



Office of the Special Representative  
of the Secretary-General for

# CHILDREN AND ARMED CONFLICT



## REPORT

Visit of the Special Representative for  
Children & Armed Conflict to the

## Middle East

Lebanon, Israel and occupied Palestinian territory

9-20 April 2007

# TABLE OF CONTENTS

1.	Purpose of the visit _____	p.3
2.	<b>The situation in Lebanon</b> _____	<b>p.4</b>
2.1	What was learned from Children in Lebanon _____	p.5
2.2	Issues for the protection of Children in Lebanon _____	p.7
	a) Children and Political Violence	
	b) Education and the Need for Psycho-social Support to Children in Post-conflict Lebanon	
	c) Mines, Cluster Munitions and other Explosive Remnants of War	
	d) Affected areas of the northern Lebanon and Bekaa Valley regions	
	e) Need for increased monitoring of children in southern Lebanon	
	f) Palestine Refugee Children	
2.3.	Interaction with Prime Minister Siniora and Hizbollah leadership _____	p.10
2.4	Follow-up _____	p. 11
3.	<b>The situation in Occupied Palestinian Territory and Israel</b> _____	<b>p.12</b>
3.1.	What was learned from children in the occupied Palestinian territory and Israel _____	p.14
3.2.	Issues for the protection of children in the occupied Palestinian territory and Israel _____	p.16
	a) The Humanitarian Consequences of the Israeli Barrier and its Associated Regime	
	b) Killing and Maiming of Children	
	c) The Humanitarian Consequences for Children of the Freezing of PA Revenues	
	d) Palestinian Children in Israeli Detention	
	e) Children and Political Violence	
	f) Settler Violence and Impunity.	
	g) The Need for Dialogue and Psycho-Social recovery	
3.3.	Interaction with Palestinian Authority and Government of Israel and Commitments Obtained	
	Interaction with Palestinian President Abbas and Foreign Minister AbuAmr	
	Interaction with Foreign Minister Livni and Major-General Mishlev	
3.4.	Follow-up _____	p.27

## 1- PURPOSE OF THE VISIT TO THE MIDDLE EAST



The Office of the SRSG has been instrumental in collecting information and verifying, with UN and child protection partners on the ground, violations against children in the context of armed conflict for some time.

Indeed grave violations against children in the occupied Palestinian territory and Israel have been recorded, as distinct situations of concern, in the last two Secretary-Generals' reports on Children and Armed Conflict<sup>1</sup>. In Lebanon, the war between Lebanon and Israel of July and August 2007 which saw the worst fighting since the end of the Lebanese civil war was also recorded as a specific situation of concern in the last Secretary-General's report.

With the express purpose of seeing for herself the impact of the armed conflict on children in the region and of assisting the authorities, UN and civil society partners in ameliorating the suffering of the children in the region, the SRSG was invited by the relevant authorities to undertake a visit to the Middle East from 09-20 April 2007.

The SRSG deemed it fit that the problem of the protection of children from the adverse effects of the on-going conflict in those situations be addressed by taking account of the regional context, including peace efforts and on-going mediation, to engage with parties in order to garner commitments for their protection as reflected in the international humanitarian and human rights instruments applicable to children in armed conflict.

---

<sup>1</sup> Ref. A/59/695-S/2005/72 and A/61/529 - S/2006/ 826

## 2-THE SITUATION IN LEBANON

SRSO Coomaraswamy visited Lebanon from 09 to 12 April 2007. While there, she was able to meet and consult with Prime Minister Siniora and his ministers of Social Affairs, Justice, with UNICEF, UNRWA, and other members of the UN country team, including the Secretary-General's Special Coordinator for the Lebanon, Mr. Pedersen. She also visited the UNIFIL area of operations in the hard-hit southern area of Lebanon.

Lebanon is a country that has suffered from civil war (1975-1990) and the latest violence of 2006. It is, importantly, also a country of refuge. Not only to Palestinians, who have resided in Lebanon since 1948 and who now number over 350,000, but also up to 40,000 Iraqi refugees, some of whom were forced to flee the bombardment of the southern areas of Beirut in 2006.

### **Facts and Figures;**

#### **Impact of the 2006 Lebanon-Israeli war on children**

- An estimated one-third (**330**) of the 1,109 Lebanese civilians killed were children.
- Approximately one-third (**1450**) of the 4,405 Lebanese injured were children.
- In one 30 July 2006 incident, the Israeli air force bombed the village of Qana, killing 28 civilians, 16 of whom were children.
- Over one million Lebanese civilians (over half of them children) were forced to flee their homes.
- Hundreds of thousands of unexploded cluster bombs, most of which were fired in the last 72 hours of the conflict by the Israeli Defense Forces (IDF), have killed and maimed more than 67 children and rendered 26% of the arable land in southern Lebanon unusable.
- Over 40 schools in affected areas were totally destroyed and 3000 schools were damaged. In Bint Jbeil, the vocational school, sheltering hundreds of fleeing families, was bombed.
- After the conflict, trauma-induced violence and school drop-out rates in conflict affected areas of Lebanon increased significantly.
- Hizbollah rocket attacks killed 7 children and injured many civilians in northern Israel, and forced thousands of Israeli civilians living in northern Israel to be evacuated.
- In Israel, 23 schools and 11 kindergartens were damaged by rocket attacks.
- In the aftermath of the hostilities 6,000 children will undergo, or have undergone, psychological treatment and therapy for post traumatic stress disorder and other conditions.

However, the mission was impressed with the speed with which the Government and civil society of Lebanon, aided by UN partners, have responded to the humanitarian crisis. However, there was a demonstrated need for the continued support and encouragement of the Government's efforts to re-build to sustain the pace. Markedly, the psychological damage inflicted upon the children of the affected areas of Lebanon, including trauma and trauma-related violence and school drop-outs, attests to the urgent need to address the more long-term affects of the crisis on the minds of the children and youth of Lebanon.

## 2.1- WHAT WAS LEARNED FROM CHILDREN IN LEBANON

During her mission, the SRSG met with children in the south, including the hard-hit town of Bint Jbeil. The SRSG was also able to interact with children in the Shatila Palestinian refugee camp in south Beirut. The SRSG was not able to visit the areas of the Bekaa valley and other areas in the North of Lebanon, which were also hit during the 2006 war, but was fully briefed on the concerns of children and the need for additional response by the Government, UNCT and NGOs there as well. Many child protection partners stated that the North, especially, was neglected and that more had to be done to ensure that children and vulnerable persons there received necessary services and psycho-social support. Partners explained that donors had given most of the reconstruction and programmatic response to the south and that equivalent services were either insufficient or totally lacking in similarly affected areas of the north and the Bekaa valley.

The SRSG was impressed with the resilience of the Lebanese people, including children, in the face of the recent destruction caused by the 2006 war. However, the hidden psychological effects in the minds of the affected children came to the fore in her interactions with children she met in Beirut and in the south. In Bint Jbeil, the SRSG was able to meet with children at a recently rebuilt school in the town center. She spoke with girls, who expressed optimism and wanted to continue their studies. Boys, however, were less apt to be in school. Many expressed their fear of becoming targets, once again, if the ceasefire with Israel did not hold. Many boys were also forced to leave school because they had lost one of both of their parents and had to undertake day-labor. One boy was supporting his mother and sister and was able to find work for only one day in every ten.

Boys related their stories of fleeing the 2006 violence and taking shelter, often in schools north of the Litani river, during the bombing campaign. When asked what one boy wanted to become when he grew up, he stated "... I'm just trying to survive, I can't think ahead to what I want to be later". Most children expressed their feelings of being unsafe in southern Lebanon, not trusting in the international community's ability to shelter them from further bombardments and attacks.



Both girls and boys lamented the fact that so many of their friends had left places like Bint Jbeil who emigrated and were unlikely to return; communicating a sense of lost community and hopelessness. Children in Bint Jbeil insisted that the SRSG help stop their friends from leaving the south for foreign lands. Many boys stated that, should violence return, that they would emigrate elsewhere. A large number of girls and boys had their homes destroyed and family members injured or killed in the Israeli

bombardment. Israeli military overflights continue over southern Lebanon, adding to children's anxiety about further military action on their homes and communities. One child recounted how it reminded him of the war and how his home was destroyed, fleeing from place to place and feeling he was to die at any moment.

