

Living Behind Barriers

Palestinian Children Speak Out

Save the Children UK and Save the Children Sweden

Presented to the UN Commission on Human Rights

March 2004



Save the Children

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Executive Summary

Save the Children is presenting this report to the United Nations Commission on Human Rights to highlight how the violations of children's rights in the Occupied Palestinian Territories (OPT) are continuing to create barriers to moving towards the protection and development of children.

Israel's occupation of the Palestinian Territories continues to have a negative impact on children's lives: closures, curfews and the resulting denial of freedom of movement violate their rights on a daily basis. Children continue to be at risk from harm through military actions. The demolition of houses and confiscation of land leaves them homeless and their families without a viable livelihood. The levels of violence faced by children and an apparent increasing tendency for children to use violence for their own problem solving should alarm all those with an interest in peace and security for all communities living in and around the OPT.

Children see the Wall as an obstruction, like a prison that separates them from friends and family. It makes it harder or impossible for them to lead a 'normal' life: to reach their schools, to play, to mix normally. They feel less secure, and a growing sense of injustice and hatred towards Israel is emerging.

About 550 Palestinian children, some as young as 12 years old, were arrested by the Israeli military in 2003, most accused of stone throwing. In contravention of the UN Convention on the Rights of the Child (CRC), many of the detained children are subject to inhumane and degrading treatment and punishment. Many witness extreme fear and feelings of helplessness during interrogation and their time in prison. After release, many are facing physical and psychological consequences from their experiences.

School represents a place where children can find shelter from violence. Even so, the culture of violence in which children are growing up pervades. Children and teachers report increasing levels of violence. Corporal punishment remains common and child-on-child aggression is seen to be growing.

Children's rights are enshrined in International Humanitarian Law and in Human Rights Law, including the Convention on the Rights of the Child. States that have ratified the international conventions have a primary duty to ensure that these rights are met. Israel as the occupying power and the builder of the Wall bears the prime responsibility for the present increase in violations of children's rights. The Palestinian Authority and international governments also bear certain responsibilities for the rights of children growing up in the OPT. The CRC identifies parents and families as having clear responsibilities toward their children's rights.

UN resolutions have declared that the occupation is illegal and that the wall building must end. 465 Palestinian children and 104 Israeli children have lost their lives during the last three years of the Intifada; 350 children are now illegally detained.

Recognising that the present situation is failing to provide for the protection and development of children living within the OPT to which they have a right, Save the Children calls on the Commission on Human Rights to use the power invested in it to:

- Ensure the implementation of UN resolutions taken in the interests of children living in the Occupied Palestinian Territories.
- Ensure all parties apply the Convention on the Rights of the Child to Palestinian children, and act in accordance with their obligations under international humanitarian and human rights law.
- Support the establishment of international human rights monitoring presence, including child protection monitors, to be deployed to the Occupied Palestinian Territories.
- Ensure that present and future negotiations for a just peace settlement utilise international instruments for children's rights.
- Call the Government of Israel to account for actions taken in violation of children's rights and ensure they meet their obligations under international and human rights law and:
 - Investigate and bring to account all incidents involving military personnel and the injury of children;
 - Accord detained children with the legal protection and treatment to which they have a right under the Convention on the Rights of the Child;
 - Stop the construction of the Wall inside the Occupied Palestinian Territories;
 - Respect Palestinian children's right to education, and stop their military forces' practice of entering schools;
 - Put an end to its policy of extensive and punitive closures and curfews affecting Palestinian children and their families.
- Call on the Palestinian Authority to use its authority to:
 - Reduce the levels of violence confronting children in their daily lives;
 - Provide all children with a safe and protective environment for learning.

1 Background

1.1 One year on: still growing up under curfew

In early 2003 Save the Children Sweden and Save the Children UK published *Growing Up Under Curfew* based on work with Palestinian children aged between 10 and 12 in Jenin, Nablus and Hebron¹. The research focused on children's daily lives and their experiences growing up during the current Intifada. Save the Children is proud to have put forward children's voices and presented their stories just as they told them. This new report is another step in our efforts to call for an end to violations of children's rights and all actions that put children's lives in danger and deprive them of education, health and play.

In January 2004 we revisited some of the schools to ask the children for their reflections on their lives in 2003 and their hopes and aspirations for the future. Given the closures and blockades (733 physical obstructions to movement exist in the West Bank²) this process in itself presented a logistical challenge.

Jenin and Nablus were inaccessible to our staff. Throughout 2003 children in Nablus and Jenin often remained under curfew or subject to incursions. Nablus experienced 42 days of curfew of which 12 days had curfew for part of the day only (between 12-22 hours)³. Jenin experienced 48 days of which 2 days only had curfew for part of the day. Life under curfew is very confined. All the family must remain indoors crowded together in fear and often hungry as well as frustrated. Children cannot go out to play or go to school, parents cannot go to work or shop for basic essentials. Sometimes the curfew lasts for hours, sometimes for days. No one knows.

We were able to reach the two schools of Usama Ben Munketh and Maaref in Hebron's Old City. Hebron is the largest Palestinian city in the West Bank with a population of approximately 140,000, but has Israeli settlements (totalling approximately 450 settlers⁴) in the midst of Palestinian residential areas. This specific situation results in special movement restrictions and curfews. In 2003 Hebron had 180 days of curfew of which 68 days were part of the day only.

We found that children continued to experience fear, violence and the death of friends and family as everyday aspects of their lives. As they told us:

"Once I was walking with some friends to school, I saw soldiers so I was scared, and my friends too, so we went from street to street because we want to get education".

"One day when we were in school taking exams, there was curfew and when the (Israeli) army went into the school our hearts beat fast and we were scared, they threw tear-gas but thanks God we survived".

"On the day of the feast my uncle was martyred and I was deprived of a dear relative. The feast was dark for us unlike other feasts."

"The brother of my best friend was martyred, so I became very sad for him".

"I went to the shop with girls from the neighbourhood. The soldiers were holding something that looked like a bomb. They threw it at us, so we ran away, but then they took it back, it was only to scare us."

"They arrested my brother after they besieged our house, and they beat my brother up outside"

¹ Save the Children UK and Save the Children Sweden, *Growing up under curfew: Safeguarding the basic rights of Palestinian children*, May 2003

² OCHA West Bank Closures, December 2003

³ Curfew figures taken from PRCS website

⁴ From B'Tselem website

“One day the occupation army went into our house but I wasn’t scared. They ordered us out into the yard in winter and my little new-born brother was crying. Their cruel hearts did not let my brother inside the house”.

“They demolished the house of our neighbour, they destroyed the sidewalk and traffic lights”.

“When there was curfew, soldiers came to our streets and broke all the cars”

Their aspirations were dominated by fear, but there was also hope:

“In 2004 I wish for my brother to be free”

“It might happen to us what happened to other people when they demolished houses when the owners were in them”

“There may be more and more operations”, and “there might be war”

“More houses will be taken over (by Israel), but I wish for us to be free”

“Maybe the number of martyrs will go down”

“It might happen that Palestine will be free, if God wants, that’s all I can say”

“They might build more schools for educating people”.

