicide: Palestine has taken a number of measures to reduce the incidence of child suicide. Those measures include awareness-raising campaigns conducted by various authorities in schools on the prevention of violence in general, including suicide prevention. The Ministry of Health has also established a national suicide prevention commission.<sup>(30)</sup> In cases of attempted suicide, the police ascertain that the attempted suicide involved no suspected criminal activity and the Office of the Public Prosecutor is informed accordingly. Furthermore, protection counsellors at the Ministry of Social Development, who enjoy a mandate to take action, monitor the situation and prevent further suicide attempts, are informed of the situation and work together with the Ministry of Education in accordance with specific procedures set forth in the national transfer and networking system guidelines.

128. Three child deaths by suicide (one by hanging and the others by strangulation) were recorded in 2014.<sup>(31)</sup> Three female suicides were recorded in 2015.

129. Traffic accidents: One of the achievements of the Ministry of Health in 2009 was the establishment of the road accident monitoring programme, which includes a system for monitoring injuries. The Ministry of Health also conducts routine health education activities in schools that cover public safety, road safety and road accident prevention, and cooperates with the Ministry of Education to reduce the number of accidents near schools. In addition, the Ministry of Transport and Communications established the Supreme Traffic

Council in 2010 and has taken a number of steps to raise road safety awareness.<sup>(32)</sup> As for protecting children from traffic accidents, the police have held a number of awareness-raising lectures in schools on road traffic hazards with a view to educating children about traffic safety. Traffic accidents can cause disabilities among children. In 2014, of the 24.6 per cent of children aged 0–14 years who were involved in road accidents and sustained injuries therefrom, 0.4 per cent became disabled as a result of their injuries. According to statistics, 35 children under the age of 18 died as a result of road accidents in 2014, and 44 children died as a result of road accidents in 2015.

130. Domestic accidents: The Ministry of Health has launched an awareness-raising programme to prevent accidents among children, including accidents at home. Initiatives include the dissemination of educational materials and radio and television advertisements. All accidents, including those that occur at home, are reported to and recorded by the police. The data obtained on accidents is subjected to limited analysis for statistical purposes only.

131. Deaths and extrajudicial killings of children: the right of the child to physical safety and protection are among the basic rights guaranteed by the Palestinian Basic Law. Article 10 of the Basic Law provides that, “Fundamental human rights and liberties shall be respected”. Article 32 provides that, “Any infringement of personal liberty or violation of the right to privacy or of other public rights and freedoms guaranteed by the Basic Law or laws in force is an offence not subject to any statute of limitations with respect to civil or criminal proceedings.” The Palestinian Government shall ensure just reparation for any such harm suffered.” The right of the child to a fair trial is a constitutional right guaranteed by the Basic Law, which provides that all persons accused of crimes shall receive a fair trial in accordance with article 14, which, in turn, provides that, “Accused persons are innocent until proved guilty at a legal trial at which they have had the guarantees necessary for their defence”.

132. The Palestinian Centre for Human Rights in Gaza documented six child deaths and five cases of children being injured as bystanders in cases of killings, during family disputes, arms misuse, internal explosions and acts of property destruction in 2015.<sup>(33)</sup> The Independent Commission also recorded 49 child deaths in unusual circumstances in 2015<sup>(34)</sup> and 56 such deaths in 2014.

133. Execution of Palestinian children by the Israeli occupation forces: Israel, the occupying Power, grossly and systematically violates the rights of Palestinian children and commits daily crimes against them in violation of international human rights law and international humanitarian law, which obliges the occupying Power to ensure the well-being and safety of the civilian population under its occupation. Children are among those who are most likely to be affected by the daily attacks perpetrated by the Israeli occupation forces, and they are directly targeted in operations undertaken as part of a systematic and far-reaching occupation policy against the Palestinian people, and children especially, which causes deaths and injuries that very often result in disabilities.

134. According to statistics provided by the Palestinian Ministry of Health, 546 Palestinian children were extrajudicially killed by the Israeli occupation forces in 2014,<sup>(35)</sup> and 3,887 children were wounded in the Gaza Strip alone. Thirty-two children were killed and 594 were wounded in 2015. In 2016, 32 children were killed and 82 were wounded in the West Bank. More than half of those children were shot with live ammunition. Fifteen children were killed in 2017. The Prosecutor General has appointed a competent prosecutor to investigate crimes perpetrated by the occupation authorities.

#### **Respect for the views of the child (article 12)**

135. Article 12 of the Palestinian Children’s Act provides: “2. The views of the child shall be taken into consideration in accordance with his or her age and maturity. 3. The child shall be given the opportunity to express his or her views in judicial proceedings or with regard to social or educational measures related to his or her circumstances.”

136. As for respecting the views of the child in administrative procedures regarding child victims of community violence, and specifically in cases involving the transfer of a male or female child to a protection centre, the child’s views are taken into consideration by the child protection counsellor, although problems may sometimes arise in that regard. For

example, a child that requires protection while in a protection centre may, when asked, state that he or she does not wish to be protected. In such cases, the psychological counsellor appointed to the case will work with the child with a view to balancing the child's interests and his or her views.

137. The police uphold the right of the child to be heard in all judicial and administrative proceedings. The child is given a simple understanding of the procedures, and the views and best interests of the child are taken into account, whether in connection with his or her life, education or residence. The police also take the necessary steps to protect children by ensuring that they enjoy access to urgent assistance, because ensuring that the child is heard facilitates efforts to resolve his or her situation.

138. The Office of the Public Prosecutor informs the juvenile of all the guarantees afforded to him or her by law, and particularly the guarantees provided under the decree-law for the protection of Palestinian juveniles.

139. As for ensuring respect for the views of children during litigation procedures, an opportunity is provided for them to express their views clearly and in confidence according to the specificities of the case, while ensuring that they are not subjected to any force or coercion, in accordance with Code of Criminal Procedure and the decree-law for the protection of Palestinian juveniles. This is one of the guarantees offered to accused persons in criminal cases. In addition to enjoying the right to a defence, the child also enjoys the right to speak before the sentence is pronounced.

140. Although article 12 of the Children's Act stipulates that the child shall be given the opportunity to express his or her views in judicial proceedings, the child's views are not taken into consideration by the judiciary if he or she has been the victim of exploitation, neglect or physical or sexual violence.

141. With regard to healthcare treatment, treatment is provided if consent is granted by the child's guardian; the child's views are not taken into consideration.

142. Children have not been involved in a systematic manner in the formulation of plans and strategies on children by government institutions, with the exception of the Higher Council for Youth and Sports, which involved groups of children in the process to draw up its annual plan for 2013. The Ministry of Social Development also involved children in efforts to draw up its national plan for the years 2018–2022. Initiatives to promote the involvement of children have also been launched by certain non-governmental organizations, and similar steps are now being taken by a number of governmental authorities, including the Ministry of Education and the governorates of Hebron, Bethlehem and Ramallah.

143. With regard to non-governmental organizations, Defense for Children International – Palestine Section is working to strengthen the participation of children and ensure respect for their opinions in all areas of their lives. To that end, it has established the Palestinian Network for Children's Rights, which brings together a number of grass-roots institutions located in the governorates of the country.<sup>(36)</sup>

144. The establishment of student parliaments by the Ministry of Education, in cooperation with the organization World Vision International, clearly reflects the interest of Palestine in the right of the child to express his or her views. Children were also involved in the preparation of this report.

145. In April 2016, 70 child rights protection teams were established in all West Bank governorates by Defense for Children International, in cooperation with the Ministry of Education and Higher Education, where they were tasked with collecting information about and corroborating violations of children's rights.

146. In partnership with the Palestinian Network for Children's Rights and Save the Children, and with the support of the Ministry of Education and Higher Education, Defense for Children International facilitated the establishment of the first children's council in Palestine through elections held for this purpose: the Palestine Children's Council represents children, reflects their views and aspirations, and questions policymakers on the extent to which children's rights are respected and upheld in Palestinian society. The

Council acts as an advisory body and provides recommendations to Defense for Children International, the Ministry of Education, the Ministry of Social Development and the organization Save the Children. The Council has also been accredited to act as an advisory body to Bethlehem, Hebron and Ramallah governorates

### 3. Civil rights and freedoms (articles 7, 8, 13, 17, 28 (2), 37 (a) and 39)

#### **Birth registration, name and nationality (article 7)**

147. The Palestinian Children's Act guarantees a child's right to be registered in the civil registry immediately after birth. Nationality is granted immediately to the child under the provisions of the said law, in addition to articles 17 to 19 of the 1999 Civil Status Code, which provides that a well-known person shall be entrusted with immediately notifying the Ministry of the Interior of the birth and providing information on the sex, name and condition of the child in a birth certificate provided by the health-care provider.<sup>(37)</sup> We note here that there is an inconsistency between the Children's Act, which requires immediate notification of birth, and the Civil Status Code, which states that notification must be given within 10 days. The Code will need to be amended in order to bring it into line with the Palestinian Children's Act.

148. The Ministry of the Interior operates in accordance with the Civil Status Code and its amendments, as well as the implementing regulations of the Code, which were approved by the Council of Ministers in 2009.

149. The rate of birth registration in Palestine (99.5 per cent), which is a component of the right to citizenship, is among the highest in the region according to the World Health Organization. In 2014, 78,174 births inside Palestine were registered in the birth register. A total of 12,519 births were registered outside Palestine in 2015. In 2016, there were 82,366 children born in Palestine and 11,898 children born outside the country. It should be noted that the parents of children born outside Palestine usually delay registering the birth of their children.

150. Registration procedures are the same for all Palestinians and no distinctions are made between them in order to ensure that all births are registered and facilitate procedures for citizens. The Palestinian Ministry of Interior has increased the number of civil registration offices and streamlined and accelerated registration procedures. If the child is registered within 10 days, no registration fees are charged and a free birth certificate is issued. After that, parents pay a penalty charge of up to 20 dinars for delaying the registration of the birth of their child.

#### **Right to identity (article 8)**

151. The right to identity is guaranteed to every child who has a parent with Palestinian identity. Both the father and the mother are entitled to register their children and to establish them as citizens. The father or mother of the child must also be registered in order for the child to obtain a national identification number, so that he can obtain an identity when he reaches the prescribed legal age. However, Palestinian identity and national identity numbers are linked to a population registry that is controlled by Israel, the occupying Power.

152. Article 16 of the Children's Act guarantees the right of the child to obtain a decent name that is neither degrading nor humiliating, and the parents of the child are obliged to uphold that right. The child is entitled to change his or her name by applying to the courts through his or her guardian or by requesting to change his or her name after reaching the age of majority. After obtaining a decision in that regard, the individual concerned is referred to the Ministry of the Interior. A court decision must be obtained providing for an individual's name to be changed by all government agencies.<sup>(38)</sup>

153. A difficulty encountered in the birth registration process relates to the time taken by parents to register their children. To address that challenge, a number of actions have been taken by the Ministry of Interior to encourage people to register their children. Those actions include visiting mosques, particularly in villages, and using mosque pulpits to emphasize how birth registration facilitates efforts by the national authorities to plan for the

future. The Ministry has also taken part in radio and television interviews on the subject, held networking meetings with municipalities and issued brochures to raise awareness among members of society and parents of the importance of birth registration.

154. The Ministry of the Interior is also planning to roll out an automated programme that will provide a direct link and facilitate cooperation with the Ministry of Health, so that births and deaths recorded by hospitals will be automatically registered in the population registry; this will facilitate the issuance of birth and death certificates, which will then be sent out in the post. The Ministry also plans to implement the same programme with the Bureau of the Chief Qadi to facilitate the registration of marriages and divorces. A challenge impeding the roll out of the programme is that a code must be assigned to each area of Palestine; this will require access to records controlled by Israel, the occupying Power, which are difficult to change without the agreement of the occupation authorities.

### **Preservation of identity**

155. Article 7 of the Basic Law provides that: “Palestinian nationality is regulated by law.” Article 28 of that law states: “No Palestinian shall be expelled from the homeland, deprived of return, prevented from leaving, stripped of his nationality or handed over to any foreign party.” In accordance with article 28 of the Civil Status Code, Palestinians receive their identity cards when they reach 16 years of age. In order to obtain an identity card, he or she must provide a birth certificate in addition to documentation proving that one or both parents hold Palestinian identity.

156. Children under 16 years of age who are born abroad may apply for a Palestinian identity card provided that one or both of their parents have been given an official identification number. However, children between the ages of 16 and 18 who apply for an identity are not granted identity numbers or identity cards if they were born abroad to parents without Palestinian identity numbers. Palestinian nationality is given to children of a Palestinian mother and a non-Palestinian father.

157. The national registry and identity card system is associated with the Israeli occupation authorities, and therefore not all persons obtain identity cards even if they reside within the Occupied Palestinian Territory. In addition, children living permanently in East Jerusalem are not allowed to register in the Jerusalem registry if one of their parents is not resident in Jerusalem, and many Palestinian children are thus denied their right to live with one or both parents as a result of Israel’s rejection of family reunification requests. In that regard, the Committee on the Rights of the Child has urged the occupation authorities to take immediate steps to abolish all legal provisions that deprive Palestinian children of their right to be registered immediately after birth, their right to a nationality and their right to be cared for by their parents. The Committee has also urged the occupation authorities to transfer the population registry to the Palestinian Government.

158. With regard to children of unknown parentage, a manual on procedures to be followed with children of unknown parentage and children born out of wedlock has been developed by the Ministry of Social Development in partnership with the Ministry of the Interior and other partner institutions; the Ministry of Social Development monitors the child registration procedure, completes the birth notification form and places the stamp of the Ministry on that notification. After ensuring that the child’s file has been completed, the Ministry of Social Development sends the original file to the Ministry of the Interior, which registers the child and issues a birth certificate in his or her name.

### **Right to nationality (article 13)**

159. The Palestinian National Charter of the Palestine Liberation Organization defines Palestinians as, “the Arab citizens who habitually resided in Palestine until 1947, whether those who were expelled therefrom or remained therein. Anyone born to a Palestinian Arab father after that date, in or outside Palestine, is Palestinian.” Article 18 of the Children’s Act provides: “Every Palestinian child shall have the right, immediately after birth, to Palestinian nationality in accordance with the provisions of the relevant law.” There is no Palestinian law on Palestinian nationality to date, because the State of Palestine is under Israeli occupation.



160. Palestinians in occupied Jerusalem must deal with numerous problems and inconsistencies when reporting and registering the birth of a resident child in the city. The occupation authorities have granted most Palestinians “permanent residence” rather than “Israeli nationality and have prevented them from obtaining Palestinian identity. Jerusalemites living abroad for more than seven years have difficulty registering a birth and obtaining birth certificates for their children from the occupying power, because their residency rights are liable to be revoked unless they are able to prove that East Jerusalem has been their “centre of life” for the previous seven years.

161. In its concluding observations on the periodic reports of Israel, the occupying Power, the Committee on the Rights of the Child considered the ban on the granting of Israeli citizenship to children born of an Israeli and a Palestinian parent, the decision of the Government of the Israeli occupation to stop processing so-called “residency” applications for Palestinian children since 2000 as well as the arbitrary revocation of residency and identity of those living in occupied Jerusalem, which have resulted in thousands of unregistered Palestinian children excluded from access to health and educational services as well as in thousands of children being prevented from living in dignity.

### **Freedom of expression and right to request, receive and impart information (article 13)**

162. Article 19 of the Palestinian Basic Law provides that freedom of opinion and expression is a fundamental right that shall be enjoyed by all.<sup>(39)</sup> The Children’s Act also guarantees the right of the child to express his or her opinion and provides for the views of the child to be taken into consideration in accordance with his or her age and maturity.<sup>(40)</sup> Article 33 of that Act provides: “The child shall have the right to request, receive, transmit and impart all types of information and ideas provided that this does not run counter to public order and morality.”

163. A website for children has been created by the Palestinian Central Bureau of Statistics and can be accessed from its web page. The website presents statistical data and figures in an articulate, attractive, clear and user-friendly format so that children, and particularly school students, can easily access statistical information. Furthermore, the Palestinian Broadcasting Corporation broadcasts a special programme, entitled “Bayt Buyut”, that reaches out to children and promotes their creativity by giving children from different parts of Palestine the opportunity to engage with an important female broadcast journalist.

164. The amended decree-law on cybercrime, which was adopted in 2017, places certain restrictions on freedom of expression for both adults and children.

### **Freedom of thought, conscience and religion (article 14)**

165. The Basic Law provides that Islam is the official religion of Palestine, and that respect for the sanctity of all other divine religions shall be maintained. Palestinian legislation also provides that a child shall be protected from any influence on his or her faith, and that children shall, in normal circumstances, adopt the religion of their fathers and continue to adhere to that religion until they attain the legal age of 18 years, at which time they shall be able to choose to exercise their religious rights.

166. If a child chooses to change his or her religion and his or her parents object, he or she can appeal to the courts. In addition, article 18 of the Basic Law provides that: “Freedom of belief, worship and performance of religious rituals are guaranteed, provided that they do not violate public order or public morals.” No judicial rulings have been made on that matter.

### **Freedom of association and of peaceful assembly (article 15)**

167. Article 34 of the Children’s Act provides for the establishment of children’s associations, freedom to join associations and clubs, and freedom to hold public meetings. There are, however, no associations in Palestine that have been established exclusively by children. There are a number of associations active in areas of relevance to children, including associations that work with children with disabilities or provide rehabilitation

services. As regards bodies whose membership is made up of children, reference has already been made in the present report to the Palestinian Children's Council.

168. With the support of World Vision International, the Ministry of Education started thinking of establishing student parliaments in 2002, and there are now approximately 50 student parliaments in the West Bank. The formation of those parliaments and parliamentary elections are held with the support of educational counsellors in schools. Internal regulations and guidelines for those parliaments have also been drawn up. The parliaments endeavour to address behavioural problems, reduce violence, support students' personal development, enhance communication between teaching staff and students and strengthen students' involvement in the educational curriculum.

