



SONS OF VIOLENCE

Violations of Children's Rights Under the Palestinian Authority and Hamas



Alternative Report Prepared for the United Nations Committee
on the Rights of the Child



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Report presented by:

Jerusalem Institute of Justice

P.O. Box 2708

Jerusalem, Israel 9102602

Phone: +972 (0)2 5375545

Fax: +972 (0)2 5370777

Email: contactus@jij.org

Web: www.jij.org

The Jerusalem Institute of Justice (JIJ) does not present this report as a denial of human rights violations charged against Israel, since materials are readily available on that subject. JIJ itself has litigated human rights cases within Israel for more than a decade. This report covers largely unreported, often censored, violations by the Palestinian governing authorities against Palestinians so that their voices may be heard and facts might replace distorted misunderstandings of the regional situation.

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INTRODUCTION



Overview

The Universal Declaration of Human Rights (UDHR) is the foundation for human rights conventions adopted by the international community. Drafted in 1948, the UDHR acknowledges human rights as inherent to all persons by nature of their existence and views any infringement on these human rights as a violation against all persons.¹ The UDHR stipulates that all human beings have the right to: life, liberty, and security of person; education; freedom from torture or cruel inhumane treatment or punishment; freedom to peaceably assemble; and freedom of thought, conscience, and religion.

Following recognition by the UN General Assembly of Palestine as a non-member observer state (Resolution 67/19, 2012) in April 2014, the Palestinian Authority (PA), the governing body of the West Bank, acceded to multiple international conventions on human rights, humanitarian law, and diplomatic relations.² Consequently, the PA is obligated to comply with international human rights law (IHRL) and to implement the provisions laid out in these conventions.³ By acceding to these international conventions, the PA—and Hamas as a quasi-state actor controlling Gaza—has become a willing party bound to protect international children’s rights.

Hamas was a part of a unity government with the Palestinian Authority, agreeing to operate collectively under the Fatah-Hamas Gaza Agreement.⁴ The unity government officially expired in November 2014. For almost a decade, beginning in 2006 when Hamas was voted into office, Hamas has played a significant role in Palestinian governance.⁵ Because of this and because of Hamas’ previous involvement with the Palestinian Authority in the unity government, Palestine’s recent entry into international human rights treaties should be equally binding on Hamas: “non-State

¹ Robbie Sabel, *International Law*, (Jerusalem: Hebrew University, 2nd Edition 2010) p. 167-169

² *Note to Correspondent*, UN website, <http://www.un.org/sg/offthecuff/index.asp?nid=3372>. Accessed on 2 March, 2015.

³ These include: the Convention on the Rights of the Child (CRC), 1989 ; the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 1990 ; the Convention on the Rights of Persons with Disabilities, 2006, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984.

⁴ Holly Yan & Kareem Khadder, “Tension Grows Between Palestinian Authority and Hamas,” *CNN*, 8 September, 2014. <http://www.cnn.com/2014/09/08/world/meast/palestinian-abbas-hamas-conflict/>

⁵ Jerrold L. Sobel, “Israeli-‘Palestinian’ Insanity Must Stop,” *American Thinker*, 9 June, 2013. http://www.americanthinker.com/articles/2013/06/israel-palestine_insanity_must_stop.html.

actors that exercise government-like functions over a territory have a duty to respect human rights.”⁶

Therefore, the PA along with Hamas are obligated to ensuring that their people enjoy the rights set out in IHRL and in the aforementioned conventions. They must protect them from any human rights violations within Palestinian territory, and international benchmarks must be used to evaluate the situation.

Although the Jerusalem Institute of Justice (JIJ) welcomes the Initial Report of the Palestinian Authority to the United Nations Committee on the Rights of the Child, we believe that it underestimates the severity of the abuse of children’s rights in the Palestinian territories. Palestinian Liberation Organization (PLO) Chairman Yasser Arafat symbolically signed the United Nations Convention on the Rights of the Child (CRC) in 1991,⁷ however this ratification did not have full legal effect since the PLO was not a state but an organization and ratification of international conventions is only open to states. In 2010 the Palestinian National Authority (PNA) nonetheless issued a report on the implementation of the CRC in the occupied Palestinian territories by Palestinian institutions. Since the PNA was not eligible to submit a formal state report, this report was submitted to the UN CRC in Geneva; the CRC received and reviewed the report for informational purposes only.⁸

With a population of 4,550,368 people in 2014⁹ and 47.5% being under the age of 18 in mid-2013,¹⁰ the West Bank and Gaza have one of the youngest populations in the Middle East. According to both the Palestinian Central Bureau of Statistics (PCBS) and the World Bank, 40% of the population was under 15¹¹ and 30% aged between 15 and 29 in 2014.¹² In 2013, 70% of the Palestinians in the West Bank and Gaza were under the age of 24. The implementation of the CRC in the Palestinian territories thus takes on even greater importance.

⁶ For more on this topic see JIJ Report, *Hamas and the International Human Rights Law: What are the legal consequences of a designated terrorist organization becoming the governing entity of a recognized state?* April 2015. <http://jij.org/wp-content/uploads/2015/04/Hamas-and-the-International-Human-Rights-Law-4-27-15-with-edits.pdf>.

⁷ The Status of the Rights of Palestinian Children, Palestinian Central Bureau of Statistics, Ramallah – Palestine, 2013, p.17.

⁸ <http://resourcecentre.savethechildren.se/start/countries/occupied-palestinian-territory/crc-reporting>

⁹ Palestinian Central Bureau of Statistics, http://www.pcbs.gov.ps/site/lang__en/881/default.aspx#Population

¹⁰ “In 2013, there were 2.08 million children under the age of 18, constituting 47.1 percent of the total population in Palestine: 45.0 percent in West Bank and 50.6 percent in Gaza Strip,” PCBS press release on the occasion of the “Palestinian Child’s Day,” 5 April, 2014.

<http://www.pcbs.gov.ps/site/512/default.aspx?tabID=512&lang=en&ItemID=1076&mid=3171&wverson=Staging>

¹¹ “World Development Indicators: Population dynamics,” World Bank. <http://wdi.worldbank.org/table/2.1#>; PCBS statistics at http://www.pcbs.gov.ps/site/lang__en/881/default.aspx#Population

¹² “Population Statistics,” Palestinian Central Bureau of Statistics. http://www.pcbs.gov.ps/site/lang__en/881/default.aspx#Population

The foremost current violations of children’s rights in the West Bank and Gaza by the Palestinian government as detailed below suggest that neither the PA nor Hamas intended to fulfill their international promises.

Methodology

The information presented in this report derives from reputable news outlets and non-governmental organizations from across the political spectrum. Whenever possible, information and statistics were obtained directly from materials produced by the Palestinian Authority and other government bodies affiliated with the Palestinian people. Interviews were conducted in person and via Skype with individuals living in Gaza and/or the West Bank, many of whom work professionally on children’s issues in those areas. To protect the safety and privacy of such individuals, names have been withheld and records of interviews maintained internally by the Jerusalem Institute of Justice.

General Framework

Protecting children’s rights is a high priority of international human rights law. The UN Convention on the Rights of the Child (CRC) was adopted by the United Nations in 1989 and ratified by 194 countries in the following two decades. It has become a global standard in the treatment of children. Two additional protocols amended to this convention in 2000 ensured that children under the age of 18 couldn’t be forced into armed service, prostitution, pornography, or sold into slavery.

Article 29 of Palestinian Basic Law states that:

Children shall have the right to:

- 1. Comprehensive protection and welfare.*
- 2. Not to be exploited for any purpose whatsoever, and not to be permitted to perform work that might damage their safety, health or education.*
- 3. Protection from harmful and cruel treatment.*
- 4. Not to be subjected to beating or cruel treatment by their relatives.*
- 5. To be segregated – in cases where they are sentenced to a penalty that deprives them of their freedom – from adults, and be treated in a manner that is appropriate to their age and aims at their rehabilitation.¹³*

¹³ Article 29 of Amended Basic Law, 2003. Available in English at <http://www.palestinianbasiclaw.org/basic-law/2003-amended-basic-law>

According to the CRC definition, a child is “every human being below the age eighteen years unless under the law applicable to the child, majority is attained earlier.”¹⁴ According to the PCBS Report The Status of the Rights of Palestinian Children,¹⁵ the Palestinian Child Law No. 7 of 2004 and its amendments define a child as “any human being under the age of eighteen years, including the unborn.” The report specifies, however, that: “other laws are not necessarily consistent with this definition in terms of the minimum age of legal responsibility and accountability.” It should be noted that Palestinian law agrees with the CRC definition which is based on the belief that young people and children under the age of 18 are considered more vulnerable than adults and therefore require specific protection by the law and legal entities.

In the introduction to the CRC it is recalled that in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance ... as indicated in the Declaration of the Rights of the Child, “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.”

As mentioned before, half of the Palestinian population, according to the PCBS, is under 18 years old. Implementation of children’s rights is therefore crucial, as it impacts on most of Palestinian society, its future leaders and decision-makers. However, the present report shows that despite these explicit guarantees to safeguard children from abuse, exploitation, and violence, the Palestinian authorities in Gaza and, to a lesser extent the West Bank, often fail to take the necessary steps to protect their nation’s youth.

HUMAN RIGHTS VIOLATIONS



General Principles

Non-Discrimination (CRC Article 2)

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the

¹⁴ UN Convention on the Rights of The Child (CRC), Article 1.

¹⁵ The Status of the Rights of Palestinian Children, p.19.

status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Best Interests of the Child (CRC Article 3)

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

The Right to Life, Survival, and Development (CRC Article 6) & The Right to Not be Subjected to Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment (CRC Article 37)

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure that:

No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offenses committed by persons below eighteen years of age.