1.2 Living behind barriers

Save the Children is presenting this report to the United Nations Commission on Human Rights to highlight how the violations of children’s rights in the Occupied Palestinian Territories are continuing to create barriers to moving towards the protection and development of children. UN resolutions have declared that the occupation is illegal and that the Wall building must end. 465 Palestinian children⁵ and 104 Israeli children⁶ have lost their lives during the last three years of the Intifada; 350 children are now illegally detained. All parties are failing to provide the protection and development of children living within the OPT to which they are entitled.

Children told us that their rights are being violated by the Wall; child detainees are not receiving the just treatment accorded them by international law; and even at school, often the one place where children feel safe, they are at risk from the growing levels of violence.

The report draws on research carried out by Save the Children throughout 2003 in each of these areas. The Wall research is based on the views children expressed during drama and discussions. A journalist was commissioned to conduct interviews with ex-child detainees which have been published in the report *One day in prison feels like a year: Palestinian children tell their own stories*⁷. Parents, teachers and children participated in workshops to discuss the role of education in children’s protection.

1.3 Violations of children’s rights

Children living in the Occupied Palestinian Territories have been subjected to violations of their rights for decades. When the occupation of East Jerusalem, the West Bank and Gaza began in 1967, UN Security Council Resolution 242 judged “the inadmissibility of the acquisition of the territory by war” and called upon Israel to withdraw “from territories occupied in the recent conflict” (22nd November 1967). However, the occupation has continued, and the following decades saw Arab-Israeli wars in 1973 and 1982 and the outbreak of the first Palestinian Intifada in December 1987.

⁵ PRCS Website, 27th January 2004

⁶ B’Tselem Website, 27th January 2004

⁷ Save the Children Sweden, 2003

The Madrid peace conference in 1991 began a series of peace negotiations including the Oslo process which culminated in the September 1993 Declaration of Principles, which set the scene both for establishing the Palestinian Authority (PA) and for Israel relinquishing day-to-day authority over parts of the West Bank and Gaza Strip. A number of issues remained unresolved including the status of Jerusalem, return of Palestinian refugees, dissolution of Israeli settlements and final borders between States. The inability of negotiations to resolve such issues and subsequent breakdown in talks set the stage for the breakout of the second (al-Aqsa) Intifada in September 2000.

For the past three and a half years, since the beginning of the al-Aqsa Intifada, Palestinian children have been increasingly subjected to violations of their rights. The primary cause of this rights deficit is the Israeli occupation with its attendant closures, curfews, targeted assassinations and violence. Military occupation and the accompanying economic collapse have touched all children and leave them increasingly vulnerable.

1.4 Who bears responsibility?

Children's rights and the obligations and prohibitions they encompass are founded in law. There are several levels of legal instruments that can be applied in the contexts found in the OPT: International Humanitarian Law (IHL), human rights law, including the UN Convention on the Rights of the Child, international social development agreements and national law⁸.

The application of the full body of these laws is disputed by Israel, who claims that because Palestine was never a State, IHL is not applicable; additionally, they claim that ensuring the rights of Palestinian people actually falls under the responsibility of the Palestinian Authority. Israel's position has been repeatedly rejected by human rights monitoring bodies.

B'Tselem, an Israeli human rights organisation, argue that Israel remains the occupier and that combat actions now taking place do not justify the sweeping definition of events as war, and do not allow Israel to ignore its duties as the occupier. These duties require Israel to protect the civilian population and ensure their safety and welfare. The International Committee of the Red Cross, which is charged with implementation of the Geneva Conventions, held that, "even in the present violence, Israel remains the occupying power in the Occupied Territories and therefore must comply with the provisions of the Fourth Geneva Convention and other rules relating to occupation"⁹.

Although Israel also disputes where the authority rests regarding the legal obligations for ensuring human rights are met in the OPT, the application of the laws of occupation does not nullify international human rights law, which remain binding on Israel in its actions in the OPT. The UN committees in charge of implementing this law, including the Committee on the Rights of the Child, have categorically stated that Israel must comply with the provisions of the human rights conventions in all the territories under its control, including the West Bank and Gaza Strip, and that this obligation applies also in the circumstances that have been created following the outbreak of the al-Aqsa Intifada.

Under most interpretations Israel is ultimately responsible, however the presence of the Palestinian Authority and transfer of powers under the Oslo Accords has meant that responsibility for certain sectors has been transferred. The Palestinian Authority was created in 1994 as a result of the Gaza-Jericho Autonomy Agreement (commonly referred to as the Oslo I Agreement). Contained within

⁸ This section is predominantly based on an internal Save the Children UK analysis *Duty to Protect* December 03

⁹ B'Tselem *The Separation Barrier – A Position Paper*, April 2003.

this treaty was the Agreement on Preparatory Transfer of Powers and Responsibilities, which set the stage for an immediate transfer of power in the social service sectors from Israeli to Palestinian leadership. The Protocol Concerning Civil Affairs, Article 9 reads:

Powers and responsibilities in the sphere of Education and Culture in the West Bank and in the Gaza Strip will be transferred from the military government and its Civil Administration to the Palestinian side. This sphere includes, inter alia, responsibility over schools, teachers, higher education, special education and private, public, non-governmental and other cultural and educational activities, institutions and programs and all movable and immovable education property. (Israeli MoFA, 1995: 140)

However, while the obligation to ‘fulfil’ may have been transferred, the obligations to ‘respect’ (refraining from acts that obstruct the enjoyment of a right) and to ‘protect’ (intervene if a third party or private actor obstructs the enjoyment of the right) have not. Moreover, the extent to which rights can be fulfilled by the Palestinian Authority is obviously constrained by the occupation and its attendant closures and curfews, which deny officials freedom of movement. By default, duty tends to be transferred to more localised actors, i.e. government officials at a district or municipality level, many of whom do not have the resources to take strong action.

In addition to the responsibility of the authorities, the duty to respect and facilitate the achievement of children’s rights rests on the shoulders of parents and families. Under the CRC, parents and families have a clear duty for fulfilling the range of children’s rights. These responsibilities, along with those of community leaders, education authorities and teachers, typically become codified in national law. Once the Palestinian Children’s Law comes into force it should be possible to better interpret the obligations of these duty bearers. However, parents who are themselves deeply traumatised and unclear of their political and economic future are less able to guide and support the development of their children. How does one nurture a culture of tolerance and non-violence among children seeing the kind of behaviour in adults described above by the children of Hebron?

With such pronounced deficits of rights, international actors bear some responsibility for the protection of children’s rights in the OPT. States, who legitimise the political actions of their allies and provide funding for their state policies for security, reconstruction and global trading, have the power to act. Some UN agencies (e.g. UNHCR, ILO, UNICEF) found their mandates in international law and are accountable to member States. The mandates of international non-governmental organisations typically result from civil society movements and are thus accountable to their members and said constituencies in their country of origin.

Finally, because few applicable national laws exist, in their absence it must be assumed that international law sets the standard for application. This then places a greater onus on international institutions to promote, provide for and monitor the achievement of human rights.