#### **Protection of privacy (article 16)**

169. The Basic Law provides that adequate attention shall be accorded to the privacy of the individual, while the Palestinian Children's Act stipulates that the privacy of the child shall be respected, while taking into account the rights and duties of the child's parents and guardians.<sup>(41)</sup>

170. With regard to respect for the privacy of the child in judicial proceedings, if a child is brought before the judiciary, most hearings will be held in private if this is requested by the child or his or her legal representative, or if the judge deems that doing so is in the interests of the child, in accordance with decree-law for the protection of Palestinian juveniles. In order to maintain confidentiality, it is prohibited for any person to access any electronic or hard copy information relating to child obtained by the judiciary and the Office of the Public Prosecutor, including information contained in claims and complaints, unless that person is involved directly in the case and has obtained prior authorization from the court. Anyone who accesses or discloses information or data relevant to the case is liable to prosecution under the law. The Office of the Public Prosecutor for Children has established an independent electronic portal to facilitate the work of juvenile prosecutors. All forms, records and notes can be uploaded to that portal in accordance with the law and members of the Office of the Public Prosecutor for Children can carry out all proceedings in judicial cases involving juveniles and children electronically.

171. Under sharia law, court proceedings are normally held in public. They may, however, be held in closed session if the parties or the judge are of the opinion that this is in the interest of the family. Access to confidential information is only granted to the owners of that information.

172. Privacy is also guaranteed in situations in which social workers deal with cases of child abuse, and the code of conduct governing their work contains a specific section on that subject. Their files are kept confidential and every effort is made to ensure that no one can access them without special permission.

173. Numerous measures are taken to preserve the privacy of children in care institutions run by the State and only relevant parties are authorized to view a child's personal file. Children also enjoy the right to confidentiality insofar as their correspondence and communications with their families is concerned during their stay at the care institution. In terms of their living environment, a child residing in a care institution will share their room with others.

174. The Independent Commission for Human Rights documents cases of persons whose privacy has been violated, including children. The law protects the right of the child to privacy in cases where he is the perpetrator of an offence, a victim or a witness. The Mizan programme allows the user to keep any information specific to the child confidential to prevent its dissemination; that information is kept in a safe and confidential data storage file and is unavailable to non-authorized persons. Furthermore in that regard, little data is available from the children themselves about their perceptions of whether their right to privacy is being respected or not.

### **Access to information from a diversity of sources and protection from material harmful to the well-being of the child (article 17)**

175. The Children's Information Service (a specialized department within the Ministry of Information) prepares reports on the fundamental rights of children and encourages audio, visual and print media providers to produce programmes and material for children. The Ministry of Information also instructs radio and television stations to pay attention to and promote respect for children's rights. Nonetheless, newspapers continue to provide only scant coverage of issues affecting children.

176. The overall strategy of the Ministry of Information is to support governmental and non-governmental bodies involved in efforts to raise awareness of and promote respect for the rights of children by focusing on child-related themes, using various media platforms to disseminate information relevant to those themes, working with the Palestinian Broadcasting Corporation and promoting special programmes broadcast on International Children's Day and Palestinian Children's Day.

177. The Ministry of Information is also seeking to address the issue of the economic exploitation of children by providing training to media personnel and using the media to raise public awareness of that issue. In that connection, a workshop was held for Palestinian media personnel under the theme, "Together to stop the economic exploitation of Palestinian children" and a network of Palestinian journalists has been established to combat violence against children. The Ministry is also supporting the formation of national networks to combat economic exploitation, and awards prizes for investigative media reports on child labour.

178. The Palestinian Broadcasting Corporation broadcasts a number of daily programmes for children. Careful consideration is given to the educational, psychological and technical aspects of those programmes during the drafting and production stages. Experienced specialized writers prepare and draft scripts for those programmes and work closely with governmental and non-governmental institutions. Palestinian Broadcasting Corporation production teams focus on children's issues both during live broadcasts on the Palestine channel and in reports that are broadcast during children's programmes or as part of local news bulletins. The Palestinian Broadcasting Corporation also covers a wide range of international events related to children and has engaged directly with children by inviting schools to visit its headquarters so that school children can learn about the work done by its staff.

179. Palestinian television also allocates half an hour of airtime every day to children's programmes, which include cartoon series in addition to educational and entertainment programmes. All programmes, including those broadcast outside the period dedicated to children's programmes, comply with the provisions of the Convention on the Rights of the Child, which are used as a reference in that respect.<sup>(42)</sup>

180. The telecommunications company Paltel provides citizens with Internet services in most parts of Palestine, either directly or through its authorized suppliers. Statistics for 2014 show that 48.3 per cent of Palestinian households have Internet access, which includes 51.4 per cent of households in the West Bank and 42.2 per cent in Gaza.

181. A draft law on the right to access information is currently being drawn up.

### **Blocking pornographic sites**

182. A decision was taken in 2012 to prohibit pornographic sites with a view to protecting children, adolescents and the fabric of Palestinian society, and a ministerial decision was issued requiring Internet providers to block such sites. Article 36 of the Children's Act also provides: "It is prohibited to publish, display, circulate or possess any printed or audiovisual material aimed at arousing the instincts of children that may induce them to behave in a manner that is contrary to public order and morality or encourage them to deviate from the right path."

183. The Palestinian police and certain non-governmental organizations, including World Vision International, have held seminars to raise awareness among parents regarding the

importance of monitoring their children's use of the Internet in addition to seminars on the need for Internet service providers to shut down pornographic sites.

### **National Libraries**

184. The Ministry of Culture is supporting the expansion and diffusion of libraries. Children's activities have been organized during the Palestine International Book Fair since 2014 in the West Bank. The Book Fair was visited by 5,567 students and children from 154 schools from the various governorates in Palestine.

185. During the ninth Palestine International Book Fair, held in 2014, the Palestinian Ministry of Culture purchased books and publications worth \$50,000, which were distributed to schools, kindergartens and cultural centres and disseminated on the Internet. During the tenth Palestine International Book Fair, held in 2016, the Ministry, supported by the President of the State of Palestine, purchased books and publications worth \$100,000, which were then distributed to schools, kindergartens and cultural centres.

186. Children enjoy access to 104 public libraries in the West Bank, 46 public libraries in the Gaza Strip and 11 public libraries in East Jerusalem. The Ministry of Culture also oversees six libraries for the blind in the West Bank.<sup>(43)</sup> The Ministry plans to provide additional funding to cultural centres and libraries to enable them to update their stock, and will continue to support the country's Cultural Development Fund.

187. In cooperation with the Ministry of Education and other institutions, the Tamer Institute for Community Education, a non-governmental organization, works with children and encourages reading among children and adolescents through its provision of support to mobile libraries. The Institute, which is active in the West Bank and Gaza, seeks to foster a culture of reading among students and children and focuses on Arab heritage in its initiatives to encourage reading and learning.

## **4. Violence against children (articles 19, 24 (paragraph 3), 28 (paragraph 2), 34, 37 (a) and 39)**

### **(a) Ill-treatment and neglect (article 19)**

188. Under article 13 of the Basic Law, all forms of ill-treatment are prohibited. Article 29.2 provides that children have the right to be protected against abuse and cruel treatment, and this is reaffirmed in articles 42 and 68 of the Children's Act.<sup>(44)</sup> The Children's Act also obliges any person who believes that there is a threat to the safety of a child or that a child is placed in danger to inform the child protection counsellor accordingly. Anyone who is proven to have violated the Children's Act is liable to prosecution. Furthermore, the policy on violence and discipline in schools emphasizes measures and procedures to be taken against those who commit acts of violence in schools.

189. The Code of Conduct for care home staff expressly prohibits corporal punishment in care homes. Corporal punishment is also prohibited in care arrangements.

190. In accordance with its mandate under the Children's Act, the Ministry of Social Development oversees the social protection sector in Palestine, in partnership and coordination with other relevant institutions. The Ministry of Social Development has also set up a child protection department, which includes a number of child protection counsellors who, under the law, act as law enforcement officers to ensure compliance with the Children's Act and intervene to protect children in all situations in which their safety is threatened.

191. When a child protection counsellor receives any communication that a child is being subjected to violence or neglect, he or she meets the child and the caregiver to hear their statements and responses regarding the facts reported. The child protection counsellor then visits the place where the child is located, and carries out that visit either alone or accompanied by those who believe his or her presence is needed. In carrying out that visit, the child protection counsellor is required to show his or her identity badge to prove his or her status. If the counsellor is unable to enter the place in question, he or she may request assistance from the police. If the place is a dwelling, a judicial order will be issued to

facilitate entry. Measures are then taken to protect the child, who may be allowed to remain with his or her family, be placed with another family or be placed in a temporary protection centre.

192. In 2009, the Ministry of Social Development launched a child protection network,<sup>(45)</sup> which brings together representatives of all government and non-governmental institutions concerned with the protection of children. The network operates in accordance with the national transfer and follow-up system and endeavours to coordinate the provision of services and streamline efforts by governmental and non-governmental entities to protect and care for children who have been subjected to various forms of violence. The network operates through technical committees that have been established in all the country's governorates, which provide protection, care and follow-up services to child victims of violence, in accordance with the intervention plan drawn up for the child in question and the child's best interests.

193. The network operates in accordance with the transfer system for child victims of violence which was reviewed by the Council of Ministers in late 2018 and renamed the "guidelines on the transfer and networking system for child victims of violence."<sup>(46)</sup> Those guidelines set forth the procedures that must be followed when dealing with child victims of violence, neglect or exploitation, the forms that must be completed, and the situations in which a meeting to discuss the situation of the child must be held. If the child is in danger, a meeting to discuss the child's case is held by staff at the Ministry of Social Development and partner organizations and the child is then transferred to a shelter. Protection arrangements are always in line with the provisions of the Children's Act. Table 11 sets forth the names of the institutions comprising the child protection network.

194. With the support of UNICEF, a database on children subjected to violence and children of unknown parentage has been created by the Ministry of Social Development. That database was created with the aim of strengthening the monitoring and evaluation system for those children and developing statistical indicators for all categories of children. In addition, questionnaires have been designed for all categories, as well as computer-based models and training courses on the use of the system for staff at the Department of Child Protection, child protection counsellors and protection centre personnel. The application and use of the database in the field was tested in 2016.

195. With the support of UNICEF, an evaluation of the child protection system in Palestine was conducted by the Ministry of Social Development in 2016. A number of recommendations were made regarding revisions to the guidelines on the transfer and networking system for child victims of violence. That evaluation led to the formulation of a national strategic plan for the protection of children for the years 2018–2022, which was drafted with input from with the participation of groups of children.<sup>(47)</sup>

196. According to the annual reports of the child protection network in the West Bank for the years 2014 and 2015, a total of 1,010 children were subjected to sexual assault, physical abuse, economic exploitation, neglect and ill-treatment, including 572 male and 438 female children. In 2016, the total was 566, including 334 male and 232 female children. In 2017 the total was 387, including 214 male children and 173 female children. Table 12 shows how many children were subjected to various forms of abuse and ill-treatment.

197. The Bureau for the Protection of the Family and Adolescents, which was established by the Palestinian Police, has offices in all governorates. It provides protection and support to women and children and includes specialized and qualified personnel who wear civilian clothing while performing their duties. The Palestinian Police have also developed a standard procedure manual that addresses the procedures that officers must follow when dealing with children. The Bureau for the Protection of the Family and Adolescents ensures the personal security of child victims of abuse, their families and child protection counsellors during the intervention process, and also ensures that members of the child protection network are protected while carrying out their duties.<sup>(48)</sup>

198. The Ministry of Health has trained medical and nursing staff and psychologists on the mechanisms of early detection of abuse, violence and neglect in children, in addition to the country's transfer and networking system. The Ministry also has a system for collecting and corroborating information on cases of abuse, violence and neglect in six governorates.

The Ministry of Health plans to train other staff in the remaining governorates and then expand its protection programme to cover the private health-care sector.

199. The Office of the Public Prosecutor received 1,224 complaints from children regarding other individuals in 2014. The details of the complainants and the accusations made by the children (child victims) are shown in table 14.

200. In 2013, the Ministry of Education developed a policy on school violence with a view to protecting students and teachers from various forms of abuse, including corporal punishment, and creating a non-violent environment conducive to education. That policy is based on the Public Education Act and the Children's Act, which provide that children have a right to protection and are entitled to learn in a safe and stimulating environment free of fear and intimidation.<sup>(49)</sup>

201. The most recent survey of violence in Palestinian society conducted by the Palestinian Central Bureau of Statistics (carried out in 2011) found that 20 per cent of school children between the ages of 12 and 17 had experienced violence at school. For the West Bank the figure was 21.6 per cent and for Gaza the figure was 22.7 per cent. The survey found that psychological violence was the most common form of violence perpetrated, with 25 per cent of the children who had experienced violence having been subjected to psychological violence perpetrated by other students, and 27.6 per cent having been subjected to psychological violence at the hands of teachers. In contrast, 21.4 per cent had been subjected to physical violence by teachers and 14.2 per cent had been subjected to physical violence by other students. Children who took part in the national consultations indicated that acts of verbal violence still take place in schools.

202. Psychological and educational counselling services are provided to students by educational counsellors, who work in schools with children who are subjected to abuse, violence and neglect. Cases that cannot be dealt with by educational counsellors are referred to child protection networks. A total of 1,100 educational counsellors work in public schools in the West Bank and Gaza. However, although they are present in more than 90 per cent of schools in the Gaza Strip, educational counsellors are present in less than 60 per cent of public schools overall. Educational counsellors act as representatives of the Ministry of Education within the child protection networks overseen by the Ministry of Social Development.

203. A number of institutions in Palestine undertake awareness-raising activities in schools and cultural centres, particularly in marginalized areas, with a view to educating children and parents about the need to protect children against violence, the role of the police Bureau for the Protection of the Family and Adolescents and the child protection networks, reporting and complaint mechanisms, and measures to prevent violence within schools. Table 13 provides an overview of the stakeholders who have attended awareness-raising activities.

204. The Office of the Public Prosecutor has developed special procedures for dealing with cases of violence against children, including those involving complaints made by children and those in which complaints have been made against a child. The child in question is protected at all times. There are also two specialized departments within the Office of the Public Prosecutor that deal with cases involving juveniles and family violence. In February 2016, another department, named the Family Protection Office, was established within the Office of the Public Prosecutor.

#### **Child victims of violence perpetrated by the Israeli occupation authorities**

205. The Commission for Detainees and Former Detainees and the child protection networks endeavour to address the situation of child victims of violence perpetrated by the Israeli occupation authorities. Reports on those children are drawn up and disseminated by the Commission for Detainees and Former Detainees to facilitate their release from custody. If the Ministry believes that the released child requires psychological support, he or she is transferred to a partner institution within the child protection networks.

206. The Commission for Detainees and Former Detainees became a member of the child protection network committees in 2016. This is an important step in that the committees

work with children who have been held in arbitrary detention by Israel and, as a governmental body, the Commission for Detainees and Former Detainees can provide legal support to children held in detention by the occupation authorities.

207. The Head of the Occupational and Social Counselling Department at the Commission immediately informs the child protection counsellor and transfers the child to the child protection network which addresses the situation and provides appropriate psychological assistance. In cases in which it is ascertained that serious ill-treatment and abuse has been inflicted on the child in detention, such as acts of physical torture or sexual assault, and that the child will require long-term treatment and psychological rehabilitation, the Commission informs the child protection counsellor and then refers the child to a mental health clinic run by the Palestinian Ministry of Health or another partner institution that provides mental health-care services.

208. Palestinian children are exploited by the Israeli occupation authorities as informants, whereby those authorities intimidate or threaten Palestinian children or take advantage of their mental state to encourage them to cooperate with them and work as informants. In exchange, the occupation authorities offer to release them from detention or provide them with a small allowance. All this leaves a long-term psychological impact on the child. Although it is difficult to corroborate such cases, Defense for Children International has, since 2006, corroborated 16 cases of children who have been pressurized or enticed to become informants but who have refused to do so.

**(b) Measures to prevent and eliminate all forms of harmful practices, including female genital mutilation and early and forced marriage (article 24 (paragraph 3))**

209. According to article 44 of the Children's Act, the forced marriage of a male or female child is a grave offence. Such marriages are prohibited and pose a threat to the child's psychological and physical well-being.<sup>(50)</sup> If it is proven that the marriage was contracted under duress, the marriage contract is annulled if the wife so requests. In such cases, the wife may refuse to conclude the marriage and to move to her husband's house, and she may request the annulment of the marriage contract. If she has married her husband of her own free will and is satisfied with the marriage contract, the contract becomes valid.

210. The marriage of girls and boys under the legal age of maturity still takes place in the State of Palestine. In 2015, some 20.3 per cent of females and 1.1 per cent of males who got married were younger than 18 years old.

211. According to the results of the 2017 population, housing and establishments census, 10.8 per cent of women aged 20–24 in Palestine were married before they were 18 years old. For the West Bank, including East Jerusalem, that figure was 8.5 per cent and for the Gaza Strip it was 13.8 per cent.

212. Female circumcision is not prevalent in Palestine.

**(c) Sexual exploitation and sexual abuse (article 34)**

213. Although sexual abuse and exploitation are forms of violence that are perpetrated against children, all relevant information in that regard is provided in the section entitled "Special protection measures".

**(d) The right not to be subjected to torture or other cruel, inhuman or degrading treatment, including corporal punishment (articles 37 (a) and 28 (paragraph 2))**

214. Article 13 of the Basic Law and article 68 of the Children's Act expressly prohibit anyone from being subjected to any physical or mental coercion or torture or to any form of cruel, inhuman or degrading punishment. The accused and other persons deprived of their liberty, including children, are properly treated. The Child Act provides: "1. The child has the right to be protected from all forms of physical, psychological or sexual violence or abuse, neglect, negligent treatment, displacement or other forms of ill-treatment or exploitation." Furthermore, the decree-law for the protection of Palestinian juveniles provides: "Every juvenile shall enjoy the right to treatment commensurate with his age that protects his honour and dignity and facilitates his integration into society. The juvenile shall

not be subjected to physical or psychological torture, or to cruel, inhuman or degrading treatment.”