The right to life and physical integrity and dignity are fundamental rights inherent to every human being and enshrined by all the IHRL body. Children, as a vulnerable group of people, should benefit from optimal protection regarding those rights. Sadly, in 2015 the Independent Commission for Human Rights (ICHR) monitored multiple cases of torture and degrading and cruel treatment against children during detention in the West Bank. Large numbers of detainees in Palestinian jails were children aged between 16-17, and complainants reported different forms of torture, such as beating, kicking, punching, flogging, cold water dousing, and being forced to strip.¹⁶ Statistics show that the Palestinian authorities have failed to ensure through their own legislation the right to life for many children. For example, so-called “honor killings” are still practiced in the West Bank and Gaza, and the law has failed to change the legislation that allows perpetrators of these crimes to benefit from a mitigation of their sentence.¹⁷

¹⁶ Monthly Report on Violations of Human Rights and Freedoms in Occupied Palestinian Territory, ICHR, January 2015. <http://www.ichr.ps/en/2/5/1308/January-2015-Report-of-Human-Rights-Violations-January-2015-Report-of-Human-Rights-Violations.htm>

¹⁷ “Abbas aide: No plans to outlaw ‘honor killing’”, *MA’AN News Agency*, 24 December 2012. Accessed 29 January 2013. <http://www.maannews.com/Content.aspx?id=550792>

Honor killings and others assaults are perpetrated against women and girls who are perceived to have transgressed cultural norms and who have thus brought shame on their families in, primarily, Muslim communities. These transgressions are usually based on personal choices concerning dress, career, marriage, or personal relationships. The killings are often perpetrated by members of the victim's family and are seen as a way of restoring social position and honor to the family.¹⁸ Countries applying the version of Islamic law that authorizes these punishments are violating human rights.

A report by Save the Children Sweden entitled *Gender-Based Sexual Violence Against Teenage Girls in the Middle East* detailed numerous honor killings of female children in the West Bank and Gaza.¹⁹ Over the last few years, and even as recently as the last few months, the Middle East media have reported various incidents of such crimes involving children and teenage girls as victims. On 3 March 2014, a news article reported a gathering outside the general attorney's office in Gaza demanding an end to gender-based violence. This gathering took place a month after two Palestinian teenage girls were killed in Gaza City in separate incidents of honor killings.²⁰ Individuals living in the West Bank and Gaza have also confirmed the continuation of honor crimes within families. X, a young Palestinian man from Gaza told us that: "in Hebron last year it happened like ten times. In Gaza you also hear about this."²¹

Reliable data about the number of child victims of honor killings is unavailable. This is likely to be because the Palestinian government considers 15-year-old girls in the West Bank and 17-year-old girls in Gaza as eligible for marriage and therefore does not see them as victims.²² The International NGO Council on Violence against Children found that "while younger children are protected from such punishments, those reaching puberty are deemed under Sharia Law to be responsible adults, subject to the full force of the law."²³ This does not, however, fit with the legal definition of a child, and

¹⁸ *Violating children's rights: Harmful practices based on tradition, culture, religion or superstition*, The International NGO Council on Violence against Children, October, 2012.
https://srsg.violenceagainstchildren.org/sites/default/files/documents/docs/InCo_Report_15Oct.pdf

¹⁹ Pernilla Ouis and Tove Myhrman, *Gender-Based Sexual Violence Against Teenage Girls in the Middle East, A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen*, (Save the Children Sweden, 2007).

²⁰ "Upsurge in Palestinian 'Honour Killings,'" *Al Jazeera*, 25 March 2014.
<http://www.aljazeera.com/indepth/features/2014/03/upsurge-palestinian-honour-killings-gaza-201432372831899701.html>

²¹ Interview with X, 10 July, 2015, West Bank

²² *The Status of the Rights of Palestinian Children*, p.19-20.

²³ *Violating Children's Rights: Harmful Practices Based on Tradition, Culture, Religion or Superstition*, p.35.

teenage girls under the age of 18 must benefit from the protection and guarantees laid down in the international children's rights law.²⁴

CIVIL RIGHTS AND FREEDOMS



Name, Nationality and Preservation of Identity

CRC Article 7:

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

CRC Article 8:

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Despite these articles, many children in the West Bank still lack the right to a legal existence and are even prevented from getting a legally recognized identity.

Under Palestinian law, sex before marriage is illegal.²⁵ Women are therefore punished for giving birth out of wedlock. If unmarried girls find themselves pregnant, Islamic law allows for any family member to beat or kill them in the name of family honor.²⁶ In order to preserve their lives, women go to special institutions to give birth or give birth

²⁴ Please refer to JIJ's report on women's rights, "Assessing the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women in the West Bank and Gaza" which offers a detailed overview on this issue in the section entitled "Sexual and domestic violence and misconduct." Available at: <http://jij.org/jij-reports/>

²⁵ *The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory*, December 2010, p.42.
<http://resourcecentre.savethechildren.se/sites/default/files/documents/3834.pdf>

²⁶ "Illegitimate Orphans in Gaza on the Rise," *The Palestine Chronicle*, 22 October, 2008.
<http://www.palestinechronicle.com/illegitimate-orphans-in-gaza-on-the-rise/>

alone in the wild and abandon their babies.²⁷ Official statistics about the number of abandoned babies in the West Bank and Gaza are unavailable, although one institution in a main West Bank city estimated that they receive an annual average of 50-80 babies born in these circumstances.²⁸ As a result, abandoned babies and children are currently deprived of an ID card, a family name, or any personal information that would establish their identity.²⁹ Y, a Palestinian man living in the West Bank explained, “the women give birth there [in this safe and special institution] and leave the baby.”³⁰

A major issue for these abandoned babies is that, unless proved otherwise, the officials assume them Muslim. D, a social worker in the West Bank reported: “a child was found in a village near Nablus and around this village there are Christian communities. So why do we suppose that this child is Muslim? Every child born out of marriage found abandoned here or there is considered a Muslim.”³¹ This assumed definition reinforces the vulnerability of these children, as Islamic law, which applies as the national ruling in the West Bank and Gaza, forbids adoption for Muslims and thus the children are deprived this option.³²

In an interview on the legal process for orphans and abandoned children Moemen Barakat, the director of Mabaret al-Rahma orphanage in Gaza, noted that:

“After the child is accepted by an orphanage, the hospital and the Ministry of Health issue a birth certificate with fictitious parent names. The orphanage then becomes responsible for all the child’s expenses. ... children from illegitimate relations face social ostracism, so many countries issue birth certificates [with] phony parent names instead of leaving it blank to help them lead a more normal life.”³³

He went on to add that abandoned babies and children are not officially recognized as citizens at birth, since their identity is usually kept secret due to the danger to the mother.³⁴

²⁷ Interview with D. A social worker in the West Bank, 3 June 2015, West Bank.

²⁸ Ibid.

²⁹ Interview with D. 3 June 2015, Bethlehem.

³⁰ Interview with Y. 27 November 2014, Bethlehem.

³¹ Interview with D. 3 June 2015, Bethlehem.

³² It should be noted that the Ministry of Social Affairs (MoSA) “is developing a foster care process (kafalah) alongside institutional placement as child adoption is prohibited in accordance with Islamic teaching,” *The Situation of Palestinian Children in The Occupied Palestinian Territory, Jordan, Syria and Lebanon, An assessment based on the Convention on the Rights of the Child*, UNICEF, 2010, p.30. More information on adoption can be found in “FAMILY ENVIRONMENT AND ALTERNATIVE CARE—1.Children deprived of a family environment – ADOPTION,” p.21-22 of this report.

³³ “Illegitimate Orphans in Gaza on the Rise,” *The Palestine Chronicle*, 22 October, 2008. <http://www.palestinechronicle.com/illegitimate-orphans-in-gaza-on-the-rise/>

³⁴ Interview with D. 3 June 2015, Bethlehem.

This, and most specifically the right to a legal existence, represents a major violation of Article 7 of the CRC. The PA does not provide any help in registering these children as citizens, thus reneging on its obligations to ensure one of the most basic children's rights. It should be noted that the PA does not support or fund any private or nonprofit organization or institution working in the field of children's rights within the territory under their control.³⁵



Freedom of Expression and Access to Appropriate Information

CRC Article 13:

The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers ...

CRC Article 17:

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- a. Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;³⁶
- b. Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources
- c. Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.³⁷

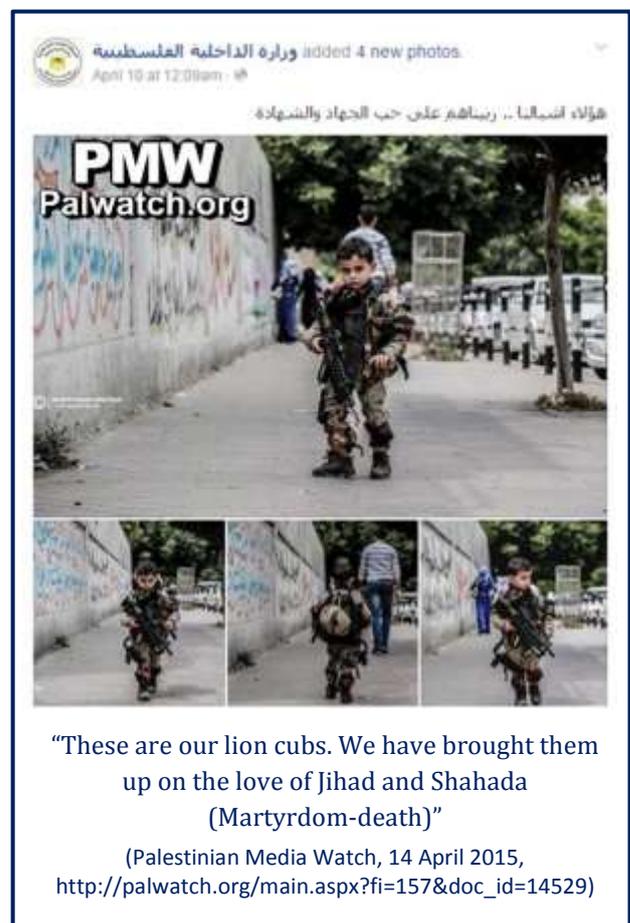
³⁵ Findings from interviews conducted with various NGOs in the West Bank.

