

# **Growing up under Curfew**

## **Safeguarding the basic rights of Palestinian children**

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## Executive Summary

Save the Children's mandate is to help children to realise their human rights. We focus primarily on those situations around the world where children are facing greater difficulties in securing their rights. This report focuses on the rights of children in the occupied Palestinian Territories. Save the Children recognises that the current conflict also results in significant loss of rights for Israeli children. This is, however, beyond the scope of this report.

In March 2002, Save the Children launched a report during the United Nations' Commission on Human Rights, entitled *Education Under Occupation. Palestinian Children Talk About Life and School*. The report showed that "Palestinian children's lives are tense, and dominated by the political violence that surrounds them".

Save the Children's research suggests that one year on, Palestinian children are frightened, resigned, anxious, uncertain and demoralised. Most expect their situation to deteriorate further – something that was thought impossible in the last report in April – June 2001.

The military occupation and economic collapse in the occupied Palestinian Territories (oPT) continues unabated following Israeli incursions throughout 2002. Palestinian children's right to protection, health, survival and development and quality education are at risk. Moreover, duty bearers are failing to fulfil their responsibilities.

Palestinian children are losing their childhood in circumstances widely known to the authorities that have the primary responsibility to protect their rights. These authorities can no longer simply deplore bombings and killings, terror and destruction, poverty and a disintegrating health and education system. Action is imperative.

Save the Children believes steps must be taken by the State of Israel, the International Community and the Palestinian Authority to ensure that all children enjoy their rights. Freedom of movement in security and dignity must be guaranteed, economic survival must be assured, and service institutions must be allowed to function freely.

Save the Children calls on the Human Rights Commission to:

- insist on the Israeli Government acting in accordance with its obligations under international treaties, in particular the Convention on the Rights of the Child
- request that Israeli military forces withdraw from Palestinian areas and put an end to the policy of closures and curfews affecting Palestinian children and their families
- urge the Israeli government to ensure safe and unhindered access to services for the Palestinian people, especially children
- support children's rights to be included in a future peace agenda
- support the establishment of an international human rights monitoring presence in the occupied Palestinian Territories, including child protection monitors
- urge the Government of Israel to respect all children's right to access education and therefore to immediately withdraw from schools currently used as military bases or detention centres and to ensure full and safe access to schools for all children
- request all parties to support:
  - the Ministry of Health's capacity to provide adequate and affordable health services to guarantee children's right to health

- the Ministry of Education in ensuring the right to quality education, including formal and non-formal activities and methods, in preventing violence in schools and in providing counseling for children suffering from trauma
- the Palestinian Authority and civil society in implementing Basic Law 4 on disability and in ensuring that children with disabilities enjoy all their rights without discrimination.

# **1 Introduction**

## **1.1 Purpose of Report**

Save the Children's mandate is to help children to realise their human rights. We focus primarily on those situations around the world where children are facing greater difficulties in securing their rights. This report focuses on the rights of children in the occupied Palestinian Territories. Save the Children recognises that the current conflict also results in significant loss of rights for Israeli children. This is, however, beyond the scope of this report.

Save the Children is presenting this report to the United Nations' Commission on Human Rights out of deep concern for the situation of Palestinian children. Children's rights are being ignored by all parties to the conflict. The deteriorating situation of the conflict between Israel and the Palestinians, the increasing violence affecting all civilians including children, the cessation of the peace process, the tightened closures and curfews and the worsening economic situation is resulting in increasing poverty, deterioration of service provision and the undermining of national institutions. The Palestinian Authority is barely able to provide emergency service cover and increasingly Palestinians are dependent on international humanitarian assistance for their survival.

This report gives Palestinian children the opportunity to speak out about their daily experiences and hopes for the future. It examines the rights of children in the Palestinian context and, through the testimonies of Palestinian children, parents and professionals, looks at the impact on children's lives. It presents recommendations for action to all parties in the protection of children's rights in Palestine: the Government of Israel, the Palestinian Authority, the International Community including the United Nations Commission on Human Rights, and civil society.

## **1.2 Children's rights**

The Universal Declaration of Human Rights and the two International Covenants on Civil and Political Rights, and on Economic, Social and Cultural Rights to which Israel is a party encapsulate the important principles of inherent human dignity and of the prohibition to discriminate on any basis between rights holders (Also: CRC Art.2).

The UN Convention on the Rights of the Child (CRC) is the broadest expression of the rights of all children and covers the rights of Palestinian as well as Israeli children. Israel ratified the Convention in 1991. The PLO endorsed the Convention in 1995 and developed a National Plan of Action for Children in 1999. International legal consensus, which includes the Committee on the Rights of the Child, agrees that, as the occupying power in the oPT, Israel is the State Party charged with upholding the rights of Palestinian children.

The CRC rests on the four general principles of non-discrimination: the best interests of the child, right to life, survival and development, and the right to be heard (Articles 2, 3, 6 and 12 respectively).

Other provisions include protection from all forms of physical and mental violence (Art. 19); freedom for peaceful assembly (Art. 15); the right to enjoy a full and decent life for disabled children (Art. 23); the right to the highest attainable standard of health (CRC Art 24; ESCR –

General Comment 14)<sup>1</sup>, the right to an adequate standard of living (Art. 27),<sup>2</sup> the right to education that is directed to the development of the child's personality, talents, and mental and physical abilities (CRC Art. 28 and General Comment 1)<sup>3</sup>; the right to appropriate and non-harmful information, especially through mass media (Art. 17) and educational discipline measures to be in conformity with the dignity of the child (Art. 28).

All States Parties to human rights treaties must respect, protect and fulfil the rights provided for in these treaties. The obligation to respect requires States to refrain from interfering directly or indirectly with the enjoyment of rights. The obligation to protect requires States to take measures that prevent third parties from interfering with the rights guaranteed. Finally the obligation to fulfil requires States to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards the full realisation of rights. The obligation to fulfil contains obligations to facilitate, provide and promote.<sup>4</sup> Therefore, there is a constant obligation on States Parties not only to avert violations of human rights standards, but to actively engage in fulfilling them and achieving higher standards. This was stressed in a UN General Assembly Resolution adopted in 1999:

Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.<sup>5</sup>

In the preamble of the Resolution, UN members put the onus of promoting respect for human rights squarely onto the shoulders of the international community in addition to States Parties. The international community has an obligation to do all in its power to protect the rights of Palestinian children.

...[Stressing] that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all.<sup>6</sup>

### 1.3 The Palestinian context

The current *intifada* is now well into its third year. 2002 has been characterised by an intensification of violence and Israeli military actions and restrictions on the Palestinian people. Operation Defensive Shield in April and May 2002 saw unprecedented levels of military incursions into Palestinian areas and destruction of infrastructure and loss of human life. As a result Palestinians

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<sup>1</sup> Committee on Economic, Social and Cultural Rights, E/C. 12/2000/4, General Comment 14, *The Highest Attainable Standard of Health*, April–May 2000.

<sup>2</sup> Also: UN OHCHR, *Human Rights, Poverty Reduction and Sustainable Development: Health, Food and Water*, August 2002.

<sup>3</sup> UN Document E/C.12/1999/10, *The right to education (Art.13)*, CESCR General Comment 13, 8 December 1999; UN Document CRC/GC/2001/1, *The Aims of Education*, CRC General Comment 1, 17 April 2001.

<sup>4</sup> E/C.12/2000/4, CESCR General Comment 14.

<sup>5</sup> General Assembly resolution 53/144, *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, 8 March 1999.

<sup>6</sup> *Ibid.*, Preamble.

once again experience curfews, Israeli military patrols and raids in the very heart of their cities. Peace negotiations have stalled, and attempts to restart have as yet made little progress.

UN Special Envoy Catherine Bertini found that “there is a serious humanitarian crisis in the West Bank and Gaza. The crisis is not a ‘traditional’ humanitarian crisis, such as those caused by famines or droughts, but is inextricably linked to the ongoing conflict and particularly to the measures imposed by Israel.”<sup>7</sup>

The long-term erosion of people’s livelihoods combined with the impact of closure policies and movement restrictions have led to an increasingly insecure environment for the Palestinians. There are over 120 Israeli checkpoints dividing the West Bank into 300 separate clusters and the Gaza Strip into 3 separate clusters.<sup>8</sup> At the time of their report, the Office of the UN Special Coordinator in the Occupied Palestinian Territories (UNSCO) reported that severe internal closure had been imposed on the West Bank for 66% of days since the start of the *Intifada*.<sup>9</sup> These restrictions prevent people from going about their daily lives and accessing services and prevent institutions from being able to operate effectively. Children cannot reach their schools or kindergartens, or recreation facilities; they cannot play safely outdoors.

According to the B’Tselem (the Israeli Information Centre for Human Rights in the oPT) the present situation of sweeping and prolonged curfews on the oPT is a clear violation of international law. International law provides that everyone has the right to liberty of movement “to the extent strictly required by the exigencies of the situation”. The sweeping use of prolonged curfews cannot be justified by military security needs and is not proportionate to the harm caused to the civilian population. In the view of B’Tselem, Israel’s curfew policy constitutes collective punishment, which is absolutely prohibited by international law.<sup>10</sup>

Poverty levels have been increasing rapidly. Prior to the *Intifada* the economy was already vulnerable and facing structural weaknesses which has meant the impact of the current *Intifada* has been huge. UNCTAD report that the intensification of the crisis has resulted in precipitous declines in national income, destruction of infrastructure and widespread disruption of the economy. They found that in 18 months since October 2000, the Palestinian economy lost over 50% of its GDP, unemployment had increased threefold and more than two-thirds of households were living below the poverty line.<sup>11</sup> The World Bank demonstrates how 58% of households in the West Bank and 53.6% in Gaza have lost over half their usual income since before the *Intifada*.<sup>12</sup>

The Palestinian Authority’s capacity has been seriously undermined by the destruction of public infrastructure, heightened uncertainty, repeated disruption to service provision and damage to its information and administration systems, all of which have been compounded by its fiscal difficulties, which has left it practically bankrupt.<sup>13</sup> Similar difficulties have been faced by all organisations attempting to work at a national level and have resulted in a weakening of national institutions and service providers.