215. Prosecutors at the Office of the Public Prosecutor for Children must conduct interviews with juveniles in a manner commensurate with their age. To that end certain parameters are established for the first interview with a juvenile, notably that the prosecutor will sit and talk to that juvenile in a certain manner and will involve him or her in the discussions and listen to his or her point of view. According to statistics, there were no documented cases of children reporting that they had been tortured by the Palestinian security services in 2014 and 2015.

#### **The arrest and torture of Palestinian children by the Israeli occupation forces**

216. According to statistics provided by from the Commission for Detainees and Former Detainees, 1,384 children were arrested in 2016, all of whom reported that they had been subjected, to varying degrees, to one or more forms of torture, maltreatment, humiliating treatment and deprivation of basic human rights.<sup>(51)</sup>

217. One the most important findings of the Commission for Detainees and Former Detainees report on children arrested by the Israeli occupation forces is that 324 out of the 429 Palestinian children arrested between 2012 and 2015 were subjected to physical violence. Israeli interrogators used verbal abuse and threats and solitary confinement to extract confessions from a number of children detained. All children convicted by the occupation forces between 2012 and 2015 received custodial sentences.

218. The Israeli occupation authorities impose two different and separate legal systems in the West Bank: settlers are subject to civil and criminal law while Palestinians are subject to military law. Palestinian children resident in occupied Jerusalem are subject to the provisions of the Israeli Juveniles Act, which are imposed on them in a discriminatory manner.

219. When compared with its application to Israeli children, the law is, in practice, applied in a discriminatory manner to Palestinian children living in Jerusalem who are in conflict with the law. The Israeli occupation police have denied the rights of Palestinian children living in Jerusalem during their detention and interrogation. Indeed, exceptions have become the norm when the occupation authorities deal with Palestinian Jerusalemite children and there is clear racial discrimination in the application of the law.<sup>(52)</sup> Although different legal systems apply to Palestinian children, whereby Palestinians in occupied Jerusalem are subject to Israeli civil law and Palestinians in the rest of the West Bank, Palestinian children in East Jerusalem and the West Bank are all subjected to ill-treatment from the moment of their arrest and throughout their interrogation. The placing of Palestinian children under house arrest is systematic practice of the occupying Power.

#### **(e) Measures to promote the physical and psychological recovery and social reintegration of child victims (article 39).**

220. The Children’s Act guarantees care and rehabilitation measures for child victims of violence and children at risk of delinquency. Such measures include the placement of children in appropriate vocational, cultural, sports or social training courses and/or temporary placement in a family, social, educational or appropriate public or private health-care institution.

221. Through its various institutions, the Palestinian Government endeavours to reintegrate children into nuclear, extended or foster families. The placement of children in an institution or shelter is seen as an option of last resort. The situation of those children is monitored by families and psychological counselling services are provided to them and their families in coordination with competent civil society institutions. Child victims of violence, neglect, economic exploitation and underage employment are rehabilitated through a range of psychological, social and vocational rehabilitation measures.

222. The State also endeavours to rehabilitate child victims of economic exploitation and employment at vocational training centres run by the Ministry of Labour. A number of measures are taken to promote the reintegration of children into society, including reuniting those children with their families while ensuring that their families make a commitment that



they will no longer allow their children to work, reintegrating those children into school, and providing financial assistance to their families if they are in financial need. If it is not possible to return a child to his or her family within an agreed time frame, he or she is placed in a child protection centre. Cases are also monitored by child protection networks in the various regions of the country.

223. A number of non-governmental organizations in Palestine offer psychosocial support services for children and the family, such as the Palestinian Counseling Center, which provides psychological and social support to children and their caregivers through 11 technical committees which form part of the child protection networks in the West Bank. The Palestinian Red Crescent Society also provides psychosocial services to children at eight centres throughout the State of Palestine.

**(f) Telephone helplines for children**

224. Although there is no government-run telephone helpline to assist and protect child victims of violence, a helpline is managed by the SAWA Foundation, a non-governmental organization. Every year, the Palestinian Child Protection Line receives between 1,500 and 2,500 documented calls regarding various types of violence. In 2014 and 2015, more than 60 per cent of callers were female, 72 of callers were under 21 years of age, and between 60 and 70 per cent of callers were from Gaza.<sup>(53)</sup>

225. Depending on the needs of the child, some child victims of violence are transferred to child protection networks for follow up. The consent of victims is obtained before they are transferred.

226. The Government is seeking to address the serious ongoing and institutional challenges facing the national child protection system; The Ministry of Social Development, as the official body responsible for the protection of children, faces serious challenges in providing critical services to the large number of children in need of protection, social integration and rehabilitation due to its weak logistics capacity and insufficient human resources. Counselling services are not available in all public schools and action still needs to be taken to mainstream national preventive measures to reduce violence rather than to continue to provide treatment services to a growing number of child victims of violence. There is also a need for a unified national database shared by all child protection institutions.

**5. Family environment and alternative care (articles 5, 9–11, 18 (paragraphs 1 and 2), 19–21, 25, 27 (paragraph 4) and 39)**

**(a) Parental guidance (article 5)**

227. The Children's Act affirms the right of the child to be cared for, protected, raised and maintained by his or her family.<sup>(54)</sup> The Ministry of Social Development is responsible for providing social support with a view to strengthening family relations and supporting the rehabilitation of families, especially families living in difficult circumstances or which include family members who require special care. The Ministry also provides assistance to families in need so that they can become more active and productive.

228. The Ministry of Social Development has established the Department for the Protection of the Child and the Family, together with subordinate offices in each district. The Department undertakes preventative and treatment interventions to uphold the right of the child to live in a safe, appropriate and developmentally sound and protective environment. In the majority of situations, this is the family environment.

**(b) Parental responsibility (article 18, paragraphs 1 and 2)**

229. The Children's Act obliges both parents to work together in a responsible manner to care for, raise and educate their children, in accordance with their level of maturity and development.<sup>(55)</sup> Specific articles provide that parents and educators have a responsibility to provide care, support and guidance to children in their care. Article 21 of the Children's Act provides that caregivers who neglect their duty to care for a child are subject to punishment.<sup>(56)</sup> The Act also obliges caregivers to ensure that the child receives food,

clothing, housing, education and health-care. If the father or guardian cannot afford to do so, the cost is covered by the Maintenance Fund.

230. The penal laws in force provide for the punishment of a parent or guardian who refuses or neglects to provide a child with food, clothing, bedding and other necessities, thereby harming the child's health, and of a parent or guardian who abandons a child under 12 years of age without a legitimate reason or reasonable grounds despite being able to support that child.

231. Article 31 of the Children's Code stipulates the categories of children entitled to social assistance. According to the Act, those are: "orphaned children, children of unknown parentage, children in social institutions, children without a provider, children with disabilities and chronically ill children, children whose homes have been destroyed or burned down, twins ages up to three years, and the children and families of those have been imprisoned, have disappeared or are unable to work due to illness or disability." In practice, financial assistance is not provided to all orphans.

232. Under the Civil Service Act, female employees receive leave with full pay for a period of 10 consecutive weeks before and after giving birth. A nursing mother has the right to leave work one hour before the end of the working day for a year following the birth of the child.

**(c) Separation from parents (article 9)**

233. The Children's Act provides that only in exceptional circumstances may the child be removed from his or her family or placed in one of the forms of alternative care. Such circumstances exist if there is a danger that the child will be mistreated or if the child has no family to care for him or her. The right of a child who is separated from one or both parents to maintain personal relations and direct contact with both parents is respected, unless it is contrary to the child's best interests.

234. Working with the police Bureau for the Protection of the Family and Adolescents and pursuant to a decision issued by the Office of the Public Prosecutor, the child protection counsellor may remove a child from his or her family, provided that this provides better protection for the child and is in his or her interests. The removal of the child from his or her parents is seen as an option of last resort. Following the child's removal, a plan of action involving the child and the child's family is drawn up with a view to returning the child to the family. A judicial review is then conducted. The child is removed from his or her family only when there are no other options available. The situation of the child is evaluated in case meetings that are convened by the child protection counsellor together with other social partners.

235. There are two centres for the protection of child victims of violence in the West Bank, namely the Beituniya Centre in Ramallah for males and the Girls' Care Home in Beit Jala for females. The child protection counsellor works with those centres to ensure implementation of the intervention plans that are drawn up when children are admitted. Children at the centres remain in contact with their parents through telephone calls or visits, provided that this is in their best interest. A child at one of the centres is evaluated regularly, in accordance with his or her intervention plan, and implementation of the plan is assessed by the child protection counsellor who remains in contact with the child's family.

236. Child victims of violence and neglect are placed in those centres in order to provide them with temporary emergency protection and a series of services, including psychological and social rehabilitation services, which are provided in coordination with relevant social and psychological support institutions. The Girls' Care Home provided shelter and rehabilitation services to 34 girls in 2015, to 44 girls in 2016 and to 42 girls in 2017. The Beituniya Centre in Ramallah provided shelter and rehabilitation services to 20 boys in 2015 and to 70 boys in 2017.

**Table 15 provides details on the number of girls admitted to the Girls' Care Home**

**(d) Family reunification (article 10)**

237. Thousands of Palestinians are prevented from entering or leaving the country because of the Israeli occupation authorities, which exercise total control over the Palestinian population registry in the Occupied Palestinian Territory, as well as control over the issuance of identity cards and visiting permits. Palestine is also unable to facilitate the return of any Palestinian from the diaspora who wishes to return to its territory, even if the Palestinian is the husband or wife of a Palestinian who carries a Palestinian identity card.

238. Families in which one spouse is from Gaza and the other is from the West Bank may be broken up. Under arbitrary Israeli military laws, a resident of the West Bank can be deported to the Gaza Strip if the identity card was issued in Gaza.

239. The situation of the residents of occupied Jerusalem is the most difficult, since the Israeli Citizenship Act remains in force in the city, distinguishing between individuals on ethnic and national grounds. Palestinians from inside the Green Line who marry Palestinians from the West Bank or the Gaza Strip are also prohibited from granting their spouses Israeli citizenship or residency rights. This situation has resulted in the rejection of hundreds of family reunification requests and/or residency rights for their spouses and children.

240. Thousands of requests for family reunification and requests for personal identification cards have been submitted to the Palestinian Ministry of the Interior, but are still awaiting the approval of the Israeli occupation authorities. The Palestinian Government is unable to grant family reunification permits until it has received approval from the Israeli occupation authorities. Thus, the families in question either remain in the Occupied Palestinian Territory in a manner that Israel, the occupying Power, considers illegal, or they break up, with different family members scattered in the West Bank, Jerusalem, Gaza and abroad. The forcible deportation of Palestinians by the Israeli occupation authorities is an ongoing phenomenon.

**(e) Recovery of maintenance for the child (article 27 (paragraph 4))**

241. Article 29 of the Children's Code provides: "The father or guardian of the child is obliged to cover the cost of maintaining the child." If the father has the necessary resources, he shall bear primary responsibility for the child's maintenance. If he does not, responsibility shall fall to other parties, such as the child's grandfather, mother or uncle, in accordance with the Personal Status Code for Muslims. If the child's family is poor and cannot maintain the child on its own, or if the child has lost his father and has no one to support him, the costs of maintaining the child shall be covered by the Maintenance Fund.

242. Decisions are made with respect to child maintenance and support payments by Islamic and Christian religious courts. In accordance with the 1976 Personal Status Code, other relatives of the child may be required to maintain the child if the father dies or cannot afford to provide child support.<sup>(57)</sup> The resources of the Palestinian Authority Maintenance Fund are used to cover the costs associated with the implementation of rulings, including child maintenance payments, which are collected as fees by the religious courts. The Fund was established pursuant to a decree-law issued by the President of the State of Palestine in 2015.

243. As regards the children of a Christian family, the maintenance of the child is regulated in accordance with the provisions of the Personal Status Code for Christians.<sup>(58)</sup> Article 164 of the 1954 Personal Status Code of the Diocese of the Latin Patriarchate of Jerusalem provides: "All forms of maintenance shall be paid by the father to his poor underage son or daughter. When a male child reaches the age at which he can earn his own living, the father will help set him up in life. He will also marry off his daughter. If the father dies, the child will be maintained by his or her mother provided she has the means to do so and, if not, by the child's close relatives if they have the means to do so, and if they do not, by the child's more distant relatives." The Personal Status Code of the Catholic Sects<sup>(59)</sup> also stipulates that the father must pay for the maintenance of his children until his male children reach the age at which they can earn a living and until his female children

marry. Pursuant to both the Personal Status Code of the Diocese of the Latin Patriarchate of Jerusalem and the Personal Status Code of the Catholic Sects, if the mother complains that the father does not provide any or only inadequate financial support for their child, the courts may order him to pay maintenance to the child's mother, which she can then spend on that child.

244. In cases in which the father fails to pay maintenance for the child, the Ministry of Social Development will provide assistance to the family if sufficient resources are available, and if the child's family is in need of assistance.

245. The Ministry provides its services to beneficiaries through a cash transfer programme called the National Programme for Social Protection, the Development Assistance Programme, which is administered by The World Food Programme, and the Emergency Programme. The Ministry also provides free health insurance, university and school fee exemptions and runs economic empowerment projects.<sup>(60)</sup>

**(f) Children deprived of their family environment (article 20)**

246. The Ministry of Social Development endeavours to address the situation of children deprived of their family environment, and seeks to provide care to children who have lost their father or both of their parents. In cooperation with the Red Crescent Society of the United Arab Emirates, the Ministry provides maintenance payments to cover the cost of psychological and social assistance for orphaned children, including those with disabilities, and for their families.<sup>(61)</sup> The Ministry also seeks to expand the scope of the financial support provided to orphans by strengthening partnerships with local communities and zakat committees. Children are entitled to receive maintenance payments if they lose their father or both parents.

247. Palestine provides financial support to the mothers of children who have lost their fathers, regardless of the mother's current marital status, by transferring funds to their accounts. In the case of orphans who reside in a care institution or who are looked after by a relative, the payment is made into the sharia court orphan fund. The party caring for the orphan obtains a certificate of guardianship from the sharia court and then receives the payment from the court. The Ministry of Social Development, working through specialized counsellors in the country's districts monitors marginalized groups, while the Ministry's Department of Orphans has established maintenance funds for orphans, families and orphans with disabilities to help them meet their basic needs.

248. In 2014 and 2015, the Ministry of Social Development provided maintenance for orphans, including orphans with disabilities, as well for families, with the support of the Red Crescent Society of the United Arab Emirates. Maintenance payments are approximately \$600 per year, equivalent to approximately \$50 per month. Orphans with disabilities are entitled to higher maintenance payments and receive \$80 per month. As for an orphan who lives with a poor family, the family will receive a family maintenance payment (a new form of payment) of between \$120 and \$130 per month. The Red Crescent Society of the United Arab Emirates stopped paying maintenance payments in 2016. The Ministry has sought to find another source of funding to continue making maintenance payments for orphans and, in that regard, is awaiting an official response from the Oman Charitable Organization.

249. In addition to the Ministry of Social Development, the following bodies also contribute to the maintenance funds for orphans: the zakat committees, Human Appeal International (United Arab Emirates), Islamic Relief and the Attadamun Charitable Society. The Islamic Charitable Society in Hebron has used donations from within Palestine and from abroad to provide homes to 5,000 male and female orphans.

250. The sharia courts monitor the guardians and trustees of orphan children; the latter cannot dispose of the child's financial assets unless permission is granted by the sharia court following verification that doing so is in the child's interest.

251. Children of unknown parentage and orphans deprived of a family environment are sometimes cared for in private institutions or foster families under the supervision of the Ministry of Social Development; the situation of children deprived of their family

environment is addressed by the official authorities, which entrust those children into the care of those institutions. There are five private child care institutions in Palestine.

252. Those institutions provide comprehensive protection and care to children deprived of a family environment, and provide many forms of care, including, in particular, healthcare, legal assistance, social and psychological care and educational support in both kindergarten and school. Each child receives the particular care that he or she requires, and those institutions provide the services of specialized staff, including nannies, (who can act as the child's mother) kindergarten teachers, specialists (in nursing, paediatrics, social and psychological services, occupational and motor therapy), as well as kitchen, cleaning and maintenance and other support staff.

253. The Ministry of Social Development was aware of 253 children whose fathers had died in the Gaza Strip and 117 children whose fathers had died in the West Bank in 2015. Table 16 shows the number of children in Palestine who are registered with the Ministry of Social Development as having lost either mothers or fathers. Maintenance payments were approved for an additional 137 orphans in 2015.

254. It is challenging to address the situation of orphans without a database containing information of all the support being provided to those children by the various entities and bodies active in that area. The Ministry's Department of Orphans is now selecting coordinators to develop statistics on orphans in care institutions in the West Bank, with a view to drawing up intervention strategies and monitoring institutions and associations concerned with orphans in order to ensure that they provide appropriate care. Children who have been separated from their parents (due to violence, or in order to provide them with protection, or for other reasons), are placed in the same facilities as children deprived of a family environment, including orphans and other children deprived of family care.

255. To support orphans over 18 years of age, work is underway to conclude agreements with Palestinian universities that will exempt orphans from paying university fees, which will help them complete their university studies, and arrangements are being made with the Red Crescent Society of the United Arab Emirates for the provision of awards to outstanding orphan students in State secondary schools.