³⁶ Article 29 of the CRC can be found at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

³⁷ Articles 13 and 18 of the CRC can be found at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

The content of Palestinian media regarding children is most significant in this area. The PA and Hamas are currently engaged in mass indoctrination, educating children for violence and hatred. Through a combination of social networks, national TV children’s programs, and children’s magazines,³⁸ the PA encourages children to become martyrs and die for the sake of their land. Palestinian Media Watch (PMW) has documented that the PA (both Fatah and Hamas) uses media and culture, such as official Palestinian television, the Hamas official TV channel, and Fatah TV, to promote hatred and murder of Jews among children. In one specific children’s program called *The Best Home*, a young girl, no older than 13 or 14, recites a poem calling Jews “barbaric monkeys,” “the most evil among creations,” and those “who murdered Allah's pious prophets.” Jews are said to be “thongs... brought up on spilling blood...impure...filth.” The girl, nonetheless, declares that she is not afraid of the Jews' “barbarity” because Jerusalem will “vomit out” the impure Jews. The poem continues, “my heart is my city and my Quran.”³⁹

Al-Aqsa TV, a Hamas-sponsored television channel which aired on 9 January, 2006 after Hamas took control of the Gaza Strip has, since its launch, expanded its hatred against Israel by broadcasting children’s programs in which kids are encouraged to become martyrs and taught according to hate speech. In the Al-Aqsa TV children’s show *The Pioneers of Tomorrow*, which is broadcast on the PA TV channel, children are brainwashed by teddy bears who encourage them to grow up to become martyrs. Participants in the show are no older than six or seven years old. The title of the show calls for the younger generation to take upon themselves all future operations of martyrdom, such as “kicking” the Jews out of Israel. A young girl from Holland calls into the studio and sings a song together with the entire crew entitled “When We Become Martyrs.”⁴⁰



³⁸ *Al-Fateh Children’s Magazine*, 21 January, 2012, quoted on IDF blog, at <http://www.idfblog.com/hamas/2012/01/21/al-fateh-childrens-magazine/>

³⁹ “PA teaches kids to despise Jews,” *Palestinian Media Watch Bulletins*, 1 June 2015. http://www.palwatch.org/main.aspx?fi=157&doc_id=14951

⁴⁰ *Al-Aqsa TV*, 21 January 2012, quoted on IDF blog. <https://www.idfblog.com/hamas/2012/01/21/hamas-al-aqsa-tv/>

Exorcism rites have become a new and vicious way of brainwashing children. A video leaked to the Palestinian social media shows hysterical children in the company of exorcising preachers at the Al-Nil school in Gaza City. Hamas-controlled Wakf (Islamic trust) Ministry preachers enter schools and ensure, through an exorcism rite, that the children are repentant and faithful to Islam. They attempt to cast out the so-called “demons” that may lead a child to think or act in a way contrary to the fundamental tenants of Islam. These children are later recruited as “warriors” in the jihad (holy war) against Israel and the “infidels”.⁴¹

PMW has reported many propaganda campaigns operated by both Fatah and Hamas that involve the promotion of child soldiers. In these videos children are dressed up like soldiers, hold rifles, and promote death, fighting, and martyrdom. These videos are shared publicly on the official Fatah Facebook page, which defines itself as belonging to the Fatah Mobilization and Organization Commission.⁴² One example is a music video published on Facebook on 25 April 2015 showing armed child soldiers singing with Fatah soldiers while they train and fire rockets, thus glorifying and encouraging violence against Israel.⁴³ Meanwhile, Hamas' Ministry of Interior posts on its Facebook page photos and videos promoting Jihad for children.

On 10 April 2015 a photo was posted of a little boy, no more than five years old, posing in military uniform and holding an automatic rifle. The text beside the photo explained that children under Hamas rule grow up learning “the love of Jihad and aspiring to die as martyrs for Allah:

This hate speech is a part of daily life for Palestinian youth, particularly in Gaza, and is most evident among teenagers. X, a young Palestinian man from Gaza reported that: “when you want to say something bad to a Palestinian, you say he is like the Jews. When I was in Gaza I did not think of the Jews as human beings, and I thought that each of the soldiers wanted to kill us and drink our blood.”⁴⁴ Thus in the West Bank and Gaza, children, youth, and Palestinian society in general are indoctrinated and educated in hatred through the media on a daily basis.⁴⁵

According to D, a social worker living in the West Bank, “people become fools [because] of the day by day wrong teaching, there is a need to educate people about everything, a need to raise awareness within people, but we are not even beginning with this.”⁴⁶

⁴¹ “Hamas’s new way of poisoning the minds of Palestinian Children,” *Gatestone Institute*, 1 April 2016. <http://www.gatestoneinstitute.org/7804/palestinian-children-torture>

⁴² “PA and Fatah social media,” *Palestinian Media Watch*. <http://www.palwatch.org/main.aspx?fi=1020>

⁴³ “PMW Bulletins: Child soldier promotes violence in Fatah video,” *Palestinian Media Watch*, 31 May, 2015. http://www.palwatch.org/main.aspx?fi=157&doc_id=14949

⁴⁴ Interview with X. 10 July 2015, West Bank.

⁴⁵ For an overview on this topic, see *Palestinian Media Watch*: <http://www.palwatch.org/main.aspx?fi=844>

⁴⁶ Interview with D. 3 June 2015, Bethlehem.

“ These [young] generations must be molded according to those principles, so that they will continue walking the path of the Martyrs (Shahids)...

This occupation must be fought in all areas of life, including education, struggle, boycotting Israeli products, resistance to the settlers and popular resistance.” ^[1]

Fatah Secretary Ata Abu Rmeileh in Jenin on Fatah-run Awdah TV, February, 2015

This mass indoctrination and education in violence is in complete violation of Article 17 of the CRC and the CRC’s objectives, which seek to ensure children’s right to access to information which aims at “the promotion of his social, spiritual and moral well-being and physical and mental health.” Moreover, this incitement to violence, martyrdom, and hatred, directed specifically against the Jews, constitutes a major obstacle to peace and is, more generally, a violation of the international human rights standards.



Freedom of Thought, Conscience and Religion

CRC Article 17:

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Freedom to adopt a religion of choice is a fundamental human right that was enshrined in UN international conventions as early as the Universal Declaration of Human Rights of 1948. This declaration, which laid the foundation for an international framework protecting freedom of religion, states in Article 18 that: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his/her religion or belief.”

Likewise, Article 18 of the UN International Covenant on Civil and Political Rights from 16 December 1966 provides that:

“Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice... 2. No one shall be subject to coercion that would impair his freedom to have or to adopt a religion or belief of his choice... 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”

Children should, therefore, be free to choose their own religion and no one, except for parents or legal guardians, is permitted to coerce the practice of belief, which would infringe on their right to freedom of religion and thus violate Article 14 of the CRC.

However, according to interviews with social workers and institutions working in the West Bank, we found that the vulnerable groups of abandoned children are subject to the Palestinian government’s policy of automatically designating religious affiliation. As discussed above, the PA assumes that every abandoned child placed in an institution is Muslim despite the lack of information regarding the mother’s identity. Thus subjected to Islamic law and tradition, the child loses certain benefits and rights, such as the right to adoption.

The PA does not, therefore, ensure the full exercise of children’s rights, primarily, the right not to be coerced into a particular belief or religion.

FAMILY ENVIRONMENT AND ALTERNATIVE CARE



Children Deprived of a Family Environment

CRC Article 20:

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

In the West Bank and Gaza, the issue of children without family care falls within the mandate of the Ministry of Social Affairs (MoSA) and relevant policies can be found in the Systematic Guidelines for Child Care.⁴⁷ Article 38 of these guidelines states that “the Ministry is entrusted in the care and upbringing and protection of disadvantaged children through the care of entitled children by services of the ministry in the manner of its specialized unit in this field.” According to the guidelines, children entitled to social care include children of unknown parentage, children in social care institutions, children of divorced or separated parents, and children with no families, among others.⁴⁸

Abandoned children and children entitled to social care

According to human rights organizations, the number of abandoned and illegitimate children in Gaza has risen which has grave consequences for Palestinian society.⁴⁹ The rising numbers can be understood by looking at Islamic tradition and Sharia law, which forbids women sexual relationships out of marriage by punishment of death (honor killings). The threat of death, along with the weight of family honor and reputation, forces many women and underage girls to hide their pregnancy and, subsequently, to abandon their child.⁵⁰

Articles 41-52 of the MoSA’s Systematic Guidelines for Child Care outline the services that should be provided, including the overseeing and supervision of governmental and non-governmental children’s institutions and the regulation of procedures for the admission of children into institutional care. However, due to a lack of resources, these services are largely unmet. Although specific children’s institutions have been established in the West Bank, none receive funding or support from the Palestinian government.⁵¹ Moreover, government policy is based on Islamic law and thus denies

⁴⁷ *Child Protection in the Occupied Palestinian Territory: Structures, Policies and Services*, Institute of Community and Public Health, Birzeit University and National Plan of Action Secretariat, Ramallah, April 2006.

⁴⁸ *The Situation of Palestinian Children in The Occupied Palestinian Territory, Jordan, Syria and Lebanon*, UNICEF, p.29.

⁴⁹ Ola al-Madhoun, “Illegitimate orphans in Gaza on the rise: report,” *Al Arabiya News*, 20 October, 2008. <http://www.alarabiya.net/articles/2008/10/20/58576.html>

⁵⁰ Interview with D. 3 June 2015, Bethlehem.

⁵¹ Information provided in interviews with social and children’s institutions in the West Bank.

these children their full rights and freedoms as enshrined in international human rights law (IHRL).

Foster care

MoSA, and specifically the adoption department, is in charge of foster care in the West Bank, both the placing of children in foster families and are the decisions regarding placement procedures. MoSA guidelines define the foster family as: “the family that undertakes the education, upbringing and care of the child in the totality of aspects of life for the non-existence of the original family.” According to Article 73, children who may be subject to foster care are children born out of wedlock (unknown father) and abandoned or lost children.⁵² Due to Islamic prohibitions on adoption, MoSA is developing a foster care process (*kafalah*) alongside institutional placement.⁵³ However, foster care is only open to Muslim families in the West Bank which itself constitutes major discrimination against non-religious people and people from other religions. MoSA policy should therefore be changed in order to ensure the implementation of the freedoms and rights set in UN Conventions for all citizens under its authority.