In many ways, children expressed themselves as though conflict and war were "normal" parts of life. Many older youth were born at the time of the Lebanese civil war and, with this new conflict, feel that the cycle is inevitable and that it cannot be broken. Protection partners related that a number of the children in the south are attracted to the culture of martyrdom, and the mission witnessed many billboards and

signs celebrating martyrs in southern Lebanon, some of them apparently quite young. The continuous insecurity and lack of social and economic outlets for young people only feeds this culture among children and youth in southern Lebanon.

A significant number of children in the south have become handicapped due to the conflict, victimized by mines, bombardment or unexploded ordinance, including cluster munitions. There is reportedly only one school in the south of Lebanon which is handicapped accessible. The UN team and civil society in the south called for necessary attention to make schools and nurseries in affected areas handicapped-accessible, with a mainstreamed program for handicapped children in schools. There were also challenges in communicating with affected communities to inform parents of the availability of prostheses for handicapped children.

In the Shatila Palestinian refugee camp in south Beirut, the SRSG witnessed the incredibly cramped conditions of the camp and the lack of basic health and educational services. The 40,000 Palestinian refugee residents of the camp are literally living on top of each other in a miniscule area. She visited a school which had to run two and sometimes three shifts in order to educate refugee children in the cramped confines of the camp. UNRWA continues to provide minimum health and social sector support as well as educational assistance in the camps. However, since the eruption of violence and the humanitarian crisis in Gaza and the West Bank, combined with donor fatigue, UNRWA is hard-pressed to provide adequate health and educational opportunities for children in the camps in Lebanon. Many of the refugees can not find work or are hardship special cases, with 38% of these being children under the age of 18 years. There is no room in the camp to provide for open space to play.

These poor living conditions and extreme economic disadvantage, combined with over-crowding in the camp, have resulted in elevated malnutrition (2.5 %) for under-fives and a 35% rate of anaemia in children under three years of age. The SRSG met with a woman who herself came to the Shatila camp in 1948 and who had been injured in the 1982 attacks on the refugee camp. Her husband had died and her son was forced to leave school at the age of 12 years to support their small family on less than 100 dollars per month. She met numerous other vulnerable families, all of whom suffered from the stigma of being refugees. The socio-economic condition of these vulnerable families was discouraging and social workers in the camp explained that, due to exclusion of Palestinians from working in any but menial jobs, the rate of education of young people, traditionally of high value in Palestinian society, had plummeted in the last years. It was explained that Palestinians are excluded from all but the lowest forms of employment by Lebanese syndicates, and this was contributing to the sense among many children and families, that education was a “dead end”. The sense of desperation of these families and their children was palpable,

with many indicating that they, too, would like to leave the camp, but had no where to go. This has resulted in higher rates of violence in the home and at school in the camps.

However, children and their teachers in the camps have continued to put enormous energy into psycho-social programs and have found some initiatives to strengthen the children’s hope in the future, including an initiative of civil society in schools to include children in writing their own “child report on human rights” in the camps. These and similar activities need to be encouraged. However, they are no substitute for allowing children to value education through opportunity for more adequate jobs in their host community of Lebanon.



## 2.2 - ISSUES FOR THE PROTECTION OF CHILDREN IN LEBANON

### a) Children and Political Violence

Although there is currently very little research on the use of children under the age of 18 years in political violence in Lebanon, anecdotal evidence suggests that there is a possibility that children and youth associated with the armed faction of Hizbollah in the south of Lebanon. This has yet to be verified. There are no reports of children associated with the Lebanese armed forces. However, there are worries that, should sectarian violence flare in the current political climate in Lebanon, children and youth may well become involved. A strong message must be sent to all parties that any association of youth and children with armed violence is unacceptable.



### b) Education and the Need for Psycho-social Support to Children in Post-conflict Lebanon

Child protection partners explained that the educational system in Lebanon was highly politicized and that classroom violence and incidents of Post-traumatic Stress Disorder (PTSD) were at more elevated rates since the 2006 war. Although UNESCO and UNICEF, among others, have engaged with the Ministries of Education and Health for programs to combat violence and to encourage peace education in schools, this is undertaken predominantly in the south. The impoverished Palestinian refugee camps, though not targeted in the 2006 war, have seen higher rates of violence and lower school attendance rates due to poverty and other social stresses compounded since the 2006 events. More must be done to support civil society and the Government of Lebanon to widen the spectrum of PTSD mitigation and peace education programs in schools throughout Lebanon.

Protection partners also lamented the fact that, for many disadvantaged children in Lebanon, conflict and violence had somehow become “normal” and that, due to the increasing politicization of Lebanese society and of schools, children had no space to constructively engage on issues important to themselves and their communities without fear of violence or other repercussions. The culture of martyrdom prevalent in some areas of the country was of deep concern to partners.

### c) Mines, Cluster Munitions and other Explosive Remnants of War

The SRSG met with the UN Mine Action Coordination Center (UNMACC) in Tyre in southern Lebanon. There, she learned of the devastating impact that the previous legacy of landmines and hundreds of thousands of unexploded sub-munitions dropped by the IDF during the 2006 conflict have had on the children of south Lebanon. UNMACC forms part of the Mine Action Coordination Centre South Lebanon (MACC SL), a unique tripartite structure composed of Lebanese Armed Forces and UN personnel, as well as officers from the United Arab Emirates, who together coordinate the clearance of mines and unexploded ordnance (UXO) covering approximately 37.5 million square meters of contaminated land in southern Lebanon. Some UNIFIL troops, mandated through SCR 1701, are also being trained and provide direct support to MACC SL.

Although landmines remain a problem in southern Lebanon, the majority of current clearance activities concerns unexploded sub-munitions. Cluster bombs, manufactured in China, Israel and the United States of America, were dropped by the IDF onto 933 confirmed strike areas in southern Lebanon during the 2006 hostilities. Though the initial damage wrought by these weapons was considerable, the unexploded

sub-munitions, estimated at 10% of the total, pose an even greater danger to civilians returning to their homes, most especially children. Sadly, the UNMACC confirmed to the mission that the vast majority of these weapons were launched upon southern Lebanon in the last three days of the war and after the adoption of Security Council Resolution 1701. In one incident, shortly after the ceasefire and the return of thousands of villagers of their homes, 14 civilians were injured or killed in a space of 30 minutes. 67 children have been killed or maimed by these weapons to date.

However, the UNMACC has strived to mitigate the incidents of civilian casualties and has brought initially high numbers of civilian casualties down to a minimum through the identification and destruction of over 126,035 cluster munitions to date. When asked when all the unexploded sub-munitions and UXOs might realistically be removed, UNMACC staff stated that, in spite of repeated requests for information, Israel has not provided the required Strike Data (location of intended target, quantity and type of ordinance dropped or fired) that is required to quantify the problem. Without this Strike Data, detailed parameters of the size and scope of the problem remain elusive and operational planning is constantly being adjusted to meet the newly found reality on the ground. When operational planning began after the war, the size of the problem was estimated at some 32 million square meters. By February 2007, this had already risen to over 34 million square meters and, as at 07 August 2007, the overall estimate of the area contaminated has risen to 37.5 million square meters.

Mine risk education and victim assistance in Lebanon are coordinated by the National De-mining Office's respective Steering Committees. Although programs are in place for the fitting of prosthetic limbs for child victims of mines and UXO, the absence of state institutions in the south had hampered the provision of appropriate services to children and youth maimed by mines and cluster munitions in southern Lebanon. Additionally, provision of services for handicapped children is a problem which has only been exacerbated by the war, with handicapped-accessible nursery and educational facilities virtually nonexistent. More must be done to aid these extremely vulnerable children.

#### **d) Affected areas of the northern Lebanon and Bekaa Valley regions**

The SRSG was briefed extensively on the perception that, should the Government and donors continue to focus solely on affected areas of Beirut and southern Lebanon, problems would surely arise in neglected areas of the north and Bekaa valley. Partners were adamant that more needed to be done to address the increasing poverty and neglect of these areas. Children there suffered very high rates of school drop-out and lack of resources for the most fundamental services. In light of the elevated potential for sectarian discord in the currently fragile political situation prevailing in those areas, the risk for flare-ups of violence in the country, like those of the recent Nahr el-Bared refugee camp are indicative of potential dangers to children either associated with those groups or who find themselves in close proximity to violent acts, including outright armed violence.

#### **e) Need for increased monitoring of children in southern Lebanon**

It was agreed, in principle, with the country team that a monitoring and reporting group should be set up in Lebanon. This would allow protection partners to better inform relevant actors on the ground and the Office of the SRSG for Children and Armed Conflict of emerging patterns of children involved in political violence and those affected in any potential violence. This monitoring group would also be instrumental, through the provision of timely and accurate information to protection actors, for prevention efforts and the provision of on-time services to affected children and their communities.