**Table 17 shows the number of orphans in various care institutions in the West Bank**

**(g) Periodic review of child placement (article 25)**

256. As part of their review of the remedial measures taken to address the situation of child victims of violence, child protection counsellors undertake ongoing periodic reviews of the measures taken within the context of the transfer system and they verify that those measures are still appropriate to the needs of the child and continue to promote his or her best interests.<sup>(62)</sup>

**(h) Adoption (article 21)**

257. Palestine has adopted laws to uphold the best interests of the child and his or her right to care. Article 32 of the Children's Act provides for the right of children deprived of their family environment to alternative care, either in a foster family or a public or private social welfare institution.<sup>(63)</sup> Adoption, in the universally recognized sense of the word, does not exist in Palestine. The alternative to adoption, for religious reasons, is the kafalah (sponsorship) or foster placement system.

258. Under the kafalah system, the needs of the sponsored individual are addressed fully, including his or her food and drink, clothing, education, and health care requirements. The sponsored child enjoys rights equal to the sponsor's own son with the exception of the legal rights stemming from family lineage such as those relating to marriage and inheritance. The following documents shall be issued for the sponsored child: a birth certificate providing an invented four-part name and reason for being placed in foster care. A passport may be issued for the child in accordance with the decision of the Child Placement Committee. No distinction is made among children in the application of those provisions. A Palestinian child can be adopted internationally provided that the adopting family is Palestinian family residing abroad.

259. The “foster system” is regulated by the Foster System Regulations, which were issued by the Cabinet of Ministers in 2013. Those regulations apply to children of unknown parentage and children deprived of care within their own families.

260. The regulations set forth the modalities by which families can apply to provide foster care, and the conditions that foster families must meet. The regulations also provide for formation of a foster care committee that is headed by the Ministry of Social Development and whose membership includes officials from the sharia judiciary, the Ministry of Interior, the Ministry of Awqaf and Religious Affairs and the Fatwa Council. The Ministry of Social Development child protection counsellor monitoring the placement of the child with the foster family also attends the meetings of the foster care committee.<sup>(64)</sup>

261. The first phase of the foster care database has been completed by the Ministry of Social Development, and a trial of that database is being carried out by the competent department within the Ministry. In 2016, the Minister of Social Development approved a manual for working procedures with children of unknown parentage and children born out of wedlock.

**(i) Illicit transfer and non-return (article 11)**

262. The Children’s Act prohibits the abduction or unlawful separation of a child from his or her family. The police and the Office of the Public Prosecutor are responsible for ensuring the implementation of judgments in cases involving the abduction of a child. The perpetrators of those offences are liable to penalties ranging from fines to custodial sentences. Due to the Israeli occupation, the Government of Palestine has no control over entry and exit at its borders, and this impedes the extradition of persons accused of such offences.

263. There are cases in which a child is abducted by one of the parents, in order to prevent the child from joining the other parent; the abducting parent travels with the child in question. In order to avoid that situation, an administrative decision may be obtained from the sharia judiciary to prevent the child’s travel abroad without the consent of the other party. The Ministry of the Interior is informed of that decision and the child’s name is communicated to security officers at the country’s border crossings to prevent him or her from travelling. However, the prohibition on travelling can only be enforced at Palestinian border crossings and it has therefore not been possible to prevent all child abduction cases.

264. The State of Palestine has not yet acceded to the Hague Convention on the Civil Aspects of International Child Abduction and the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, but will consider becoming a State party in the future.

**(j) Children of those in prison**

265. Article 31.4 of the Children’s Act stipulates that the criteria established by the State and its institutions for the provision of social support are applicable to the children of prisoners: “Children of the imprisoned, missing persons or persons incapacitated by illness or disability, who have no one to support them”.

266. The State of Palestine pays particular attention to the children of prisoners. Pursuant to the Correctional and Rehabilitation Centres Act, the Department of Correctional and Rehabilitation Centres coordinates with the Ministry of Social Development to ensure that the children of prisoners enjoy the right to privacy, facilitates special visits for children and ensures that visits take place in an appropriate environment that can help strengthen relations among members of the family.

267. Special care is provided to pregnant detainees and prisoners. In 2016 and 2017, three births took place in correctional and rehabilitation centres. Children stay with their mothers for the period specified by law. During their stay, those children are provided with social, material and health-care services and they receive the food and clothing that they require.

268. The Department of Social Welfare at the Ministry of Social Development in turn provides care and counselling services to prisoners held at correctional and rehabilitation

centres and seeks to ensure that they remain in contact with their families, especially if children and women are involved. In 2017, the Department facilitated family communications and visits for 118 prisoners.

269. Ministry researchers assist female and child members of prisoners' families by signing them up for the cash and in-kind assistance provided by the Ministry. The personal needs of male and female prisoners and the needs of children living with their imprisoned mothers are addressed within correctional and rehabilitation centres. Transport is provided so that the families of prisoners can visit them in detention and a transport programme facilitated the visits of more than 100 children to see their mothers in these centres in 2016 and 2017. Cash assistance is provided to support the women and children in prisoners' families, and steps are taken to ensure that the personal and health-care needs of children living with their imprisoned mothers are met. In some cases educational grants are provided to the children of detainees, including for regular educational and vocational training courses.

270. Because Israel, the occupying Power, does not fulfil its obligation to care for the families of prisoners, as provided for in articles 81 and 98 of the Fourth Geneva Convention, which underscore the responsibility of the occupying Power to provide for the support of those dependent on the internees if such dependents are without adequate means of support or are unable to earn a living. The Commission for Detainees and Former Detainees provides financial allowances to the families of prisoners and detainees held by the Israeli occupation forces, with the amount paid depending on the duration of their detention.

#### **6. Basic health and social welfare (articles 6, 18 (paragraph 3), 23, 24, 26, 27 (paragraphs 1–3) and 33)**

271. Articles 22 and 23 of the Children's Act enshrine the right of the child to the highest level of health care free of charge, in accordance with the Public Health Act.<sup>(65)</sup> In that regard, the State of Palestine has significantly improved child health and children's access to health-care services, and infant and under-five mortality rates have fallen over the past two decades.

272. According to data provided by the Ministry of Health, the main causes of infant mortality in 2014 and 2015 were respiratory diseases (31.6 per cent) followed by congenital malformations (22.9 per cent), premature birth and low weight (15.6 per cent), blood poisoning (13.0 per cent), sudden infant mortality (5.1 per cent) and metabolic disorders (3.2 per cent).

273. Many diseases such as neonatal tetanus, poliomyelitis, smallpox and measles have been eradicated. There were no deaths due to tuberculosis, measles or AIDS in 2015.

274. There are 2,529 doctors in Palestine (including general medicine practitioners and specialists), equivalent to 5.3 doctors per 10,000 inhabitants. Of these, 1,464 (57.9 per cent) are general medicine practitioners (3 doctors per 10,000 inhabitants), 878 (34.7 per cent) are medical specialists (1.8 per 10,000 inhabitants), and 187 (7.4 per cent) are dentists (0.4 per 10,000 inhabitants).

275. The Ministry of Health provides training to new health-care personnel on public health and primary health care programmes, as well as training to staff in various ministerial departments on new developments in the area of health care.

276. In terms of growth indicators, data for primary health care centres in 2016 indicated that 0.4 per cent of children suffered from wasting, with 24.9 per cent of those children suffering from severe wasting, and 0.5 per cent of children were underweight, with 30.8 per cent of those being severely underweight. The percentage of children who were overweight was 1.4 per cent, and 27.2 per cent of those children were obese. A total of 1.4 per cent of children were below average height for their age and 30.6 per cent of those children were significantly below average height for their age.

277. A total of 234 children were underweight, 135 children were severely underweight, 270 children suffered from wasting and 193 children were stunted in their growth. A total of 99 per cent of children were vaccinated against various diseases in 2014 and 2015.

278. In 2015, 99.7 per cent children were born in hospitals or other safe facilities. In 2016, that figure was 99.9 per cent, with only 0.1 per cent of births taking place at home. Some 5.9 per cent of newborn children in Palestine weighed less than 2,500 grams. The proportion of mothers who practiced exclusive breastfeeding was 28.6 per cent in 2015 and 11.3 per cent in 2016.

279. In 2015, maternal mortality was 24.7 per 100,000 live births. In 2016, it was 13.8 per 100,000 live births. Causes of death included pulmonary embolism, postpartum haemorrhage, cardiac arrest, vascular thrombosis and hypertension.

280. Before the conclusion of a marriage contract, the sharia courts provide that one of the parties to the marriage must undergo a test for thalassemia. The marriage cannot be contracted until the engaged couple have presented a thalassemia test certificate that has been certified by the Palestinian Ministry of Health. If the court learns that one of the parties to the marriage suffers from thalassemia, his or her fiancé must also undergo a test for the disease. If it is found that the couple both suffer from thalassemia, the conclusion of the marriage is strictly prohibited and the judge overseeing the case will inform the Bureau of the Chief Qadi of the outcome of the test and the names of the couple. An administrative circular prohibiting the couple from marrying is then issued and sent to other sharia courts.

281. The Ministry of Health exerts significant efforts to limit the spread of HIV/AIDS by conducting free laboratory tests in the various health districts, and by facilitating the provision of treatment for those infected with HIV at free private medical clinics, which also provide patients and their families with health-care advice. Awareness-raising programmes are also conducted on a regular basis for students in high school and at university to deepen their knowledge of how HIV is transmitted and the dangers associated with the virus.

282. If one of the parties to the marriage is a foreign national, he or she must take an HIV test and submit a certificate, as issued and certified by the Palestinian Ministry of Health, testifying that he or she is not infected with the virus. If he or she does not do so, the marriage cannot be completed.<sup>(66)</sup>

283. The sharia courts issue rulings on husbands in favour of their wives' request in which the husband is required to pay for necessary treatment for his wife in addition to expenses incurred during childbirth, regardless of whether or not the wife has reached the age of majority. In addition, the sharia courts issue rulings compelling fathers to pay for the treatment of their underage children, in addition to their unemployed adult male children and their unmarried adult female children, if the children so request. A father has an obligation to pay for treatment. In cases in which there is no father, the courts may oblige children's grandparents, paternal uncles or mothers to cover the costs of treatment, in accordance with the circumstances of each case.

**(a) Children with disabilities (article 23)**

284. Articles 9 and 22 of the Palestinian Basic Law stipulate that all Palestinians are equal before the law and the judiciary, that there is no discrimination on the grounds of disability, and that they shall have access to education services and to health and social insurance. In the same context, the 1999 Rights of Persons with Disabilities Act and its implementing regulations of 2004 have established a legal framework on the rights of persons with disabilities within the Palestinian legal system, which provides that persons with disabilities are entitled to enjoy their basic rights on a non-discriminatory basis.

285. Articles 3, 8, 11, 28, 31 and 42 of the Children's Act provide that the State shall take appropriate steps and measures to ensure that children with disabilities receive all necessary support in all areas, particularly in connection with their rights to education and health and vocational rehabilitation, in order to enhance their autonomy and ensure their active participation in society.

286. The National Strategy on Disability sector was formulated in 2012 on the basis of a developmental rights model. The Strategy sets forth several intervention initiatives, including initiatives to mainstream the needs of persons with disabilities, adopt legislation guaranteeing equal rights for all, ensure that all persons with disabilities can live in dignity,



change attitudes regarding disability so that it is seen as part of the natural diversity of society, ensure equal opportunities and access, and strengthen the relevant role of institutions.

287. According to the 2017 population, housing and establishments census, 0.9 per cent of children have at least one form of disability, including 0.7 per cent of children in the West Bank and 1.2 per cent of children in the Gaza Strip, and 1.1 per cent of male children and 0.8 per cent of female children are disabled.

288. The Ministry of Health seeks to provide the best possible health-care services to children, particularly children with disabilities, in accordance with the provisions of the Children's Act, which stipulates that health insurance shall be provided free of charge for all children under six years of age. For children between the ages of 6 and 18, preventive school health-care services, psychological health and dental services, and treatment for infectious and malignant diseases and school health emergencies are all provided without the need for health insurance coverage.

289. Children with disabilities are provided with primary health care in addition to public and preventive health-care services free of charge while they are in school. The services provided include psychosocial support, health education and vaccinations. Rehabilitation and physiotherapy services are also provided under the health insurance system in accordance with the service procurement policies of the Ministry of Health. In certain situations, the Ministry of Social Development will provide services to persons with severe disabilities through specialized institutions such as the Casablanca Center of Mental Disability in Salfit and through the purchase of those services from both the Orthodox Care Homes and the al-Ihsan Charitable Society.

290. The Ministry of Health does not provide aids or equipment to children with disabilities. The Ministry of Social Development provides medical devices and equipment, including wheelchairs, and hearing aids by purchasing the relevant services for persons with disabilities, including children, as part of its procurement programme. The Ministry of Health intends to update its policies on standards of supporting devices and rehabilitation services to ensure that persons with disabilities are provided with high-quality support and rehabilitation equipment that meet national standards at reasonable cost.

291. UNRWA incorporates disability issues in all its programmes, and provides rehabilitation services to refugees with disabilities that include vocational rehabilitation, home modification, speech, physical and occupational therapy, special needs education, the payment of transportation allowances and the provision of aids and prostheses. More than 2,000 males and females benefit from those initiatives each year, and more than 3,000 students with disabilities attend school and rehabilitation centres. UNRWA also provides training on working with persons with disabilities to technical and educational staff.

292. The Ministry of Social Development coordinates with governmental and non-governmental institutions to provide care and rehabilitation services to children with disabilities. It uses reports drawn up by the Ministry of Health to determine the nature and degree of disability and provide appropriate assistance. The Ministry also provides accommodation in care homes for people with severe disabilities.

293. The Ministry of Social Development is planning to launch a "Disability Card" programme for the provision of the services provided by the law. Under the programme, the Ministry will establish an integrated database of persons with disabilities that will include data on disability type and eligibility criteria, and will provide training to staff on the programme, in coordination with the Central Bureau of Statistics and with the support of Save the Children.

294. Children with disabilities receive cash assistance from the Ministry of Social Development. A total of 3,994 children in the West Bank and 7,149 children in the Gaza Strip received cash assistance in 2015.

295. Challenges impeding the provision of health and rehabilitation support services to children with disabilities include a lack of financial resources and specialized staff with the necessary skills to assist with children with disabilities, the failure of efforts to ensure that the health insurance policy covers the cost of medical aids and equipment and the numerous

drugs needed by children with disabilities, a lack of relevant expertise and medical specialists, either for diagnostics or the provision of health and rehabilitation services, outdated criteria for diagnosing the type and severity of a disability, (which undermines the accuracy of medical committee reports and thus access by children with disabilities to appropriate services), and Ministry of Health hospitals and health-care centres and public roads and facilities that are not well-adapted to the needs of persons with disabilities.

**Table 18 shows the number of children with disabilities by type of disability.**

296. Education for Children with Disabilities: the Ministry of Education and Higher Education has begun to integrate children with disabilities into schools without specifying how curriculums should be adapted for persons with disabilities. The process begins with integrating children with more obvious disabilities, including oral/aural, motor and speech disabilities. Steps are then taken to integrate children with intellectual disabilities. No decision has been taken with regard to other forms of disability. However, it has proven difficult to integrate certain children with motor disabilities into sports classes, and playgrounds in certain schools are not well-suited for children with disabilities.<sup>(67)</sup>

297. In the 2014–2015 school year, there were 7,552 students with disabilities integrated into public schools. These included 5,557 children in the West Bank (of whom 2,967 were male and 2,590 female) and 1,995 children in the Gaza Strip (of whom 1,031 were male and 964 were female).

Table 19 shows the distribution of students with disabilities in public schools by type of disability and region for 2015/2016.

298. In order to facilitate the integration of students into schools, the Ministry of Education appointed two counsellors for inclusive education<sup>(68)</sup> and, in September, officially launched an inclusive education policy. In coordination with other ministries, the Ministry of Education has formed an advisory committee to ensure that all programmes are in line with that policy.<sup>(69)</sup>

299. The Ministry of Education provides certain educational aids and specialized equipment to persons with disabilities, including chairs, eyeglasses and hearing aids. The Ministry is also working with researchers to adapt the curriculum so that blind students can learn using Braille, and is now endeavouring to complete that process. However, physical environments are still not suitable for all categories of disability, because efforts have been focused on addressing the needs of individuals with motor disabilities rather than on addressing the needs of those with other forms of disability.

300. With regard to adapting schools so that they are accessible to children with disabilities, changes have been made to school toilets in 63.6 per cent of public schools in Palestine, and staircases adapted for children with disabilities have been installed in 53.3 per cent of those toilets. Such adaptations have been made to a higher proportion of toilets in public and UNRWA schools than in private schools. Although toilets suitable for children with motor disabilities have been installed in many schools, schools must take further steps to accommodate students with certain disabilities, such as taking steps to facilitate access to those schools and making adaptations to classrooms.

301. A general secondary examination for students with disabilities has been developed. To date, the exam is available for students with visual, auditory and motor disabilities.<sup>(70)</sup> The Ministry has also established classrooms for special needs teachers. Those classrooms are attached to regular schools and equipped with suitable furniture and relevant educational materials and games.<sup>(71)</sup>

302. There are 223 special needs classrooms in the West Bank and Gaza, in addition to three special needs centres (two in the West Bank and one in Gaza). In 2017, 1,703 special needs education staff members were employed by the Ministry of Education and Higher Education.

303. Factors impeding the enjoyment by children with disabilities of their right to education include a lack of equipment for children with disabilities in schools and the fact that inadequate steps have been taken to integrate children with disabilities into many schools, and particularly those with no evident disability, who are not easily identified and

whose precise needs are often not determined due to a lack of approved tools for diagnosing those types of disability in Palestine. Furthermore, special needs classrooms have still not been integrated into the school system because there is no clear policy on how they should operate.