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<sup>7</sup> Ms Catherine Bertini, Personal Humanitarian Envoy of the Secretary-General, *Mission Report 11–19 August 2002*, 19 August 2002

<sup>8</sup> Palestine Monitor, 17 Feb. 2003.

<sup>9</sup> UNSCO, *The Impact of Closure and Other Mobility Restrictions on Palestinian Productive Activities*, Sept 2002.

<sup>10</sup> Fourth Geneva Convention, Art. 33.

<sup>11</sup> UNCTAD, Report on UNCTAD’s assistance to the Palestinian People, October 2002.

<sup>12</sup> World Bank Background/discussion paper, ‘The impact of recent Israeli incursions, closures and curfews’, September 2002.

<sup>13</sup> UNCTAD, op. cit.

There is concern to avert a humanitarian disaster. In April 2002, the FAO stated that “the total blockade of the West Bank and Gaza Strip has paralysed the Palestinian economy... to such an extent that it is now in a deep recession, with millions of people severely impoverished and extremely food insecure”.<sup>14</sup> The USAID-funded study into malnutrition recorded 56% of households reducing the amount of food consumed, with two-thirds citing lack of cash and one-third citing closure and curfews as the cause.<sup>15</sup>

#### 1.4 Research methodology

Research for this report was carried out during the months of January and February 2003. Curfews and closures during this time period restricted the geographical scope and the physical extent of the research due to access constraints and the added time taken to access those places reached.

Field work was carried out in Jenin, Nablus, Hebron, Rafah, Khan Yunis and Beit Hanoun districts or municipalities. The work included participatory exercises with schoolchildren and teachers, structured interviews with mothers of children under five and with disabled children, and semi-structured key informant interviews with stakeholders such as heads of institutions, NGOs, UN agencies, and Ministry officials. The research also carried out an analysis of human rights reports and instruments and secondary data.

The research was carried out with children in governmental schools (girls and boys) between the ages 10-12 (sixth grade). The total number of children involved was 384. Schoolchildren were asked to draw their way to school, to write about three lines of development they foresee for their economic, academic, and family future. They were also asked to describe their daily schedule. Mothers of young or disabled children were asked to map their mobility radius in 2003 compared to 2000. They were mothers of at least two children with one newly-born. They were asked about information for the choice of delivery and health care for their babies. They were also asked about priorities for their children and what they thought they could do for them. Mothers were given the opportunity to talk about how they saw the future of their children and their families.

In Chapter 2 the report reflects children’s views of their life and how their situation is impinging on their right to protection, security and life.

Chapter 3 uses information gathered from mothers of under-fives and health professionals to look at the impact on children’s right to health and survival. We have focused primarily on the under-fives due to the significant impact health for this group has on children’s future health and survival.

Chapter 4 on education seeks to build on our detailed report prepared in March 2002 and looks at education through the eyes of schoolchildren, and parents’ views of kindergarten. The chapter summarises key changes as perceived by children since the 2002 report and therefore does not represent an exhaustive review of the education sector.

In Chapter 5 we seek to demonstrate how the rights of children with disabilities are being eroded.

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<sup>14</sup> FAO statement, 15<sup>th</sup> April, 2002.

<sup>15</sup> Johns Hopkins University, Al Quds University, *et al.*, Preliminary findings of the Nutritional Assessment and Sentinel Surveillance system for the West Bank and Gaza, August 2002.

In conclusion we propose recommendations for all those working with Palestinian children or responsible for protecting their rights to take action to safeguard the future of Palestinian children.

## 2 Children's Right to Protection, Life and Security: Witnessing lost childhoods

*"I am living in a state of maximum fear. I ask the girls and boys of the world: are you living in a fear like this? Of course not ... what a bad situation it is. Death is better."* A Palestinian girl

Children are losing their childhood. As one parent put it: *"our lives are full of fear and despair, our children behave like grown ups."* Not only have children been killed and injured, but they have been exposed to violence on an almost daily basis and this is having a profound effect on their outlook, the way they view their life and their future. The impact is dramatic and best illustrated by their own stark testimonies about their daily life.

### 2.1 How children view their rights

Very few students had heard of a special human rights convention guaranteeing children's rights. However, many recognised that children do have rights. The most common rights that they said children have (or should have) are:

- *the right to freedom*
- *to a country*
- *to education*
- *to a personal life*
- *going to school safely*
- *happy family life*
- *health, housing, clothing*
- *good upbringing*
- *love and tenderness*
- *safety*
- *independence*
- *the right to practise your religion*

### 2.2 Children's lives today

The children's testimony illustrated how their lives are characterised by uncertainty, violence, fear and sadness. While they did talk about the things they enjoyed or thought were good about their lives, this was overshadowed by negative images.

#### 2.2.1 Living with uncertainty

On being asked to describe their daily schedule, children needed clarification on what is meant by 'a day': is it a day of curfew, a day of school or a day of difficulty coming to school? This was particularly problematic for children in Nablus. Children were asked to decide for themselves what they would describe so students added phrases like "if possible", "if there was no shooting", especially on whether to go to school or not.

One girl wrote: *"In the night there was shelling, so I ran to my mother and told her I was scared. All my sisters were already there. I did not sleep before 3 in the morning. The next day I woke up at 6.30. I put*

*on my school uniform and stood by the window to look; is there curfew or not? There was no school. I changed my clothes and went to sleep because I did not sleep at night. I woke up at 12 noon and had breakfast. I sat to watch television, so I saw children in Dubai playing and happy, but we have to sit at home not going anywhere. I switched off the television and sat alone until 4pm, then I played with my sisters until 7. Then I put on my pyjamas, ate supper and went to sleep, and there was shelling and so it was the next day.”*

A boy in Bethlehem wrote: *“I wake up around 6am, wash my face, make my bed, eat breakfast, then I make sure there is no curfew and when I’m safe I leave home for school.”*

### 2.2.2 Living with the situation

One girl in Nablus said: *“I envy the children who live away from our suffering. Since the beginning of the Intifada I have not been to other places or parks. We are isolated from the world.”*

Most common perceptions that children have about the situation:

- *that the occupation wants to keep them ignorant*
- *that there’s starvation and people dying of hunger, especially in Gaza. One girl writes: “I shall save and give all the money to my family because there is a war. We don’t earn much and people cannot afford to pay money. There is curfew and we cannot go out of the house and buy food. Poor people are dying of hunger because there is no food.”*
- *that there are more women than men in the Palestinian population because the men are dying, taken to prison and sent to exile.*
- *Children in Bethlehem, Ramallah and Hebron think that the most underprivileged children are in Nablus, Jenin and Gaza, while in Nablus and Jenin they think it is children in Gaza.*
- *Children think that other children of the world have an easier life, or not as bad as Palestinian children’s lives. One girl wrote: “I am living in a state of maximum fear. I ask the girls and boys of the world: are you living in a fear like this? Of course not. Oh, oh, oh, what a bad situation it is. Death is better.”*

### 2.2.3 Comparing boys’ and girls’ lives

In general, the children agreed that boys’ lives are more difficult because they take part in the Intifada and are targeted by soldiers’ harassment, imprisonment and shooting. Among their comments were:

From boys ...

- *Boys take part in the Intifada while girls stay home (boys are better off).*
- *Boys are brave while girls are less brave.*
- *Soldiers do not try to scare the girls while they arrest boys.*
- *Girls have a more difficult time because when they grow up maybe their husband will be martyred.*

And from girls ...

- *Boys can go out and have their freedom but girls must stay home.*
- *There are more girls now than boys because boys and men get killed, jailed and exiled.*
- *Girls are not as demanding as boys.*
- *Boys do not have to listen to their parents as girls do.*

## 2.2.4 Living with violence

UNICEF state that all 1.8 million Palestinian children have experienced violence in some form during Israel's Defensive Shield operations in April and May 2002. They state that of the 475 children killed during the period September 2000 to January 2003, 394 were Palestinian and 81 were Israeli. They also estimate that 7,000 children have been injured<sup>16</sup>. Of the 2,500 Palestinians becoming permanently disabled as a result of injuries sustained, 500 are children. Defense for Children International/Palestine Section estimates that between 170 and 375 children are held in Israeli military or civil detention.

The violence experienced by children takes many forms. They have had direct experience of violence themselves, they have suffered loss of family and friends, and they experience violence indirectly by watching TV or talking to friends and family. A few children also mentioned that they faced more violence at home from beatings from their parents or in school from their teachers.

Children hear about violence in all aspects of their life. They feel it is important to know what is happening and so seek out information. One girl pointed out that it was important for her to know whether there was an operation against Israelis the day before because it could tell her if *"the soldiers will be angry and shoot randomly"*. It is clear that most of the news that comes to children's attention makes them sad and scared. One girl says: *"I hear scary news on the radio."*

TV was ranked as the number one source for knowing what's going on. Most children listed the television as the most important, because you can see images, and they specifically mentioned Al-Jazeera Station. Even if children happened to be watching cartoons, they may get news about confrontations or *Intifada*-related incidents. One boy said: *"I watch TV to understand how life is"*. And a girl said: *"I switch on the TV to watch cartoons, then breaking news appears about the killing of a child in Gaza."*

Children also see themselves as a source of information; a girl in Hebron wrote: *"I know by myself that something has happened."* Friends are also an important source of information for children, so are family and neighbours. Other children said that the mosque is an important way for them to know what is going on. News about curfew is a very important piece of everyday information, especially if the child has to go to school. Many children, especially in Bethlehem and Nablus, mentioned that they look out of the window in the morning to see if there's a curfew. Children in Jenin drew tanks as sources of information because they announce the curfew.