Fostered children are in a rather precarious position: they cannot receive family or inheritance rights from their foster family, as they are not an official member of the family,⁵⁴ but neither can they be adopted by the foster family, who can send them back to the institution when they are no longer wanted. According to a representative from a West Bank children’s institution, “this puts children at risk, because there is no way for them to ever have a true family connection.”⁵⁵

Article 47 of the Palestinian Child Law (PCL) requires MoSA: “to take appropriate care, fosterage, or reformation measures if the child is in an environment that may endanger his moral, psychological, physical, and educational integrity.”⁵⁶ MoSA is thus required to execute periodic reviews of children’s placement and of the treatment provided, as intended in Article 35 of the CRC.⁵⁷ The PNA Report on the implementation of the CRC from 2010 states that:

⁵² *The Situation of Palestinian Children in The Occupied Palestinian Territory, Jordan, Syria and Lebanon*, UNICEF, p.,29-30.

⁵³ *Ibid.*, p.30.

⁵⁴ Interview with D. 3 June 2015, Bethlehem.

⁵⁵ *Ibid.*

⁵⁶ *United Nations Study on Violence against Children*, p. 40.

<http://www.ohchr.org/Documents/HRBodies/CRC/StudyViolenceChildren/Responses/Occupied%20Palestinian%20Territory.pdf>

⁵⁷ CRC Article 25: “States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.”

*Foster families usually are under review for a period of 3 months and are approved if the family is deemed to be “virtuous and mature characters who are willing and able to meet the needs of the child and are receptive to the emotions of motherhood and fatherhood.” [Article 80 of MoSA Protocols for Child Care, 2004]. The MOSA conducts periodic visits to ensure that the child is being properly cared for. In the event, that one or both parents are found to be negligent or have committed a crime, the MOSA can seek the immediate withdrawal of the child from the family. If the child is killed while in the care of a foster family, they no longer are eligible to be foster parents in the future.*⁵⁸

However, despite these legal requirements, it was found that there are actually “no identifiable mechanisms in effect that provide for routine, scheduled, and periodic review of placement.”⁵⁹ This was similarly verified in our interview with the social worker D who claimed that: “after a few weeks, they [the ministry officials] forget about the kid, they don’t follow the procedure. In most cases, there is no checking.”⁶⁰

Furthermore, a 2015 report on the implementation of the CRC found that: “there is no explicit prohibition of corporal punishment in alternative care settings” in the West Bank and Gaza.⁶¹ In the event that the Palestinian government drafts appropriate legislation on this issue, MOSA will be required to carry out its legal obligations to observe periodic reviews of placement for children in foster care as intended in Article 25 of the CRC.

Adoption

The International Human Rights Law (IHRL) leaves state entities a great deal of discretion regarding the recognition of the system of adoption. Article 21 of the CRC gives guidelines for those states that do recognize adoption. As previously mentioned, in the West Bank and Gaza adoption is prohibited in accordance with Islamic teachings.

According to official statistics, 99% of the population of the West Bank and Gaza are Muslim. Less than 1% of the Palestinian population is Christian, and this minority suffers from discrimination on the specific issue of adoption.⁶² As abandoned children are considered Muslims; adoption by Christians, or in fact any secular Palestinians, is prevented, and thus there are no children available for legal adoption even among the

⁵⁸ *The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory*, p.79.

⁵⁹ *Ibid.* p. 84.

⁶⁰ Interview with D. 3 June 2015, Bethlehem.

⁶¹ *Corporal punishment of children in the State of Palestine*, report prepared by the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org), p.2. Last updated February, 2015. (See “Domestic Violence and Corporal Punishments” section for more information on this topic)

⁶² Interview with D. 3 June 2015, Bethlehem.

populations for whom adoption is legally permissible. According to D, “adoption from abroad is even more forbidden because Muslims are afraid of children being converted to Christianity through strangers adopting them.” Regarding babies and children cared for in social institutions, he added: “it is not allowed to change the babies’ religion if they are born of a Muslim mother. They stay Muslim. It is illegal to convert them to another religion. So social services cannot let them be adopted by Christian families.”⁶³ “Here is a social injustice: a ‘life sentence for a child’ to stay in an organization [for his entire life].”⁶⁴



Abuse and Neglect

CRC Article 19:

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

MOSA, in cooperation with relevant governmental agencies (health, education, labor, justice, interior/police) and a host of NGOs, implements the National Child Care and Protection Referral and Networking System Protocol (December 2007) which defines the conditions that place children at risk (violence, abuse, neglect, exploitation, incest, assault). Any of these conditions are sufficient to begin procedures to remove a child from the family setting. Coordination with police and judges is required to initiate such actions unless the child is in imminent danger in which case the child protection officer can take immediate action to remove the child from danger and must subsequently proceed to acquire MOSA and court approval.

Domestic violence and corporal punishments

The Global Initiative to End All Corporal Punishment of Children released a report on the subject of domestic violence and corporal punishments in February 2015 in which they found that:

Corporal punishment is lawful in the home. In the West Bank (except East Jerusalem), article 62 of the Jordanian Penal Code 1960 states that the law allows “forms of discipline inflicted on children by their parents, as permitted by general custom.” In Gaza, there appears to be no defence for the use of corporal

⁶³ Ibid.

⁶⁴ Ibid.

*punishment in the British Criminal Code 1936, though it is likely that the English common law defense of “reasonable chastisement” applies.*⁶⁵

Interestingly, PA laws try to provide some kind of legal protection for children from violence.

Article 42 of the Palestinian Child Law of 2004 states that children “shall have the right to protection from violence, abuse, ill-treatment and exploitation” and that the state “shall take all necessary legislative, administrative, social, educational and preventive actions and measures to secure the said right.” Similarly, Article 29 of the Amended Basic Law of 2003 states that children have the right to “protection from harmful and cruel treatment” and “not to be subjected to beating or cruel treatment by their relatives.”⁶⁶

In practice, however, the report found that these provisions are not interpreted as prohibiting all forms of corporal punishment by parents.⁶⁷ *The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child 2010* had previously reported similar observations, noting that “use of corporal punishment is still viewed as an acceptable and appropriate means of discipline within society.”⁶⁸

Despite laws protecting children, violence against children in the home does still occur. According to UNICEF statistics collected in 2010, 93% of children worldwide aged 2-14 had experienced “violent discipline” which consisted of physical punishment and/or psychological aggression in the home in the month prior to the survey. 75% experienced physical punishment and 90% experienced psychological aggression, which included verbal abuse. 21% of mothers and caregivers were reported as believing that physical punishment was necessary in childrearing.⁶⁹

A PCBS survey on domestic violence found that 9 out of 10 children in the West Bank and Gaza reported being hit, beaten, or abused.⁷⁰ The primary perpetrators of such actions were usually identified as family members, followed by teachers or fellow students at school and adults within the community. Parents and caregivers condoned the use of corporal punishment; 50% of the mothers interviewed in the survey reported using corporal punishment as a means of disciplining their children. According

⁶⁵ *Corporal punishment of children in the State of Palestine*, p.2.

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

⁶⁸ *The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory*, p.68.

⁶⁹ *Hidden in Plain Sight: A statistical analysis of violence against children*, UNICEF, 2014. p.165

⁷⁰ *Domestic Violence Survey*, PCBS, 2006. The study was conducted in 2005 and main findings are available at www.pcbs.gov.ps

to these statistics, parents are in fact the first to practice violence against their children:

“51.0 % of children 12-17 years were exposed to violence inside the household by one individual member of the household in 2011; 45.8% in West Bank compared to 59.4% in Gaza Strip; 69.0% of them were exposed to psychological violence by their parents, and 34.4% to physical violence compared to 66.4% of these children were exposed to psychological violence and 34.5% to physical violence by their mothers.”⁷¹

Lack of report and the Palestinian police

“The problem is that not much reporting is done on issues of domestic violence.”⁷²

CRC Article 19-2:

Protective measures should, as appropriate, include effective procedures for the establishment of social programs to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

A PCBS study revealed that:

“...about two thirds of children who were exposed to violence resort to a parent to ask for help, 70.8% of children who had been subjected to violence resorted to a parent, it followed by 30.1% of children resorted to one of brothers and sisters, and 28.6% of the children resorted to a friend.”⁷³

Facts on the ground show that reporting violence is not easy. H, the director of a private school in the West Bank, stated that: “according to the law, when there are obvious issues of domestic violence, we are supposed to report the abuse, but often we do not because we are scared of revenge on the children by their abuser. So we try to avoid the police.”⁷⁴

Lack of confidence in the police is one of the main obstacles to the reporting of violence in the West Bank. Y recalled the following incident that happened in a village in the West Bank:

⁷¹ *Palestine Children—Issues and Statistics, Annual Report, 2012*, Palestinian Central Bureau of Statistics, Child Statistics Series (No.15), p.59. http://www.pcbs.gov.ps/Portals/_PCBS/Downloads/book1863.pdf

⁷² Interview with H. Director of a private school in the West Bank. 19 May 2015, Bethlehem.

⁷³ *Palestine Children—Issues and Statistics*, p.59-60.

⁷⁴ Interview with H. 19 May 2015, Bethlehem

When I was there, a kid stole a 20 shekel phone card. In Israel they will take him and call his father and maybe his father will slap him. But in Palestine the police started beating him. 13-14 years old. So I interfered and they told me to shut up or they'd blow off my head.⁷⁵

Rape and women's position in Palestinian society

Women are denied legal protection from domestic violence, and reporting abuse is not easy or without danger for them. Many women cannot defend themselves against sexual abuse by their relatives and, in order to make a complaint about sexual abuse, women under the age of 18 must go to the police station escorted by a male relative.⁷⁶ Girls are particularly at risk—given the Middle East's strong patriarchal societies—but solid statistics are difficult to acquire due to the taboos surrounding sex and domestic violence.