2 The Wall – Building Barriers to Children’s Rights

2.1 What is the Wall?

In June 2002 the Israeli government decided to construct a barrier to prevent the uncontrolled entry of Palestinians from the West Bank into Israel. The decision was taken purportedly as a response to the increased number of Palestinian attacks against Israeli citizens since the outbreak of the al-Aqsa Intifada. However as B’Tselem points out, the idea of a barrier to separate the West Bank from Israel has been around in various forms for years.¹⁰

While there had been considerable speculation on the proposed location of the Wall, on 1st October 2003, over a year after construction began, the Israeli Cabinet finally approved a full route. It will total 720km¹¹. Only 11% will run along the 1949 Armistice Line (the Green Line)¹². For most of its length, it will deviate from the Green Line to incorporate settlements - by up to 22 km in places. Approximately 975 km² or 16.6% of the West Bank will lie between the Wall and the Green Line including about 17,000 Palestinians in the West Bank and 220,000 in East Jerusalem. A further 160,000 Palestinians will be trapped in 12 enclaves surrounded by the Wall.¹³ OCHA estimates that 400,000 Palestinians living ‘inside’ the Wall will need to cross to get to their farms, jobs and services resulting in a total of 30% of the Palestinian population directly affected by the Wall.¹⁴

The barrier, estimated to cost US\$3.4 billion¹⁵, will take different forms along different sections of the route. In some parts it will be a wall up to 8 meters high and up to 4 metres deep (the average height will be greater than the Berlin Wall) with watchtowers and a buffer zone of between 30-100 metres. Other parts will comprise an electric ‘smart’ fence with sensors to detect movement, with a similar buffer zone. On the West Bank side, there will be a trench, another fence with an accompanying service road; on the side towards Israel, there will be a trace path to show the footprints of infiltrators, a two-lane patrol road; a road for armoured vehicles and another fence. An additional ‘depth barrier’ will be constructed a few kilometres east of the main barrier in some areas.¹⁶

Although several gates are planned with the stated intention of allowing Palestinians access to the areas between the Wall and the Green Line, the reality is already proving to be less clear. On 2nd October 2003 the IDF issued Military Orders declaring them “Closed Areas” providing that “no person will enter the ... zone and no one will remain there”. Permits will be required by residents and non-residents to cross through the gates – even children as young as 12 will need them. However, Israeli citizens, Israeli permanent residents and those eligible to immigrate to Israel in accordance with the Israeli Law of Return can remain in or move freely to, from and within the Closed Area without a similar permit.¹⁷

2.2 The Wall and international law

The UN General Assembly has demanded “that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territories”¹⁸. In its decision to request the International Court of

¹⁰ B’Tselem, *The Separation Barrier – A Position Paper*, April 2003.

¹¹ UN General Assembly, Report of the Secretary-General prepared pursuant to General Assembly resolution ES-10/13

¹² OCHA New Wall Projections, 9th November 2003.

¹³ UN General Assembly, Report of the Secretary-General op cit

¹⁴ OCHA 9th November 2003, op cit

¹⁵ Estimated by the Head of the Knesset Economic Committee and quoted in OCHA op cit

¹⁶ Un-published UNRWA Briefing note 31st March 2003.

¹⁷ IDF Orders for the Closed Area issued on 2nd October 2003.

¹⁸ UN General Assembly Resolution ES-10/13

Justice to rule on the legal consequences of the Wall, it is clear in its belief that the Wall is in contravention of International Humanitarian Law:

“Aware of the established principle of international law on the inadmissibility of the acquisition of territory by force,
Recalling relevant General Assembly resolutions ...
Further recalling relevant Security Council resolutions ...
Reaffirming the applicability of the Fourth Geneva Convention as well as Protocol I Additional to the Geneva Conventions to the Occupied Palestinian Territory, including East Jerusalem,
Recalling the Regulations annexed to the Hague Convention respecting the Laws and Customs of War on Land of 1907...
Gravely concerned at the commencement and continuation of the construction by Israel, the occupying Power, of a wall in the Occupied Palestinian Territory ... and which has involved the confiscation and destruction of Palestinian land and resources, the disruption of the lives of thousands of protected civilians and the de facto annexation of large areas of territory, and underlining the unanimous opposition by the international community to the construction of that wall...
Bearing in mind that the passage of time further compounds the difficulties on the ground, as Israel, the occupying Power, continues to refuse to comply with international law vis-à-vis its construction of the above-mentioned wall, with all its detrimental implications and consequences”¹⁹

The UN Special Rapporteur to the Commission on Human Rights asserts that “evidence strongly suggests that Israel is determined to create facts on the ground amounting to de facto annexation. Annexation of this kind, known as conquest in international law, is prohibited by the Charter of the UN and the Fourth Geneva Convention.”²⁰ He points out that the Wall violates two of the most fundamental principles of international law: the prohibition of forcible acquisition of territory; and the right to self-determination. The Hague Convention states that “it is especially forbidden to destroy or seize the enemy’s property, unless such destruction or seizure be imperatively demanded by the necessities of war”. While the Government of Israel argues that the Wall is being built because there was no option and only after various other measures did not succeed in curbing the wave of terror, it can be argued that because the route of the Wall deliberately incorporates settlements into the Israeli side this does not constitute a military need. Moreover, Israel’s State Comptroller found that alternatives had not been adequately implemented.

The Wall has serious implications for children’s rights. The children’s testimonies demonstrate how it restricts their freedom of movement, the right to health and education and leaves them less secure. The following represent some of the legal provisions the Wall contravenes:

- Children have the right to protection from all forms of physical and mental violence, *UN Convention on the Rights of the Child, Article 19*
- Everyone has the right to freedom of movement and residence within the borders of each State. *Universal Declaration of Human Rights, Art 13(1)*
- Ensuring provision of free and compulsory education at primary level, with accessible secondary and technical education *CRC, Article 28*
- Ensuring non-discriminatory and gender equitable education, with access for children with disabilities, ethnic minorities and unaccompanied children. *CRC Article 2*
- All children have the right to the highest attainable standard of physical and mental health, *CRC Article 24*

¹⁹ UN General Assembly Resolution ES-10/14

²⁰ Commission on Human Rights, *Question of the Violation of Human Rights in the Occupied Arab Territories, including Palestine: Report of the Special Rapporteur*, 8th September 2003.

- Everyone has the right to own property alone as well as in association with others. *Universal Declaration of Human Rights, Article 17*
- Private property cannot be confiscated. *Regulations Attached to the Hague Convention Respecting the Laws and Customs of War on Land of 1907, Article 46, Paragraph 2*
- All children have a right to an adequate standard of living. *CRC Article 2.*

2.3 “They stole the smile from our faces”: children’s views of the Wall

In November 2003 Save the Children UK carried out research with children in 3 schools in communities where the Wall is already in operation: Azzun Atmeh, Ras Atiyeh and A-Ras in Qalqiliya District. A total of 192 10-12-year-olds participated in drama workshops, performing a play and class discussions about what is good and bad about the Wall, whether they feel more or less secure and what messages they want to pass on. The results showed that children have a well-developed understanding of their rights and see the Wall as denying them those rights. As one child put it “*it prevents us from the most beautiful thing we own which is our childhood*”. There was an alarming rise in children’s sense of insecurity and risk from violence, and a growing feeling of injustice to which they have increasingly violent responses. In the words of one child “*they stole the smile from our faces*”.

Children were asked to write down words that describe the Wall. The most common word children used to describe the Wall was ‘a prison’. One child described it as “*a snake that spreads its poison*” reflecting the way the Wall twists through farmland to encircle the village. Other common terms included images of fear, death and sadness, for example “*It destroyed our lives*”, it is “*a deadly barrier*”, and “*it breaks my heart*”.