Not only is violence having an effect on the different aspects of children's lives, but, in a few cases, they are actively involved in the violence itself. Mothers told us how they have a struggle to keep their children in safe places and ensure that they do not get involved in the violence, but sometimes they have found it impossible to keep children away completely.

Moreover, children, particularly boys, see it as important to be *"defending our country"*. It was seen as a privilege for boys to be taking part in the *Intifada*. When children were asked about what was good in their lives both boys and girls referred to *"challenging the curfew"* or *"defending our country"* among other activities such as weddings, being with friends, playing on the computer or playing football. Many of the boys admitted that they throw stones at Israeli tanks on the way home from school.

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<sup>16</sup> UNICEF Strategy document, Feb. 2003

### 2.2.5 Children's social lives

While children said that they enjoyed playing with friends, talking about music and fashion and watching TV there was also a sense that enjoying themselves while other people were being martyred was *haram* or forbidden. Boys in particular said that when they do sing songs or talk about music it is mostly about national songs or songs about suicide bombers. They also liked to tell jokes but again these were dominated by jokes about politics. Girls appear to have more opportunity for enjoying fashion and music.

Hobbies were limited: few boys mentioned any, while girls listed reading, drawing and playing with the computer. Play and sports mainly take place in school as this is seen as a safe place. Boys said they come two or three hours early to school if their classes start in the afternoon. Others choose to stay in school after classes because the playground is the only place where they can play. One girl whose school starts in the morning remarked that she wished school started at nine instead of eight so she could have one extra hour of play. Other places where children said they played included inside the house with cousins or siblings for girls. Meanwhile, boys played football and marbles in the street. The girls seemed to envy the boys for being able to play outdoors, calling it “freedom”, and boys felt sorry for the girls because they were not able to leave the house like them.

Children are watching an increasing amount of television. There are many slots of time in the day spent on TV: the morning before school, the afternoon when back from school, the evening with the family and before going to bed. Students who go to school in afternoon shifts do not seem to do much in the morning besides watching television. And during curfews children do little else. Students reported that they watch a wide range of programmes: cartoons and news in the morning, cartoons in the afternoon, soap-operas, films, TV contests and news in the evenings. Some of the programmes they listed are designed for adults or older age groups, especially soap-operas broadcasted late in the evening or at night. The most preferred TV soap operas listed were either social or national/historic usually produced in neighbouring Arab countries like Egypt and Syria. An overwhelming majority of the children said they watch the news, in the morning and in the evening. A girl said: *“In the evening I watch a lot of television. Then I feel exhausted with television.”*

Only a few children reported spending time with family or friends. As a result children are becoming emotionally distant from friends and family. Those who did mentioned that they sympathised with their parents either because they don't work or because the life of parents has also become difficult. One boy from Jenin said: *“After school I went to my father to the garage and he was sitting. Then we went home together. Before sleeping we sat together and talked about his work; he told me ‘we were sitting the whole day’.”* A girl in Nablus remarked that because of curfew, she sees her father more often now than before and for her that was a good thing.

On the other hand, children are spending increasing amounts of time alone: a boy in Hebron said: *“Before going to sleep I brush my teeth, stay up a little, then pray, then I sit and think.”* Another girl in Bethlehem wrote: *“I watch TV, I go to my grandparents’, then I go to my room, sit alone, lock the door, write and think.”*

Prayer is seen as a positive thing in their lives especially during this time. It is seen as a way to maintain normality and tranquillity in life, since it is done regardless of how the day's events pass.

Similarly, sleep is seen as a way to relieve a lot of the tension of the way home from school. Students mentioned that they sleep in the afternoon or upon coming back from school. A few boys mentioned sleeping in the afternoon when they come home and the girls said they “*have a rest*”. Generally the students said they went to bed by 8 or 9, but some mention 12 and 1 as the usual hours for going to bed. Night-time sleep is often disturbed because of military actions. Children frequently reported being unable to sleep because they hear shooting outside. As one girl in Bethlehem described: “*Many times during incursions the occupation comes, so we cannot sleep at all. When they go we can lie down to sleep.*”

### 2.2.6 Living with fear and sadness

Children described how they are scared by the news that they hear. They are scared for themselves and for those around them. Girls are especially worried for their brothers. They also talked about sadness in their lives. They are sad for the death of other children and for the death, imprisonment and harassment of their relatives, including brothers, fathers and uncles. Children are sad because they cannot see their relatives and cannot go out with their families. Girls said they cry when they watch news about death. The dangers of this bleak outlook were clear when one girl said she was thinking of becoming a suicide bomber because she could see no other way.

Children said they worry for orphaned children and are afraid of house demolition, emigration and the coming war against Iraq. Some are worried about chemical weapons and other weapons they hear about. One girl said: “*They will spray a gas that makes you paralysed and then you die.*” They believe their situation will get worse as a result of the war.

### 2.3 How their past compares

An overwhelming majority of children think that their past was better than their present life. While in some cases the reasons given included “*kindergarten was easier*” or “*school was nicer when we were small*”, most of the reasons given reflect the problems resulting from violence, closure and curfew. They said:

- *We have problems with soldiers, the soldiers harass us.*
- *Life was better from the first to fourth grade, then it became terrible.*
- *There were no incursions three years ago.*
- *Roads were open.*
- *People visit each other very rarely because of road-blocks.*
- *We stay at home now.*
- *Now we do not visit any of our family and they do not visit us.*
- *We did not see our extended family for three years.*
- *We could go to summer camps in the summer vacation.*
- *We could freely go shopping for the Eid (feast) but now during the Intifada it's not possible.*
- *We do not buy new clothes for Eid now and we don't go to fun parks.*
- *Now people are sad in Eid because their relatives have died.*

## 2.4 How children view their future

Children's view of their future was characterised by doubt and uncertainty. The children were encouraged to talk about their expectations for their future. This was a challenging exercise, especially for boys. They needed a lot of clarification and it is clear that many have difficulty viewing the future. Some in fact even left their paper blank. For girls, the family and educational life were easier than the economic life. In general, one can see that children expect a difficult time in the coming years but that things will get somewhat better in the distant future. A lot of children also expect that Palestine will be independent in the future but realise there are difficulties on the way.

Most children were fairly optimistic about their future family life mentioning prospects such as marriage and children (for themselves or relatives) and the return of relatives from prison or abroad. But there was still a degree of uncertainty. As one girl from Hebron said: *"I don't know, maybe my brother will get married, maybe my grandfather will die, maybe my arm will be broken, maybe I will die."*

Education was given a very high importance in their future. For example, one girl's view was: *"I shall finish my education and become better."* However there were some girls who feared that early marriage would interfere with their ability to complete their education. As one girl put it: *"Maybe I shall not continue my education; maybe I will get married at 15."* However many boys and girls said they would finish high school and go to university. Girls' ambitions tended towards the medical or teaching professions, while boys looked towards becoming doctors, engineers or car mechanics.

When children considered their economic prospects, in most cases they expressed fear of war, curfew and starvation, and many think this will stop them from practising the occupation they want, make them unemployed or emigrate. One girl says: *"I am afraid that war will start and I shall not study to be a teacher."*

In the distant future, children were more hopeful and said that

- *the situation will worsen over the next few years, but get better in the distant future*
- *there will be hard times then Palestine will be independent*
- *there will be Israeli withdrawal from Palestinian cities*
- *things will go back to how they used to be.*

### 3 Children's Right to Health

*"I wish to have good health and to have trips outside of Gaza and all the children in Palestine to be happy as well as all the children in the world". A child in Beit Hanoun, Gaza*

*"I wish that my husband will recover from his illness and have a chance to work to secure the future of the children and to give them the chance to live like the other children in the world". A mother in Beit Hanoun, Gaza*

*"We live in Khan Younis and there is no checkpoint between us and the hospital but we are frightened from the shelling and the gunshots". A mother in Khan Younis, Gaza*

All children have the right to "the highest attainable standard of physical and mental health"<sup>17</sup>. Children under five are at particular risk of not being able to achieve their fullest potential later in life if their access to quality health care is denied to them.

Risks to the health of Palestinian children can be roughly divided into risks occurring in a child's environment, such as nutrition and safe water and sanitation, and those resulting in difficulties in access to health care such as physical access by patients and service providers, disruption to medical supplies and financial constraints, all of which lead to the reduced capacity of the Ministry of Health to provide effective health care services.

#### 3.1 An increasingly unhealthy environment: The case of nutrition

UNICEF considers malnutrition to be the most broadly encompassing measure of a child's situation reflecting critical factors in the environment and health care system.<sup>18</sup> Malnutrition leading to famine and starvation is rare among Palestinian children. Much more widespread is disease and possibly death from complications of malnutrition. Beside the detrimental effects on a child's long-term development, malnutrition considerably weakens a child's immune system. In such weakened state, unclean water, open sewers and untreated solid waste can cause acute respiratory infection and diarrhoea, a major cause of child deaths.