In southern Lebanon, where the situation remains stable but tense, it was agreed in principle that UNIFIL would appoint a child protection officer who would intensify the provision of information through regular

monitoring of the situation of children in the UNIFIL area of operations. This officer would interface on a regular basis with civil society and protection partners in the monitoring and reporting task force based in Beirut, which currently enjoys only limited access to areas south of the Litani river.

#### f) Palestine Refugee Children

As discussed above, there is a need for additional support to UNRWA for the provision of basic educational and health needs as well as the need to increase the ability of young Palestine refugees to access employment opportunities in Lebanon. Additional space and access to areas to play for Palestine refugee children is also a concern, and the mission was briefed on the government's efforts to ameliorate conditions.



## 2.3- INTERACTION WITH PRIME MINISTER SINIORA AND HIZBOLLAH LEADERSHIP



The SRSG was received by Prime Minister Siniora and broached issues of concern to her mandate with him in a meeting on 10 April. The Prime Minister was well aware of the issues at hand and expressed his willingness and that of his Government to prioritize the protection of

children. He expressed the willingness of the Government to re-double their efforts, with the support of the international community, to provide adequate education and psycho-social support to the children of Lebanon. The SRSG also raised the issue of unexploded sub-munitions and UXO and encouraged the Government of Lebanon to ratify the Anti-Personnel Mine Ban Treaty and the International Protocol on Explosive Remnants of War (Protocol V to the 1980 Convention on Certain Conventional Weapons (CCW)). The SRSG asked the Government of Lebanon to take a leading role in the development of and advocacy for a Convention on Cluster Munitions outside the CCW process, and to ratify the Optional Protocol on involvement of children in armed conflict. The Prime Minister committed to moving forward on the ratification of the Optional Protocol to the Convention on the Rights of the Child on the recruitment and use of children in armed conflict once the parliamentary process was in motion. Finally, the SRSG recognized the efforts of the current Government to address the issue of improving the living conditions in the Palestinian camps and to increase the access of Palestinian refugees to social services, education and employment.

The SRSG also met with Parliamentary Deputy Mohammed Raad of Hizbollah and raised her concerns regarding the involvement of children in political violence. Although Hizbollah denies that it utilizes children under the age of 18 years of age, he gave his commitment to support the ratification the Optional Protocol. The SRSG also reminded Deputy Raad that Hizbollah's indiscriminate firing of missiles into northern Israel was a violation of international humanitarian law. Deputy Raad also gave the SRSG an in-depth briefing on the impact the July 2006 war on Lebanese children.

The SRSG also raised with the authorities the need for respect for international law and to ensure that schools remain zones of peace. For the sake of the children of Lebanon, she stressed that a framework for a permanent peace should be negotiated with Israel.

## 2.4- FOLLOW-UP

1. The SRSO-CAAC, in conjunction with all relevant actors, will seek to aid the Government of Lebanon in taking a leading role in the development and advocacy of an International Protocol on cluster munitions outside of the CCW process and in the ratification of the Anti-Personnel Mine Ban Treaty and the International Protocol on Explosive Remnants of War (Protocol V to the convention on Certain Conventional Weapons).
2. The Office will advocate, in conjunction with UNICEF, UN and civil society partners, for the strengthening of a monitoring and reporting task force in Lebanon to aid in the provision of timely and accurate information for the sake of advocacy and response to the issue of children affected by armed conflict and political violence.
3. The SRSO-CAAC will further encourage UNIFIL to create a post of child protection adviser (CPA) to increase monitoring and reporting on child protection issues. It is foreseen that the CPA will work in conjunction with the UNCT and civil society partners in the area covered by the mandate of UNIFIL with the Beirut task force.
4. The SRSO-CAAC, UNICEF and all relevant actors will advocate support for the Government of Lebanon and Lebanese civil society to strengthen the provision of education and social services, including psycho-social support and peace education in war-affected areas with attention also to northern Lebanon and the Bekaa valley.
5. The UN system should encourage the Government of Lebanon to sign the Convention on the Rights of Disabled Persons and advocate for the mainstreaming of handicapped access to nurseries and educational facilities in affected areas.
6. SRSO-CAAC will advocate for increased funding for UNRWA activities for children in the Palestine refugee camps in Lebanon and support for the Government of Lebanon on improving conditions of Palestine refugees; including measure to combat high drop out rates in schools and advocacy for Government to work with labor syndicates to allow employment opportunities for Palestinian youth.
7. Advocate with the Government of Israel to provide the strike data to aid the UNMACC in the exact identification of the unexploded sub-munitions threat, and in the removal thereof, in the south of Lebanon.

### 3- OCCUPIED PALESTINIAN TERRITORY AND ISRAEL

The SRSO visited the Occupied Palestinian Territory (oPt) and Israel from 13 to 20 April. In the Occupied Palestinian Territory, she was able to visit conflict-affected areas of the West Bank (Azzun Atma, Nablus, and the area around Hebron). She also met with cabinet ministers of the Palestinian Authority (PA) and with PA President Abbas as well as civil society leaders and UN Agencies Offices and programs. Although the SRSO was unable to visit Gaza due to security concerns, she was able to undertake a video conference with NGO partners and affected children in Gaza. In Israel, the SRSO was able to meet with a broad cross-section of the Government, including Foreign Minister Livni, and Major-General Mishlev, Coordinator of Government Activities in the Territories, Supreme Court President Beinisch and a wide array of civil society and Government actors. She was also able to undertake a visit to the children's wing of the Hasharon prison outside of Tel Aviv and to visit the town of Sderot in the south of Israel.



The SRSO saw for herself the devastating effect the conflict was having on children on both sides. The physical violence, material deprivation and the hardened attitudes among leaders had tragic consequences for children. The importance of reviving the peace process and working toward a long-term settlement cannot be understated. Peace must come to this region for the sake of children.

The SRSO noted that this year is the 40<sup>th</sup> year of Israeli occupation of the West Bank and Gaza and that the situation of the civilian population and children in the occupied Palestinian territory are at a low point. The absence of a genuine peace process and with the on-going construction of the Israeli barrier, the majority of which lies well within the Palestinian side of the Green Line, has caused immense suffering for the people of Palestine. Furthermore, the arcane permit system for movement of Palestinian people and goods within the occupied territory including East Jerusalem under the Israeli policy of closure had become a source of ever-

increasing hardship. She also noted that the continued indiscriminate rocket attacks by militants from Gaza into Sderot and other areas of southern Israel were in contravention to the most basic tenets of international humanitarian law. The SRSO was also very much affected by the large numbers of Palestinian children, some as young as 14 years, who had been imprisoned for alleged security offenses in the occupied territory and transferred to Israeli prisons without the ability to contact their families for extended periods of time in contravention to the Geneva Convention and Protocols thereto.

In interviews with affected children in the occupied territory and in Israel, the SRSO became painfully aware of the impact of the on-going conflict and accompanying violence visited upon children of both the occupied territory and in Israel. She visited children in Tel Aviv and Sderot who live in constant fear of potential acts of terror. The internal violence among Palestinian factions in the Gaza strip has also seen a large number of child casualties there. The last 18 months have demonstrated a steep rise in both injuries and deaths of Palestinian children due to Israeli attacks and intra-Palestinian factional fighting.

## **Facts and Figures**

### **Impact of the Palestinian-Israeli conflict on Children**

- The system of closure and the withholding by Israel of taxes and excises collected on behalf of the PA and denial of necessary humanitarian aid has contributed to a sharp increase in poverty rates in the oPt, with the West Bank showing rates of 23-67% and the Gaza strip having rates as high as 88% and rising.
- Over 4,000 Palestinians and 1,000 Israelis have been killed since the second intifada, many of them children.
- In 2006 alone, 124 Palestinian children and 1 Israeli child were killed in violence.
- In 2006 1,786 Qassam rockets were launched at Israel from the Gaza strip while 14,111 Israeli artillery shells were fired into Gaza, and 573 air strikes launched, with resulting high loss of life.
- From the beginning of this year to June, 53 children have been killed in the West Bank and Gaza, both by IDF forces and in internal Palestinian fighting.
- Hundreds of Palestinian children have been jailed, sometimes for lengthy periods under security charges, including those charged with stone throwing. 398 children were known to be imprisoned on security charges and 15 children were in military administrative detention at the time of the SRSG's visit.
- Israeli children in Sderot town in southern Israel live in constant fear of unguided rocket attacks, originating from the Gaza strip, on their schools and homes.
- Children in the Gaza strip live in constant fear of unpredictable Israeli ground incursions; tank and artillery shelling, and air strikes.