Children were asked to say what was good about the Wall. Few were able to express positive ideas. Of the 132 children participating only 2 mentioned that it protects people from suicide attacks. While others ridiculed the concept of the Wall being good: “*It prevents our donkey from running far*”, and “*It prevents invaders from invading my village*”.

2.4 How the Wall violates children’s rights

2.4.1 Violating the right to protection: children living in fear

Apart from a few statements of defiance: “*I’m not afraid from the Israelis*”; “*We aren’t afraid of them – they are afraid of us*”; the majority of children (92%) said that the Wall made them feel more afraid. “*This wall is a prison. It was safe living here before we had this wall but now it is fear and terror. We used to have olive trees, now we don’t.*” Many had had direct experience of the danger, for others it is a perceived danger:

It creates terror in one’s soul
The soldiers kill us
Soldiers aim their weapon in our face if we do something that upsets them
It’s unsafe and frightening
It’s dangerous
Whenever we come close to the Wall they kill us
When I pass they will kill me or imprison me
They shoot at us
Soldiers beat us every day
They kill people and uproot olive trees
This Wall prevents us from moving freely, that’s why I feel insecure
I went there several times and they hit me and whenever I go there they hit me

2.4.2 Violating the right to freedom of movement: separating children from family and friends; building divisions among communities

Children emphasised the restrictions on their freedom of movement. They are being separated from their extended families and friends. They are being prevented from having a normal social and family life.

It separates friends from each other

It prevents us from going to visit our relatives, families, friends and the beloved ones

We are forbidden from entering our land

It forbids our grandfathers from picking olives

It separates our village from other ones

It separates between me & my school, land and friends

It prevents people celebrating together

We are denied the right to celebrate Eid

We couldn't be together for Ramadan

We don't go for trips

We can't go to pray

Our fathers are being detained or stuck on their land

At another level, this restriction on freedom of movement is exacerbating the separation between Palestinians and their Israeli neighbours. The schools involved in the research are all close to the Green Line²¹. Many children and their families have had links with Israel and Israelis. However, these are almost impossible now and the only Israelis children come into contact with are soldiers. This barrier to communication is leading to increased misunderstanding and prejudice. Children told us: *“the Wall means prejudice”*; *“it's a cruel prejudice wall”*. We found children more willing to express prejudicial comments in comparison to our work in other areas with comments such as this *“I would like to say that the Jews are animals. We aren't afraid of them”*. Many children mentioned that it is increasing their sense of injustice, bitterness and mistrust. *“It means fear and injustice in our hearts”*, *“I feel despised”*.

The level of hatred towards Israel was clearly growing among this generation and the consequences may be grave. In the words of one child *“I am determined to be a martyr”*. Many other children talked about the need for fighting back. *“You Israel, the destroying nation, you demolish our houses and imprison us in your prison but remember – you destroying nation – we will defend Palestine for ever and ever.”* One child had a very clear message for us all *“Peace be upon you, if you have the intentions of peace! The decision of the Israeli government to build the apartheid Wall and up-root huge areas of trees is nothing but a wrong decision which leads to more hatred and enmity to Israel and the Israelis. This will finally lead to a dead end and makes it more difficult to have peace”*.

2.4.3 Violating children's right to education: *“I lost my school”*

Both children and teachers face difficulties reaching school. In Azun Atmeh there are 2 schools: an elementary school and a boys' secondary school. From the 10th grade, girls travel to a school in a nearby village and have to pass through the Wall. From the total of 34 teachers, only 4 live in the village (i.e. within the wall). Children from the neighbouring village of Beit Amin also attend the schools, but will be cut off by the Wall.

The 3,000 residents of Ras Atiyeh village will be in an enclave created by the wall as it winds eastwards around the settlement of Alfe Menashe. The co-ed school serves two other villages both of which will be cut off by the wall which passes within a few metres of the school. 60 students in

²¹ The 1949 Armistice Line

grades 7-10 will be on the other side. Of the 25 teachers only 5 are from Ras Atiyeh, i.e. 80% of the teachers will have to pass through the wall on a daily basis assuming they are issued with permits to do so. If teachers are able to reach the school, their already difficult journeys are likely to be longer with the risk of being turned back at the wall gates.

It prevented me from studying

I lost my school

It prevents students and teachers from going to school

We may not be able to complete our education because most of the time students are absent

It delays our learning. We are behind in the curriculum

Children also raised other ways in which the Wall is affecting their education: quality is at risk, children and teacher's abilities are being impaired, and they feel at risk from violence and humiliation:

We can't buy our school supplies

Soldiers sometimes enter the school while we are there

I can't concentrate in school

Our teachers are tired

It prevents teachers from bringing teaching tools and materials for experiments

There aren't school trips any more

We are punished by teachers for being late for school

We lose a number of classes

They search our school bags and humiliate us

2.4.4 Violating children's right to health: denying access and increasing health problems

In all the villages we worked in there is a primary health centre open for a few hours per day which is reliant on staff from outside the village. The nearest hospital is in Qalqiliya or Tulkarm – which requires detours around or permission to cross the Wall.

Children raise a wide range of ways in which their standard of physical and mental health is affected by the Wall. Not only did they discuss the problems of access to medical care, but they also told us about their and their families' worsening state of health – both physically and mentally.

It prevents us from receiving medical care

It prevents sick people from going to hospital

My sister is 11/2 years old and is seriously sick and needs constant medicine but she isn't allowed to do it.

The patient dies

It gives us psychological and physical bad effects

Exhaustion

Stress

People become sick

Not being able to sleep

They kept us standing under the heat of the burning sun for long hours

Family social problems because of the pressure

2.4.5 Violating the right to property: children fear losing their homes and land

Children expressed their fear that their families would lose their land and homes. Some children already had direct experience of this.

They moved us from our houses into tents

They took the land and demolished the houses

They stole the land

*I'm afraid of being homeless
I am afraid of losing our land because we can't reach it
People will emigrate
It will kick us out of our homes and land
Our families and land will be lost*

2.4.6 Violating the right to an adequate standard of living: “It’s destroying our lives”

Land is critical to people’s livelihoods in Palestinian rural areas, where many families are partly or fully dependent on agriculture. Children were fearful of the impact the Wall is having on their families’ livelihoods and described how the Wall is causing poverty:

*They threw people out of their jobs which caused poverty
Prevents workers from going to work
Farmers can't work their land
It's destroying our lives
They won't let us pick the olives*

2.5 Children call for action

Children were asked to present their personal messages to people with the power to make changes. The following is a list of the most common messages. They speak for themselves, illustrating the full range of fear, anger and desire for change. They illustrate a high degree of political engagement in children.