It is widely believed that acts of sexual violence against women and girls by male family members are not infrequent. It is difficult to ascertain the exact rate of occurrence given that sex is considered a social taboo and family affairs are generally not to be discussed outside the family. Subsequently, it is widely believed that many cases go unreported. However, in a survey of 1,153 adolescent girls from the West Bank conducted in 2004, 7.4 percent reported to have been sexually harassed by a brother and 4.3 percent reported to have been raped by their father.⁷⁷

Even when special organizations exist in order to help and support girls suffering abuse, reporting is still not so straightforward. According to A,⁷⁸ a girl under the age of 16 cannot seek help without one of her parents, and there is no confidentiality if a minor (under 16) comes in without a parent. A girl may, for example, come in with her mother to seek psychological help after being raped in her home. If the rape continues, the organization has to contact the police without the permission of either the mother or daughter. The organization or the police then have to report to the parents, and the girl returns to the abusive situation with a broken reputation. Legally speaking, if the rape continues and a report is made, the law does not commit the abuser to any more than one day's imprisonment.

A explained that because of such circumstances, most women won't tell anyone that they sought the help of an organization or they just won't seek help at all. NGOs dealing with such situations say that often the best option is psychological help for the

⁷⁵ Interview with Y. 27 November 2014, Bethlehem.

⁷⁶ *Hidden Injustices Report*, Jerusalem Institute of Justice, March 2015, p.33.

⁷⁷ *Child Rights Situation Analysis, Right to Protection in the occupied Palestinian territory – 2008*, Defense for Children International - Palestine and Save the Children Sweden, p.27.
<http://resourcecentre.savethechildren.se/sites/default/files/documents/3321.pdf>

⁷⁸ Interview with A. 28 April 2015, Bethlehem.

daughter and education for the mother on ways to protect her daughter, such as not leaving the father and daughter alone together.

It is likewise difficult for a girl who has been abused to report it within the family, essentially because of the shame-honor culture. As A said: “In most of cases, the mother knows about the thing, but she cannot do anything.”⁷⁹ She went on to explain that the situation probably gets even worse if the girl speaks, and she gave the example of a girl who went to the authorities to report a rape and was subsequently beaten by her father or other family members for speaking out about what happened.

Y reported the story of a Palestinian girl who, from the age of nine, was repeatedly raped by her 21-year-old brother. According to Y, the girl was not aware that anything was wrong with this until she grew up. She then tried to tell her mother, but her mother slapped her and accused her of being a dog.⁸⁰

This discriminatory ideology, prevalent in Islamic traditions in which women are seen as secondary, useful as sexual objects and for getting married and raising children,⁸¹ is in complete violation of Palestinian law which states that: “All Palestinians are equal under the law and judiciary, without discrimination on the basis of race, sex, color, religion, political views, or disability.”⁸²

Legal equality for men and women can only be achieved by raising children equally.⁸³ According to B, an NGO representative, by educating Palestinian boys and girls in mutual respect and equal rights, Palestinian society could reach a higher standard of democracy: “If we can change how men think about women then we can use their power to make the change. If we do not work with the males to show what women can do then our efforts won’t succeed.”⁸⁴ To reach such a goal, boys and girls should, from an early age, be educated more equally with a better comprehension of one another, first within the family and then in school. “Mothers need to raise their children equally, so daughters see themselves as equal. Rather than putting the son on a pedestal and teaching him from an early age that he is more valuable than a woman, give them similar chores!”⁸⁵

Hamas’ ideology and teachings about women as secondary in Islamic society is a major obstacle to reaching such standards of human rights. Likewise, PA laws regarding education and domestic violence must be reviewed in order to better protect women

⁷⁹ Ibid.

⁸⁰ Interview with Y. 17 November 2014, Bethlehem.

⁸¹ Interview with F. Staff member in a West Bank social institution, 7 May 2015, Bethlehem.

⁸² Palestinian Basic Law, Article 9.

⁸³ Interviews with NGO representatives working with women and children in the West Bank.

⁸⁴ Interview with B. A representative of an NGO in the West Bank, 28 April 2015, Ramallah.

⁸⁵ Interview with A. 28 April 2015, Bethlehem.

in the West Bank. The PA needs to take the appropriate measures to bring a halt to this ongoing abuse of women and, particularly, young girls.⁸⁶

Early marriages

Palestinian law permits the marriage of underage girls both in the West Bank and Gaza. In the West Bank, the Jordanian Personal Status Law of 1976 makes a girl eligible for marriage at 15 and a boy at 16;⁸⁷ in Gaza, Article 5 of the Egyptian Family Rights Law, Issue No. 303 of 1954 sets the legal age of marriage at 17 for girls and 18 for boys.⁸⁸ In both territories, however, families find ways to subvert legal restrictions, and women marry at even younger ages with early marriage still prevalent at rates that have not varied in recent years.⁸⁹ Among women aged 15-54, the median age of first marriage stands at 18, implying that approximately 50% of women in the West Bank (including East Jerusalem) and Gaza Strip marry before the age of 18;⁹⁰ a fact that was verified by both official sources and other organizations. Among women aged 15-19, 10% are married at the age 14 or younger.⁹¹

The continuing education of girls, and to a lesser extent boys, can be seen as collateral damage of early marriages, as they are prevented from fully completing their studies. According to C, a representative of an NGO in the West Bank, it is not uncommon to find girls younger than 18 turning to counseling organizations to seek help when parents want them to give up their studies and get married.⁹² There are also cases of husbands who don't want their wives to continue with their studies. The Palestinian Central Bureau of Statistics has found that early engagement and marriage is one of the main reasons for dropping out of school,⁹³ particularly in villages where, according to G,

⁸⁶ For a detailed review on of this issue, please read the section "Sexual and Domestic Violence in the West Bank and Gaza" in the JIJ Report on Women's rights.

⁸⁷ Jordanian Personal Status Law, Article 5: Conditions of Eligibility for Marriage:

"It shall be a condition precedent to the eligibility for marriage that the fiancé and fiancée are of sound mind and that the fiancé has completed sixteen (16) years of age and the fiancée has reached fifteen (15) years of age."

⁸⁸ Abeer Al-Mashni et al. (eds.), *Palestinian Women and Security: A Legal Collection*, Geneva Centre for the Democratic Control of Armed Forces (DCAF), 2012, 44. Available at <http://www.dcaf.ch/Publications/Palestinian-Women-and-Security-A-Legal-Collection>.

⁸⁹ *Palestinian Family Health Survey, 2006*, PCBS. <http://www.pcbs.gov.ps/PCBS-Metadata-en-v4.2/index.php/catalog/116/download/276>

⁹⁰ A. Al-Rafai, *Sexual Violence Against Female Teenagers in the West Bank: From a Gender Perspective*, Women's Studies Centre, Jerusalem, 2007; *The Situation of Palestinian Children in The Occupied Palestinian Territory, Jordan, Syria and Lebanon 2010*, p.35-36.

⁹¹ *Palestinian Family Health Survey, 2006*.

⁹² Interview with C. 24 November 2014, Ramallah.

⁹³ According to *The Status of the Rights of Palestinian Children 2013*, "other reasons for dropping out included lack of interest in education, frequent repetition of the same grade, joining the labor market (especially for males) and early engagement and marriage (especially for women)," p.48.

a hospital staff member from West Bank, “the women are not going to study and the traditions are still very strong.”⁹⁴

Due to its foundations in traditional Sharia law, Palestinian civil law still lacks democratic, secular, and egalitarian principles. On discussing the impact of religious norms on the legal framework of marriage, X, a Palestinian man from Gaza, said:

*“That is normal. There is no legal age. Maybe in the government there is something, but the problem is that they do not marry in the government; they marry in the mosque and with Imam and in the book of Islam. Muhammad did this with Aisha, he married her when she was six and he slept with her when she was nine.”*⁹⁵

The same hospital staff member, G, explained: “The Muslim people, if they have the chance to let their younger daughters marry a man, then they will go with that. For then financial issues are covered and... they no longer have them as a responsibility.”⁹⁶

BASIC HEALTH AND WELFARE



Disabled Children

CRC Article 23-1:

States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions that ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

As stated above, following recognition by the UN General Assembly of Palestine as a non-member observer State in 2012, the PA acceded to eight international conventions on human rights including the UN Convention on the Rights of Persons with Disabilities, 2006. This convention (GA resolution A/RES/61/106) “adopts a broad categorization of persons with disabilities and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms.”⁹⁷ The Palestinian Authority is subsequently obliged to comply with international regulations regarding the rights of people with disabilities.

However, it has been found that disabled children suffer from discrimination and degrading treatment in both the West Bank and Gaza. In fact, according to a PCBS

⁹⁴ Interview with G. A hospital staff member in the West Bank, 20 July 2015.

⁹⁵ Interview with X. 10 July 2015, West Bank.

⁹⁶ Interview with G. 20 July 2015, West Bank.

⁹⁷ See <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/QuestionsAnswers.aspx>

report, “children with disabilities or who suffer from chronic illnesses are particularly vulnerable to emotional abuse or neglect... around 80% of reported cases [of abuse] involve the immediate family and 43% of these children are not enrolled in the educational system.”⁹⁸ In a PCBS survey from 2011, it was found that 37.6% of children with disabilities aged 15 and over had never been enrolled in educational institutions, 53.1% were illiterate, and 33.8% had dropped out of school.⁹⁹ This is due to various factors, most specifically societal behavior which does not recognize the potential and value of such children. In *The State of the World’s Children 2013: Children with Disabilities* UNICEF reported that:

*Children with disabilities in the West Bank, as elsewhere, confront a general lack of knowledge and skills about disability throughout the public and private sectors. They are also faced with a dominant perspective that regards people with disabilities as pitiable and as worthy to receive charity – but not as individuals with rights who have the same entitlements as others, and who can and do contribute to society.*¹⁰⁰

The inferior status of people with disabilities is reflected in national policy and regulations, even in the derogatory terms used to designate them. For example, the article relating to marriage conditions for disabled people drafted into the Jordanian Personal Status Law of 1976 is named “Marriage of the Insane and Imbecile” and provides that: “The judge shall be entitled to permit the marriage of a person who suffers from insanity or imbecility in the event it is proven by a medical report that the marriage serves an interest for him/her.”