Nutritional standards reflect both the mother's awareness and the family's economic situation. Malnutrition is also the greatest risk factor to a child's long-term development. After receiving anecdotal evidence about an increase in child malnutrition the Palestinian health authorities requested a systematic study carried out under the auspices of CARE International.<sup>19</sup> At the same time during the summer of 2002 the Palestinian Central Bureau for Statistics carried out its own malnutrition study.<sup>20</sup>

The report revealed a steep rise in Global Acute Malnutrition (GAM) and Global Chronic Malnutrition (GCM) and raised alarm throughout the humanitarian community. The

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<sup>17</sup> CRC op. cit.

<sup>18</sup> Congenital diseases are a further risk factor affecting children's health in Palestinian society.

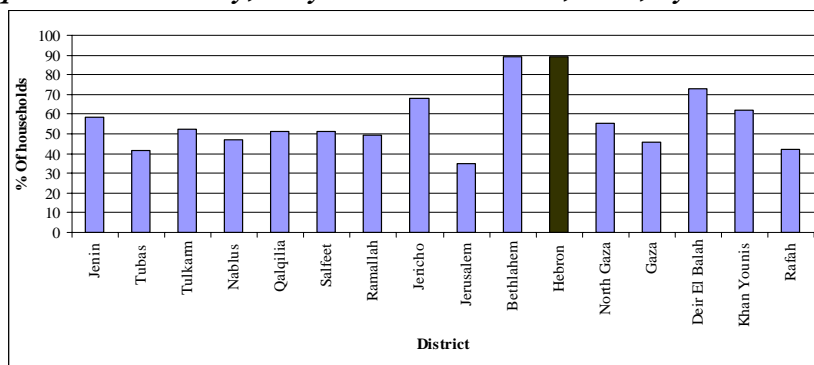
<sup>19</sup> Financed by USAID under a joint CARE / ANERA programme and carried out by Al Quds and Johns Hopkins Universities and Global Management Consulting Group (Ramallah).

<sup>20</sup> Palestinian Central Bureau of Statistics, *Nutrition Survey*, 2002.

accompanying press release stated that: “GAM for children aged 6–59 months stands at 13.3% in the Gaza Strip and 4.3% in the West Bank. In a normally nourished population, the figure would be 2.3%. Global Chronic Malnutrition (GCM) for the same age group is 17.55 in the Gaza Strip and 7.9% in the West Bank... the prevalence of anaemia among children 6–59 months of age varies little between the West Bank (43%) and the Gaza Strip (44%). Four of five children in both areas have inadequate iron and zinc intake, deficiencies which cause anaemia and immune deficiencies, respectively.”<sup>21</sup>

Poverty has been the main immediate cause of the steep rise in malnutrition endangering the health of Palestinian children. As one mother from Beit Hanoun, Gaza, put it: “*we need wheat, rice, sugar, lentils, oil and milk, but we do not always have the money to buy these things.*” Another mother said that “*previously good nutrition was available – meat, vegetables and milk – for the children. Now fathers cannot give them good food.*” The Care study also found that poverty was the main cause of child malnutrition, because families could no longer afford the quantity and diversity of food as previously. Asked about the reasons for their lack of money, mothers said that their husbands had no access to jobs in Israel, that they had to work on reduced salaries in the public sector, and that closures had reduced the price for selling their own vegetables.

**Graph 1: Percentage of households with a decrease in the amount of food in the two weeks prior to the survey, May 17 to 1 December, 2002, by district<sup>22</sup>**



During times of prolonged, total curfew in Nablus, Jenin, Ramallah and parts of Hebron the lack of access to food has been a further immediate cause for malnutrition. In the few hours that curfew was occasionally lifted, stores quickly ran out of food and those at the back of the queue or with longer travel times did not manage to buy food in time before curfew was reimposed, even if they had the money to do so.

Awareness about nutrition is widespread among mothers. Despite attaching prime importance to adequate nutrition, their economic circumstances have prevented mothers from providing it. When Save the Children researchers met with mothers of young children in Beit Hanoon most ranked nutrition first among priorities for their children. In Rafah, mothers ranked nutrition second after medical treatment facilities. One mother in Khan Younis said: “*I had to stop feeding my baby milk because it was too expensive. I replaced it with tea and sugar and sage.*” As a senior nutritionist in the Ministry of Health stated, malnutrition is often not adequately recognised when it occurs. He

<sup>21</sup> CARE International, *Gaza Strip faces a distinct humanitarian emergency; CARE International Assessment finds high levels of Malnutrition, Anaemia and Micro-nutrient Deficiencies in the West Bank and Gaza Strip*, 2 January 2003.

<sup>22</sup> Maram Project (Johns Hopkins and Al Quds University, CARE International and ANERA – with USAID support), *Health Sector Bi-weekly Report*, Number 7, 13 December 2002.

pointed out that changing diets and lifestyles could not be achieved overnight or through technical interventions.

The especially high vulnerability of children – particularly the under-fives – to long term effects of malnutrition requires that they are targeted in food and nutrition programmes.

### **3.2 Deficiencies in the health care system: Undermining the capacity of the Palestinian Authority to provide an effective national health care system**

Currently, Palestinian families, NGOs, the Palestinian government structures and INGOs may only be able to slow the rapid trend in the deterioration of the health situation. Regular vaccinations of new-borns and young children are vital to maintain immunisation and prevent common childhood diseases, such as measles, mumps, and rubella. Access to affordable treatment and medicines is essential for protecting the health of the mother and child. In particular, maintaining high standards of ante- and post-natal care can significantly reduce the risks to mother and child health.

#### **3.2.1 Access to services**

Physical access to health services has been a major constraint, even in Gaza where there have not been curfews over the last year, but where closure and military incursions have had an impact. Mothers in Gaza told us how even though it was usually possible to reach the health services they did not always go because of the situation: *“We live in Khan Younis and there is no checkpoint between us and the hospital but we are frightened of the shelling and the gunshots,”* said one. *“We are frightened to cross the checkpoints. We might not get across the checkpoint and have to wait in the queue for a long time. There is no food or drink available for the children there,”* a mother from Rafah told us, while another added: *“If we go to Gaza it is not always possible to return in the same day and we need to stay overnight there”*.

#### **3.2.2 Immunisation and medication**

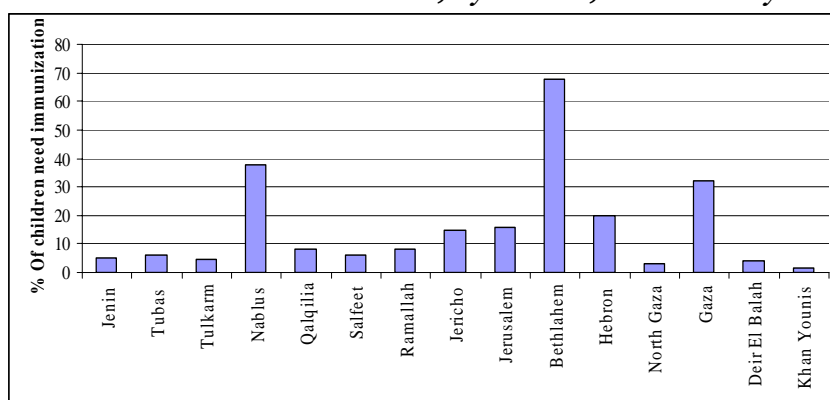
A particularly worrying aspect is the impact of incursions, closures and curfew on the preventive health care system. In 2002, UNRWA reported that “no more than 46% of children are being immunised according to schedule... coverage has fallen, especially in villages.”<sup>23</sup> There have been severe difficulties in maintaining immunisation coverage. The Ministry of Health has been unable to fulfil requirements such as immunisations and much of the work is now carried out by international agencies, such as WHO and UNICEF. UNICEF engaged in two ‘catch-up’ and ‘mop-up’ vaccination campaigns. In an effort to ensure full immunisation coverage the PRCS has installed an early warning system to alert the Ministry of Health of cases where children missed their vaccinations.

External funding has also become more important for the purchase of vital medications but further constraints have been experienced as the access to shipments arriving through Israel have to be negotiated.

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<sup>23</sup> *Humanitarian Plan of Action*, p.24.

**Graph 2: Percentage of households having a child scheduled for immunization but with no access to immunization services, by district, since 17 May 2002.<sup>24</sup>**



Mothers in Rafah used the local government Mother and Child Health clinic most frequently, but complained that medications were not always available or were too expensive. They also said many of the services they required, for example physiotherapy for disabled children, were not available in government clinics or hospitals. However, they are dependent on government clinics because, although most would prefer a private clinic, these were more expensive. In Rafah, mothers rated medical treatment and supplies as their first priority for children, above nutrition and safety. In Beit Hanoon, they ranked health, medicines, immunisation and access to health care second.

When families have insufficient resources to afford health care and medicines or these are unavailable, this poses a serious risk not only to the immediate health of the patient, but also to awareness about health.

The PCBS studied health-seeking behaviour for curative services on the West Bank during April and May 2001. “Results showed that 28.6 per cent of families who needed curative services did not obtain medical advice because medication was not available, 32.9 per cent said they had no money, 26.6 per cent could not reach a health centre, and 16.8 per cent reported that the doctor could not reach the health centre. Since then, poverty and inaccessibility of drugs and healthcare has become increasingly worse, especially after the 29 March 2002 reoccupation that led to tighter curfews being imposed on Palestinian cities.”<sup>25</sup>

One year later, PCBS carried out further research into access to health facilities for children, highlighting the three main causes for the deterioration in the overall situation of children: poverty, lack of supplies, and mobility restrictions. The study found that “about 38% of households reported that the main reason for not being able to access health services was due to unavailability of medications or being unable to afford the cost of treatment, 23% for inability to reach the place of health services.”<sup>26</sup>

<sup>24</sup> Maram Project.