To my parents:

- *To stay in our land and homes and continue struggling for us and for our education. To stay in our schools, villages, towns and in Palestine and not to leave it because it's our land and our grandfathers' land.*
- *I pray for my parents to have patience for all of what's happening*

To my school friends:

- *I ask the students of Ras Atiyeh school not to go close to the Wall at the end of the day because it is deadly and frightening. I also ask the headmaster to ask the students not to go there.*

To journalists:

- *Come and see what's happening here. This wall prevents us from seeing our friends. They kill children and destroy trees.*

To Yasser Arafat and the Palestinian Authority:

- *I would like to ask you a question, why did they build the wall? Why did they trap us? ... We see children being killed in front of our eyes and we are silent. Why is there this killing? Why? Why? We only cry and cry to protect our killed children. What a pity! What a pity!*
- *We are living in a place surrounded from four sides. Please move this wall and order the Israelis to remove this scary wall completely. I kindly ask that they will not impose curfews and prevent us from going to our land or any other place.*
- *We are in a bad situation, we ask you to come and let us free from this bad wall which prevents us from going to school and hospitals to help the wounded persons – that's why we ask you to rescue us.*
- *Take this wall far, very far from our beloved school.*
- *Do you know what is happening here? We are surrounded in a prison. This wall is built to prevent students and teachers from going to school. What shall we do? We are living in a phase*

of transfer. We don't know what to do. But, we will never despair, we will fight back. However, our weapon is education, we will be learning until we set our country free and protect it.

- *To have a national solidarity to resist this Wall.*

To Prime Minister Sharon and Israel:

- *The Wall must come down. It uproots trees and keeps teachers late for their schools and upsets. We used to go everywhere but now we can't.*
- *Take this wall away from here; give us our confiscated occupied land. Why did you spread fear in our souls? What harm does it cause if you let us alone? You are devious; you don't even feel what you are doing.*
- *Do not lose the opportunity of having peace.*
- *I request you to remove this fence of wire so that I am able to go and visit my sister and brother and my parents and to go to our land. If you don't remove this wire-fence, I will destroy you. You surround us with wires and you occupy our schools and land.*
- *We die every day but you don't feel anything.*

To President Bush and the US:

- *Please remove this deadly wall. We are nowadays living in sadness and separation because of the Wall. I want to say to Bush not to be biased to Israel. I really hope for the help of the States.*
- *I request you to move the wall a bit further, so that we are able to go and visit our relatives in the other villages and towns.*

To Prime Minister Blair & Britain:

- *We face destruction and much suffering from the incursion. We hope that the British government will help us to have a better life*
- *I request to move this wall far from our school because it causes danger and fear. I really hope this comes true and thank you*

To the people of the World:

- *Please move the wall a bit further, we are trapped and imprisoned. We want anyone to help us a little bit because we are afraid, they exploited our land. We really need anyone to help us. Thank you.*
- *They created barriers in my village, Azzun Atmeh, that prevent students and teachers from going to schools. They want to take our land but this is our country, Palestine, and we will never give it up, for any reason. Finally, I say that our weapon is education and we can't give it up and we will continue going to our schools no matter how much they prevent us.*
- *For every conscious heart in this world: I would like to ask if anyone of you reaches school late as we do daily? Does anyone of you live under curfew and daily checkpoints? Are your teachers held at checkpoints like ours? Please answer, the Palestinians live under the Israeli occupation with its regulations and incursions and with the separation wall which prevents us from communicating with our relatives and from education.*
- *We ask the world to remove this apartheid wall because it steals our freedom and it affects our education process and concentration. It also separates us from other villages and relatives. Children all around the world: Come and set Palestine free.*

3 Child Detainees: “*One day in Prison feels like a year*”²²

3.1 Legal Background

The Convention on the Rights of the Child (CRC) contains protective provisions which refer to the deprivation of liberty, prohibit torture or any other cruel, inhumane or degrading treatment or punishment, and lay down children’s right to special protection throughout the whole of the legal process. Thus Article 40 includes the following excerpts:

“1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality.”

And Article 37 of the CRC provides clauses that aim to protect children from torture, capital punishment and deprivation of liberty:

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

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

²² This section is based on excerpts from the Save the Children Sweden report *One Day in Prison Feels Like a Year*

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

These protective provisions are to be observed with regard to all children under eighteen years of age, yet they are not observed by the Israeli authorities with regard to Palestinian children and young people in the Occupied Palestinian Territories. Instead, special military laws apply which, for example, make it possible to imprison children as young as twelve years of age. Children gave accounts on how they were subjected to arbitrary arrests, torture, deprivation of legal representation for a long period of time and deprivation of contact with their families. In addition to being imprisoned with adults (sometimes criminal offenders), other basic rights to health, education and play are not observed while Palestinian children are in Israeli jails.

3.2 Methodology

In 2003 Save the Children Sweden commissioned a journalist/ photographer to conduct interviews with three ex-detainees who were under 18 years of age and the lawyer who represented these children when they were in captivity. These young people were given the opportunity to describe in their own words the reality in which they live, and talk about the serious violations of their rights to which they have been subjected in Israeli prisons and military detention camps and how they view their future. A number of demands based on the UN Convention on the Rights of the Child concluded the report.

3.3 The Situation: 550 Palestinian children were arrested in 2003²³

Since the Palestinian uprising, the Intifada, in protest against Israel's occupation began three years ago, on 28 September 2000, the Israeli military forces have arrested and imprisoned over 2,000 Palestinian children. These children are between twelve and eighteen years old and a small proportion of them are girls. Under Israeli military law, a Palestinian child is considered as a minor only until the age of sixteen; the usual age of majority of eighteen - which is also that laid down in the UN Convention on the Rights of the Child - only applies to children who are citizens of Israel.

By the end of June 2003, Palestinian children's rights organisation Defence for Children International/ Palestine Section estimated the number of arrests to be 350 for the first six months of the year. It is noteworthy that in May and June, the time of the discussion of the Road Map to Peace, the number of child arrests actually accelerated.²⁴ The children who are arrested are often accused of having thrown stones a year previously, or even longer ago than that. The arrested children come from all the larger Palestinian towns; a large number of the children are from Hebron, where a group of Israeli settlers have occupied the heart of the Old City. A pronounced

²³ From DCI-Palestine web page 30th of January 2003

²⁴ From DCI-Palestine web page 30th of January 2003

increase has also been noted in the number of arrested children who are from the towns of Tulkarem and Qalqiliya, where Israel is building its security fence between Israel and the West Bank.

At the time of writing, 350 Palestinian children are being kept prisoner in Israeli jails.

3.4 Odeh Abu Za'anuneh, 15, Hebron

During the hours before he was caught, in the spring of 2003, Odeh managed to hit two soldiers with stones. One can be surprised how small the stones were; five of them could be held in one hand. Neither of the soldiers was injured, but they caught sight of the boy, and the wild chase, described by Odeh, began in his Hebron neighbourhood:

"Suddenly I saw two more soldiers coming straight at me from the other direction. I tried to get away by climbing over a wall, but the two soldiers got there and grabbed my legs just as I was about to pull myself over. There was an iron door in the wall, and one of the soldiers threw me as hard as he could against it, and then banged my head several times against the hard iron. The other soldier was shouting and screaming, and was jamming the barrel of his M-16 machine gun into my back, again and again, as hard as he could. The wounds they gave me were so deep that you can still see the scars on my chest and back."

This violent arrest was the prelude to a prolonged period of assault that would come to last seventy days. The soldiers chained Odeh's hands and feet, tied a blindfold round his eyes, and led him to the Israeli settlement, Kiryat Arba, in the middle of Hebron. It was a chilly day in February but the soldiers left Odeh standing in the cold, still bound hand and foot, outside the settlement's police station. There he was an easy target for the aggression of the Israeli settlers.