State Cooperation

Nature and extent of state cooperation with local and national organizations of governmental or non-governmental status

One major obstacle to state cooperation with local and national organizations is the lack of government funding or support for social and special care institutions. None of the many non-profit organizations or special care institutions are supported financially or in any other way by the relevant state authorities.¹⁰¹ We believe that the Palestinian Authority must consider providing funding and support to qualified institutions in order to facilitate their cooperation with local organizations.

⁹⁸ *The Status of the Rights of Palestinian Children*, 2013, p.84.

⁹⁹ *Database of Disabled Individuals Survey, 2011*, PCBS, (unpublished data).

¹⁰⁰ *State of the World’s Children 2013: Children with Disabilities*, UNICEF, May 2013, p.38.
http://www.unicef.org/guyana/SOWC_Report_2013.pdf

¹⁰¹ Interviews with A, B, C, and D.

EDUCATION



Education and Violence

CRC Article 28:

States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, States parties shall, in particular...(e) take measures to encourage regular attendance at schools and the reduction of drop-out rates.

The right to an education is one of the core tenets of the UN Convention on the Rights of a Child, and this is a right that the PA has sought to provide for Palestinian children in different ways. Unfortunately, they struggle to provide children with a safe environment conducive to learning, and the actual learning is often problematic. Article 37 of the Palestinian Child Law states that every child has the right to be educated throughout secondary school (until the age of 18) and that the government should take the necessary measures to prevent children from dropping out of school.¹⁰²

Official Palestinian sources have found different reasons for high dropout rates, usually related to the low quality and promotion of education in the West Bank and Gaza and to cultural and societal factors. According to the PCBS report from 2013, reasons include: “lack of interest in education, frequent repetition of the same grade, joining the labor market (especially for males) and early engagement and marriage (especially for women), objections to coeducation, distance of residence from school and transportation expenses, visual disabilities and mental illness.”¹⁰³

¹⁰² *The Status of the Rights of Palestinian Children, 2013*, p.72.

¹⁰³ *Ibid.* p.48.

Table 1: Statistics of dropout rates

	Pre-primary school participation		Primary school participation										Secondary school participation			
	Gross enrollment ratio		Gross enrollment ratio		Net Enrollment ratio		Net Attendance ratio		Out-of-school children of primary school age		Rate of continuation		Net Enrollment ratio (%)		Net Attendance (%)	
	2009-2012		2009-2012		2009-2013		2008-2013		2009-2013		2009-2012	2008-2013	2009-2013		2008-2013	
	Male	Female	Male	Female	Male	Female	Male	Female	Rate (%)	Number (000)	Admin. data	Survey data	Male	Female	Male	Female
State of Palestine	42	42	95	94	93	92	93	93	7	33	99	100	77	84	62	76

CRC Article 28-2:

States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

Violence has been found to be the primary method of administering school discipline in the West Bank and Gaza, and most Palestinian children are victims of staff violence. In their 2010 report, UNICEF cited findings that over 50% of students in West Bank schools are subjected to abuse (physical and verbal) by both teachers and other students.¹⁰⁴ According to this study, over 50% of teachers believed physical beatings were an “acceptable means of punishing students and improving educational attainment” and 70% of teachers interviewed carried sticks and hoses.¹⁰⁵ UNICEF also cited a 2004 study from Birzeit University, which reported that 44% of teachers used physical punishments against students.¹⁰⁶

This situation may be explained by the lack of qualifications and skills of teachers in the West Bank and Gaza. In *The Status of the Rights of Palestinian Children* the PCBS

¹⁰⁴ *The Situation of Palestinian Children in The Occupied Palestinian Territory, Jordan, Syria and Lebanon*, p.18.

¹⁰⁵ Ibid.

¹⁰⁶ “Domestic Violence & Violence in Schools in oPt,” UNICEF State of Palestine website, 2004. http://www.unicef.org/oPt/children_215.html

reported that in 2011 only 29.3% of Palestinian teachers had qualifications that met Ministry of Education standards; in other words less than one-third of teachers had appropriate qualifications.¹⁰⁷ The report stated, however, that the Ministry of Education had adopted new standards and was implementing a new strategy for the recruitment and training of teachers.

We found that most of the current training programs for teachers are offered and provided by private organizations that specialize in the field of education. According to a study led by a Palestinian education center, 82% of teachers in the West Bank are “burned out.”¹⁰⁸ Professionals from the field claimed that teachers in the territories “just come to work because they need work, not because they want to make a difference.” Private organizations apparently focus their training activities first and foremost on the emotional well-being of teachers: “We want them to be able to teach in a positive way without being burned out.”¹⁰⁹

The UNICEF study (2010) also found that:

*There was a lack of communication and dialogue among teachers; parents found it acceptable that teachers beat their children; and students were not aware of regulations that should be applied in schools for their protection. Most significantly, the study revealed that school achievement was shown to have a clear link to the level of exposure to violence by school staff: the lower the achievement level of the students, the higher were the levels of different forms of violence being perpetrated against them.*¹¹⁰

A study by PCBS in 2012 indicated that of the students who attended schools in the 12 months preceding the report, “more than one fifth of them aged at 12-17 years were exposed to psychological violence.” Rates were 21.6% in West Bank and 22.7% in the Gaza Strip.¹¹¹ It was found that psychological violence was the most practiced violence with 25.0% suffering at the hands of fellow students and 27.6% at the hands of teachers. The rate of those exposed to physical violence by their teachers was 21.4% compared to 14.2% by their fellow students.¹¹²

¹⁰⁷ *The Status of the Rights of Palestinian Children*, 2013, p.51.

¹⁰⁸ Interview with H. 19 May 2015, Bethlehem.

¹⁰⁹ Ibid.

¹¹⁰ *The Situation of Palestinian Children in The Occupied Palestinian Territory, Jordan, Syria and Lebanon*, p.18.

¹¹¹ Ibid. p.59.

¹¹² Ibid.

Table 2: Percentage of children of 12-17 years who were exposed to physical or psychological violence from students or teachers during the period of 12 months that preceded July 2011 on the school by sex and region ¹¹³

Sex	Region		
	Palestinian territory	West Bank	Gaza Strip
Both Sexes	22.0	21.6	22.7
Males	28.7	28.7	28.6
Females	15.1	15.1	16.7

Source: *Press Release Main Findings of Violence survey in the Palestinian Society, 2011*. Palestinian Central Bureau of Statistics, 2011.

Other factors contributing to low student performance include high student density in classrooms. X spoke about his own childhood experiences of school in Gaza: “each class in the school had about 50 students. We used to be very close to each other, there was no space. It was a really hard and difficult situation.”¹¹⁴ Overcrowded classrooms has likewise been reported by official Palestinian sources:

*Overcrowding in the classroom decreases opportunities for participation and interaction and impacts a teacher’s ability to control the class, which in turn can impede understanding, comprehension and academic performance. While student numbers are increasing, the number of classrooms available to absorb them is not keeping pace, especially in UNRWA schools...Overcrowding is greater in the Gaza Strip than the West Bank; UNRWA schools and schools in East Jerusalem have a shortage of classrooms...Density in Palestinian schools, therefore, is relatively high.*¹¹⁵

¹¹³ Ibid. p.59.

¹¹⁴ Interview with X. 10 July 2015, West Bank.

¹¹⁵ *The Status of the Rights of Palestinian Children, 2013*, p.52. For more information on this subject, see *Survey of knowledge, perceptions and practices in water, sanitation and school hygiene in the occupied Palestinian territories*, Ministry of Education, UNICEF with funding from the Australian government, December 2011. Available at: http://www.unicef.org/opt/UNICEF_-_English_Report_Final.pdf

Violence from teachers in government schools in Gaza

With regards to staff violence in schools, X, a young man from Gaza, stated that: “teachers in Gaza don’t even know how to deal with a student. They don’t know anything about how to help the children.” As a pupil, “you would be afraid that the teacher would hurt you, that he’d slap you...in my time, they used to hit me, even when I was in government school.” In explaining the teachers’ means of violence, he added: “they banish you, they hurt you, they talk to you like you’re an animal. They say, ‘you are an animal, you are a pig.’”¹¹⁶

In the aforementioned UNICEF report, it was found that more than 50% of students in West Bank schools were subjected to physical and verbal violence by teachers and sometimes by students themselves.

Violence from teachers in UNWRA schools

Violence is also perpetrated within Gaza’s UNRWA schools with anecdotal evidence and teachers’ accounts showing that school violence has increased in recent years.¹¹⁷ In a report on corporal punishment of children by the Global Initiative to End All Corporal Punishment of Children, a study is cited regarding violence in UNRWA Schools in the West Bank:

*Research which included a survey with 306 students in three schools and focus groups with 88 students, teachers, counselors and principals found that 36.6% of students had often seen a teacher hit students or been hit themselves: 37.6% reported that this happened sometimes, 25.7% rarely. A fifth (22.2%) had heard a teacher insult students or been insulted themselves often, 30.6% sometimes and 47.1% rarely.*¹¹⁸

According to interviews with individuals from Gaza, similar violence is also perpetrated inside UNRWA schools in Gaza to the same extent as in government schools. As reported by X, “all the schools in Gaza are the same, both government and UNRWA.”¹¹⁹ This is a particularly alarming statement. X went on to described school conditions in an UNRWA school:

“Teachers punish you by hitting. If you didn’t do homework, they have to hit you with a plastic pipe. And they hit you on your fingers. And I experienced this, and it is very painful. And it is not easy even when they hit you when you don’t do

¹¹⁶ Interview with X. 10 July 2015, West Bank.

¹¹⁷ *The Situation of Palestinian Children in The Occupied Palestinian Territory, Jordan, Syria and Lebanon*, p.18.

¹¹⁸ *Corporal punishment of children in the State of Palestine, p.4: reference to Level of Violence in UNRWA Schools in the West Bank – Protective Sphere for Palestinian Children*, Save the Children UK, Riyadh Consulting and Training (2010).