**(b) Basic health (article 24)**

304. Palestinian laws, and in particular the Basic Law, the Public Health Act, the Children's Act, the Health Insurance Act and the Rights of Persons with Disabilities Act, guarantee the right of the child to an adequate standard of health on the basis of equality and without any discrimination on the basis of sex or disability.<sup>(72)</sup>

305. The National Strategy for Child Health in Palestine, which applies to all children, including children with disabilities, complies with international standards and provides for international cooperation in that area whenever necessary.

306. The Ministry of Health provides health care, while at the same time it allows refugees to benefit from government services. The data collected by UNRWA, which provides health services to refugees, is kept separate from data collected by the Ministry of Health.

**Survival and development (article 6 (paragraph 2))**

307. To enhance the provision of postnatal care, the Ministry of Health has launched the "Child-friendly Hospital" initiative in government hospitals, hospitals run by the Palestinian Red Crescent Society, UNRWA hospitals and a number of private hospitals with a view to promoting breastfeeding. Seven hospitals, including private, government and UNRWA hospitals have been nominated "child-friendly hospitals". Seven health-care centres<sup>(73)</sup> currently monitor the growth and development of children, carry out early detection tests for disabilities and a number of diseases, and provide vaccinations. The Ministry of Health also provides services and health-care advice to mothers to promote their health and the health of their children.

308. A total of 739 primary health-care centres have been established, including 587 in the West Bank and 152 in the Gaza Strip. In 2015, there were 162,979 families with government insurance in the West Bank, including 12,515 families provided with free health insurance. In 2016, there were 214,982 families enrolled in the health insurance scheme, including 15,304 families provided with free health insurance. Pursuant to a presidential decree, all persons in the Gaza Strip are granted free health insurance.

309. The average maternal mortality rate in Palestine was 24.7 deaths per 100,000 live births in 2014. In 2016, the rate was 13.8 deaths per 100,000 live births.

310. In 2016, neonatal mortality was 5.5 deaths per 1,000 live births (5.3 per 1,000 live births in the West Bank and 5.6 per 1,000 live births in Gaza). Causes of death included prematurity, underweight, delivery complications and congenital malformations. The mortality rate of infants up to one-year-old was 10.5 deaths per 1,000 live births. The mortality rate of children up to the age of 5 years was 12.2 deaths per 1,000 live births. The mortality rate for children aged 6–18 years was 16.7 deaths per 100,000 children in the same age group in 2016. Accidents and external causes accounted for 38.9 per cent of deaths, neurological diseases for 22.8 per cent, congenital malformations for 11.4 per cent, and tumours for 8.4 per cent of deaths.

311. No deaths from poliomyelitis have been reported, nor has the Ministry of Health recorded any cases of infanticide.

312. Under the Children's Act, the Ministry of Health is obliged to take appropriate measures to enhance its health-care capacities in order to improve child nutrition and health. The Ministry has affirmed that food intended for consumption by children should contain substances that have a medical impact only for preventative purposes, and only if approval for this is obtained from the Ministry. The promotion of any breast milk substitute in any Ministry of Health institution constitutes a violation of the law and is prohibited.

313. The Ministry of Health provides maternal health care services, including sexual and reproductive health services, and family planning. The Ministry also carries out preventive health-care check-ups and provides pap smears to ensure the early detection of cervical cancers, and provides counselling on family planning, the prevention of sexually transmitted diseases and cancer and the importance of detecting those diseases in their early stages.

314. The Ministry of Health also provides a range of preventative health-care services in schools to prevent certain forms of disability. These include screenings for the early detection of visual and auditory disabilities, learning difficulties, oral and dental diseases and psychological and behavioural disorders. The Ministry transfers and follows up on cases to ensure that those who require treatment receive it. The Ministry also provides psychological support services for school students, especially students with disabilities, and conducts health awareness programmes on proper nutrition and other issues in all Ministry of Education schools, institutions affiliated with the Ministry of Social Development, including centres for juveniles, schools run by the Ministry of Awqaf and Religious Affairs, and vocational training centres run by the Ministry of Labour. The Ministry of Health also monitors vocational and technical education centres to ensure the safety of students, carries out preventive health checks for students and seeks to raise students' awareness of preventative health care measures and public safety.

315. Other preventative initiatives overseen by the Ministry of Health include the country's national immunization programme, which offers vaccinations against poliomyelitis, measles and other diseases, in addition to screenings to detect Phenylketonuria and abnormal levels of Thyroid-Stimulating Hormone. Those affected receive lifelong treatment free of charge. There are approximately 500 children receiving preventive treatment for Phenylketonuria in Palestine.<sup>(74)</sup>

316. Following a number of cases in which babies have been born at checkpoints because of Israeli military closures and roadblocks, the Ministry of Health has stepped up its efforts to deliver emergency obstetric services in marginalized areas through the establishment of well-equipped safe childbirth and emergency delivery clinics and centres that are staffed with qualified health-care personnel, especially in areas in the Jordan Valley, which are sealed off with roadblocks manned by the Israeli occupation authorities.

317. The main obstacles to the provision of care and support include the limited physical, financial and human resources and capacities available to those endeavouring to provide assistance to persons with various disabilities, in addition to the fact that certain Ministry of Health centres for children with disabilities do not provide an appropriate environment for addressing those children's needs.

318. A total of 713 cases of children with mental health issues were registered in 2016, including 401 male children and 312 female children.

### **Prevention of drug abuse (article 33)**

319. The Children's Act prohibits the employment or commissioning of a child to perform any form of any job, including in places where cigarettes or narcotic or psychotropic substances are produced, or to traffic in, possess, promote or transport those products. Perpetrators are liable to criminal prosecution and penalties are prescribed for offenders. The 2005 Anti-Smoking Act<sup>(75)</sup> contains provisions prohibiting smoking in school yards and kindergartens and the sale, distribution, display or advertising of tobacco to persons under 18 years of age. The Anti-Smoking Act also prohibits the import, sale or manufacture of imitation tobacco products, including sweets and toys that resemble any type of tobacco product.

320. Further to the adoption of the 2015 decree-law on the control of narcotic drugs and psychotropic substances, in 2017, the State of Palestine acceded to the Single Convention on Narcotic Drugs of 1954, as amended by the 1972 Protocol, the Convention on Psychotropic Substances of 1971 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

321. The State of Palestine has taken several steps to improve the health practices of children and adolescents, including the establishment of committees comprising police officers and staff at the Ministries of Health and Social Development to monitor shops and stores with a view to preventing the sale of tobacco to children and adolescents. Talks on the dangers of smoking and alcohol consumption are also given to children in lower grades at school, while talks on the dangers of illicit drug use are given to children in secondary school. The police gave 448 talks in 2014 and 356 talks in 2015. Non-governmental organizations also raise awareness about the dangers of smoking and drug abuse by designing health education activities for school and university students. According to the 2015 Palestinian Youth Survey, 10.0 per cent of children in the 15–17 age bracket smoke, including 13.4 per cent in the West Bank and 5.0 per cent in the Gaza Strip. No recent surveys have been conducted by the Ministry of Health to assess the extent of drug abuse by children and adolescents.

322. During the national consultations held for the purpose of preparing this report, children reported that, despite the decision issued by the Governor of Ramallah and Al-Bireh in 2017 to tighten control over shops and cafes, children continue to engage in hookah smoking in cafes without the owners of those establishments checking their ages, and not all shops refuse to sell tobacco products to children.

323. In the context of drug abuse prevention, Palestine has established the National Supreme Council for Drug Control. The Ministry of Health has also established the Alternative Treatment Centre for the treatment of drug users and addicts, including children. Other centres will be established in the near future.

324. With regard to treatment services, particularly those designed for children, the Ministry of Health provides free psychosocial counselling, rehabilitation services and treatment and conducts the necessary tests for drug users.

325. With regard to treatment and rehabilitation centres for victims of drug abuse, there are two centres for adults and children, and a third centre is under construction. An evaluation of the services provided by these centres is being conducted. No statistics on victims of drug abuse are currently available.

### **Health challenges and efforts exerted**

326. HIV/AIDS is not considered to be a problem in Palestine. Since 1988, 84 cases of HIV infection have been recorded, including seven cases in children. No cases of children with HIV/AIDS were registered in 2017. Early detection of the disease is carried out by means of a national counselling and voluntary testing programme in Palestine that targets individuals that are most at risk of contracting the disease. Sexually transmitted infections are diagnosed and recorded along with their causes or symptoms in accordance with World Health Organization recommendations; one case of a child infected with a sexually transmitted disease has been recorded.<sup>(76)</sup>

327. The Ministry of Social Development provides cash assistance to chronically ill patients. In 2015, 4,486 children in the West Bank and 9,021 children in the Gaza Strip received monetary assistance because they were suffering from a chronic disease.

328. Due to the repeated Israeli attacks on the Gaza Strip, the health sector, which is often directly targeted, has been severely impaired. However, the Ministry of Health, through its service procurement department, deals with cases in the Gaza Strip that require referral to hospitals, including those that are not run by the Government.

### **Adolescent and reproductive health**

329. Palestinian legislation, including the Children Act, the Anti-Smoking Act and the decree-law on the control of narcotic drugs and psychotropic substances, aim to protect adolescents and children and uphold their rights. In order to safeguard adolescents from various diseases, the Ministry of Health has conducted numerous courses and workshops and issued various publications on the prevention of communicable diseases and on the medical services provided by the Ministry. The Ministry also seeks to raise awareness in schools, and especially among children and juveniles in secondary school, regarding the

importance of proper nutrition and physical activity. The Ministry also provides guidance on adolescent health, the dangers of early marriage and reproductive health issues.

330. A pilot youth-friendly health centre programme has been launched by the Ministry of Health in South Hebron Governorate and will be extended to other governorates in the next few years. The Ministry also provides counselling and psychological support in both secondary schools and at health centres.

331. Under Palestinian law, an adolescent girl who becomes pregnant is not permitted to have an abortion. If she performs the abortion herself or with the assistance of others, however, she benefits from mitigating circumstances. The law does not specify the age of consent for an abortion. The Ministry of Health has no data on pregnancies among adolescent girls and illegal abortions performed. Adolescent health and reproductive health are among the priorities addressed by educational counsellors in schools, and a national guidebook on adolescent health has been formulated and serves as a key reference document for educational counsellors and health-care workers.

### **Social services and standard of living**

#### **Social security and child care services and facilities (articles 26 and 18 (paragraph 3))**

332. The decree-law on social security was issued in 2016. The Palestinian Government is also taking action to reduce the numbers of children who drop out of school in order to enter the labour market, including through anti-poverty programmes and the provision of assistance, health insurance and job opportunities for fathers and mothers.

333. Other social protection institutions, and certain non-governmental organizations, charities and UNRWA play a complementary role to that of the Ministry of Social Development, providing job opportunities and monetary assistance to poor families. Those initiatives have mitigated – albeit partially – the phenomenon of students dropping out of school to work so they can help their families.

#### **Standard of living, (article 27 (paragraphs 1–3))**

334. The Ministry of Social Development provides a range of relief and empowerment assistance services to poor and marginalized families living below the poverty line, including children within those families. The Ministry has granted an unconditional right to all families to request services provided by the Ministry, while the Council of Ministers has approved approaches for addressing the needs of families on a non-discriminatory basis.

335. The Ministry of Social Development provides assistance to the families covered by its programmes on a regular basis in order to safeguard the interests of children. That assistance includes emergency cash assistance, food aid, school fee exemptions and health insurance for those who require it. The Ministry also provides exceptions from customs duties to facilitate automobile purchases by families with children with disabilities. A number of religious, charitable and social institutions also provide in-kind, cash and food assistance to poor families.

336. The Ministry of Social Development has taken a number of steps to facilitate the development of a national poverty and marginalization database, such as drawing up a manual on the provision of emergency assistance.<sup>(77)</sup> Assistance is no longer provided if the Ministry concludes, on the basis of a field visit, that the recipient is no longer entitled to assistance.

337. Difficulties related to the provision of support sometimes arise. Usually this is due to insufficient funding from donors, which can result in delayed payments from the Ministry to poor families, who are then unable to cover their expenses.

338. A total of 71,455 children in the West Bank and 178,284 children in the Gaza Strip received cash assistance in 2014. In 2015, cash assistance was provided to 58,544 children in the West Bank and 193,505 children in the Gaza Strip, while in 2017, 58,708 children in the West Bank and 189,503 children in Gaza received that assistance. Total assistance in 2017 amounted to 518,397,372 new Israeli shekels (NIS).

339. If a child or juvenile is placed in foster care or a care home, child support officials can apply for assistance on his or her behalf. Assistance is provided on a monthly basis to children in care in accordance with the procedures stipulated in article 25 of the Foster System Regulations.<sup>(78)</sup> The Minister of Social Development must grant approval for assistance payments, which must be disbursed by the competent authorities in accordance with the applicable rules.

### **Education and recreational and cultural activities (articles 28, 29 and 31)**

#### **(a) The right to education, including vocational training and guidance (article 28)**

340. The Ministry of Education in Palestine supervises public education in public, UNRWA and private schools. The Ministry is committed to carrying out its work and providing education for all people in Palestine, in line with article 24 of the Basic Law and articles 37 and 38 of the Children's Act, which affirm the right of all children to receive free education in State schools, without discrimination, until their completion of secondary-level education. The Children's Act also affirms that education is compulsory until the completion of higher basic level, at a minimum, in addition to the duty of the State to take all appropriate measures to prevent children from dropping out prematurely from school. Article 169 of the Personal Status Code provides that a father is obliged to pay for the education of his children.

341. During the 2002–2003 academic year, the Ministry of Education and Higher Education conducted a study to determine Palestinian standards for child-friendly schools. The Ministry then adopted those standards in its plans and programmes. The standards served as key monitoring and evaluation indicators for the second and third strategic plans. The Ministry has also drawn up the violence reduction policy for Palestinian schools and issued numerous regulations and instructions prohibiting all forms of violence in schools.<sup>(79)</sup> The aim of the violence reduction policy, which also aims to improve discipline in schools, is to improve safety for students and teachers, create an appropriate educational environment for students and teachers, strengthen school management with a view to achieving educational goals, support the creation of safe school environments, foster positive behaviour, and establish a system for the protection of students and all those employed in the educational sector.<sup>(80)</sup>

342. With regard to school fees and school fee exemptions, it should be noted that the collection of financial donations from students takes place at the beginning of the school year, whereby a nominal fee is levied on students who are able to pay it, while students in particular financial difficulty, in addition to students with family members in prison or whose family members have been killed or injured in the national liberation struggle, are fully or partly exempt from paying the fee. Students receiving monetary assistance are fully exempt from the payment of school fees. However, the Ministry of Social Development pays 50 per cent of the total amount due for those students.<sup>(81)</sup>

343. Statistics show that basic infrastructure is available in most schools in Palestine, that 99.1 per cent of the schools in the West Bank are connected to the electricity network and that 91.2 of the schools in the West Bank are connected to the public water network. In the Gaza Strip, 90.0 per cent of schools are connected to a public water network, and 99.3 per cent are connected to a public electricity network. Due to the blockade and the illegal closure imposed by Israel, the Gaza Strip suffers from ongoing interruptions to its electricity supply. Water and sewage systems have also been destroyed.

### **Religious education**

344. All Palestinian schools teach Islamic subjects to Muslims and Christianity to Christians, as with all other compulsory subjects. In the West Bank there are six sharia schools run by the Ministry of Islamic Endowments rather than the Ministry of Education. The curricula of those schools are the same as those followed by regular schools, except for differences in certain subjects, which are taught from a religious perspective. The Ministry of Education licences those schools as private schools that are under its supervision. In the Gaza Strip, public schools are run by the Ministry of Education, and offer various branches of study, including a sharia branch.

345. The net enrolment rate for primary education in Palestine was 94.2 per cent in 2014 and 94.6 per cent in 2015. The net enrolment rate for primary education in the West Bank was 94.1 per cent for males, as compared with 96.4 per cent for females. In the Gaza Strip, the primary education enrolment rate was 94.3 per cent for males and 95.9 per cent for females.

**Table 20 shows total enrolment rates by educational stage, region and sex.**

**Table 21 shows the distribution of students by region, educational stage and sex in 2015/2016.**

#### **Early childhood education**

346. Early childhood education is education provided to children between the ages of 4 years and 5 years, 5 months. Kindergarten education is still not particularly widespread and the kindergarten enrolment rate was 55.1 per cent in 2014 and 2015. More than 99 per cent of children enrolled attend private for-profit institutions rather than those that do not charge fees. There are no suitable kindergartens for children with disabilities.

347. The Ministry of Social Development endeavours to provide a safe environment for play, education and early childhood skills development by licencing suitable kindergartens. Those kindergartens are attended by children between the ages of 1 month and 4 years.

348. Committees that comprise a number of authorities and are headed by the Ministry of Social Development have been established in each of the Palestinian governorates.<sup>(82)</sup> Those committees monitor and carry out inspections in kindergartens to ensure that they meet health and safety standards, and submit recommendations to the departments of social development in a governorate.<sup>(83)</sup> The Ministry of Health, in partnership with the Trust of Programs for Early Childhood, Family and Community Education, has issued a guide on health issues for kindergarten educators in order to enable them to address the most important physical, dental, psychological and first aid issues that can arise in kindergartens.

349. The Ministry of Development has proposed that comprehensive surveys of all operating kindergartens should be conducted with a view to creating a database that can be used to help kindergartens meet licensing standards. However, to date, no standardized programme that sets forth how kindergartens should operate has been formulated.

350. In the context of Ministry of Education policy to provide education for all as a basic right, the Ministry has created a pre-primary grade (a grade for children before they begin primary education) in public schools in marginalized areas with a view to offering pre-school education to children in those areas. The Ministry is gradually extending that initiative to cover all schools, in accordance with educational needs.