"People spat in my face", says Odeh. "They kicked me and shouted at me. But I couldn't see them because I was still blindfolded."

3.5 Sawsan Abu Turki, 16, Hebron

Sawsan Abu Turki talks about how it was to be in prison for seven months, including three months without trial. She was 14 years old at the time.

Sawsan was arrested after being chased for about an hour in the narrow streets of Hebron Old Town – she had been spotted with a kitchen-knife at a checkpoint close to her school. She went there with the intention of stabbing a soldier but did not come that close...

After being held in Kiryat Arba in the sun for one hour until her nose began to bleed, Sawsan was taken for interrogation in Abu Kabir prison near Tel-Aviv, still without the presence of an attorney. Four big men were assigned the task of interrogating her:

"The questions just kept coming at me from three corners of the room, and made me feel like my head was spinning. But the fourth man didn't say anything, his job was to hit me. If I didn't have time to look at the one who was asking a question, he hit me straight away with the piece of cable. It hurt like anything. Afterwards they forced me to sign a paper saying that I hadn't been beaten during questioning."

On several occasions, Sawsan was tortured in a position called "Shabeh", which is commonly quoted by Palestinian ex-prisoners, including children, as a method of torture used against them in Israeli jails:

"It was like being crucified on an iron bed", says Sawsan. "I tried to resist, but seven or eight guards pushed me down on my back onto a hard iron frame. They stretched out my arms and legs and chained them to the four corners of the bed. I had to lie there like that from the evening till the next morning."

Besides being denied legal representation, the children are also prevented from seeing their families or even getting in touch by telephone. Fatmeh, Sawsan's mother told us:

"It was terrible; we made the long journey from Hebron to Beit El²⁵ at least twenty five times, thinking that her trial would be taking place, but every time we got there they gave us a new excuse. Once, she had been transported to Beit El, I could see her in there in the courtyard, and I called out her name: 'Sawsan!' That was the only time we saw Sawsan during the whole of the time she was kept prisoner, though we weren't allowed to talk to her, or touch her."

3.6 Ali Hamida, 17, from Izzariyah (Lazaria) near Jerusalem

Ali Hamida, 15 at the time of his arrest, was arrested on 11 July 2001, after midnight. He could not tell why he was arrested, he does not remember having "done anything", the soldiers told his father they will bring him back after 15 minutes interrogation in Ma'ale Adumim, a Jewish settlement close to his house, but Ali was away for two years after that night.

"Five soldiers threw themselves over me when they'd got me in the Jeep", Ali recounts. "Someone pulled up my T-shirt and dragged it up over my head, so that I couldn't see anything. I could only hear. Whilst they hit and kicked me, they swore at me and shouted insults in Hebrew. I've never been so scared in all my life, I was sure one of the soldiers was going to kill me."

And in a fashion frequently reported as a method for extracting confession, and scaring children in order to have them tip-off their friends, Ali had undergone this interrogation:

" 'Why do you throw stones?', he shouted at me as soon as I was inside the room", relates Ali. "Then he tried to scare me by shouting: 'Where are the batons? Have we got electricity in here? Have the dogs arrived?' The next second he threw himself at me, it felt as if his fists and the hard boots he was kicking me with were all over my body. But he just kept hitting and kicking me, and threatened to kill all my family if I didn't confess. That made me even more scared than I was before, and I said: 'OK, I'll confess'."

And then, usually after torture and degrading treatment, comes the signing of the confession. This happens in an interrogation that follows arrest on the same night and, as in Ali's case, can go on for five hours, and still without the presence of a lawyer or any contact with the family.

"Then the soldier forced the pen into my hand", says Ali. "I was in handcuffs, but he forced both my hands down towards the paper while he held the pen pressed into my right fist and pushed and pulled it back and forwards along the line where I was supposed to sign. It looked ridiculous, it ended up with scribbles all over the paper. It didn't look like my signature at all. But still the paper was held up in court as my confession."

Ali had his first lawyer's visit one week after his arrest, and like the case of Sawsan, was able to see his family during the trial, one month after his arrest. Ali told us how it went:

²⁵ An Israeli military settlement outside Ramallah, north West Bank, while Hebron is in the south.

"I cried like a little child", says Ali. "I cried my eyes out. And I could see my Mum sitting there crying, too, in her place in the courtroom. But we weren't allowed to talk to each other. We weren't allowed to say even one little word to each other."

Ali was sentenced to two years and sent to Tel-Mond prison, near Haifa, in Israel proper.

Ali was not allowed to make any telephone calls from the prison. He was not given any help to continue his studies. He also needed medical attention for the injuries he had sustained as a result of being assaulted at Ma'ale Adummin. Among his injuries, one of his knees was giving him a lot of trouble.

"Nobody got any decent treatment, the doctor's remedy for everything was Acamol, which is a kind of painkiller. My knee still hurts today, I'm starting to worry that the swelling will never go down. And I've got problems with my hearing, I can't hear as well as I used to."

3.7 Khaled Kuzmar, 39, lawyer at Defence for Children International/ Palestine Section

"When I am finally allowed to see the child, he or she has been forced to confess", says Khaled. "It is more the rule than an exception that the confession has been extracted by means of various kinds of threat, assault and torture. All the children I've represented have had the same experience: the soldiers say 'All you have to do is own up, and write your name on this piece of paper, and then you can go home straight away'. But that isn't what happens; as soon as they've "confessed" they are sent away to a detention camp until their trial comes up. Of course, the military deny using these kinds of methods, but last year I represented a boy who demonstrated amazing presence of mind: when he was forced to sign his name at the bottom of a confession, he added in Arabic 'forced to sign'."

Of the Palestinian children who are arrested 90% are accused of having thrown stones. According to Military Order No. 53, the maximum sentence for this offence is ten years if the target was a soldier/settler, and twenty years if the stone was thrown at a car. In practice, the sentences given range from six months to five years in prison. The number of stones thrown is of decisive importance in determining the sentence. *"Sometimes a child is charged with throwing stones for example 600 times, twice a week for three years", says Khaled. "When I find myself sitting with a confession like that in my hands, signed by the child, I can't draw any other conclusion than that the child has been tortured. What child would come up with that kind of figure by themselves?"*

4 Education to Protect

4.1 International law protects children's right to education

Under International Humanitarian Law, human rights law and international social development agreements such Education for All, Israel and the Palestinian Authority along with other duty bearers have clear obligations toward the educational rights of Palestinian children. The following represent some of the legal provisions enforceable in the OPT:

- Ensuring provision of free and compulsory education at primary level, with accessible secondary and technical education (CRC (1989) Article 28);
- Ensuring non-discriminatory and gender equitable education, with access for children with disabilities, ethnic minorities and unaccompanied children. (CRC Article 2);
- Affording quality education that strengthens respect for human rights and promotes peace, builds on a child's potential and supports their cultural identity (CRC Article 29; Universal Declaration of Human Rights (1948) Article 26);
- Protecting schools from military attack (Protocol I relating to the Protection of Victims of International Armed Conflicts, Article 52, 1977), attacking schools is classed as a war crime (Rome Statute of the International Criminal Court, 2002, Article 8);
- Provision of psychosocial support and appropriate enriched curriculum (CRC Article 29);
- In times of internal armed conflict, children shall be provided with the care they require, including education, family reunification and special protection (Protocol II, Article 4.3);
- In situations of military occupation, the occupying power must facilitate institutions 'devoted to the care and education of children' (Fourth Geneva Convention, Article 50, 1949);
- In internal and international armed conflicts, there should be prevention of children's direct participation in hostilities and the parties must refrain from recruiting children (Protocol I, Article 77.2; Protocol II, Article 4.3; Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, Article 1).