### 3.1 - WHAT WAS LEARNED FROM CHILDREN IN THE OCCUPIED PALESTINIAN TERRITORY AND ISRAEL

Like all children, Palestinian children have that inner strength and optimism that is inherent in all youth. However, there is a palpable sense of loss and a feeling of hopelessness that places the children of the West Bank and Gaza apart from all other situations the SRSG has visited to date. Children related stories of killings and house raids against their mothers, fathers and siblings, often in the night. They witnessed killings of their friends in playgrounds, suffered shame as they and their mothers were subject to intrusive checks at the over 70 IDF checkpoints and 500 roadblocks throughout the West Bank and Gaza. Many girls wore martyr amulets of young boys, their brothers, fathers and cousins, around their necks. Some children interviewed had suffered multiple deaths and arrests of their family members and were left with traumatized parents or to fend for their younger siblings alone. Many children and social workers in the West bank described a deep-seated crisis of family and community life in the occupied Palestinian territory.

However, all Palestinian children with whom the SRSG spoke accepted that they could live side by side with Israel, and framed their struggle and that of the Palestinian people in terms of national liberation and their right as a people to self-determination. Although not all children shared the same attitude to the nature of their resistance, all accepted the right of Israel to exist and to live side by side with the future Palestinian state. Still other children have had the opportunity through programs, such as the Peres Center for Peace, to interact and play alongside Israeli children in peace camps. Palestinian and Israeli children who have undergone such programs exhibited much more nuanced perceptions of children from “the other side of the wall”. Indeed, many stated that the current Israeli-Palestinian conflict can and should be resolved through non-violent “fair” negotiation. The barrier and closure system severely limits such day-to-day contacts among Palestinian and Israeli children. One lesson learned from children during the SRSG’s visit to Israel and the occupied Palestinian territory is that children should be allowed to interact more frequently to share experiences and histories.

In Nablus, the SRSG was able to undertake a frank exchange with a number of children. Living in a town literally cordoned off by IDF checkpoints, these children displayed incredible frankness and fortitude. One boy she met told her of seeing his best friend killed by IDF troops at a playground near Al-Askar camp. He related how the IDF troops pulled up to the playground and began to taunt him and his friends, calling them “terrorists”. When his young friend, 14 years of age, started to throw stones at the IDF soldiers, he was shot in the head and instantly killed. When the SRSG asked if there was an investigation she was told that “... there is never a real investigation and no one is punished”. When the SRSG asked a group of other boys why they throw stones, many stated that they threw stones because they felt helpless in the face of what they feel is an attack on them and their families. One boy stated “... They killed my father and I was injured in an IDF shooting outside my home....After they killed my father I have no problem dying to resist them”. Another boy related “... They [IDF] put my father and uncle in jail, that’s why I throw stones”.

She heard from a girl, wearing a picture pendant of her young brother, killed at the age of 7 years by IDF forces as he and his father were entering their mosque for prayers. When asked if the death was investigated, she stated matter-of-factly “...I know they will never punish the soldier who shot him”.

The SRSG also met with a boy, 17 years of age, who had been in Israeli prison for an attempted assault with a gasoline bomb on an IDF base outside of Nablus. When she questioned him why he attempted such an act, the boy, who had lost his father in an IDF incursion and whose brother was currently in Israeli detention, expressed his deep feelings for revenge and sadness at the loss of his father. He explained that his was not a good life, that the people of Nablus were penned up inside and could not move or see their extended families in other parts of the West Bank and that they were constantly

humiliated by the IDF. He further stated that "...everybody has a limited life. If God gave us life and the IDF decide to finish our life, what can we do but try to take their lives?" The SRSG quoted Mahatma Gandhi and said "...an eye for an eye makes the whole world blind..." to which the boy answered "No Madam, here it is an eye for an eye, a tooth for a tooth until justice is done to the one who started it".

Children in Gaza, whom the SRSG was able to speak with over video conference from Ramallah, displayed great courage and resilience in the face of the on-going security and political crisis being played out there. One girl, aged 16 years, told the SRSG how she and her colleagues, all school children, felt great insecurity, with Palestinian inter-factional gun battles and IDF ground operations, composed of light infantry units and/or armored infantry, accompanied by tanks and armored vehicles happening at all times. She related how children were unable to go to the parks or play areas for fear of rocket attacks, how she and her schoolmates had a collective feeling of being imprisoned in Gaza without the possibility of leaving, stating "... we are all like prisoners here". She also explained to the SRSG how violence in the schools, of students and of teachers had increased in the last year. Other children explained that the stress of constant fear of attack and violence was leading to violence in the children's homes.

A Gazan boy, 17 years of age, also related how many boys had been approached by Palestinian militant factions outside of their schools in Gaza to join para-military training. All had resisted, but there was fear that they would one day be taken, perhaps forcibly. Children's parents generally only allow their children to go to school and then confine them to their homes for fear of violence and bombardments.

In Israel, the SRSG was able to meet with school children in Sderot town who have been subjected to periodic Qassam rocket fire, some of which have fallen near their school. Children related their sense of anxiety at not knowing when or where a Qassam strike would come. All explained the security procedures that they have learned when alerted to in-coming rockets. The school children showed the SRSG their playground bunker, to which they have seconds to run for shelter in case of an incoming Qassam alert. The children explained their fears and those of their parents for their safety and the loss they have suffered when Qassams have struck and killed relatives or friends. One primary school girl stated: "We are always worried [if a Qassam should strike] and sometimes I cannot sleep.... I lost a family friend to a Qassam rocket, and that makes me feel very sad". Qassam rockets have fallen in or near a number of schools in Israel.

The SRSG also met with Israeli child victims of acts of terrorism in Tel Aviv. Many had family members who were victims of attacks and some had been personally maimed. These child victims of terror, like some of their Palestinian counterparts, had strong feelings of anger and vengeance. Israeli children also appeared to have strong resentment toward the United Nations as not being sympathetic to their plight. They were great supporters of the barrier, since they felt that it lessened the number of attacks against them.

The SRSG was moved that, through all of the suffering that the children of the occupied Palestinian territory and Israel have suffered, they have all shown great wisdom in finding humanity "across the wall" with their fellow children. When asked what should be done to bring peace, all Palestinian children she spoke with recognized the right of Israel to exist and Israeli children emphasized that peace can only come through dialogue. Initiatives like those of the Peres Center for Peace and similar civil society programs to bring Israeli and Palestinian children together in peace camps and joint sports activities only reinforce this recognition of the need of the children of the region to grow to understand one another. Indeed, the children of Sderot spent much time speaking of the fun they had playing soccer with Palestinian children from Gaza and how they learned each other's songs during peace programs. The seeds of peace are with the children of Israel and Palestine and it is imperative that they are able to be nurtured and grow in a larger framework of a genuine peace process.

## 3.2 - ISSUES FOR THE PROTECTION OF CHILDREN IN THE OCCUPIED PALESTINIAN TERRITORY AND ISRAEL

### b) The Humanitarian Consequences of the Israeli Barrier and its Associated Regime<sup>2</sup>

In June 2002 the Government of Israel began construction of the barrier following a series of suicide bombings and attacks by Palestinian militants on Israeli citizens. The Government of Israel maintains that the Barrier is a temporary structure to prevent further attacks on Israeli citizens. Although the SRSG fully appreciates the Government of Israel's security concerns, and was able to move freely about in the West Bank, she witnessed for herself the often-times devastating impact of the barrier and its related security regime on the Palestinian people and children of the occupied Palestinian territory. As of March 2007, there were 84 manned and 465 unmanned obstacles in the West Bank alone, an increase of 40% over the previous year. As a result, approximately 226,000 children experience access restrictions to their schools.

Access of children and teachers to schools were often interrupted by curfews and checkpoint closures, and the routing of the barrier has curtailed access of children in certain areas to their schools, having to pass through security gates in communities now effectively cut off both from the West Bank and adjacent areas of Israel. The SRSG was able to speak with children and teachers in Azzun Atma village near Qalqilyah and in al-Nu'man village near Bethlehem, referred to as "closed zones" or "seam zones", where both villages, due to the to imposition of Israeli settlements in their proximity, were literally surrounded by the barrier, with one access and egress point through an IDF-controlled gate. The hours of the gates operation, though scheduled, are sometimes reduced in time or subject to closures without prior notice, and inhabitants are effectively imprisoned at these times. Girls attested to the fact that they were often subjected to humiliating body checks at these gates. Teachers, like all Palestinians who are West Bank residents, are also subject to a special permit regime, administered by the IDF, requiring frequent renewal with accompanying bureaucratic delays. Teachers also complained of harassment by the IDF soldiers at these gates. Children in these "closed zones" experience great difficulty in passing through the IDF gate to visit relatives as close as 2 kilometers away.