**Table 22 shows the number of licenced and monitored kindergartens in 2014 and 2015.**

**Table 23 shows the total enrolment rate in early childhood education for children between 4 and 5 years of age, disaggregated by sex.**

#### **Vocational and technical education**

351. The Ministry of Education has developed a national strategy for vocational and technical education and training that is in line with global trends. That strategy has been reviewed by specialized teams composed of a wide range of public- and private-sector stakeholders. Vocational and technical secondary education is taught in vocational schools,<sup>(84)</sup> which aim to provide students with the knowledge and skills they need to enter the labour market or to enrol in higher education institutions.

352. Studies indicate that societal attitudes towards vocational education are not positive, and that the majority of parents would prefer that their children obtain a university education after high school rather than enrol in a vocational education course. Those attitudes were confirmed by children themselves in interviews conducted as part of the national consultations.

353. To help promote vocational education, raise awareness regarding certain trades and occupations, and underscore their contribution to the country's development, the Ministry of Education has introduced vocational courses for the seventh, eighth and ninth grades, so



that students in each of those grades can learn about three trades or occupations practiced in the community.

354. In 2015 and 2016, the total secondary education enrolment rate in Palestine for males was 58.7 per cent and for females it was 78.6 per cent.

355. Some 2.94 per cent of all secondary school students were enrolled in non-commercial vocational education in Palestine, including 4.6 per cent of secondary school students in the West Bank and 0.51 of secondary school students in the Gaza Strip. It should be noted, however, that there are no vocational schools in Gaza.

356. One of the factors that discourage girls from enrolling in vocational and technical education is the low number of institutions that offer programmes that women have traditionally wished to take. That factor has limited women's vocational and technical education options for this type of education. Furthermore, according to the Central Bureau of Statistics, women made up only 19.1 per cent of the country's work force, with men making up the remaining 71.9 per cent.<sup>(85)</sup>

357. Institutions providing education and vocational training services in the different regions include governmental, civil society, UNRWA and private-sector institutions. There are 18 vocational schools in Palestine, including 13 government schools with industrial and agricultural sections.

**Table 24 shows the number of students enrolled in vocational and industrial education.**

#### **School dropouts**

358. Palestine has made significant efforts to reduce school dropout rates, and seeks to address the impact of that phenomenon through outreach programmes and following up with individuals who have dropped out of school. Palestine has also introduced parallel education and literacy programmes.

359. The Ministry of Education has taken a number of measures to limit dropout rates. It has opened new schools and courses of study in remote areas, particularly for female students, and has provided new portable schools for nomadic Bedouin communities. Students who have left school in order to work are referred to the child protection network with a view to reducing child labour and educating those children regarding their right to education. The Ministry also runs programmes to integrate children with disabilities into schools.<sup>(86)</sup>

360. The Ministry of Social Development has established youth social rehabilitation centres for boys and girls who drop out of school, and for children whose families receive social assistance. There are 13 of those youth centres in Palestine and they aim to provide children with social, educational, cultural and vocational skills, and empower them to play an active role in their families and within society.

361. The primary education dropout rate in the 2015–2016 school year was approximately 1.2 per cent for boys and 0.7 per cent for girls. The secondary education dropout rate was 1.3 per cent for boys and 1.1 per cent for girls.

**Table 25 shows dropout rates disaggregated by sex and educational stage**

362. The State of Palestine has given priority attention to the provision of high quality and comprehensive education for all in a national policy document entitled "Citizen First", which sets a policy agenda for the years 2017–2022. That priority attention stems from the Government's long-standing commitment to the provision of high-quality education for all Palestinians on a non-discriminatory basis, including for members of marginalized and vulnerable groups.

363. Palestine has taken a number of measures to ensure that children in marginalized areas receive an education, and has developed intervention plans in that area in coordination with the European Union and the Office for the Coordination of Humanitarian Affairs (OCHA). Support provided to marginalized areas includes the allocation of buses to transport students from certain Bedouin communities to their schools, and the provision of mobile classrooms and the construction of schools made of corrugated iron in areas where

buildings are threatened with demolition and the inhabitants are in danger of being forcibly removed by the Israeli occupation forces.

364. The Ministry of Education has paid particular attention to the provision of education in all circumstances, including in emergency situations. Palestine is a State under occupation and suffers from systematic and widespread Israeli violations of the right to education stemming, inter alia, from the killing of children, the arrest of students and teachers and attacks on schools.

365. Save the Children, in partnership with the Ministry of Education and Higher Education, and the Ma'an Development Center, has launched the Safe Schools project to keep children safe in schools and prevent interruptions to children's education during periods of violence. The project works with children, educational partners and local communities to raise awareness regarding the importance of sustaining the education process and endeavours to influence relevant local, national and global policies.

#### **Education for children with disabilities**

366. Palestine has been integrating students with disabilities into education since 1997, when the Ministry of Education adopted an inclusive education programme to integrate students with disabilities into public schools. The programme, which began as a three-year pilot project, was extended to all public education schools because of the difficult circumstances faced by the Palestinian people, particularly those caused by the Israeli occupation and its ongoing attacks and criminal actions, which have resulted in an increase in the number of persons with disabilities.

367. The future plans of the Ministry of Education with regard to children with disabilities include: completing the comprehensive national policy on inclusive education, which is now in its final stages, updating the skills of those working in the field of special education and increasing their numbers, and hiring specialists with training in all forms of disability, including autism and learning disabilities, as well as specialists who can address the needs of particularly gifted children.<sup>(87)</sup>

#### **(b) Aims of education (article 29)**

368. The Ministry of Education has adopted its third strategic plan on the basis of a set of guiding principles, including the need to strengthen a sense of national identity and citizenship, the need to strengthen the society's system of values, and the importance of the rule of law.<sup>(88)</sup> The Ministry of Education has also worked to improve conditions for teachers and enhance their skill sets. Teachers must now have a diploma in education. The Ministry has also initiated a process for updating educational curricula, taking a number of key elements into consideration, including the need to involve and uphold the rights of children.

369. In 2013–2014, 31.1 per cent of qualified teachers had been awarded teaching diplomas attesting to the fact that they met national teaching standards, including 22.9 per cent of male teachers and 30.7 per cent of female teachers. Other relevant data is provided in the index of the teacher training strategy.<sup>(89)</sup> On average, there were 21.6 students per teacher at all stages of education during the 2015–2016 academic year: 20.6 students per teacher in public schools, 29.2 students per teacher in UNRWA schools and 16.2 students per teacher in private schools.

370. The Ministry of Education has been using information and communication technology to help achieve education for all objectives. The Ministry has striven to improve school environments, improve teaching methods, strengthen curriculums, promote the teaching of life skills, and develop children's relationships with local communities, and has taken other steps with a view to making schools attractive and child friendly. There are, moreover, 620 environmental clubs in public schools, which are overseen by the Department for School Health and which promote student interest in environmental and hygiene issues.

371. In order to fulfil the obligations of the State of Palestine under various human rights conventions, a decree-law was issued in 2017 public education, which regulated the education sector in Palestine in accordance with international principles. The decree-law

addresses the issue of inclusive education, namely the education of all members of society irrespective of difficulties, disability or gender.

372. The aforementioned decree-law provides for penalties to be imposed on any parent or guardian who fails to enrol his son or daughter in an educational institution, namely “imprisonment for a period of up to one year, or a fine of up to 1,000 Jordanian dinars”.<sup>(90)</sup>

373. Palestinian primary and secondary education curriculums address the issue of gender and aim to foster a stimulating environment for students by directing teachers towards the use of certain educational techniques. A comprehensive, integrated and standardized curriculum development plan is currently being developed.<sup>(91)</sup>

374. Attacks on the education sector by the Israeli occupation authorities: widespread and systematic Israeli rights violations, crimes and acts of destruction, particularly attacks on educational institutions and infrastructure, have had a significant impact on Palestinian educational institutions. This has led to overcrowding in certain schools; most schools and classrooms are housed in rented property and many schools must operate with double or even triple shifts. Schools lack specialized educational facilities such as libraries and laboratories, as well as appropriate health facilities. Violations and attacks take many forms and the Israeli occupation forces have also closed, stormed and laid siege to many schools. Those forces have also destroyed numerous schools, sometimes partially and sometimes completely. UNRWA schools have not been spared and have also been attacked and destroyed, resulting in the deaths of both students and teachers. This also occurred during the most recent attack against the Gaza Strip, which severely undermined education during the 2014–2015 academic year.<sup>(92)</sup>

375. In 2016, a total of 89,799 male and female students and 5528.5 male and female teachers and educational sector employees were subjected to attacks by the Israeli occupation forces, whose actions resulted in deaths, injuries, arrests, detentions, the imposition of house arrest, delays at checkpoints and the denial of safe access to schools following the closure of checkpoints, gates in the wall and so-called “flying checkpoints”. A total of 162 schools were subjected to at least 346 attacks. Attacks included the storming of classrooms and firing live ammunition, rubber bullets and tear gas. The Israeli occupation forces caused physical damage to schools, partially or completely halting learning activities, ordered schools to cease operations and issued notices threatening schools with demolition. A total of 27 students were killed, including one student from a school in Jerusalem. One teacher was also killed.

376. Violations by the occupation authorities of the right to education in occupied Jerusalem: the multiplicity of authorities overseeing education in Jerusalem seriously impedes efforts by the Palestinian Ministry of Education to strengthen the education sector in Jerusalem for the following reasons:

- Because of the Israeli occupation, there is no unified administration to coordinate the authorities responsible for education. Education in Jerusalem is overseen by five authorities, namely the Awqaf (14 per cent of students), private schools (30 per cent of students), UNRWA (3 per cent of students), municipal and so-called Ma’arif (Israeli Government) schools (46 per cent of students) and semi-Ma’arif schools (so-called contractual schools) (7 per cent of students), which makes it difficult for the Ministry to intervene in and change the educational policies of those authorities;
- There is no unified curriculum for all authorities responsible for education in Jerusalem;<sup>(93)</sup>
- There is a lack of qualified teachers and specialists due to the refusal of the Israeli occupation authorities to issue permits to teachers without Jerusalem identity cards to teach in the city, which is surrounded by the annexation wall and numerous military checkpoints, and is also due to the low salaries paid to employees at all Jerusalem schools. To address that challenge, the Ministry of Education has increased the salary of teachers working in Jerusalem above the salaries paid in the West Bank, in order to attract qualified teachers to schools in occupied Jerusalem.<sup>(94)</sup>

**(c) Cultural rights of children belonging to indigenous and minority groups (article 30)**

377. Article 3 of the Children's Act provides that all children shall enjoy the rights provided by law, including cultural rights, without discrimination on account of national or ethnic origin, language, religion or any other reason that may lead to discrimination. Article 38 of the same Act also underscores the need to take appropriate and effective measures with a view to eliminating the various forms of discrimination that impede the enjoyment of the right to education.

378. In its concluding observations on the periodic reports of Israel, the Committee on the Rights of the Child reminded Israel, the occupying Power, of its duty to ensure that Palestinian children are educated with respect to their cultural identity, language and values and therefore urged Israel to cancel the prohibitions of using Palestinian curriculums. Israel, the occupying Power, continues to attempt to impose its curriculums on the occupied city of Jerusalem.

**Human rights in national education**

379. One of the objectives of the Children's Act is to "prepare the child for a free and responsible life within a harmonious civil society that balances an awareness of rights with respect for duties and upholds the principles of justice, equality, tolerance and democracy." To that end, the Ministry of Education aims, inter alia, to strengthen human and religious values, improve economic conditions by fostering comprehensive development, and adopt curriculums and teaching methods that provide for high-quality education. Those curriculums are based on intellectual principles that uphold respect for others and the values of peace, freedom, equality, democracy and human rights.

**(d) Rest, leisure, play, recreation and cultural and artistic activity (article 31)**

380. Article 40 of the Children's Act enshrines a child's right to play and rest, to engage in appropriate activities and to participate freely in cultural life and the arts.

381. The Ministry of Culture supports cultural centres, which play a key role in promoting children's cultural rights, and holds workshops in schools and kindergartens. There are 52 cultural centres for children in the Occupied Palestinian Territory, including Jerusalem. Activities at those cultural centres include theatre and drama, drawing, plastic arts, embroidery, straw arts, music, creative writing, storytelling, singing, circus arts and contests.

382. In accordance with its strategic plan for the years 2014–2015, the Ministry of Culture supports activities that foster creativity and promote literary talent. The Ministry supports children's and youth publications in cooperation with a number of NGOs, including the Tamer Institute, leads cultural activities in schools and runs extracurricular programmes and competitions for students with a view to encourages reading among young people and children.

383. The cultural centres also hosted a children's film festival in the Gaza Strip in 2014. The Cultural Development Fund, which was allocated a budget of \$2,015,500 by the Ministry for the years 2013 to 2016, also supports various children's activities in the fields of music, drama, art, theatre and creative writing.

384. The Higher Council for Youth and Sports runs a number of programmes that provide children with the opportunity to participate in a wide range of sports and recreational activities. Those activities include summer camps and extracurricular activities. The Higher Council, moreover, supports the participation of male and female children in national and international sports programmes.

385. The Higher Council for Youth and Sports promotes the participation of children in numerous programmes, including voluntary work campaigns, youth camps and training courses run by youth organizations. A children's parliament has been established in order to develop children's leadership skills. The Higher Council also manages sports fields and green spaces in cooperation with municipalities, local councils and sports clubs.

386. The National Committee for Summer Camps includes representatives of all governmental and civil society institutions involved in the organization of summer camps

in Palestine. In 2010, the President of the State of Palestine issued a presidential decree that gave the Committee independent legal personality and the legal capacity to undertake all steps and actions to achieve the purposes for which it was established, under the supervision of the President. The Committee seeks to carry out its mandate by disseminating civic, cultural and scientific educational principles through extracurricular activities and by promoting respect for all concepts and values enshrined in the Convention on the Rights of the Child. The Committee also formulates high-quality programmes and implements sports, artistic, cultural, community, environmental and health activities to develop the skills of children and promote capacity-building in institutions concerned with their welfare with a view to upholding children's right to survival and development as well as their rights to protection and to participate in society.

387. The objective of the Committee is to provide for the welfare of children, including children with disabilities, by organizing summer camps and extracurricular activities that provide opportunities for children to express themselves.<sup>(95)</sup>

388. A total of 199 summer camps were held in 2016. Those camps, five of which were held in coordination with organizations for persons with disabilities, were attended by 18,578 children. A total of 19,365 children, including orphans and 240 children with disabilities, participated in 207 summer camps in 2017.

388. The main challenges impeding efforts to uphold children's rights to leisure and play include a shortage of personnel trained to work with children, especially in rural areas, the lack of adequate infrastructure for leisure time activities and the difficult economic situation of many families, which prevents many children from participating in extracurricular activities in the summer. Moreover, some communities lack facilities for children and there is only limited awareness among members of society of the right of children to participate in sports. Difficulties also arise because of the need to adhere to customs and traditions that discourage male and female children from participating together in extracurricular activities, and because of the pressure placed on Palestinian children, except, in some cases during summer vacations, by their very demanding school curricula, which leave little time for them to participate in such activities.

390. Future plans of the Higher Council for Youth and Sports include ensuring that the strategic plan that it is developing for the years 2017 to 2022 accelerates efforts to mainstream children's rights in all its programmes and activities.

### **Special protection measures (articles 22, 30, 32, 34–37(b) to (d) and 38–40)**

#### **(a) Refugee children (article 23)**

391. Since 1948, the Palestinian people have been subjected to the most brutal and systematic forced displacement campaign by Israel and its terrorist groups. Most of the Palestinian people have become refugees as a result of the expulsion of more than 800,000 of the 1.4 million Palestinians living in historic Palestine from their villages and towns in 1948. Approximately 5.9 million Palestinian refugees were registered with UNRWA in 2017. UNRWA data reveal that Palestinian refugees comprise some 42.5 per cent of those living in Palestine and that 39.3 per cent of refugees residing in Palestine are under 15 years of age.

392. UNRWA was established as a subsidiary organ of the General Assembly pursuant to General Assembly resolution 302 of 1949. UNRWA works closely with Palestinian ministries to provide assistance and protection to registered Palestinian refugees in the State of Palestine and in the other countries where UNRWA operates, namely Jordan, Lebanon and Syria. Its primary mission is to help Palestinian refugees to realize their full potential in terms of human development. UNRWA also endeavours to support the rights of Palestinian refugee children through its provision of services, particularly in the areas of education and health, and through its social safety net programmes and protection activities.

393. Protection services provided by the Ministry of Social Development are also extended to refugee children in camps in Palestine. UNRWA provides all services from its regular and emergency budgets, except for vaccinations and school books, which are provided by the Palestinian Government. The assistance provided by the Palestinian

Government in camps is provided directly to the refugee affairs department in the camps and to the popular committees.

394. UNRWA provides free primary education to children in the occupied State of Palestine, and runs 96 schools in the West Bank<sup>(96)</sup> and 257 schools in the Gaza Strip.<sup>(97)</sup> In cooperation with national and international institutions, UNRWA has adopted a human rights-based teaching methodology.

395. UNRWA also provides education service at two vocational training centres in the West Bank and the Gaza Strip, as well as opportunities for students to develop their skills through work placements.

396. The start of the 2014 school year was postponed for UNRWA school students in the Gaza Strip because of Israeli attacks on UNRWA schools, which resulted in damage to 91 of those schools.

397. In 2015, there were 20,113 boys and 28,771 girls enrolled in UNRWA primary schools in the West Bank,<sup>(98)</sup> and 128,591 boys and 121,527 girls enrolled in primary schools in the Gaza Strip. Illiteracy rates for Palestinian refugees were less than 4 per cent.<sup>(99)</sup>

398. UNRWA aims to enhance the ability of students to speak and listen, and 78 school parliaments have been established in the West Bank.<sup>(100)</sup> A number of initiatives have also been undertaken to enhance the quality of education and ensure a safe learning environment for students.