<sup>25</sup> Samia Hleileh, *The effects of Israel’s Operation Defensive Shield on Palestinian Children Living in the West Bank*, Institute of Community and Public Health, Bir Zeit University, 29 June 2002.

<sup>26</sup> PCBS, *Palestinian Children – Issues and Statistics, Executive Summary*, 2002

**Table 1: Rounds 13, 14 and cumulative frequencies and percentages of households (HH) in which at least one member required specific health services and was unable to access them<sup>27</sup>**

Services	Round 13 HH	Round 14 HH	Cumulative HH**
	N* (%)	N* (%)	N* (%)
Emergency care	5/84 (6.0)	6/80 (7.5)	477 (28.5)
Antenatal and post natal care	20/99 (20.2)	29/107 (28.4)	271 (19.6)
Immunization	1/71 (1.4)	4/73 (5.5)	159 (14.9)
Diabetes treatment	10/50 (20.0)	9/40 (22.5)	145 (34.9)

\*Number of households with at least one member requiring health service but unable to access/total number of households with at least one member requiring services

\*\*Due to technical difficulties, the cumulative numbers do not include Rafah district in the first 13 rounds; total HH = 4240

### 3.2.3 Ante- and post-natal care

Preventive health care for mothers and new-borns has taken a dramatic turn for the worse since April 2002. A research project by CARE International and ANERA, in partnership with two universities, found that “in November [2002], 39 of 46 Northern West Bank households who required ante-natal care were unable to access services due to non-functioning clinics.”<sup>28</sup> During the time of Israel's military reoccupation of most parts of Palestinian territory, many pregnant women were forced to give birth at home. Some reports put the increase in home deliveries at 40 per cent for towns in the northern governorates. During the 1990s, steady progress had been made in the health care coverage for ante- and post-natal care. 95.6% of women received ante-natal care in 2000, a slight increase over 1996. Furthermore, 96.8% of deliveries were assisted by a qualified health care professional, a slightly greater increase of 4.09% compared to 1996. Post-natal care was increased from 19.6% to 26.3% over the same period, a significant rise.<sup>29</sup>

As one researcher with Birzeit University put it: “childbirth before the second *Intifada* had changed radically for many women over a short period of time from traditional childbirth in the home with female birth attendants to a hospital delivery with primarily male doctors and in some places highly medicalised management.”<sup>30</sup> The continued presence of traditional birth helpers, *daya*, licensed by the Ministry of Health, is a mixed blessing, though. On the one hand, women complained about harsh treatment in government clinics but may have limited opportunities to choose another service provider. On the other hand, and more importantly, the psychological comfort provided by the *daya* is a poor substitute for medical opinion about complications during childbirth and the necessary post-natal care, especially when hospitals are inaccessible. In the current circumstances, the few midwives in occupied Palestinian territories cannot function in a decentralised fashion and

<sup>27</sup> Maram Project.

<sup>28</sup> Maram Project.

<sup>29</sup> PCBS, *Children in Palestine*.

<sup>30</sup> Laura Wick, ‘Spotlight Birth at the checkpoint, the home or the hospital? Adapting to the changing reality in Palestine’, Institute for Community and Public Health, 17 June 2002.

assist in childbirth in the community. Save the Children has supported the training of professional midwives at the Palestine College of Nursing for a number of years. With more and better-trained midwives, such a decentralised system would also be safe for mothers and children.

Mobility restrictions and lack of access directly caused the death of over 50 women and new-borns in the period September 2000 – October 2002: “24 women and 27 newborn babies died as a result of delays at checkpoints.” 46 women delivered their babies while waiting to pass.<sup>31</sup>

Lack of post-natal care can lead to undetected conditions needing urgent medical attention in new-borns. A Birzeit University study<sup>32</sup> found that

“due to the increase in home deliveries and inaccessibility of the (Mother and Child Health) MCH clinics to mothers and inaccessibility of the central government lab. to the MCH clinics, infants were either not tested, tested but the test was not sent to the laboratory, or tested at the lab. but not reported back to the parents. A private physician, who opened his clinic when the curfew was lifted temporarily, reported one baby girl who at 40 days showed symptoms of developmental delay. Her blood had been tested before the incursion, but the test never reached the laboratory.”

This breakdown in preventive health care for new-borns and health protection for pregnant women and mothers has had a profound impact on the psychological well-being of pregnant women. Two mothers in Khan Younis told Save the Children about their pregnancies. One said: “*Women in labour sometimes prefer to wait until the morning or phone the ambulance.*” Another agreed, saying: “*When it came to the day I was supposed to deliver my baby I spent the whole day praying that the baby would come during the day.*” Dr. H. El-Nana of the Rafidia Hospital in Nablus listed a number of consequences of a lack of ante-natal care: psychological trauma occurs because of the security and travel situation; maternal and pre-natal morbidity and mortality; birth canal trauma; post-natal depression/psychosis; and repercussions on breastfeeding habits.<sup>33</sup>

### 3.3 Psychological and emotional well-being

Children’s psychological and emotional well-being has suffered considerably from the situation they are living through. The Ministry of Health reported that there has been a 105% increase in new cases at mental health clinics since October 2000 and that children under 18 constitute a majority of these.<sup>34</sup>

UNICEF summarised their findings in the autumn of 2002 on the psychological situation of children: “80 per cent of parents have noted changes in their children’s behaviour, including problems sleeping, being afraid and finding it hard to concentrate.”<sup>35</sup> Parents, too, have changed their behaviour towards children: “40% of parents report... spending more time with [children] but also using more corporal punishment.”<sup>36</sup>

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<sup>31</sup> Humanitarian Plan of Action, p.24.

<sup>32</sup> Samia Hleileh

<sup>33</sup> Healthinforum (WHO, Italian Cooperation, USAID), *Health Inforum News*, Volume 1, No.17, 15, December 2002.

<sup>34</sup> Quoted in World Bank, *Fifteen Months* op. cit.

<sup>35</sup> UNICEF Occupied Palestinian Territory, *Hope against Hopelessness. Potential against Lost Opportunities. Protecting the Right of Palestinian Children to Peace, Dignity and Wellbeing*, September 2002.

<sup>36</sup> Ibid.

### 3.3.1 Safety and well-being: Mothers' foremost concern

The factor foremost among the concerns of Palestinian mothers was their own safety and that of their children. In the ranking of mothers in Beit Hanoon mentioned above, safety was ranked first by four out of ten mothers. Only two would have placed equal emphasis on safety in 2000. One mother said: *"Our life is full of fear and pain and there is no hope. Our future is full of uncertainty and anxiety."* Another mother said: *"We feel fear, we have a terrible life, full of anxiety and lack of security. My family lives in severe poverty, fear and anxiety."* Asked about her children, another replied that *"there is no security for children from the Israeli tanks, because of curfew and fighting"*. Another group of mothers echoed this feeling of insecurity. One said: *"The future of my children is threatened by a lack of safety. It is unknown."* Mothers in Rafah stressed the impact of the Israeli house destruction.

### 3.3.2 Stress and behavioural impacts

Save the Children is greatly alarmed by the situation of children under five. The testimonies of young children and their mothers reveal that children live in a near constant state of fear. Their reference points for normal life have changed; they know the language of violence at a very young age. The current situation of incursions, curfews, and closures not only undermines children's right to development, it is destroying their right to lead a happy and safe life and receive education.

According to their parents, under-fives showed the following behavioural symptoms:

- increased violence with each other;
- aggression towards parents, stubbornness;
- lack of concentration; children are quickly bored;
- not caring for themselves, not eating properly and not minding personal hygiene;
- self-wetting, clinging, screaming, nightmares.

Counselling for this age category is largely nonexistent. Mothers could link these symptoms directly to incidents of incursions in Nablus and television pictures of violence. An exasperated parent told Save the Children *"my child is beginning to feel that we parents cannot protect him"*.

Parents and kindergarten teachers notice differences in language and play. Favourite games among children today include imitating a funeral situation with their friends. A kindergarten teacher said: *"I notice that most drawings of children show funerals and dead children."* Mothers complained about the increased presence of violence in children's thinking. One said: *"My child started using new threatening words; he says 'I will shoot you'."* Another reported an incident, saying: *"One day I took my son to the market in Askar [refugee] camp. We passed a funeral of a martyr, and there were pictures of martyrs on the wall. The child said with a sigh: 'I don't want you to make a birthday party for me because however many birthdays we have we will die in the end'."*

Children are not fully aware of the lethal nature of bullets. Daring Israeli soldiers has become a favourite game of some children, usually boys over 12 years, who slip away from the oversight of parents and teachers and into the often-dangerous streets. Even children under five are wondering about confrontations with Israeli soldiers. One child asked his mother: *"If a bullet hits a child, does it hurt him as much as the adult?"*

## 4 The Right to Education

*“I used to be good at school but now I am stupid.”*

*“We are very scared. We are scared for our teachers who come to teach us.”*

Physical and economic access to schools and kindergartens are two important aspects of the right to education. Schools must be “within safe physical reach” and “education has to be affordable for all”.<sup>37</sup> Moreover, the right to education is “not only a matter of access (Art. 28) but also of content”.<sup>38</sup>

In this section we look at the way in which children’s right to education is being eroded as a consequence of both barriers to access and to quality provision of education.

### 4.1 Access to education

#### 4.1.1 Being confined to home: Closure and curfew

The impact of curfews and closure on children's school attendance has been considerable. UNICEF research showed that at the beginning of October 2002, one month after the start of the Palestinian school year, over 226,000 children and 9,300 teachers were still unable to reach their schools. According to their research, 580 schools had remained closed due to Israeli military curfews, closures and home confinement, at least 197 schools have been damaged and 275 schools were considered in the direct line of confrontation.<sup>39</sup> Similarly, the Ministry of Education<sup>40</sup> calculates that a total of 1,135 school days have been lost during the *Intifada* and 54,730 teaching sessions were cancelled due to Israeli attacks during the April and May 'Operation Defensive Shield'. 850 Ministry of Education schools have faced temporary closure.

