

Child Rights Information Network- MENA Programme

Children's rights violations in Israel and the Occupied Palestinian Territories, Gaza's Children under Siege , Summary of 5 reports on children's rights violations practiced almost routinely by the state of Israel.

Violation to children's Right to Life Children Killing by Israeli Occupying Forces: Violation to the 4th Geneva Convention.

1- "*Innocent Children Killed*" June 2008, by Al Dameer Association for Human Rights in Palestine on the killing of 24 children in a military operation in March 2008 called "hot winter".

About Al-dameer Association (Palestinian NGO founded in 1993 by a group of lawyers to defend human rights in OPT)

The report says:

- a- IOF killed 24 children in a the hot winter military operation in March 2008.
- b- The public statements made by to officials in Israeli Army as well as the decision taken, implicate an approval of killing children and civilians in Gaza Strip, which in turn displays the Israeli policy.
- c- IOF kill children intentionally either by bombing or direct shots to head and chest.

Recommendations

a- The Geneva 4th convention high contracting parties should assume their role and intervene.

(Full report, Annex 5)

2- "*Israeli Violations to the Right to Life: Palestinian Child's Fatalities in the OPT*" about IOF children killings in military operations, during the first half of 2007 by Defence for Children International- Palestine Section

About DCI/PS: national section of the Defence for Children International (DCI), established in 1979. DCI has 45 national sections and associated members throughout the world, an international secretariat in Geneva and consultative status with the United Nations Economic and Social Council, UNICEF, UNESCO, and the Council of Europe

The report says:

- a- Israeli government has so far failed to uphold its legal obligation to investigate the killing of Palestinian children, and reports about 30 children killing cases by IOF during six months,
- b- Israel has opened only one investigation among the 30 cases of children killed in the first half of 2007, which demonstrates Israel's flagrant disregard for the lives of Palestinian children
- c- The circumstances in which these 30 children were killed include: use of lethal force against children who demonstrate or throw stones, use of lethal force against children who attempt to cross into Israel or escape arrest, indiscriminate shelling, indiscriminate fire during incursions; and extrajudicial targeted assassinations (which oftentimes result in the killing of many non-targeted civilians). None of the 30 children killed were armed, although there

is some indication that one child intended to make a Molotov cocktail before he was killed.

Recommendation:

- a- As a State Party to the Fourth Geneva Convention, Israel has a duty to uphold International Humanitarian Law standards concerning the protection of civilians in the occupied territory.
- b- Children killing should be amounted to a war crime, and a grave breach of the Fourth Geneva Convention,
- c- Whoever commits or orders children killing crime should be subject to individual criminal responsibility under the International Criminal Law.

(Full Report Annex 1)

Individual cases of children killing by IOF:

- a- IOF kill a mother under her children's sight in their home in Khan Yunis (<http://www.crin.org/resources/infoDetail.asp?ID=17271&flag=news>)
- b- IOF kill four Palestinian children and their mom in Bait Hanoun (<http://www.crin.org/resources/infoDetail.asp?ID=17123&flag=news>)
- c- Ban Ki-moon condemns Israeli killings of Palestinian civilians (April 2008) (<http://www.crin.org/resources/infoDetail.asp?ID=17164&flag=news>)

Violating the Right to Health

3- "The Impact of the Blockade on Children Suffering from Cancer diseases in the Gaza Strip", by DCI/PS, it focuses on

The report says:

- a- Approximately 340 children in the Gaza Strip suffer from cancer and blood related diseases, with no access to life saving medicines and treatment inside or outside Gaza.
- b- Gaza patients referred to hospitals in Israel are frequently denied permits. Heavy bureaucratic procedures also render such transfers increasingly difficult.
- c- The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that in December 2007, around the fourth of essential drugs (25.2%) and (34%) of essential medical supplies were at zero availability due to the lack of financial resources.
- d- OCHA reported that in December 2007 Magnetic Resonance Imagery and X-ray machinery in public hospitals were no longer functioning, nor could they be repaired due to the lack of spare parts
- e- World Health Organization (WHO) reported that during the period October-December 2007, 20 patients, including at least five children, died as a result of being unable to cross into Israel to receive treatment.
- f- Despite much criticism of these Israeli policies from UN and international NGOs, Israeli government is continuing its violation of the right of Palestinians to strive for the highest attainable standard of health.
- g- This situation is severely affecting children suffering from cancer and blood diseases in Gaza. DCI/PS has documented three cases of children (Fadl 5 years, Nadin 8 years and Qusai 4 years) unable to access life-saving medicines either in hospitals or in private pharmacies.