399. UNRWA provides primary health-care services for children in Palestine. In 2015, it provided health-care services to 68,870 boys and 69,827 girls in the Gaza Strip. In the West Bank, mobile clinics provide therapeutic and preventive health-care services to communities that find it difficult to access health-care services in Area C, including East Jerusalem.

400. UNRWA monitors infant and neonatal mortality rates among Palestinian refugees<sup>(101)</sup> and also administers a comprehensive vaccination programme in coordination with the Palestinian Government. A number of agreements have been concluded between UNRWA and the State of Palestine on the provision of primary health-care services to children; important services provided include: Phenylketonuria screening, Ministry of Health approved immunizations, school health services, including check-ups and awareness-raising activities, growth and development monitoring and nutritional support services.

401. Fully 100 per cent of refugee children aged 18 months received all prescribed vaccinations in the West Bank in 2014 and 2015, while in the Gaza Strip 99.5 per cent and 99.8 per cent of children were vaccinated in 2014 and 2015, respectively.

402. All school children in the West Bank, including children with disabilities, receive preventive and therapeutic health-care services and take part in awareness-raising campaigns that aim to promote healthy behaviour. UNRWA has adopted a policy on disability and pays particular attention to children with disabilities to ensure that they are able to access the services they require, and also seeks to address their needs through its implementation of the inclusive education policy.<sup>(102)</sup>

433. UNRWA provides social assistance to Palestine refugees in the State of Palestine, thereby establishing a social safety net for those in particular need, including children.<sup>(103)</sup>

404. In 2016, UNRWA formulated a child protection framework, which affirms its commitment to strengthen the protection of children through its provision of services. UNRWA carries out child protection activities in cooperation with relevant stakeholders, including competent Palestinian ministries. In 2015, UNRWA was involved in 153 child protection cases in the Gaza Strip and 60 in the West Bank.

**(b) Children belonging to a minority or indigenous group (article 30) and internally displaced children**

405. Since the beginning of the Israeli occupation of Palestinian territory in 1967, the Palestinian people have been subjected to a policy of forced displacement implemented

through the confiscation of land, house demolitions and other practices of occupation and systematic rights violations, including the forced internal displacement of Palestinians and their families throughout the Occupied Palestinian Territory. Most Palestinians are concentrated in Area C and in the Gaza Strip.<sup>(104)</sup> The recent Israeli attack on the Gaza Strip has displaced many Palestinian families from their homes.

406. In 2015, the Tamer Institute launched a project to provide protection and support in the area of education to children in Gaza. That project focuses on promoting the mental and social health of marginalized children in border areas and in creating safe learning environments.

407. In the light of its conviction that every human being is entitled to all rights and freedoms without distinction as to race, colour or national origin, the State of Palestine acceded to the International Convention on the Elimination of All Forms of Racial Discrimination in 2014. However, because few anthropological studies have recently been conducted to investigate the race, colour, ethnic origin, nationality, descent and religion of various groups within Palestine, there are at present no accurate and comprehensive statistics on the minorities present in Palestine.

408. The racial, ethnic, and national groups that are categorized on the basis of descent or colour in Palestine include the Samaritans<sup>(105)</sup> and the Armenians<sup>(106)</sup>. Members of those groups living in the State of Palestine adhere to Christianity and the Armenians continue to use the Armenian language and practice Armenian culture, customs and traditions. Other such groups include people of African descent,<sup>(107)</sup> Syriacs,<sup>(108)</sup> Copts,<sup>(109)</sup> people of Maghrebi descent,<sup>(110)</sup> and Gypsies.

409. The Mar Afram Syriac school is the only school that teaches Aramaic to its students. Several other schools and private educational institutions in Palestine focus on the education of certain ethnic and linguistic groups. Those schools include the following:

1. A school affiliated with the Ministry of Education for the Samaritan community, which teaches members of that community and other residents of Nablus who live near the Samaritan quarter;
2. The Sts Tarkmanchatz private Armenian school in Jerusalem;
3. Another Armenian school that trains monks and provides instruction in Christian teachings;
4. The Mar Afram Syriac school, which was established in 2003 and has 285 students. The school teaches children from kindergarten through to the tenth grade and is the only school that teaches Aramaic to its students.

410. Because rights are guaranteed by law for all citizens, all forms of discrimination among citizens in the application of national legislation and policies are prohibited.

**(c) Street children**

411. Article 32 of the Children's Act<sup>(113)</sup> provides that family support and appropriate accommodation must be provided to the child, and that appropriate measures must be taken so that the child does not remain homeless in the street, either because of difficult economic circumstances or because he or she has been abandoned by his or her family.

412. The phenomenon of children living on the street is not widespread in Palestine. In recent years, the Ministry of Social Development has been made aware of a limited number of cases in which, because of family breakups, children have been found living on the street. In such cases, protection measures in the Children's Act are usually implemented, whereby the protection counsellor establishes contact with the family to learn whether the child can return to live with them and whether appropriate conditions and guarantees can be put in place to ensure that he does not return to the street. The case will be monitored by protection counsellor. If this is not possible, the child is placed in a social care institution until a permanent and appropriate situation is found and the child's situation will be communicated to a member of the child's extended family. If this is not successful, the child will be placed in a care institution until it is possible to place him in an appropriate family situation.

**(d) Children in situations of exploitation, including physical and psychological recovery and social reintegration**

**(i) Economic exploitation, including child labour (article 32)**

413. The Palestinian legislature endeavours to protect children from all forms of exploitation, including economic exploitation. Articles 42 and 43 of the Children's Act prohibits the exploitation of children by making them beg, their employment in circumstances that violate the law, and their engagement in work that would impede their education or threaten their physical or mental health or safety.

414. While children who work for their first degree relatives are excluded from the scope of the protections provided under the Palestinian Labour Code, the Children's Act addresses the situation of children employed by the heads of their households.<sup>(114)</sup> Pursuant to the Labour Code, a fine of between 200 and 500 dinars is imposed on any employer who violates the provisions of the Code in that regard. If the perpetrator commits the offence a second time, the fine is doubled and then multiplied by the number of workers in respect of which the offence was committed.

415. The phenomenon of "disguised begging" is widespread in Palestine, whereby children engage, on a habitual basis, in the sale of certain simple goods in various locations, including at Israeli military checkpoints established by the Israeli occupation authorities to isolate Palestinian towns and cities from each other. Children engage in such activities with the primary objective of begging rather than working. The Ministry of Social Development coordinates with the police, the Ministry of Labour and other competent authorities in the governorates to investigate and monitor the situation of children who work in the streets as self-employed street vendors, and measures are taken to ensure that those children enjoy the protections prescribed in the Children's Act.

416. According to the police Bureau for the Protection of the Family and Adolescents, there were 27 cases of begging in 2017, including 12 cases in which the beggar was male and 15 cases in which the beggar was female.

417. Obstacles impeding the protection of children from economic exploitation include the deliberate denial by the occupation authorities of access by the Palestinian police and the deliberate obstruction of their work, which impedes the arrest of those suspected of exploiting children by compelling them to work as street beggars, in addition to the flight of individuals wanted by the Palestinian police to areas under full Israeli control, where they go into hiding, which impedes the implementation of judicial rulings issued against them.

418. Palestinian children working in illegal Israeli settlements, who are usually employed on farms and construction sites, are subjected to various forms of psychological and physical violence upon their entry to and exit from those settlements. Children also engage in disguised begging by selling certain simple goods. This places them at risk of economic and physical exploitation. These cases are usually addressed in coordination with the Palestinian Ministry of Social Development, which takes all necessary measures when those children are handed over at the Jalamah checkpoint.

419. With a view to protecting children from economic exploitation, the Ministry of Labour monitors compliance with relevant laws in children's places of employment. A total of 81 labour inspections were conducted in 2017 and 96 inspections will be carried out in 2018.<sup>(115)</sup>

420. According to the Central Bureau of Statistics, 3.9 per cent of children between 10 and 17 years of age were in employment in 2016, including 5.3 per cent and 1.9 per cent of children in that age group in the West Bank and the Gaza Strip, respectively. In 2017, approximately 3.4 per cent of children between 0 and 17 years of age (including 6.6 per cent of boys and 0.1 per cent of girls) were in paid or unpaid employment, including 4.6 per cent and 1.7 per cent of children in that age group in the West Bank and the Gaza Strip, respectively. A total of 1.2 per cent of children were attending school while working, including 1.6 per cent of children in the West Bank and 0.7 per cent of children in the Gaza Strip.



421. Because of the deteriorating economic and political situation, children are increasingly vulnerable to exploitation by employers. The difficult economic situation in the Gaza Strip, which has worsened as a result of the blockade that has been imposed on the territory by Israel since 2007, has compelled many school children to look for work. Children work in numerous locations, including as street vendors, and are sometimes employed in particularly hazardous jobs, such as in the concrete and gravel crushing industries and in tunnels. Under the Palestinian Labour Code, it is prohibited for children to work in such jobs, which are categorized as forms of hazardous work. A number of other factors, such as weak workplace oversight, have also contributed to the rise in child labour rates.

422. The Ministry of Labour has opened vocational training centres in most governorates. It has also taken action to open new training centres to address identified needs, in line with available resources. The Ministry runs 13 employment offices in the West Bank and nine vocational training centres, including a multi-purpose centre in Halhoul. Steps are also being taken to open vocational training centres in Salfit and Jerusalem governorates.

423. The priorities established by the Labour Sector Strategic Plan and the Decent Work Agenda include qualitative and quantitative improvements to the inspections unit so that it can fulfil its mandate and its legal responsibility to regulate child labour and protect children from exploitation. Furthermore, the annual and periodic plans drawn up by the Ministry of Labour prescribe key activities and interventions to improve regulation in the area of child labour.<sup>(116)</sup>

424. In practice, all establishments are subject to the provisions of the Labour Code, while children are subject to special provisions that stipulate that no person under 15 years of age may work. Children must undergo a preliminary medical examination before starting work and must then undergo periodic medical check-ups.<sup>(117)</sup> The Ministry endeavours to ensure that children in work participate in its vocational training programmes, and enrol in the trade and professional centres that it oversees.

425. The National Committee on Child Labour was established pursuant to Decree No. 80 of 2013 of the Minister of Labour. The Committee, which includes representatives from Government, and from workers', employers' and civil society organizations, develops plans and formulates policies to protect children from economic exploitation.<sup>(118)</sup>

426. The Office of the Public Prosecutor for Children, in partnership with the Police Bureau for the Protection of the Family and Adolescents and relevant ministries, has intensified its regular and emergency field visits to work establishments. The Office carried out 20 such field visits in early 2017, which brought to light a number of cases of illegal child labour, in respect of which the necessary measures were taken.

427. No cases of children being used as slaves have been reported in the State of Palestine.

428. There are no legal provisions prohibiting children aged 15 and over from joining trade unions and associations. However, no clear regulations on that matter have been adopted by the country's trade unions.

429. The Palestinian Government carries out awareness-raising and vocational guidance campaigns within the workplace to raise awareness of minimum occupational health and safety standards and to ensure a safe working environment for workers in general and for working children in particular. Awareness campaigns on child labour are also organized in schools, universities and local communities.

430. In 2014, 12,937 individuals attended awareness-raising activities. In 2015, a total of 12,053 individuals attended those activities.

**(ii) Use of children in the illicit production and trafficking of narcotic drugs and psychotropic substances (article 33)**

431. Please see the information provided above in section 7.

**(iii) Sexual exploitation and abuse (article 34)**

432. Article 42 of the Children's Act provides that the child must be protected from all forms of exploitation, including sexual exploitation. Article 44 of the Act prohibits children from being subjected to sexual or economic exploitation, which are among the phenomena that pose a threat to children's safety and physical and psychological health.

433. Under the penal legislation in force, prostitution is an illegal act. Inciting, coercing, practicing or abetting prostitution, or living off the proceeds thereof, is penalized in legal codes under the heading of incitement to obscenity or violation of ethics and public morality. That legislation prohibits the opening of brothels. Preparing, renting or acquiring any location to be used for prostitution, or contributing to the use of such location for the purposes of prostitution on a regular basis, is punishable by imprisonment of up to six months. That legislation applies to both children and adults.

434. Article 47 of the Children's Act provides that a child is at risk of delinquency if he is found, lives or works in an environment related to prostitution, fornication or immorality or if the child is in the service of persons engaging in those activities. The law sets forth measures that are to be taken by the protection counsellor to promote the welfare of the child.<sup>(119)</sup> No cases of children engaging in prostitution were recorded during the reporting period.

435. The Child Protection Counsellor takes action in accordance with the Children's Act: he or she follows up on any communication regarding the abuse of a child within 72 hours of its receipt to verify the information contained therein. If the counsellor is able to confirm that information, he or she takes immediate action, in coordination with all relevant authorities, to draw up a protection plan for the child that provides an overview of the situation and sets forth the type of intervention and the most appropriate measures to be taken under relevant legislation and the approved transfer and networking system guidelines. In cases in which the life of the child is in danger, the child is placed in safe accommodation by the Ministry of Social Development, in coordination with relevant stakeholders.

436. In this context, Palestine has formulated a draft law on the protection of the family from violence, which provides legal safeguards for women and children within the family.

**(iv) Sale, trafficking and abduction of children (article 35)**

437. In late 2017, the State of Palestine acceded to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Although Palestinian legislation does not address the crime of child trafficking, the Criminal Code contains explicit detailed articles that criminalize and penalize direct forms of human trafficking. Slavery is considered a human trafficking offence.<sup>(120)</sup> There have been no cases involving the sale or trafficking of children in the State of Palestine, and no cases involving the sale or trafficking of persons have been brought before Palestinian courts.

**(v) Other forms of exploitation (article 36)**

438. The Basic Law prohibits the exploitation of children for any purpose and also prohibits the carrying out of scientific or medical experiments on any person without prior consent. The Children's Act further affirms that prohibition for children. No complaints have been made concerning the exploitation of children in the media or in sports, or the exploitation of gifted children.

**Children in conflict with the law and child victims and witnesses****The administration of juvenile justice (article 40)**

439. Article 1 of the 2016 decree-law for the protection of Palestinian juveniles<sup>(121)</sup> defines the juvenile as, "a person who was under the age of 18 full calendar years when he or she committed a criminal offence or was at risk of delinquency." The age of a juvenile is established by referring to an official document. If there is no such document, the court or

the Office of the Public Prosecutor will appoint an expert to determine the person's age scientifically. The age of criminal responsibility is 12 calendar years.

440. The State of Palestine began to focus on juvenile justice prior to its accession to the Convention on the Rights of the Child. The Ministry of Social Development established two centres, in the West Bank and Gaza, and, in 2010, the Council of Ministers issued a decree for the creation of the National Committee for Juvenile Justice under the aegis of the Ministry of Social Development. The National Committee, whose membership includes representatives of the Ministry of the Interior – Police Department, the Ministry of Justice, the Ministry of Education, the Supreme Judicial Council, the Office of the Public Prosecutor, the Ministry of Health, the Ministry of Labour, the Ministry of Women's Affairs, the Ministry of Justice, The Independent Commission for Human Rights and Defense for Children International – Palestine Section, is responsible for identifying needs and priorities at the national level and developing plans and programmes.<sup>(122)</sup>

441. In partnership with other relevant authorities and with the support of the European Union and UNDP, the Ministry of Social Development launched several initiatives in 2010 to facilitate the establishment of a comprehensive and integrated juvenile justice system. A manual was drafted setting forth procedures to be followed by all parties, in addition to draft guidelines on the transfer of juveniles that set forth the duties of the relevant stakeholders in the judicial system and other areas of government in order to facilitate the provision of integrated services to juveniles and ensure that situation assessments are conducted in a manner that upholds all their rights within an effective and integrated justice system.

442. In 2016, with the support of UNICEF, the Ministry of Social Development formulated and revised a strategic plan for juvenile justice and, on the basis of that strategic plan, drew up a five-year long-term plan together with a one-year road map, implementation of which has already begun. Furthermore, the establishment of a committee monitoring implementation of the decree-law for the protection of Palestinian juveniles was approved by the Minister of Social Development.<sup>(123)</sup> That committee monitors implementation of the aforementioned decree-law, the strategic plan for juvenile justice and its implementing plan.<sup>(124)</sup>

443. The decree-law for the protection of Palestinian juveniles, which entered into force in 2016, was drafted by a technical committee that was established by the National Committee for Juvenile Justice and replaced the laws on juvenile justice that were previously in force, namely the Jordanian Juveniles' Act and the Egyptian Juvenile Offenders' Act. The new decree-law is in line with international standards on juvenile justice and modern approaches to criminal law; it deals with offending children as victims rather than offenders, and provides for priority consideration to be given to alternative measures and forms of restorative justice.

444. Steps have been taken to formulate a draft executive plan for juveniles, draft guidelines for juvenile care homes, a standard procedure manual for juveniles, and a directory of alternatives to detention.

445. To prevent children from coming into conflict with the law, the Ministry of Social Development pays particular attention to some 400 children who have dropped out of school and are at risk of delinquency. They receive care at youth rehabilitation centres, attend vocational training courses and also receive special attention through regional child protection networks.

446. The Office of the Public Prosecutor for Children has established a register in order to monitor procedures involving children. The aim of the register is to ensure that no criminal proceedings against children at risk of delinquency are recorded and that they are not given criminal records. The register lists cases involving endangered children and children at risk of delinquency, and establishes mechanisms by which prosecutors can initiate technical measures in respect of those children.

447. There is as yet no database or national information system on juvenile justice in Palestine.<sup>(125)</sup>

448. In most cases, children who are accused of committing offences or who are arrested are not dealt with or detained in the same way as adults. They are not physically restrained, for example. In addition, children are usually arrested by officers from the police Bureau for the Protection of the Family and Adolescents and, if they are not, are transferred to officers from the Bureau following their arrest. The accused juvenile may, in certain cases, be arrested by the security services; this depends on the nature of the charges brought against him.