An UNRWA study cites this limited access to education as the main cause of the drop in academic achievement of students. The study showed that passing grades in Arabic and mathematics in UNRWA schools had dropped by about 50% in 2001 compared to 1999–2000 figures.<sup>41</sup> Given that interruption in school attendance has increased in 2002, it can be predicted that this impact has similarly increased.

#### 4.1.2 The way to school

The physical barriers faced by children and teachers alike are not confined to curfew and closure and have turned the routine of getting from home to school into a journey of uncertainty, fear and physical challenge. According to the Ministry of Education, 132 students have been killed and 2,500 injured on their way to or from school.<sup>42</sup> Although many head teachers participating in our field research reported doing their best to co-ordinate safe routes for groups of students together

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<sup>37</sup> CESCR, Art. 13, Right to Education, *General Comment 13, Normative Content*, paragraph 6(b.)

<sup>38</sup> CRC, *Aims of Education, General Comment 1*, paragraph 3.

<sup>39</sup> UNICEF Press Release, 2 October 2002.

<sup>40</sup> Statistics available on the Palestine Monitor website, 24 February 2003 record figures from October 2000 to 17<sup>th</sup> February 2003.

<sup>41</sup> Quoted in UNICEF 2002 op. cit.

<sup>42</sup> Palestine Monitor, op. cit.

with parents and teachers, they stressed that the decision about safety rests with the parents. But in some cases, they said, it is students themselves who decide whether it is safe.

Children drew pictures of, or wrote about their way to school. In Nablus and Jenin, almost every student said or drew that they were met by a tank, army jeep or soldiers. Some students drew being shot at. A Nablus schoolgirl said: *"It is true that my house is close to the school, but there is lots of trouble. Sometimes I pass a tank, sometimes they tell me to go back, sometimes not."* A Nablus schoolboy concurred, adding: *"I have to tell lies to be able to reach school"*. He drew himself passing a tank with his arms up, and a soldier sitting on the tank asking him *"Where are you going?"* So the boy answers *"I'm going home"* but he writes *"I am lying"* since he is going to school and not home.

In Hebron, students described crossing barriers and mounds of earth and a significant number said they encountered soldiers. A girl from Hebron described her way to school as this: *"I walk a little. I see soldiers. I see soldiers walking. I see my cousin and walk with her. I see a falafel shop and buy from it. Near the school I find a road-block; I jump on it, walk a little and arrive at school."*

In Bethlehem, while students did not say they encountered or were stopped by the army, in their drawings they indicated that there were soldiers and army jeeps watching from a distance.

Humiliation and insults were regarded as routine. Many children reported seeing adults verbally insulted by soldiers or said that they themselves suffered insults. One school girl described the following: *"The road goes up, then down, and there is a tank. They take my bag and throw the books on the street and my books get wet. I said to the soldier, 'Why did you do that?' He said 'Shut up.' Then he put my books back in the bag and said, 'Get lost to your school'."*

Although positive images were also expressed, they were often interspersed with negative ones. In the same drawing, one student included a taxi office, mulberry tree, Merkava tank, a circle, houses and jasmine bush. Others included greenery and flowers, churches, mosques, supermarkets and street vendors.

Many children mentioned that they come in groups and pick each other up on the way, especially in Hebron. Children say they talk together on the way about incidents of the previous day and things they saw on TV.

Teachers also face security concerns. In some cases, teachers have stayed overnight at the school to ensure they will be there to teach the next day. In the words of one teacher: *"I arrive at school already tired, sweaty in the summer and muddy in the winter. I keep thinking about the road back and how it will be."*

Children also expressed their fears for the teachers' safety. One student said: *"We are very scared. We are scared for our teachers who come to teach us."*

#### **4.1.3 Declining school registration**

Over the last decade there has been a consistent increase in the primary school net enrolment rate (NER), which had reached 94% by 2000. Similarly, secondary school education NER has increased over the same time period to 45%. However, UNICEF believes that a decade of efforts to improve the education of children in the oPT has come under serious threat. Our findings

corroborate that belief. Head teachers stated that there has been a small decline in registration levels of children in schools (specific figures unavailable).

Some children, particularly girls, have had to stop attending school as a result of their schools being taken over by the IDF or suffering extensive damage from military attacks. For example, three schools situated on a hilltop in Hebron have been taken over for military purposes. The children have been relocated to schools in the old city coming in the afternoon shift. According to the school administration, this led to several drop-outs, especially among girls and those who had to walk longer and more dangerous distances. There is no evidence that these students were educated elsewhere.

Wherever possible school administrators are developing strategies to prevent this from escalating; for example they do not count a child as absent if fear prevents them, thereby enabling the child to maintain his or her registration status.

## **4.2 The learning environment in schools**

### **4.2.1 Children's ability to concentrate**

Students admitted to being distracted, losing concentration during class and *“forgetting information”* before sitting for an exam. The effect of this on both children's academic achievement and sense of self-worth can be considerable. As one girl from Nablus said: *“I think of school; is it curfew today or not? So I become stupid in school. I used to be good at school but now I am stupid.”*

Teachers and headteachers confirmed this by saying they noticed declining school achievement and difficulty in keeping discipline in the school. Teachers say that students are often absent-minded and looking through windows. They go into disarray at the sound of an ambulance or army jeep. The students are also worried when there is silence in the street, thinking that curfew has been imposed and they will not be able to go home. They frequently ask to go to the toilet or for drinking water, and teachers feel they should let them. Furthermore, teachers find themselves having to interrupt regular teaching because students are too overwhelmed with the situation and want to talk about it.

### **4.2.2 Quality of education**

Despite showing a considerable degree of flexibility, commitment and ingenuity in devising different strategies to compensate for school loss and the problems they face in providing education, teachers and administrators overwhelmingly believed that the quality of the education they could provide was being eroded. They said they were no longer able to plan effectively or meet curricula requirements.

School administrators are struggling to plan and meet their targets. They said that they do not know from one day to the next if their school will be open. The latest instructions from the Ministry of Education order school administrations to open the school even during curfew. This leaves head teachers with the difficult decision to declare the school open while not being able to take responsibility for the safety of teachers and students.

Teaching in shifts and overcrowded classes has now become commonplace within the education system. This is caused by schools being closed due to the conflict, reduced numbers of teachers able to access schools and the inability of infrastructure developments to keep pace with the increasing child population. Where schools have been closed and taken over by the IDF for military purposes, children are often accommodated in nearby schools but in a second shift. On days when only a few teachers could make their way to school, schools would attempt to run a full school-day for the students who turned up. Teachers were often reshuffled between schools and classes, they were asked to teach additional classes and subjects and to take part in afternoon sessions.

The financial constraints faced by the Palestinian Authority due to declining income during the *Intifada* has led to a lack of funds for constructing new schools to meet the increasing numbers of Palestinians of school age. This is compounded by a lack of development possibilities inside cities. Even when such plans exist, delays in implementation due to funding constraints or the physical difficulties faced in project implementation caused by the closures and curfews have curtailed most projects. Very little construction and renovation needs were met during the past two years.

Even where the physical infrastructure is of a high quality, problems are encountered. Teachers mentioned large and newly developed schools built with donor money in the villages. They gave the example of a school in Awarta village near Nablus which has over 1000 students but where on average only eight teachers can reach it every day.

Running double shifts puts strain on both teachers and students. This has a considerable impact on ability to fulfil the curriculum. Teachers and school administrators believe that they have lost enough time, and cannot be assured that there will not be further losses until the school recesses for summer holiday in June. Therefore they are attempting to compensate for lost days and catch up with curricula requirements. The price paid has been forsaking classes such as gym and arts, affecting especially girls. Save the Children witnessed a situation where a student asked for time during the first period to present a project she is part of and to be able to tell her classmates about it. The headteacher said yes, provided that the student talks and answers questions for only ten minutes. A headteacher in Hebron said that she ordered teachers and students to cancel the five minutes' break between classes and use the time for teaching.

There are more reports about teachers focusing on a small group of students of not more than five or six and ignoring the others, or having them sit at the back. This is mainly due to pressure on them to meet the curricula needs and compensate lost days of schooling, but also to difficulties maintaining discipline and the lack of skills to deal with students who find it more difficult to study now. Teachers said that children with special educational needs are usually asked to sit in the front, but there is no evidence as to whether they receive the attention needed.

This difficult teaching environment is compounded by difficulties in recruiting fully qualified staff. The competence of teachers has been questioned as there are delays and omissions in teacher-training programmes. One headteacher remarked: *"What do you expect? Teachers and parents belong to the generation of the previous Intifada who lost many days of school, therefore students of this Intifada are suffering a multiple loss."*

### 4.2.3 Violence in the classroom

All the groups we met with agreed that there has been an increase in violence. Teachers agreed that students are more violent now than before. Girls did not complain about teachers spanking them, but for boys it was an issue. Children in the groups said they are hit by teachers and older students. One boy drew himself being beaten daily on the head by the teacher; amazingly enough, the boy was considered as one of the best students in the class. Girls are also becoming more violent towards each other, there is more bullying and the smaller ones are getting beaten. Verbal abuse is also common, and could be heard in boys' schools. The problem of increased violence was not confined to school. Some children talked about violence at home, usually from a violent father. This serious issue deserves full attention and it has been the focus of a study by Save the Children US that will be released shortly. Consequently, we have only given it limited consideration in this research.