Teachers, like all Palestinians who are West Bank residents, are also subject to a special permit regime, administered by the IDF, requiring frequent renewal with accompanying bureaucratic delays. Teachers also complained of harassment by the IDF soldiers at these gates. Children in these "closed zones" experience great difficulty in passing through the IDF gate to visit relatives as close as 2 kilometers away.

In al-Nu'man village, children have been cut off from their former school in nearby Bethlehem and must now walk four kilometers to another village after passing through the IDF gate. The children must always have their birth certificate with them in order to pass the gate and the children complained that they are often cursed at by IDF soldiers when they pass the gate. One girl-child expressed her distress at not being able to visit with her friends from neighboring villages, stating "...we feel imprisoned here and are unable to visit with friends and relatives for fear the gate will close; we do not like to pass through the gate, where we are checked and many times we are insulted". The psychological impact of the barrier and gate regime on these children is visceral.

In occupied East Jerusalem, the situation is even more aggravated, with nearly 700 teachers employed by Palestinian schools in East Jerusalem unable to reach their classrooms as a result of the construction of the

<sup>2</sup> *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136 para 163

barrier. Over 2,000 students and 260 teachers living in East Jerusalem are prevented from reaching their schools in the al-Ram and Dahiya neighborhoods and 6,000 Jerusalem students living outside the city limits cannot attend their schools in the city. Students living in the Abu Dis area now have to travel over 20 kilometers around the barrier to reach their classes, rather than the 3 kilometers they used to travel prior to the barrier being established.

The barrier also has direct impact on the un-born child and maternal health in the occupied territory. Although the Palestinian Authority, NGOs and donors have managed to reduce the number of pregnant Palestinian women who delivered at Israeli checkpoints due to delayed or denied access, the situation is untenable and unacceptable. The SRSG was briefed during her visit by UN officials on the measures taken to decentralize the provision of obstetric and pre- and post-natal care. Unpredictable access to maternity services due to the closure policies of the IDF has discouraged Palestinian women from seeking post-natal care and obstetricians have noted that delivery complications have increased due to late arrivals after delays at checkpoints. Furthermore, it was explained that pregnant Palestinian women and their families live with constant anxiety and stress, particularly during the last period of pregnancy, of not being assured that they will be able to reach a maternity facility and to return home after delivery.

In its ruling of 30 June 2004, the Israeli Supreme Court stated that the “security fence” was built for reasons of national security. The ruling demanded, however, that proportionality between humanitarian and operational considerations related to the routing of the “security barrier” must be applied. Although the route has undergone a review in a number of cases, the nature of the entire barrier project has not come under review, and it appears that the court has deferred to the security forces for amelioration of conditions; for the most part through minor alterations of route and through the opening of “gates” to allow Palestinians to pass. As we have seen above, these gates and the control of these gates, especially for villages in “seam zones” caught between the green line and the route of the wall, do not provide sufficient safeguards of humanitarian access and basic human rights principles of the affected Palestinian villagers, including children. It was with this in view that the SRSG suggested, without prejudice to the ICJ Advisory Opinion, that the Government of Israel should invite its own active and vibrant civil society, through the formation of a high-level committee, to undertake a holistic review of the immediate humanitarian impact of the wall and the permit system, and its associated policy of closure, and make appropriate recommendations. Indeed, the SRSG was impressed with the work of Palestinian and Israeli human rights groups, working together, to ameliorate the humanitarian impact of the barrier. She echoed the need for those principled voices to advise the Israeli Government on the issue in her meetings with Israeli Supreme Court President Beinisch and other senior Israeli Government officials.

High level sources in Israel noted that the barrier and closure practices of the IDF also have a lasting negative impact on the often very young IDF soldiers serving in the West Bank. Young men and women above the age of 18 years are often inexperienced, nervous and fearful during their time serving in the West Bank and near the border with Gaza, with high rates of violence associated with their increased activities related to the closure policy. This can have a lasting effect on these young men and women and can lead to difficulties after leaving the IDF. The negative impact of the barrier and the closure regime plays out for all concerned.

## **b) Killing and Maiming of Children**

From the beginning of the second *Intifada* in September 2000 to December 2006, 852 Palestinian children were killed due to Israeli military, police and settler violence. 2006 was one of the worst years for Palestinian children, with 124 children killed in the West Bank and Gaza strip. The vast majority of these children were killed during the two Israeli military campaigns code-named “Summer Rains” and “Autumn Clouds”. The Israeli military launched the first of these two military offensives, “Summer

Rains”, in late June 2006 with another intensified campaign, “Autumn Clouds” launched in November 2006. The Israeli Government claims that these operations were launched in response to rocket fire from Gaza. Both operations largely targeted the Gaza strip. Palestinian civilians, and children in particular, bore the brunt of Israeli bombardments by air and artillery strikes and ground incursions by the IDF during these two operations. Human rights and humanitarian monitors have recorded that these Israeli military operations displayed insufficient regard for the safety of civilians, including children, signaling a violation of international humanitarian law. Israeli attacks on densely-populated civilian areas and attacks on civilian infrastructure, such as hospitals, ambulances and schools are well documented. “Summer Rains” and “Autumn Clouds” resulted in the deaths of 84 children, mostly in densely populated areas of Gaza. 50% of child fatalities were a result of direct fire by IDF soldiers. These children were hit either in the upper body or head by sniper bullets or other gunfire. In the remaining cases, children died as a result of being hit indirectly from tank or artillery shelling or other missiles. A significant minority of these children were killed during the targeted assassination of another Palestinian. During the 2006 Israeli military offensives, it is estimated that, for every child killed, at least four children were injured.

The SRSR heard time and again from humanitarian and human rights agencies and civil society representatives of the lack of proportionality of the IDF and other Israeli authorities in their response to acts of defiance by Palestinian youth, including stone throwing, which on more than one occasion was answered by the firing of live ammunition, rubber coated steel bullets and other measures. Another example of disproportionate force is the response of the IDF to the killing of two persons in the Israeli town of Sderot in 2006, which resulted in the deaths of 468 Palestinians in Gaza in the Israeli counter-attacks.



The SRSR was able to spend time with child witnesses to acts of killing or injury of Palestinian children and youth, many in their own homes and many at night. Children and the parents of children killed or maimed were unanimous in their call for transparent investigations which conform to international standards. Indeed, it is the responsibility of the occupying Israeli forces, as outlined in International Humanitarian Law, to investigate and bring to justice, in the spirit of accountability with due transparency, those responsible for violations against children. Human rights experts briefed the SRSR that most violations for which IDF forces are charged are

not openly investigated and victims of abuse are almost never informed of the fate of the process, rendering any justice incomplete. The lack of transparency of the military justice system for violations committed by IDF and other associated personnel in the oPt serves to radicalize the perception of Palestinians of an over-arching impunity and lack of accountability on the part of Israeli forces in the West Bank and Gaza.

The SRSR was also apprised of the rising figure of children killed and injured due to internal Palestinian factional fighting. In 2006 and 2007, dozens of Palestinian children have fallen victim to inter-Palestinian armed factional fighting, largely in the Gaza strip. In one incident in June of this year, severe internecine fighting in Gaza resulted in the deaths of 11 children, some as young as 8 years of age. The continued insecurity and factional fighting in the Gaza strip in particular has signaled an ever-increasing trend of child fatalities and injuries over the last 6 months.

The SRSG was able to visit Sderot and to witness the vulnerability of the people and children of that town to the un-guided rocket fire of Palestinian armed factions in nearby Gaza. Targeting of civilian areas is a violation of international humanitarian law. The SRSG saw for herself the stress these rockets pose on the lives of the children of Sderot and she has appealed to the Palestinian Authority to do all it can to bring all necessary pressure on factions engaged in these horrific acts to cease and desist. The SRSG also raised with the Israeli authorities the need to take all necessary measures to safeguard civilians, especially children, when undertaking operations in densely-populated areas.