States have a primary duty to ensure these rights are met. While under the Oslo Accords and subsequent agreements obligations to fulfil these rights may have been transferred to the Palestinian Authority, the obligation to respect and protect is retained by Israel as it is the occupying power²⁶. Thus, acting under the authority of the Palestinian Authority, both the Ministry of Education and Higher Education (MEHE) – including education authorities and teachers – and district and municipal leaders hold some responsibility for making these rights a reality. There are currently no applicable child protection or education laws passed in Palestinian law. A Children's Law is being developed in a process led by the National Plan of Action for Children in partnership with ministry and civil society groups. There is no law for basic education planned, and the education system operates under a set of regulations issued by the MEHE and a series of precedents formed during the time the West Bank was under Jordanian rule and Gaza under Egyptian rule. In addition, the Convention on the Rights of the Child identifies parents and families as having clear responsibilities towards their children's rights. Finally, with such pronounced deficits of rights, international actors bear additional education and protection responsibilities.

4.2 The research

Four schools were selected in consultation with the MEHE district education offices of Bethlehem and Nablus. Two were chosen from each district, one urban and one rural, and one for girls and one for boys. All of the schools had been directly affected by the occupation: they were closed for

²⁶ See Section 1.4

periods of time due to curfews or children were unable to reach school due to closures, and one was used as a military barracks for a number of months.

The following is a summary of comments gathered from students (aged 10-14), their parents and teachers.

4.2.1 What daily threats do children face?

Children overwhelmingly refer to the Israeli occupation. They related personal experiences with soldiers, telling of houses being invaded or demolished, or being personally humiliated and beaten up at checkpoints. Restriction of movement due to closures was a major concern, as were being imprisoned in their homes for weeks or more, being confined during summer holidays and being unable to visit relatives. Children speak of the fear they feel in hearing stories of other students being detained – or shot at – as they try to reach their schools.

“On a cold winter night, the rain was pouring heavily. While we were sleeping, the Israeli soldiers invaded our house and started to search it and they kicked me and my young brothers out of the house into the rain. My young brothers became sick. We felt very sad and injustice from the cruelty ... beating us with their guns on our backs and stomachs.”

Teachers and parents highlighted the lack of power they have to protect children: their own lack of security, and the impossibility of offering security to others. As one pointed out: *“If you lack something, you can never offer it.”* Both teachers and parents lamented the violent culture that is pervading Palestinian society, and the need to use violence to enforce discipline at school and home. *“Teachers themselves are deprived of their rights and they are stressed. That’s why they practice violence.”*

4.2.2 Who or what keeps children safe in their daily lives?

(a) Legal responsibility

Both children and adults see the Palestinian Authority as legally responsible for protecting children but as relatively powerless due to the Israeli occupation. Instead, children depend on family and others in their social circle. Some suggested that because true authorities cannot protect, international organisations have to play a bigger role. In the words of one child:

“My father and mother are the ones who offer me protection, but when my parents are subjected to whatever the soldiers tell them to do, or when they detain my father, I don’t feel secure because my mother, my father, the state, the school and the society are all subjected to the occupation and its soldiers.”

(b) Social protection

Children said they cope with the violence they face on an individual level by focusing on personal attributes that keep them safe, developing talents for personal improvement and strengthening social relationships:

- *being kind-hearted, helpful, educated, brave, strong, clever, and self-dependent;*
- *working on interests such as singing, swimming, karate, becoming a pilot, or a general eagerness to learn;*
- *being sociable, beloved, popular in the classroom, having friends or being patriotic.*

Within the family, children see their parents and extended family as playing a central role in keeping them safe. However, children and parents alike recognise that they cannot be a reliable

source of protection when it comes to the Israeli occupation. Children said that “no one”, “nothing”; “not even home” can keep them safe.

While no place is safe for a child, children tend to feel safer in schools than homes, as headmasters and teachers represent some type of authority. While Israeli forces have sometimes occupied schools, it was felt that there is less threat in these public places than in individual homes.

“The headmaster talks to the soldiers and the teachers move us to safe classrooms in the times of shooting or other troubles.”

“The headmaster has rules and he can solve the problems among the students.”

4.2.3 What role does education play in keeping children safe?

Children, parents and teachers highlighted the following:

- School serves as a place to go, to focus on things in life other than the conflict. It serves an important role in protecting some children from joining the labour force, and for girls from being married early or staying at home doing household chores.
- Education offers opportunities to learn life skills, express and develop oneself. It refines students’ behaviour by teaching good values and habits. It also *“teaches us to solve problems in a peaceful way”*. It’s a place that provides high school certificates with which one can secure a better social and economic position in the future.
- School is a place where children can build social relations and friendship between students themselves and students and teachers: *“we can exchange experiences and learn from each other and ask for help”*.
- A good teacher is a role model for the students. They can shape or greatly affect children’s characters. Many students identified teachers as a source of security at school, especially when they are considerate, understanding, loving and patient. Teachers play a big role in absorbing the fear, sadness or anger children experience as a result of the daily Israeli violations. In some schools, social workers were highlighted in a similar way. In one instance children said: *“We really love the social worker because she can be trusted. We can tell her our secrets. We love her because she replaces our mother when we are in school.”*
- The school administration is another element of protection for children as it holds an official status. Children and parents feel that they can turn to the headmaster or mistress for security support.
- In addition to protecting children, schools also are one source of security for society as a whole. Schools nourish the social life of a community and keep families active. In recent incursions when students broke curfew and went to school, other public places as shops, markets, and libraries remained open.

4.2.4 In school-related activities, are there times when children’s rights are not ensured?

As violence has become increasingly prevalent within the Palestinian community as a way of coping with occupation, it has increasingly woven its way into society. Schools are no exception. One teacher asked the question:

“How can schools be non-violent when there is violence all around, stretching from the home to all of geopolitics? If world powers use force to achieve their aims, can less be expected here?”

(a) Corporal punishment

Although banned by the MEHE, corporal punishment continues to be used as a method of discipline. This can include hitting, humiliation and collective punishment. *“I forgot my homework so the teacher beat me one strike”*. *“Once I had a very bad stomach-ache so I went ... to ask to go home, but she screamed in my face and hurt me with her words.”*

Some teachers felt children can take advantage of this non-violence policy, disobey their teachers, break school rules, behave violently or threaten teachers and there are few means of redress and called for alternatives to corporal punishment. Others felt that it is culturally inappropriate to ban it: *“banning corporal punishment comes from the West”*. While there are mixed feelings among teachers about the right and wrong of corporal punishment, across the board there was an agreement that there had been little support in helping teachers define other means of discipline.