## 4.3 Education and the under-fives: Kindergartens

### *Case study: Nablus City*

### 4.3.1 Prioritising kindergarten education

All children have a right to develop to their full potential. Young children benefit greatly from guided activities in Early Childhood Learning both in terms of learning to express themselves in play as well as advancing their education. While kindergarten attendance is relatively low – only 32 per cent of all children aged 4–5 years attend kindergartens – this is higher than the prevailing rate in neighbouring countries. Mothers involved in our research stressed the importance of kindergarten education for their children. They saw kindergarten as an essential preparation for school, which would then only be a *"qualitative move from play to study"*. Another mother explained how *"my child will learn how to deal with others. Children learn to deal with people of different habits. They have to face problems and learn how to solve them. It is good for their self-reliance and independence."* Another mother said that *"in kindergarten, the child learns discipline and sticking to rules"* which they thought was especially important given the increasing difficulties they said they faced with discipline and being able to prevent their children playing in dangerous places.

Despite this high awareness of the value of kindergartens, many parents were making decisions not to send their children. The reasons they gave were several: financial, safety and quality of care.

### 4.3.2 Access to kindergartens

Mothers raised two key issues regarding access to kindergartens and why their child did not attend: security and cost.

While they said they were willing to send older children to school whenever possible, many mothers were not willing to take the same risks for their younger children. Parents told Save the Children that *"soldiers used to stop the kindergarten bus and hold it for hours on hot and cold days. One day, soldiers stopped the bus of Sanabel kindergarten and used it to block the street to prevent other cars from passing."* A kindergarten teacher and mother said: *"A few days ago soldiers attacked a kindergarten bus; I was in it with children. They made us get out, including the children. They searched the bus while we stayed in the rain and cold for a long while till they allowed us to get back in the bus and leave."* One parent in Nablus, who had sent an older son to kindergarten before the Intifada said, *"Now we are afraid of tanks, the army,*

*continuous closure and security. The difference is obvious. Before 2000 our child went to kindergarten; then we felt confident".* One particular fear was that children would be exposed to 'sound bombs' which terrorized them. While walking between a 'flying checkpoint' on the main road and the main Huwwara checkpoint several kilometers outside Nablus, Save the Children researchers witnessed first-hand how fully armed soldiers forced children as young as four years old to empty their satchels, stand in freezing cold and be intimidated on their way to kindergarten and school.

Kindergartens are considered generally safe during daytime and once the children have arrived. In Nablus, however, buildings and facilities of kindergarten and other play-areas have suffered damage as a result of shelling and shooting by the Israeli military. For instance, the Isa'ad Al-Tufula Child Center in Nablus is closed for reasons of access and security.

Kindergarten education in the occupied Palestinian Territories is not free and is provided by the private sector with the Ministry of Education giving overall supervision. With the increasing economic difficulties faced by Palestinians many households are having to prioritise their expenditure. As one parent pointed out: *"The financial situation has been very bad during the past few years, and this affected kindergarten attendance. In the previous years, a head of family was able to send several children to kindergarten, but now he can hardly send one."* Another mother said: *"My daughter attended kindergarten for two months and is now sitting at home because my husband cannot afford the fees."*

#### **4.3.3 Quality of kindergarten care**

Not only overall attendance, but the variety of activities offered has been hit. Mothers criticized the fact that kindergartens could no longer offer entertainment programmes for children. One mother said: *"The financial situation does not allow families to take their children on picnics or to parks or music performances"*. The absence of children has forced some kindergartens and institutions to shut. The cultural center in Nablus, for instance, is closed for lack of resources. Some mothers said that they had to send their children to *"less-developed and progressive kindergartens"* because these were closer to the house and therefore were deemed safer.

## 5 Children with Disabilities

***“I wish to be able to support my little girl Sibreen to have surgery for Erb’s Palsy in her hand and I wish for peace in the world”. A mother in Gaza***

The Convention on the Rights of the Child requires states to ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s disability (Art.2). The Convention also recognises that a mentally or physically disabled child should enjoy a full and decent life in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community.<sup>43</sup>

In addition, the UN Standard Rules on the Equalisation of Opportunities for Persons with Disabilities was passed by the UN General Assembly in 1993, after the UN Decade of Persons with Disabilities 1983–1992. The three main areas these 22 rules seek to address can be grouped into

- preconditions for equal participation: through awareness raising, medical care, rehabilitation and support services;
- target areas for equal participation: through improved accessibility, through education, employment, income maintenance and social security, family life and personal integrity, culture, recreation and sports, and religion;
- implementation measures: such as information and research, policy making and planning, legislation, economic policies, co-ordination of work, organisations of persons with disabilities, personnel training, national monitoring.<sup>44</sup>

Disabled children are among the most vulnerable in any society, particularly poorer societies. The interruption in progressively realising Palestinian disabled children’s rights is a severe setback and in contravention to the Convention: that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child’s achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.<sup>45</sup>

The UN Special Rapporteur of the Commission on Human Rights noted in his March 2002 report that of the approximately 7,000 children injured in the *Intifada* about 500 are likely to experience permanent disabilities as a result<sup>46</sup>.

### 5.1. The erosion of disabled children’s rights in Palestine

Considerable advances were made in the recognition of disabled people’s rights as a result of the first *Intifada* in 1988–93. There had been a considerable increase both in the number of disabled people and in the profile accorded to them by the Palestinian and international communities. In 1989 the Central National Committee for Rehabilitation (CNCR) was formed and the concept of community-based rehabilitation took hold with other actors such as the Ministry of Social Affairs,

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<sup>43</sup> CRC, Art. 23, 1.

<sup>44</sup> See: Diakonia, *A Presentation of the Rehabilitation Programme in Palestine*, 2000.

<sup>45</sup> CRC, Art. 23, 3.

<sup>46</sup> UN CHR, Question of the violation of human rights in the occupied Arab Territories including Palestine, Report of the Special Rapporteur of the CHR, Mr John Dugard. March 2002.

the Palestine Red Crescent Society, Union of Palestinian Medical Relief Committees, engaging with disabled persons. Several national referral centres were established including Al-Wafa in Gaza, Abu Rayya in Ramallah, Amira Basma in Jerusalem and Bethlehem Arab Society. This resulted in a high level of recognition for the rights of disabled people including children, which resulted in significant gains being made in the implementation of these rights.

On 10 October 1999, the Palestinian Legislative Council adopted Basic Law 4 specifying the rights of disabled persons. This was a landmark in the movement of Palestinian disabled persons and carers and accorded disabled persons the same rights as every other citizen (Article 2), accorded them duties in keeping with the degree of disability (Article 2), stipulated that there be appropriate educational facilities, both separate and in the mainstream system (Articles 10.3 and 14), mandated the creation of a suitable environment for disabled persons, including a mental health awareness programme, (Articles 10.6, 12 and 16) and set the levels of financial contributions by the individual and the state for rehabilitation and care (Article 5).

Basic Law 4 made the State the guardian of these rights. The failure of the Oslo process to result in the declaration of a Palestinian state has left disabled Palestinians residing in the oPT without a legal guardian of the rights stipulated. Israel, however, as State Party to the UN Convention on the Rights of the Child, is responsible to respect and ensure the rights set forth in the CRC to each child within its jurisdiction without discrimination of any kind, including on the grounds of disability.

The social environment has a major impact on any ability to implement existing laws. The current environment of curfews, closures, constant fear and anxiety is 'disabling' Palestinian society and their children. Communities and structures are increasingly less able to integrate those persons who need most help and visibility to participate fully in society, such as children with impairments. Societies must *enable* those with disabilities to exercise their right of self-determination.

Ribhi Qatamesh, legal adviser to the General Union of Palestinian Disabled, told the Landmine Monitor in February 2002: "the social environment in which the law is to be implemented is the major problem, because the environment stigmatises those with disability and views them with pity."<sup>47</sup> A disabled girl will only be fully respected in an accepting environment, but she can claim her rights only if there is a guarantor of that right and institutions such as courts to uphold it.

## 5.2 Disruption to service provision for disabled children

Some service provision for disabled children and their carers has been cut completely. For example, at the Total Communication Centre run by the Palestinian Red Crescent Society (PRCS) in Ramallah, before September 2000 mothers used to receive courses in sign language. As a result of the continued Israeli incursions, PRCS told Save the Children that these classes have been cancelled. Similarly, the Ministry of Education said that meetings between co-ordinators and the Ministry have virtually stopped. No direct meeting with the team in Rafah has taken place for over two years. These co-ordinators are directly responsible for negotiating individual cases with the schools and the families. Training for the co-ordinators has stopped and those meetings that can take place are infrequent. Prior to closures staff in this sector received their education and attended training workshops in Jordan. These activities have ceased.

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<sup>47</sup> Landmine Monitor Report 2002, <http://www.icbl.org/lm/2002/palestine.html>, last visited 17 February 2003.

Despite financial and physical access difficulties many institutions for disabled children have been kept open but have suffered disruptions to service provision. For example, the PRCS succeeded in integrating 90 disabled children into mainstream schooling in 2002. Awareness campaigns by the PRCS support a special department in the Ministry of Education working on the educational needs of disabled children and integrate them into mainstream schooling.

Children are experiencing severe disruptions to their rehabilitation and treatment. Save the Children found that physiotherapy outreach programmes are unable to reach clients and the national referral system is unable to respond effectively. Such impacts have the potential to increase the severity and permanence of disabilities.