### **c) The Humanitarian Consequences for Children of the Freezing of PA Revenues**

In February of 2006, after Hamas took the majority in the Palestinian parliamentary elections and sought to form a new PA Government, the Government of Israel unilaterally froze all transfers of customs and taxation revenues collected on behalf of the PA. In effect, this put a strangle-hold on the Palestinian Authority's ability to function at any but the most basic levels. During her visit, the SRSG was able to speak with relevant United Nations agencies as well as PA health and education authorities and staff at all levels. They had one voice in their assessment that the withholding of PA customs and taxation revenues by the Government of Israel have resulted in a catastrophic health, social protection and education situation for the children of the oPt. To put the issue into perspective, the customs and tax funds withheld represent approximately 68% of the Palestinian Authority budget of some 1.9 billion dollars per annum. This in turn placed the PA's 164,000 public employees in financial jeopardy. With approximately 25% of Palestinians dependent on a PA salary, this resulted in an elevated poverty rate throughout the West Bank and Gaza strip. In addition, the large majority of public sector employees, after receiving no or only limited portions of their salaries, began a general strike in September of 2006 to protest the lack of payment of salaries. This strike included health, social affairs and educational personnel.

When she spoke with health workers and managers, the SRSG was informed that the funding crisis has resulted in a 50% increase in Palestinians living in poverty, leading to an exacerbation of primary health problems, especially among under-fives. The strike of Ministry of Health staff has meant that only emergency services have been available. Additionally, the financial crisis has meant that 25% of essential drugs are now permanently out of stock in hospitals and clinics. The financial crisis and shut-down of the majority of health services has totally undermined the policy and planning structure of the Ministry of Health in the occupied territory. Health officials also informed the SRSG that, though child vaccination levels are still acceptable in the occupied territory, the lack of funding and resources has resulted in areas which are not covered. Finally, the ICRC estimates that West Bank hospitals operate at only 20% of their capacity and many small medical facilities have closed entirely, with emergency life-saving services as well as curative and preventive care jeopardized.

The provision of primary and secondary education has also suffered from the decision of the Israeli Government to freeze PA funds. Teachers and associated educational staff also engaged in strike activity due to long term non-payment of salaries. Although UNRWA runs a significant number of schools in the oPt, it has suffered a concomitant draw-down in voluntary funding for its core activities over the years. In addition, the lack of salaries and increased poverty resulting from lack of payment and strikes has led to a breakdown in the traditional family coping structure in the oPt, with poverty rates soaring, children, especially girls, are forced into menial labor to support the survival of the family.

International humanitarian law provides for an injunction against denial of access of humanitarian aid for civilians under an occupying power. The SRSG, in her meetings with senior Israeli Government officials, stressed the need to release funding for critical humanitarian services, such as education and health, in the occupied territory.

#### d) Palestinian Children in Israeli Detention

One of the worst by-products of the long-standing occupation and resistance in the oPt is the practice of the wide-scale detention of minors under a legal regime which employs little or no safeguards for children. Since the second *Intifada* over 5,500 children under the age of 18 years, with some as young as 12 years, have been imprisoned by Israeli authorities for various alleged security offenses. Israeli prison authorities, in their meeting with the SRSB, tallied the current account of children in Israeli detention, giving the following break-down of the approximately 400 children in detention at the time of the SRSB's visit:

Child Detention Regime	Approx numbers incarcerated	Comments
Security Detention	360	Minimum age 12 years
Criminal	42	Age of criminal responsibility 12 years
Administrative Detention	15	Currently youngest 16 years of age, no access for verification

Israel Military Order #132, implemented during the first *Intifada* in 1987 and subsequently reinstated in 1999, allows for the arrest, detention and imprisonment of children as young as 12 years of age in the occupied territory. Importantly, Order #132 only applies to Palestinian children and does not concern Israeli settlers in the West Bank. In this system, children accused of offenses, including criminal offenses, are tried in military courts, many of whom spend years in detention before coming to trial. Importantly, Israeli military order establishes that Palestinians who reach the age of 16 years are considered adults while, in Israel proper, a "child" is considered anyone below the age of 18 years, and those below the age of 18 years; must be brought before a juvenile court. No Palestinian child of any age is able to avail of a juvenile court. This contravenes the Convention on the Rights of the Child, of which the State of Israel is a signatory, in relation to its article 2 concerning non-discrimination.

The lack of child-appropriate procedures in all phases of Israeli military judicial treatment of Palestinian children in conflict with the law; from arrest, detention and interrogation to sentencing and incarceration, is of great concern. Experts and children themselves explained to the SRSB that children detained by Israeli soldiers are often arrested at night in their homes. Children are then taken to detention centers, often in military barracks. Many children are held for extensive periods of time in Israeli detention or interrogation centers. They have made representations to the UN of being subjected to abuse and maltreatment. Palestinian children are detained from the moment of their arrest until the end of legal proceedings, in some cases spanning years of time, and are rarely offered provisional release. Children are sometimes forced to sign confessions under coercive conditions. They are sometimes forced to sign their confessions in Hebrew, a language foreign to them. Palestinian children are then tried under Israeli military courts, with no special procedures or protections for children.

Importantly, when examining cases of children before military courts, a pattern emerges which points to fundamental lack of consideration of the need for alternative justice when dealing with children in conflict with the law. All children brought before a military court were sentenced to at least some period of incarceration, leading the observer to conclude that Israel uses imprisonment as a measure of first resort when dealing with Palestinian children, with very few cases of children receiving alternative sentences.

Of special concern to the SRSG are children under the age of 18 reportedly kept under administrative detention. To be kept under administrative detention is to be kept without charge or trial for an indeterminate amount of time in violation of international standards in the matter. As the SRSG was not given access to these children, she was not able to ascertain firsthand the veracity the reports she received from UN agencies and civil society.

When examining the breakdown of reported cases of minors charged and sentenced, the justification for such harsh measures for children is brought promptly into question. In 2006, the last full year for which figures are currently available, 64% of cases sentenced are for stone throwing with a further 19% for membership in a banned organization. This means that fully 83% of the 216 cases sentenced are for crimes for which incarceration, in the spirit of the convention on the rights of the child and other relevant international guidelines for children in conflict with the law, should not be applied.

Israel also practices the systematic transfer of Palestinian child prisoners outside of the occupied Palestinian Territory into Israel. Such transfers violate Article 49 of the Fourth Geneva Convention, prohibiting the individual or collective transfer of protected persons from occupied territory. Such transfers are also inconsistent with Israel's obligations under Article 76 of the same convention, which provides, in part, that protected persons convicted of offences shall be detained and serve their sentences *within* the occupied territory, with proper regard to the special treatment due to minors.

The SRSG was informed that Israeli regulations require that when a minor is detained, the parents must be informed immediately, unless there is a suspicion that such notification might harm the child. The lawyer of the detained must also be notified. Although the SRSG was briefed that children are allowed visits by immediate family members to Israeli prisons at intervals of two weeks, this is conditional on the approval of a permit to enter Israel, and many family members are ineligible for various reasons. Israel issued regulations on prison visits in June of 1996. These regulations stipulate that only persons with a first degree relationship to the prisoner may visit, including parents or spouse, and siblings and children who are below 16 years and above 45 years. Prison visits are not allowed save for those arranged by the ICRC. The ICRC organizes the visit of between 22,000 and 25,000 family members of Palestinian detainees to Israeli prisons per month. Family members who have a prior arrest or who have been identified as "security risks" by the Israeli authorities are not allowed to undertake visits. More eye-opening to the mission members was the information, provided by Israeli prison authorities that many child prisoners have parents and siblings who are also incarcerated.

During her visit to Hasharon prison children's detention wing, the SRSG was able to meet with Palestinian children in administrative detention and allegedly incarcerated for security offenses. Although children in Hasharon prison receive schooling in their own language, they receive no social work care by prison staff. Only those children jailed for criminal offenses receive social assistance in Hasharon and other Israeli prisons. This is obviously an issue which should receive attention as a priority. Although Hasharon does have some child appropriate infrastructure, other Israeli prison facilities where Palestinian children are detained do not have such facilities. One-third of the prison population of Hasharon are children under the age of 18 years, 3 of whom are girls. Prison authorities stated that 75% of prisoners are incarcerated for security offenses against the State and people of Israel. Cases of recidivism are quite high, pointing to the inability of the current system to reform concerned children and youth.