(b) Student violence

There were numerous examples of teachers and headteachers being afraid of students. Teachers feel that they have no way to protect themselves, especially in the upper grades, where threats to their safety are on the increase (due to grades, perceived mistreatment, etc.). *“Students can do whatever they like and the teacher or headmaster can do nothing ... they are afraid to punish them because they can easily bring their gang and beat the teacher or headmaster”*. There is also an increase in student-on-student violence. Particularly a problem among boy students, violence has become more frequent since the new Intifada. Children told us many incidents including *“One student jumped off the toilet roof on top of my brother’s head and nearly cut his ear off”*; *“While playing violently, older students push others and my brother’s head was hit and he was injured”*.

(c) Discrimination among students

Discrimination appears to especially affect students in relation to their intelligence, social background and for children with special needs. Children complained about not having equal opportunities in class participation, with the more intelligent repeatedly being singled out to respond. Some students are treated better than others by teachers because their parents are well known; children had difficulties accepting girls who transferred from camps to the town school, as refugees are to some extent looked down on. Children with disabilities have few opportunities for extra assistance once integrated into classes or for access to recreation.

(d) School environment

The physical environment of schools is also perceived as a threat to children especially when a school is located near a checkpoint. In some schools outdoor playgrounds are considered dangerous. A number of schools are thought to be in bad shape, needing to be rebuilt or renovated. In winter, schools can be very cold, leaking and without proper windows or doors. Some schools are without clean water and toilets are unclean or do not work properly. Class size is overcrowded, and there are rarely enough chairs or desks in the classroom. *“We are 49 students in grade 6 and we don’t understand a thing of what is explained”*; *“A teacher put 7 students at a desk, we were very squashed and the desk collapsed”*.

(e) Pressure and apathy

Both teachers and students identified a feeling of hopelessness among some of their peers, which has turned from the pressures of attending school and taking exams to a general feeling of apathy. As a result of the continuous pressure of the political situation and limited social life and recreation, children vary between being overwhelmed and bored. With the pressure of tests and homework, students feel more tired and stressed and some explain that they hate school.

4.2.5 How can education better contribute to children’s safety and well being?

A selection of recommendations made by children, parents and teachers follows:

(a) Local level recommendations

- Increase opportunities for children’s social interaction and personal development through extra-curricular activities, especially those that involve families and the wider community.

- Better engage children in the learning process through use of teaching techniques which incorporate active methodologies, including group learning.
- Improve the school environment through tidy classrooms, access to drinking water, better bathroom hygiene, and maintenance of play areas around schools.
- Make information on children's rights more readily available at a school level through social workers working to educate teachers and children.
- Strengthen school-community relationships through regular review of emergency plans and an inclusive process for updating plans.

(b) National level recommendations

- Offer training and support for teachers to be aware of and utilise forms of discipline beyond corporal punishment.
- Develop opportunities for school social workers to receive more comprehensive in-service training on psychology and counselling techniques.
- Improve flexibility of local decision-making mechanisms through greater decentralisation of budgets, currently managed at a district level.
- Strengthen focus on school needs for subject-based teaching, as it affects teacher assignments and/or in-service training offered to existing teachers.
- Ensure that specialists are available to support teachers in their work with children with special needs.
- School facilities should be better built and equipped with playgrounds, laboratories, visual aids, enough chairs and desks and more classes to get rid of the overcrowding problem.

(c) International level recommendations

- Strengthen the international protection status of schools.
- Advocate internationally on the effect of closures on children's education, as well as the fact that checkpoints should never be near schools.
- Send international observers or peacekeepers to ensure that rights are met.
- Support exchange trips for Palestinian children with children from other countries.
- Children and adults around the world should demonstrate for peace in Israel and the Occupied Palestinian Territories.

5 Conclusions and Recommendations

Israel's occupation of the Palestinian Territories continues to have a negative impact on children's lives: closures, curfews and the resulting denial of freedom of movement violate their rights on a daily basis. Children continue to be at risk from harm through military actions; the demolition of houses and confiscation of land leaves them homeless and their families without a viable livelihood. The levels of violence faced by children and an apparent increasing tendency for children to use violence for their own problem solving should alarm all those with an interest in peace and security for all communities living in and around the OPT.

Children see the Wall as an obstruction, like a prison that separates them from friends and family. It makes it harder or impossible for them to lead a 'normal' life: to reach their schools; to play, to mix normally. They feel less secure and a growing sense of injustice and hatred towards Israel is emerging. They urge their school, families, the Palestinian Authority, Israel as well as the wider world to do everything in their power to remove the Wall.

About 550 Palestinian children, some as young as 12 years old, were arrested by the Israeli military in 2003, most accused of stone throwing. In contravention of the CRC, many of the detained children are subject to inhumane and degrading treatment and punishment, which in some cases would amount to torture. Many witness extreme fear and feelings of helplessness during interrogation and their time in prison. After release, many are facing physical and psychological consequences from their experiences.

School represents a place where children can find shelter from violence. While in the past, children saw their families as their main source of protection, parents and children alike are increasingly aware of their powerlessness in the face of the occupation. School represents a place where rules and authority can be respected, where children can find shelter from violence. Even so, the culture of violence in which children are growing up pervades even this 'safe' place. Children and teachers report increasing levels of violence. While the stresses of living under occupation continue, corporal punishment remains common and child-on-child aggression is seen to be growing.

Children's rights are enshrined in law. International Humanitarian Law and Human Rights Law, including the Convention on the Rights of the Child, ensure that children's rights are protected at all times including in times of military conflict or occupation. States have a primary duty to ensure these rights are met. Israel as the occupying power and the builder of the Wall bears the prime responsibility for the present increase in violations of children's rights. The Palestinian Authority and international governments also bear certain responsibilities for the rights of children growing up in the OPT. The CRC identifies parents and families as having clear responsibilities towards their children's rights.

UN resolutions have declared that the occupation is illegal and that the wall building must end. 465 Palestinian children and 104 Israeli children have lost their lives during the last three years of the Intifada; 350 children are now illegally detained.

Recognising that the present situation is failing to provide for the protection and development of children living within the OPT to which they have a right, Save the Children calls on the Commission on Human Rights to use the power invested in it to:

- Ensure the implementation of UN resolutions taken in the interests of children living in the Occupied Palestinian Territories.
- Ensure all parties apply the Convention on the Rights of the Child to Palestinian children, and act in accordance with their obligations under international humanitarian and human rights law.

- Support the establishment of an international human rights monitoring presence, including child protection monitors, to be deployed to the Occupied Palestinian Territories.
- Ensure that present and future negotiations for a just peace settlement utilise international instruments for children's rights.
- Call the Government of Israel to account for actions taken in violation of children's rights and ensure they meet their obligations under international and human rights law, and:
 - Investigate and bring to account all incidents involving military personnel and the injury of children;
 - Accord detained children with the legal protection and treatment to which they have a right under the Convention on the Rights of the Child;
 - Stop the construction of the Wall inside the Occupied Palestinian Territories;
 - Respect Palestinian children's right to education, and stop their military forces' practice of entering schools;
 - Put an end to its policy of extensive and punitive closures and curfews affecting Palestinian children and their families.
- Call on the Palestinian Authority to use its authority to
 - Reduce the levels of violence confronting children in their daily lives;
 - Provide all children with a safe and protective environment for learning

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