Recommendations:

Words must be translated into action. International community should ensure sick children access to life-saving treatment in Gaza or abroad, act immediately and effectively to prevent the exacerbation of this situation by a one unified demand to lift the siege to allow the free passage of people and goods in and out of the Gaza Strip. (Full report Annex 2)

Use of Torture against Palestinian Children

4- "Palestinian Child Prisoners 2007", April 2008, by DCI/PS about juvenile justice system in Israel. The report says:

- a. During 2007 some 700 Palestinian children were arrested by Israeli soldiers in the West Bank, around 30 children were held on administrative detention orders, imprisonment without charge or trial.
- b. At any given point during the year, there were between 310 and 416 Palestinian children held in prisons and detention centres in Israel and the the OPT.
- c. These numbers are similar to those for 2006 (340 to 420). As of December 2007, there were 311 Palestinian children held in Israeli detention, of which: 192 were awaiting trial; 101 were serving their sentences; and 18 were serving administrative detention terms.
- d. The number of children arrested in 2007 brings the total number of Palestinian children arrested by Israel since the beginning of the second Intifada in September 2000 to 5900.
- e. Palestinian child prisoners routinely face violations of their rights during arrest, interrogation and imprisonment; exposed to physical and psychological abuse, amounting to cruel, inhuman and degrading treatment and sometimes torture; and denied prompt access to a lawyer and often denied contact with their families and the outside world. Some are held without charge or trial.

Recommendation:

With a view to putting an end to Israel's policy of mass, arbitrary arrest and detention of Palestinian children, DCI/PS recommends that:

The State of Israel should

- a. raise the age of adulthood contained in Military Order 132 from 16 to 18 years, as is the case under Israeli domestic legislation.
- b. End the practice exists in the Military Courts of calculating a child's sentence according to the child's age at the time of sentencing, not at the time when the alleged offence was committed.
- c. Immediately ensure its compliance with the UN Convention Against Torture by thoroughly investigate all allegations of torture and abuse of Palestinian detainees and bring those found responsible for such abuse to justice.
- d. Ensures that all detained children have prompt access to their families and to a lawyer.
- e. Ensures that all confessions obtained from children under duress should be rejected as evidence in proceedings in the Military Courts.
- f. End the practice of detaining persons under 18 in administrative detention and promptly charge all child detainees with a recognisable offence or immediately release them.

(Full Report Annex 3)

Individual cases of Use of Torture

- a- 10 year old Palestinian boy subjected to physically abuse by Israeli Soldiers who stormed his family's shop: DCI/PS

<http://www.crin.org/resources/infoDetail.asp?ID=17768&flag=news>

- b- Child Jammed Like Sardines: Gaza Mental Health Programme (GCMHP)

<http://www.crin.org/resources/infoDetail.asp?ID=17760&flag=report>

- c- Two cases draws the attention to children victims of torture by the Israeli soldiers in the OPT: DCI/PS

<http://www.crin.org/resources/infodetail.asp?id=17631>

Violation to Arab Minority Rights in Israel

5- "Equality Index 2007", By Sikkuy the Association for Advancement of Civic Equality in Israel, about the situation of civic equality between Arab and Jewish Citizens in budget allocation, education, housing, welfare and health in Israel.

About Sikkuy: (a "chance" or "opportunity" in Hebrew) its a non-partisan, non-profit, NGO in Israel develops and implements projects to advance equality between Arab and Jewish citizens of Israel in government budgets, resource allocation, hiring policy, land usage, access to government services, etc, founded in 1991 as a JewArab advocacy organization.

The report says:

- a. 65.7% of Arab children live under poverty line as a result of the Israeli policy in allocating budget sources for Arab societies less than these allocated for Jewish.

Recommendation (from Equality Index 2006):

The code of equality must become obligatory in all government branches in the allocation of state resources between its Jewish and Arab citizens. It is a shared interest of all citizens, Jewish and Arab alike, that the government ministries commit to conducting government in an equal and fair manner.

(Equality Index 2006 Annex 4)

Need for Action

7- In 15 July 2008, Palestinian Health Ministry in Gaza issued "a statement in Arabic" calls the international community, human and child rights groups and the WHO to end their unfair silence towards children's situation under Gaza Siege, the ministry calls **all and each** to take their role in protecting innocent children in Gaza from the violations they are victims to without having anything to do with its reasons.

HMG announced that 46 innocent sick children in Gaza died because of the heavy bureaucratic procedures of the occupation authorities in permitting them access to medical treatment outside Gaza, 2 babies died in one week because of that reason, (Hadeel 19 months, and Waseem 10 months).