The SRSG observed that the current policy of the Israeli authorities did not meet international standards for juvenile justice, which should utilize alternative justice approaches to those which are purely punitive. The documented use of imprisonment as a measure of first resort by Israeli military judiciary authorities as well as the almost total absence of release on bail for children who often go through lengthy pre-trial detention is a breach of international standards. There was little evidence of the use of alternative

sentences in juvenile cases. The lack of social support to children incarcerated for security offenses and the unacceptably large proportion of cases prosecuted and jailed for non-lethal offenses is worrisome. The SRSG noted that children whom she met in Hashoron prison seemed hardened by the experience and that the current system of juvenile incarceration and punitive justice was only feeding the cycle of violence in the occupied Palestinian territory and was not in the interest of peace. The SRSG, in her interactions with the Israeli authorities, stressed the need to re-think the current punitive approach to security infractions perpetrated by children and to adopt a rehabilitative approach for the treatment of Palestinian child detainees, and utilize incarceration only as a last resort. Additionally, she reminded them of the duty of the State of Israel not to move Palestinian children out of the occupied Palestinian territory and that alternative approaches should be found to treat these cases inside the oPt.

### **e) Children and Political Violence**

In her interviews with children in the West bank and her conversations with children in Gaza via video conference, the SRSG was made aware of the extent of the involvement and the potential for involvement of Palestinian children in political violence. One must simply look at the television images of martyr burials to see how the ranks of youth and children are impacted, either through family ties or ideology, by these militant Palestinian groups. In her discussions with children about their daily lives, violence and the use of violence was a powerful undercurrent. Many children expressed their frustration with the continuous attacks against their villages and towns in Gaza and the West Bank and the extra-judicial assassinations of Palestinians by Israeli forces, often resulting in the killing of innocent by-standers, including children and their family members.

In the West Bank, the SRSG was told by one boy, aged 15 years, that "...my father and uncle were put in jail by the Israelis and my uncle is still in jail, that's why I throw stones. The best way to die would be as a martyr". This and countless other similar statements from children reflect the atmosphere of hopelessness and despair that drives some Palestinian children to engage in political violence as a result of continued occupation. However, there is no doubt that many adults exploit these feelings and, instead of protecting children, put them on the front lines; mobilizing them for violence and hardening them as fighters for the cause.

Children in Gaza also stated that some of their peers, particularly boys, had been approached by Palestinian militia groups to join or undertake paramilitary training. All of those the SRSG spoke with had resisted. However, not all children are in a position to resist nor are some children willing to resist. One boy in a West Bank camp frankly told the Special Representative that "...Our life is a sad life because to the [Israeli] incursions, the killings and other things...many of my friends have been killed or injured. I feel I need revenge for my people, and I don't care about my life". The lesson of these and other statements by children is that political violence is seen by some as legitimate resistance to over 40 years of occupation without a recognizable horizon for peace. Indeed, political violence can be seen to have both "push and "pull" factors. "Pull" factors are those elements who seek and encourage the culture of martyrdom, the appropriateness of violence to counter occupation and the enticement of vulnerable children into acts of violence. At the same time, and perhaps equally as important, are the "push" factors, those realities of humiliation, killings, arrests and profound rending of Palestinian society by the on-going occupation. It is hard to imagine a fully effective program to halt all involvement of children in political violence related to resistance of occupation outside of a comprehensive peace agreement for the region.

Current inter-Palestinian factional fighting has only exacerbated the possibility of greater involvement of children in political violence. The SRSG, in her meetings with Palestinian authorities, discussed at length the need to address the issue of children's association with political violence and the primacy of their protection. She also spoke with the then PA Foreign Minister Abu Amr, who agreed that the code of

conduct agreed among all Palestinian groups at the outset of the *intifada* on the prevention of the involvement of children in political violence should be revived and strengthened with the assistance of the United Nations, particularly UNICEF.

## f) Settler Violence and Impunity

From extensive interviews with children and civil society partners in Hebron and Bethlehem, it becomes starkly clear that, in the West Bank, there are two sets of law and two enforcement regimes; one for Palestinians and one for Israeli settlers. In the area of Hebron, in Tal Rameda (H-2) and in the village of al-Tuwani in particular, violence perpetrated by Israeli adult and child settlers against Palestinian children is commonplace. The SRSR heard from girls who have been beaten or harassed on the way to school and in their homes by settlers. In some areas, such as H-2, NGOs like Christian Peacemaker Teams (CPT) must be constantly vigilant and aid Palestinians who are harassed daily on their land, in the street and in their schools. CPT has also documented stone throwing by settler children. Settlers are rarely arrested and almost never prosecuted for crimes against Palestinian children.



During her visit to the Hebron area, the SRSR met with primary school children at al-Tuwani village. These children are currently escorted by IDF from their village of Tuba to al-Tuwani as a result of a 2004 settler attack on a CPT team escorting these children past the Ma'on settlement, resulting in severe injuries to the CPT escorts. In listening to the children, it is clear that they appreciate the assistance of the IDF, but that the situation is unsatisfactory. One school girl stated that "...There are sometimes good [IDF] soldiers and sometimes bad [IDF] soldiers who swear at us and make us run all the way to

school, and we get very tired (children must walk while IDF soldiers ride next to them in jeeps)". The children are still harassed, beaten and otherwise threatened by settlers, including women and children, when they pass the Ma'on settlement outside of their school escort time, and many Palestinian children must walk dozens of additional kilometers to crucial services for fear of harassment and harm from settlers. No settler has been detained for more than a short time and no prison sentence has been handed down to settlers who repeatedly abuse and harass these children to date. Reportedly police, often settlers themselves, do not proceed with complaints against settlers or are obstructive when Palestinians seek to lodge complaints. Additionally, Palestinians are fearful of lodging complaints against settlers for fear of vigilante retribution against themselves and their children. It is important to note that, although the IDF can arrest Palestinians in the occupied territory, they only have the power to detain settlers until the police arrive.

The SRSR was saddened to learn that, some hours after her visit, there was a settler attack on the children whom she had just interviewed at the primary school in al-Tuwani. There SRSR demanded a follow-up on these cases as a matter of priority with the Israeli authorities. This was a poignant reminder of the imbalance in the current application of the law and principles of justice in the occupied territory, and the need for an end to discriminatory application of the law with provision for accountability under the State of Israel's obligation, along with all other concerned parties, to uphold international human rights and humanitarian law.

## g) The Need for Dialogue and Psycho-Social recovery



The SRSG's over-all assessment of current trends in the Israeli-Palestinian conflict is that there has been an over-emphasis on immediate security issues and a shift away from the longer term and more durable security through constructive dialogue. There should be a re-assessment of this in light of the need to protect and nurture children in the region. Israeli and Palestinian civil society and rights groups continue to work together to redress violations of the rights of all persons in the region, and they are an asset and can bring their considerable knowledge and foresight to the peace dialogue.

The SRSG was able to meet with Israeli and Palestinian experts in trauma, health, education and social welfare, who have a wealth of knowledge on the deleterious effects of the on-going conflict on children in both Israel and the occupied Palestinian territory. They realize that no barrier or policy of isolation will protect their children and that engagement is the only way to move forward for true security for their children. However, there is a certain fatigue which is recognized on both sides. One senior PA official recounted to the SRSG that "... forty years of occupation has, in many ways, destroyed both the occupied and the occupier". Mrs. Olmert, in her meeting with the SRSG, lamented that "...I am as old as the conflict and I have always lived in a conflict zone". What is extraordinary is that both of these interlocutors, Palestinian and Israeli, are trying, even in the face of enormous difficulty, to find a way to change the reality of conflict and to seek that elusive transformation to peace for their children.

It was in this vein that the SRSG called upon the Israeli authorities to engage Israeli civil society to re-examine the humanitarian impact of the barrier in light of the longer-term security that can only be brought about through mutual respect and engagement. The SRSG further recalled the work of the Shimon Peres Center to bring Israeli and Palestinian children together and the numerous similar initiatives by various groups, and her appreciation of the insight of the elementary school students of Sderot, themselves subject to rocket fire from Gaza, that they can enjoy their Palestinian neighbors and come to understand each other's point of view.

In her meetings in both Israel and Palestine, the SRSG was informed of the terrible psycho social injuries suffered by children living in situations of continuous conflict. In Palestine there have been no detailed studies but social workers gave the SRSG many illustrations of the psychological effects of the conflict on Palestinian children. The SRSG personally witnessed many of these symptoms when she spoke with Palestinian children and was concerned that detailed study of their condition and support for them was not as extensive as in Israel. In Israel, Dr. Mooli Lahad gave her a detailed briefing about his research in Northern Israel. His studies indicate that that 15-16 % of children in Northern Israel are estimated to have severe post-traumatic stress disorder, and 30% suffer symptoms of post-traumatic stress disorder. Among Arab children the estimated figure is double, in that 30% have severe symptoms. Girls generally suffer twice as much as boys. Of children between 2 and 4 years old in Sderot, Israel, 30% suffer from post-traumatic stress disorder and have one parent with post-traumatic stress disorder.