¹¹⁹ Interview with X. 10 July 2015, West Bank.

your homework. The teacher curses you; he will hit you and slap you on your face. It is normal."¹²⁰

There can be no doubt that such conditions have an adverse effect on the academic achievements of Palestinian children and result in pupils giving up on education. It should be noted that the PCBS found that: "the data for 2010/2011 indicated that 11,646 students at UNRWA schools in the West Bank dropped out due to low academic achievement."¹²¹

Though UNRWA schools, as entities representing the UN, should reflect UN values and principles, the facts show that the reality is quite different.

From these different experiences, it is clear that the PA should review their educational policies regarding the criteria for recruitment, the appointment, and follow-up of teachers in government schools both in Gaza and the West Bank. Teachers should educate students with respect for human rights and in accordance with the CRC's principles.



Aims of Education

CRC Article 29:

States Parties agree that the education of the child shall be directed to:

- a. The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- b. The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- c. The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.

Children under oppression: educating for Jihad and murder

"Now I watch videos and they teach children how to use guns and to fight in school and inside class. Not in the Christian schools but the Muslim schools. The government schools."¹²²

Despite provisions held in Article 29 (b) and (d) of the CRC, the educational content in Palestinian schools clearly does not fit within the framework of human rights and

¹²⁰ Ibid.

¹²¹ *The Status of the Rights of Palestinian Children*, 2013, p. 48.

¹²² Interview with X. 10 July 2015, West Bank.

fundamental freedoms. The promoted ideology seems to be far removed from a spirit of peace or tolerance among all peoples.

Gender-segregated schools in the West Bank and Gaza: Palestinian girls at risk

In April 2013, Hamas passed a law enforcing gender segregation from the age of nine in all schools in Gaza¹²³ and barring male teachers from girls' schools.¹²⁴ Since then, all schools in Gaza— Muslim schools, Christian schools, government schools, and UNWRA schools — have been gender-segregated.

In the West Bank, most government schools are gender-segregated; smaller schools have divided classrooms where boys sit in the front where they can avoid seeing the girls. There remain in the West Bank some private or UNRWA schools which are coeducational.¹²⁵

This strict division of girls and boys in the school system has become a contributing factor to sexual harassment among youth. A police officer from the West Bank reported to a women's rights organization about the problem of boys assaulting girls on their way home from school. He explained that the boys were sent home from school earlier than the girls to prevent them from meeting each other. However, the boys would wait for the girls and harass them when they left school. The police proposed making boys walk on one side of the street and girls on the other to avoid such problems. According to the women's rights organization that received his report, this problem is likely to result from the stereotypes and stigmas around gender issues, which stem from ignorance and from having never met in a neutral and safe place.¹²⁶

The law concerning gender-segregation in schools has raised fears among NGOs and Palestinian society as a whole,¹²⁷ as it has come in the context of a series of measures, campaigns and laws designed to Islamize Palestinian society and impose restrictions on women such as the donning of hijab and gender segregation in all institutions.¹²⁸

We believe that schools should be a place where children can learn how to live together in a peaceful way that respects human rights. The imposition of Hamas' radical Islamic ideology on Palestinian youth contributes to the diffusion of unfortunate

¹²³ "Hamas tells Gaza's boys and girls to pull up their pants and get to separate schools," *Albawaba*, 15 April, 2013. <http://www.albawaba.com/editorchoice/hamas-gaza-school-484605>

¹²⁴ "Hamas orders gender segregation at schools," *Aljazeera*, 15 April 2013. <http://www.aljazeera.com/news/middleeast/2013/04/201342101959704457.html>

¹²⁵ Interview with C. 24 November 2014, Ramallah.

¹²⁶ *Ibid.*

¹²⁷ "New Gaza Education Law Imposes Gender Segregation," *Al Monitor*, 4 April 2013. <http://www.al-monitor.com/pulse/originals/2013/04/gaza-education-law-gender-segregation.html#>

¹²⁸ "Hamas Bars Women From Gaza Marathon," *Al Monitor*, 6 March 2013. <http://www.al-monitor.com/pulse/originals/2013/03/gaza-marathon-cancelled-unrwa-hamas.html>

teachings and understandings regarding encounters and relationships between the sexes. Such misunderstandings between boys and girls result in maltreatment and put girls at major risk of sexual abuse and harassment.

Soaking in the lies: Schoolbooks

PMW along with the Institute for Monitoring Peace and Cultural Tolerance in School Education (IMPACT-SE), on reviewing the PA curricula and school textbooks, have found numerous violations of human rights principles.

CRC Article 29:

- b. The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- c. The development of respect for ... civilizations different from his or her own;

One recurrent topic is the rejection of Israel's right to exist along with a permanent denial of the State of Israel. The establishment of the State of Israel is presented in a 12th grade textbook as "a catastrophe that is unprecedented in history."¹²⁹ Likewise, on maps, "Palestine" exists but Israel does not.¹³⁰

Educating on Anti-Semitism and promotion of killing the Jews

Also evident in Palestinian schoolbooks is the demonization of both Jews and Israelis through terminology of disdain. The following terms are all used to replace the word Israel: "the Zionist enemy," "the Zionist entity," "the enemy of this people," "the Zionist gangs," "Zionist imperialist plan." Likewise, the establishment of the State of Israel is described thus: "the occupation," "stole Palestine," "stole its land," "in 1948, when the Jews occupied Palestine." Palestinians are said to suffer from: "imperialist persecution," "massacre," and more.¹³¹

In portraying the Jews and the local conflict in this manner, the next generation of Palestinian youth is being actively prevented from any reasonable possibility of accepting Israel as a neighbor in reconciliation and peace. As explained by X:

When you grow up with this hate for the Jews and Christians you cannot blame someone after 20 years for killing them because this was the foundation of their hate. The result of this hate is ISIS.... Even my friend and I had planned to kill

¹²⁹ "Palestine's war ended with a catastrophe that is unprecedented in history, when the Zionist gangs stole Palestine and expelled its people from their cities, their villages, their lands and their houses, and established the State of Israel," *Arabic Language, Analysis, Literature and Criticism*, Grade 12, p. 104.

¹³⁰ Itamar Marcus and Barbara Crook, *From nationalist battle to religious conflict: New 12th grade Palestinian schoolbooks present a world without Israel*, PMW Report, February 2007. http://www.palwatch.org/STORAGE/special%20reports/SchoolBooks_English_Final_for_web.pdf.

¹³¹ Marcus and Crook, *From nationalist battle to religious conflict*.

*some Jews, it was my hope to kill some, one day, and that's what I learned in school and in the culture.*¹³²

This hate speech is not only focused on Jews; Christians are also portrayed negatively as betrayers, and, according to the aforementioned PMW and IMPACT SE reports, Palestinian schoolbooks contain terminology inciting hatred against all Western and non-Islamic religions.¹³³ One Palestinian Christian man told us: “many things in the Quran which we are taught will speak against me as a Christian. It will say, ‘oh God please lead them [Christians] to the way because they have lost the way.’ This verse is the first of the terrorist.”¹³⁴

Also highlighted in the reports is the slanted presentation of the Arab-Israeli Conflict; there is active minimization of the peace processes between Israel and its neighbors, no advocacy for peace, and the US is depicted as the enemy of the Palestinians and Arabs and the leader of a "clash of civilizations." Historically speaking, World War II is taught without the Holocaust.¹³⁵

Indoctrination to Martyrdom, Jihad, and Shahada

The books used by 55,000 children in grades 8-10 as part of a required national education course of study in government schools deny the legitimate creation of the State of Israel, do not recognize modern Israel, and do not even mention the Oslo Peace Accords that Israel signed with the PLO in the 1990s.¹³⁶

Hamas introduced new textbooks in Gaza in 2013 and added its own programs to the official PA curriculum. Officials explained this initiative, stating that: “the Palestinian Authority was under pressure from Israel to sanitize its curriculum,” and as Hamas

¹³² Interview with X. 10 July 2015, West Bank.

¹³³ “[The Qur’anic verses] reveal more of the Jews and Christians’ errors and lies, which are not concealed from Sublime God, who warns the People of the Book [namely: Jews and Christians] against the continuation of these attitudes,” *Holy Qur’an and Its Studies, Grade 11* (1996) p. 41; “The noble [Qur’anic] verses guide to the following: ...Befriending the unbelievers is prohibited. Whoever befriends Jews or Christians becomes one of them. He goes out of the fold of Islam and renounces it,” *ibid.*, p. 107, as quoted in *Israel, the West, Women and the Environment in Palestinian Textbooks, An Analysis of Palestinian Authority Textbooks, Grades 1-12, 2011*, IMPACT-SE Report, p.66. <http://www.impact-se.org/docs/reports/PA/PA2011.pdf>

¹³⁴ Interview with X. 10 July 2015, West Bank.

¹³⁵ “‘The Jewish Question’ is a European problem first and foremost. What befell the Jews at the hands of Nazism made ‘Anti-Semitism’ a moral and political burden on the European Union and contributed to the delineation of its Middle Eastern policy. Europe had a significant role in establishing Israel and supporting it, especially under the circumstances of the cold war,” *Contemporary Issues, Grade 11, Part 1 (2010)* p. 41, as quoted in *Israel, the West, Women and the Environment in Palestinian Textbooks*, IMPACT-SE Report, p.11-12.