449. Juvenile welfare institutions in the West Bank and Gaza are monitored and subject to period inspections by the Independent Commission for Human Rights and non-governmental organizations, including Defense for Children International. Furthermore, in cooperation with the Human Rights Unit of the Office of the Public Prosecutor, public prosecutors conduct monthly inspection visits to care homes and juvenile detention centres in all governorates. Reports are filed on those inspection visits and steps are taken to follow up on any shortcomings or legal violations with the authority responsible.

450. A number of legal violations related to the living conditions of juveniles have come to light. In those cases, the Office of the Public Prosecutor contacted the competent authorities and monitored the situation until all issues were resolved.<sup>(126)</sup> Furthermore, a working group consisting of the Office of the Public Prosecutor, the police and the Ministry of Social Development is usually formed to address any issues that occur in places of detention.

451. A challenge impeding the application of the law in that regard is posed by the limited number of child protection counsellors working with juveniles. There are only 21 child protection counsellors in the West Bank, who are employed only on a part time basis and have other jobs and duties to perform.

452. Efforts to provide legal protection to Palestinian juveniles are also undermined by the Israeli occupation forces, which impede the transfer of juveniles between provinces, carry out extrajudicial killings of children and subject children to arbitrary detention and torture.

453. There are no provisions in Palestinian law concerning child witnesses.

### **The judiciary and fair trial rights**

454. Pursuant to the decree-law for the protection of Palestinian juveniles, a special police unit has been established within the police force. The police Bureau for the Family and Adolescents has 11 offices in the State of Palestine, which are located throughout the West Bank.

455. As for measures taken by Palestine to establish a dedicated juvenile justice system, juvenile justice units comprising 34 prosecutors were established within the Office of the Public Prosecutor in 2016. Each criminal division includes a prosecutor from the Office of the Public Prosecutor for Children, and juvenile judges have been assigned to each court of first instance and an independent registry established. A specialized juvenile court has been established in Dura in Hebron Governorate and a number of intensive courses have been held on juvenile justice and crimes against children.

456. Although the decree-law for the protection of Palestinian juveniles contains provisions on the establishment of an integrated juvenile justice system, no steps have been taken to implement those provisions in the Gaza Strip.

457. On 4 March 2016, the Public Prosecutor issued a circular to all members of the Office of the Public Prosecutor for Children providing that they shall only hear cases involving juveniles or children that are referred to them by the police Bureau for the Protection of the Family and Adolescents. Official communications regarding that matter were also sent to all other relevant authorities.

458. In 2014, the juvenile police were notified of 2,677 cases. In 2015, they were notified of 2,696 cases in the West Bank. In 2016, they were notified of 2,211 cases, including 2,165 cases involving males and 46 cases involving females. In 2017, they were notified of 2,014 cases, including 1,978 cases involving males and 36 involving females. The offences

perpetrated included theft, assault to public property and serious abuse.<sup>(127)</sup> No information regarding cases in the Gaza Strip is available.

459. A total of 850 cases involving juveniles were referred to the Office of the Public Prosecutor in 2014, and 24 of those cases were closed or retained by that Office. In 2015, 887 cases were filed, including 9 cases in which the juvenile concerned was a repeat offender. Thirty-four of those cases were closed by the Office of the Public Prosecutor. In 2017, the Office received 2108 cases, in which 97.4 of those accused were male and 2.6 per cent were female.

460. Most cases (33 per cent) that are referred to the Office of the Public Prosecutor involve abuse, 14 per cent involve theft and 13 per cent of cases involve threats and menaces.<sup>(128)</sup>

**Table 26 shows the number of accused persons in 2017 disaggregated by sex and the type of offence committed.**

461. The Supreme Judicial Council has developed a dedicated programme (the Mizan programme) to collect and analyse data related to cases, including those involving children. That data is disaggregated by age group, type of offence, gender and geographic region. The programme collects data on cases registered in the courts from the moment they are submitted until the end of the judicial process, including data on each trial session, the statements delivered in court and the duration of proceedings.

#### **Fair trial guarantees for juveniles**

462. Juveniles enjoy fair trial guarantees in the Palestinian judicial system. These include reading them their rights, and the provision of appropriate forms of assistance and other guarantees. The Office of the Public Prosecutor for Children endeavours to uphold the best interests of juveniles during the questioning and investigation stages. The child protection counsellor is required to draft a report on the basis of information available prior to and after the interrogation and to make decisions accordingly.

463. The right of juveniles to contact their parents is respected by all official authorities, as is their right to have their cases kept confidential through the use of electronic and hard copy archiving. The Public Prosecutor is prohibited from releasing any information that might identify a juvenile and from registering verdicts handed down in respect of that juvenile in a criminal record.<sup>(129)</sup>

464. Juvenile cases are dealt with as a matter of urgency and a computerized system has been established to facilitate the conclusion of juvenile cases by recording the date of registration of the case and the date it is received by the Office of the Public Prosecutor for Children. Juvenile cases are exempt from fees and charges; all proceedings involving juveniles and children are handled by the Office of the Public Prosecutor free of charge.

465. A number of circulars that have been issued by the Public Prosecutor to underscore that juveniles should only be placed under arrest as a last resort. The relevant authorities should coordinate with the child protection counsellor to ensure that, if at all possible, juveniles are detained in a social care institution. Juveniles in detention must be monitored and held separately from adult or convicted juvenile offenders during the period of their legal proceedings. A juvenile under the age of 15 may not be detained. Due to the aforementioned guarantees, there has been a significant reduction in the number of juvenile arrests, from more than 600 arrests in 2016 to fewer than 158 in 2017.

466. In-court detention facilities for juveniles are provided for the day of the trial. Children are held separately from adults. Refurbished buildings with facilities for children that comply with the highest standards, including special areas for the detention of children that are much more child-friendly than older facilities are provided in five courts in the various regions.

**Table 27 provides statistics on cases involving juveniles that were referred to the police in 2016 and 2017.**

### Legal assistance

467. Measures taken by the State of Palestine include the provision of free legal assistance to children. The Public Prosecutor has issued instructions that no juvenile may be questioned without a lawyer being present.

468. Three lawyers have been appointed in the northern, central and southern West Bank as part of a programme that the Ministry of Social Development has been implementing in collaboration with UNDP since 2013. The programme has been further developed and institutionalized through the signing of memorandums of understanding with non-governmental organizations providing legal assistance services. Since it was launched, the programme has provided legal assistance to 919 juveniles.<sup>(130)</sup> The right to legal assistance through the appointment of a lawyer to represent the juvenile is guaranteed. If no resources are available to appoint a lawyer, the Office of the Public Prosecutor for Children will provide free legal assistance to the juvenile at the expense of the State or by requesting civil society institutions to provide that assistance. Non-governmental organizations also provide legal assistance.<sup>(131)</sup>

### Children deprived of liberty (article 37 (paragraphs b–d))

469. With regard to minors deprived of their liberty, the Dar al-Amal rehabilitation centre is a social welfare institution that accommodates male juveniles who have been arrested or detained in the West Bank, while the Dar al-Rabea Foundation accommodates male juveniles in Gaza. These institutions receive children between 13 and 18 years of age. There is no specialized institution to accommodate female juveniles.<sup>(132)</sup> In recent years, however, the Girls' Care Home has accommodated female children in conflict with the law. Those institutions are affiliated with the Ministry of Social Development.

470. Children in Dar al-Amal have the right to contact their families. The child receives legal and other forms of assistance. Guidelines have been formulated on procedures to be followed by juvenile care institutions and a file is kept on every juvenile.

471. Dar al-Amal accommodated 236 children in 2014, 170 children in 2016, and 205 children in 2017. One female child in conflict with the law was accommodated at the Girls' Care Home in 2014, but none were held there in 2015, 2016 and 2017. The low number of female juveniles in detention is due to the prevailing societal culture, which means that cases involving female children are, in most cases, resolved very quickly and before they reach the courts.

472. Juvenile accused persons are sometimes held in reform and rehabilitation centres but in separate accommodation from adult detainees.<sup>(133)</sup>

473. In the past few years, efforts have been made to further develop Dar al-Amal. Approval has been granted for the Ministry of Education to provide educational services at the facility to the juveniles held there and a memorandum of understanding has also been signed with the Ministry of Health.<sup>(134)</sup>

474. In order to facilitate the reintegration of juveniles into society, the Ministry of Social Development carried out a number of activities in 2016 to strengthen interactions between Dar al-Amal and broader society. The administration of Dar al-Amal organized visits for juveniles to a number of community institutions, including a home for the elderly, invited members of society to visit Dar al-Amal and involved the juveniles living there in the organization of traditional iftar breakfasts during the month of Ramadan.<sup>(135)</sup> Juveniles also took part in dance and musical activities.

475. The Palestinian Government is taking steps to ensure that, when they are arrested, juveniles are given a free medical examination by the Ministry of Health that includes clinical, laboratory and psychological tests. At the end of the examination, the Ministry will draw up a report. With a view to ensuring that the right of juveniles to protection during their detention has been upheld, they will undergo another medical examination upon their release. The Public Prosecutor has also issued written instructions stating that a medical and psychological examination of the juvenile must be carried out prior to the initial investigation, in coordination with the child protection counsellor and the juvenile police, that a medical report must then be submitted to Office of the Public Prosecutor for Children

and attached to the case file, and that appropriate action must be taken in the light of that report.

476. Psychologists who can provide ongoing psychological counselling services are still needed at juvenile centres. The Ministry of Health is alerted to any difficult psychological cases involving juveniles. In that regard, staff at Dar al-Amal received training from the Palestinian Counselling Centre in April 2016, with the aim of updating and further developing the guidelines on counselling followed at their institution. Steps are also underway to formulate a five-year agreement with the Palestinian Counselling Centre on the provision of training to counsellors working at Dar al-Amal. A psychologist from Defense for Children International also visits Dar al-Amal on a weekly basis.

477. With regard to the ill-treatment of juveniles in detention, only one case of ill-treatment was reported; that case was reported by a child protection counsellor.<sup>(136)</sup> Defense for Children International followed up on the matter with the police, in cooperation with the child protection counsellor concerned.

478. Despite the establishment of the Dar al-Rabea Foundation in the Gaza Strip,<sup>(137)</sup> children placed under arrest continue to be detained in adult reform and rehabilitation centres. Juveniles are sometimes arrested with adults and held in police custody, including for periods that exceed legal limits, before they are transferred to the Dar al-Rabea Foundation.

479. Within the context of the partnerships it has established with local community organizations with a view to mobilizing free legal assistance, the Dar al-Rabea Foundation in Gaza works with a team of lawyers at the Palestinian Center for Democracy and Conflict Resolution to facilitate the provision of free legal assistance to juveniles who have been accused of an offence. The Foundation has also established a rehabilitation committee which follows up on juveniles' cases and works with the police legal office to address any legal abuses that occur.

480. In 2015, a total of 900 children were accommodated at the Dar al-Rabea Foundation, including some children who had been transferred to the Foundation on more than one occasion. Approximately 10 juveniles were detained in facilities that were not suitable for children, including adult correctional and rehabilitation facilities (prisons) and police cells. Fourteen juveniles were found guilty of offences by the courts and sentenced to periods of detention of between 3 and 9 months.

**Table 28 shows the number of juveniles who have been referred to child protection counsellors and placed in the Dar al-Amal rehabilitation centre.**

### **The sentencing of children, in particular the prohibition of capital punishment and life imprisonment (article 37 (a))**

#### **Diversion to outside the judicial system and alternatives to detention**

481. Under the laws in force in Palestine, neither the death penalty nor the penalty of life imprisonment is imposed by the courts on children. Article 36 of the recently adopted decree-law for the protection of Palestinian juveniles establishes alternative measures for juveniles under the age of 15 years, namely a reprimand, delivery into the custody of a third party, enrolment in vocational training, the imposition of specific obligations, judicial probation, placement under social supervision, placement in a social welfare institution or placement in a specialist hospital.<sup>(138)</sup>

482. If a juvenile over the age of 15 years commits an offence for which a custodial sentence is prescribed as punishment, the judge may decide not to place that juvenile in a juvenile care home and substitute that penalty with one of the aforementioned measures or with another penalty that serves the public interest, in accordance with applicable laws. The judge may make use of restorative justice, which aims to rehabilitate the child who has committed the offence.

483. The Ministry of Social Development published a directory of institutions providing alternatives to detention in 2017 and, as an initial step, will select three institutions in each governorate and draw up memoranda of understanding with each of those institutions.

484. The decree-law for the protection of Palestinian juveniles provides for mediation and redress measures, particularly in cases in which only a misdemeanour has been committed. Article 23 of that decree provides: “(1) The Office of the Public Prosecutor for Children shall, on its own initiative and before the initiation of criminal proceedings, offer to mediate between the victim and the juvenile in cases involving misdemeanours and minor offences, provided that this is consented to by the juvenile or his or her guardian and the victim and provided that the Office of the Public Prosecutor determines that the process will remedy the harm suffered by the victim or end the disorder caused by the offence and contribute to the rehabilitation of the juvenile. To that end, the Office of the Public Prosecutor for Children may avail itself of the services provided by the juvenile police, the child protection counsellor or an intermediary, provided that the juvenile acknowledges that he or she perpetrated the offence of which he or she is accused.”<sup>(139)</sup>

485. The Public Prosecutor has developed a legal framework to guide the mediation process provided for in the decree-law, and has circulated that framework to all members of the Office of the Public Prosecutor for Children in order to facilitate their work. A mediation model has also been developed for use by all juvenile prosecutors. In order to compel prosecutors at the Office of the Public Prosecutor for Children to conduct mediation, a standardized computer-based mechanism has been developed to impede judicial investigations of misdemeanours and minor offences until mediation has been attempted. No records or investigations are opened until after the completion of the mediation process.

486. To monitor the effectiveness of the mediation process, any mediation conducted by the Office of the Public Prosecutor is filmed and monitored by juvenile prosecutors. The extent to which the mediation follows established guidelines and the quality of the mediation process are assessed and a report on the mediation is submitted to the Public Prosecutor.

487. The Office of the Public Prosecutor, in cooperation with child protection counsellors, facilitated mediation for 576 children who had been brought before the courts in 2016. In 171 cases mediation resulted in the termination of criminal proceedings and the implementation of protection measures in respect of the accused juvenile. In the first quarter of 2017, mediation was used in 405 cases.

### **Training in juvenile justice**

488. Many professionals working with juveniles, including school counsellors, members of the bar association, police officers, staff at the Ministry of Justice, protection counsellors, juvenile care workers, staff at the Ministry of Justice, children’s lawyers at the Ministry of Social Development, and staff at the Office of the Public Prosecutor and the judiciary, have received training in various areas relevant to juvenile justice, which is provided with a view to enhancing the professional capacities of all stakeholders in the juvenile justice system. Some of that training was carried out as part of a European Union project to support the establishment of the juvenile justice system in Palestine while other training was conducted by non-governmental organizations, including Defense for Children International, which conducted training on the basis of an agreement concluded between that organization and the Ministry. Advanced mediation training was conducted for members of the National Committee for Juvenile Justice.

489. A total of 56 prosecutors received training. Training was also given to 14 juvenile judges, with a view to enhancing their professional capacities and helping to disseminate their expertise among other judges in the various regions in Palestine. A total of 22 male and female staff working in various court departments concerned with children, including staff at the department for the execution of judgments and court registrars, also received training.

490. In the future, the Supreme Judicial Council intends to promote institutionalized specialization in the work of the judiciary, especially in areas of the law relevant to families and children. Efforts will also be exerted to strengthen legal assistance mechanisms and improve access to justice.

491. With the support of UNDP, a memorandum of understanding has been drawn up between the Supreme Judicial Council and the Ministry of Social Development on



monitoring the implementation of all interventions related to juvenile justice and the integrated development of the juvenile justice system. In the future, the Police Bureau for the Protection of the Family and Adolescents intends to strengthen the Bureau to bring it into line with the highest standards on the provision of services, including by moving all activities related to the protection of families and juveniles, including the offices of specialized prosecutors and judges, forensic doctors and women's and children's protection counsellors, out of police directorates and into separate premises.<sup>(140)</sup>

### **Physical and psychological recovery and social reintegration (article 39)**

492. The Ministry of Social Development provides psychosocial support and rehabilitation services to victims of violence, exploitation and neglect by carrying out assessments to identify the support services that can provide appropriate psychological and social support to victims and by implementing transfer and psychological and social rehabilitation mechanisms. Support is provided, inter alia, to children who are victims of violence, abuse and exploitation, and to children who have been subjected to traumatic experiences when they were arrested or when hostilities occurred near their homes. The Ministry provides psychological and physical rehabilitation through child protection networks in the various regions of Palestine.

493. For child victims of violence and exploitation, if the parties at the meeting to discuss the child's case decide that the child should remain with his or her family, the child protection counsellor, in cooperation with relevant partners, will implement an agreed intervention plan. Psychosocial support is also provided to the child and his or her family to facilitate the child's reintegration. The Ministry of Development may provide monetary or in-kind assistance if the family is in financial difficulties.

494. Child victims of violence are placed in child protection centres, namely the Beituniya Centre for males and the Girls' Care Home for females, where they receive social and psychological support. They may also receive vocational rehabilitation services.

495. In 2017, 37 girls were discharged from the Girls' Care Home on completion of their rehabilitation programmes.

496. With regard to psychological support services, the child protection counsellor will make a presentation on the child's case to relevant partners and, if they agree, refer that child to the Palestinian Counselling Centre where he or she can receive psychological support, in accordance with a memorandum of understanding signed by the Ministry and the Centre. The child victim also receives psychological rehabilitation services if he or she has been placed with foster family or in a care home.

497. Unfortunately, the State provides no financial compensation to provide redress to the child. A civil claim for damages filed against the party that violated the rights of the child may be brought before a competent court.

### **(e) Children in armed conflict (article 38)**

498. Palestine has acceded to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and will prepare a report on its implementation.