The SRSG also called upon the authorities of the PA and the Israeli Government to revive a joint committee to answer allegations of incitement in education in both the Palestinian and Israeli textbooks and curricula. Although the SRSG recognized UNRWAs work in this area, she also suggested that more efforts need to be undertaken to introduce peace education into the curricula of all schools, state or religious, in the region.

### 3.3 - INTERACTION WITH PALESTINIAN AUTHORITY AND GOVERNMENT OF ISRAEL AND COMMITMENTS OBTAINED

#### a) Interaction with Palestinian President Abbas and Foreign Minister AbuAmr

The SRSG met with President Mahmoud Abbas and discussed issues of concern, including the political and armed violence in the occupied Palestinian territory, the humanitarian impact of the barrier and the suffering the closure policy has caused for Palestinian people, adult and child alike. She also communicated her concerns regarding the on-going inter-Palestinian violence in Gaza and its impact on the children there, noting that she hoped for a peaceful solution to the crisis there. The SRSG was pleased to note the PA readiness to investigate ways to work with the Israeli Government to address mutual concerns of incitement to violence and the need to review school curricula on both sides to prevent incitement to violence and explore ways to include peace education more systematically in all school curricula. The SRSG also raised the issue of the need for Palestinian armed factions in Gaza to respect humanitarian law and to halt all indiscriminate Qassam rocket fire from Gaza into Israel.



The SRSG was later able to speak with Foreign Minister, Dr. Ziyad Abu Amr, by telephone in Gaza and to broach the need to address the issue of children's participation in armed violence. Foreign Minister Abu Amr reiterated the PA's intention to revive the code of conduct among Palestinian groups not to involve children in political violence and to engage with UNICEF to devise an action plan to prevent the use of children in such violence.

#### b) Interaction with Foreign Minister Livni and Major-General Mishlev

The SRSG engaged in discussions with Foreign Minister Livni, and raised issues of concern with her. While recognizing the real security concerns of the Israeli Government, she suggested that child detention in its current form only encouraged the cycle of violence and a different alternative approach had to be undertaken, especially for children who engage in minor offences. She further emphasized the need for the IDF to establish credible independent mechanisms of national investigation to provide for accountability and to ensure effective redress to victims of killings and violence against children, including those perpetrated by settlers. She also raised the issue of the need for the Israeli security forces to respect civilian/ combatant distinction and the principle of proportionality in their actions in line with international humanitarian law.

The SRSG spent some time on the need for the State of Israel to consider more deeply the broader questions of the impact of the barrier and closure policies on the humanitarian situation of children in the oPt. She suggested that the Government might wish to engage an independent policy review of the humanitarian implications of the current barrier/ closure policy. Similarly, she called upon the Israeli Government to release the tax and customs revenue to the Palestinian Authority earmarked for child education, social protection and health, at a minimum, as the effects of withholding of funds was detrimental to the development of children and were punitive in effect. A release of these funds has since been effected.

In an answer to previous Israeli Government representations on the matter and with PA agreement, the SRSG obtained the commitment of Foreign Minister Livni that the Government of Israel would consider the revival of a previous plan to undertake a multi-lateral review of both Palestinian and Israeli texts and curricula to prevent incitement to violence and hatred and the inclusion of peace education in all curricula. In a later official communication from Foreign Minister Livni, she relayed her Government's decision to begin preparatory work on the convening of a tri-lateral committee against incitement in the near future. The SRSG expressed her disappointment that, following her visit to school children in al-Tuwani village near Hebron, she had learned that these children had been subjected to a settler attack. She requested an appropriate follow-up and accountability on the issue.

Finally, SRSG Coomaraswamy requested the Government of Israel to hand over to the Government of Lebanon or the UN Mine Action Coordination Centre in south Lebanon detailed strike data on cluster munitions dropped on Lebanon during the July 2006 war.

Foreign Minister Livni welcomed the SRSG's visit to Israel and stated that Israel valued the rule of law and the protection of children. She noted that she would ensure that the case of the renewed attack of settlers on school children in al-Tuwani village would be investigated immediately and appropriate action taken. The Foreign Minister also communicated



her concerns for what she termed “terrorist” use of children in the occupied Palestinian territory. She stated that terrorism was the root cause of the problem and that the UN must make its evaluation in keeping with this perspective. The Government of Israel communicated its desire to continue to work with the United Nations on the issue of the sharing of strike data.

The SRSG later met with Major-General Mishlev, Coordinator of Israeli Government Activities in the Territories (COGAT). The discussion centered around the need for the COGAT administration to take due note of the humanitarian impact of the barrier and the restrictive permit system and its negative impact of the rights to freedom of movement, and on the delivery of health and education services. She particularly concentrated on the access of health professionals and patients at Augusta Victoria and other East Jerusalem hospitals due to the barrier and restrictive permit system associated with the Israeli closure policy. The SRSG also asked for increased transparency and accountability in IDF investigations into violations of children's rights including but not limited to killing and maiming of children in the occupied Palestinian territory. She also requested that the COGAT look into the routing of the barrier and its effect on the daily lives of the children of al- Nu'man and Azzun Atma villages. Finally the SRSG broached the disconcerting level and frequency of settler attacks on Palestinian children in Hebron town and al-Tuwani villages and the need for effective law enforcement and accountability.

Major-General Mishlev welcomed the SRSG's comments and committed to investigating the access issues at Azzun Atma and al-Nu'man villages and to investigate fully the cases of harassment and attacks on children in the occupied Palestinian territory. He also instructed his staff to investigate the difficulties of access for East Jerusalem hospitals. The outcome of these investigations is still pending.

### 3.4 – FOLLOW-UP

1. The SRSG-CAAC, in conjunction with relevant UN actors, will seek to assist the revival of a Committee composed of members of the PA and Israeli Government to follow-up on incitement in education and introduction of peace education in Israeli and Palestinian textbooks and curricula.
2. The Office will advocate, in conjunction with UNICEF and civil society partners, for the strengthening of a monitoring and reporting task force in the occupied Palestinian territory and Israel to aid in the provision of timely and accurate information for the sake of advocacy and response to the issue of children affected by armed conflict and political violence.
3. The SRSG, in conjunction with OHCHR and relevant UN and civil society partners, will advocate with the Government of Israel; and Palestinian Authority for transparent, credible and independent mechanisms of national investigation for the timely provision of accountability and effective redress to child victims of killings and/or maiming
4. UNICEF and other relevant actors will follow up on the Palestinian Authority's commitment to revive a code of conduct of Palestinian groups to prevent the use of children in political violence.
5. The SRSG-CAAC will continue to advocate that Israeli civil society be tasked with the drafting of an independent review of the immediate humanitarian impact of the routing of the barrier, without prejudice to the ICJ Advisory Opinion.
6. The SRSG-CAAC, in conjunction with UNICEF, OCHA and civil society partners will encourage the adoption of revised policies for security detention of children, including options of alternative justice for lesser crimes and the possible creation of a special chamber of the Supreme Court to address issues of child security detainees. Social and educational services should be provided universally to all Palestinian children detained in Israeli prisons.
7. The SRSG-CAAC, OHCHR and UN and civil society actors will follow up on issues of accountability for settler violence against children, including but not limited to the areas of Hebron and al-Tuwani in the southern west bank.
8. SRSG-CAAC, in conjunction with WHO, OCHA and OHCHR, will follow up on the issue of improved access to medical staff and patients in East Jerusalem and other areas affected by the barrier, as well as issues of improved access to villages in the "security seam" created by the construction of the barrier, including al-Nu'man and Azzun Atme villages.
9. SRSG-CAAC, OCHA and other relevant actors will continue to advocate that PA tax and customs revenues necessary for the effective functioning of health and education infrastructure and other social sectors can and should never be frozen by the Israeli authorities.
10. SRSG-CAAC will advocate with donors to support continued peace efforts among Israeli and Palestinian children in the region, such as those run by the Peres Center for Peace and other relevant organizations.
11. SRSG-CAAC and UNMACC will follow-up on the provision of accurate strike data for cluster munitions dropped on south Lebanon during the 2006 conflict.