¹³⁶ *Ibid.*

lawmaker Huda Naim put it: “we need to make sure generations stick to the national rights.”¹³⁷

Teaching within schools and families in Gaza inclines toward hatred and violence and is not in accordance with the spirit of the CRC and the IHRL. Hate speech, incitement to violence, and a culture of lying are prevalent in all schools in Gaza. Most of the teachers in government schools are from Hamas, but “even Christian schools have the same curriculum and Muslim teachers.”¹³⁸ Hamas, which has been recognized by many states including the USA, the EU, Japan, Egypt as a terrorist organization, committed to the destruction of Israel,¹³⁹ is responsible for a school system in which students are taught a terrorist ideology which promotes Jihad: “For everyone in my class it was our hope to die in Jihad for Palestinians. Hamas believed that we had to die for our land in Jihad and that’s what we were told to do, so that’s what we wanted to do.”¹⁴⁰

According to a report in *The New York Times*:

*What Gaza teenagers are reading in their 50-page hardcover texts includes references to the Jewish Torah and Talmud as “fabricated,” and a description of Zionism as a racist movement whose goals include driving Arabs out of all of the area between the Nile in Africa and the Euphrates in Iraq, Syria and Turkey.*¹⁴¹

SPECIAL PROTECTION MEASURES



Economic Exploitation and Child Labor

CRC Article 32-1:

States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

¹³⁷ “To Shape Young Palestinians, Hamas Creates Its Own Textbooks,” *The New York Times*, 3 November 2013. http://www.nytimes.com/2013/11/04/world/middleeast/to-shape-young-palestinians-hamas-creates-its-own-textbooks.html?_r=0

¹³⁸ Interview with X. 10 July 2015, West Bank.

¹³⁹ “Profile: Hamas Palestinian movement,” *BBC News*, 11 July, 2014. <http://www.bbc.com/news/world-middle-east-13331522>

¹⁴⁰ Interview with X. 10 July 2015, West Bank

¹⁴¹ “To Shape Young Palestinians, Hamas Creates Its Own Textbooks.”

CRC Article 32-2:

States Parties shall in particular ... provide for a minimum age or minimum ages for admission to employment.¹⁴²

In the West Bank and Gaza, Article 93 of the Palestinian Labor Law banned the employment of children under the age of 15 and set 15 as the minimum age for work.

¹⁴³ However, children aged 15-17 may work subject to certain conditions, including limited work hours, the provision of semi-annual medical examinations, and a prohibition from dangerous jobs.¹⁴⁴ However, statistics and facts on the ground show that child labor is still in practice in the West Bank and Gaza.

The Child Law was amended to include children working with first-degree relatives as child labor.¹⁴⁵ However, this type of child labor still exists, usually in families where children help with work on farms.¹⁴⁶ In its 2012 annual report, *Palestinian Children - Issues and Statistics*, the PCBS reported that:

*Working in agriculture is the most familiar job for such children. They participate in carrying water, grazing animals, picking crops, and eventually even more tiring jobs. Such jobs may be useful if confined to that work or income-generating activities. Such jobs create self-reliance and importance. But children's participation in family work is of no value. It takes their time away from their studying and halts the growth of their delicate bodies and deprives them from enjoying their rights and chance for growth.*¹⁴⁷

The results of the 2010 Palestinian household survey showed that 4.1% of children aged 5-11 were working for their families; 6.0% in the West Bank and 1.3% in Gaza. 2.9% of children in this age group were working outside their household; 2.1% of them worked for pay and 0.8% without pay. The percentage of children who were working outside their household, paid or unpaid, reached 3.5% in the West Bank and 2.0% in Gaza.¹⁴⁸

¹⁴² CRC Article 32-2: "States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article."

¹⁴³ *Labor Law No. (7) of 2000*, Palestinian National Authority, , enacted 2000 and *Amended Palestinian Child Law No. 7 of 2004* Article 14, enacted 2012; http://www.dol.gov/ilab/reports/child-labor/west_bank_gaza.htm; *The Status of the Rights of Palestinian Children*.

¹⁴⁴ *The Status of the Rights of Palestinian Children*, p.71.

¹⁴⁵ Ibid.

¹⁴⁶ Interview with B. 28 April 2015, Ramallah.

¹⁴⁷ *Children—Issues and Statistics Annual Report*, p.56-57.

¹⁴⁸ Ibid. p.57.

According to the PCBS, children were working in sectors such as agriculture, fishing, trade, restaurants and hotels.¹⁴⁹ Data from the Palestinian Ministry of Labor found that there were 391 working children in 2012: “of whom 272 were juveniles working on stalls and as street vendors (96), in trade (30), in industry (24), porters/ carriers (12), in construction (3), in mining (2) and in electricity (1).”¹⁵⁰ These statistics do not take into account “children working with their families during the holidays or for few hours after school” who do not qualify as child laborers; “these figures include only work that affects the health and education of the child.”¹⁵¹

The same report points out that no information was available about the conditions of the work, the risks involved, or the number of working hours, although it noticed that “actual numbers can be expected to be considerably higher than those reported.”

Child labor, as seen previously, is one of the main reasons for children dropping out of school. Employment hinders their performance at school and prevents full involvement in their studies. This is, as seen earlier, a violation of a child’s right to education. Regarding the impact of early labor on children, PCBS found that “school performance was affected for half of the respondents but they were not considering leaving school.”¹⁵² Regarding working conditions, child laborers reported that they experienced verbal abuse from their employer.¹⁵³

Specifically, statistics in 2012 found that 2.1% of children aged between 10 and 14 were working in both the West Bank (3.2%) and Gaza (0.4%) and 7.7% of children aged between 15 and 17 were working in both the West bank (10.2%) and Gaza (3.6%).¹⁵⁴ According to a PCBS labor force survey, “the percentage of children aged 15-17 increased from 6.4% to 7.7% from 2009 to 2012. In 2012, the percentage in the West Bank was eight times higher for 10-14 year olds (3.2% and 0.4%) and nearly three times higher for 15-17 years old (10.2% and 3.6%) in Gaza Strip.”¹⁵⁵ This increase in child labor statistics is alarming and consistent prevention and action should be taken by the relevant authorities to apply legislation and international standards regarding such abuses.

Child labor impacts not only educational abilities, but also children’s mental health: “resulting in anxiety, depression and stress. Some suffered from health problems

¹⁴⁹ *The Status of the Rights of Palestinian Children*, 2013 p.73.

¹⁵⁰ *Ibid.* p.72.

¹⁵¹ *Ibid.*

¹⁵² *Ibid.* p.73.

¹⁵³ *Ibid.* p.74.

¹⁵⁴ *Ibid.* p.73.

¹⁵⁵ *Ibid.*

resulting from their work, but most did not receive regular psychological or medical check-ups.”¹⁵⁶

Article 32-2 of the CRC requires legislative, administrative, social and educational measures to help prevent children from dropping out school or to provide assistance to families in situation where a child is involved in working. PCBS found, however, that:

In almost one-third of cases the school was aware that the child worked and the school had... contacted the parents of about one third of these cases to determine the cause of absenteeism. However, in most cases, the parents were not called or provided with assistance, whether by a counselor (only in 14% of cases and upon insistence) or a labor inspector (8% of the cases and 13% of cases complied with children’s rights as defined under the law).¹⁵⁷

Data is not available for children who work as beggars, however this issue does seem to require particular attention.

RECOMMENDATIONS

1. CIVIL RIGHTS AND FREEDOMS

- For abandoned children: Ensuring true and official citizenship at birth; supporting shelters and institutions to house abandoned children; legislating in favor of protection of women at risk due to pregnancies out of wedlock; promoting equal gender rights.
- On access to appropriate information: Promoting human rights in all media and the fundamental right to life for children by immediately stopping the promotion of death and martyrdom through media-initiated efforts; prohibiting broadcasts of TV programs promoting Jihad and inciting violence and martyrdom for children.
- Honor killings: Promoting appropriate legislation—laws should be revised and better enforced to ensure just punishment for those who commit honor killings.

2. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

- Foster care and adoption: Developing secular legislation applicable to all citizens regardless of religious affiliation; promoting freedom of religion by stopping systematic religious persecution of abandoned children or children in special care.

¹⁵⁶ Ibid. p.74.

¹⁵⁷ Ibid.

- Periodic review of placement for children in foster care: Requiring MOSA and qualified authorities to set up a periodic follow-up system of children involving local social institutions and services in order to guarantee effective protection for these children; ensuring the respect of the child's fundamental rights and freedoms within the foster family.
- Domestic violence: Promoting education in peaceful means for social control; redefining legislative notions such as "reasonable chastisement" and forms of discipline which suit international and human rights standards; developing protective legislation for children and penalties for use of corporal punishment and other inappropriate means of discipline which endanger children's survival or violate their right not to be subjected to any cruel, inhuman, or degrading punishment or treatment.
- Women and women's rights: Establishing, in conjunction with NGOs, formal government programming to influence cultural attitudes toward women and women's rights in order to bring laws and cultural attitudes into alignment regarding full support for women's rights.
- Early marriages: Raising the eligible marriage age to 18 in both the West Bank and Gaza, thus enabling young girls (and boys) to continue their studies in a healthy environment; ensuring the proper application of national legislation regarding the legality of marriage before permitted ages currently set in law.
- Funding of NGOs and social institutions: Providing financial support to NGOs working to protect children and financial incentives and seed funding to promote the creation of more organizations.

3. BASIC HEALTH AND WELFARE

- Rights of disabled children: Developing educational programs and awareness campaigns on the subject of disability in order to spread human rights-based teaching for disabled children and to educate for mutual respect.

4. EDUCATION

- Learning environment: Opening more classes; offering better material and physical conditions for learning.
- Staff violence in schools: Provide quality and specialized trainings for teachers in Palestinian schools along with teaching about education and discipline from a human rights perspective; reviewing the criteria for hiring teachers.
- Content of textbooks: Reviewing all official Palestinian textbooks that deny the legality of the State of Israel; promoting peace and tolerance by erasing hate speech and the incitement to hatred specifically of Jews; revising current curricula to meet international legal standards.
- UNRWA schools: Organizing and administrating schools so that they accurately represent UN values of human rights and fundamental freedoms; hiring teachers according to UN principles and values; reviewing UNRWA teachers and curriculum content on a periodic basis.
- Gender equality: Establishing, in conjunction with NGOs, formal programming to influence cultural attitudes toward girls and promote gender equality at school; implementing educational curricula developed by experts on women's issues and professional teachers in schools throughout the West Bank and Gaza. Long-term educational programs should address sexual education, stereotypes about women's role in society, and the repugnance of honor crimes.

5. SPECIAL PROTECTION MEASURES

- Child labor: Promoting the learning and personal development of children through education; establishing a system allowing school personnel to report to relevant authorities in order to prevent working children dropping out of school.



Tali Ilan | 052-5513437

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