The ability to undertake early identification, treatment and rehabilitation is slipping. A series of booklets produced in 2001 by Diakonia and a local NGO suggests a series of activities for disabled children in various age groups. Two years later, the CBR workers said they found it increasingly difficult to fulfil the motto in the title *"Play! Enjoy! Invent! Learn!"*

Children with disabilities had moved down the priority ranking of families, doctors, and institutions. Families do not have the money to buy a wheelchair or make special arrangements in the house. Save the Children found that doctors in Gaza took medical interest in some specialised cases of disability, but did not know how to address prevention and early intervention.

All those involved in contributing to prevention, rehabilitation and institutional and communal provisions have made enormous sacrifices to maintain their work. Managers are constantly battling with logistical problems and adapting their programmes to the current situation. Due to curfews and closures, the specialised centres said they have an under-occupancy rate of between 30 and 40 per cent. These low occupancy rates have resulted in reduced revenue and had a knock-on effect on the retention of staff. Also the employment radius for specialised staff has been narrowed to the immediate vicinity of the institution as a journey which previously took one hour for staff may well take two or many more hours now. The Director of the Amira Basma Centre in Jerusalem said she had been forced to stop paying staff for the days that they were unable to reach work. In a group discussion with staff at the Centre, staff described how they are staying overnight (in some cases for weeks at a time) rather than returning. Similarly, the director of an institution in Hebron described how he and staff had kept going without salaries for months until by good luck a local donor enabled the institution to pay some arrears and stay afloat.

More than other groups, disabled children are dependent on mobility services that allow them to reach schools, treatment facilities, institutions, or just to visit friends. The Amira Basma Centre said they were no longer receiving children from Gaza or even Jericho because they were unable to reach the Centre. Parents and children were going to extremes to try to ensure their children received the treatment. They gave the example of one child whose parent was refused entry to Jerusalem at the checkpoint and had handed over responsibility of the child reaching the centre to a passer-by who had been given permission to enter, thus raising serious issues regarding child protection. In other cases, the children were not returning to their families at weekends as was the normal practice and were away for periods of several months at a time. Mothers attending the Centre with their children were also away from the rest of the family for extended periods.

Regular and timely treatment is also being compromised. For example, Save the Children were told about children who should have started rehabilitation as 6-month-old infants but had waited until they were 18 months old. Costs per patient incurred by service providers has also increased because children, often accompanied by their mothers, could no longer come as outpatients on a

daily basis, but had to stay overnight. In a residential home for both mentally and physically disabled children near Hebron, two children had not been able to see their parents who are living in Gaza for over two years. Despite repeated attempts by the director of the institution, we were told that the Israeli authorities refused to issue travel permits to either the parents or the children and an accompanying carer.

### 5.3 Reaching out to disabled children: CBR – a limited success story

There is a clear need to reach disabled children and prevent physical isolation from turning into short- and long-term social isolation. Several organisations are increasing their outreach programmes as a response to the difficulties disabled children face leaving their homes and neighbourhoods during curfew and closure. However, this has not necessarily resulted in improved services at this level. This emergency measure greatly increases the costs of working with disabled children, as community workers, teachers or physiotherapists now have to travel to individual children. As a consequence, less time is spent with the child and some have lost contact to supporting services. Moreover, outreach programmes cannot fulfil all teaching needs and are no substitute for specialised care.

Save the Children met with mothers of disabled children at the Community-Based Rehabilitation Office in Rafah. Despite the fact that access to education and physiotherapy ranked foremost in their priorities for their disabled children, no mother had travelled further than 10 km outside Rafah to reach these services for their children in the last year. Most mothers had to stop regular visits to Gaza City due to the current closures and checkpoints where they said their children attended physiotherapy clinics, clinics for epilepsy or specialist doctors' clinics.

Diakonia told Save the Children that *“community-based rehabilitation programmes are the only thing that works in the current situation”*. They said that decentralised structures are vital for maintaining some contact with disabled children and their families. Because rehabilitation workers live in the communities where they work, they are often the only ones able to reach them. The Amira Basma Centre corroborated this. Their staff also believed that CBR was the only aspect of disabled children's services that had been able to continue to operate relatively normally.

Even so, there have been some difficulties. However, exchange of information and training has become exceedingly difficult. Costs have increased threefold for workers who need to travel to their main offices and surrounding villages. Weekly meetings have become monthly or were cancelled altogether. Moreover, CBR programmes have had to assume additional tasks such as promoting the rights of disabled persons, raising awareness about the opportunities open to disabled persons. Alarmingly, CBR staff are being required to carry out diagnostic work, be responsible for referrals and information provision while they do not usually have the qualifications required to carry this out effectively. This can further undermine the capacity for early identification of needs.

A CBR programme based in Ramallah which aims to serve 65 villages and 5 refugee camps conducts weekly visits to disabled children, listens to their views, speaks to parents and teachers and gives advice with technical assistance. While they report that over the years overall progress for physically disabled children and those with slight mental impairments has been good and that they have placed 200 children in school, found kindergarten places for a further 120 children and facilitated special education for 130 children, they have found that under the current economic circumstances, it proved nearly impossible to find employment for the over 60 disabled persons

who received vocational training. Only 3 persons have found places for vocational training since the situation deteriorated two years ago.

#### **5.4 Reduced access to resources**

Greatly reduced family income has meant that expenses for technical aids, home improvements or learning tools for disabled children have become luxury expenses for most families who struggle to afford food, clothes and other necessary expenses.

CBR workers have found it harder to convince schools to pay for improvements that would accommodate disabled children. There is an increased reliance on individual donors where the Ministry of Education and the Ministry of Social Affairs lacks the funds. The increase in running costs of service providers through travel expenses, conversion of day care to residential centres, and drop in fees has at times been met by donors, but remains unsustainable in the medium term.

At all levels of service, the motivation of staff has suffered. Staff told Save the Children that they “*feel helpless*”, others went further saying they “*feel useless*”. Motivating disabled children to exploit their potential and encouraging families to give them support is the chief obstacle facing disabled children throughout the world. A system where the rights of disabled persons cannot be upheld, and where the resources, facilities and motivation to improve the situation are lacking is at serious risk of reversing the gains made in the occupied Palestinian territories since 1989 and further marginalising children who already find acceptance difficult. Without enjoying respect and acquiring skills and confidence Palestinian children with disabilities will have to continue to struggle for a dignified life throughout their lives.

## 6 Conclusions and Recommendations

This report demonstrates how children view the challenges of growing up under curfew and closure and offers recommendations for action to all those involved in protecting children's rights.

The problems faced by Palestinian children have both intensified in nature and become chronic. The Israeli policy of closure and curfews and the intensification of Israeli military operations including Operation Defensive Shield have led to a deepening and broadening of the detrimental impact on the lives of children.

Consequently, Palestinian children's rights are at risk. Duty bearers are failing to provide protection. Palestinian children characterise their daily lives in terms of violence, fear, and hopelessness. They have little hope for the future. At the same time it has to be recognised that Israeli children, too, cannot go about their daily lives without fear of becoming the victim of a suicide bombing.

Access to services is being denied. While access to primary services has been the least affected due to their more decentralised nature, many primary service providers are being required to deliver services beyond their capacity. Meanwhile service provision for the majority of children is often limited to emergency programmes and maintaining basic services.

As for children's right to health, survival and development, the ability of the Palestinian Authority to provide appropriate support and services has been severely reduced and a dependency on international support is being created. Financial, physical and psychological barriers are preventing access to health services and parents are prioritising only essential health care for their children.

Palestinian children's rights to and in education are increasingly unfulfilled. Schools have been closed and teaching days lost. Quality of education is declining. Children's academic achievements are suffering. Education remains an ambition for young Palestinians, but their opportunities for learning and preparing themselves for their future is being harmed.

The progress made during the 1990s towards establishing and implementing rights for children with disabilities is being eroded. The Palestinian Authority and civil society's capacities to operate are reduced. Without strong structures of reference for these children, they are liable again to be marginalised.

These circumstances are widely known to the authorities who have a primary responsibility to protect children's rights. The International Community can no longer simply deplore bombings and killings, terror and destruction, increasing poverty and a disintegrating health and education system. Action is imperative. Humanitarian solutions to the impact of grave violations of children's rights cannot replace the fundamental changes needed to reverse the circumstances they face. Save the Children believes steps must be taken by the State of Israel, the international community and the Palestinian Authority to ensure that all children enjoy their rights. Freedom of movement in security and dignity must be guaranteed, economic survival must be guaranteed, service institutions must be allowed to function freely.

In keeping with the UN Security Council recognition that the protection of children is a matter of international peace and security, Save the Children calls for:

Right to Protection:

- children's rights to be included in a future peace agenda
- the Israeli military forces to withdraw from Palestinian areas and put an end to its policy of extensive and punitive closures and curfews affecting Palestinian children and their families
- the Israeli government to ensure safe and unhindered access to services for the Palestinian people especially children as well as humanitarian assistance
- the UN Human Rights Commission to support the establishment of an international human rights monitoring presence, including child protection monitors, to be deployed to the occupied Palestinian Territories

Right to Health and Survival:

- the donor community to support targeted aid for vulnerable children
- all parties to support the Ministry of Health to provide adequate health services, particularly secondary and tertiary services, and to ensure safe, unhindered and affordable access to health care facilities for all children

Right to Education:

- the Government of Israel immediately to withdraw from schools currently used as military bases or detention centres and to ensure full and safe access to schools for all children
- all parties to support the Ministry of Education to provide quality education for all, including formal and non-formal activities and methods, to prevent violence in schools, and provide counseling for children suffering from trauma

Rights of children with disabilities:

- all parties to support the capacity of the Palestinian Authority and civil society to implement Basic Law 4 on disability and to ensure that children with disabilities enjoy all their rights without discrimination.

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